

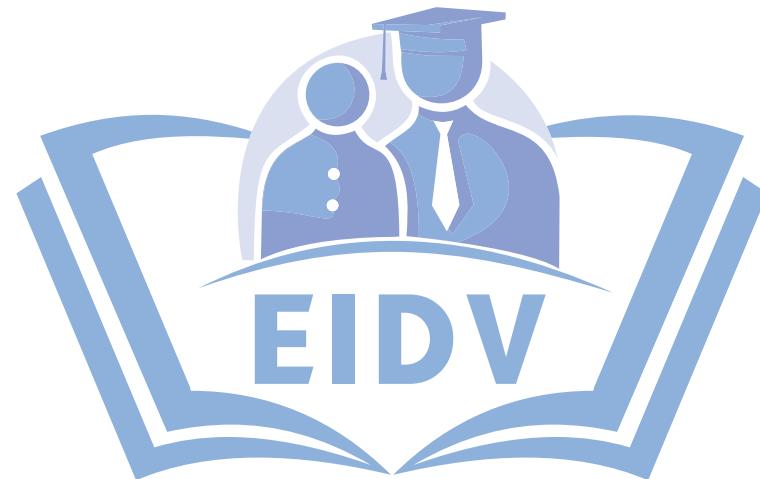
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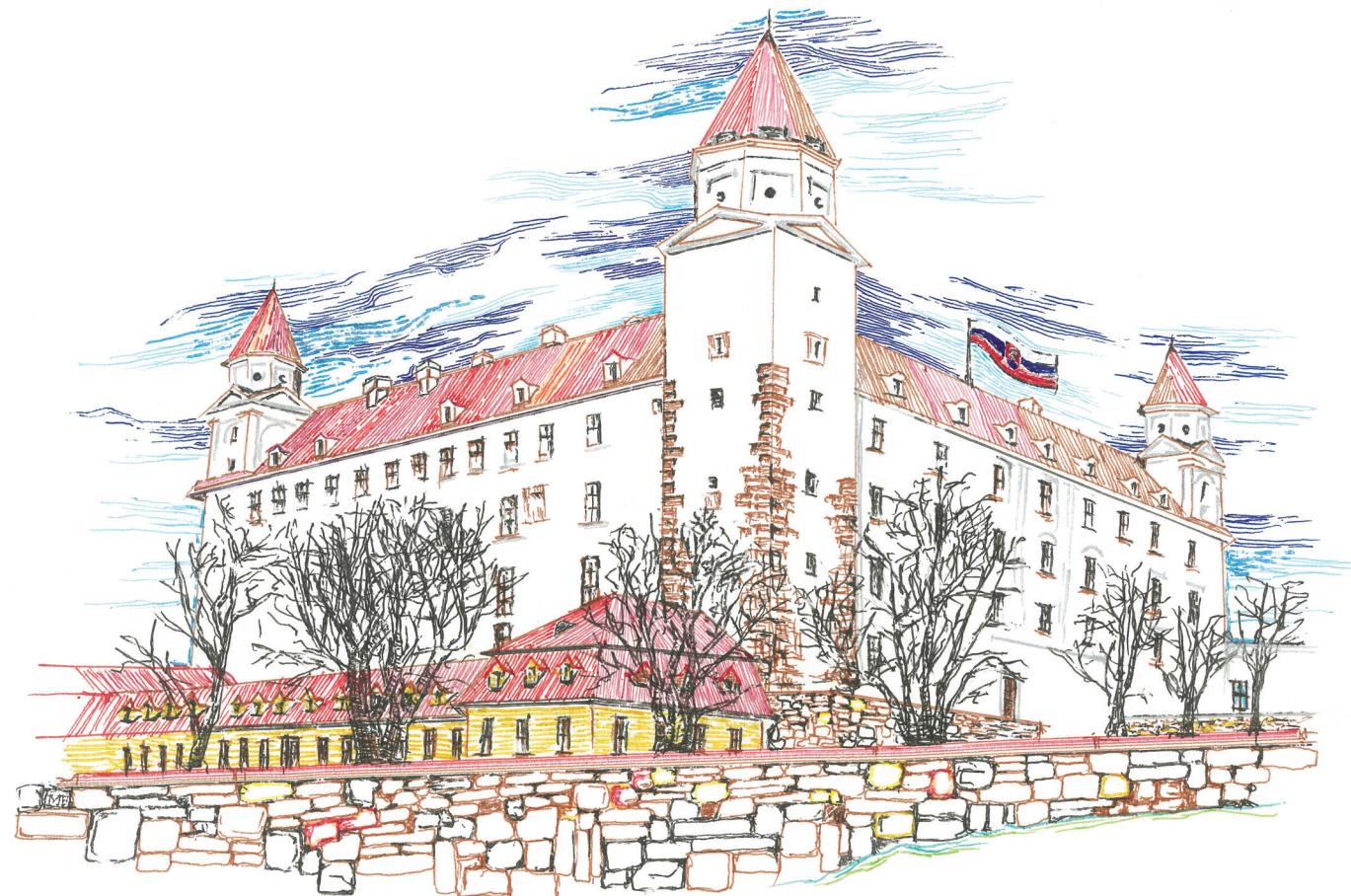
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IIJIF

Content

Economy

Kryvetskyi Ihor

- INFLUENCE OF THE EUROPEAN AGRICULTURAL POLICYON
THE AGRICULTURAL ENTERPRISES DEVELOPMENT 15

Karpavičienė Deimantė, Navickas Valentinas

- THE METHODOLOGY OF ECONOMIC VIABILITY ASSESSMENT OF LOGISTIC COMPANIES 21

Semenova Svitlana

- CLASSIFICATION OF INNOVATIONS AS AN ACCOUNTING OBJECTIVE 28

Law

Bandurka Sergii

- LEGAL PROVISION OF THE ECONOMIC SAFETY OF BUSINESS ACTIVITIES:
EXPERIENCE OF THE WORLD COUNTRIES AND POSSIBILITIES OF ITS USE IN UKRAINE 39

Brynychak Marianna

- FEATURES OF SUBJECTS OF THE RIGHT OF FREEDOM
OF WORLD VIEW AND RELIGION IN THE CIVIL LAW OF UKRAINE 45

Kopotun Igor, Zatko Jozef

- RELEASE FROM CRIMINAL LIABILITY FOR CORRUPTION-RELATED OFFENCES:
CONCEPTS, GROUNDS AND CONDITIONS 50

Nalutshyn Viktor

- NON-PUNITIVE MEASURES OF CRIMINAL AND LEGAL NATURE (SECURITY MEASURES)
UNDER LEGISLATION OF THE EUROPEAN UNION 58

Zayats Roman

- CONCLUSIONS ON THE DEFINITION OF THE ADMINISTRATIVE AND LEGAL STATUS
OF THE SCIENTIFIC-RESEARCH EXPERT-FORENSIC INSTITUTIONS OF THE MINISTRY
OF INTERNAL AFFAIRS OF UKRAINE 63

Security

Hoschek Miloslav

- THE EU-JAPANESE SUSTAINABLE 2050 INITIATIVES FOR THE NEW SILK ROAD 68

Hvozd Victor

- „FROZEN CONFLICTS“ IN RUSSIAN-CHINESE RELATIONS:
„THE HISTORY AND PROSPECTS FOR SETTLEMENT“ 78

Svoboda Ivo

- LEGAL TOOLS TO COMBAT EXTREMISM AND TERRORISM 90

INTRODUCTORY WORD OF THE EDITOR IN CHIEF

Prof. dr. Angelė Lileikienė
Lithuania Business University of Applied Sciences

Dear Colleagues,

The journal „European Science“ is dedicated to the publication of new scientific ideas, focused on presenting the results of theoretical-methodological and applied research not only in a European context but also in a broader context. The consistency of the journal, published 4 times a year, allows researchers to present their research results in a dynamic way, as well as to compare scientific conceptualization in the context of research conducted by researchers from other countries.

„European Science“ is a wide-ranging research journal because it covers a broad range of scientific disciplines. Research interests: management, history, law, medicine, political science, economics, pedagogy, cybernetics, public administration, etc.

I invite researchers from EU universities and other scientific institutions to actively publish scientific articles in the journal „European Science“.

INTRODUCTORY WORD OF A MEMBER OF THE EDITORIAL BOARD

Larisa Yankovska
Doctor Hub. in Economics, professor
Honored Worker of Ukraine Education
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Chancellor of Lviv University of Business and Law

Dear reader!

We would like to bring to your attention the scientific journal EUROPEAN SCIENCE containing the findings on topical scientific directions and interdisciplinary research.

The main target of our journal is to create an effective background for discussing urgent scientific ideas, achievements, debating points of theory and practice. The magazine has significantly developed and the geographical representation of authors and readership has expanded throughout its existence. The scientific journal EUROPEAN SCIENCE is currently one of the few scientific periodicals of multidisciplinary nature included into numerous scientometric bases, and it is characterized by high quality of publications provided by double blind peer review and fulfills an important function of uniting the efforts of scientists from different countries to solve actual problems of modern science and practice.

This issue consists of articles written on topical scientific subjects and focused on solving important scientific and practical problems of various fields.

The materials presented in the publication are useful for scientists and practitioners, students, post-graduate students and doctoral students, public employees, entrepreneurs, statesmen.

We hope that the articles released in the given issue will provoke your interest, expand the range of research interests and image into your scientific and professional activities.

Best regards.

INTRODUCTORY WORD OF THE EDITION FOUNDER



EURÓPSKY INŠTITÚT DALŠIEHO VZDELÁVANIA
EUROPEAN INSTITUTE OF FURTHER EDUCATION

Jozef Zatko
Dr.h.c. mult. JUDr. Honor. Prof. mult.
President EIDV, Podhajska

Dear reader!

As scientific knowledge increases and the boundaries of science move forward, setting increasingly ambitious and complex goals involving hundreds or thousands of scientists from different countries is becoming more and more essential for the achievement of the scientific goals.

However, no project would be feasible without the support of an international public opinion fully aware of the importance of its purpose both from a scientific point of view and from that of the technological, economic and social implications.

Close collaboration between scientists and science communicators is therefore more relevant than ever to ensure that information on those issues is accurate, thorough and as broad as possible.

Hence, we would like to bring to your attention the scientific journal EUROPEAN SCIENCE containing the findings on topical scientific directions.

This issue presents a broad-based spectrum of thought provoking articles that are reflective of the ever-expanding Universe. As you read through these articles, be sure to capture the innovative concepts becoming a reality and look for opportunities to apply them to your own efforts at the realization.

We hope, you enjoy this journal, and encourage you to reach out to us for opportunities to publish your own thought-provoking articles in future issues.

Best wishes,

A handwritten signature in black ink, appearing to read "Jozef Zatko".

ASSOCIATE AND MANAGING EDITOR**Prof. Alireza Heidari, Ph.D., D.Sc.
Doctor Hub. in Economics, professor**

Full Distinguished Professor and Academic Tenure of Chemistry & Director of the BioSpectroscopy Core Research Laboratory at Faculty of Chemistry, California South University (CSU), Irvine, California, USA & President of the American International Standards Institute (AISI) Irvine, California, USA

Prof. Alireza Heidari, Ph.D., D.Sc. is a Full Distinguished Professor and Academic Tenure of Chemistry at California South University (CSU), Irvine, California, USA. He has got his Ph.D. and D.Sc. degrees from California South University (CSU), Irvine, California, USA. Furthermore, he has double postdocs in Project Management, Oncology, Human Cancer Tissues and Synchrotron Radiation from Monash University, Melbourne, Victoria, Australia and also in Nanochemistry and Modern Molecular Electronic-Structure Computations Theory from California South University (CSU), Irvine, California, USA. His research interests include Biophysical Chemistry, Biomolecular Spectroscopy, Quantum Chemistry, Nanochemistry, Modern Electronic Structure Computations, Theoretical Chemistry, Mathematical Chemistry, Computational Chemistry, Vibrational Spectroscopy, Molecular Modelling, Ab initio & Density Functional Methods, Molecular Structure, Biochemistry, Molecular Simulation, Pharmaceutical Chemistry, Medicinal Chemistry, Oncology, Synchrotron Radiation, Synchrocyclotron Radiation, LASER, Anti-Cancer Nano Drugs, Nano Drugs Delivery, ATR-FTIR Spectroscopy, Raman Spectroscopy, Intelligent Molecules, Molecular Dynamics, Biosensors, Biomarkers, Molecular Diagnostics, Numerical Chemistry, Nucleic Acids, DNA/RNA Monitoring, DNA/RNA Hypermethylation & Hypomethylation, Human Cancer Tissues, Human Cancer Cells, Tumors, Cancer Tissues, Cancer Cells, etc. He has participated at more than four hundreds reputed international conferences, seminars, congresses, symposiums and forums around the world as yet. Also, he possesses many published articles in Science Citation Index (SCI)/ International Scientific Indexing (ISI), Medline/PubMed and Scopus Journals. It should be noted that he has visited many universities or scientific and academic research institutes in different countries such as United States, United Kingdom, Canada, Australia, New Zealand, Scotland, Ireland, Netherlands, Belgium, Denmark, Greece, Russia, Estonia, Ukraine, Turkey, France, Swiss, Germany, Sweden, Norway, Italy, Austria, Czech Republic, Hungary, Poland, South Africa, Egypt, Brazil, Spain, Portugal, Mexico, Japan, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Hong Kong, South Korea, China, India, Qatar, United Arab Emirates, etc. as research fellow, sabbatical and volunteer researcher or visitor and so on heretofore. He has a history of several years of teaching for college students and various disciplines and trends in different universities. Moreover, he has been a senior advisor in various industry and factories. He is expert in many computer programs and programming languages. Hitherto, he has authored more than twenty books and book chapters in different fields of Chemistry. Syne, he has been awarded more than one thousand reputed international awards, prizes, scholarships and honors. Heretofore, he has multiple editorial duties in many reputed international and peer-reviewed journals, books and publishers. Hitherward, he is a member of more than four hundreds reputed international academic-scientific-research institutes around the world. It should be noted that he is currently the President of American International Standards Institute (AISI), Irvine, California, USA and also Director of the BioSpectroscopy Core Research Laboratory at California South University (CSU), Irvine, California, USA.

HOW TO BECOME A SUCCESSFUL AUTHOR OF A PAPER TO BE PUBLISHED IN A WORLD-CLASS SCHOLARLY JOURNAL?



Miroslaw J. Skibniewski

Prof. Ph.D

University of Maryland, College Park, USA

An invited Guest Editorial

JUDr. Jozef Zat'ko, Publisher of Europska Veda, has asked me to prepare and convey a set of guidelines for authors who wish to be successful in preparing and submitting scholarly papers for consideration for publication in world-class, globally scoped academic journals, such as those indexed in Elsevier's **Scopus™** and ScienceDirect™ and/or in Clarivate Analytics' **Web of Science™ databases**. My guidelines provided below are intended for relatively junior authors, with limited prior experience in publishing, who are preparing their manuscripts in the realm of applied sciences. Some of the issues being raised herein are universal and as such they are equally applicable in other scholarly domains as well. I have based these guidelines on my 25+ years of experience as an editor-in-chief of a high-ranking international research journal in my own academic discipline. The journal has been included for a number of years both in Scopus™ and in the Web of Science™, earning their relatively high CiteScore™ and Impact Factor™ designations.

Academics work in an increasingly competitive environment. With many narrowly defined scientific disciplines, the race to the top has become relentless. There are currently over two thousand academic journal publishers worldwide, publishing over twenty thousand journals. The total number of refereed journal papers now exceeds 1.6 million annually and it is still growing rapidly. The largest numbers of such papers originate from the U.S.A., with China closely behind. A growing, and still largely unregulated, market for open-access publications further complicates the publishing environment. Over 90 percent of academic journal papers ever published will have been published in our professional lifetime. Ethical issues in academic publishing abound.

A successful article should contain the following major components, preferably but not necessarily presented in the stated order.

1. The title:

The title of an article should be as short as possible, but it should reflect the main issue addressed in the paper as well as the paper content. In most cases, the title of the article is decided after the entire content of the article has been completed. The wording of the title should avoid uncommon acronyms or descriptors confining the contents of the paper only to one country or one geographic region.

2. The abstract:

The abstract is an advertisement of your paper. It should be written in clear, short sentences which are easy to understand and should accurately reflect the contents of the paper and its main contribution to the global body of knowledge. One must avoid unnecessary

sentences that belong to the introduction section of the paper. An good abstract should contain only 6 short sentences as follows: 1) The scientific domain and the problem within the domain which is the subject matter of the paper, 2) The research question to be answered in the paper, 3) The means and methods (scientific tools) used to obtain the answer to the stated research question, 4) The answer to the research question, 5) The meaning and importance of the answer and the results obtained, 6) The future research directions based on the results of the completed research reported in this paper. The entire abstract should not exceed one-half of a printed page.

3. The keywords:

Keywords are the labels of your manuscript used in scientific databases containing many thousands of papers. A correct use of keywords will determine if your article is noticed by potential readers, or if it is only glanced over before the reader decides to move on the next article in the database without reading yours. Keywords that are generic in nature are always ineffective.

4. The introduction:

This section should set the stage for what is presented in the article. One must provide a clear description of the problem to be addressed along with detailed explanation of the importance of the problem. One should also define the group of stakeholders – the larger the better – for whom the stated problem is important. This is followed by the definition and detailed description of the specific research question to be addressed. A detailed justification of the importance of the question stated is also essential, along with a description of other related questions which are not being addressed in your paper. A clear definition of the future beneficiaries of the answer to be obtained must also be provided.

5. The literature review:

One must provide a critical, very brief and comprehensive summary of the most relevant prior research by the author(s) of this paper as well as by other writers worldwide attempting to address the same research question or other closely related questions. Such questions may have been addressed within the same subject domain, but also in different domains - sometimes in scholarly fields unrelated to one's own. All cited publications should be critically reviewed; do not cite publications that you have not fully absorbed and have not explained their relevance to the subject matter presented in your paper. Avoid an excessive number of self-citations or citations of publications from the same country or from the same geographic region.

6. The research methodology (your own selection of means and methods/tools employed to answer the stated research question):

This section contains the detailed description of your approach to obtain the answer to your research question. Provide a clear justification of your selection of this approach and briefly discuss any alternate approaches which were also initially considered but ultimately discarded, along with justification of such a decision. Do not regurgitate a detailed description of established, well-known analytical tools, procedures or testing methods – it should suffice to cite relevant sources. Your description should be complete, i.e. it should be possible for a reader to reproduce the results of your research with the use of the stated means and methods used to obtain your research answer. Describe in detail your data formatting and other requirements related to the performance of statistical tests and analyses. Avoid procedural shortcuts which may render your methodology description useless to interested readers.

7. The research results:

Provide a clear, detailed description of your results obtained by you with the use of the research methodology described in item 6 above. Concentrate on the main points and avoid digressing to only loosely related or unrelated topics. Your description should be aided by well-formatted and fully readable tables and figures emphasizing the main points being made. Avoid the inclusion of lettering and labels in a language other than English, as these will be useless for an audience unable to read in that language. Provide clear

evidence and description of the validation of the obtained results by other researchers or in professional practice related to your academic field. Normally, validation attempts with the use of computer simulation only based on arbitrarily constructed models will be considered insufficient by reviewers assigned to evaluate your paper, as such reviewers often prefer the evidence of real-life implementation of your results.

8. The discussion of research results (discussion of the importance of the answer to the stated research question):

This may be the most important section from which the potential reviewers will begin their examination of your paper. Describe what your results mean and why they are important for the audience/readers/stakeholders targeted by this paper. Elaborate in detail on the contribution of your results to the body of new knowledge in your own scientific discipline and beyond.

9. Conclusions and directions for future research:

This section provides a brief summary of the most important findings produced by the presented research. Describe in detail why this finding may be important to a global audience, not merely to your national or regional stakeholders. One must also describe the limitations of the results obtained and suggestions on how these limitations may be overcome with follow-up research. Additionally, one should provide a detailed description of how the results presented will inspire future generations of researchers worldwide aspiring to make contributions in the same or related fields of academic and professional endeavor.

10. The references:

Make sure that all cited items contain complete bibliographic data. Avoid citing an excessive number of references which may be redundant and references in languages other than English. If one feels compelled to cite a non-English language reference, make sure to provide an English translation of the title (in parentheses next to the title in the language of the publication). There is a growing trend to provide a digital object identifier (DOI) for each journal paper or conference proceedings article being cited that has such an identifier, an ISBN for each book reference, and a web address with the date of last access for all other resources. There is also a diminishing emphasis on a particular format of references (as long as the cited items are listed in a consistent manner), as the article typesetting processes at the publishers are currently automated and conversions from one referencing format to another are straightforward.

Most high-ranking journal publishers have been quietly removing strict limitations on the number of pages or words a paper is allowed to contain due to the fact that most paid subscriptions are currently electronic. This removes the burden of the authors to conform to the volume limitations of their articles, allowing for a complete presentation of relevant research results. Additionally, datasets used in the conduct of the research being presented may be stored in cloud-based repositories accessible by all concerned.

Owing to the limitations of space, this guest editorial does not touch upon numerous contemporary issues related to the publication of papers in scholarly journals. However, I often conduct hands-on, full-day workshops in academic settings worldwide for aspiring and active academics interested in sharpening their writing skills and in becoming successful in publishing their papers in top-ranking international scholarly journals. There are ample opportunities to address individual interests and answer specific questions during such workshops. I hope to see many of the readers of this editorial in a workshop to be conducted in the future in a location near you.

Mirosław J. Skibniewski
10 February 2019
University of Maryland, College Park, USA
<https://pm.umd.edu>
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WE ARE INTRODUCING A MEMBER OF EDITORIAL BOARD



Viktor Beschastnyi

Doctor of Juridical Science, Professor,
Honored Lawyer of Ukraine.

Date of birth: 9 November, 1959.

Education: higher, graduated from Kharkiv Law Institute (now – National University «The Yaroslav Mudry Law Academy of Ukraine»), on a speciality «Jurisprudence», Donetsk State University of Management, on a speciality «Finance». In 2005 he defended the thesis for the scientific degree of Candidate of sciences in Public Administration on the topic: «A mechanism of public administration by professional training of the internal affairs personnel». In 2010 he defended the thesis for the scientific degree of Doctor of Public Administration on the topic: «A mechanism of public administration by the development of higher educational institutions of the system of the Ministry of Internal Affairs of Ukraine». In May 2018, he was awarded a Doctor of Science degree in speciality 12.00.08 «Criminal Law and Criminology; Penal enforcement Law».

Since 1981 he served in the internal affairs agencies. 1983-2003 – service in the internal affairs agencies of Donetsk region. Since 2003 – the rector of Donetsk Institute of Internal Affairs at Donetsk National University (now – Donetsk Law Institute of the Ministry of Internal Affairs of Ukraine).

History

The history of Donetsk Law Institute of the Ministry of Internal Affairs of Ukraine dates back to April 28, 1961, when according to the order No 0109 of the Minister of Internal Affairs of the Ukrainian SSR Stalino (Donetsk) specialized secondary militia school of the Ministry of Internal Affairs of the USSR was established. The cadets of Kyiv specialized secondary militia school of the Ministry of Internal Affairs of the USSR were transferred to Stalino (Donetsk) to continue their studying at the 2-nd course of the newly established educational institution.

In 1964, the educational institution was relocated from a small settlement and the educational institution received its permanent registration in Kyiv district of the city of Donetsk until 2014.

Taking into consideration the socio-political conditions prevailing in the eastern Ukraine, the educational institution was forced to change its location.

According to the order of the Ministry of Internal Affairs of Ukraine No. 1010 dated September 30, 2014, Donetsk Law Institute of the Ministry of Internal Affairs of Ukraine moved to Kryviy Rih, where the higher educational institution-forced migrant provides educational and scientific activities.

Activity

Thanks to the dedication of the staff and personally the rector V. M. Beschastnyi the Institute has firmly entrenched in the educational field of Kryvyi Rih district. As at 2018, the higher educational institution has two large training buildings, fully equipped for the educational process and placement of the cadets, a special hostel for teachers and the rest of the staff, a student hostel.



In 2016 Mariupol Training Center (now it is the «Police Academy» of Donetsk Law Institute) joined the Institute. It was a significant event in the life of the Institute that symbolically highlighted the connection with Donetsk region.

The strengthening of the personnel potential has allowed to gradually restore the structure of the educational institution. Today the Institute includes 4 faculties, 12 departments where the educational process is provided by a powerful team of teachers, among them there are 16 doctors and 60 candidates of sciences.

In spite of temporary personnel losses, Donetsk Law Institute has remained a very powerful research center. So, the Research laboratory on problematic issues of law enforcement activities continued its work. In addition, the Specialized Academic Council on five specialties functions in the Institute.

The Institute obtained a license for training of Doctors of science in the field of «Law» which was approved by order of the Ministry of Education and Science of Ukraine on 4 July, 2016.

Today Donetsk Law Institute has a powerful Education and Training base as in Kryvyi Rih (a total area is 11608, 79 sq. M), so and in Mariupol (a total area is 1,704,14 sq. M), and makes every effort to provide modern innovative development of the educational process of training of future policemen and lawyers.

Donetsk Law Institute is the only institution of higher education in Kryvyi Rih district where a full course of training of future lawyers is provided – from the Bachelor's degree to the Doctor of science degree.

Our address: Kryvyi Rih, Stepana Tilgi Street, 21, Spivdruzhnosti Street 92a
Mariupol, Budivelnykiv Avenue, 145



INFLUENCE OF THE EUROPEAN AGRICULTURAL POLICY ON THE AGRICULTURAL ENTERPRISES DEVELOPMENT



Igor Kryvetskyi

*Department of Enterprises Economics
and information technology,
Lviv University of Business and Law,
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JEL Classification: Q18

Abstract. The basic principles of the functioning of the EU agricultural sector are revealed. The priority directions for the functioning of the EU state agricultural support system are described. The principles and objectives of the joint agrarian policy (SAP) of the EU are defined. The process of SAP reform is analyzed in accordance with the priorities of the EU agricultural sector development. The impact of SAP on Poland has been determined. The instability of the dynamics of incomes of agricultural entities in comparison with other sectors of the economy in Poland, Slovakia, Hungary and Romania has been revealed.

Keywords: *agrarian sector, common agrarian policy (CAP), agricultural enterprises, European Union (EU), development.*

Introduction

The development of the agricultural sector and its protection has been considered a priority of European economic policy since the 1960s. The lobbying of interests of agricultural enterprises in the European Union is traditionally carried out today, but with each decade this influence weakens due to a number of structural factors, such as a decrease of rural population, a decreased share of agriculture in the EU economy and a number of joint agricultural policy reforms (SAP) regulates the main activities of the EU institutions in the agricultural sector and is focused on ensuring fair living standards for farmers and supplying safe, organic food of good quality at affordable price ranges. In this regard, in the long run, agricultural products will increasingly be included in free trade agreements, and companies will be forced to adapt to the ever-growing competitive environment.

The features of the CAP were studied both by foreign and domestic scientists, namely: O. Vinsky, T. Gogol, I. Klymenko, I. Ushevych, E. Falkovych, N. Yurkenaite and others. Despite significant scientific progress in this area, a number of issues related to the impact of CAP on the development of agricultural enterprises remain undisclosed.

The purpose of the article is to study the peculiarities of the agricultural enterprises development under the influence of the EU common agrarian policy.

Research results

The system of state support for agriculture runs in two priority directions: 1) direct aid to farmers; 2) balancing and maintaining domestic market prices against the background of effective external protection. CAP strategic objectives are realized according to the principles of market unity, financial solidarity, priority of goods from producer countries of the countries and aimed at:

increasing agricultural productivity; ensuring a favorable socio-economic level of farmers; safe supply of agricultural products at moderate prices for end consumers; stabilization of the agrarian market.

The specific conduct of the CAP have changed according to establishment of the EU and the consistent increase in the number of its member countries. In particular, this is displayed in the dynamics of the total cost of the CAP and the share of CAP in the total expenditures by EU (Fig. 1).

Over the past 30 years, the share of CAP expenditures from the EU budget, despite its

consistent expansion, has decreased from 73% in 1985 to 41% in 2016, which is due mainly to the ongoing reform of the CAP and the increased role of other EU policies.

Regarding the priorities of the EU agrarian sector development, there is a shift in emphasis in the process of reforming the CAP [1]:

- the formation of CAP in 1962, which goal is to provide affordable food for EU citizens and a fair standard of living for farmers;
- The CAP expenditures in the 80's was mainly aimed at maintaining prices through market mechanisms (interventions, export subsidies), which volume, by the 1990s, had increased as a result of large surpluses

in the agrarian sector; In 1984, farms became so productive that they produced more products than needed; measures were being developed to meet production levels closer to the needs of the market;

- since 1992 the price support has decreased and the aid to agricultural enterprises has sharply increased in the form of direct payments, support was provided to rural areas and the promotion of environmentally friendly agrarian production;
- the reform process continued, namely, the program in 2000 intensified measures for the socio-economic development of the village;

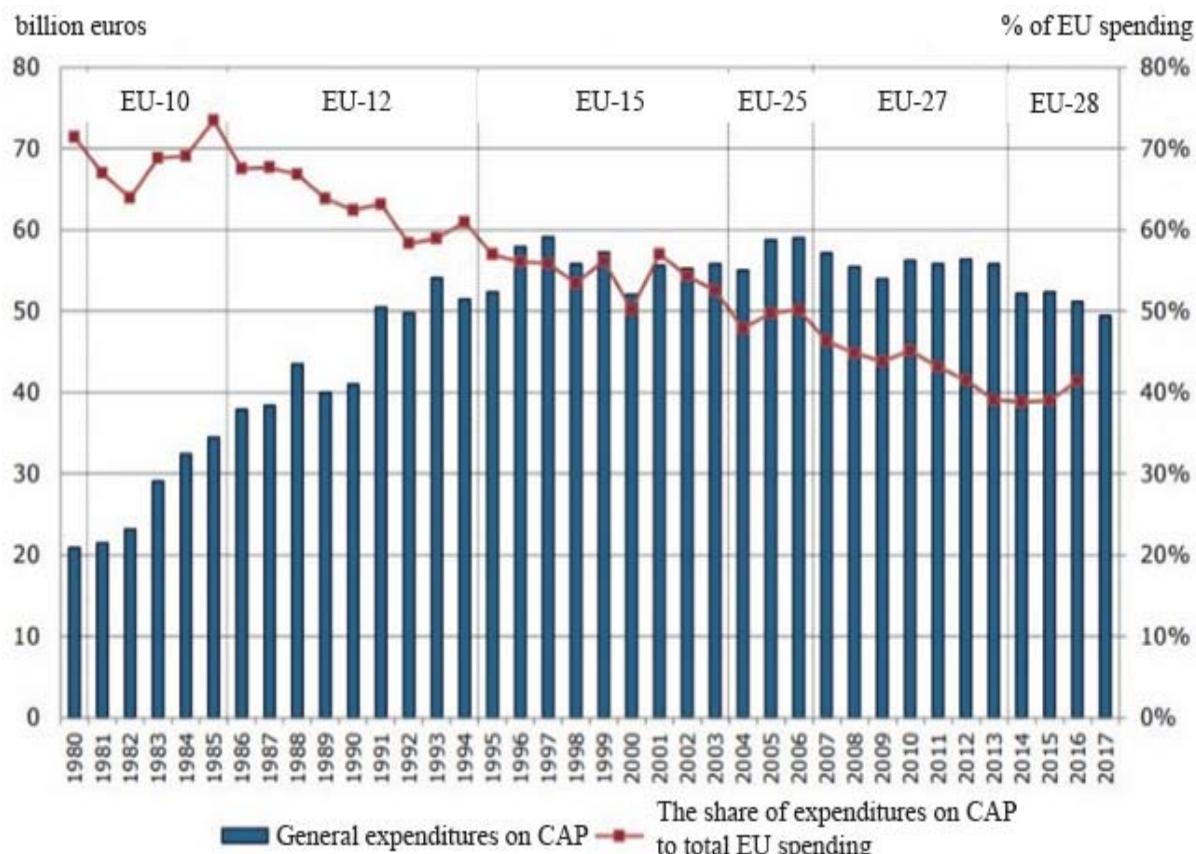


Fig. 1. Costs of CAP to total expenditure of EU budget
(in 2011 prices. Source: Formed according to [2; 3]

- in 2003, most direct payments were detached from current agricultural production, rural development intensified; The new CAP reform has cut off the link between subsidies and production (farmers have started to receive income support when they care about farmland and respect food safety standards, the environment, human health and animal);
- since 2008 the emphasis has been on the implementation of measures to support

healthy eating, on the background of which the aid to the agrarian market has decreased;

- Had been reformed in 2013, the CAP is aimed at strengthening the sector's competitiveness, actively promoting innovation in agriculture, supporting jobs, developing rural areas and sending financial assistance to productive land use;

- total expenditures on CAP in GDP share decreased from 0.66% in the 90s to 0.36% in 2017.

SAP aims to provide 22 million farmers, agrarian workers and stable, secure food supplies for 500 million European citizens, assuring 44 million jobs in the EU (20 in agriculture and 24 in the food industry). A common policy for all 28 EU countries rises EU competitiveness and resilience through providing direct payments to stabilize farm incomes, and also finances projects that meet the needs of specific countries for socio-economic development of the countryside, the development of the agro-food sector and related branches. CAP also implements a wide range of market measures, including tools to solve the problems of volatility of prices and other complications. Its budget for 2014-2020 attains 408.31 billion euros, including 308.73 billion euros for direct payments and market measures and 99.58 billion euros for rural development. It is important to note that due to climate diversity, soil fertility, technical and technological provision of agrarian enterprises and the quality of its products, the EU is one of the world's leading producers and exporters of agricultural products [4].

For a more detailed description of this policy, we will analyze its impact on the closest neighbor of Ukraine - the EU member state, Poland. Poland occupies 312 700 km², among which 51.2% of the total area is rural; about 30% of the territory of Poland is covered with forests. The total population is about 38 million, of which more than 12.5 million live mainly in rural areas. The agrarian sector is characterized by relatively small areas - at 10.1 hectares, which is considerably lower than the EU-28 average value (16.1 hectares). Over the period 2014-2020, around € 32 billion of investment is expected in agriculture and rural areas of Poland through the CAP. Within 2014-2017, EUR 8.7 billion were allocated by the EU and EUR 4.9 billion additional at the national level for measures to promote rural development in Poland. [5, p. 1-2].

The rural development program for 2014-2020 for Poland focuses on the following priorities: promotion of competitiveness and productivity in the agri-food sector; ensure the sustainable management of natural resources; promote the development of rural economies throughout the country through the development of local infrastructure,

investment in education, culture, provision of adequate public services, and the creation and assurance of jobs vacancies.

Within 2007-2013, more than 25.1 billion euros were invested into agriculture and rural areas of Poland, in order to stabilize farm incomes, modernizing and increasing their sustainability, and ensuring the supply of safe, affordable and quality food for their citizens, of which about 17.4 billion euro of public funds (13.4 billion euros from the EU, the rest in the form of national funds) was invested through rural development programs of various measures supporting agricultural production, promoting the socio-economic development of rural areas of Poland, preserving their cultural heritage. It should be noted that in recent years, direct payments have become a key security for Polish farmers and agribusinesses.

Only in 2014 about 1.3 million farms received about 3 billion euros of direct payments, of which almost 344 thousand got less around 5 thousand euros. In 2015, the EU has allocated more than EUR 219 million for market measures in Poland, focusing mainly on the production of vegetables and fruits, as well as milk and dairy products. Through the CAP, the EU also supports agricultural producers in promoting their better organization of activities and sales of products more effectively, strengthening their positions in the food supply chain. [5, p. 2-4].

Through these development funds, the following projects are implemented, where have been planned [5, p. 5-7]:

- to involve more than 39,000 young farmers to works (the total public investment exceeds 766 million euros);
- get modernizing more than 58 thousand farms, through investments of over 2.5 billion euros;
- to provide support to farmers affected by floods and other natural and climatic disasters, helping them to continue their agricultural activities;
- to invest more than 1.6 billion euros in services for the rural population, and 580 million euros - to rejuvenate about 3.7 villages.

Rural development funds also contributed to the development of a more sustainable agricultural model:

- near 138 thousand holdings (resulting for about 2.8 million hectares) have pledged to

- use more environmentally friendly agricultural technologies;
- 925 thousand farms (8.6 million hectares) got support to continue their activities in less-favored areas.

The analysis of the income dynamics of agricultural enterprises revealed their apparent instability in relation to other fields of the economy. (Fig. 2).

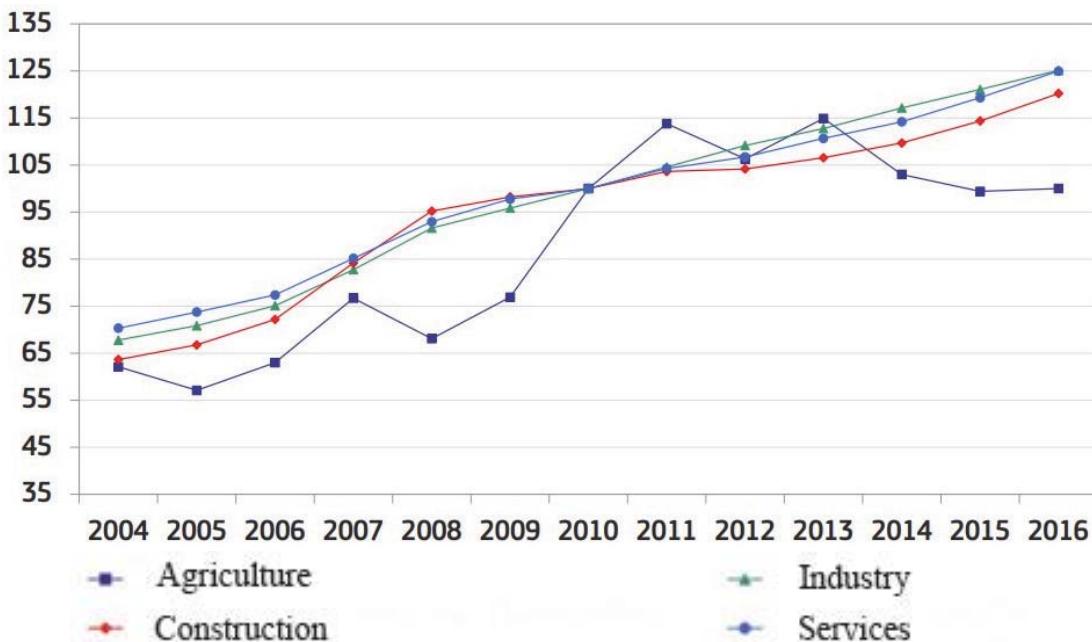


Fig. 2. Dynamics of incomes of agricultural enterprises in comparison with other sectors of the Polish economy.

Source: Formed according to [5; 6]

A similar trend is observed in Slovakia, Hungary and Romania (Fig. 3; 4; 5).

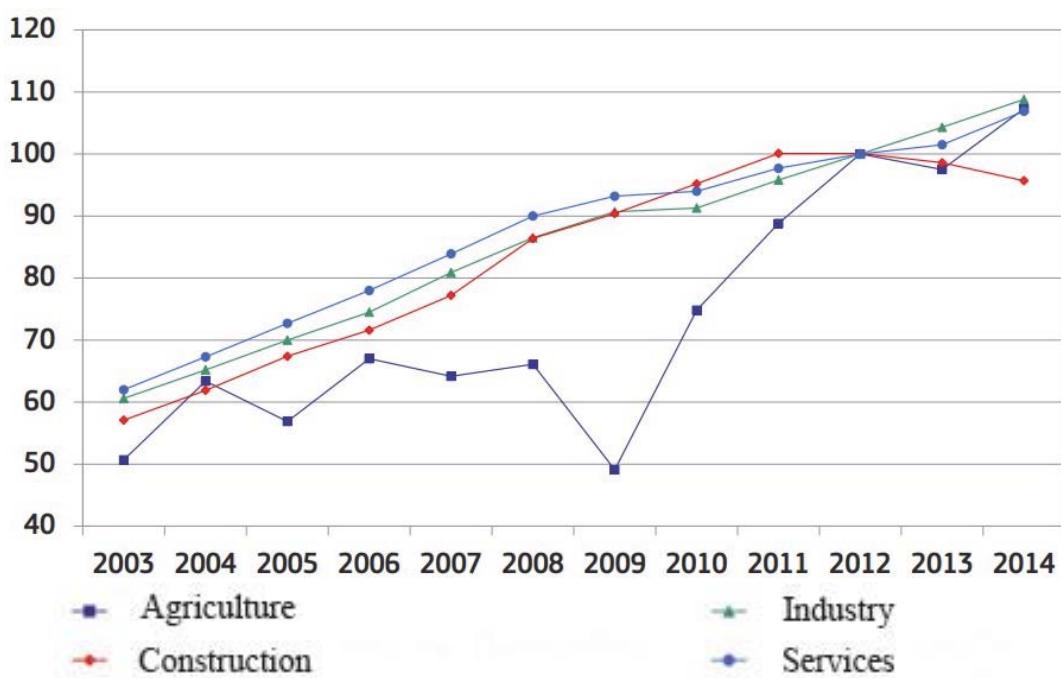


Fig. 3. Dynamics of incomes of agricultural enterprises in comparison with other sectors of the Slovakian economy.

Source: Formed according to [6; 7]

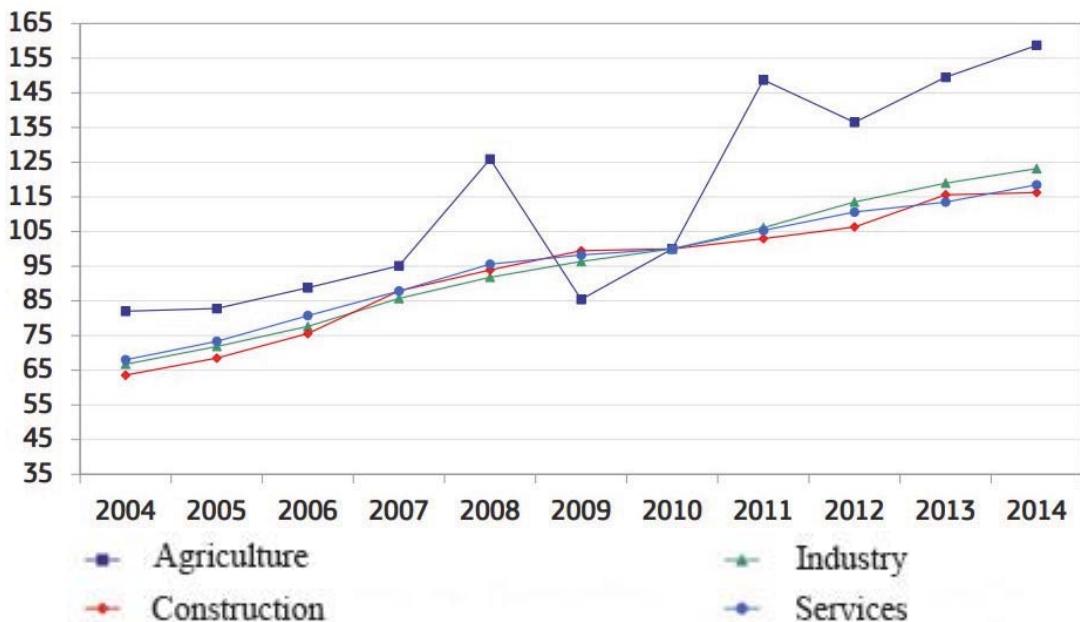


Fig. 4. Dynamics of incomes of agricultural enterprises in comparison with other fields of the Hungarian economy.

Source: Formed according to [6; 8]

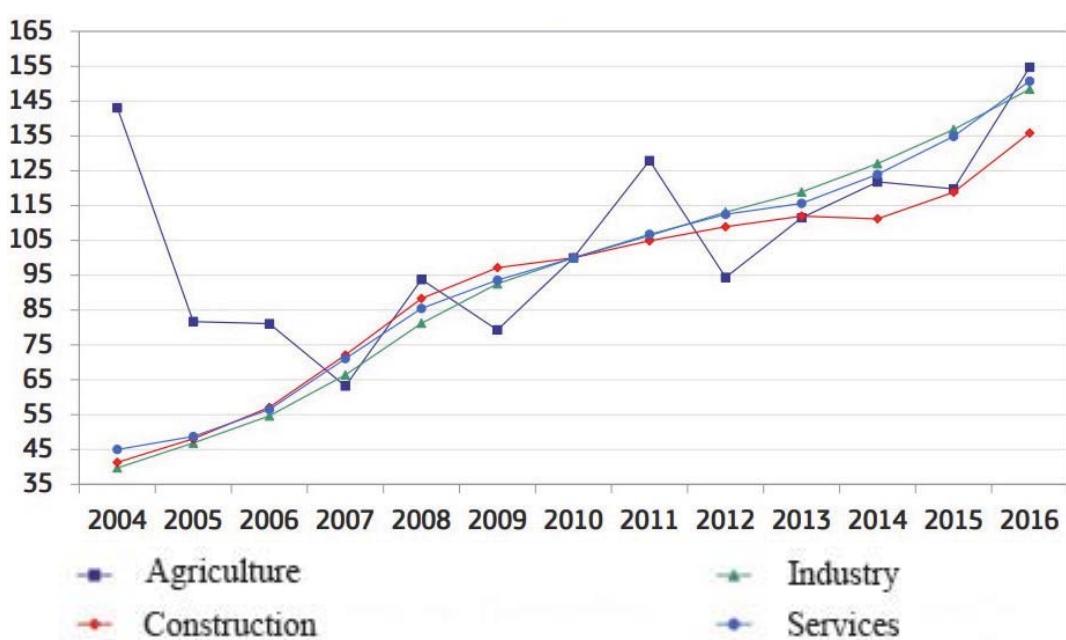


Fig. 5. Dynamics of incomes of agricultural enterprises in comparison with other fields of the Romanian economy. Formed according to [6; 9]

Such tendencies are related to the influence of a certain number of specific external factors inherent to agricultural sector of the economy. By tracking the priorities that should be solved by the forthcoming CAP, the European Commission creates a basis for discussing a more flexible approach to policy implementation in order to achieve more effective results.

Conclusion

The EU's CAP has changed dramatically over the past decades to help agricultural business persons resist external challenges and respond to changing market needs. It covers a wide range of various trends, including food quality, trade and promotion of agricultural products. The EU provides

financial support to its businesses and encourages sustainable and environmentally friendly methods, as well as investments in rural development.

We consider especially important the positive experience of CAP, which applies to all valid EU-28 members. Taking into account its above outlined basic principles and norms of functioning will help the state and domestic agrarian enterprises to adapt more quickly to a complicated European competitive environment, ensuring the sustainable development of environmentally clean and safe agriculture of Ukraine.

I believe that a **promising direction for further research** might be spread of agricultural innovation in the context of European integration processes.

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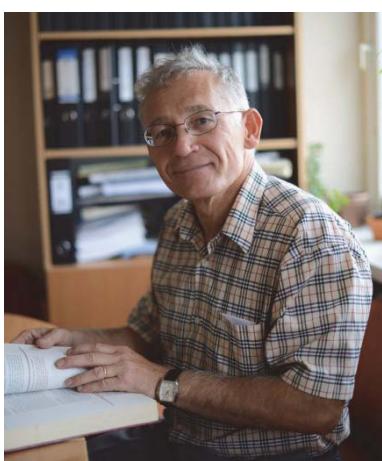
THE METHODOLOGY OF ECONOMIC VIABILITY ASSESSMENT OF LOGISTIC COMPANIES



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Abstract. The article provides scientific and methodological provisions, scientific and practical recommendations to ensure the viability of logistics companies in the changing external and internal environment. The identified and systematized factors affecting the viability of logistics companies (economic environment, political and legal environment, socio-cultural environment, technological environment, ecological environment, geographical environment, competitive environment and internal factors: social resources, human resources, financial resources and man-made) resources), and on this basis the methodology for assessing economic viability was proposed, including selected internal and external factors.

Keywords: *economic viability, economic viability assessment, logistics sector, logistics companies.*

Introduction

Ensuring economic viability means not only adapting to modern business conditions but also fast, effective competitive development based on optimal resource management. Viable organizations not only adapt but also develop. In a global economy, the viability of logistics companies depends on a variety of external and internal factors that make it necessary to use a systematic approach to changing these factors. The systematic approach to the modern interpretation of economic viability not only determines the critical factors affecting the viability of organizations, but at the same time allows the development of an appropriate system of indicators for their evaluation. In order to

achieve a high economic viability of the company, it is particularly important to apply new tools and methods that take into account not only financial but also non-financial performance of the organization. Globalization, new competition rules and the movement of capital create conditions, need and ever greater demands for economic viability. The need for an economic viability assessment is based on the organisation's ability to innovate, adjust its actions and, above all, on competitors to develop the strategy that allows them to maintain a high long-term advantage.

Theoretical Background. Research and Discussion. The essence of Horizontal (time) analysis. Horizontal analysis is used in order to evaluate the dynamics of changes in the enterprise performance indicators, i. e. the financial statements are compared to those of the previous periods and the deviation is expressed in absolute terms and percentages which represent the changes in terms of time. This analysis takes into account the changes in revenue and costs, cost and profit. Vertical (structural) analysis, its essence. This analysis describes the structure of the parameter being analyzed, i. e. when each indicator of a financial asset is compared to a common base indicator and the resulting amount is expressed in percents. The basic indicator is usually the sales revenue. It identifies how the indicators have changed and what has caused the changes. The essence of the analysis of relative indicators. By analyzing these relative ratios, it is easy to compare the performance of different companies, to reveal reserves and to provide rational solution for company management. This is one of the key tools for highlighting the economic viability of logistics companies. The scientific literature is dominated by debates and controversies surrounding the establishment of relative financial ratios for assessing economic viability. Harrison, Van Hoek & Skipworth (2018) propose to consider all factors and to develop a balanced system of performance measurement. In modern economic literature (Galinienė, 2015; Lileikienė and Grigaliūnienė, 2014; Šapalienė, Valentukevičienė, Zakarienė, 2014, et al), it is suggested that relative financial ratios to assess economic viability should be used (see Table 1).

Table 1. Relative indicators for assessing economic viability

Groups	Indicators	Formula	Limits of viability	Value of the indicator
Profitability ratios	<i>General profitability, %</i>	$\frac{\text{Gross profit}}{\text{Sales revenue}}$	x>35% (very good) 35%>x>15% (good) 15%>x>7% (satisfactory) 7%>x>0% (unsatisfactory) x<0 (bad)	Indicates the gross margin for each euro of sales. This allows to compare the results of competitive activity. Low indicator can express the company's pricing problems.

Continuation of the Table 1. Relative indicators for assessing economic viability

Groups	Indicators	Formula	Limits of viability	Value of the indicator
Profitability ratios	<i>The net profitability, %</i>	$\frac{\text{Net profit}}{\text{Sales revenue}}$	x>25% (very good) 25%>x>10% (good) 10%>x>5% (satisfactory) 5%>x>0% (unsatisfactory) x<0 (bad)	Displays the net profit of one euro of sales revenue. This shows the efficiency of the company. The higher the value of the indicator, the better control of all costs of the company.
	<i>Assets</i>	$\frac{\text{Net profit}}{\text{Property}}$	x>20% (very good)	Indicates pure profit

	<i>profitability, %</i>		$20\% > x > 15\%$ (good) $15\% > x > 8\%$ (satisfactory) $8\% > x > 0\%$ (unsatisfactory) $x < 0$ (bad)	for each euro of the company's all assets. Discloses whether the company is using its assets effectively.
Solvency ratios	<i>Debt coefficient</i>	$\frac{\text{All obligations}}{\text{All assets}}$	$x < 3$ (very good) $0,3 > x > 0,7$ (good) $x > 0,7$ (satisfactory)	Indicates how much of the company's profit is financed by credit funds.
	<i>Property coefficient</i>	$\frac{\text{Personal capital}}{\text{All assets}}$	The higher the coefficient the greater the level of the company's independence	Compares personal capital to the company's property. Allows to evaluate the company's ability to develop its performance without external sources of financing.
	<i>Financial leverage</i>	$\frac{\text{Obligations}}{\text{Personal capital}}$	~0,5	Indicates the amount of debt for each euro of personal capital, i. e. what part of funding is on credit.
Performance indicators	<i>Total assets turnover</i>	$\frac{\text{Sales revenue}}{\text{All assets}}$	$x > 2$ (very good) $2 > x > 1$ (good) 1 (satisfactory) $1 > x > 0$ (unsatisfactory) $x < 0$ (bad)	Indicates the amount of income for each euro of the company's property. The higher the indicator the more efficient the use of assets.

Continuation of the Table 1. Relative indicators for assessing economic viability

Groups	Indicators	Formula	Limits of viability	Value of the indicator
Performance indicators	<i>Fixed assets turnover</i>	$\frac{\text{Sales revenue}}{\text{Permanent assets}}$	$x > 1,5$ (very good) $1,5 > x > 1$ (good) 1 (satisfactory)	Indicates the amount of income for each euro of permanent assets, i. e. how effectively the company's fixed assets are used.
	<i>Current assets turnover</i>	$\frac{\text{Sales revenue}}{\text{Temporary assets}}$	The higher the better	Indicates how effectively the company's temporary assets are used, i. e. the amount of income

				for each euro of temporary assets.
	<i>Personal capital turnover</i>	$\frac{\text{Sales revenue}}{\text{Personal capital}}$	The higher the better	Compares the sales of a company with its working capital. A low coefficient value indicates poor performance of capital efficiency.

The essence of the prediction of bankruptcy probability. The calculation of these indices reveals whether the company is reliable and able to avoid bankruptcy or unreliable and the company at risk of bankruptcy. According to Budrikienė and Paliulytė (2012), bankruptcy is "an important macroeconomic phenomenon, as its consequences extend beyond the enterprise and even determine the overall development of the state's economy" (p. 92). The Springate and Taffler and Tisshaw models are used to determine the possibility of bankruptcy. Table 2 presents the bankruptcy prediction models and their calculation formulas and the limits for determining bankruptcy probabilities.

Table 2. Bankruptcy probability calculation models and the limits of evaluation
(source: created by the Budrikienė and Paliulytė, 2012)

Author	Model and calculation	The probability of bankruptcy		
		Small	Possible	Big
Springate (1978)	$Z = 1,03A + 3,07B + 0,66C + 0,4D$ A – working capital / assets; B – profit before interest and taxes / assets; C – profit before tax / temporary liabilities; D – sales income / assets.	$Z > 0,862$	$0,862 < Z < 0,862$	$Z < 0,862$

Continuation of the Table 2. Bankruptcy probability calculation models and the limits of evaluation

Author	Model and calculation	The probability of bankruptcy		
		Small	Possible	Big
Taffler and Tisshaw (1977)	$Z = 0,53K_1 + 0,13K_2 + 0,18K_3 + 0,16K_4$ K_1 – profit before tax / temporary liabilities; K_2 – temporary assets / liabilities; K_3 – temporary liabilities / assets; K_4 – (assets of fast realization - temporary liabilities) / operating expenses.	$Z > 0,3$	$0,2 < Z < 0,3$	$Z < 0,2$

The essence of correlation analysis is to determine the existence of a stochastic relationship between factors, i. e. to establish the relationship between the relevant dependent variables the results of (logistics companies' performance) and the independent variables (macroeconomic indicators). McKinnon et al (2018) emphasizes that the need for freight movement is influenced by governmental policies related to economy. In order to ensure viability not only in the current market but especially in the context of macroeconomic crisis phenomena, all successful companies (including logistics) should be able to adapt quickly and successfully to changes, i. e. be systematically applicable (Krasnyuk, Hrashchenko, Krasniuk, Kustarovskiy, 2019). Gasparénienė and Kartašova (2015) distinguish macroeconomic factors from economic factors, stating that the factors of this

group have a direct influence on the performance. Correlation is used to determine whether there is a relationship between two indicators in one sample or between two different samples. And if such a relationship exists, then whether an increase in one indicator causes an increase (positive correlation) or a decrease (negative correlation) in another. Martišius and Kėdaitis (2013) propose to calculate the correlation coefficient using the following formula (1):

$$r = \frac{\sum(x-\bar{x})(y-\bar{y})}{\sqrt{\sum(x-\bar{x})^2} \sqrt{\sum(y-\bar{y})^2}} , \quad (1)$$

where:

r – correlation coefficient;

x – the value of the independent variable;

\bar{x} – the mean of the independent variable values;

y – the value of the dependent variable;

\bar{y} – the mean of the dependent variable values.

The correlation coefficient acquires values from -1 to +1. According to Martišius (2014), the magnitude of the correlation coefficient indicates the strength of the correlation but does not determine the cause of that relationship. The closer $|r|$ value is to 1, the stronger positive linear relationship will be determined. The closer $|r|$ value is to -1, the stronger negative linear relationship will be determined. When $r > 0$, with one random value increasing, other values increase linearly. When $r < 0$, the decrease linearly. When $r = 0$, there is no linear relationship. The interpretation of the correlation coefficient is presented in Table 3.

Table 3. Interpretation of the correlation coefficient
(source: created by the Čekanavičius and Murauskas, 2014)

No connection	Very weak	Weak	Moderate	Strong	Very strong
0	$ r < 0,3$ $ r < -0,3$	$0,3 \leq r < 0,5$ $-0,3 \leq r < -0,5$	$0,5 \leq r < 0,7$ $-0,5 \leq r < -0,7$	$0,7 \leq r < 0,9$ $-0,7 \leq r < -0,9$	$0,9 \leq r \leq 1$ $-0,9 \leq r \leq -1$

The essence of regression analysis. The regression analysis method helps to assess the influence of one or more factors on the phenomenon under consideration, i. e. indicates whether the phenomenon is statistically significant or not. Martišius (2014) proposes to construct a linear multiple regression equation for the selected significant relationships (2):

$$y = a + b_1x_1 + b_2x_2 + \dots + b_kx_k + e , \quad (2)$$

where:

y – the value of the dependent variable;

x_1, x_2, x_k – values of independent variables;

a – a free-member parameter of the regression equation;

b_1, b_2, b_k – the parameter of the regression equation to the variable;

e – regression model error.

The calculated value of the coefficient of determination (R^2) is needed to evaluate the regression model in a qualified way. This coefficient indicates what part of dispersion of dependent trait is formed by changes in the independent variable (Martišius, Kėdaitis, 2013). If the model developed describes the dependent variables perfectly, the value of this coefficient will be 1. The coefficient of determination is calculated using the formula (3):

$$R^2 = 1 - \frac{\sum(y_i - \bar{y}_i)^2}{\sum(y_i - \bar{y})^2}, \quad (3)$$

where:

R^2 – coefficient of determination;

y_i – the value of the dependent variable;

\bar{y} – the mean of the dependent variable values;

\hat{y}_i – estimates of variable y calculated by regression equation.

Having information about the numerical values of the parameters, the average elasticity coefficients $\bar{E}_{y(x_i)}$ can be calculated for the total on analysis (Martšius, 2014). This indicator shows the average change in dependent variable (y) if the independent variable (x) changes by one percent. The elasticity is calculated using formula (4):

$$\bar{E}_{y(x_i)} = b_i \times \frac{\bar{x}_i}{\bar{y}}, \quad (4)$$

where:

b_i – the parameter of the regression equation to the variable ($i = 1, 2, 3, \dots$);

\bar{x}_i – the mean of the values of the independent variable;

\bar{y} – the mean of the dependent variable values.

Conclusions

The authors of the article analyzed economic viability, i. e. the ability of a company to innovate, adjust its actions and develop a strategy ahead of its competitors that allows to maintain high productivity in the long run. Companies that are able to maintain high levels of business efficiency, sustainability, productivity and stability can at the same time ensure economic viability in the long run. Only a combination of these indicators can ensure good long-term results. It is widely accepted that economic viability can be objectively assessed through economic and financial prism, using logical and econometric methods of economic analysis and specific methods. The methods and indicators used to assess economic viability are named and grouped in different ways. It causes the problem of the choice of indicators and methods for assessing the economic viability of a company. Different authors use different indicators to achieve the same goal. In addition, there is no integrated overall viability indicator consisting of the sum of the individual indicators described above, after evaluating the significance of each of them.

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CLASSIFICATION OF INNOVATIONS AS AN ACCOUNTING OBJECTIVE



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Abstract. The article deals with the study of the economic essence and approaches to the classification of innovations as an object of accounting, financial and statistical reporting of the enterprise, analyzes the accounting records for the reflection of innovations as a result and process of innovation activity, a comparison of innovation product and innovation products, requirements for their recognition, qualification and registration, characteristics of changes not recognized by innovations are presented, tendencies of innovation activity in Ukraine and in the world are highlighted.

It should be noted that the financial statements do not separately display information on the availability of innovative assets or the results of the innovative activity of the enterprise, which does not allow to distinguish and evaluate such information. An enterprise only makes and sends a statistical report once every two years. Therefore, promising research should be aimed at finding a method for displaying information about enterprise innovations not only in assets, but also off-balance-sheet factors, in particular the assessment of intellectual capital, which is a powerful basis for the growth of the market value of an innovative enterprise. The proposed features of the classification of objects of innovation, objects and types of innovation, the stage of implementation of innovations, the level of novelty and innovation, sources of funding and territorial coverage will allow the most complete information for the needs of managerial accounting, compilation of financial and statistical reporting.

Keywords: *innovation, innovative activity, classification, accounting.*

Introduction

Formulation of the problem. Innovation in the general sense is an idea. But here the clarification is needed, because not all ideas are innovative, but all innovations begin with the idea. Therefore, in the narrow sense, innovation is the latest product in the field of technology, technology, organization of work, management or in other fields of scientific and social activity, the creation of which is based on the use of scientific achievements and best practices. Innovations are also seen as the result of innovation. According to the Law of Ukraine "On Innovation Activity" [1], innovations represent newly created, applied or improved competitive technologies, products or services, as well as organizational and technical decisions of a production, administrative, commercial or other nature that significantly improve the structure and quality of production or social sphere.

In today's conditions of intensive development of the economy knowledge of innovation as a result of systemic activity, creative thinking, catalyst for scientific and technological progress contributes to quantitative and qualitative changes in the environment of the company's existence, ensuring its profitability and competitiveness. That is why information about the innovation activity of the company, its innovations is extremely important. The source of such information is financial, managerial, statistical accounting and reporting. However, today, the methodology of reflection in the accounting of innovation processes is imperfect, since it is based on existing tools that do not take into account off-balance and intangible factors of innovation activity, such as intellectual capital, the effect of synergy, the latest forms of digital innovation. Therefore, accounting can not provide complete and comprehensive information. This is due to the fact that innovation, on the one hand, is an investment, investing in development, research, testing (the formation of costs or capital

investment), which provides the development of existing technologies; and on the other hand - it embodies new technology, technology (asset), which is the result of innovation activity. Therefore, it is necessary to investigate the essence of innovation as an object of accounting in all its multifaceted manifestations for the needs of financial planning, budgeting, reporting, statistical aggregation and effective management.

Analysis of recent research and publications suggests that the issue of accounting for innovation in general and some aspects of innovation is seen by many scholars such as Pierre Mohnen, Jacques Maresse [2], LM Bratchuk [3], T. I. Efimenko [4], O. Usatenko, IV Melnichuk [5], I. B. Sadovskaya [6], S. M. Sichuk [7], V. Ozeran, V. Gik [8], S. V Kolesov, O. S. Dubinskaya, N. S. Liba, Ya. O. Izmaylov, O. I. Kovtun and others. The existing wealth of scientists has a significant contribution, but they are rather scattered between the definition of the characteristics of accounting for the costs of innovation activities, intellectual innovations, management reporting on innovation, accounting accounting policies, analytical accounting. However, the aggregation of the notion of innovation and at the same time extremely urgent for the development of the enterprise in modern conditions require the consideration of its essence as an object of accounting, the definition of characteristic features, components for the purpose of identification and reflection in the account taking into account the requirements of the present. That is why the works of Michael Ringel, Hadi Zablit [9], George Krasadakis [10], Pierre Mohnen, Jacques Maresse [2], Y. Antypina [11] are devoted to the analysis of the main tendencies in innovations that are observed in Ukraine and the world in 2017-2018 are important for considering the dynamics of innovation in the timely adaptation of accounting and reporting systems.

Statement of purpose of the article. The purpose of the paper is to study the essence and formation of the classification of innovations as an object of financial,

statistical, managerial accounting, taking into account modern changes and world trends.

The main material of the research. All scientific, technological, organizational, financial and commercial actions that lead to innovation or are conceived for this purpose are called innovation activity. According to the official data of the State Statistics Service of Ukraine, in 2016 18.9% of the total population or 834 enterprises engaged in innovation activity in industry [12]. Innovation activity is defined as one of the forms of investment activity, which is carried out to implement the achievements of scientific and technological progress in production and social sphere, that is, in order to implement innovations.

Innovations are aggregated concepts, therefore, for their complete and comprehensive characteristics, the ten basic characteristics of classification are systematized: according to the economic content (in accordance with the Oslo Manual), market essence, objects of innovations, objects and types of innovation, the stage of implementation of innovations, the level of novelty and innovation, funding sources and territorial coverage (table 1).

Consequently, in economic terms, the Oslo Manual distinguishes four types of innovations:

- 1) Product innovation, introducing goods or services that are new or significantly improved in terms of their properties or methods of use. This includes significant improvements in the technical characteristics, components and materials, in the embedded software, to the extent of meeting the needs of users or in other functional characteristics.

Systematized classification of enterprise innovations

Nº	Certificate of classification	Types of Innovations
1	On an economic basis (according to the Oslo Manual)	Product innovation; Process innovation; Marketing innovation; Organisational innovation.
2	By market essence	Permanent innovations;

Table 1

		Revolutionary innovations; Disruptive innovations.
3	By the objects of innovation	Commodity; Technological; Technical; Marketplace; Marketing; Managerial; Social Ecological
4	By objects of innovation activity	Innovative programs and projects; New knowledge and intelligent products; Production equipment and processes; Infrastructure of production and entrepreneurship; Organizational and technical decisions of an industrial, administrative, commercial or other nature that significantly improve the structure and quality of production and (or) social sphere; Raw materials, means of their extraction and processing; Commodity products; Mechanisms of formation of the consumer market and marketing of commodity products.
5	By types of innovation activity	Internal R & D; External R & D; Acquisition of machines, equipment and software; Acquiring other external knowledge; Training and staff training; Market introduction of innovations.
6	In the stage of implementation of innovations	The cost of innovation; Innovation as a result, including: Innovative product; Innovative production.
7	By the level of novelty	New innovative products; Substantially improved products in terms of properties or methods of use.
8	By the level of innovation	New for the market innovative products; New exclusively for the enterprise.
9	By sources of funding	Innovations done at your own expense; funds from the state or local budgets; funds from extrabudgetary funds; funds of domestic and foreign investors; loans on general and on preferential terms; funds from other sources.
10	By territorial coverage	Innovations within Ukraine; Export-import of innovations, including: Innovations within the EU; International innovation.

Source: compiled by the author on the basis of elaboration [1-15]

- 2) Process innovation is the introduction of a new or significantly improved way of manufacturing or delivering a product. This includes significant changes in technology, production equipment and/or software.
- 3) Marketing innovation is the introduction of a new marketing method that involves significant changes in the design or packaging of a product, its promotion to the market or in determining the selling price.
- 4) Organizational innovation is the introduction of new or improved existing organizational structures and communications in the business practice of

firms, in the organization of workplaces or external relations.

According to the market essence, in accordance with the behavior and needs of consumers, innovations are divided into: (a) permanent innovations - improvement of existing products that do not significantly change the way they are used by consumers; (b) revolutionary, discontinuous, radical innovation - completely new products that require consumers to adopt new habits of their use, but have no significant effect on previously existing markets; (c) disruptive innovation that creates a new market due to other properties

that ultimately extend to the previously existing market and completely change it.

Depending on the object of innovation, the following types are distinguished: (a) commodity - the introduction of a new product (product); (b) technological - the introduction of a new production method; (c) technical - introduction of a new means of production, modernization of the design of a known technical object; (d) market - creation (formation) of a new market of goods and services; (e) marketing - development of a new source of raw materials supply, promotion on the market; (f) management - reorganization of the management structure; (g) social - implementation of measures to improve the lives of the population; (h) environmental - the implementation of measures to protect the environment.

The Law of Ukraine "On Innovation Activity" defines the following objects of innovation activity, which in general combines previous features of classification:

- 1) Innovation program - a set of interconnected innovation projects and measures to support innovation.
- 2) Innovation project - a set of documents defining the procedure and complex of all necessary research, development, production, organizational, investment, financial, commercial and other measures, executed by a set of project documentation and provide an effective solution to specific scientific and technical problems, expressed in quantitative indicators leading to innovation - the implementation of an innovative product or innovative products. At the same time, a priority innovation project is defined as one that is implemented within the framework of priority directions of innovation activity.
- 3) New knowledge and intelligent products.
- 4) Production equipment and processes.
- 5) Production and entrepreneurship infrastructure.
- 6) Organizational and technical solutions of industrial, administrative, commercial or other character, which significantly improve the structure and quality of production and (or) social sphere.
- 7) Raw materials, means of their extraction and processing.
- 8) Commodity products.
- 9) Mechanisms of formation of the consumer market and marketing of commodity products.

It is known that innovation activity is aimed at the use and commercialization of the

results of scientific research, development, and promotes the launch of new competitive products and services on the market [1]. The Ukrainian legislation distinguishes the following types of innovation activities:

- internal R & D, including expenses for the implementation of scientific and scientific works by own forces of orglobalization, which consist of labor costs, material costs, other current expenditures, capital investments (with the exception of the amount of depreciation for the full restoration of fixed assets);
- external R & D - acquisition of research results performed by other enterprises, organizations for the development of new or improved products and processes;
- the purchase of machines, equipment and software is the acquisition of advanced, technologically advanced machines, equipment and other means of production and equipment, integrated software necessary for the introduction of new or improved technological processes, machinery and equipment that does not improve production capacity, but necessary for the production of new products (eg, additional machines), regardless of whether they are purchased separately or in combination with commercial secrets;
- acquisition of other external knowledge - is the acquisition of new technologies used for the implementation of technological innovations, taking into account the acquisition of the enterprise: exclusive proprietary rights to inventions, utility models, industrial designs, licenses, license agreements for the use of these objects; commercial secrets (formulas, calculations, plans, drawings, unpatented inventions, etc., instructions, description, requirements, data, methods and techniques); projects; technologies in the incomplete form; trademarks (trademarks acquired in connection with the conduct of enterprise innovations); other engineering, consulting services (except research and development) from outside organizations, individuals (excluding products, samples, machines, components or spare parts, tools purchased in complete with documents of commercial secrets);
- training and training of staff - costs for strengthening the intellectual capital and innovative potential of employees;
- market introduction of innovations - this activity of the enterprise is associated with the introduction of both technologically new

<p>and significantly technologically advanced products (product innovations) and processes (process innovation). Innovation is considered to be implemented if it (its result) has entered the market or is used in the production process.</p> <p>It is proposed to distinguish two types of innovations in the stage of their realization:</p> <p>1) the cost of innovation - as an aggregate of investments, the cost of an unfinished process of creating innovations that have not yet reached the ultimate goal;</p>	<p>2) innovations as a result, including by subspecies: innovative product and innovative production. An innovative product is the result of research, development and development that meets the requirements established by the Law of Ukraine "On Innovation Activity". Innovative production is some new products or services. These are important accounting objects, so compare them (table 2).</p>
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Table 2
Comparison of innovative product and innovative production as objects of accounting

Nº	The sign of comparison	Innovative product	Innovative production
1	Definition of the concept	The result of the implementation of an innovation project and research or developmental development of a new technology, including information, or products with the production of an experimental design or experimental batch.	New competitive products or services.
2	Requirements for recognition	a) it is the realization (introduction) of the object of intellectual property (invention, utility model, industrial design, topographies of the integrated circuit, selection achievements, etc.), to which the producer of the product has state security documents (patents, certificates) or received from owners of these intellectual property rights of a license, or the implementation (introduction) of discoveries. The object of intellectual property used must be determinant for this product; b) product development improves the domestic scientific and technological and technological level; c) In Ukraine, this product is produced (will be produced) for the first time, or if not for the first time, compared to another similar product on the market, it is competitive and has significantly higher technical and economic indicators.	a) it is the result of the implementation of an innovation project; b) such production are produced (will be produced) in Ukraine for the first time, or if not for the first time, compared to other similar products presented on the market, it is competitive and has significantly higher technical and economic indicators. Innovative production can be the result of duplication or application of an innovative product. Innovative production can be considered an innovative product, if it is not intended for replication.
3	The subject deciding to qualify an object	The decision on qualification of an innovative product is taken by the central executive authority, which implements the state policy in the field of innovation activity, on the results of the examination.	The decision on the qualification of innovative products is taken by the central executive authority, which implements the state policy in the field of innovation activity, on the results of the examination.
4	Accounting (in Ukraine)	12 "Intangible assets", 10 "Fixed assets", 15 "Capital investment", 13 "Depreciation of non-current assets"	26 "Ready-made products", 23 "Production", 90 "Cost of sales"

Source: compiled by the author on the basis of elaboration [1, 13, 14]

The development, production and implementation of an innovative product or product is carried out on the basis of an innovative project. It should be noted that in Ukraine, the necessary condition for recognition of a project, product or product innovation is the procedure for their qualification. The central executive body, implementing the state policy in the field of innovation, will organize an examination of the projects accepted for consideration in order to qualify innovative projects. The expertise is carried out at the expense of the subjects of innovation activity, who declare projects for state registration. Projects that are recognized as innovative by the results of the examination are recorded in the State Register of Innovation Projects. Information about this is published in the relevant bulletin. Individually recognizing and qualifying projects on priority directions of innovation activity [1].

The subject of innovation activity is a certificate of state registration of an innovative project, the form of which is approved by the Cabinet of Ministers of Ukraine. Certificate of state registration of an innovation project is valid for 7 years from the date of its issue. After completion this time the state registration of the innovation project and the corresponding entry in the State Register of Innovative Projects are canceled. Information about this is also published in the relevant bulletin.

It is proposed to allocate separately the classification features: on the level of novelty and level of innovation. Since innovative products can be new or significantly improved in terms of its properties or methods of use, so at the level of novelty distinguish a new, for which there are no analogues, and qualitatively and functionally improved products. Along with this, the level of innovation for the enterprise, innovative products may be: new to the market or new exclusively for this enterprise.

Innovation should be divided according to the sources of their financing: own funds; funds from the state or local budgets; funds from extra budgetary funds; funds of domestic and foreign investors; loans on general and on preferential terms; funds from other sources. This will allow us to estimate the cost-result link. As well as the territorial coverage: within Ukraine and in terms of export-import orientation.

Allocate the following types of innovative processes: new or improved methods of processing or production (technological processes); new or improved methods of logistics, delivery or distribution of products; new or improved process support activities such as logistics systems or procurement, accounting or settlement operations.

Types of technological processes: low-waste, resource-saving, others.

Among the forms of acquisition (transfer) of new technologies are distinguished: rights to patents, licenses for the use of inventions, industrial designs, utility models; research and development results; know-how, agreements on acquisition (transfer) of technologies; purchase (sale) of equipment; purposeful reception (transition) to the work of qualified specialists; others

Proceeding from the fact that innovative products are objects of intellectual property, the mandatory condition for their existence is the documentary fixation (official registration) of such a product by the developer or author of ownership of the results of innovation activity at the state level. Such documents include patents for inventions, certificates, licenses, which stipulate copyright and related rights of the subjects of innovation activity, in other words, there arises intellectual property belonging to the intangible assets of the enterprise. If, as a result, it is not possible to recognize the intangible asset, the cost of innovation is reflected in the account. Thus, as an object of accounting, innovation is closely linked to intellectual capital, intangible (balance sheet and off-balance sheet) assets, innovative activities, revenues (effects), and expenses for its implementation.

As an accounting item, an intangible asset is a non-monetary asset that has no physical substance and can be identified. In this case, the asset is a resource: (a) controlled by the entity as a result of past events; and (b) the use of which is expected to receive future economic benefits to the entity.

In order to reflect the object (components) of the intellectual capital as an intangible asset in accounting and reporting, the following criteria of recognition must be adhered to at the same time: (a) there is a likelihood that future economic benefits associated with the asset will flow to the entity; and (b) the cost of an asset can be measured reliably.

IAS 38 applies also to measures aimed at increasing intellectual capital, advertising, training, commissioning, development and research. Development and research activities are aimed at developing knowledge. Thus, although the result of such activity may be an asset with a physical substance (for example, a prototype), but the physical element of the asset is secondary to its intangible component, that is, the knowledge embodied in it.

Business entities often recognize the cost of innovations in the acquisition, development, maintenance or enhancement of the usefulness of intangible resources such as technical or scientific knowledge, the development and introduction of new technologies and systems, licenses, intellectual property, market research and trademarks (including brand name and publication names). Not all intellectual property objects correspond to the definition of intangible assets because of the inability to identify or control the resource, the difficulty in proving the existence of future economic benefits. If a component of the equity capital does not meet the criteria for recognizing an intangible asset, the cost of its acquisition or internal generation is recognized as an expense in the period in which it is incurred. However, if an item is acquired when a business is merged, it is part of the goodwill recognized on the acquisition date.

Internally generated goodwill should not be recognized as an asset. If an entity carries out innovation costs to generate future economic benefits, but as a result no intangible asset is created, such costs are characterized as a contribution to the internally generated goodwill. Internally generated goodwill is not recognized as an asset because it is not an identifiable resource (not separable and does not derive from contractual or other legal rights), which is controlled by an entity and can be measured reliably at cost.

For the purpose of accounting, it is necessary to distinguish between changes that are not recognized as innovations, and therefore can not be reflected in the analytical sub accounts of accounting of innovations. Characteristics of such changes and their examples are presented in Table 3.

The minimum level of novelty for enrolling any change in the category of "innovation" is defined as "new for the enterprise". The product may already be used (produced) at

other enterprises, but if it is new or significantly improved for this enterprise, then such a change is considered for it as innovation.

From an economic point of view, an enterprise (organization) is considered innovative if it introduced any innovation for a specified period. However, under the law, an innovative enterprise recognizes an enterprise or association of enterprises of any ownership type if more than 70% of its output in monetary terms during the reporting tax period is innovative products or products [1]. An innovative enterprise can function as an innovation center, business incubator, technopolis, technopark. The aggregate of enterprises, organizations, institutions, their associations, associations of any form of ownership, providing services for the provision of innovative activities (financial, consulting, marketing, informational and communicative, legal, educational) together form an innovative infrastructure.

In Ukraine, the information on innovation of industrial enterprises at the macro level is summarized using the form of statistical observation № INN «Inspection of enterprise innovation in the period» [13]. The survey is a non-selective sample [14] and is conducted on a special questionnaire developed according to the European Community Innovation Survey (CIS) [15] methodology for the survey of innovations in the EU.

Periodicity of the survey according to EU recommendations - once every 2 years. The survey covers product and process innovation, as well as providing information on organizational and marketing innovations. In addition, information is collected about:

- expenditures on innovation, sources of information, innovation goals and cooperation with other enterprises and organizations in the context of innovation activities;
- factors hindering innovation activity;
- use of methods to stimulate new ideas and creative approaches among employees.

The total cost of innovation is the company's costs for innovating both new to the enterprise and new for the market, including internal research, development, machinery, equipment and software, other external knowledge and other costs. The indicator includes current and capital costs. Data on the cost of innovation is given regardless of the stage at which the

innovation process is in progress: at the initial stage of the development of new or

significantly improved products and processes or at an intermediate stage.

Table 3

Characteristics of changes that are not recognized as innovations

Nº	Changes that are not recognized as innovations	Characteristic	Example
1	Stop using any process	Termination of the method of marketing, organization or sale of a product, even if it improves the functioning of the enterprise	Outdated model withdrawn from production
2	Easy transfer or expansion of capital	Purchase of equipment that is identical to the one already in use, or small additions and upgrades to existing equipment or software that are not process innovations	The new equipment purchased does not have substantially well developed characteristics or does not significantly improve the properties of the entire fleet of equipment
3	Changes that are caused exclusively by the variation in prices for production factors	If the same model of a personal computer is collected and sold at a reduced price only because of lower prices for computer chips	Reduced prices for components
4	Adaptation to user queries	Custom production of goods that do not significantly differ from those produced by the enterprise before. This applies only to product changes in the interests of the consumer, but not to the practice of custom-made manufacturing	Completion of individual or complex orders of their clients. Only the combination of operations for the production, sale and delivery can be organizational innovation
5	Regular seasonal and other repetitive changes	This applies to clothing and footwear, where seasonal changes occur in product types that are accompanied by changes in the appearance of the products concerned. However, if seasonal changes are the reason for a fundamental change in the product's appearance, implemented in the development of a new marketing approach, which is for the first time used by the enterprise, this can be considered a marketing innovation	Manufacture and sale of new seasonal jackets by the garment manufacturer if these jackets are not made of fabric with significantly improved properties

Source: compiled by the author on the basis of elaboration [13, 14]

The survey is aimed at obtaining qualitative information on innovation activities in both the reporting year and the entire analysis period of 3 years, which allows obtaining information on the innovative activity of enterprises that do not innovate on a regular basis.

During 2016 in Ukraine, 23.2 billion UAH were spent on innovation by enterprises, including 19.8 billion UAH for the purchase of machinery, equipment and software, 2.4 for

internal and external research and development UAH billion, for acquiring existing knowledge from other enterprises or organizations - UAH 0.1 billion and UAH 0.9 billion - for other innovation activities [12]. The main source of funding for innovation costs is the company's own funds - UAH 22036.0 mln. (or 94.9% of the total amount of innovation costs). In 2016, 4139 innovative products were introduced, of which 978 were new exclusively for the market, 3161 - new

only for the enterprise. Of the total number of products introduced 1305 - new types of machinery, equipment, etc., of which 22.3% are new for the market. However, compared with 2013, the cost of innovation and research in Ukraine significantly decreased (over 80%), which is explained by the crisis in the economy. However, the breakdown of statistical indicators does not take into account current trends and needs for innovative enterprises.

Consequently, among the current trends in the field of innovation, there are developments in the field of virtual reality (predict a significant increase in the consumption of VR devices from Oculus, Sony, HTC, Google based on smartphones, simplifying the process of shooting and viewing VR video), improving the behavior of devices that study behavior Man and automate tasks to simplify life (the development of unmanned cars not only Tesla technology companies, Waymo (from the family of Google), but also Nissan, BMW, in addition, the distribution of Apple and Samsung devices for a smart home - is projected to sell close about 10 million devices in the coming year, while safety of smart devices will be of particular importance), innovations in the field of artificial intelligence

(Google, Amazon are actively working in the field of AI having a large array of data and financial capabilities to attract the best specialists, so trends are addressed to the solution tasks of efficient use of data and information processing), robotics (about 70% of robots sell "big five": Japan, China, USA, South Korea, Germany, while in China the annual dynamics of their production growth and since 2005 reaches 25% [11]), innovations in information processing tools (Big Data is a trend in many industries, since businesses need access to analytical tools for decision-making, people increasingly want to know to what extent and who can take advantage of it data, therefore, there is a growing demand for data processing and analysis specialists - Data Scientist), the popularization of the digital currency. Bitcoin is a digital currency that guarantees absolute anonymity in transactions, Blockchain - a public transaction register that can create a new era of the internet, as experts point out: "Blockchain will become for the banks, law and accounting, to what the Internet has become for the media, trade and advertising" [10]. Accordingly, Ukraine should be involved in topical trends in the field of global innovation processes.

Conclusion

Innovation is an innovation in the use of any new or significantly improved product, product, service or process, a new marketing method or a new organizational method in the enterprise's activities, organization of workplaces or external communications. The sign of innovation is the requirement that the product, process, marketing method or organization was new to the enterprise or significantly improved and implemented, that is, realized on the market.

As an object of accounting, innovations need to be considered, on the one hand, as an asset - the result of innovation, which can be shown as non-current assets and accounted for in the account 10 "Fixed assets" in the analytical sub accounts of accounting for innovative equipment, technology, technology, and account 12 "Intangible assets" for sub accounting of patents, licenses for the use of inventions, industrial designs, utility models, know-how of research and development. As a part of current assets' innovation should be divided into innovative products (account 26 "Finished products") and works and services (the cost of such services is accumulated and summarized in the accounts 23 "Production" and 903 "Cost of sales of works and services"). On the other hand, innovations need to be evaluated as decisions and actions on the implementation of scientific and technological progress in production and the social sphere, that is, as a process of innovation, accompanied by costs (accounting records 91 "General Production Costs", 92 "Administrative Expenses", 93 Expenses on sales ", 94 "Other operating expenses ", 97 "Other expenses ") or capital investments, which account is taken in account 15 "Capital investment ". That is why the proposed features of the classification of objects of innovation, objects and types of innovation, the stage of implementation of innovations, the level of novelty and innovation, sources of funding and territorial coverage will allow the most complete information for the needs of managerial accounting, compilation of financial and statistical reporting.

It should be noted that the financial statements do not separately display information on the availability of innovative assets or the results of the innovative activity of the enterprise, which does not allow to distinguish and evaluate such information. An enterprise only makes and sends a statistical report once every two years. Therefore, promising research should be aimed at finding a method for displaying information about enterprise innovations not only in assets, but also off-balance-sheet factors, in particular the assessment of intellectual capital, which is a powerful basis for the growth of the market value of an innovative enterprise.

Innovations are closely linked to the functioning of intellectual capital in the enterprise, the generation of internal goodwill, the existence of off-balance sheet factors that can not be fully reflected in the accounting of the existing methodology, but contribute to the growth of the market value of the enterprise, therefore, require the inclusion, evaluation and reflection in the system of financial and managerial accounting. Prospects for further research are also in defining a methodology for assessing innovations in the stages of implementation, identifying the transition of intellectual capital to innovation.

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LEGAL PROVISION OF THE ECONOMIC SAFETY OF BUSINESS ACTIVITIES: EXPERIENCE OF THE WORLD COUNTRIES AND POSSIBILITIES OF ITS USE IN UKRAINE



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Abstract. The study examines economic security as a component of national security and the condition of development of the entrepreneurship. The experience of legal security of entrepreneurial activity in the United States, France, Germany, Spain, Japan, China, Kazakhstan, Belarus, and Russia practically shows that issues of socioeconomic security of business are closely linked to the legislative provision of market conditions. It is proved

that in the conditions of European integration and globalization, traditional values and national interests are the basis of entrepreneurship development and the leading role of the state in regulating the security of entrepreneurship is determined. The means of ensuring economic security of entrepreneurship, which promote the improvement of economic relations in Ukraine, are described, and the conditions for ensuring the economic security of entrepreneurship are characterized.

Key words: *entrepreneurship, security, administrative and legal support, economic safety, business security, individual entrepreneurs, international entrepreneurial experience*

Introduction

In the conditions of the rapid development of European integration processes and globalization for the economic development of Ukraine, the use of world-wide experience in the field of legal regulation of the security of entrepreneurship becomes of paramount importance. In a market economy, the economy of the country relies on organized and stable activity, both large enterprises and individual entrepreneurs, whose production is the predominant volume of the gross domestic product of the country and therefore requires stable conditions for development and protection. The urgent need was to develop a legal framework for national security, which includes political, economic, military, environmental, informational, humanitarian and other security.

The concept of economic security, as evidenced by scientific publications, appeared even at the formation of capitalist relations in European countries, and was reduced to ensuring the well-being and security of economic entities. So in his treatise "On a Social Contract" Zh. Zh. Rousseau stressed that the state's most important concern is self-preservation and security. At that time, the concept of "security" meant "a state, a situation of rest, arising as a result of the absence of real danger, as well as the existence of a material organizational structure that contributes to the creation and maintenance of this situation" [1].

In the future, the study of the problem of economic security, based on the understanding of society as a holistic organism, which should function in order to increase social welfare and with the development of competition, monopoly and capitalization of economic relations, requires appropriate law-protected conditions and centralized regulation. The question arises about the administrative and legal regulation of entrepreneurial activity in order to create conditions for protection and stimulation of development.

The state of the scientific development of the topic. The experience of legal provision of economic security of entrepreneurial activity in foreign countries and the possibility of its use in Ukraine at one time was investigated by I. Grishchenko, S. Ponomariov, I. Plokhoi, V. Galunko, O. Hetmanets, S. Lekar and other scientists, but their attention was focused on general issues of administrative and legal regulation of entrepreneurship, and the issue of ensuring the economic security of entrepreneurial activity found only a fragmentary illumination. The study of legal provision of economic security of entrepreneurial activity in Ukraine remains more than ever, and the experience of some foreign countries may be useful in implementing various measures to ensure such security.

The purpose and objectives of the article. Based on the experience of individual countries in the field of legal security of entrepreneurial activity, there exists a need to identify ways to improve the administrative and legal security of entrepreneurial activity in Ukraine.

Presenting the main material. Investigating the issues of business security, V. Grishchenko, I. Grishchenko and O. Samofalova came to the conclusion that "the security of entrepreneurial activity is a basis, a fundamental basis for ensuring national security" [2]. Entrepreneurship, both legal and natural persons, can not be successful in achieving the set goals (profit or other economic or social effect) without ensuring proper security of entrepreneurial activity.

S. Ponomariov, as well as I. Plokhoi, point out that the general notion of security consists in the absence of an unacceptable risk associated with the possibility of causing any harm to the life, health and property of citizens, the environment, in the implementation of a set of measures; in the use of human and material resources intended to prevent such harm; in protecting the population, objects of the environment, public and state property from danger in emergency situations; in the safe operation of equipment, structures, mechanisms, which eliminates the threat to life, health and interests of people, the environment and objects of management [3, p. 17-18; 4, p.62-65].

Studying the legal conditions for the security of entrepreneurial activity V. Galunko defines the elements of administrative and legal protection and protection of entrepreneurship as an important condition for

the country's economic security [5, p. 247; 265].

Speaking about the administrative and legal mechanism of ensuring economic security, S. Lekar noted that the latter is a "system of administrative and legal means through which the state influence on social relations is carried out in the process of implementation of the state economic policy in order to bring them in line with the goals and objectives of ensuring the economic security of the state entrusted to the authorized state bodies" [6, p. 33].

So, the entrepreneur, as a person performing his functions in the public production should be guided by a certain state strategy and rely on the material welfare of the population in a country where market conditions exist. On the one hand, the pressure on the part of the state should be reduced for its free development, and on the other hand, in the face of intensification of competition and other factors, the legal framework of protection should be extended. The state acts as the guarantor of entrepreneurship development, and the individual entrepreneur acts exactly as a guarantor of the socio-economic security of civil society and state security.

However, the activity of individuals-entrepreneurs is at a high degree of vulnerability, which manifests itself in competition and in the presence of various destabilizing factors. According to the World Bank, newly registered entrepreneurs continue to work during the year about 50%, after 3 years, 28%, and after 5 years, the activity continues for no more than 3%. At the same time, the number of registered entrepreneurs remains unchanged or increases. Instead of the liquidated business entities, others are constantly registered [6, p.36]. Comparison of the data on the registration of entrepreneurs with relative stability and their total number and volumes of production indicate the high intensity of internal reorganization processes within the business sector, which contribute to optimizing the use and their potential in modern economic conditions. Studies conducted indicate that entrepreneurs need to develop a strategy for regulating economic security, using all necessary means.

Among the main problems of economic security of individual entrepreneurs, it is possible to distinguish low efficiency of their activities, imperfection of the tax system of

the country, unhealthy competition, lack of highly professional human resources.

That is why considering and promoting the security of an individual entrepreneur is a very topical problem, which includes a number of different measures to counter the threats to such activities. The administrative and legal security of entrepreneurial activity, including the individual, in our opinion, is closely linked to the notion of "economic security of the state". Only in a state that sets itself the goal of being safe for individual entrepreneurs creates the most favorable conditions.

Since in countries with economic stability there is a fairly large positive experience with regard to national economic security, the foreign experience of regulation of economic security is now of unquestionable interest. Consider, for example, some of the different aspects of securing economic security that may be of interest to domestic enterprises.

Effective regulatory system is the basis of the system of economic security of different countries, as evidenced by the chronological incorporation of the main legislative acts in the field of economic security, which is provided in the work of L. Korchevsky [7]. By highlighting the relationship between the development of entrepreneurs and the level of their economic security, in those countries where there is a more stable economy, it can be argued that in the recent period most of the administrative and legislative restrictions have been abolished, a stimulating tax function has been introduced, and favorable financial and economic conditions have been created for investment and business development. Such measures have allowed Western European and Japanese countries to

become leaders in business development and to rank first in world rankings for indicators of adaptation of legal entities and economic operators. This explains the investment attractiveness of their enterprises. Based on the work provided by L. Korchevsky and S. Lekar it can be stated that national economic security is based on the regulatory framework that establishes the basic principles of entrepreneurial activity and defines the responsible authority that manages this activity and is responsible for the equal legal conditions of the development of all economic entities. In the United States, for example, in order to reproduce public production and exit from the economic crisis, President T. Roosevelt, from the very beginning of his reign, approved 15 legislative acts, which departed from the practice of non-interference of the country in market relations and offered to combine business with state regulation business processes of entrepreneurship. The basis of such tactics was the need to improve the social status of American society, because the economic interests of enterprises are related to the social policy of the state. To reconcile issues in this regard, President Roosevelt in June 1934 decided to approve a number of relevant laws and establish the The Economic Security Act of 1935 and the Social Security Act of 1935 [8, 105-106].

The most important and unchanging component of the nation-wide security of the United States is the security of the economy, which is established at the legislative level. Among the most significant American laws passed a number of laws, which are given in the table.

Legislative support of entrepreneurship in United States of America at the end of the 20th and early 21st centuries

Year	Name of the law	The original title	The basic provisions of the law
1996	Law on Economic Security	The Economic Security Act	The Economic Security Act identified the main issues of general economic security
1999	The Education for Economic Security Act	The Education for Economic Security Act	Promoted the effectiveness of American education and science
2001	The Law on Economic Security and Recovery	The Economic Security & Recovery Act of	The Economic Security & Recovery Act revised the tax legislation, defined the main directions of development of the national economy, the creation of a favorable customs climate
2002	The Law on Creation of New Jobs and Economic Security	Job Creation and Economic Security Act	The Job Creation and Economic Security Act regulated the issue of overcoming unemployment, the labor market, economic and social protection of the population

As an example of the data in the list, it can be stated that the legislative security of the country's economic security is linked to the state regulation of a market economy by establishing taxation conditions, customs policy, pricing and tariff policies, inflation, unemployment, education and science policy, that is, from the main indicators of the level of development of the country, as a condition for the development of entrepreneurial activity.

The experience of France shows that the issues of socioeconomic security of business are closely linked to the legislative provision of market conditions of management. At the end of the 90s, the French government approved a series of legal acts to improve the socio-economic security of business entities. This was absolutely necessary in connection with the integration of France into the European Union. Socio-economic security in France at the end of the twentieth century was regulated in three directions:

- the law defined the protection of property of entrepreneurs and their intellectual property, as well as protection of information and management systems owned by enterprises, that is, the protection of all assets of enterprises.
- the next step was the introduction of continuous monitoring of competitors in the domestic and foreign markets and the definition of the main criteria by which entrepreneurs concede to competitors.
- the last step was to resolve the crisis phenomena on both sides - the state and the specialists of the enterprises. Special attention was paid to the search and timely avoidance of threats that arose due to ineffective managerial decisions due to the lack of necessary information necessary for enterprise management [9, p. 30].

Support for the economic security of French entrepreneurs at an appropriate level was provided by a two-tier system. At the first level was the management that was set up at the Ministries to support the socio-economic security of enterprises. Their responsibilities included the protection of enterprises and the timely provision of guidance to the necessary information on possible economic threats. The second level was made up of qualified customs specialists who were formed in the management of the state treasury, to support the socio-economic security of enterprises [8, p. 105].

In Italy, the United Kingdom and Spain, the directions for ensuring the socio-economic security of enterprises were identical. Effective and influential system of socio-economic security of enterprises in these countries is based on a stable regulatory framework. This example is supported by Spain, in which the law "On the improvement and protection of national industry" [10] ensured the stability of the socio-economic security of companies. In Italy, foreign entrepreneurs who are dependent on goods and services of Italian enterprises are supported by the state.

Japan was the first country in the Far East, which successfully demonstrated the ability to adapt world experience to the conditions of the Asian society, its national interests. The Japanese government has realized that in today's economic environment, when globalization of the economy occurs, competition intensifies, and, above all, small and medium-sized businesses [11] need state support and assistance.

It should be emphasized that the Japanese successfully manage to maintain the foundations of their culture, traditional institutions and relations, modifying them only to the extent that this is required by the task of improving the efficiency and competitiveness of the country and its enterprises in the post-industrial era and the period of global development. Particular attention is paid to the culture of governance and macroeconomic regulation. An important element of the adjustment of the Japanese economy to the new conditions was the transition (while maintaining control) of a number of production capacities abroad to countries with large markets, with cheaper labor and favorable exchange rates. Japan has become the largest creditor in the world, has a second place (after the PRC) on reserves of gold and foreign exchange reserves [11, pp. 18-19].

In the scientific literature, it is emphasized that the Japanese have a dual world outlook: adaptation to the western way of life and, at the same time, the protection of national values and customs. Therefore, often there is a situation where the model of behavior, appearance, clothes are borrowed, and the motivation of basic life principles is traditional. On the job and in politics, the outside of the Japanese can behave "in the European" way, but internally located in the system of traditional values. Japanese enterprises are

formed on the basis of two basic principles on issues of economic security: first, the development of economic stability of the country; and secondly, the creation of such an internal environment, which would contribute to the improvement of the national interests of the country [11].

Japan has certain peculiarities of its own national features, a small amount of foreign investment, the relative closeness of Japanese society, which affects the internal policy of economic security of enterprises. The general doctrine of national interests of Japan was formed in the 1970s and covered national security as a complex phenomenon, that is, it is: public security, military security of the country and foreign economic stability.

In scientific research, when studying the experience of implementing legal measures to ensure the development of entrepreneurship are drawn to the current experience of China. It is noted that in recent times this country has a significant place not only in the regional but also on a global scale, and that the specifics of the Chinese economy, the unique location of the country that helps it in global economic ties, add a special "flavor" to the whole world economic issues in Chinese perception [8]. This applies in particular to the issue of economic security, which is very relevant for the People's Republic of China.

Studies show that the basis of the Chinese interpretation of economic security lies in "economic sovereignty", especially in the independence of decision-making. However, in modern China, according to Chinese scientists, "there are no reasons for optimism." Economic sovereignty is under pressure from "powerful interest groups, especially foreign ones." China's supply of resources per person is also significantly lower than world standards. Industry is dependent on foreign financial capital, which "squeezes its profits" [8; 10]. The main threats to China are in the field of economic sovereignty. For developing countries, particularly China, economic security is best defined as the ability to ensure a gradual increase in living standards for the entire population through national economic development while maintaining economic independence. In other words, in economic security there are two sides of the "medal": competitiveness and independent economic sovereignty [10].

According to scientific sources, the German government promotes the economic security

of enterprises through the social insurance system. The main directions of the state in this context are based on effective laws [10]. The national policy of the state is based on guarantees of citizens' rights, economic and social justice, promoting the well-being of the population and restraining the stratification of the society for the rich and the poor. In order to achieve the appropriate level of economic security of German enterprises, together with their own security structural units and independent security firms, state security agencies have been established to work closely with federal intelligence services on issues of economic security of enterprises.

Today the European Union countries in the area of research and development to enhance the level of protection of national enterprises are the most influential competitors in America and Japan.

Kazakhstan and Belarus adopted the Russian experience of stimulating the socio-economic security of entrepreneurs.

At the end of the twentieth century, Kazakhstan implemented the Strategy of Social and Economic Security of the Republic of Kazakhstan and its enterprises, which followed the Russian principles of security. This document cited both external and internal sources of threats to the activities of enterprises. Proceeding from this normative document, both the state and all enterprises of the Republic of Kazakhstan should contribute to the reduction of economic risks, under the control of the government.

In order to achieve the economic security of their entrepreneurs, most countries with a stable economy invest in innovative projects and promote the development of scientific and technical support [8, p.111]. A significant number of entrepreneurs in developed countries are guided by these principles:

- scientific knowledge is the key to a secure future;
- modern technologies create the basis for the development of socio-economic security;
- leadership should stimulate the development of science and technology.

In economically developed countries, the legal framework defines the objective reality of the risks associated with increased competition and aggravation of market environment issues in various fields of activity in the domestic and foreign markets. To do this, it is necessary to apply appropriate

organizational and structural measures to support and sustain enterprise, distinguishing the sectors of small and medium-sized businesses in the current difficult conditions [11].

An analysis of the foreign practice of the organization of entrepreneurial activity shows that it is very important to take into account international experience precisely because of economic security in order to increase the

administrative and legal security of Ukrainian entrepreneurs. Foreign practice shows that it is possible to organize an effective mechanism of economic security of domestic entrepreneurs on the basis of effective actions of developed countries in the field of economic security of enterprises, as well as taking into account the mistakes that have been made.

Conclusion

1. Taking into account the foreign experience of legal maintenance of entrepreneurial activity, it should be noted that the most effective means of ensuring the economic security of entrepreneurs are: firstly, effective regulatory framework in this area; secondly, perfect, high-tech means of production and working conditions, as well as the use of innovative technologies to enhance their own competitiveness; third, the development of a state strategy to eliminate administrative means of possible threats (economic, environmental, military, human-made, etc.).

2. It seems expedient to improve the conditions of entrepreneurship on two levels - macro and micro levels. At the first, it is necessary to apply the very legal basis that would successfully ensure the security of entrepreneurs, as well as ensure their effective coordination. At the second level, it is always necessary to improve the production and scientific and technical means of production, to interest people in their products and to constantly monitor the emergence of possible threats and potential dangers.

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FEATURES OF SUBJECTS OF THE RIGHT OF FREEDOM OF WORLD VIEW AND RELIGION IN THE CIVIL LAW OF UKRAINE



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Abstract. An important role in private law is played by personal non-property rights that ensure the full existence of a person in society. The right to freedom of worldview and religion deserves special attention to its implementation and use in a legal, democratic, independent state of Ukraine. Any personal non-property right has its own characteristics. The structure of the right to freedom of worldview and religion consists of a certain content,

this right has its subject, object and subject. In this article we will consider the subject in the rights to freedom of world view and religion. Features of the subject in legal personality and capacity, from what age you can enjoy the right to freedom of world view and religion.

Keywords: *subject, legal personality, legal capacity, capacity, freedom of world view and religion, civil law*

Introduction

The question of the definition of the subject of freedom of outlook and religion is still opened up to nowadays. The right to freedom of thought and religion requires an appropriate definition of a particular subject. Indeed, the actual implementation of this right itself by a person is becoming necessary, as well as its full protection and regulation in civil law of Ukraine.

Analysis of recent research and publications. In the review of recent studies, there was a need to systematize personal non-property rights, to define their concepts, forms, methods of protection and content. Accumulation of the end of the first decade of the XXI century empirical material, judicial practice, including international, the emergence of different approaches to the regulation of personal non-property relations, not only different legal systems, but also within a single system, opened new problems in understanding the content, implementation and protection of personal non-property rights, definition of the subject structure, understanding of rights arising in legal relationships. These problems were solved by such scientists: E. Kochanovsky [1], R. Stefanchuk [2], L. Fedyuk [3], L. Krasitska [4], O. Sinegubov [5].

The purpose of gender is to define the subject of the right to freedom of thought and

religion, illumination of the features of such a subject.

Presenting the main material. The vast majority of people today consider the spiritual self as the greatest value, directing efforts to self-improvement of their personality through spiritual growth. Intangible, non-property weighs not less for a person, but sometimes also much more than material. Thus, the assessment of a person as a person, a sense of freedom, self-esteem - is something for which she lives, improves her financial position, works and communicates. Feeling like a person, human wants to preserve his uniqueness, demonstrate it to others, be confident in the assessment and respect for himself [6, p. 8].

Civil non-property rights, which are absolute in nature, have no economic content, are not alienated, fall into the category of rights that ensure the full existence of a citizen-person in a modern society, that is, they are in fact positive, so they should be

regulated by civil law acts. Legal regulation and protection of any social relations is carried out by expressing them in a legal form, namely in the form of legal relations. Questions about the subjects of the right to freedom of opinion and religion, which may be parties to the legal relationship, require further study and clarification. In the general understanding of the subject of rights is called the carrier of rights and obligations [1, p. 26].

In the Legal Dictionary, the "subject of law" defines a person (physical and legal), a state, a state or a municipal entity, which is empowered by law to be directly or through a representative, subjective rights and legal obligations [7].

It should be noted that the term "subject of law" has a fairly wide application in legal circles, defines a variety of approaches to the definition of the very concept of "subject of law", due to different understanding of various domestic and foreign scientists, such as: S. Alekseev, V. Boitsov, S. Kechevyan, A. Mickiewicz, V. Kopievichikov, P. Rabinovich, R. Halfina and others. In due time, they initiated a discussion of subjects of law and expressed a variety of points of view.

Alexeyev S. notes that the "subject of law" is the person who has "legal personality", that is, citizens, organizations, social entities that may be the bearers of rights and obligations, to participate in legal relations [8].

Halfina R. believes that "subject of law" - a broader concept, which is different from the concept of "subject (participant) in the relationship" [9]. According to Boytsov V., "subject of law" – is a person who has a personality, that is, a person, potentially (in general) who is able to be in legal relationships, and the subject of legal relationships - is a real participant in the data of legal relations [10]. This definition is believed to be true because the subject of legal relationships is a participant in a particular legal relationship, and the subject of law is a person who is not a party to the legal relationship, but may, in the presence of certain conditions, become him. Consequently, the subject of law is not always a participant in legal relationships, whereas a party to a legal relationship is always a subject of law.

E. Trubetskoy believed that the subject of law is one who is able to have rights regardless of whether he actually uses them or not [11].

The subject of law is a person having a legal personality (or only legal capacity, if it is isolated), that is, a person potentially (in general) able to be a party to legal relationships [12]. In the legal sources of the late XIX - early XX centuries the notion of "subject of law" was used to refer to the carrier of "subjective rights".

Concerning the equivalence of the concepts of "subject of law" and "subject of legal relations", certain reservations are made in the literature and it is difficult to disagree with it. First, a specific citizen as a permanent subject can not be a party to all legal relationships at the same time; and secondly, infants, young children, mentally persons, being subjects of law, are not subjects of the majority of legal relations; and thirdly, the legal relationship is not the only form of realization of law [13]. These differences, of course, must be held in mind.

"The subject of law" is quite a broad concept that includes many derivatives, which is why the carrier of rights and responsibilities is not always a party to legal relationships, since it is not possible to simultaneously implement all their rights and obligations [14].

"The subject of law" - a universal legal form of the person (physical and legal), which, in view of its specificity, is the bearer of all of its subjective rights and obligations, enshrined in legal norms (objective law).

It should be noted that all people (individuals) from the moment of birth are the subjects of law as in the understanding of their abstract personality in relation to all applicable legislation, and in the sense of their specific legal personality - as the real carriers of the officially recognized (born and inalienable) human rights and freedoms [15]. Man is the main primary subject of law, which plays a special role in the system of subjects of law. Individual as a subject of law - this is the initial basis and an indispensable prerequisite for the possibility of occurrence of non-individual (group, etc.) subjects of law. For the legislation the right to freedom of the individual and other subjects of social life in legal form determines the possibility of their functioning in conditions of social integrity and a stable regulatory-legal sphere [14].

The subject of law is characterized by the following signs. First, it is a person, a participant in social relations (individuals, organizations), which in its features can actually be the bearer of subjective rights and

legal responsibilities. To do this, it must have certain qualities:

- external isolation;
- personification (appearance in the form of a single person - persons);
- the ability to produce, express and exercise the person's will.

Secondly, this person, who is really able to participate in legal relationships, has acquired the properties of the subject in the force of legal norms. In other words, legal norms form the basis of the statement of individuals, organizations, public entities as subjects of law [13].

In accordance with the above concepts of the subject of law and his characteristic features of the subject of the right to freedom of opinion and religion is an individual who, from the moment of birth, has the ability to directly have subjective rights and obligations.

The ability of a person to be a subject of civil law is characterized by its civil legal personality, which in a generalized form defines the content of state-guaranteed legal capacity of a participant in civil relations. Components of legal personality are socio-legal properties of legal ability, capacity and delicacy. Among them is the legal capacity - the general, not specified ability of the person to have civil rights and responsibilities. Civil legal capacity is inherent in every person, from it can not be refused or give away to anyone. It arises from birth and ceases to be death. Individual rights can be acquired only with the achievement of a certain age [16, p. 29].

Eligibility does not depend on the physical or mental condition of a person, on whether he is capable of carrying it out. Both the newborn and the mentally ill have civilian capacity in the same measure as an adult healthy person. Eligibility must be distinguished from subjective civil law. Liability is an abstract opportunity to have the rights and responsibilities specified in the law. Subjective right is a right that already exists and belongs to a particular person.

Characteristic features of legal capacity: reality, security (every individual is guaranteed the opportunity to become the subject of all rights and obligations (Article 24 of the Constitution of Ukraine). [17] Any obstacles that limit the ability to acquire civil rights and freedoms are eliminated by measures of state authorities; equality (all individuals have equal rights to have the

rights and obligations stipulated by law, regardless of race, nationality, political or religious beliefs, sex, ethnic or social origin, place of residence, language or other characteristics); capacity (an individual can not transfer his legal capacity to another person in a paid or non-paid contract).

The scope (content) of legal capacity constitutes all civil rights and obligations which an individual may acquire in accordance with the law. The law does not provide an exhaustive list of possible civil rights that an individual can acquire, since their range is quite wide and it is impossible to enumerate them in the legislative form. With changes in the political, economic situation in society and the state, new rights may be included in the scope of legal capacity, and existing ones can change qualitatively. Any person, regardless of age and health, is legally competent, but not every person has the capacity to act [18]. However, for the realization of legal capacity and the acquisition of specific subjective rights and obligations a person must be endowed with appropriate capacity. Civilian capacity - is the ability of a person by his actions to acquire for himself civil rights and independently carry them out, as well as the ability by their actions to create for themselves civil obligations, to independently perform them and bear responsibility in case of their non-fulfillment [16, p.31]. The right to freedom of thought and religion, as well as other personal non-property rights that ensure the natural existence of a person, belongs to a person from the moment of his birth and ceases with the moment of death, can not be transferred under the contract, but if a person loses the ability to exercise and protect his natural rights independently in the prescribed by law, these rights may be exercised in the interests of the person by other persons who are authorized by law or by court (parents, guardians, trustees).

As it was noted earlier, the right to freedom of thought and religion is automatically acquired by every person from the moment of his birth, but the possibility of its implementation needs some attention.

One of the main features of the subject of the right to freedom of thought and religion is to realize it from a certain age. Every person's religion begins from birth. Parents (guardians), from the very early age, choose faith for their children, usually the one who professes themselves. This is manifested in

the characteristic religious rites, for example, the Christian sacrament of "baptism," the Muslims is "the dedication of the child to God," the Hinduism is a jatar-karma. The peculiarity is that the conduct of such appearances is the first legally significant fact that occurs in the life of a newborn child who has the right to freedom of world outlook and religion, but carried out by his parents (guardians, trustees). The biological and spiritual development of man are interconnected, then with the age of the corresponding changes occur in the psychic sphere. Gradually social maturation is realized, the dynamics of spiritual development of the personality manifests itself. This serves as a natural basis for the allocation of successive stages of human development and the formation of age-old periodization [19].

E. Erickson identified 8 stages in human development: infant (from birth to one year), early age (1-3 years), preschool age (3 - 6, 7 years), adolescence (7-12 years), youth (13 - 18 years), early maturity (third decade), middle age (fourth and fifth decades of life),

late maturity (after the sixth decade of life). Each age or period of human development is characterized by the following indicators (L. Vygotsky, D. Yelkonin):

- a) a certain social situation of development or a concrete form of relations in which the person enters with other people in this period;
- b) the main or main type of activity;
- c) the main mental tumors (from individual psychological processes to the properties of the person). [19]

Characteristic indicators vary with each passing year, so we can conclude that each person develops at different speeds, and therefore the formation of her as a person occurs more or less in the period from 14-21 years, therefore, significant religious events in the life of a child under 18 years of age carried out by parents (guardians, trustees). This indicates that the rights and obligations that were granted to it by the state from the moment of birth are independently exercised since the age of majority (18 years).

Conclusion

The subject of the right to freedom of thought and religion is the general subject of personal non-property rights, but with some peculiarities. First, the exercise of this right derives from a certain legal fact, namely, an individual can independently exercise the right to freedom of opinion and conscience with the onset of adulthood, until this time carried out by parents of guardians and trustees. Secondly, the physical person-carrier of civil personal non-property rights of freedom of outlook and religion always remains the subject of law, it does not require, however, to enter into legal relations with other subjects. Thus, the subject of freedom of the worldview and religion is a natural person who is born from birth with civil capacity (certain rights and obligations) and can independently exercise his rights and obligations with the onset of a legal fact (full age), before the onset of a legally significant fact, rights and obligations are exercised by legal representatives (parents, guardians and trustees) within the limits of the law.

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Release from criminal liability for corruption-related offences: concepts, grounds and conditions



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Abstract. This article examines the essence and meaning of the basic concepts of the institute of the exemption from criminal liability for corruption crimes are revealed. The three-pronged essence of the grounds for such exemption is highlighted. The approaches to the analysis of goals, objectives and grounds for the use of special types of exemption from criminal liability as one of the areas of implementation of state anti-corruption policy are also substantiated. The results of such research are consistent with the principles of criminal law and generally accepted norms of international law and confirmation of the implementation of the anti-corruption strategy of Ukraine.

Keywords: corruption crimes, criminal liability, "grounds", "conditions", the three-pronged essence of the grounds for exemption (normative, factual and procedural).

Introduction

The relevance of the theme of the study is related to the change in the direction of world and national criminal policy in the direction of the primary protection of the rights, freedom and interests of the victim, individualization of criminal responsibility and punishment.

The relevance of the theme of the study is related to the change in the direction of world and national criminal policy in the direction of the primary protection of the rights, freedom

and interests of the victim, individualization of criminal responsibility and punishment.

New forms and methods of state response to a crime committed to prevent or reduce the

consequences of a crime are looked for. Considerable attention has been paid to changes and additions to the institute of release from criminal liability in the new criminal legislation. The existence in the CC of Ukraine of special cases of release from criminal liability is substantiated by the desire to compromise with the offender in order to achieve a more significant result than bringing the criminal responsibility of the perpetrator.

Wider scope of factors, which are taken into account in determining the legal consequences of a crime, is comprised in the modern practice. It includes the expression of will and the personal qualities of the offender, manifested not only during the commission of the crime, but also after it. The economic and legal situation prior to the commission of the crime and other factors are taken into account. The rules of law, which encourage citizens to be active in the prevention, disclosure and investigation of crimes, improves.

The purpose of the article.

In these circumstances, the most actual is the formation of reliable theoretical and methodological foundations of such an encouraging institute as special types of exemptions from criminal liability for corruption crimes. The solving of this question is necessary to assess the meaning of these provisions to be an element of the national criminal-legal justice system, clarifying the directions of development of the criminal anticorruption policy of the country.

Of course, the grounds and conditions have utmost importance for the exemption from criminal liability for corruption crimes, since the direct application of these norms directly depends on these basic categories.

Analysis of recent research and publications.

The problems in determining the grounds and conditions for exemption from criminal liability were paid attention by domestic and foreign scholars such as Kh. Alikperov, Yu. Baulin, V. Horzhey, E. Dadakayev, V. Yegorov, O. Zhytnyi, V. Kyshnaryov, I. Petrukhin, V. Tertyshnyk, D. Filin, P. Khryapynskyi and etc.

One of the forms of counteraction to crime was the application of not only measures that change or supplement the punishment, but also those that absolutely exclude criminal prosecution at the beginning of the XX century and at the beginning of the XXI century. For example, the alternative is to release a person

who committed a crime from criminal liability for this crime.

Presentation of the main research material.

There are different views on the definition of exemption from criminal liability in the theory of criminal law. So, O. O. Dudorov defines it as a refusal of the state in the person of the competent authorities from the conviction of the person who committed the crime without using criminal-law means of compulsory nature, regulated by criminal and criminal-procedural law.

S. S. Yatsenko formulates the concept of exemption from criminal liability to be an implemented in accordance with the criminal and criminal procedure law denial of the state in the person of the relevant court from the application of criminal law measures to those people who committed crimes.

Yu. V. Baulin's opinion is that, the refusal of the state, which is provided by the law, from the person's appliance who committed a crime, restrictions on certain rights and freedoms determined by the CC of Ukraine. O. F. Kovitidi understands the legal consequences of a crime envisaged by law, which consists of the country's refusal to condemn the person who committed the crime and without using criminal-law measures that may be imposed on her in connection with her conviction.

The exemption from criminal liability is dismissal of a person from a negative assessment of his conduct in the form of a conviction by S. H. Kelina.

N. F. Kuznetsova explains this legal appellation as the release of a person who committed a crime, but then lost his public danger due to a number of circumstances specified in the criminal law.

The objective necessity of the existence of this institution in legal science is explained in different ways. The basis of exemption from legal liability is its humanization in the general theory of law; institute of dismissal from liability see as a means of implementing the principle of individualization in the legal mechanism.

As a manifestation of the principle of humanism, the Institute for the exemption from criminal liability is also considered in the science of criminal law.

It seems to be the humanism as one of the principles of criminal law and to be individualization as a component of the

principle of justice, given the variety of forms of expression, cannot be her explanation for the refusal of the country to condemn a person for the crime committed by this person.

Kh. D. Alikperov notes that all the norms of the investigated institute are a normative reflection of the idea of a compromise in the concept of modern criminal-legal struggle against crime.

It is difficult to argue with it, but the idea of a compromise in the fight against crime is also being implemented in other criminal law institutes (for example, in special rules for the imposition of a punishment when entering into a pre-trial agreement about cooperation, in the institute of exemption from punishment). In addition, the compromise, dictated not by material, but by other (processual, operational-searchetive, etc.) reasons, does not always give a positive effect.

In addition, the compromise, dictated not by material, but by other (processual, operational-searchetive, etc.) reasons, does not always give a positive effect.

Therefore, each of the analyzed concepts of exemption from criminal liability for crimes in general has its rational basis, but there is a need to define this concept directly for corruption crimes. The difference in understanding is related to the changes that have already been made to the CC of Ukraine for the implementation of international obligations to combat corruption (in particular, the fixing of the list of articles related to corruption crimes and the definition of restrictions on the application of encouraging norms for them of the general part and foreseeing criminal-law measures concerning legal entities, etc.).

So, the exemption from criminal liability for corruption crimes is regulated by criminal and criminal-procedure legislation, the refusal of the state through the competent authorities from the appointment of a person who committed a corruption offense, punishment and the imposition of criminal legal measures against legal entities.

The considerable experience is already accumulated considerable experience in the application of the norms that provide for the release of a person from criminal responsibility in the science of criminal law, but significant changes in anti-corruption legislation have made many innovations in the norms of the Criminal Code of Ukraine.

The considerable experience in applying the norms that provide for the exemption of a person from criminal liability has already been accumulated in the science of criminal law, but significant changes in anti-corruption legislation have made many innovations in the norms of the CC of Ukraine.

The above changes are related to the fact that since October 2014 a number of extremely important laws have been passed which can be considered the largest legislative reform in the field of combating corruption during the existence of a new independent Ukrainian state, such as: Laws of Ukraine "On Amendments to the Criminal and Criminal Procedural Codes of Ukraine Regarding the Inevitability of Punishment for Certain Crimes Against the Basics of National Security and Corruption Crimes (the Law on conviction in absentia)" (dated 07.10.2014), "On the Principles of State Anti-Corruption Policy in Ukraine (Anti Corruption Strategy) for 2014–2017"; "On the National Anti-Corruption Bureau of Ukraine"; "On Prevention of Corruption"; "On Amending Certain Legislative Acts of Ukraine Concerning the Definition of Final Beneficiaries of Legal Persons and Public Figures"; "On Prevention and Counteraction to the Legalization (Laundering) of the Income derived by Terrorism, Financing of Terrorism and Financing the Proliferation of Weapons of Mass Destruction" (dated 14.10.2014), "On Amendments to Certain Legislative Acts of Ukraine to Ensure the Activities of the National Anti-Corruption Bureau of Ukraine and the National Agency for the Prevention of Corruption" (dated 02.02.2015).

These laws introduced radical changes to some articles of the Criminal Code of Ukraine; in particular, the concept of "corruption crimes" was introduced at the legislative level in the note to Art. 45 of the CC of Ukraine.

The opportunities to investigate at their levels special types of exemption from criminal liability for corruption crimes appeared for scientists and practitioners for the first time.

Of course, the very scientific and practical analysis is the most valuable and significant, however, taking into account the insignificant time elapsed since the introduction of most of the proposed changes to the law in effect and the law coming into force (in particular, the term "corruption crimes" dated 02.02.2015) similar results and generalizations are only in

perspective. However, now a scientifically substantiated study of such basic categories of exemption from criminal liability as the grounds and conditions will allow us to determine the main aspects of which the application of these norms depends.

It states that corruption crimes in accordance with this Code are crimes provided by articles 191, 262, 308, 312, 313, 320, 357, 410; in the case of their commission by misuse of official position, as well as crimes provided for in articles 210, 354, 364, 364-1, 365-2, 368-369-2 of this Code, in the note to Art. 45 of the CC of Ukraine "Exemption from criminal liability in connection with effective repentance".

Most of the above-mentioned articles of the CC of Ukraine don't provide for special grounds and conditions for exemption from criminal liability. Such articles of the Criminal Code of Ukraine are art. 191 "The misappropriation, embezzlement or possession of property by way of abuse of office"; art. 262 "The abduction, misappropriation, extortion of firearms, ammunition, explosives or radioactive materials or possession of them by fraud or abuse of office"; art. 308 "The abduction, misappropriation, extortion of narcotic drugs, psychotropic substances or their analogues or taking them by possession by fraud or abuse of office"; art. 312 "The abduction, misappropriation, extortion of pre-cursors or possession of them by fraud or abuse of office"; art. 313 "The abduction, misappropriation, extortion of equipment intended for the manufacture of narcotic drugs, psychotropic substances or their analogues, or taking possession by fraud or abuse of office and other unlawful actions with such equipment"; art. 320 "The violation of established rules of circulation of narcotic drugs, psychotropic substances, their analogues or precursors"; art. 357 "The abduction, misappropriation, extortion of documents, stamps, seals, seizure by fraud or abuse of office, or damage to them"; art. 410 "The abduction, misappropriation, extortion by a servicemen of weapons, ammunition, explosives or other military assets, means of transportation, military and special equipment or other military property, as well as possession of them by means of fraud or abuse of office."

Part two of the note of art. 45 of the CC of Ukraine contains the majority of articles,

which also don't provide for special grounds and conditions for the above-mentioned exemption the guilty, in particular: art. 210 "The misuse of public funds, incurring the expenditure of budget or providing loans from the budget without established budget appointments or exceeding of them"; art. 364 "The abuse of power or office"; art. 364-1 "The abuse of powers by a public official of a legal entity of private law irrespective of the organizational and legal form"; art. 365-2 "The abuse of powers by an official who provides public services"; art. 368 "The adoption of an official offer, promise or obtaining unlawful benefit by an office"; art. 368-2 "The illicit enrichment".

Art. 354 "The bribing a worker at enterprises, organizations and institutions" which is specified in the note of Art. 45 CC of Ukraine (in fact), directly contains the grounds and conditions for exemption from criminal liability for corruption crimes.

Thus, in part 5 of Art. 354 of the Criminal Code of Ukraine states that a person who has offered, promised or obtained unlawful benefit is exempted from criminal liability for crimes stipulated by articles 354, 368-3 "The bribing an office of a legal entity of private law irrespective of the organizational and legal form"; 368-4 "The bribing an official who provides public services"; 369 "The offer, promise or obtaining unlawful benefit given to an office"; 369-2 "Abuse of influence" of this Code, if after offering, promising or obtaining unlawful benefit, the person voluntarily informed the law enforcement agency (before receiving other sources of information) about this crime and actively contributed to the disclosure of an offense committed by a person who obtained unlawful benefits or accepted her offer or promise.

The specified exemption does not apply if the offer, promise or unlawful benefit were committed in relation to persons specified in part 4 of art. 18 of this Code.

So a person cannot be exempted from criminal liability if the offer, promise or unlawful gain has been committed against officials who are officials of foreign countries ((persons who occupy positions in the legislative, executive or judicial branches of a foreign state, including jurors, other persons who carry out the functions of the state for a foreign state, in particular for a state body or state enterprise), by foreign arbitration judges, persons authorized to resolve civil,

commercial or labor disputes in foreign countries in an order, alternative judicial, officials of international organizations (by employees of an international organization or by any other persons authorized by such organization to act on its behalf), as well as by members of international parliamentary assemblies, to which Ukraine is a member, and by judges and officers of international courts.

Speaking about the general characteristics of the exemption from criminal liability for corruption crimes, the grounds and conditions of application of this legal institution are subjects to study, first of all. In view of this, let's dwell on the formulation of the essence of the concepts of "ground" and "condition".

An academic explanatory dictionary defines the basis as the main thing, based on what is based on something; a scientific basis as something that explains, justifies actions, behavior, etc. somebody.

Note that in the legal sense, in relation to legal liability, the basis has a triune essence: normative, factual and procedural.

The simultaneous presence of all these components is a prerequisite for the application of the exemption of a person from legal (in our case, criminal) liability.

The normative basis – is the presence of a rule of law, which provides for the possibility of exemption from criminal liability.

The actual basis – is the availability of conditions for exemption from the offense (actually committed deed).

The procedural basis – is the availability of implementing law, which specifies the general requirements of incentives into the legal rules of criminal law (contains conditions), determines the procedure for exemption from criminal liability.

The condition is inextricably linked with the essence of the grounds for exemption from criminal liability. The condition is a thing, which forms the cause or creates the possibility of its action, and this connection is conditioned with the consequence; the condition is a requirement, a proposal put forward by one party, negotiating about something, as well as when entering into an agreement, a contract, by an academic explanatory dictionary.

Under the notion of "cause" understand the thing that determines directly, generates another thing – the consequence.

Taking into account the clarified interpretation of these basic concepts of "grounds" and "conditions" for exemption from criminal liability for corruption crimes, we can outline their general characteristics:

- the normative basis is availability, where the incentive legal rules of criminal law is contained in art. 354 of the CC of Ukraine;

- the factual basis is the presence taken together provided for conditions for exemption from criminal liability in Part 5 of Art. 354 of the Criminal Code of Ukraine 1) after a proposal, a promise or an unlawful benefit; 2) before obtaining information about this crime from other sources by the relevant body; 3) a voluntary of crime report; 4) active assistance in disclosing a crime;

- the procedural basis is the norms of law, in particular the CPC of Ukraine, which determine the procedure for exemption from criminal liability.

Speaking about the grounds for exemption from criminal liability, there are many controversial views about the conditionality of their existence in criminal law among scientists. Yu. V. Baranov considers the general ground for exemption from criminal liability "something positive that happened in the subject, which is enshrined in the legal formulation".

In this, the author specifies that the general basis for all types of exemption from criminal liability is the loss former public danger of the person committed the crime, although it is only mentioned in Art. 48 of the CC of Ukraine (exemption from criminal liability in connection with the change in the situation).

N. F. Kuznetsova notes, that the general basis for all types of exemption from criminal liability is the loss former public danger of the person committed the crime. In connection with this fact, there is no need to apply criminal liability measures to person. Indeed, the public danger of a person is the objective quality, a category that, under the influence of objective or subjective circumstances, can identify a certain change. So, if the person who committed the crime, after that, made a certain positive post-criminal behavior on restoring the primary (criminal) status of the objects of the criminal law (paid wages, scholarships, pensions or other payments; paid taxes, fees, other obligatory payments, and also compensated the damage inflicted by the state on their untimely payment; handed

in weapons to the authorities, military supplies or explosive devices, etc.), then obviously the public danger of this person is changing.

Most scholars are looking for the basis of exemption in a public dangerous act committed or in the person who committed it, and they see the person of an act in a small public danger or person. Thus, K. K. Vavilov, investigating this problem, believes that such grounds (common to all types of exemption) consist of a small public danger of the crime or the person who committed it. He proposes to divide the grounds for exemption from criminal liability for the formal (legal) (the norms of substantive law, which provide for the exemption) and material (those legal facts, the existence of which involves the application of the rules on dismissal, that is, the circumstances that most characterize the committed criminal act or the person who committed it, make it appropriate that type of release and indicate a small degree of social danger of the act or the person who committed it).

S. G. Kelin substantiates the concept of two general (universal) grounds for exemption from criminal liability, which can only be applied in aggregate. She includes to them: 1) a small public danger of the committed crime; 2) the absence or small public danger of a person who, as a result, does not need remedying at all, or can be remedied without the use of a punishment. N. A. Yegorova notes that the basis for exemption from criminal liability for most of its types may be both the named grounds in aggregate and each separately.

V. V. Svyerchkov, believing that, supports this position the general basis for exemption from criminal liability "alternatively consists of the following subjective and objective features: a) subjective – the absence, loss or reduction of danger (harm) of a person for society, b) objective – the loss or reduction of harm (public danger) of the committed act on the time of exemption".

O. Zhitnyi, investigating the problem of exemption from criminal liability in connection with the repentance, argues the position of the existence of a general ground for exemption from criminal liability. In his opinion, the grounds for exemption from criminal liability should be established taking into account the formal and criminal-political parties. In this regard, the formal (legal)

grounds for exemption are the norms of substantive law governing the exemption from criminal liability. They are the legal form of the factual (material) basis for exemption from criminal liability, which is inappropriate to extend the criminal legal relationship between the state and the person who committed the crime and the implementation of the criminal liability of this person in connection with the achievement of certain desired results for society.

Given the scope of our research, the essence of the existence of a general ground for exemption from criminal liability for corruption crimes is proposed to be precisely such a solution to the problem of corruption in our state.

Since for those people who committed corruptive crimes, it should be exempted from liability and punishment, in particular with the bail bond, in connection with the effective repentance, trial, etc. (Law of Ukraine "On the framework of state anti-corruption policy in Ukraine (Anticorruption Strategy) for 2014–2017" of 14.10.2014). Only special types of exemption from criminal liability for corruption crimes remain as the only measure to combat corruption with the help of such special incentive norms of criminal law.

It is worth noting that none of the special types of exemption from criminal liability for corruption crimes is not an effective repent in its pure form. In this case, a particularly careful research needs any of the conditions that, in the complex, may be the actual basis for the application of such exemption to the guilty person.

Analyzing the above considerations, we share the opinion of A. A. Yashchenko that the small public danger of the committed act and the person who committed it is not a general (universal) basis for exemption from criminal liability. Because of the application of special types of exemption provided for in the articles of the special part of the CC, neither a person nor the acts committed by him do not lose their public danger.

The accent should be shifted from the characteristics of the criminal act to assess the post-criminal behavior of the individual. The basis for exemption is not the commission socially dangerous acts, and certain socially useful actions of a person. Therefore, we agree with the statement that the commission of an act, which does not constitute a major public danger, can't be the basis for the

exemption from criminal liability, neither in combination with the small public danger of the person who committed the act and separately, since the law allows for exemption not because the person committed an act that does not represent a major public danger, but only under the condition of a positive post-criminal behavior of a person.

This approach corresponds to the content of the concept of a universal basis for special types of exemption from criminal liability for corruption crimes. Accordingly, such a universal reason is a positive post-criminal behavior of the individual.

Particular attention deserves an exclusion from the list of necessary conditions for exemption from criminal liability for corruption crimes. It is the availability of extortion of unlawful benefit. Until recently, such a condition was traditional for domestic incentives into rules of criminal law, so to speak. The refusal of the legislator from its foresight in the future is evidence of a counteraction by the state not only by the passive adoption of unlawful benefits, but also by active bribery.

Conclusion

Consequently, the essence and meaning of the basic concepts of the institute of the exemption from criminal liability for corruption crimes are revealed. They are "grounds" and "conditions". The three-pronged essence of the grounds for such exemption (normative, factual and procedural) is highlighted. The approaches to the analysis of goals, objectives and grounds for the use of special types of exemption from criminal liability as one of the areas of implementation of state anti-corruption policy are also substantiated. The results of such research are consistent with the principles of criminal law (the benefits of mitigating circumstances, the saving of criminal repression, etc.) and generally accepted norms of international law and confirmation of the implementation of the anti-corruption strategy of Ukraine.

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NON-PUNITIVE MEASURES OF CRIMINAL AND LEGAL NATURE (SECURITY MEASURES) UNDER LEGISLATION OF THE EUROPEAN UNION



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Introduction

Currently, majority of states, having in mind the purpose of resocialization of a guilty person as the main purpose of a criminal law, follow the principle of dualism of punishments and other means of criminal influencing, first of all the so-called "security measures", in their criminal and legal policy.

Comparative analysis of the system of non-punitive measures of criminal and legal nature (security measures) of certain countries of the European Union allows to determine basic provisions that characterize the tendencies in the criminal and legal policy of the said countries with regard to regulation of the criminal effects of a committed crime in the form of a punishment and adopt this positive experience.

Status of research. Works E. L. Biktimirova, K. M. Karpova, V. M. Kutsa, A. A. Pavlova, M. I. Panov, Y. A. Ponomarenko, N. Y. Skrypchenko, A. M. Yashchenko and other national scientists have been dedicated to the study of the issue of the measures of non-punitive nature (security measures). Despite the scientific studies of this issues, still today the common notion of non-punitive measures of criminal and legal nature is absent, the study of non-punitive measures of criminal and legal nature (security measures) under the legislation of the European Union states has not been carried out.

Purpose of the Article is the study of non-punitive measures of criminal and legal nature (security measures) under the legislation of the European Union states.

Presentation of the main material. For centuries, application of punishments used to be one of the few, if not the only mean of performance of the tasks of criminal law,

however, from the second part of the XIX century there emerged an understanding that legal arsenal of this field should be much broader. Recently it has become practically generally recognized that for performance of guarding and preventive tasks criminal law can and should foresee along with punishment, some other (non-punitive) coercive measures. For this reason, national and foreign criminal law divide all measures of criminal and legal influence into two categories: 1) punitive and 2) other measures of criminal and legal influence, which are called "security measures" in foreign law.

Criminal code (hereinafter – "CC") of Ukraine applies for this aim the notion "other measures of criminal and legal nature", which are defined in science as "coercive measures provided for in criminal law, applied by a court with regard to a natural or legal person in order to eliminate the conditions that facilitate

committing socially dangerous acts." [1, p. 467-468].

National legislator includes to the category of non-punitive, other measures of criminal and legal nature coercive measures of medical nature, compulsory treatment, special confiscation and measures regarding legal persons (chapters XIV "Other measures of criminal and legal nature" and XIV-1 "Measures of criminal and legal nature regarding legal persons" of the CC of Ukraine). Having in mind the nature, and majority of scholars agree with it, these measures also include compulsory re-education measures. [2]

Foreign list of these types of measures, for instance in the legislation of the European Union states (hereinafter – "EU"), and their application is wider than in Ukrainian criminal law. Unlike punishment, security measures do not aim to take revenge or intimidate but aimed at elimination of "dangerous condition" of a person who has committed or has not committed but may commit a socially dangerous act.

Going ahead with the analysis of the security measures provided for by the CC of certain EU countries, it should be noted that legislators seek to emphasize the importance of the principle of legality during application of these measures, and set out general principles for their application. Under the Criminal Code of Italy, and in accordance with Part 3 of Art. 25 of the Constitution of Italy of 1947 [3], no one may be subjected to a security measure not provided for by the criminal law in force. We should note that Part 2 of Art. 1 of the Criminal Code of Spain specifies that security measures may only be applied when the cases previously established by law concur, and Art. 6 of the Criminal Code of Spain specifically stipulates that security measures shall be based on the criminal risk of the subject on whom they are imposed. The same article also indicates that security measures may not be onerous, nor last longer than the punishment abstractly applicable to the act committed, nor exceed the limits necessary to prevent danger caused by a guilty person. [4]

CC of the EU states distinguish the following measures of corrective and security measures:

I. Security measures related to isolation from society. In their application, the court should establish that the person while being on the outside, is danger to other

people, state and society. Isolation-related security measures include:

1. *Placing in a facility for offenders with mental disorders.* This measure is provided for in § 21 of the CC of Austria [5], Art. 217 of the CC of Italy [6] (placement in a special medical facility in accordance with the Criminal Code of Italy is possible in respect of persons convicted of a deliberate crime to reduced sentence due to mental disorder), Art. 37 of the Criminal Code of the Netherlands (CC of the Netherlands provides for the possibility of compulsory treatment of persons with mental disorders and who have committed a criminal act at hospital. (Art. 37a-38i of the CCC of the Netherlands) and as an outpatient (Art. 38-38b of the CC of the Netherlands), at the same time, application of coercive measures of a medical nature may not restrict the freedom of worship, religious or other beliefs or restrict the constitutional rights of the person to whom this security measure is applied) [7], § 63 of the CC of the FRG (measures applied to the mental patients consist in placement of a patient to a hospital or a shelter) [8], Art. 96 of the CC of Spain [4]. The CC of Bulgaria regulates application of this security measure in a quite detailed way [9]: a) transfer of such a person to his relatives who have undertaken an obligation to provide for his treatment under control of a psycho-neurological hospital; b) coercive treatment in a psycho-neurological hospital (it is applied to the mental patients who, because of his or her mental state and the nature of the committed socially dangerous act, requires hospital care and compulsory treatment); c) compulsory treatment in a special psychiatric hospital or in a special department of a general psychoneurological institution (Art. Art. 89-92 of the CC of Bulgaria). The CC of Denmark points on psychiatric treatment in a hospital in case of need as on different types of security; sending a person temporarily or for the term of the sentence to a hospital, appropriate place of residence or institution for special care; sending to a hospital for the mental patients or to an institution for persons with severe mental disorders; delivering to care which corresponds to a mental disorder; sending to a suitable house or institution to receive the necessary care (§ 68-70 CC of Denmark) [10].

2. *Sending to a facility for offenders suffering from drug or alcohol addiction,* - §

22 of the CC of Austria [5], Art. 218 of the CC of Italy (special medical institutions accommodate persons convicted of deliberate crime for reduced punishment as a result of chronic alcoholism or drug addiction) [6], § 64 of the CC of the FRG [8], § 68-70 of the CC of Denmark (in Denmark, treatment for alcoholism or drug addiction or addiction to similar medical substances is carried out, if necessary, in a hospital or in a special institution) [10], Art. 96 of the CC of Spain [4].

In addition, dangerous recidivists have to be placed to special institutions (§ 23 of the CC of Austria) [5]; keeping in custody the persons "found guilty of murder, robbery, imprisonment, serious violent crime, threatening, arson or attempted one of these offenses" and carrying "obvious danger to life, body, health or freedom of others" in connection with previously committed crimes for isolation and security (§ 70 of the CC of Denmark) [10]; placement to a reformatory (special correctional institution in Spain) – juvenile offenders (Art. 219 of the CC of Italy, Art. 96 of the CC of Spain) [6; 4]; placement of persons convicted of a deliberate crime to a special hospital to reduced punishment for deafness (Art. 220 of the CC of Italy) [6]. Of a particular note is the preventive detention provided for by § 66 of the Criminal Code of the FRG. This security measure is imposed if a person has already been sentenced to imprisonment and found to be dangerous for the society "due to his / her tendency to commit serious criminal acts, namely, those resulting in serious moral or physical harm to the victim" [8].

II. Security measures and remedies related to restriction of liberty. These security measures relate to freedom of movement and consist in the following prohibitions: sending to an agricultural settlement or an employment establishment (Ar. 221 of the CC of Italy) [6], an obligation to stay in a certain area, as well as a ban on living and staying in certain areas (Art. 105 of the CC of Spain) [4], ban on living in one or more communes or provinces (Art. 228-235 of the CC of Italy – the minimum period of such prohibition shall not be less than one year. This security measure applies to persons who have committed crimes against the state or public order, as well as crimes that affect other social relations, but because of political

reasons or in case of certain social or moral circumstances. A prerequisite for this security measure is commitment of a crime in a particular area) [6], necessity to live in an appropriate house or institution (§ 57 of the CC of Denmark) [10].

III. Property security measures are mainly represented by *confiscation* (§ 26 of the CC of Austria, 236-240 of the CC of Italy, § 25-27, 54, 75, 76a of the CC of Denmark, Art. 1-6 chapter 36 paragraph 3 of the CC of Sweden) [5; 6; 10; 11]. At the same time, Art. 36e of the CC of the Netherlands also distinguishes confiscation of income, obtained through crime [7], and § 75-77a of the CC of Denmark also distinguishes confiscation of property on a level of ordinary confiscation. [10]. Confiscation is provided for in paragraph 8 part 1 § 11 of the CC of the FRG "Persons and things», except for security measures and corrective measures" (§ 73-73a, 73c of the CC of the FRG) [8].

CC of the above countries distinguish the following forms of compensation as: "compensation of damage" (Art. 105 of the CC of Spain, Art. 8 chapter 1 part 1 of the CC of Sweden) [4; 11], "compensation of material and moral damage" (Art. 105 of the CC of Spain) [4], "payment of compensation for any damages caused in the result of a crime" (§ 57CC of Denmark) [10].

Apart from the above property security measures and corrective measures, the following measures are distinguished: "seizure of benefit" (§ 20-20b of the CC of Austria) [5], "removal of a thing from circulation" (Art. 36a-36d of the CC of the Netherlands) [7], "rendering the objects unfit" (§ 73-73a, 73c of the CC of the FRG) [8], "a bond as a guarantee of proper behavior" (Art. 236-240 of the CC of Italy) [6], "adherence to the probation service decision regarding restrictions on disposing of their income and capital and fulfilling their economic obligations" (§ 57 of the CC of Denmark) [10], "participation in charity events of the bodies for the protection of childhood and youth, and if necessary – of a special nature, and implementation of the prescriptions issued by the social security bodies" (§ 57 of the CC of Denmark) [10], "c" (Art. 7-9 chapter 36 part 3 of the CC of Sweden) [11].

IV. Security measures and corrective measures not connected with restriction of liberty and restriction of property rights are quite different and do not restrict rights in different spheres of live. These include:

1. *Professional disqualification* (Art. 105 of the CC of Spain) [4]. CC of the DRG refers to this security measure and corrective measure as to "a prohibition on a profession, that is a prohibition on a profession, craft, or type of craft" (§ 68-68c, 69-70 CC of the FRG) [8], and the CC of Austria – removal from a post (§ 27 of the CC of Austria) [5]. Such restriction as "refusal to engage in business activities requiring special public sanction or permission", provided for in the CC of Denmark, is closely related to the above restrictions. Deprivation of the right to continue to carry on business or to carry it out in certain forms, if the crime is associated with an obvious risk of abuse of that right is also a variant of this legal consequence. The same rules apply to other forms of business activity, if it is justified by special circumstances. According to the same rule, a person may be deprived of his or her right to be the primary shareholder of a joint-stock company or to be a manager or a member of the board of a joint-stock company, or a company or association that provides for special public authorization or a fund (§ 78-79 of the CC of Denmark) [10].

2. *Establishment of a supervision*. This security measure is provided for in the Art. Art. 228-235 of the CC of Italy [6], § 68-68c, 69-70 CC of the FRG [8], § 57 CC of Denmark [10].

3. *Expulsion of a foreigner from the state* (Art. 235 of the CC of Italy) [6]. In Spain, this measure applies to a narrower group of people – only to foreigners who are illegally staying in Spain (Art. 105 of the CC of Spain) [4].

In addition to the above, in the CC of the studied countries there can be found such security measures and corrective measures, not related to restriction of liberty and restriction of property rights, such as deprivation of the right to drive vehicles (Art.

105 of the CC of Spain, § 68-68c, 69-70 of the CC of the FRG) [4; 8]; deprivation of a license for weapons (Art. 105 of the CC of Spain) [4]; ban on visiting taverns and places where alcoholic beverages are traded (Art. 233 of the CC of Italy) [6]; abstaining from alcohol, narcotic or similar medical substance abuse (§ 57 of the CC of Denmark) [10]; warning; adherence to special conditions regarding offender's place of residence, work, education, leisure or communication with certain persons (§ 57 of the CC of Denmark) [10].

In the CC of Slovakia security measures have been called "protective" and include preventive detention; protective treatment; security care; security supervision; removal of things; cash withdrawal; seizure of property [12].

The CC of Poland provides for criminal and legal measures along with punishment. These, in accordance with Art. 39 of the CC, include: deprivation of public rights, prohibition to occupy certain positions, perform a certain profession or engage in certain economic activities, prohibition to operate vehicles, confiscation of property, obligation to compensate damages, monetary compensation, monetary payment, public announcement of a sentence [13].

French criminal law also knows a category known as "security measures", despite the fact that, since 1986, the French Criminal Code has abandoned the dualistic system of criminal sanctions (system of penalties and security measures system). Nevertheless, this category of measures continues to remain in the arsenal of criminal and legal means of French law, however, now security measures have changed both their name and their legal status: since 1986, these are the penalties that deprive or restrict rights. According to Art. 131-6 of the CC of France, these include: deprivation of driving licenses; a ban on driving certain vehicles; special confiscation of things; prohibition on engaging in any professional, commercial or industrial activity; prohibition on carrying or storing weapons; prohibition on living in certain places and others [14].

Conclusion

Having in mind the above, we conclude that corrective and security measures are significantly different from criminal punishment, serve for the benefit of society and facilitate achievement of the goals of the criminal policy. However, their application for the purpose of general benefit is far from being unconditional, especially from the point of view enshrined in the Basic law on human rights. Finding a balance of interests in this area is a priority for the legislator and the executor of law. We believe that in the near future, the priority areas for implementation of criminal policy in Ukraine will be improvement of existing legislative provisions on "other measures of a criminal nature". In order to further humanize domestic criminal law, new types of such measures should be developed and implemented, taking into account the positive experience of the EU countries (for example, deprivation of public rights, prohibition of staying in certain areas, preventive supervision, public announcement of sentence, etc.).

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CONCLUSIONS ON THE DEFINITION OF THE ADMINISTRATIVE AND LEGAL STATUS OF THE SCIENTIFIC-RESEARCH EXPERT-FORENSIC INSTITUTIONS OF THE MINISTRY OF INTERNAL AFFAIRS OF UKRAINE



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Abstract. There has been further justification that the legal status is a complex political and legal category that reflects the legal position of the subject in the state and society as a whole and (or) within the limits of certain types of legal relations by consolidating its rights, duties, responsibilities and other legally significant properties and characteristics in the norms of positive law.

It is determined that the administrative and legal status of scientific-research expert-forensic institutions of the Ministry of Internal Affairs of Ukraine is the position of the these institutions in

the mechanism of the state and in the system of administrative relations, determined by the current norms of administrative law by consolidating these subjects of a certain circle and the content of rights, duties and other legally significant properties and characteristics. The meaning of the legal status is that it is a category that reflects the complex of key aspects of the organization and activities of the investigated institutions.

Keywords: *legal status, administrative-legal status, scientific-research expert-forensic institutions.*

Introduction

In defining the structure of the administrative and legal status of scientific-research expert-forensic institutions of the Ministry of Internal Affairs of Ukraine, it is proposed to group the elements of the specified status into three blocks or groups:

- functional-target (purpose, objectives of the task and functions of institutions);
- structural-organizational (organizational subordination of institutions, the order of their creation, liquidation or reorganization, organizational-managerial and functional structures of these subjects);
- competencies (rights and obligations provided to institutions for the accomplishment of tasks and implementation of the functions entrusted to them, as well as responsibility).

Methodology

It is emphasized that the basis (core) of the legal status of any subject is their rights, duties and responsibilities, since these elements indicate the legal possibilities that the entity enjoys and what it must do, what kind of behavior it is required under the relevant conditions and circumstances, as well as what negative consequences it expects in the case of non-fulfillment (improper performance) of its duties and / or misuse of the rights granted to it. [3]

The analysis of the legally established directions of the work of the SREFI of the

Ministry of Internal Affairs of Ukraine made it possible to distinguish the following functions:

- a) organizational and managerial;
- b) expert and appraisal;
- c) law enforcement;
- d) informational-analytical and statistical;
- e) registration and accounting;
- f) scientific and scientific-technical;
- g) methodical;
- h) educational and educational;
- i) personnel;
- j) interaction with relevant actors at the national level and international cooperation

- on matters within the competence of institutions;
- k) preparing proposals for improving the current legal framework. [4]

Results and discussion

It has been established that the rights of scientific-research expert-forensic institutions of the Ministry of Internal Affairs of Ukraine are their recognized and guaranteed subjective opportunities that they can use, within the limits defined by the legislation, in order to realize their functional purpose and protect their legitimate interests. [9]

The rights of scientific-research and expert-forensic institutions of the Ministry of Internal Affairs of Ukraine are proposed to be divided into general and special. The first group includes all those belonging to each legal entity, because according to the current legislation, the SREFI of the Ministry of Internal Affairs of Ukraine is a legal entity. That is, these entities have separate property, they can acquire rights and obligations for themselves (in particular, to carry out research, educational, consulting and other types of works on a contractual basis), acting on their behalf in court instances. The special rights of scientific-research expert-forensic institutions of the Ministry of Internal Affairs of Ukraine are those that are given for the proper performance of the tasks assigned to them and the implementation of the assigned functions. These rights are enshrined in the provisions of normative legal acts that determine the legal status of the SREFI of the Ministry of Internal Affairs of Ukraine, as well as regulate the implementation of certain types of activities for which these institutions are authorized to perform. [1]

The administrative rights of the SREFI of the Ministry of Internal Affairs of Ukraine, which are proposed to be classified on the basis of such a criterion as the direction, namely external and internal, are identified and characterized. The first, that is, the external rights, are those which are implemented in the context of foreign organizational relations. It is also noted that the investigated institutions do not have such authorities of external direction, so they carry out their rights within the limits of horizontal administrative legal relations. By their nature, these rights are mostly positive, that is, they are expressed in the demand of the Ministry of Internal Affairs of Ukraine, acting as the

competent party, to make certain actions on its behalf from another person (persons), which in this case is obliged. The first, eligible party, without the performance of its duty by the last one, will not be able to exercise properly the subjective capabilities guaranteed by its law. [2]

It was emphasized that the SREFI of the Ministry of Internal Affairs of Ukraine, as a subject of public relations, implemented its foreign-oriented rights for the sake of:

- a) organizational, technical, scientific, informational and material-financial support of its activities;
- b) establishing interaction with other subjects of public and (or) private law at the national, as well as at international levels;
- c) ensuring independence and objectivity of performance of expert and evaluation works;
- d) protection of their rights and legitimate interests;
- e) strengthening and developing its scientific and scientific-technical potential. [8]

As for the second group of administrative rights, they are implemented within the framework of the relations that mediate (accompany) the internal organization of the investigated institutions. The rights of this group allow the above-mentioned institutions to solve independently issues related to: their organizational and managerial and organizational-functional structure, the resolution of personnel issues and the implementation of personnel management; planning and control; etc.

The conclusion is based on the fact that rights are one of the key elements of the administrative and legal status of the scientific-research expert-forensic institutions of the Ministry of Internal Affairs of Ukraine, as they point to the subjective possibilities that can be used by these subjects of administrative law and legal relations. [6]

However, the public nature of the investigated institutions (which is expressed in: firstly, their founders are state authorities; secondly, they are financed from budget funds; and thirdly, they are created for the implementation of socially important tasks and functions) imposes certain restrictions on the circle and the content of their rights, as well as some conditions for their implementation.

All rights which are granted to these institutions are aimed at enabling them to

ensure properly implementing of tasks and functions. At the same time, the need for effective control over the legality, quality and efficiency of the institutions of its functional purpose, and the use of the resources allocated to them from the budget allocated to them, necessitates the consent of the higher authorities for the realization of certain of their capabilities by the Ministry of Internal Affairs of the Ministry of Internal Affairs.

It has been determined that the duties of scientific-research and expert-forensic institutions of the Ministry of Internal Affairs of Ukraine are the necessary behavior of these subjects, the nature, content and extent of which is determined by the state in the relevant legislation. [5]

It was found out that the importance of duties as an element of the administrative-legal status of scientific-research expert-forensic institutions of the Ministry of Internal Affairs of Ukraine consists in the following aspects:

- a) they (responsibilities) limit and balance the subjective capabilities of these institutions;
- b) oblige the SREFI's to facilitate the realization of their rights, powers, legitimate interests by other subjects;
- c) direct the activities of these institutions along the lines of legality, expediency and public utility;
- d) promote better and more effective control over their activities. That is, by relying on subjects of a public nature, which are investigated institutions, respective responsibilities, the state intends:
 - firstly, to prevent abuse of their rights by their side, to guarantee the realization of the subjective capabilities provided to them solely for the purpose of fulfilling its function-purpose appointment;
 - secondly, to guarantee the necessary attitude of these institutions to other participants in public relations and to ensure the proper level of productivity of their interaction with others;
 - thirdly, to ensure transparency and control over their activities.

Obligations of scientific-research forensic institutions of the Ministry of Internal Affairs of Ukraine as subjects of administrative law should be divided into the following groups:

1. General or Constitutional Duties
2. Special duties are those that rely on the scientific-research and expert-forensic

institutions of the Ministry of Internal Affairs of Ukraine as subjects of the implementation of specific socially important tasks and functions. [7]

It has been established that the general duties of the scientific-research and expert-forensic institutions of the Ministry of Internal Affairs of Ukraine are those that rely on them, as well as on any other participant in the social life of our state, regardless of its nature or status. The content of these responsibilities is, in the main, the need to adhere to a number of fundamental principles laid down in the basis of the organization and the course of social and public life, such as:

- a) humanism;
- b) the priority of human and civil rights and freedoms;
- c) the rule of law;
- d) legality;
- e) the division of state power into legislative, executive and judicial;
- f) openness and transparency of the activity of state authorities;
- g) the direction of the activities of public administration bodies to ensure both the public good and the well-being of individual members of society;
- h) availability of public services; etc.

The range of special duties of the SREFI of the Ministry of Internal Affairs of Ukraine is singled out as:

- a) those relating directly to the performance of expert studies and valuation activities. The SREFI is obliged to provide all the necessary conditions for conducting objective, impartial and highly professional work in the specified directions;
- b) responsibilities in the information and informational-technical sphere, which consist in the necessity of institutions:
 - firstly, inform the public about the essence of its activities, its public purpose (target, tasks, functions, directions and forms of activity, etc.);
 - secondly, to provide the persons who order or entrust the examination with data that confirms the institution's ability to provide an adequate level of expert research on a particular issue;
 - thirdly, to inform the subjects that entrusted or ordered to the institution on a contractual basis to conduct an expert study, about the occurrence of various kinds of problem points, complications in

- the work (for example, the emergence of a conflict of interest);
- fourth, to ensure the appropriate preservation and non-disclosure of information with restricted access that is available to these institutions or in connection with their activities;;
 - fifth, to ensure the proper functioning of the relevant accounting and information-retrieval systems;
 - c) responsibilities in the field of prevention of corruption, according to which institutions should take measures for prevention, and in case of occurrence, to eliminate the manifestations of corruption, as well as the conditions and factors that contribute to their appearance;
 - d) responsibilities in the field of public relations, which are:
 - firstly, the need to respond to the order and form prescribed by law for the corresponding appeals of the the public representatives to the investigated institutions;
 - secondly, the need for participation in legal education of the population, raising its level of legal culture and legal awareness;
 - e) responsibilities for the creation and maintenance of a staffing capability at the

appropriate level of the SREFI of the Ministry of Internal Affairs of Ukraine, personnel management. These responsibilities require that the mentioned institutions constantly take care of the level of professional training and qualifications of their employees, ensure to provide personnel recruitment only with high-level professionals;

- f) public safety responsibilities, according to which these institutions must take all necessary measures to dispose of objects and substances that constitute or may endanger the health and / or life of the population;
- g) obligations to ensure the lawful, efficient and appropriate use of funds allocated to institutions from the budget.

It is proposed to understand the notion "the responsibility of the scientific-research expert-forensic institutions of the Ministry of Internal Affairs of Ukraine" as the obligation of these subjects provided for by the current legislation to incur certain negative consequences, the form, the content and extent of which are determined by law, for committing unlawful actions (inaction). [7]

Conclusion

It has been revealed that legal responsibility along with rights and obligations is one of the key elements of the legal, in particular, the administrative and legal status of the SREFI of the Ministry of Internal Affairs of Ukraine. It (responsibility) outlines the extreme limits of the possible behavior of these institutions as subjects of the relevant legal relationship and expresses the negative consequences that can be applied to them in the case of the intersection of these limits. Effectiveness and efficacy of legal liability as a means of legal flotation on the behavior of subjects directly depends on the state legal regulation. Regarding the legal regulation of this responsibility of the SREFI of the Ministry of Internal Affairs of Ukraine, its level is far from perfect, since there is no clear definition of either types of legal responsibility of these institutions or cases of its application to them in any normative legal act.

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THE EU-JAPANESE SUSTAINABLE 2050 INITIATIVES FOR THE NEW SILK ROAD



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Abstract: *In 2050 over 4 billion people will live along the Euro-Asian infrastructure corridor called the New Silk Road. The strategic economic partnership of Japan and the European Union should support this trans-continental Euro-Asian belt with high-tech and climate-change projects, such as energy efficiency investment, less carbon emissions technology, next-generation nuclear power plant development or renewable energy. The emerging giants as India, Pakistan, Iran or the Central Asian nations are eager for the EU-*

Japanese cooperation embodied by 5G or 6G communication networks, cloud, internet of things, Big Data, greener and safer automated road transport, integrated multimodal freight transport systems and logistics, advanced biofuels, shared fundamental values, transport including aeronautics, nano technology and research infrastructures.

Keywords: EU-Japanese projects, India 2050, New Silk Road, smart megacities

Introduction

The current EU Institutions Lack a Bright Vision

The current EU institutions lack a bright vision and powerful strategic research to analyse the future situation of Europe by 2050. A few studies analyze the new scenario. Without a balanced sustainable migration strategy^{/8}, the European Union will face considerable difficulties in trying to derive benefits from human capital, migration, employment and economic development. The EU's immigration policy will adapt ^{/2} the evolving needs of the European economy and the modern nature of global migration mobility patterns. By 2050, more than two billion people will be living in Europe, turning it into the largest economic unit. In 2050, eighty per cent of the European citizens will be of the migrant origin.

By 2050 projects supporting high-techs for health care, operational forecasting of earthquakes, earth observation and climate change, CO2 monitoring, ocean monitoring will be urgently needed. The global impact of the migration and UN development agenda eliminates obstacles to illegal migration. The EU-Japanese sustainable 2050 initiatives should change Mumbai, Dehli, Colcata, Karachi or Dhaka into smart megacities each having from 30 million to 45 million citizens. The Asian parts of the Silk Road often lack principles of democracy, the rule of law, human rights, crime protection, the natural disaster management, energy security, or sustainable development of goods and services.

The United Nations General Assembly resolution on "Agenda 2030 UN" or "Marrakesh Treaty"^{/9} will supersede cross-border illegal migration through legal immigration. The population structure of Europe will change dramatically between 2030 and 2050 as it adapts to the world population mobility policy. The economic migrants and also refugees from Africa and Asia suffering from war and political persecution will move to Europe. The practical effect of the United Nations "Agenda for Sustainable Development 2030" will strengthen the links between migration and economic development.

The future EU-Japanese Challenges to Euroasia Belt

The new 2050 initiatives will be targeted at the hyper connected society program using 5G communication network, cloud, Internet of Things or Big Data. The EU-Japan digital

innovation will use EU-Japanese 2050 initiatives projects for advanced nanotechnology, metrology, standardization and photovoltaic clean energy. Japan is one of the closest partners of Europe in terms of the international setting. Trade and investment

are still anchors of the Japan-EU relations (Picture No.1), but in the other areas a wide range of dialogue and cooperation programs will be conducted. The relationship between the European Union and Japan is based on the long-standing cooperation and the sharing of basic values.

The EU-Japan agenda covers cooperation in regional and global challenges to strengthen political dialogue and strategic partnership. The cooperation between Japan and the EU will identify and determine the new forms of cooperative activities in the strategic fields such as science, technology, research and innovation. Both EU and Japan are realising a well-balanced power supply configuration which is indispensable for stable living and industries. Japan needs to cooperate with EU to supply Silk Road modernisation projects and transcontinental corridors⁷.

The future Japan-EU programme will continue to support digital change. In 2050, both the EU and Japan will increase to support the new Silk Road Euroasia Belt^{/1}. EU-Japanese 2050 initiatives/projects may support the EU-Japanese investment in India. India, that will reach the population of 1.7 billion citizens by 2050, will be the second largest population in the world. The common principles, as democracy, rule of law, human rights, good governance, market economy are the same for both the European and Japanese citizens. The Japan-EU relations^{/6} share many of the same issues as energy security, access to key raw materials, aging population. They advocate a similar approach to the important international issues such as international security and climate change.

The Business Research Development and Innovation Collaboration

The EU branches of Japanese companies actively participate in the common framework program. In Horizon 2020, 50 European-based Japanese companies have participated in 100 projects, mostly in the field of transport and energy. In addition, 31 projects are funded in the fields of energy, aeronautics, materials, health and robot engineering through nine cooperative calls launched jointly by the European Commission and Japanese ministries between 2011 and 2017. Here we are referring to the small and medium enterprises and their access to risk finance, which are internationally open.

In order to fully draw out the possibility of cooperation between the EU and Japan (see Chart 1), the importance of establishing a streamlined mechanism for joint financing of research and investment projects was recognized. Japanese researchers have been actively involved in additional opportunities developed by the Japan Science and Technology Agency in close cooperation with the European Commission. Nuclear power plants that will not be emitting greenhouse gases, will embody the option the future decarbonization and securing of human resources. The investment into the next-generation of nuclear power plants will improve energy efficiency, sustainable development and technology with less carbon emissions.

The EU government should actively support the development of safe and highly mobile small reactors. The long-term strategy does not mention the rebuilding or new expansion of nuclear power plants. However, the regenerative energy used as the main power supply is expensive and lacks stability. In order to achieve independence from the standard household of the EU, it will be essential to develop a highly efficient and inexpensive storage battery and improve the transmission and distribution network. Japan has particular strengths in the fields of automobiles, pharmaceuticals, biotechnology, electronics and electrical equipment. The Japanese innovation rankings are traditionally above the EU average. Japan is a powerful innovator. Japanese companies very actively apply for patents, the country has the cumulative total of 1.9 million patents. According to the index of the National Institute of Science and Technology Policy (NISTEP), Japan accounts for approximately 5.2% of the world's top 1% cited publications.

Japan's top research and development companies spend about 70% more expenditure than the EU research companies. Performance has improved in business research and development, innovation collaboration, and trademark application. According to the European Innovation Scoreboard the Japanese performance outperforms the EU in terms of the amount of GERD and the number of researchers per million population. Between 2001 and 2014, both the number of Japanese researchers per million population and the number of GERD patients in Japan increased.

The Japan National Contact Point (NCP) of the Japan-EU Industrial Cooperation Center plays an important role in providing guidance, practical information, and assistance on all aspects of Horizon 2020 participation. The Japan Science and Technology Committee (JSTC) considered priority areas for cooperation with Japan-EU Science and Technology Cooperation both at the policy and project level in November 2017. The cooperative calls began onwards between the Japanese Ministry of Public Management, Home Affairs, Posts and Telecommunications (MIC) and Information and Communication Technology Laboratory (NICT) on 5G, the Internet of Things , cloud and big data. Another area of NICT collaboration with Japan is encouraged on non-conventional nano electronics.

Japan is also mentioned under social challenges and encourages cooperation on digital change of health and medical care. A dialogue has been established between the European Commission (DG CNECT) and the Japanese Ministry of Internal Affairs and the Japanese Ministry of Internal Affairs and Communications. These dialogues are supplemented by a series of industry government workshops. Numerous schemes are being implemented, including funding for

long-term visits to Japan by overseas researchers.

The EU Industry Relationship with Japanese Partners

The aeronautical research is the strategic field for cooperation with Japan, providing opportunities for the EU industry to strengthen the relationship with Japanese industrial partners and to improve access to the Japanese market. Aeronautical Research Working Group was established to provide a platform for managing ongoing projects, defining joint priorities and preparing future cooperation.

Up to now cooperations were held between the EU and Japanese Ministry of Economy, Trade and Industry - METI and NEDO, New Energy and Industrial Technology Development Organization. In order to support several future projects, as a high speed aircraft, anti-icing system, passenger friendly cabin, heat exchanger system for engines, composite construction manufacturing, and smarter flight control, NEDO Working Group was established.

Chart No.1 The EU-Japanese Science, Technology Research and Business Institutions

SB-MIAC	Statistics Bureau, Ministry of Internal Affairs and Communications	https://www.stat.go.jp
OECD	Organisation for Economic Co-operation and Development	http://www.oecd.org
JSPS	The Japan Society for the Promotion of Science, Gakushin	http://www.jsps.go.jp
OS WG	G7 Open Science Working group	http://www.g7italy.it/
AIST	Japan's National Institute of Advanced Industrial Science and technology	https://www.aist.go.jp
JAXA	The Office of National Space Policy	http://global.jaxa.jp
INCO	The European Union's programme for Research and Innovation projects HORIZON 2020	https://ec.europa.eu/research ec.europa.eu/info/research-and-innovation
NISTEP	National Institute of Science and Technology Policy	http://www.nistep.go.jp
EERA	The European Energy Research Alliance	https://www.eera-set.eu
IEA	The International Energy Agency Technology Collaboration Programmes	https://www.iea.org
JRC	The Joint Research Centre - the European Commission's science and knowledge service	https://ec.europa.eu/jrc/en
DG ENER	Directorate-General for Energy	https://ec.europa.eu/energy
ITER	The ITER Organization	https://www.iter.org/
MIC	The Ministry of Internal Affairs and Communications (総務省 Sōmu-shō)	www.soumu.go.jp
NICT	National Institute of Information and Communications Technology	www.nict.go.jp
METI	Ministry of Economy, Trade and Industry	http://www.meti.go.jp
NEDO	New Energy and Industrial Technology Development Organization	https://www.nedo.go.jp
JST	Japan Science and Technology Agency	https://www.jst.go.jp
JAXA	Japan Aerospace Exploration Agency	jaxa.jp
JASRI	Japan Synchrotron Radiation Research Institute	http://www.jasri.jp
NANOREG	the NanoSafety Cluster	http://www.nanoreg.eu
EUJAPCIC	The EU-Japan Centre for Industrial Cooperation	https://www.eu-japan.eu
JAEA	Japanese Atomic Energy Agency	https://www.jaea.go.jp
ESFRI	European Strategy Forum on Research Infrastructures	https://www.esfri.eu
IEPI	Central Research Institute of Electric Power Industry	https://criepi.denken.or.jp
EuroCirCol	The European Circular Energy-Frontier Collider Study	http://eurocircol.eu
EISCAT	Europe's Next- Generation Radar for Atmospheric and Geospace Science	https://www.eiscat.se
3D	European Incoherent Scatter Scientific Association	
SIOS	Svalbard Integrated Earth Observing System and arctic sciences	https://sios-svalbard.org
GNSS	Copernicus data, the Copernicus programme Earth observation and climate change, Global Navigation Satellite System https://www.gsa.europa.eu/european-gnss	https://cor.europa.eu/et/news/Pages/EU-space-programme.aspx
EGNOS	European Geostationary Navigation Overlay Service	https://www.gsa.europa.eu/european-gnss/what-gnss
GNSS	Galileo is Europe's Global Navigation Satellite System	https://www.gsa.europa.eu/european-gnss
Galileo	gnss/galileo/european-global-satellite-based-navigation-system	https://www.gsa.europa.eu/european-gnss
AMED	The Japan Agency for Medical Research and Development	https://wwwAMED.go.jp/en
IRDIRC	the International Rare Diseases Research Consortium	http://www.irdirc.org
GloPID-R	the Global Research Collaboration for Infectious Diseases Preparedness	https://www.glopid-r.org
EDCTP	the European and Developing Countries Clinical Trials Partnership	http://www.edctp.org
JPIAMR	the Joint Programming Initiative on Anti-Microbial Resistance	https://www.jpiamr.eu
GACD	the Global Alliance for Chronic Diseases	https://www.gacd.org
IHEC	the International Human Epigenome Consortium	http://ihec-epigenomes.org
HFSP	the Human Frontier Science Programme organisation	http://www.hfsp.org
IHMC	the International Human Microbiome Consortium	http://www.human-microbiome.org
ICGC	the International Cancer Genome Consortium	https://icgc.org
NRA	Japan Nuclear Regulatory Authority	http://www.nsr.go.jp
IMPC	the International Mouse Phenotyping Consortium	http://www.mousephenotype.org
UNISDR	United Nations Office for Disaster Risk Reduction	https://www.unisdr.org
MCRC	Making Cities Resilient Campaign	https://www.unisdr.org/we/campaign/cities
DRR	disaster risk reduction and sustainable urbanisation	https://www.unisdr.org
DPR	Disaster Prevention Research Institute of Kyoto University,	http://www.dpri.kyoto-u.ac.jp
EMI	Earthquakes and Megacities Initiative	http://emi-megacities.org
BRI	Japanese Building Research Institute http://www.tsukuba-network.jp/english/kikan/30_kenchiku.html	http://www.kenken.go.jp/english
MLIT	Ministry of Land, Infrastructure, Transport and Tourism	http://www.mlit.go.jp/en/index.html
ICRI	International Conference of Research Infrastructures	http://www.lter-europe.net/events/icri-2018
ERIC	European Research Infrastructure Consortium	https://ec.europa.eu/research/infrastructures

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The new form of logistics of hybrid-electric aircraft has a significant quality impact on integrated multimodal freight transport systems. Automatic air transport aims for more environmentally friendly and safe aviation and enhances aviation safety. Transportation and logistics investment will be the core of the EU and Japanese cooperation of hybrid electric multimodal transport, low emissions freight transport system.

In particular, in connection with icing (2018), hybrid electric propulsion (2019), high-speed aviation (2020), the EU and Japan opened multinational international cooperation, project INCO for safer and

environmentally friendly airlines. For other transportation areas, there is a dialogue between the EU, Japan, the USA in the field of automobile vehicles. As a result, automated road vehicles and maritime transport can be expected to play a role in science and technology cooperation between Japan and the EU. This is reflected by the Horizon 2020 programme, too. Japan is the target country covering INCO's flagship on "road automation and safety". In addition, Japan is encouraged to participate in INCO's flagship on "Integrated Multimodal, Low Emissions Freight Transport System and Logistics" and INCO's flagship on "Reducing the Impact of Transport

on Air Quality". Finally, Japan's cooperation to multimodal topic "Human Factor in Traffic Safety" is encouraged.

Japan-EU Common Strategic Interests

Moreover, the areas for the possible Japan-EU cooperation are space technology, scientific data exploration, space weather. The EU and Japan have advanced space science technology and powerful space industry. The ongoing Copernicus program cooperates with earth observation and climate change, including CO₂ monitoring, ocean monitoring, and natural disaster management. Copernicus data and information are available to all users, including international partners on a full, open, and free of charge basis.

The principle of reciprocity will form the basis for future discussions on sharing Copernicus data with the Japanese side. Regarding the satellite navigation system, there is a great potential for cooperation in the field of new services such as applications (autonomous operation, 3D mapping, railway, agriculture, GNSS - Global Navigation Satellite System, receivers, and emergency situations. Warning Service cooperation agreement between The European Commission and the Japan Space Policy Secretariat was signed in 2017. The EU and Japan can deepen the future cooperation in the areas of rail, agriculture, GNSS standards or emergency alert service.

The Japan-EU cooperation is based on the policy level (common strategic interests) and regulated science and nanosafety project level. A several of successfully coordinated calls have occurred recently between the EU and the Science and Technology Agency (JST) on key raw materials, on critical raw material research, covered by JST's co-financing scheme, and a call on demand supply forecast. Raw materials will flow at the global level; therefore, the participation of Japan and the USA is necessary. It is desirable to achieve a better balance between the investment of the EU and the funds that Japan provides for those synchronous projects. In addition, further opportunities for cooperation with Japan may be of mutual interest in the field of material sustainability and energy efficiency in the construction and building sector.

Post -Fukushima Accident Cooperation

Following the Fukushima accident, cooperation with Japan in the field of radiation

protection and radiation ecology has greatly increased through FP7 OPERRA projects on epidemiology of thyroid cancer. Promising fields for future cooperation are radiation protection, severe accident management, radioactive decommissioning and decontamination management,

It is stipulated that nuclear power plants that do not emit greenhouse gases will be an option for decarbonization and encourage future development and securing of human resources. The strategic aspect of controlled thermonuclear fusion has been effective since 1988. There are several agreements between Euratom and Japan in this field.

Japan is the most prominent foreign partner of the Euratom Consortium joining more than a dozen groups and organizations participating at nuclear disarm actions and nuclear research. The European nuclear community conducts nuclear fusion energy research activities, projects on radioactive waste management, nuclear fuel reprocessing and reactor safety are in progress.

Euratom's research and training programme is based on the implementation of ITER nuclear fusion energy, advanced materials and in nuclear fusion safety programs. In the field of direct fission Euratom cooperates with Japanese Joint Research Center (JRC), Japan Atomic Energy Agency (JAEA), Central Research Institute of Electric Power Industry (CRIEPI) or Japan Atomic Energy Research and Development Organization. The Japan Atomic Energy Regulatory Authority (NRA) and Euratom follow participation in the field of nuclear fuel and fuel cycle safety, nuclear protection and security, including training and education and nuclear measurement.

Japan is the strategic partner of nuclear fusion physics and technology development, supporting ITER and DEMO, and being an important international element of the European Fusion Roadmap. The ITER project enters a new phase, moving from the construction stage of the ITER building to the assembly stage of the ITER machine⁴, and faces the integration challenge. From this perspective, there is a possibility that cooperation with Japan will be strengthened in the field of nuclear decommissioning measures.

This excellent multilateral cooperation dates back to 1988. Since 1989, it has been embodied in the ITER Agreement to predict the construction and operation of ITER

equipment at Cardache in France, next in Korea, China, India, Russia and USA. This agreement supports collaboration on the construction of JT 60-SA machinery in Chubu (Japan), research and development to support future irradiation of international fusion materials, facility (IFMIF), collaborative design and research to expand the activities of a wide range of approaches.

The Renewable Energy Research and Innovation

There has been a mutual benefit in considering expansion of cooperation in the upcoming years in many fields including renewable energy (non-nuclear). The activities from 2030 to 2050 will proceed with the adoption of the latest energy and environmental strategy for common technological innovation in the EU and Japan, both declaring the development of low-carbon energy as their priorities. The long-term energy strategy is related to mitigation of climate change and is aimed at reviewing current power supply composition. The 2050 strategy shows various power options such as hydrogen, sunlight or wind power as forms of renewable energies.

Cooperation with Japan goes on the research and innovation of non-nuclear energy in the areas such as hydrogen fuel cells, energy

storage. Next, recovery and storage of carbon, electric vehicles, important new materials for energy has been debated. Cooperative success regarding solar power began between the EU and Japanese NEDO in the past years.

Furthermore, the European Energy Research Alliance (EERA) JP Wind is also interested in cooperation with the Japanese research institutes. Japan is particularly interested in floating offshore style, and the both parties are holding a series of common workshops. The active participation of Japan and the EU on the International Cooperation Program of the International Energy Agency (IEA) (along with the European Commission's JRC and DG ENER) will provide opportunities to host strategic energy research and development discussions.

Japan is also a member of EU's Mission Innovation and it is generally targeted at Horizon 2020 INCO's main products on clean energy. Japan participated in the clean energy research, too. Regarding advanced biofuel and bioenergy, there is a joint opportunity in biomass conversion and catalyst development for emission reduction.

Picture 1: Selected participants of EU- Japanese cooperation.



Source: by author

Medical Research Initiatives

The EU and Japan cooperate with multilateral initiatives aimed at global health problems. In the medical field, the cooperation is developed through several bilateral initiatives, including medical technical materials, predictive toxicology for new technologies for global healthcare and ecotoxicology models for global health care.

These are the International Human Epigenome Consortium (IHEC), the Human Frontier Science Program Organization (HFSP), the International Human Microbiomes Consortium (IHMC), the International Cancer Genome Consortium (ICGC) and the International Mouse Phenotypic Consortium (IMPC). The Medical Research and Development Organization (AMED), established in 2015, is an important dialogue on health cooperation with the EU. In 2015 AMED participated in the International Rare Disease Research Consortium (IRDiRC) and the Global Research Collaborative Research for Infectious Disease Control (GloPID-R). In 2016 AMED became member of the world chronic disease association (GACD). Japan and the EU are the most important donors of HFSP. These initiatives will constitute a framework for ensuring cooperation between Japan and the EU in the future.

Cooperation with Japan is also the main business in the field of technologies for global health care. A coordinated call between the EU and MIC/NICT WP 2016-17 initiated ICT robotics for active and healthy aging and funded several new projects. There is further space for the cooperation through the European and developing country clinical trial partnerships (EDCTP). The cooperation might be strengthened in the areas of antibacterial resistance within the framework of the Joint Programming Initiative on Antimicrobial Resistance (JPIAMR).

The Cooperation on Disaster Mitigation Research

We are expecting an increase in the cooperation between Japan and Europe on disaster-resistant society, operational forecasts and the early warning capability of the earthquake. EU-Japanese 2050 initiatives will cooperate with aspects related to trade in international climate change institutions. The cooperation may be strengthened in the areas such as earthquake

operation prediction, cold district changes, arctic research.

The environmental research is recognized through multilateral initiatives together with Earth Observation Group, Belmont Forum, Future Earth initiatives. In the recent years, a series of high-level workshops on climate change research has been held to focus on climate change issues³. Another potential area of future cooperation is "Nature-based solution" for disaster risk reduction (DRR) and sustainable urbanization. Disaster Risk Reduction - DRR, has been engaged in collaborative research for many years with JRC and Kyoto University Disaster Mitigation Research Institute.

EU-Japanese 2050 initiatives cooperation with Japan will be aimed at INCO's main focus on prediction of earthquake operation and early warning capability to more resilient cities. A long-term collaborative research has EU project teams with the Japanese Building Research Institute (BRI) of the Japanese Ministry of Land in areas as the weakness of the infrastructure to earthquake impact, protection of civil engineering building.

Arctic Research Projects

The EU-Japanese 2050 Arctic projects and initiatives will bring the overall new evaluation of the Arctic. The purpose of the Arctic initiatives are related to radical climate changes. A vast and rapid transformation of the Arctic climate and its surrounding areas is occurring. This is happening beyond the size of the region, country and region.

The facilities are involved in the field of roadmap of European research infrastructure such as Cherenkov telescope array CTA, environmental science EISCAT 3D - a next generation radar for atmospheric and geospatial science in Europe and Arctic Science -Svalbard or integrated earth observation system - SIOS.

The EU is interested in projects with Japan such as changing cold and arctic research under Marie Skłodowska-Curie Action -MSCA. Here we see the Japanese participation in INCO WP 2018-2020 E-JADE and JENNIFER changing cold and arctic research projects.

CERN led the European Circular Energy-Frontier Collider Research (EuroCirCol) funded to investigate disk collisions of various designs for the post LHC era under the research infrastructure. Japan and Europe are mutually beneficial partners, both of which

currently lead the world with its excellent HEP facilities. In addition to high energy physics, the EU - Japanese dialogue is ongoing in agriculture, biotechnology and genomics.

The Opportunities for Ageing Population and Human Brain Simulation

Cooperation between the European and Japanese research base is considered to be very strategic in the field of ageing population (SHARE) related to in social science, prediction of population change and humanities. The announcement of the ESFRI Research Infrastructure roadmap provides additional opportunities for population ageing collaboration. Updating the ESFRI roadmap and organizing the International Research Infrastructure Conference (ICRI) are also important opportunities to promote the Japan-EU research foundation dialogue. EU-Japanese 2050 initiatives aims to cooperate with Japan in INCO's integration and population ageing activities.

Cooperation with Japan is progressing in the context of the EU FET Flagship on Human Brain Project (HBP) aimed at developing large scale simulations of human brain and mouse brain data. Another FET flagship on graphene is also a field of cooperation. In both areas regular workshops are held with the participation of renowned European and Japanese research institutions. Additional fields with potential future science and technology cooperation were proposed by the so-called Joint EU-Japan Committee, High Level Dialogue, or Thematic Services.

The health care and nanosafety technology will be a field of promising cooperation. The harmonization of regulations and promotion of global cooperation between the United States, Europe, India, New Silk Road countries and Japan will promote the adoption of common reference standards and global technical standards. Japan is actively participating in the activities of OECD - WPMN, NanoSafety Cluster, NANoREG. Tesla 2050 Bridge will target with Japan INCO's flagship products on technology for global health care and nanosafety.

Exploration for Water Security Ecosystem

The absence or unreliability of water supply, sanitation and irrigation services, unmistakable and degraded water environment of floods and droughts is a serious problem in the supply chain of the

earth's population. This is all secondary related to financial shocks, immigration, political instability, the future of fishery and other evolutionary studies¹⁰.

Recently, the world's poorest regions (Africa, South Asia, Southeast Asia) face extremely high rainfall and spill variability, so today it is a serious water overcoming. The complexity of this hydrology is greatly added to the challenges of sustainable economic growth in poor countries that need innovative development paths. At the same time, these paths are necessary to avoid high prices of ecosystem damage, where possible, the wealthiest countries paid for growth paths. Exploration for water security is a struggle in the history of mankind. The outflow from these influences is now spreading to the interconnected world. While it is clear that most of the impact of climate change on society is transmitted by water, its rapidly changing economy, population and climate will apply world class science to solve the challenge on fresh water flux that has its unique skills, data sets, policy link and reputation.

Applying analysis of the water problems in the world it is necessary to examine the root cause, alternative development path, and future outcomes for government policy initiatives in complex situations. This variability and complexity of investment are necessary for application to highly variable and fragile hydrological system and for the water projects infrastructure.

The Japan-EU Science and Technology Research.

Japan's Industrial Technology Research Institute (AIST) and JRC formally established cooperation in the field of nanotechnology, measurement, standardisation, and solar power generation through research framework agreed upon at the future policy dialogue meetings to promote cooperation activities between Japan and Europe. This way may expand promoting opportunities to increase co-financing and promoting Japanese science and technology for Europe.

Japan has developed a stronger political cooperation with the EU and is working closely with Europe on key issues including regional security⁵ (Ukraine, Iran, North Korea, South China Sea) and sustainable development goals (especially cooperation with Africa).

In the area of crisis management, there are complementary skills between the EU and Japanese practitioners, research centres and industry. EU-Japanese 2050 initiatives cooperation with Japan may have strong possibility of mutual benefit through exchange of research and development in the areas as money laundering, cyber security or new technologies. Japanese partners participating in a successful EU-Japanese 2050 initiatives and projects may receive funding from the Japan Science and Technology Agency (JST).

The possibility of a new level of EU-Japanese cooperation stays on pilots as a mutual foreign direct investment; common initiatives in trans continental transport corridors and logistics; the technical barriers of trade harmonisation. In addition, the importance of expanding partnership and covering regular consultation and coordination

concerning science and technology's major policy issues is recognized.

The 2050 Bridges' transformation synergies will target to achieve sustainable development goals of EU-Japanese projects for the purpose of contributing policy planning in common science and research policy coordination/10. It will be the ongoing policy between experts and modelling team to achieve the environmental, social and economic implementation of initiatives with various EU-Japanese research institutes strategy to deepen the future cooperation of research on issues of global nature.

Conclusion

The expected Dynamics of EU-Japanese 2050 initiativesinitiatives will be regarded as a representative of all sustainable development goals, identifying appropriate indicators should follow internally consistent framework. EU-Japanese 2050 initiativesinitiatives will involve experts and stakeholders in related fields as Integrated Solutions for water, energy, and land, arctic future initiative, tropical initiative, New Silk Road economic integration, to achieve sustainable development goals.

Current large and complex management of Brussels will be replaced by peer-to-peer solutions, direct financing and control mechanisms. The increasing speed and complexity of global change means that the Japan-EU strategic cooperation will become more intense.

The framework of the research and investment cooperation with Japan is expected as one of the most scientific bases in the world. As a member of the WTO and the OECD, Japan and the EU provide a predictable legal framework for research and investment cooperation activities. It is important to increase the research potential.

The agreement between the European Commission and the Japan Society for the Promotion of Science (JSPS) provides opportunities for Japanese researchers to cooperate with European researchers.

The vision of EU-Japanese 2050 initiativesdiffers from Horizon 2020 because it includes the Silk Road Countries including India in the plan of the future Japan-EU cooperation. Less bureaucracy will be supported by the cloud, online communication and block chain solutions. The contribution from different cultures and different perspectives in EU-Japanese 2050 initiativeswill bring a deeper recognition and cooperation among EU and Japanese research communities to support the successful implementation of the sustainable development issues. The common target of EU-Japanese cooperation will try to solve the serious problem how to deal with several issues including poverty, health, economic growth, new technologies and the environment in New Silk Road Belt. That will help to answer such questions, how to provide science and factual knowledge for sustainable change and to support policy processes and to evaluate transformational synergies and to provide a possible path for integrated approach to challenges.

The EU-Japanese 2050 initiatives and projects will be interdependent and not completely constrained by political or national self-interests. with many joint research activities. This will facilitate the mutual comparison of the results and their communication with policy makers. Various approaches to define and to identify key indicators or achieve sustainability.

Japan has a relatively difficult market for foreign investment. The European companies in Japan are still likely to encounter non-tariff barriers in the form of public procurement, lack of competition, and limitations related to licensing fees. EPA focuses on eliminating non-tariff barriers and opening

public procurement in Japan to EU companies. The closer harmonisation of the standards required in the EU-Japan business round table and discussed in the connection with EPA, will be beneficial to both parties.

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„Frozen Conflicts“ in Russian-Chinese Relations: „the History and Prospects for Settlement“



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Abstract. The common interests of Russia and China create the basis for the development of strategic cooperation between the two countries in the political, economic and security spheres. At the same time, such interests are mostly situational in nature and depend on the geopolitical situation in the world. At this, the parties have a number of problems in their relations, both historical and current. In the future, the growth of China's strength and its superiority over Russia could lead to changes in the parties' relations, including to a confrontation and a military conflict.

the parties have a number of problems in their relations, both historical and current. In the future, the growth of China's strength and its superiority over Russia could lead to changes in the parties' relations, including to a confrontation and a military conflict.

Key words: *China's military potential, China's superiority over Russia, confrontation, contradictions in trade and economic cooperation, historical problems, military conflict, political-ideological disagreements, problems in relations, rivalry for influence in the world, Russian concessions to China, Russian-Chinese relations, strategic cooperation, the BRICS group, the Shanghai Cooperation Organization, threat of an armed conflict, the USSR, Ukraine's interests*

Presenting the Main Material:

1. Are Russia and China Strategic Partners or Rivals and Opponents?

According to official declarations of the leaders of the two countries, the parties are building a strategic partnership for a long-term perspective. This is confirmed by systematic contacts between Russia and the PRC (at the highest and other levels), demonstrations of common ground in the international arena, deepening of trade and economic cooperation between the two countries, and their interaction in the security sphere.

At the same time, a thorough analysis of the nature and characteristics of relations between Russia and the PRC allows to draw a conclusion about the purely situational nature of such a partnership, which is mainly related to the current interests of the parties. At this, while to Russia they really are strategically important, to China they are mostly pragmatic.

Moreover, in relations between Russia and the PRC, there are problems that have a historical background and those associated with the current geopolitical situation in the world.

2. Historical Problems in Relations Between Russia and China

Historical problems in relations between Russia and China are well known, widely covered in the media and studied in various scientific works. Despite this, the problems continue to exert influence on Russian-Chinese relations.

The main source of such problems is the different views of Russia and China, which are diametrically opposed.

Thus, China, which has more than three thousand years of history, has survived all other ancient empires, Egypt and Rome included, and quite clearly sees itself as "the center of the existing world". That is what forms the basis of the Chinese world view and most philosophical trends of the country. According to this approach, China looks down at Russia and other countries both, in the historical context, and at present and in the future.

A completely different position is taken by Russia, which pursues an active expansionist policy from the very beginning of the establishment of the Moscow kingdom in the 15th century. Within the framework of this policy, in the 17th century Russia was confronted with China, which at that time

was ruled by the Qing (Manchu) Dynasty. In the middle of the 19th century, China was in an extremely difficult situation, used by Russia for its expansion in the Far East.

As a result, in relations between Russia and the PRC there had been formed three sets of problems that actually exist to this day.

- **at the strategic level** — the main problem is the rivalry between the two countries in the international arena in various forms and spheres. As noted above, clashes between the countries' worldviews are the basis of such rivalry.

However, until the middle of the 20th century, it had been hidden due to superiority of the Russian Empire, and then the USSR over China, as well as Beijing's being interested in the positive development of bilateral relations.

Since the beginning of China's getting stronger from the middle of the 20th century, this situation has changed fundamentally. Thus, in the second half of the 1950s, China moved to an open confrontation with the Soviet Union based on ideological differences between the two countries and Beijing's desire to take a dominant position in the socialist camp. And since 2010, after the PRC's having turned into a leading world power, rivalry between China and Russia has reached the world level.

In more detail, all these issues will be analysed later.

- **at the regional level** — the problems in relations between the parties are the PRC's negative attitude to Russia's (later — the USSR's) policy towards Mongolia and Xinjiang, as well as disagreements over the influence in the Asia-Pacific and South-East Asia.

From the beginning of the collision of Russia's and China's interests in the 17th century, the Russian side considered Mongolia and Xinjiang as "buffer zones" between the two countries. In view of this, Russia, and then the USSR, provided assistance to insurgents, both in Mongolia and in Xinjiang. Within the framework of such a policy, in 1945, the USSR made China recognize Mongolia's independence. However, this was not done in relation to Xinjiang.

In turn, China considers Mongolia and Xinjiang its historic territories. In view of this, Russia's support for national liberation

movements among the population of these regions in the past and now has been seen by Beijing as manifestations of Moscow's colonial policy. Among other things, aimed at undermining China's territorial integrity.

Mongolia. Based on politico-geographical realities, Russia, and later the USSR, assisted national liberation movements in the neighboring regions of the Northern (or, as China calls it, Outer) Mongolia. In 1945, under the Yalta agreements between the USSR and its partners in the anti-Hitler coalition (in particular, the return to the Soviet Union of its sphere of influence in the Far East), Moscow forced Beijing to recognize independence of Northern Mongolia.

Xinjiang. The Russian Empire had considered Xinjiang as a so-called Eastern Turkestan, historically connected with Western Turkestan, namely, Moscow-controlled territories of Central Asia. In view of this, the Russian Empire and the USSR assisted the Xinjiang rebels, various Islamist movements included.

At the same time, neither the Russian Empire nor the USSR were going to create an independent Xinjiang state, since there was virtually no powerful state-building force there. As a result, the attempt to create an independent Xinjiang could only lead to the emergence of a permanent centre of conflict near the Russian, and later — Soviet border.

Along with this, a certain historical problem in relations between China and Russia remains the parties' different attitudes to the Korean War of 1950–1953. According to the views of the Chinese side, the USSR avoided direct participation in the war and tried to get material, territorial and political benefits from it.

Vietnam is a similar problem. The reason was Vietnam's siding with the USSR during the period of sharpening contradictions between the Soviet Union and China in the 1970s. This problem was particularly acute during the China-Vietnam War of 1979, following Vietnam's invasion of Cambodia, which was supported by China.

To date, the problems mentioned are in the past, but they still remain in the historical memory of Russia and China.

- **at the local (border) level** — a potential problem is China's territorial claims to Russia, despite the resolution of the most acute border issues.

The origins of such claims are because of the inequality of treaties between the Russian Empire and the Qing (Manchu) Dynasty. Most of them were imposed by Russia on the Qing Dynasty because of its difficult situation since the second half of the 19th century. As a result, Russia gained a significant part of Manchuria, including Primorye (Ussuri Territory).

For the first time, the adjacent territories of present-day Russia and China were officially divided in 1689 under the so-called Treaty of Nerchinsk. The treaty was concluded between the then Russian Tsardom and the Manchu (Qing) Empire, which captured China. At this, due to the Manchu Empire's military superiority in the Far East, Russia was forced to give it a part of its lands in the region. In particular, the border passed along the Argun River and further along the Stanovy ridge to the coast of the Sea of Okhotsk.

In the middle of the 19th century, after the weakening of the Qing Dynasty as a result of opium wars, Russia imposed on it a new territorial division. Under the Treaty of Aigun, which was signed in 1858, Russia got a significant part of Manchuria, including the Primorye (Ussuri Territory).

The subsequent decline of the Qing Dynasty (due to internal uprisings in China and Japan's intervention in 1884–1885, let Russia take further steps to strengthen its positions in the Far East.

Thus, in 1896, Russian Empire and China signed the Union Treaty, according to which Russia got the right to build Chinese Eastern Railway in Manchuria. And in 1887, in exchange for the economic aid to the Qing Dynasty, Russia received the lease of Port Arthur and Dalian. At the same time, these ports and part of the Chinese Eastern Railway were lost by Russia after its defeat in the war with Japan in 1905.

Such a division of territories remained virtually unchanged after the fall of the Qing Dynasty in 1912 and creation of the Republic of China, later — the People's Republic of China. In turn, this created prerequisites for China's territorial claims to Russia, and then to the Soviet Union.

At the official level, such claims mainly concerned individual border areas and were resolved after the collapse of the USSR.

At the same time, in the PRC is being cultivated the idea that larger territories (from

the entire Far East to Eastern Siberia) should belong to China.

These problems in the relations of the parties would for some period of time sharpen under the influence of various factors. In particular, in the modern history, such a period lasted from the second half of the 1950s to the mid-1980s.

3. Complication of Relations Between the USSR and China in Late 1950s – Mid 1980's

The reasons for the sharpening of relations between the USSR and China in the mentioned period are also well known. At the same time, they and their consequences need attention as a precedent for the possibility of a rapid turning of friendly and mutually beneficial relations between the two countries into a fierce confrontation.

Thus, from the end of the 1930s to the mid-1950s, the common interests of the USSR and China to counter the expansion of Japan, and then of the United States, created the basis for the active development of the Soviet-Chinese cooperation in the political, economic, military and other spheres. It was supplemented by the common communist ideology of the parties and similar vision of its basic principles and ways of their realization. Within the framework of the strengthening of friendly relations between the two countries, the USSR made a number of territorial concessions to China.

In 1937–1942, Soviet military advisers and specialists assisted China in the war against the Japanese invaders. In the same period, with the help of the USSR, 3,000 kilometres of motorway was built in Xinjiang, and the development of oil fields began. And in 1939, China and the USSR concluded a trade agreement.

In 1945, the Soviet Union defeated the Japanese Kwantung Army in the territory of Manchuria. In 1945–1949, with the support of the USSR, Mao Zedong and the Communist Party of China came to power in country. In October 1949, the USSR became the first country in the world to recognize the People's Republic of China.

In 1949–1956, Soviet-Chinese relations became particularly close. Thus, the Soviet-Chinese Treaty on Friendship, Union and Mutual Assistance was signed. The USSR assisted China in restoring and developing its economy and building the armed forces. China

was supplied with both, conventional weapons, and technology for creation of nuclear weapons.

In addition, in 1950 the USSR handed over to China Dalian, in 1952 — Chinese Eastern Railway, and in 1954–1955 — Port Arthur.

From the second half of the 1950s, this situation became fundamentally different, which was the result of ideological contradictions between the two countries. At this, they were used by the leader of the PRC at that time Mao Zedong to strengthen his positions in the country and throughout the socialist camp.

The reason for such changes was the condemnation by the leadership of the USSR of the cult of J. Stalin's personality and moving to the policy of peaceful coexistence with capitalist countries, which caused sharp criticism from Mao Zedong. For example, he accused the Soviet leadership of revisionism, betrayal of Marxism-Leninism and capitulation to the West.

Mao Zedong also stepped up the issue of the inequality of treaties concluded between the Russian Empire and the Qing Dynasty (with the exception of the Treaty of Nerchinsk). On these grounds, he put forward territorial claims to the USSR, and demands to satisfy them.

All these issues were used by Mao Zedong to fight his rivals in the leadership of the PRC, and to justify the so-called Cultural Revolution as the country's new domestic policy. In particular, on charges of love to the USSR and countering the Cultural Revolution, a number of Mao Zedong's opponents in the leadership of the Communist Party of China were repressed.

All this resulted in the sharp confrontation between the USSR and China in the political and ideological spheres, actual break of relations and termination of trade and economic cooperation between the two countries, as well as a number of border conflicts. The largest of these was the conflict around the Island of Damansky on the Ussuri River in March 1969.

The PRC's actions were strongly condemned by the leadership of the USSR, which accused Beijing of imperialist policy under the mask of assisting the countries of Asia, Africa and other regions in their struggle against colonialism.

At the same time, as part of demonstration of its dissatisfaction with the Maoist policy, the USSR withdrew the entire corps of Soviet specialists who had been working in the PRC under the program of international cooperation.

Besides, the Soviet Union minimized the trade with the PRC, and actually suspended all other contacts.

In turn, China began active measures of pressure on the USSR, including by demonstrating the force on the Chinese-Soviet border and attempting to forcefully resolve territorial disputes.

This resulted in a number of border conflicts between China and the USSR. Apart from the conflict around the Island of Damansky, in May 1969, China conducted another armed provocation in the village of Dulati (Almaty region of Kazakhstan). And in August 1969, another border conflict took place in the area of Lake Zhalanashkol in the east of Kazakhstan.

The diplomatic efforts of the USSR and the PRC helped prevent turning of border conflicts into a full-scale war between the two countries. However, this in no way meant a real improvement of their relationship.

Moreover, political-ideological disagreements between the parties reached a qualitatively new strategic level.

In 1974, China put forward the theory of "three worlds". According to it, the world was divided into three parts, namely: super powers — the USSR and the USA; "the second world" — developed countries; and "the third world" — developing countries. At this, the USA and the USSR were declared China's main adversaries.

China also stepped up its efforts to gain leadership in the socialist camp and among the communist movements in the world, which ended in their split. Thus, communist parties of some countries, including Albania, North Korea and Indonesia, sided with the PRC.

Besides, China began an active development of relations with the USSR's adversaries — the United States and Japan. In particular, as part of the policy, Beijing condemned invasion of Soviet troops to Afghanistan in 1979, and also supported Western sanctions against the Soviet Union.

Such actions of China weakened the USSR's positions in the world and made it

spend significant resources to confront the PRC. For example, in the 1970s, the most powerful groups of troops of the Soviet Army was deployed specifically against China, which was considered a greater threat to the USSR than NATO.

4. The Beginning of Normalization of Relations Between China and the USSR

Since the early 1980s, relations between the USSR and the PRC had begun to normalize. At the first stage, the reason for such changes was the commonality of the parties' anti-American interests. And in the future — of their economic interests.

After a certain period of improvement in Sino-US relations, in the early 1980s they got a further escalation. The reason for this was the USA's active countering China's policy of regaining control over Taiwan. Besides, the United States' building up its nuclear potential was perceived by China as a threat to its own security.

China's abandoning Maoist policy was also important, as it had been creating ideological obstacles to the development of Chinese-Soviet relations. In 1981, at the Plenum of the CPC Central Committee, China's new leader, Deng Xiaoping, criticized Mao Zedong's main ideas as "leftist mistakes" and launched a more liberal policy of the country.

Given these changes and their own interests, Moscow met Beijing half way. In March 1982, the USSR unveiled new principles of relations with the PRC, which included: recognition of the existence of the socialist system in China, which makes it similar to the Soviet Union; assistance in resolving the Taiwan issue in favor of China; the USSR's giving up any territorial claims to China and readiness for negotiations on resolving border issues; Moscow's readiness to start a dialogue with Beijing on improving Soviet-Chinese relations based on the principles of mutual interests and non-interference.

All this marked the beginning of a restart of cooperation between the USSR and the PRC. By the end of the 1980s, relations between the two countries were actually fully restored.

In 1984–1985, a number of Soviet-Chinese agreements were signed on economic, technical and scientific cooperation, as well as the construction of industrial facilities in the PRC.

Later, of decisive importance in normalizing the relations between the parties was M. Gorbachev's proclamation of the policy of the USSR's openness to the world. Proceeding from there, on May 18, 1989, a joint Soviet-Chinese communiqué was adopted in Beijing, which laid the political basis for the long-term relations between the two countries.

5. The Rapprochement Between Russia and China After the Collapse of the USSR

After the collapse of the Soviet Union in 1991, relations between the new Russia and China came to a qualitatively new level. First of all, due to the parties' final giving up the ideological component in their relations, and the two countries' being interested in deepening economic cooperation.

Within the framework of reforms under the leadership of Deng Xiaoping, by the early 1990's, China's leadership had finally got rid of the legacy of Maoism and created a new political and economic system in a country that combined elements of socialism and market capitalism. Simultaneously, China's policy aimed at modernizing and speeding up the development of the Chinese economy, and strengthening the military potential of the country. In turn, this required expansion of China's access to modern civilian and military technologies, and to foreign markets.

However, because of China's totalitarian nature, the United States and leading European countries in fact refused to let it to their technologies and markets. In particular, the events on the Tiananmen Square in 1989 (the suppression of student demonstrations by the armed forces of the People's Republic of China) led to significant human losses. In view of this, the United States and European countries imposed sanctions against China.

Unlike this, the USSR, and then Russia, continued political and trade-economic cooperation with China, including the supply of arms and the transfer of modern military technology. Moreover, as a consequence of the socio-economic crisis in Russia after the collapse of the Soviet Union, such cooperation has been greatly expanded.

In 1992–2005, a number of agreements and treaties were concluded between the two countries that laid foundations for their relations in the economic and political

spheres. The main ones were the Intergovernmental Agreement on Trade and Economic Cooperation between Russia and China (March 1992) and the Treaty of Good-Neighborliness and Friendly Cooperation between the Russian Federation and the PRC (July 2001).

Since 2005–2007, Russia and China have also intensified their cooperation in the military sphere as a result of the coincidence of their interests in the common opposition to the USA, international terrorism and "color" revolutions. In this regard, their military-technical cooperation included joint military exercises, systematic consultations on regional and world security, and other measures. As a rule, such measures demonstrate the parties' common negative attitude to the USA's actions in the military-political sphere, including the intensification of military exercises in the Asia-Pacific region, deployment of missile defense systems, etc.

In 1992, they created the Russian-Chinese Mixed Intergovernmental Commission on Military-Technical Cooperation, which defines the main directions of interaction between the parties in this sphere and the ways of implementation of joint projects.

Within the framework of the military-technical cooperation between the two countries, Russia has provided the PRC with a significant amount of arms and military equipment, including about 300 heavy Su-37/30 fighters, military transport aircrafts Il-76 and aerial refueling tankers Il-78, about 20 diesel submarines, several surface ships and anti-ship missiles "Moskit", M-80E cruise missiles, T-80U tanks, "Tor-M" anti-aircraft missile systems "Buk", S-300 PMU1 and S-400, guided air bombs and artillery ammunition. At the same time, China began its own production of a number of weapons under Russian licenses.

In November 1993, the Agreement on Military Cooperation between the Defense Ministries of Russia and the PRC was signed. From that moment on, direct links have been established between the armed forces of the two countries. The next step was the signing in July 2001 Treaty of Good-Neighborliness and Friendly Cooperation between the Russian Federation and the PRC, which made it possible to bring the two countries' interaction in the military sphere to the strategic and systemic level.

In particular, a direct phone line was established between the two Defense Ministries, there began systematic meetings of the high military command representatives, exchanges of military delegations and visits of warships, was restored the practice of training Chinese military personnel in military schools of Russia and they began to conduct joint military exercises.

For example, since 2005, there has been conducted joint Russian-Chinese exercise "Peace Mission". The parties master interaction in fighting terrorism, extremism and separatism.

Later, the "Naval Interaction" joint exercise was launched. The tasks of joint maneuvering, organization of communication, missile-artillery firing, as well as search-and-rescue operations are performed. The feature of the exercises is their being conducted in two regions, namely, in the Far East and in the Baltic Sea.

Besides, Russian military units take part in exercises of the Armed Forces of the PRC, and Chinese units — in exercises of the RF Armed Forces.

A separate sphere of cooperation between Russia and China is their interaction in the international organizations. Among them, a special place is occupied by the SCO and BRICS, which were created on the basis of a joint Russian-Chinese initiative as an association of the Third World countries and a counterweight to the West.

The Shanghai Cooperation Organization (SCO) was established in 2001 by leaders of China, Russia, Kazakhstan, Tajikistan, Kyrgyzstan and Uzbekistan. Later, it was joined by India and Pakistan. The total territory of the countries that are part of the SCO is 34 million square kilometres — 60 % of the territory of Eurasia; the total population — 3 billion 40 million people. According to the official charter of the SCO, the main tasks of the Organization are to strengthen the stability and security of the members of the Organization, to fight terrorism, separatism, extremism and drug trafficking, to develop economic cooperation, energy partnership, scientific and cultural cooperation.

The BRICS group was created in 2006 during the St. Petersburg Economic Forum with the participation of the Ministers of Economy of Brazil, Russia, India and China. Later the South African Republic joined

the Group. The main objectives of the BRICS group are to coordinate the actions of the parties in order to promote their economic development. However, the Group is a rather amorphous structure — in fact, a special political and economic interest club.

6. The Russian-Chinese Relations' Reaching a Qualitatively New Level After the Resumption of the Confrontation Between Russia and the West

Since 2014, relations between Russia and China have become especially close. Thus, by deepening cooperation with China, Moscow tries to compensate for Western sanctions against Russia, and to strengthen its international positions. In particular, Moscow has declared "turning" its energy flows from Europe to China.

In turn, Beijing uses the situation to its own advantage — to expand access to Russian natural resources, markets, transport infrastructure and the most lucrative sectors of the economy.

On the basis of such interests, in recent years the parties have concluded a new package of agreements in the trade-economic, energy and infrastructure spheres.

Major of them are: the "Shanghai" and "Moscow" agreements of 2014; "Moscow" agreements of 2015; "St. Petersburg" agreements of 2016.

Among them, the most important deal was the agreement between Russian Gazprom and the China National Petroleum Corporation (CNPC) on deliveries of Russian gas to China in the amount of 38 billion cubic meters annually. The deal is for 30 years, and its total cost is estimated at 400 billion US dollars.

All this allowed to ensure a positive dynamics of trade growth between Russia and China, which in 2018 reached the level of more than 100 billion US dollars.

Since 2017, the US President D. Trump's policy of restraining China as a new world centre of power has been an additional stimulus to strengthen relations between Russia and China. In turn, this has created a more powerful foundation for deepening the interaction between Moscow and Beijing on an anti-American basis.

At this, the parties' political, trade and economic cooperation was complemented by military cooperation between them. In particular, most indicative was the participation of the brigade tactical group of

the People's Liberation Army of China in the strategic command-post exercises of the Russian Armed Forces "East-2018" in August–September 2018.

In total, 3,200 Chinese military personal with arms and military equipment (all in all, around 900 pieces) participated in the SCPE, and an aviation group consisting of 6 aircrafts and 24 helicopters.

7. The Policy of Russian Concessions to China

Since 1991, the development of Russian-Chinese relations has been accompanied by Russia's actions in favor of China in a number of important spheres. The reasons for this are as follows:

- Russia's losing the ability to really resist China due to a significant narrowing of the former's economic and military potential after the collapse of the USSR;
- Moscow's desire to provide most favorable conditions for deepening cooperation with the PRC by resolving disagreements.

An example of such Moscow's policy was a series of its territorial concessions to China, which were made in 1992–2008. All in all, during that period, Russia gave away to the PRC 337 square kilometres of island and land areas.

In particular, the islands Damansky (subject of the armed conflict of 1969) and Tarabarov, and a part of the Island of Great Ussuri on the Amur River were transferred to China.

The grounds for this were: the Agreement between the USSR and China on the Soviet-Chinese state border in its Eastern part from May 15, 1991; the 1994 Agreement between Russia and the PRC on the Russian-Chinese border in its Western part; the Additional Agreement between Russia and the PRC on the Russian-Chinese border in its Eastern part from October 15, 2004.

Since 2014, Russia's policy of concessions to China has reached a qualitatively new level. For example, Russia has in fact opened the door for Chinese expansion in Russian territories. Manifestations of such actions of Moscow were:

- providing China with the possibility of actually establishing control over Russian territories in the form of their long-term lease;

- opening of ways for the massive resettlement of Chinese citizens into neighboring with China regions of Russia's Eastern Siberia and Far East;
- maximum expansion of China's access to Russian natural resources, economy and markets, which is gaining uncontrolled character.

Such opportunities are being opened by the law "On the Territories of Advanced Socio-Economic Development" which was adopted in December 2014 against the background of the introduction of the USA and EU's sanctions against Russia. The law provides for the possibility of land lease to foreigners for up to 50 years, where privileged economic activities can be carried out, including virtually unlimited involvement of foreign labor.

Despite the fact that the law does not give advantages to any foreign country, it was actually adopted in favor of China. Thus, since 2015, such zones have been mainly created in Russia's Eastern Siberia and Far East. In particular, among them there are: "Khabarovsk" and "Komsomolsk" in the Khabarovsk Territory; "Nadezhinskaya", "Kamchatka" and "Mikhailovskaya" in Primorye; "Priamurskaya" and "Belogorsk" in Amur region.

All in all, within these and other projects, about 4 million hectares of Russian territories have been leased and are planned to be leased to China.

On the whole, the above-mentioned circumstances make an impression of a strategic partnership between Russia and China. At the same time, disagreements between them do not just remain unresolved, but have reached a qualitatively new conflict potential.

8. Reasons and Possibilities for Resumption of Confrontation Between Russia and China

The reason for this trend is the formation of a new, multipolar world, in which China and Russia position themselves as new centers of power. The consequence of this is objectively the emergence of new disagreements between them over a number of important issues. The main ones being:

- in the political sphere — rivalry between the two countries for influence in the world.**

The rapid growth of China's power, as well as the country's leadership moving to

active foreign policy, enhance the role of the PRC in the world, increasingly surpassing Russia.

Thus, in 2017, Chinese leader, Xi Jinping, made a geopolitical initiative to build a new "open and just world order" through the involvement of developing countries. In this way, the claim was made that China would create its own sphere of influence, which would include more than half the globe.

The main mechanism of the People's Republic of China to achieve this goal is the implementation of plans for building a "Belt and Road", namely — a common commercial and economic space from the Asia-Pacific region to Europe. At this, China is not limited to the Eurasian region but expands the format of the "Belt and Road" by involving other countries, including members of BRICS and SCO, South-East and Central Asia, Eastern Europe, Africa and South America.

The consequence of such a policy of Beijing is, in fact, a new redistribution of the world into the zones of influence between the United States and China. As part of this system, Russia, in fact, appears to be China's junior partner and begins to enter its sphere of influence, together with Moscow's partners from the Eurasian Union. This levels Russia's intentions to be equal to the United States and China as a separate center of power in the world with its own zone of influence.

Besides, despite the growing disagreements between China and the USA, Beijing is not going to build a real anti-American alliance with Moscow. The reason for this is the PRC's being interested in developing trade and economic relations with the United States as one of the largest partners, which is far superior to Russia.

In this regard, the PRC's attitude to Western sanctions against Russia is rather illustrative. On the one hand, China opposes such a policy, but on the other — it restricts cooperation with those Russian companies that are subject to Western sanctions;

- in the economic sphere — contradictions in the goals and interests of trade and economic cooperation of the parties.**

As noted above, Russia's main goal is to create favorable conditions for the development of the country's economy by increasing trade with the PRC and attracting Chinese investments.

In turn, China's main goal is to expand access to Russian natural resources, markets, advanced technologies and profitable branches of the economy.

In view of this, the PRC mainly invests into projects related to production of oil, gas and other minerals in Russia, development of timber stocks, and into pipeline and border transport infrastructure.

At this, projects related to the development of machine-building and other high-tech industries in, in many cases, remain only at the level of "declarations of intentions" or do not give rapid practical results.

Besides, a significant problem for Russia is becoming China's surpassing it not only by overall economic potential, but also by scientific and technological development. In particular, evidence of this is the changes in the structure of trade between Russia and the PRC.

Thus, in the 1980s and 1990s, the USSR, and then Russia, mainly supplied China with high-tech products and received consumer goods. Today, Russia mainly supplies China with oil and gas and receives machinery and equipment. Even more so, such changes are irreversible.

In 2018, the structure of Russia's exports to China included: oil and gas — 76.19 % (in 2017 — 67.8 %); timber — 8.6 % (10.71 %); food products — 4.5 % (4.5 %); machinery and equipment — 3.26 % (6.86 %); products of the chemical industry — 2.83 % (4.35 %); metals and wares from them — 2.38 % (1.65 %). In turn, Russia's imports from the PRC included: machinery, equipment and vehicles — 57.12 % (58.95 %); textiles and footwear — 11.17 % (11.13 %); products of the chemical industry — 9.91 % (8.97 %); metals and wares from them — 7.75 % (7.09 %); food products and agricultural raw materials — 3.64 % (3.68 %).

Thus, Russia actually appears to be China's junior counterpart in the economic, scientific and technical spheres, and already plays the role of its predominantly raw material appendage. Such a situation is completely contrary to Moscow's geopolitical goals, but it has to live with it, since today there is no other way out;

- **in the military sphere — a change in the balance of power between the parties due to China's consistent build-up of its military potential and its modernization.**

A significant component of the CPR leadership's policy to consolidate the role of the country as a leading center of power is to strengthen its military potential. To this end, China is reforming the country's entire military sphere, the reforms are planned till 2035, and provide for bringing the People's Liberation Army of China to the advanced world level. At the same time, a powerful defense industry is being created, capable of independently developing and producing all types of modern military equipment.

According to Russian experts, today the People's Liberation Army of China is already surpassing the RF Armed Forces, with the exception of strategic nuclear weapons and some types of high-tech equipment.

During the military reform of the PLA, the number of personnel of the Ground Forces was significantly reduced, with simultaneous increasing their mobility and combat capability. Besides, at the basis of Airborne Forces, Marines, Airmobile units and Special Forces, the Rapid Response Force is being created. At this, by the number and quality of the main battle tanks, artillery systems and tactical missile systems, China is not inferior to the United States and in the near future will surpass Russia.

The Chinese Air Force and the Navy are also developing fast. In three to four years, the core of the Chinese Air Force will be multi-functional 4th generation fighters and their further modifications similar to the Russian Su-35. At the same time, the troops will start getting the 5th generation combat aircrafts. In general, China is ahead of Russia in terms of the number of aircrafts of the 4th, 4th+, and 4th++ generations in the PLA, China is ahead of Russia, and this allows it to absolutely dominate in the air on the Far Eastern theatre of war. In three to four years, the PLA will receive long-range air defense system, similar to the Russian S-400.

The Navy of the PLA is being quickly equipped with new warships of different classes, including aircraft carriers, cruisers and destroyers with systems similar to America's Aegis system. By ships of such classes, China absolutely surpasses Russia.

The leadership of the PRC is paying special attention to the development of the Nuclear and Missile Forces of the country, which is identified as the "cornerstone" in ensuring the country's national security.

China's main efforts are focused on the deployment of a number of new missile systems, including silo-based ballistic missiles DF-5B with multiple warheads and solid-fuel mobile ballistic missiles DF-31 and DF-31A with a range of 11,200 km. In addition, in recent years, China has commissioned the first four nuclear missile submarines (SLBMs), and in the near future it is going to commission the fifth. The SLBMs are equipped with missiles "Julang-2" with a range of 7,400 km. Work is underway to create new strategic long-range (bomber) aircrafts and air-launched cruise missiles.

- **in other spheres of intersection of the parties' interests** — China's active expansion in the Far East and in Eastern Siberia of Russia, which threatens Moscow with its losing control over those territories.

The rapid growth of China as a new center of power objectively pushes it to external expansion for the sake of strengthening its positions, expanding the zone of influence, gaining access to resources, and resettling the surplus population.

In this regard, one of the aims of the PRC is the development of the so-called "Northern Territories" — Russia's Far East and Eastern Siberia. Those regions are traditionally part of the priority interests of China, due to the significant natural resources, favorable climatic conditions, and a relatively small number of local people — Russian citizens. Besides, the PRC considers the Far East and Eastern Siberia to be its historical territories, which had been inhabited by the Chinese before the arrival of Russians.

However, till the beginning of the 1990s, China's movement northwards had been restrained by the Russian Empire, and then — by the USSR. With the collapse of the Soviet Union and, in particular, after the resumption of the confrontation between Russia and the West, the barriers to Chinese expansion have actually been lifted.

On the one hand, this contributes to the economic development of the regions, and on the other — this leads to a number of negative consequences for Russia. The main ones are: uncontrolled migration of Chinese citizens to the Russian territory; predatory exploitation of natural resources (first of all, deforestation), which results in a significant damage to the ecology of the

region; ousting Russian business and the growth of the shadow economy.

The consequence of this is Russia's gradual losing control over the Far East and Eastern Siberia, as well as these regions' turning into a potential conflict zone, due to increased tensions between the local population and Chinese migrants.

9. The Threat of an Armed Conflict Between Russia and the PRC

In general, the above-mentioned circumstances pose a threat of Russia and China's moving from the partnership between the two countries to confrontation, as it happened in the second half of the 1950's. At this, unlike in the 1950s, such a confrontation will be characterized by a fundamental change in the balance of power in favor of China, which will allow it to dictate its conditions.

The aforementioned problems are already causing concern in the expert community and political circles of Russia. In particular, they have repeatedly been mentioned at the level of the State Duma and the Russian government. Therefore, a number of decisions were made to strengthen the control of the migration flows of Chinese citizens to Russia, as well as their economic activity in the Russian territory.

Moreover, Russian experts do not rule out the possibility of an armed conflict between Russia and China. According to their assessments, the reasons for this may be:

- China's policy getting harder in defending and promoting its interests as the country's economic and military potential grows;
- the spread of revanchist moods in different strata of the Chinese society, namely, being sure of the illegality and humiliation of China's previous treaties on territorial delineation with Russia;
- aggravation of the confrontation between local residents and the Chinese diaspora in Eastern Siberia and the Far East of Russia, including armed clashes of both sides. This will actually create a pretext for the PRC's actions to protect their compatriots in Russia, with further annexation of its territories.

This makes possible a change in the PRC's policy towards Russia to a more rigid and aggressive one.

In fact, these threats are recognized by the military-political leadership of Russia, which is taking measures for military deterrence of China and repulsion of its possible aggression. In particular, such measures include:

- mastering of different scenarios of an armed conflict with China during maneuvers and exercises of the Russian Armed Forces;

One of the components of trainings of the Eastern Military District (MD) of the RF Armed Forces is rehearsing a scenario of an armed conflict between Russia and China. In particular, such a scenario implies the use of the RF Armed Forces and other security structures to localize and end the riots among the Chinese diaspora of the Trans-Baikal and Far Eastern regions of the RF, elimination of illegal armed groups and prevention of China's interference in the aforementioned events.

Trainings under this scenario is traditionally conducted at the "Tsugol" training ranges in the Republic of Buryatia, which is the main area of concentration and economic activity of the Chinese diaspora in Eastern Siberia (in the Lake of Baikal area). The trainings involve units and forces from the 29th (HQ — in Chita) and the 36th (HQ — in Ulan-Ude) Combined Arms Armies of the Eastern MD with involvement of forces of other MDs.

Since 2018, on training ranges in Amur region and in Primorye near the border with China, they have started mastering repulsing of an offensive of prevailing enemy forces with retreating to the second defensive line and further counterattack. The trainings involve units and forces of the 35th (HQ — in Belogorsk, Amur region) and the 5th (HQ — in Ussuriysk, the Primorsky Territory) Combined Arms Armies.

- building-up of the RF Armed Forces in the East of the country and their rearmament with new types of weapons and military equipment;

In particular, since the beginning of this year alone, 120 modernized T-80 tanks have been received by the units of the Eastern MD. And last year, the Eastern MD received more than 900 pieces of new equipment, including "Iskander" missile systems, anti-aircraft missile systems S-400, heavy flame-throwing systems "TOS-

1A", Mi-8AMTSh transport and attack helicopters and unmanned aerial vehicles.

- ensuring the operative strengthening of the Eastern MD by redeploying units and forces from other regions of the country.

In particular, under the guise of expanding Russia's participation in international transport corridors, the capacity of the Baikal-Amur and Trans-Siberian railways increases, and the airfields network is being developed.

Additional command posts, military infrastructure and new warehouses with weapons, equipment and inventory are being built. The issue of redeployment of troops to Eastern Siberia and the Far East of Russia is systematically practiced during the exercises of the Central and Southern MDs of the RF Armed Forces (including the forces of the 4th Air Force and Air Defense Army deployed on the Ukrainian direction).

However, Russian military experts acknowledge Russia's being incapable of repulsing a possible attack by the PRC through the use of conventional forces alone. That is why, a conclusion is drawn about the crucial role of nuclear weapons, which remains the only means that can allow Moscow to preserve sovereignty and territorial integrity of the country.

10. Ukraine On the Crossroads of Russia's and China's Interests

The above-analyzed processes have a direct impact on Ukraine's interests.

Thus, further confrontation between Russia and the West, including over Ukraine, objectively corresponds to the interests of China, since it gives it more opportunities for expansion on the Russian direction. In fact, this is one of the reasons for Beijing's refusal to intervene in the situation surrounding the Russian-Ukrainian conflict.

At the same time, China is interested in stability and economic development of Ukraine, as a market for Chinese goods and investments, as well as one of the links of transport infrastructure within the "Belt and Road" initiative. From this point of view, despite its strategic partnership with Russia, China does not recognize the "legality" of Russia's annexation of Crimea, continuing to actively develop trade and economic relations with Ukraine, and taking part in the implementation of various energy, infrastructure and other projects in the Ukrainian territory.

Conclusion

The common interests of Russia and China create the basis for the development of strategic cooperation between the two countries in the political, economic and security spheres.

At the same time, such interests are mostly situational in nature and depend on the geopolitical situation in the world. At this, the parties have a number of problems in their relations, both historical and current.

In the future, the growth of China's strength and its superiority over Russia could lead to changes in the parties' relations, including to a confrontation and a military conflict.

LEGAL TOOLS TO COMBAT EXTREMISM AND TERRORISM



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Abstract. Terrorism as a product and instrument of extremism has many forms and modes of action, but fear is a common denominator. Fear as an instrument of ideological action. Just as extremism is called hate crime, where ideology plays a vital role, intimidation is an essential indicator of terrorism. The article deals with the manifestations of extremism and especially terrorism and the possibilities of legal solution of these activities.

Keywords: *Extremism, terrorism, right, population protection*

Introduction

If we want to characterize the origins of the manifestations of extremism and terrorism, we must state that together with organized crime and the proliferation of weapons of mass destruction, extremism and terrorism, especially its international form, are among the most serious social risks threatening the entire human civilization. Its essence is a social phenomenon, which is multidisciplinary in nature and originates mainly from expressions of aggression and intolerance. Social pedagogy with its focus and interdisciplinary character is then the most suitable scientific area for identifying and solving the manifestations of extremism and, moreover, terrorism in relation to extreme attitudes. Thus, the prevention of manifestations of extremism is more appropriate and undoubtedly more effective than punishment. However, even repressive tools are necessary to address this social phenomenon. A substantial part of the world has been affected or threatened by political or religious extremism or terrorism; actions by regional or transnational extremist and terrorist organizations and groups. Regardless of the considerable efforts of the security forces of democratic states to eliminate international extremism and terrorism, its activities are annually encountered around fifty to sixty countries.

1. Classification of extremism and terrorism

Extremism and terrorism can be classified from different perspectives and criteria. From the point of view of an endangered object (mostly the state), extremism and terrorism can be divided into internal and international, from the point of view of the goal pursued by extremists and terrorists to:

1. Political (political, ideological or religious)
2. Criminal (material benefit) and
3. Psychotic (satisfaction of a mentally ill person).

Political extremism and terrorism can be further divided into the following groups: Islamic-fundamentalist (Palestinian groups, Middle East region), religious-ethnic (IRA,

Balkan events), nationalist (ETA in Spain) and retreating left (Red Brigade).

The psychotic terrorism mentioned above is considered to be the least readable, when it is enough for its actors that their act will cause attention and horror, which in turn brings them perverse pleasure and satisfaction. In this case, violence is not the path to the primary enforcement of any particular requirement, but the goal itself. Islamic-fundamentalist terrorism based on Islamic extremism is now considered the most dangerous. His ideology condemns the political principles and the system of values of "Western civilization" and, as the only just arrangement of the world, recognizes its organization on a strictly Islamic basis. In the name of this ideology, Islamic fundamentalists

feel empowered to use violence in their confrontational attitude to the Western world.

Although the ways in which it is carried out, such as assassinations, kidnappings, hostage taking, murders, etc., are usually similar, the sources of extremism and terrorism and its focus often differ. Each category requires a different approach to its examination. Therefore, it is not just a purely theoretical question of where to place the terrorist act (under which category). This classification is important for prevention and for seeking effective ways to combat this phenomenon.

2. The roots of terrorism

It might seem that extremism and terrorism are something new, typical for the late 20th century. But is that really the case? There is no doubt that it is not. Russia is most likely the cradle of modern terrorism. Around 1875, part of the then intelligence (affiliated with the Narodnaya Volya Movement - National Will) adopted anarchist beliefs and saw the assassinations of oppression as the only way to free society from political and social blockade. At the end of the 19th century, terrorism, especially the assassination of the people representing the ruling power, was accepted by anarchist groups in Europe, Russia, and the United States as the best way to bring about political and social change.

Another developmental stage of extremism and terrorism in society can be linked to the national liberation movement in the so-called Third World countries. Support for the national and state independence movement in South America, Africa and Asia has become a new field of mutual competition between NATO and Warsaw Pact states during the Cold War. Often these two blocks funded resistance movements and various political factions or activities. They directly trained destruction and marauding specialists and sent their "advisors" directly to crisis areas. Thus, terrorism was no longer the expression of solely violent actions by some groups, but by coordinated action by a number of groups (often directly or indirectly organized by individual states) and particularly trained individuals, transcending national borders. Newly organized events have resulted in far greater casualties and more damage than ever.

There has been a fundamental shift from the earlier situation, which was best characterized by the terrorist expert Brian Jenkins in the mid-1970s saying "terrorists want a lot of watching people, but not many dead people". Current terrorism has also brought a new doctrine, finding the weakest point in the hostile system and attacking it with all available means. Kill as many people as possible, trigger hysteria and damage the economy.

3. Possible definitions of terrorism

There is, in principle, no universally accepted definition of extremism and terrorism. Different organizations work with different definitions. It can be stated that the definitions of terrorism are due to the legal framework of a country that considers activities and organizations to be terrorist. Even the US government cannot unite on one definition. There are many reasons why this is so. The question of the definition of extremism and terrorism has its place in discussions between states for decades. The first attempt to arrive at an internationally accepted definition was made under the League of Nations, but the convention proposed in 1937 never entered into force. The lack of unity in defining extremism and terrorism is a major obstacle to meaningful international defense means. In general, however, terrorism is a violent continuation of extreme ideas and attitudes.

A terrorist expert, A. Schmid, contributed to resolving this situation in 1992, saying that if the core of war crime (deliberate attacks on civilians, hostage taking and prisoner killing) is extended to peace, we can simply define terrorist acts as peaceful war crime counterparts.

Other terrorist experts characterize him as: use of force or imminent use of force to achieve political change (Brian Jenkins), the illegal use of force directed at innocent people to achieve a political goal (Walter Laqueur), a deliberate deliberate planned murder, injury and threat innocent in order to create fear and intimidation for political or tactical advantage (James M. Poland). However, most definitions share certain elements, emphasizing the purposeful use of physical violence against civilians to bring about a climate of general fear in the target population for political and social change.

It is not easy to define terrorism so that all aspects of its manifestations and impacts are affected. The content of the definition would certainly vary according to whether terrorism would be viewed from a legal, security, or sociological perspective. However, it would be common to all such definitions that these are unlawful acts of systematic perpetrating violence against the population and state authorities in order to cause fear, panic and destabilization of existing political circumstances.

The origin of the word terror is also interesting. He comes from a Latin terrere - scare, scare. It was only in the 14th century that modern Western dictionaries came through the French language. The first use in English is recorded in 1528. The basic mechanism of terror is contained in the old Chinese proverb: "Kill one and scare ten thousand." For decades, the methods of terrorism have changed, but the consequences of contemporary terror are just as horrible.

4. International framework for the fight against terrorism

Following the attacks in the United States on 11 September 2001, this concerns in particular the "Resolution and Action Plan of the Extraordinary European Council", published on 21 September 2001 in Brussels (Resolution No 1364 of the Government of the Czech Republic of 19 December 2001), "EU Council Common Position on Combating Terrorism" (2001/930 / CFSP of 27 December 2001) and "EU Council Common Position on the application of specific measures to combat terrorism" (2001/931 / CFSP of 27 December 2001), including all its updates, regulating the lists of persons and groups sanctioned by the European Union.

The EU Council in its document entitled "EU Council Common Position on the Use of Special Measures to Combat Terrorism" (2001/931 / CFSP) defines a terrorist act. A "terrorist act" is understood here as a set of listed acts that, by their nature or context, can seriously threaten the operation of a particular state or international organization. Under national law, acts are committed with the intention of:

- Seriously intimidating the population;
- To unduly encourage a government or international organization to take or take concrete steps;

- Seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or international organization, namely:
 - about an attack on human lives that can cause death;
 - attacks on the psychological integrity of people;
 - about kidnapping or taking hostages;
 - causing massive destruction of government or public facilities, transport systems, infrastructure facilities, fixed platforms on the continental shelf, public places or private property threatening human lives or resulting in severe economic losses;
 - the occupation of aircraft, ships or other means of public transport or the transport of goods;
 - the production, possession, procurement, transport, supply or use of weapons or explosives of a nuclear, chemical or biological nature, as well as the research or development of such weapons;
 - by releasing these dangerous substances into free circulation, by creating fires, explosions or causing floods, the course of which endangers human lives;
 - by interrupting or interrupting the supply of water, electricity or other essential resources, which can also endanger human lives;
 - threats by committing these acts mentioned above;
 - the management of a terrorist group;
 - participation in a terrorist group, including as an informer, provider of financial or material support, knowing that this assistance will help commit the group's criminal activities.

For the purposes of the same document, a "terrorist group" is defined as a structured group, composed of more than two persons, set up for a longer period of time and acting under the division of labor steps necessary to commit terrorist acts. This is not a coincidental or one-time association.

In addition, following the attacks in Madrid on 11 March 2003, the Declaration on Combating Terrorism, which was endorsed by the European Council on 26 March 2004, contains an annex to the European Council's Action Plan. By joining the EU, all EU Council Regulations implementing common positions from which terrorism is concerned are binding and directly applicable in the Czech Republic,

in particular Council Regulation 2580/2001 on specific restrictive measures directed against certain persons and entities in the fight against terrorism.

The Czech Republic is a party to the following international legal instruments linked to the issue of terrorism: Convention on Criminal and Certain Other Acts Committed on Board Aircraft (Tokyo, Decree No. 102/1984 Coll.); Convention on the Suppression of Unlawful Assignment of Aircraft (The Hague, Decree No. 96/1974 Coll.); Convention on the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, Decree No. 16/1974 Coll.); Convention on the Prevention and Punishment of Crimes Against Persons Benefiting from International Protection, including Diplomatic Representatives (New York, Decree No. 131/1978 Coll.); International Convention against Hostage (New York, Decree No. 36/1988 Coll.); Convention on the Physical Protection of Nuclear Material (Communication of the Ministry of Foreign Affairs No. 114/1996 Coll.); United Nations Convention on the Suppression of Terrorist Bombing (published under No. 80/2001 Coll.), European Convention on the Suppression of Terrorism (Strasbourg, FMZV Communication No. 552/1992 Coll.) biological) and toxin weapons (Decree No. 96/1975 Coll.).

The Czech Republic has also signed and recently ratified, for example, the UN Convention on the Suppression of the Financing of Terrorism (New York, Communication of the Ministry of Foreign Affairs No. 18/2006 Coll.)

5. General legislation and legal means of combating terrorism

The Constitution of the Czech Republic (Constitutional Act No. 1/1993 Coll.) Does not create the necessary constitutional basis for ensuring state security. Some of its provisions concern only military defense, even to a limited extent. Neither does the Constitution of the Czech Republic contain the institutional definition of special bodies in this narrowed concept of defense. According to the preamble to the Constitution of the Czech Republic, citizens are determined to protect the Czech Republic and are aware of their responsibilities to others and to their responsibilities towards the whole. However, there is no specific

determination of the obligations of all for the benefit of the Czech Republic's security.

The Charter of Fundamental Rights and Freedoms (Constitutional Act No. 2/1993 Coll.) Enshrines the right to protection of life, health and property values, specifically in its articles 6 (everyone has the right to life) and 31 (everyone has the right to health protection).

According to the Constitutional Act No. 110/1998 Coll., On the Security of the Czech Republic, the state is the guarantor of the protection of lives, health and property values. Moreover, according to Article 1 of this Constitutional Act, ensuring the sovereignty and territorial integrity of the Czech Republic, protecting its democratic foundations and protecting the lives, health and property values is a fundamental duty of the state. The purpose of the Constitutional Act on the Security of the Czech Republic is to set obligations in the interest of ensuring the security of the state and thus to supplement the constitutional order of the Czech Republic. This Constitutional Act operates alongside the Constitution of the Czech Republic and thus enables the state to function in crisis situations that the Constitution does not envisage. If the sovereignty, territorial integrity, democratic foundations of the Czech Republic or, to a large extent, internal order and security, lives and health, property values or the environment are threatened, or international commitments on common defense need to be fulfilled, it may be declared by intensity, the territorial extent and nature of the situation, an emergency, a state of emergency or a state of war.

The concept of constitutional law is based on a comprehensive concept of national security that combines foreign policy, military defense and internal security and order. Its aim is to take care of man, his life, respect for human rights and freedoms, the protection of property and life security, and the preservation of state functions as a security institution.

Without the fundamental constitutional rules, which are primarily the basic obligations of all authorities, legal and natural persons to carry out national security tasks and specific crisis management systems, no other necessary laws can be prepared. Above all, it is the laws that define in detail the responsibilities and tasks of state authorities, bodies of territorial self-governing units, legal

and natural persons according to the needs of securing the state and also the needs of securing obligations resulting from accepted international treaties

6. Subject legislation and legal means of combating terrorism

Special regulations stipulate powers and responsibilities within the defined competencies of state authorities and bodies of territorial self-governing units so that the protection of lives, health and property values at the required level is ensured in these areas. In fulfilling the set tasks, the administrative authorities are primarily based on the field of their competence set out by Act No. 2/1969 Coll., On the Establishment of Ministries and Other Central Authorities of the Czech Republic (the so-called Competence Act).

Protection of the population against contemporary threats in the Czech Republic is addressed through crisis legislation. It is relatively new legislation from the turn of the millennium. Until then, the area of crisis management was not addressed at all and the area of the integrated rescue system was insufficient, consisting of regulations too general, issued over a period of more than twenty years, focused on specific emergencies, without the possibility of central management and coordination. In particular, the backbone of this crisis legislation is: Act No. 239/2000 Coll., On the Integrated Rescue System, Act No. 240/2000 Coll., On Crisis Management, Act No. 241/2000 Coll., On Economic Measures for Crisis Situations, and of the latest legislation, it is appropriate to mention Act No. 181/2014 Coll., on Cyber Security.

Other relevant legal regulations for chemical weapons are Act No. 356/2003 Coll., On Chemical Substances and Chemical Preparations, Act No. 19/1997 Coll., On Certain Measures Related to the Prohibition of Chemical Weapons. Act No. 18/1997 Coll., On the peaceful use of nuclear energy and ionizing radiation, is important for the area of radionuclide and ionizing radiation.

The incorporation of foreign complaints into the legal order of the Czech Republic resulted in the recent adoption of Act No. 537/2004 Coll., Amendment to the Criminal Code and the Firearms Act, which entered into force on 22 October 2004.

Thus, the Criminal Code (Act No. 40/2009 Coll., The Criminal Code) added a new offense

of a terrorist attack that is not focused only on the protection of the state's constitution, but primarily on the protection of general democratic principles when attacked by anyone in the territory of our republic. The factual principle protects to the fullest extent the principles mentioned against any form of action that is terrorist in nature. The newly formulated facts allow to prosecute in the same way acts of persons who threaten terrorist attack or knowingly materially and especially financially, support terrorist activity. Sufficient financial support for terrorist activities is a prerequisite for the activities of these criminal structures, so such conduct is formulated into a specific set of facts which clearly show that financial support for terrorism deserves the same severe punishment as its own terrorism.

The terrorist attack does not exclude the actual existing constituency of terror because it punishes the attempt or complete deliberate killing of another intent to harm the constitutional establishment of the republic (typically the murder of a constitutional representative of the Republic, which does not have to be a terrorist attack that presupposes a disruption of the constitutional establishment of the republic). Keeping the crime of subversion of the republic, as it is a violent action against a republic or its authorities, where violence can be perpetrated not only on persons, but also on matters, and those attacks directed against the republic or its authorities, such as violent mass actions committed in the specific intention to disrupt the constitutional system, territorial integrity or defense of the republic or to destroy its independence. Basically, for similar reasons, the Criminal Code leaves a crime of marauding that covers the destruction or damage of a thing or its unusable in a specific marauding intent, which is not covered by a terrorist attack on a case-by-case basis

7. Conceptual materials and norms

Already on 10 December 2003, the Government approved the amended Security Strategy of the Czech Republic - a basic conceptual document containing the most important principles of the Czech Republic's security policy. In response to changes in the security environment and in the Czech Republic's position as a result of integration processes, it decided to amend the Security Strategy of the Czech Republic. The text for

the basic security organization for the Czech Republic refers to NATO, with the Czech Republic supporting the development of the EU's common foreign and security policy and complementary development of the capabilities of both organizations. Newly a strategic threat, it refers to global terrorist activities coupled with the proliferation of weapons of mass destruction and their means of delivery, and highlights the "privatization" of threats. Security comprehends comprehensively from assurance at individual citizen level to nationwide. It emphasizes the protection of electronic, communications and information networks, and the fight against corruption and organized crime. It contains two new chapters - Public Information Policy and the Czech Security System. The most discussed part of the text - Article 42 - opens the possibility for the Czech Republic to "engage before the crisis arises" because the impacts of non-state actors' attacks can reach a mass scale and are directed primarily against civilian targets. The government cannot allow the immediate and identified threat to grow into a terrorist attack with disastrous consequences.

By Government Resolution No. 1466 of 16 November 2005, the Government of the Czech Republic adopted the "National Action Plan to Combat Terrorism: Updated 2005-2007". This is an update of the document following the original "National Action Plan to Combat Terrorism" (adopted by Government Resolution No. 385 of 10 April 2002); "National Action Plan to Combat Terrorism: Updated 2003" (Adopted by Government Resolution No 361 of 14 April 2003) and "National Action Plan to Combat Terrorism: 2004 Updated" (Adopted by Government Resolution 19 May 2004 No. 479). It is a key

publicly accessible document that summarizes the actions already under way and in preparation to maintain and increase the country's preparedness for a terrorist attack against its interests at home and abroad. The text consists of a brief list of tasks that need to be fulfilled in concrete terms (Schedule of the Czech Republic's Measures to Combat Terrorism) and the Czech Republic's Counter-Terrorism Passage, which describes a wide range of currently applicable organizational, legislative, personnel and scientific research measures. nature. This includes steps in the field of civil aviation security, critical infrastructure protection, measures to improve the functioning of the Integrated Rescue System or asylum procedures. The coordinator of activities related to the preparation, evaluation and updating of the National Action Plan for Combating Terrorism is the Security Policy Department of the Ministry of the Interior. The main reason is to concentrate all the key tasks in the fight against terrorism in one place and to give them the power of political support in the form of a government resolution. The National Counter-Terrorism Action Plan not only updates the current situation but will be updated as needed, depending on developments at home and abroad. The 2005-2007 Action Plan is already the fourth document of its kind since 2002. The model for the establishment of the National Action Plan to Combat Terrorism was the document "Resolution and Action Plan of the Extraordinary European Council", published on 21 September 2001 in Brussels. His text was a follow-up to the "Euro-American Ministerial Declaration on Combating Terrorism", also adopted in Brussels on 20 September 2001.

Conclusion

Contemporary geopolitical developments in the world, enlargement of NATO and the EU by new members, the staunch attitude of the Republican administration in the United States to address US security issues, when the new US National Security Strategy leaves the concept of deterrence and replaces it with preventive strikes, brings security risks that can be briefly characterized in the following points.

Local wars and NATO armed intervention contribute to radicalization of extremist and terrorist groups. These groupings thrive, based on Muslim beliefs, to foment passions among Muslims and gain support, background and sympathizers for organizing terrorist attacks. European states acting as US allies in armed conflicts must realistically count on the fact that even their territory is likely to be the target of a terrorist attack. An example of an already executed attack is eg Spain. The terrorist attack in Madrid on March 11, 2004, by Al Qaeda-related people, symbolizes and commemorates the attack on the US September 11, 2001: the Spanish event became 911 days after

US attacks, and used in English-speaking countries to mark the attack on America symbol 9/11. Great Britain (London) also has experience with the terrorist attack. Subsequently, the acts of terrorism are understood to include the violent activities of the so-called Islamic State, whether in the territory it controls (controlled), or in other countries, especially the EU, where Islamic state fighters infiltrated with other migrants within the so-called "migration" waves, respectively. Migration crisis.

In the EU, strong national minority bases have historically formed from former colonies. Although it is a generation of people who have been born in Europe, acquired education and status here, they still have strong family and religious ties to countries where extremist and terrorist groups organize their activities. These bases are complemented by people from new waves of immigration. In addition, the free movement of people, goods and services in the European Union and the increasing illegal economic migration of the Eastern world to Europe make it much easier for terrorist groups to deploy hobbies and logistical operations.

Research and technology development brings new electronic means, computer technology, communication tools and data encryption and encryption capabilities, as well as new weapon systems. All of this is of interest to terrorist groups. The existence of a number of so-called national reference laboratories where deadly viruses and bacteria that are capable of causing deadly epidemics of unprecedented proportions in the hands of terrorists are also a serious risk.

The functioning of the security system, the construction of its individual components, economic and financial security are a long-term and demanding process. As it is virtually impossible to successfully counter terrorist acts at tactical level, preventive measures are most effective in countering terrorism. From this point of view, the following can be considered the most important:

- legislation (the basis of this system, it is a legislative expression of powers and mutual links of individual components, determination of their duties and obligations of citizens in constitutional and other laws),
- systematic preparation of crisis management experts
- intelligence services performance and cooperation at both bilateral and multilateral international level,
- systematic training of specialists to fight terrorism
- public awareness and preparation,
- functional integrated rescue system, finance and logistics.

As another and not insignificant tool to combat the manifestations of extremism and terrorism, there is, apart from repression and prevention, a possible interdisciplinary approach, using tools from the field of criminology, social work, and the like. social pedagogy.

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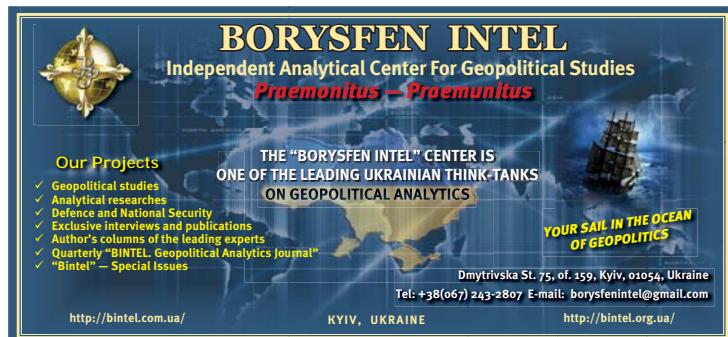
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The Center was created at the initiative of former servicemen of the armed forces and special services of Ukraine. The Center conducts scientific and geopolitical exploratory researches in the context of development and strengthening of the Ukrainian geopolitical school and national security.

The center is a public organization. Its founder and leader is Doctor of Military Sciences, Honored Lawyer of Ukraine, Lieutenant General of the reserve Victor Hvozd. At one time he headed the Main Intelligence Directorate of the Ministry of Defense of Ukraine (2008–2010) and the Foreign Intelligence Service of Ukraine (2014–2016).

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The Center's information and analytic product is, in the first place, for government officials and non-governmental organizations in Ukraine and abroad, who prepare and make decisions in the wide circle of geopolitical and security theme.

The information of the Center can also be useful for researchers, teachers, students and post-graduates community, people seeking to thoroughly examine the trends and methodology of the processes occurring in the world, in Europe as well as in Ukraine and also to understand the modern Ukraine's role and place in them.

The Center's product can be useful for a wide range of potential investors and businessmen to get acquainted with the real situation both, in Ukraine and around it, as well as everyone who studies geopolitics, geo-strategy, political science, political geography, foreign relations and international law, national security, challenges of our time and who wants to use an objective analytical information on these issues.

The Center is ready to cooperate with all interested state and non-governmental organizations, foundations, legal entities and individuals, both in Ukraine and abroad.

For reference: The printed edition of the Independent Analytical Center for Geopolitical Studies "BORYSFEN INTEL" — Geopolitical Analytics Journal "BINTEL". The journal publishes analytical materials from leading experts in their field of research. The authors of the publications are both, analysts — citizens of Ukraine, and representatives of other countries. It is published quarterly in Ukrainian and English. Is distributed by subscription in Ukraine and through the Internet.



National University of Water
and Environmental
Engineering

National University of Water and Environmental Engineering (NUWEE) is one of the best technical Universities of Ukraine. For more than 100 years our University creates thriving environment for students and researchers, and provides professional engineering expertise and services to the Government and private companies.

Today the University is one of the prominent modern educational establishments of Ukraine that became Alma mater for more than 70,000 domestic and international alumni. Our advances in water management engineering, advanced water treatment and environmental technologies, latest information technologies, economics and business made the National University a truly unique place for students to excel in technical disciplines as well as in business. Our graduates work in a variety of industries both in Ukraine and abroad.

NUWEE is the only higher education establishment in Ukraine that trains personnel for the water management and ameliorative complex of our state.

The nine Institutes of the University are guided by 374 Philosophy Doctors, 72 Habilitated Doctors - Professors, 45 Academics of the Academy of Sciences of Ukraine.

The University has extensive international relations with higher education institutions and international organizations of Poland, Germany, France, the USA, Georgia, the Republic of Azerbaijan, Turkmenistan, Kingdom of Morocco, China, Republic of Ecuador, Comoros and many other countries all over the world.

The University is the largest higher education establishment in Rivne region and the leading HEE of Ukraine; it consists of 9 institutes, 5 training and consulting centres, 5 colleges. The University offers full-time and part-time studies, distance learning studies in 39 bachelor degree programs and 41 master degree programs. University also provide 24 PhD and 7 Doctoral studies. The main institutes and specialties are listed below:

RESEARCH AND EDUCATIONAL INSTITUTES

WATER MANAGEMENT AND ENVIRONMENTAL ENGINEERING

- Building (Hydraulic Engineering Construction)
- Hydropower Engineering
- Water Engineering (Water Resources)
- Heat Power Engineering

AUTOMATICS, CYBERNETICS

- Automation and Computer Integrated Technologies
- Applied Mathematics
- Informatics. Computer Science
- Computer Engineering

AGROECOLOGY AND LAND MANAGEMENT

- Agronomics
- Water Bioresources and Aquaculture
- Geodesy, Cartography and Land Management
- Ecology, Environment Protection and Balanced Natural Resources Application

LAW

- Law

ECONOMICS AND MANAGEMENT

- Entrepreneurship, Trade and Stock-Taking Activities. Economics of Enterprise.
- Management
- Accounting and Auditing
- Human Resource Management and Labor Economics
- Finance, Credit and Banking Affairs
- International Economics

- Marketing

BUILDING AND ARCHITECTURE

- Architecture
- Construction.
- Civil Engineering.

MECHANICS

- Automobile Transport
- Mining
- Mechanical Engineering
- Transportation Technology Means

HEALTH AND CARE SCIENCES

- Physical Rehabilitation

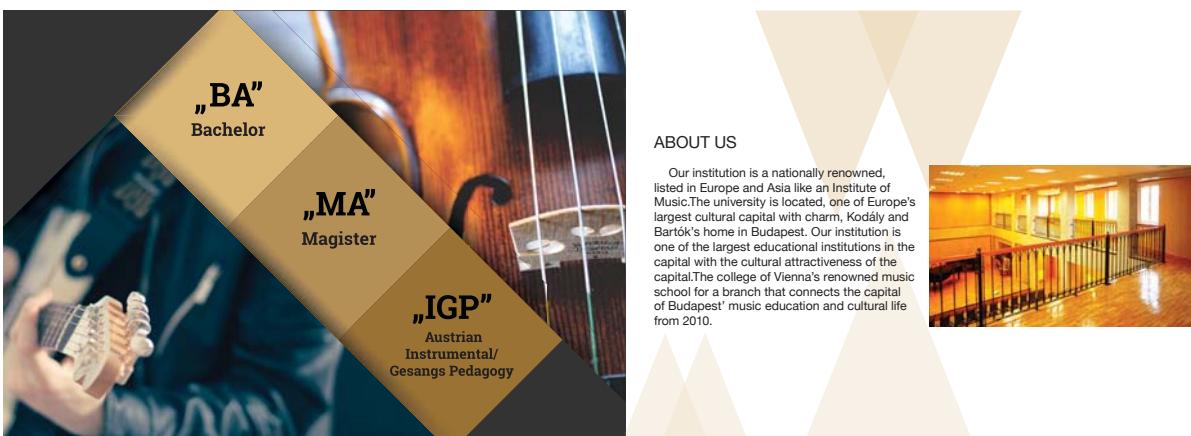
The main research directions of the University:

- technologies of water treatment, drainage and wastewater treatment, sludge disposal
- energy efficient and resource saving technologies in water management and agriculture
- construction objects, building materials
- architectural forms, design environment
- sustainable development solutions, system modeling
- social, economic and environmental studies on rational nature management
- methods for assessing and forecasting the impact of man-made pollution on the environment
- problems of economic assessment of natural resources and environmental quality.

The University has extensive international relations with more than 100 higher education institutions and international organizations of 25 countries, namely of Poland, Germany, France, the USA, Georgia, the Republic of Azerbaijan, Turkmenistan, Kingdom of Morocco, Republic of Ecuador and many other countries all over the world. So, our students are active in exchange programmes with university-partners. NUWEE has also concluded agreements on joint bachelor's and master's degree programs with six Polish Universities and our students have the possibility to obtain two diplomas during their studying, of Ukrainian standard and European standard. In the University there was implemented the first in Ukraine exchange traineeship programme with the University of the Kingdom of Morocco.

NUWEE is among 20 of best Universities of Ukraine according to the ranking "Top-200 Ukraine" of the international social and political journal "Mirror of the Week". The University was awarded the Order of Friendship of Peoples, is listed in the "Golden Book of Business Elite of Ukraine", and is a multiple winner of ratings "Golden Fortune", "Best Enterprises of Ukraine" in the category "Higher education" and in the field of water management.





ABOUT US

Our institution is a nationally renowned, listed in Europe and Asia like an Institute of Music. The university is located, one of Europe's largest cultural capital with charm, Kodály and Bartók's home in Budapest. Our institution is one of the largest educational institutions in the capital with the cultural attractiveness of the capital. The college of Vienna's renowned music school for a branch that connects the capital of Budapest' music education and cultural life from 2010.



ABOUT THE INSTITUTE

The Vienna Konservatorium Budapest has been established between Vienna and Budapest, with a headquarter in Vienna and a department in Budapest, with excellent and good facilities. Our mother institution is a highly respected, world-leading educational center where musicians of the future can continue their studies in Classical - Jazz /-Pop-rock classes. This outstanding training is provided by the Vienna Konservatorium in Budapest.

The Vienna Konservatorium puts a lot of emphasis on all kinds of music-loving music teachers. We educate individuals who can later, in music and pedagogy, be convinced of the power of social transformation of music.

Our institute offers instrumental and vocal training, on teacher and artist courses. Our lectur-

ers and professors are composed of the most prominent Hungarian artists and teachers. The Vienna Konservatorium organizes high-quality education and artists at a number of complementary professional events. (f.e.: - masterclasses, professional days, national and international



meetings, competitions). The Institute is focusing heavily on next to the cross-border cultural cooperation on the students and the institution international presence. In addition to the exchange of information, we consider it important to develop the consciousness of the cultural life of the two countries and to strengthen the cross-connections between the centuries Austria and Hungary - between two twin cities between Vienna and Budapest. In addition to performances requiring individual preparation, the operation of chamber music groups is a top priority (choir, symphonic orchestra, wind band). These chamber clubs and large ensembles offer a chance to play together and concerts.



INTERNATIONAL PROJECTS

The philosophy of our institution is cross-border artistic and pedagogical activity. The Vienna Konservatorium Budapest serves the benefit of the Hungarian and international community in educational and cultural. The Vienna Konservatorium Budapest consciously builds its international partnership system and thus supports, encourages and cares for musical talents.

The Vienna Konservatorium Budapest plays an important role in linking East and West music, representing the Pannon region in social development. Protects the pattern of Hungarian music education, maintains close links with domestic and foreign musical institutions and ensembles.

The Vienna Konservatorium Budapest is proud of the presence of many nations among its students. In addition to cross-border cultural cooperation, the institution places particular emphasis on the international presence of the student and the institution as a whole. The international recognition of the University indicates that at present, forty-four nation students are learning their system.



OUR COURSES

In accordance with the pedagogical and professional requirements of teacher training in Europe, the Vienna Konservatorium Budapest has the traditional music school and vocational secondary school connections that can be a successful teacher training. Our art teachers - as a soloist or as members of renowned Hungarian orchestras - are prominent players of domestic and international concerts.

The students of the University are accredited in renowned music schools in Budapest and Vienna. The lessons are organized in individual or small groups, and almost all masterclasses are also in place. Our courses are in Hungarian and English. **Special Young Talents can apply to the Special School for Young Talents for twelve years of age.**

During the training cycle several nation diplomas can be obtained at the Vienna Konservatorium Budapest, with locations in Budapest and Vienna. The duration of the training cycle is 4 + 2 years, at the end of which we will issue an Austrian double degree, both in teacher and artist. The Austrian diploma awarded in Hungary is recognized and authenticated without any restrictions, so the student - who is a state-recognized Austrian diploma in our Institute - has the opportunity to obtain a master's degree in Hungarian.

This is a single possibility that is not in another institution. In addition to the excellent education and teaching staff, our institute has the great attraction of issuing diplomas for several countries. Within our institutional system, students can study abroad. After a period spent abroad,

you will be able to obtain a degree from another nation based on the University's international cooperation relationships.



SPECIAL SCHOOL FOR TALENTS

The Vienna Konservatorium Budapest has been focusing on the talents for a long time. Discovery of talent begins in high school. The students in the secondary school, with a little shudder, can join the Konservatorium's talent-management programs. The University focuses on the training of future „talent-holders”, so in this field, teacher training places great importance on the education of talent education.

The Vienna Konservatorium is a central, prominent role in teacher training, Budapest, and special attention is paid to the versatile professional-pedagogical training of future students of talent management. This, of course, involves the selection and care of talented teacher students, but this is more important because they have to be prepared for the recognition, support, and care of talents.

From 2016, the Vienna Konservatorium of Budapest launched a preparatory section for top talent from abroad, which allows students of other nationalities to become acquainted with the excellent pedagogical methods of well-known Hungarian art teachers.

International experience shows that in our Institution the foundation of teaching skills, professional engagement, the development of teaching talent, the acquisition of otherwise inaccessible domestic and international relationships and experiences, is an extraordinary opportunity. The institution's talent-management concept would be unworkable without the commitment of academics teacher who are committed to their work.



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Międzynarodowa Konferencja Naukowa „1919-2019 – BEZPIECZEŃSTWO NA TERENACH POLSKI POŁUDNIOWO-WSCHODNIEJ”



NGO “Green Initiatives Rivne”



General information

Non-governmental organization (hereinafter - the Organization) is a voluntary social formation, based on the decision of the founders of the Law of Ukraine "On public associations" and bases its activities on the principles of voluntariness, legitimacy, governance, transparency, equality of Members.

The purpose of the activity is the implementation of ideas and projects of economy ecologization and the implementation of European state vector. The main objectives of the Organization are:

- information support, development, distribution and promotion of the ideas and projects of public, private and other institutions and organizations aimed at introducing the environmental technologies and organic farming; ecologization production and sale of European integration vector of the country;
- assistance in providing and getting the legal, information and other help to institutions, organizations, farmers and private landowners, whose activities help to solve the existing problems in Ukraine of rational land use, growing the ecological and organic agricultural products and forming the ecological culture in society and consumption outlook;
- comprehensive assistance to educational, health, social organizations, agricultural associations and farmers who are engaged or wish to be engaged in ecological and organic farming and processing the products; reclamation of eroded lands; tourism; organization of gardening and berry growing; landscape design; organic aquaculture; collection and cultivation of wild plants; beekeeping; introduction of modern highly ecological cultivation facilities;
- consultancy, development of grant proposals and advisory services in various sectors of economy with ecologization of its development;
- development and implementation of programs and projects in the field of various types of biomass, alternative energy sources, implementation of cleaner technologies to achieving the social, environmental and economic effects;
- organization of permanent courses, seminars and other educational forms of creating the regional center of ecological and organic farming, growing and processing the raw materials and products, resource and energy efficiency;
- assistance in implementation of patents and copyright certificates in the field of energy saving, highly efficient, environmentally friendly land use technologies, processing, labeling and promoting the products; restoration of land and other natural resources; environmental technology in various sectors of the economy;
- initiating and supporting the scientific, environmental, social, spiritual and other modern studies of human interaction with the environment;
- promoting the development of projects of natural reserves and proposals on the development of environmental affairs;
- promoting the market research, labeling, manufacturing, distribution standardization, certification and use of ecological and organic products consumption to achieve the social impact;
- preparation and publication of materials, articles, books, dedicated to the development of ecological and organic farming, the production of environmentally friendly products, and other economic, environmental and social problems.

Obec Podhájska



sa nachádza na južných výbežkoch Pohronskej pahorkatiny v nadmorskej výške 170 metrov nad morom. Najvyššia nadmorská výška je 288 m n.m a najnižšia je 161 m n.m. Patrí do Novozámockého okresu a do Nitrianskeho kraja. Leží na železničnej trati medzi Levicami a Šuranmi. Susedí s obcami Trávnica, Radava, Pozba, Veľké Lovce.

Oblúbené termálne kúpalisko v Podhájskej, poskytuje návštěvníkom možnosť oddychu a rekreácie tak v letnom ako i v zimnom období.



Je malým slovenským morom, ktoré Vám poskytuje svoje služby a možnosť rekreácie počas celého roka. **Termálna voda**, pri ústi vrtu s teplotou 83 °C, je slaná a pôsobí priam zázračne na ochorenia: reumatizmus, dna, bolesti chrbtice, klbové ochorenia, cievne ochorenia, ekzémové ochorenia, prieduškové ochorenia a ochorenia dýchacích ciest. Obsahuje sírany, lítium, jodidy, bromidy, zlúčeniny vápnika. Blahodarne pôsobí aj na doliečenie zlomenín, zmierňuje bolesti a stimuluje štítnu žľazu.

Návštěvníkov kúpaliska tvoria nielen Slováci, ale aj turisti z Čiech, Poľska, Maďarska, Rakúska a iných krajín.



V **letnej sezóne**, ktorá začína prevažne od mája a končí niekedy až v októbri, je v areáli kúpaliska pre návštěvníkov k dispozícii **10 bazénov** s teplotou vody 18 °C až 40 °C, kde patria plavecké bazény, dva veľké bazény, jeden sedači bazén, jeden detský bazén a toboganový bazén. V sedačiach bazénoch je teplota vody 33 °C, v zime minimálne 36 °C. Rekreačná zóna termálneho kúpaliska poskytuje oddych a relaxáciu návštěvníkom na ploche 12 hektárov, kde sa okrem bazénov nachádza aj **sportový areál** (volejbalové ihrisko, plážový volejbal a pod.), prírodné oddychové miesta s bujnou vegetáciou na slnenie, športoviská, výtvory sochárov, ktoré sa realizovali priamo v areáli kúpaliska za mimoriadneho záujmu rekreatívov z domova i zo zahraničia. V areáli kúpaliska sú poskytované i ďalšie služby ako sú masáže, elektroliečba, požičiavanie slnečníkov a lehátok.

Novinkou posledných rokov je novovybudované **Wellness centrum Aquamarins** komplexnou ponukou služieb, kde môžete relaxovať pri rôznych procedúrach. Dostatok teplej termálnej vody si užijete v **Bazénoch novom svete** vo vnútorných a vonkajších bazénoch. Nechýba tu relaxačný bazén, vírivý bazén, detský, ale ani turecký bazén. **Vitálny svet** zahŕňa komplex sáun, v ktorom si môžete vyskúšať finsku saunu, bylinkovú saunu, bio saunu či soľnú inhaláciu. Ďalej vo vitálnom svet nájdete tepidárium, morský kúpel, ľadopád, ochladzovací kúpeľ ale aj vodné peklo.



Penzión TERMÁL sa nachádza v katastri obce **Podhájska**, ktorá sa dostáva do povedomia našich a zahraničných turistov vďaka geotermálnemu prameňu silne mineralizovanej vody v hĺbke 1900 m (voda má pri ústí teplotu 80° C a výdatnosť 50 litrov za sekundu), okolo ktorého sa na 12 ha rozprestiera areál termálneho kúpaliska. Voda z geotermálneho prameňa má blahodárne účinky na celý organizmus. Podrobne štúdie preukázali, že má hlbšie a trvalejšie regeneračné efekty ako voda z Mŕtveho mora. Účinky tejto termálnej vody využíva k regenerácii celá rada športovcov z rôznych športových odvetví, a preto Vás do mikroregiónu TERMÁL pozývame.

Penzión TERMÁL Podhájska

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