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FOREWORD

On behalf of the Editorial Board, I am delighted to announce the publication of issue No. 4-2023 of the scientific journal Legal Horizons.

The issue is opened by the article of Herasym Dei, Maryna Dei, and Anastasiia Kutynska on the topic «The Role of the State in Digitalization of Education.» The article explores the dynamics of digitalization in Ukraine's public administration and education, emphasizing the state's role in enhancing the efficiency and accessibility of services, while highlighting challenges and recommending European experiences for improvement.

The issue continues with a piece by Galyna Didkivska and Dmytro Shevchenko on «Basic Principles of Combating Cybercrime: International Experience,» which analyzes the increasing importance of innovative processes in society and the corresponding rise in computer crimes, highlighting the necessity for state-level systems to combat this issue.

Another article by Galyna Didkivska and Dmytro Shevchenko, titled «The Influence of Mitigating and Aggravating Circumstances on the Application of Criminal Responsibility for Family Violence Against a Person,» examines the factors influencing violent behavior rooted in family relations and the impact of such circumstances on criminal punishment.

Inna Dudyk's article «Ways to Enhance the Operations of Interregional Territorial Departments of the Antimonopoly Committee of Ukraine: Ensuring Unity in Safeguarding Economic Competition» provides a comprehensive analysis of the structure and functions of the Committee's territorial branches, emphasizing their critical role in regional control over compliance with economic competition legislation.

The next article, «Concept and Content of Professional Ethics of a Mediator,» authored by Veronica Horielova and Yulia Vishnevskaya, delves into the ethical standards governing the profession of mediation.

The issue concludes with the article «Copyright and Intellectual Property in Internet Marketing Amid Crisis» by Yuliia Kamardina and Dmytro Zahorodnii, which examines the critical role of copyright and intellectual property in the rapidly evolving digital marketing landscape, especially during periods of crisis.

On behalf of the Editorial Board, I sincerely thank the authors and readers of Legal Horizons!

Yurii Harust,
Editor-in-Chief

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The role of the state in digitalization of education

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Abstract. The article examines the dynamics of digitalization of public administration in Ukraine and its impact on the efficiency and availability of services. It is noted that the creation of the Ministry of Digital Transformation reflects a significant step in the direction of modernization of public administration through the introduction of modern digital technologies. The Ministry's plans for the period up to 2024 are considered ambitious and strategically important for the country's digital transformation. The article also points to the challenges facing the digitalization of education in Ukraine, such as the lack of concept, funding and infrastructural problems. It is recommended to study the European experience to improve the Ukrainian system.

The article analyzes in detail the main aspects of digitalization of education, in particular, the use of digital technologies in educational programs, the development of online courses and distance learning, the creation of interactive media resources, and the introduction of virtual reality into the educational process. It is noted that digitalization of education is a key stage in the development of modern education, preparing students for life and work in the digital era. The article highlights the importance of government support for providing adequate infrastructure for digital learning and the development of software and digital learning platforms.

The role of the state in ensuring the successful digitization of education is considered in detail, including the creation of a favorable environment for the introduction of digital technologies into the educational process, providing financial support and improving the qualifications of teaching staff. The article emphasizes the need to create standards and methods for effective implementation of digital technologies and control of their implementation. In general, the article identifies the role of the state as key to the successful digitization of education and supporting the education sector as a whole.

Keywords: Digitization, Public administration, Digital technologies, Education.

Introduction. Digitalization of education is not only the application of digital technologies and interactive media to improve the educational process, but also a profound transformation of approaches to learning and ways of acquiring knowledge. It covers the implementation of computers, tablets, smartphones, software, web platforms, online courses and other innovative technologies in educational institutions and the learning process.

Digital technologies are revolutionizing education, making it more accessible, interesting and effective for pupils and students. Not only do they help make lessons more interactive, but they also allow you to create personalized curricula, open online resources, and other forms of learning that take into account the needs of each student. Thanks to digitalization, learning becomes more flexible and adapted to the individual capabilities and needs of each student.

In addition, digitization promotes the development of digital literacy skills, which are increasingly important in today's digital world. Pupils and students learn not only to use digital tools, but also develop critical thinking, the ability to work with large amounts

of information, and the ability to analyze and evaluate information from various sources.

The development of modern technologies in Ukraine is becoming a catalyst for important changes in the socio-economic sphere, causing not only the growth of knowledge, but also the activation of innovative processes and the modernization of society. Digital transformation plays a key role in this context, as it not only revolutionizes the technological infrastructure, but also affects all spheres of life.

In the context of the regional development strategy until 2027, digital transformation is defined as one of the top priorities of the Education Development Strategy of the Ministry of Education and Culture. This means that the government is channeling significant resources to support digital development, hoping to achieve several key objectives. One of them is the development of a modern IT infrastructure based on the use of digital platforms and industry solutions. Another direction is the use of open data and the integration of innovative technologies based on the concept of a smart city for effective management of the development of cities and regions.

Digital transformation not only helps to increase the competitiveness of individual subjects of the business environment, but also stimulates the development of the economy as a whole, making it more dynamic and innovative.

Ukrainian and foreign scientists emphasize the importance of developing a national system that will ensure free access to innovations and new technologies in the field of open science.

Methods. The study is aimed at studying the role of the state in the digitization of education in Ukraine. To achieve this goal, an experimental design was developed, which included defining the research question and research objectives, conducting a literature review and analyzing available data on the digitization of education in Ukraine and other countries, developing a research methodology, including defining the variables to be studied and tools for data collection and sampling of researchers and conducting the experiment.

Some universal and effective approaches were used for data collection, which include:

1. Analysis of official documents, legislation and program applications related to digitalization of education in Ukraine. Interviews with various participants in the educational process, such as students, teachers, parents, administrators, etc., were studied on educational online platforms. With the help of sociological research, the attitude towards the digitization of education was determined, as well as the identified problems and obstacles on the way to the introduction of digital technologies into the educational process.

2. The study of specific cases of the implementation of digitization of education in different regions or educational institutions, which allows to find out effective approaches and possible obstacles. By studying such cases, it is possible to understand what specific methods and approaches were used, what results were achieved, as well as what challenges arose during the implementation of digital technologies in the educational process.

Therefore, a methodologically correct experimental design, ethical approval of the research and the use of various methods of data collection made it possible to obtain reliable results regarding the role of the state in the digitization of education in Ukraine.

Results. State regulation in the field of education is a complex management process that may include or focus on various directions, goals and objects. The study examines state regulation of the competitiveness of educational institutions through state authorities. However, it is important to understand that this is only one aspect of managerial influence. In order to fully understand the mechanism(s) of state regulation of the activities of educational institutions, it is advisable to take into account vertical and horizontal instrumental relationships in order to ensure the competitiveness of these institutions (Zhuravel, 2021).

The Ukrainian educational sphere faces a variety of challenges and problems that require a comprehensive and multifaceted approach to state regulation. One of the key aspects is ensuring the competitiveness of educational institutions, which requires a combination of improving the quality of educational services with understanding their competitive advantages in the modern mobile educational space.

Not only the competition for applicants and the risks of educational migration are important, but also the formation of a global mobile learning market, where the provision of educational services in online format opens up new opportunities for the commercial activity of educational institutions and increasing their income.

An example is the growing global market for mobile learning, which grew from \$8 billion in 2015 to \$20 billion in 2020. For Ukraine, this is a promising direction of

development, especially relevant in the context of the experienced COVID-19 pandemic and quarantine restrictions, which stimulate the use of significant intellectual and creative potential of scientific and pedagogical personnel.

The digital economy reflects a new development model that has become relevant for Ukraine. On January 17, 2018, the Government approved the «Concept for the Development of the Digital Economy and Society of Ukraine for 2018-2020». The main priorities of this concept include the development of digital infrastructure, which involves the coverage of the entire territory of Ukraine with broadband Internet, as well as the digitization of educational processes. This paves the way for digital transformations in various fields, such as education, medicine, ecology, cashless economy, infrastructure, transport, etc. (Strategy for the development of higher education in Ukraine for 2021-2031).

Digitalization, which is the use of digital technologies, replaces traditional means of electronic communication such as telephones, faxes, and telegraphs. Like the electronic computing machines of yesteryear that took up entire rooms, the evolution of technology has meant that our modern gadgets fit easily in our pockets, but have many more functions. This indicates that digital technologies make it possible to create and distribute huge amounts of information quickly, qualitatively and efficiently, which affects all areas of modern life, including government, economy, business and everyday life.

According to the IMD World Digital Competitiveness Ranking for 2019, the countries that are the leaders of the digital economy include the USA, Singapore, Switzerland and the Scandinavian countries. Ukraine, according to this rating, ranks 60th, noting a decrease of two positions compared to the previous year. Also, since September 2019, the Ministry of Digital Transformation has been operating in Ukraine, which is responsible for the implementation of state policy in the areas of digital transformation, development of the digital economy, digital innovations, development of digital skills, and protection of digital rights of citizens (Koval, 2021).

Mechanisms of state control over the competitiveness of educational institutions are formed and applied to ensure effective management in this area. The term «mechanism» is used in a wide range of studies covering market processes and state intervention. Management studies consider different levels of regulation from the state to communities.

The difference between the mechanism of state control over the competitiveness of educational institutions is the emphasis on the use of tools aimed at improving the quality of education and exposing violations of standards, unlike other areas of control.

This constitutes the basic conditions for controlling the competitiveness of educational institutions. Another important part is attention to the future needs of the labor market and the economy. Educational institutions, coordinating their activities with government bodies, must be aware of global and local trends in economic and social development in order to reflect them in their educational programs and form new skills and competencies of participants in the educational process.

In 2020, Ukraine, like the whole world, fell into a crisis situation, which led to increased attention to distance learning. This moment of crisis made it possible to systematically rethink its meaning in modern conditions, as well as consider the role of digitalization of education. The main goal was to identify typical problems of this form of education and identify prospects for its improvement.

Many scientists and practitioners are making efforts to study the peculiarities of learning in a distance format, in particular online. These aspects, including smart education, the development of educational content and digital teaching methods, are discussed in detail in the scientific works of various authors. In particular, they analyze the issue of digital methodological support, the social aspect of the institutionalization of distance learning, and the role of the information and communication competence of a modern teacher. In 2021, an analysis of education during the pandemic was presented, which examines in detail the actions of the government and the Ministry of Education and Culture, the quality of education and health conditions during distance learning (Strategy for the development of higher education in Ukraine for 2021-2031).

The analysis of scientific sources made it possible to determine the main stages of the implementation of distance education. Each of these stages was characterized by the level of readiness of the participants of the educational process to work and study in this mode, as well as the availability of the necessary basic support for the organization of distance learning (Kuzan, 2023).

In 2020, Ukraine faced a crisis that required increased attention to distance education. This period showed that the country's education system was not ready

for such a training regime. The main tasks of this period included the preparation of the necessary educational base for effective distance learning, teaching teachers and students to work in such a mode, as well as the development of independence and responsibility skills among students. Modern reality requires specialists who know a foreign language in any field. Higher education is an important factor in civilizational progress and contributes to the economic and cultural development of the country, forming conscious citizens who are competitive in the international labor market.

In 2020, there was an active search for ways to improve the educational process in the conditions of distance learning, which became a breakthrough in the digitalization of Ukrainian education. The Ministry of Education and Science introduced the «Regulations on distance learning» and launched the online platform «All-Ukrainian School Online», where students were offered video lessons according to the curriculum for each grade, and teachers were given methodological recommendations on modern educational technologies. With the support of various companies, the educational series «Interactive learning: tools and technologies for interesting lessons» was created and special courses were developed to improve the level of ICT skills and learn new pedagogical technologies.

The sociocultural basis of the digitalization of society is determined by the emergence of the Internet and mobile devices that provide constant communication between members of society. The French philosopher Pierre Levi considers four anthropological spaces in the history of human development.

The first space - planetary - arose under the influence of three characteristics of man: language, technologies based on human labor, and the creation of social organizations. The second space - territorial - is associated with the development of agriculture, the emergence of cities and the institution of the state. Economic well-being and literacy become important here. The third space - the space of goods - is born in the period of the world market and is based on the movement of resources, goods, capital, labor and information. The fourth space - the space of knowledge - today. Here, there is an acceleration of the evolution of knowledge and technology, the widespread distribution and availability of knowledge, as well as the emergence of tools for orientation in information data (Kotuha et al., 2023).

The modern anthropological space is developing in conditions of rapid growth in the level of knowledge, mass distribution and reflection of information flows, with the involvement of an increasing number of people in this process and the emergence of the latest technologies. Internet technologies have acquired special importance for modern students and play a key role in the digitalization of society in general, including the field of education, which is one of the most important in shaping society.

Education is the most important factor in the economic, social and spiritual development of society and is recognized as an inalienable and natural human right. However, the process of digitalization of education raises questions about whether it is a fundamentally new paradigm of the educational process or just a simulation of educational activity. In connection with the COVID-19 pandemic, it became obvious that many educational institutions are not ready for digital transformation, which emphasizes the need to adapt the educational system to modern challenges.

Digitization of education requires a creative approach and readiness for continuous improvement, adaptation to the rapidly changing social environment and the use of modern digital tools in the educational process from pedagogical workers. This means that teachers must be active participants in digital transformation and constantly improve their skills to successfully accompany students on this path. The professional challenges facing the modern teacher include not only the transfer of knowledge, but also the support of students in their personal and professional development, the use of innovative teaching methods and continuous self-improvement.

However, it is also necessary to systematize and study the European experience in this area. Adaptation of successful practices from other countries can be useful for the development of one's own digitization strategies in the Ukrainian education sector.

In Great Britain, information technology has already been introduced into the educational process at all levels of education. According to the current legislation, technical means such as multimedia equipment, electronic learning materials and modern computer classrooms must be used in secondary education, as well as access to high-quality Internet. Digitization of higher education involves technical updating of the educational environment and wide use of distance learning. Current legislation also regulates the creation of digital divisions of universities and the development of full-fledged online universities. In Great Britain, the experience of digitization of education is based on local education development programs and local regulations, accompanied by significant financial support.

In Estonia, the information system of secondary education eKool has been implemented, which functions throughout the country. This system facilitates interaction between students, parents, teachers and school administration. It allows teachers to enter student grades and attendance, assign homework, assess student behavior, and communicate with parents. Parents can view their children's grades and homework, and students can save their work in an electronic portfolio. District administrators have access to statistical reports and can easily analyze data from all schools in the district.

In Austria, digitization of education is widely applied at the local level, including small communities and not only secondary or higher education, but also postgraduate. For example, farmers from small communities can receive online training with support from the Ministry of Agriculture and the Ministry of Education for Practical Agricultural Issues (Koval, 2021).

In Ireland, with the assistance of local authorities in partnership with public organizations, digital hubs operate. These are places where the population is offered fast and reliable access to the Internet along with the opportunity to receive training in various areas of working with digital technologies. For example, the Ludgate hub in Skibbereen provides advice to businesses on the use of information technology, and also organizes coding and programming courses for young people.

In Germany, there is a system of dual education, which provides for higher education with integrated practical classes at enterprises with subsequent employment. In view of the rapid development of information technologies and the process of digitization of key areas of socio-economic development, the relevant ministry of Germany decided to make changes to the system of dual education in order to adapt it to modern requirements. This process included elements such as lifelong learning, interdisciplinary thinking and action, digital competence, and networking skills.

So, the experience of European countries confirms the significant advantages of digitization in the field of state educational policy. Among these advantages are innovation, modernization of education and transition to a higher quality and modern level, accessibility of education and educational programs thanks to online technologies, as well as promotion of integration processes in the European educational and economic environment.

The development of online learning, digital libraries and digital campuses expands the circle of individuals who have access to unique information previously available only to experts and scientists. Thanks to digital technologies, we can talk about the globalization of the scientific world and the active development of academic mobility. A modern university must adapt to these changes, maintaining its unique qualities and competitive advantages, developing a clear development strategy and using different models of the educational environment. Digitalization plays an important role in this process, ensuring the growth of the role and interest of students in the learning process and raising the level of education. In addition, digital education is gaining more and more importance, and the trends of globalization and the increase of online education can radically change the traditional education system.

The Ministry of Digital Transformation of Ukraine played a key role in the creation of the National Online Digital Literacy Platform «Action. Digital education», where an innovative format of learning through educational series was introduced. This platform provides access to a variety of courses for different areas of life, such as entrepreneurship, culture and new digital professions, all available for free. At the end of each course, participants can take a final test and receive a certificate confirming their skills.

National online platform for digital literacy «Action. Digital Education» acts as a modern educational resource aimed at improving the competence of civil servants in the field of digital development. However, based on the experience of European countries in the field of digitalization of public administration in the field of education, it is important for Ukraine to:

- To officially approve the Concept of digital transformation of education and science.
- To ensure the necessary quantity and quality of electronic educational resources, as well as appropriate material and technical support for all participants in the educational process.
- Create conditions for improving the level of qualifications of pedagogical workers in the field of information and digital literacy.
- Launch the professional (vocational and technical) education management information system (EMIS).
- Modernize the Unified State Electronic Database on Education (EDEBO).
- Create an online platform for effective communication between participants of

the innovation process («Science and business»).

- Join and actively participate in the creation and development of the European Open Science Cloud (EOSC).

- To improve and add content to the «All-Ukrainian Online School» platform.

Discussion. The study of digitization of public administration in the field of education is becoming more and more relevant in the context of the rapid development of digital technologies and their impact on educational processes. Domestic and foreign scientists are making significant efforts to study the theoretical and practical aspects of this issue.

Among the domestic researchers who devoted their work to the digitization of public administration, such scientists as S. Baregamyran, V. Gurkovsky, N. Dragomiretska, V. Yeganov, O. Orlov, P. Klimushyn, I. Lopushynskyi, A. Serenok and others. They explored various aspects of digital transformation in management, including the field of education.

It is also worth mentioning the scientists who specialize in digitization research in the field of education. Among them are Yu. Harust, A. M. Lakhizha, Statkevich, V. Sukhonos, S. Chukut, Ya. Shevtsov and others. They analyze the impact of digital innovations on management processes in education and develop strategies for implementing digital technologies to improve educational systems.

In Ukraine, the legal regulation of the competitiveness of educational institutions, in addition to specific legislation in the field of education, is supplemented by legislation on competition and competitiveness. This is an important point, as there is debate as to whether competition or increased networking is important for educational institutions. However, a competitive environment is considered necessary to stimulate the continuous development of education, especially in the context of providing educational services on a paid basis (Zhuravel, 2021).

Legal mechanisms combine a system of normative acts at the international level, as well as at the national, regional and local levels. At the level of an educational institution, these mechanisms include founding documents, collective agreements, a system of labor agreements, educational programs and other documents that specify the application of legal norms to a specific educational institution (Koval, 2021).

Indeed, questions regarding the need for state and public participation in the provision of educational services and the reasons that stimulate these subjects to participate in the process of managing the market of educational services may have different approaches in the economic literature.

One of the main reasons that encourage the state to participate in the education sector is the need to provide universally accessible, high-quality and equal education for all sections of society. The state acts as the main guarantor of social justice and equal opportunities, so monitoring the quality and availability of education is one of its main tasks.

Public participation in the field of education may be due to the desire to ensure greater democratization of the educational process, the involvement of various social groups in the management of educational institutions, as well as the provision of a greater level of compliance of educational services with the needs of society (Repository of ONU named after I.I. Mechnikov).

However, the presence of various views in the economic literature testifies to the complexity of this problem and the need for a comprehensive approach to understanding the mechanisms of the functioning of the educational market. Decisions about the role of the state and the public in the provision of educational services may vary depending on the specific context, economic conditions, political affiliations, and other factors.

Ukraine has a number of regulatory acts regulating the competitiveness of educational institutions, including laws on the protection of economic competition and protection against unfair competition. In addition, strategic standards of national, regional and local significance pay attention to the development of education from the point of view of its importance for the economy and society, the achievement of the goals of sustainable development. For example, such strategies as the National Strategy for the Development of Education, the Sustainable Development Goals of Ukraine for the period until 2030, the National Economic Strategy for the period until 2030 and others set themselves the task of increasing the availability of quality education, developing human potential and ensuring competitive conditions for investments (Strategy for the development of higher education in Ukraine for 2021-2031).

Conceptually summarizing the effect of legal mechanisms regulating the competitiveness of educational institutions, we can say that they should be aimed at forming a fair

competitive environment. In the conditions of the formation of the global market of educational services, it is important to avoid additional protectionism. The lack of healthy competition can contribute to the spread of incompetence and paralyze the civilized development of society.

Legal mechanisms for regulating competitiveness should stimulate those educational institutions that can gain competitive advantages thanks to research and innovation activities. Currently, there are systemic gaps in the education system in Ukraine, especially regarding the training of specialists and workers, and real production and service processes. Educational institutions often lack sufficient resources and motivation for research and innovation activities.

The strategic documents of the national level define the need for the development of an innovative economy, smart specialization and stimulation of human development. The role of educational institutions in these processes is very important. However, for the successful implementation of these tasks, it is necessary to support the management of educational institutions and spread positive experience among other institutes.

Many online meetings were held with the participation of representatives of the Ministry of Education and Science of Ukraine and experts of the Ministry of Education and Culture, where important information was provided regarding the reform of specialized secondary education and its implementation. These meetings became a platform for discussing key aspects of the reform, expressing various views and approaches to its implementation, as well as for attracting opinions and suggestions from participants in the educational process.

The main goal of the reform is to individualize education in high school and bring it closer to the needs of each student. Providing the opportunity to choose a study profile, courses and subjects will allow each student to develop his abilities and interests in the educational process. To support this initiative, high-quality vocational guidance will be conducted, which will help students make an informed choice about the future.

An important part of this reform is the creation of academic lyceums aimed at providing a wide choice of profiles for students from villages and small towns. These lyceums will become centers of knowledge and development, where students will be able to explore their chosen fields more deeply and develop their potential.

Reforming the education system is a key direction of modern national education policy. As a national education strategy; renewal of the legislative and regulatory framework of the entire education system, reorientation of the content based on the competence approach. The implementation of state policy in the field of higher education is ensured by improving the system of higher education and its quality, raising the educational level of citizens of Ukraine. In accordance with the procedure established by the Cabinet of Ministers of Ukraine, it ensures the balance of the structure and volume of state and communal universities of ownership, prepare highly educated specialists, funds for the relevant budgets, individuals and legal entities, taking into account the needs and interests of individuals Law of Ukraine «On Higher Education».

The Deputy Minister of Education and Science of Ukraine noted the importance of close cooperation between the Ministry of Education and Culture, regional military administrations, local self-government bodies and associations of local self-government bodies in the process of developing a network of educational institutions in each region of Ukraine. This approach makes it possible to take into account all the challenges and peculiarities that communities may face during the implementation of the reform.

Meetings with heads of communities and heads of education management bodies in the regions, as well as public discussions and communications of the reform on the ground, are planned from mid-May to continue the discussion of the goals and specifics of the implementation of the reform in the regions. This is another important step in ensuring the successful implementation of the reform of specialized secondary education in Ukraine.

Together with the Ministry of Digital Transformation of Ukraine and international partners, the development and improvement of the «All-Ukrainian Online School» project is constantly being developed. This platform is based on OpenEdX technology and is used by educational institutions in various countries, including Spain, Israel, Poland, Saudi Arabia and others. This platform collects video content, quizzes, materials for teachers, courses for professional development and more. Currently, a demo version of the platform is available, and according to the Ministry of Education and Science of Ukraine, the process of purchasing the necessary content is ongoing (Digitalization in education - what exactly is being changed in Ukrainian schools - Anti-Crisis Media Center).

State programs in the field of education are a powerful mechanism for reforming

the educational system as a whole, raising the level of education of the population and increasing the competitiveness of national higher education institutions in the global educational space. With the help of state programs in the field of education, a network of leading higher education institutions was created, their number increased, and they received recognition in the world rankings of universities. Today, important tasks are the development of scientific potential, bringing the level of higher education to international standards, improving the system of informal education and retraining of personnel, expanding international cooperation. Special attention is paid to a balanced policy in the field of education for the socio-economic development of the country.

In connection with the active pace of education reform in developed countries in recent years, the government of Ukraine identified increasing the competitiveness of domestic higher education institutions on the national and global education markets among the main goals of the reforms. To achieve this goal, it is necessary to introduce advanced foreign technologies adapted to national conditions, systematically improve the qualifications of the teaching staff, and develop the infrastructure of higher educational institutions. The implementation of these tasks is impossible without an appropriate system of state support, which is a key factor in the establishment and recognition of national educational institutions in the global educational space.

State policy in the field of education covers a wide range of measures aimed at the functioning and development of the educational system. The key document defining the state educational strategy is the Law «On Higher Education». This law is fundamental in the identification of the state educational policy, where education is considered as a systematic process of education and training aimed at the intellectual, moral, creative, physical and professional development of the individual.

In the Law «On Higher Education», education is defined as a set of knowledge, skills, values, activity experience and competencies aimed at satisfying the educational needs and interests of a person, family, society and the state. This definition broadly covers various aspects of education and defines its role in the formation and development of the individual, as well as in the socio-cultural and economic development of society (Law of Ukraine «On Higher Education»).

The advantages of digitalization of public administration are really significant and are felt at various levels of society. Here are a few of them:

1. Increasing efficiency and effectiveness. The use of modern technologies makes it possible to optimize management processes and respond to changes more quickly.

2. Faster data analysis. This helps to make more informed decisions, as it is possible to quickly analyze large amounts of information.

3. Exchange of documents. With the help of digital technologies, it is possible to efficiently exchange documents between different institutions, which contributes to the convenience and speed of resolving issues.

4. Fast and high-quality service to citizens and businesses. Digital services allow citizens and businesses to receive services faster and more efficiently.

5. Reduction of corruption risks. Online services reduce opportunities for corruption as they make processes more transparent and controlled.

6. Increasing interaction with the public. Digital tools facilitate more effective interaction between the government and the public, ensuring greater openness and availability of information.

7. Increasing transparency and openness. Digital technologies make it possible to make the activities of government bodies more transparent for the public, which contributes to increasing trust in government structures.

Our research confirmed that even the best services and online resources cannot replace a teacher who interacts directly with the student, motivates him and teaches him to learn independently. These problems also turned out to be relevant for first-year students of higher education institutions, who also switched to distance learning.

It is important to note that the distance education of 2020-2022 created a significant burden not only on teachers, pupils and students, but also on the parents of schoolchildren, who actively participated in the educational process and tried to help children in accessing online education. Among the significant problems of this period was the lack of necessary equipment and gadgets at home, especially in families with many children and parents who also worked remotely.

In addition, the limited capabilities of the fixed Internet significantly affected the quality of the distance learning organization, especially in small cities, rural areas and remote mountainous regions. This problem has caused difficulties in accessing online resources for many citizens. Moreover, prolonged stay in front of computer or phone screens has led to deterioration of vision in children.

Our analysis of the literature showed that in Ukraine, there are still not enough large-scale studies on the quality of knowledge and skills of students during distance learning. However, communication with teachers and lecturers of higher education institutions shows that the results of distance learning lag far behind the results of offline education. This requires finding new opportunities for improving the educational process in distance mode and evaluating learning outcomes that take into account the specifics of online learning.

Conclusions. Indeed, the dynamics of digitalization of public administration in Ukraine shows positive trends that contribute to improving the efficiency and availability of services. The formation of the Ministry of Digital Transformation reflects an important step in the direction of improving public administration through the introduction of modern digital technologies.

The plans of the Ministry of Digital Transformation for the period until 2024 are ambitious and reflect a strategic approach to the digital transformation of the country. Target indicators such as the transition to online services for citizens and businesses, the development of Internet infrastructure, digital literacy initiatives and increasing the contribution of information technology to GDP are designed to ensure a rapid and high-quality digital transformation of the country.

However, the digitization of education and educational policy in Ukraine faces important challenges, such as the lack of a concept and adequate funding, as well as infrastructure problems in certain regions. For further progress in this direction, it may be useful to study the European experience of integrating digital technologies in the field of education and public administration in order to use its best practices and best practices to improve the Ukrainian system.

The main aspects of digitization of education include:

- Use of digital technologies in educational programs and lessons.
- Development of online courses and distance learning.
- Creation of interactive media resources for training and self-study.
- Implementation of virtual reality and other immersive technologies in the educational process.

- Increasing digital literacy among students and teachers.
- Development of digital infrastructures in educational institutions.

Digitization of education is an important stage in the development of modern education, which helps to prepare students for life and work in the digital age.

The state must ensure the availability of the necessary infrastructure for digital education, including fast and accessible Internet, computers, tablets and other technical means.

The state can promote the development of software and digital platforms for learning, as well as provide financial support for the creation of innovative educational resources. The state can organize training and professional development of pedagogical workers on the use of digital technologies in the educational process. The state can develop standards and methods for the effective implementation of digital technologies in the educational process, as well as monitor their implementation. The state can allocate financial resources for the development of digitization of education, including the purchase of technical means, software development and professional development of pedagogical workers.

In general, the state plays a key role in ensuring the successful digitization of education, creating a favorable environment for the introduction of digital technologies in the educational process, and supporting the education sector as a whole.

Indeed, modern transformations in the field of education are caused by various economic, social, political and cultural processes. The transition to the knowledge economy, democratization of society, informatization and other factors intensify the need to reformat education and create new, innovative systems.

In order to preserve the competitiveness of the national education system in the face of global trends, it is important to develop an effective state education policy. This policy should take into account the general trends of world development and contain strategic goals aimed at the development of the country as a public civilization in the XXI century.

One of the strategic tasks of the state policy in the field of education is to ensure the country's educational potential, taking into account the requirements of sustainable development and integration of the national education system to European standards.

Analysis of modern trends in the field of education indicates the need to constantly raise the mandatory educational level of the population and improve the quality of higher education. Education, especially higher education, is a key mechanism for the

reproduction of science and ensuring the country's economic competitiveness. Thus, the state educational policy becomes an extremely important component of the social and humanitarian policy of the state.

Preserving both paid and free education systems is important to provide an alternative career choice for the younger generation. The modern education system must be subject to significant changes related not only to the organizational structure and methods, but also to the purpose and strategic goals of education. It should be creative, innovative and adapted to the needs of society in the 21st century. Education should be based on scientific principles and take into account the cultural diversity of humanity, meeting the needs of various ethno-cultural, socio-professional and religious groups.

Reforming the education system is also related to increasing the prestige of the teaching profession and preserving both paid and free education. The system must undergo changes in the structure of the organization, training methods and technologies, as well as rethink the goals and strategic orientations that will allow to adequately respond to the challenges of the 21st century.

In this context, education should become creative, innovative and provide comprehensive satisfaction of the needs of different population groups, respond to cultural diversity and take into account modern ethno-cultural and social challenges.

It is predicted that in the next 5-10 years, the change in the landscape of the most in-demand professions will have a significant impact on the implementation of the concept of Industry 4.0 and the development of IT technologies, as well as taking into account environmental issues. According to the estimates of world experts, specialists who can design and implement new techniques and technologies taking into account the challenges of the future will be most in demand. Professions related to ensuring human life and health are also covered, in particular in the field of future technologies, IT technologies and data, environmentalization of production and life, as well as human health.

However, at the same time, there are professions that remain relevant in the future, such as those related to the provision of services in the field of health, education, creativity and personal care, because they require human intervention and empathy, which cannot be completely replaced by automated systems.

References

- Digitalization in education - what exactly is being changed in Ukrainian schools - Anti-Crisis Media Center. Retrieved from: <https://acmc.ua/didzhytalizacziya-v-osviti-shho-same-zminyuyut-v-ukrayinskyh-shkolah/>
- Electronic deposit. Retrieved from: <https://repository.ldufk.edu.ua/bitstream/34606048/33864/1/Bazyliak%20N.%20O..pdf>
- Kotuha, O. S., Fonaryuk, O. Yu., & Kotsan-Olynets, Yu. Ya. (2023). Digitization of higher education: Priorities, challenges, tasks. Problems of modern transformations. Series: Law, public management and administration, Retrieved from: <https://doi.org/10.54929/2786-5746-2022-6-01-02>
- Koval, A. (2021). Digitization of public administration in the field of education: European and domestic experience. Scientific perspectives (Naukovi perspektivi), 10 (16). Retrieved from: [https://doi.org/10.52058/2708-7530-2021-10\(16\)-87-97](https://doi.org/10.52058/2708-7530-2021-10(16)-87-97)
- Kovaliov, D. I., & Voloshyn, O. F. (2020). The essence of electronic education. Scientific and technical progress in european countries and the contribution of higher education institutions (c. 35–53). Izdevnieciba "Baltija Publishing". Retrieved from: <https://doi.org/10.30525/978-9934-588-65-5.3>
- Kovalska, K. (2022). Ways of implementing stem-education in institutions of general secondary education. Scientia et societas, 2(2), 68–77. Retrieved from: <https://doi.org/10.31470/2786-6327/2022/2/68-77>
- Kupina, O. (2023). Organizational forms of informal education of students of higher education in Ukraine. Education. Innovation. Practice, 11(7), 43–51. Retrieved from: <https://doi.org/10.31110/2616-650x-vol11i7-006>
- Kuzan, G. (2023). Digitalization of the educational process and distance learning in Ukraine: Challenges, problems, prospects. Youth and the market, (9/207), 107–111. Retrieved from: <https://doi.org/10.24919/2308-4634.2022.271161>
- Law of Ukraine «On Higher Education». Retrieved from: <https://zakon.rada.gov.ua/laws/show/1556-18#Text>
- Lytvynchuk, N. B. (2017). Informatization of education in Ukraine [Thesis]. erNAU – Repository of the National Aviation University. Retrieved from: <http://er.nau.edu.ua/handle/NAU/25862>
- Lyubchenko, N. (2022). The strategy of the development of the educational institution in the management of general secondary education. Theoretical foundations in economics and management (c. 225–256). International Science Group. Retrieved from: <https://doi.org/10.46299/isg.2022.mono.econ.3.5.4>
- Malakhov, A., & Khmelna, O. (2021). Digitization of the educational institution as an effective model of quality management of the provision of educational services. The Grail of Science, 396–409. Retrieved from: <https://doi.org/10.36074/grail-of-science.19.11.2021.079>
- Matyuk, T. V. (2021). Conceptual approaches to determining the role of the state in the field of education. Economy and society, (2), 20–24.
- Molchanova, E. Yu. (2021). Feasibility of implementing inclusive education in institutions of higher education. From the Baltic to the Black Sea: The formation of modern economic area. Publishing House "Baltija Publishing". Retrieved from: <https://doi.org/10.30525/978-9934-26-123-7-11>

- Nohas, N. (2020). State policy in the field of education of Ukraine: Essence and content. *Aktual'ni problemi pravoznavstva*, 1(1), 87–95. Retrieved from: <https://doi.org/10.35774/app2020.01.087>
- Prima, R. M. (2023). Globalization of education as a strategic reference point for the modernization of higher education in Ukraine. In *The third level of education in Ukraine: Formation and trends*. Liha-Pres. Retrieved from: <https://doi.org/10.36059/978-966-397-331-9-69>
- Repository of ONU named after I.I. Mechnikov. Retrieved from: <https://dspace.onu.edu.ua/server/api/core/bitstreams/ddb52ca7-e0bc-4dd5-85e9-e156d26182ea/content>
- Strategy for the development of higher education in Ukraine for 2021-2031. Retrieved from: rozvitku-vishchoi-osviti-v-ukraini-02-10-2020.pdf
- Ukraine, M. O. (2008). On the approval of the Procedure for state control over the activities of educational institutions. *Higher School*, (3), 110–115.
- Zhuravel, Y. V. (2021). Theoretical-methodological aspects of education's public regulation. *Regional Economy*, 2(100), 125–139. Retrieved from: <https://doi.org/10.36818/1562-0905-2021-2-12>

Basic principles of combating cybercrime: international experience**Galyna Didkivska,**

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Abstract. At the current stage of society's development, the importance of innovative processes taking place in our society in connection with global informatization is increasingly felt. But along with positive achievements, informatization is accompanied by side, negative phenomena of a criminogenic nature, which include computer crime. This, of course, requires the immediate creation of a system of combating this type of crime at the state level. For modern society (in the period of its transition from the industrial stage of development to the new one - post-industrial, informational), the relevance of this problem is beyond doubt. According to various expert estimates, worldwide losses from the activities of cybercriminals range from 300 to 800 billion euros annually. At the international level, a number of legal acts recognize that cybercrime threatens not only the national security of individual countries, but also the security of humanity and the international legal order.

For many countries, in particular for Ukraine, cybercrime is a fairly relevant phenomenon, generated by the widespread introduction of modern information and telecommunication technologies into economic processes. The characteristic features of crimes in the field of information and telecommunication technologies are: – the need for wide application of special knowledge in the detection and recording of crime traces in electronic form; – organization and cross-border nature (broad interregional and international connections); - high latency caused by the reluctance of the private sector to inform about such crimes due to distrust in the potential capabilities of law enforcement agencies and reluctance to admit weaknesses in their security systems; - a high level of technical support for offenders.

Keywords: criminal offenses, crime, cyberspace, crime, information and telecommunication technologies, prevention, counteraction, determinants, qualification problems.

Actuality of theme. The main problems of detection, disclosure and investigation of «cross-border» crimes using the global Internet network include the territorial distribution of crime traces and their storage for a short period of time. It is sometimes difficult for law enforcement officers to delineate the areas where modern crimes are committed. Criminals on the Internet have a high degree of anonymity, and the information stored in computer systems is of a short-term nature. Taking into account the peculiarities of crimes in the field of information and communication technologies, the interaction of the operative division of internal affairs at all levels is of great importance for the effectiveness of their operational documentation, including with representatives of law enforcement agencies of other countries (Korystin et al., 2012).

Analysis of recent research and publications. Current problems of protecting and protecting the cyberspace of European states at the legislative and institutional level were studied by the following foreign scientists: T. Wing Lo, Dina Siegel, Sharon I. Kwok, Martin Hrabalek, Marie Chene, Petrus C. Van Duyne, Nikos Passas, Gert Vermeulen and others. In view of the pan-European trends in the specified field, Ukrainian scientists subjected to a critical analysis the content and organizational and legal dimensions of the current problems and prospects of the protection and protection of the cyberspace of Ukraine in terms of combating cross-border crime. In particular, such specialists as A.V. Balendr, G.V. Didkivska, D.A. Kuprienko, Yu.B. Kurylyuk, A.M. Prytula, S.O. Filippov and others. At the same time, it is worth noting that most of the research was conducted in the period preceding the aggressive war of the Russian Federation against Ukraine.

In view of the above, the purpose of the article is to highlight and analyze the strategic directions of European integration in the field of combating cybercrime, which relate to the system of protection and protection of the information and communication space, as a component of the formation of a pan-European security cyberspace.

Basic outline of the material. The strategy of state approaches and mechanisms for improving information systems should help reduce the scale of cybercrime and create the main principles of the national policy of countering cybercrime in international cyberspace. Anti-cybercrime in a broad sense includes nationwide measures of an economic, political, educational and other nature, as well as a set of special measures aimed at directly combating crime. Given the international nature of cybercrime, the harmonization of national laws is of vital importance in combating it. However, harmonization should take into account regional requirements and opportunities. The great importance of regional aspects in the implementation of strategies to combat cybercrime is emphasized by the fact that many legal and technical standards have been agreed between the countries of the world. The global cyber security program is based on five main principles: 1) legal measures; 2) technical and procedural measures; 3) organizational structures; 4) creating potential; 5) Current issues of combating cybercrime and human trafficking. international cooperation. It is clear that the Ukrainian system of state mechanisms for combating cybercrime must use all these principles. Among the five principles, when considering a cybercrime strategy, legal measures are probably the most important. First, these measures require the adoption of basic provisions of criminal law, which provide for criminal liability for such actions as computer fraud, illegal access, data distortion, copyright infringement, distribution of child pornography, etc. The mechanisms and tools needed to investigate cybercrimes can be significantly different from those used to investigate general crimes. In connection with the international scale of cybercrime, it is necessary to further refine the foundations of national legislation in order to have the possibility of joint cooperation with law enforcement agencies abroad. Effective fight against cybercrime requires a developed organizational structure. Without a properly created system of relevant bodies that avoids duplication and clearly distributes powers, one can hardly wait for a comprehensive solution to the legal, technical and social aspects of this problem. Cybercrime is a global phenomenon. In order to be able to effectively investigate cybercrimes, it is necessary not only to harmonize legislation, but also to develop appropriate mechanisms for international cooperation. The level of trust must increase not only between states, but also between the private and public sectors. One of the most important elements in cybercrime prevention is user education. Some cybercrimes, especially those involving spoofing scams, tend not to be due to a lack of technical protections, but to ignorance or simple irresponsibility. There are various software products that allow you to automatically identify some fraudulent websites, although unfortunately not all. Although technical protections will continue to evolve and available software products will be regularly updated, such products cannot yet replace other approaches. A user protection strategy based only on software products does not yet guarantee full user protection (Shvets, 2017).

In order to improve cooperation, the Convention provides for the creation by the parties at the national level of a body to make contacts 24 hours a day for the purpose of providing immediate assistance for the investigation or prosecution of criminal offenses related to computer systems and data, or for the purpose of gathering evidence in electronic form concerning criminal offence. Such assistance includes facilitating or, where permitted by domestic law and practice, directly: providing technical advice; preservation of data in accordance with articles 29 («Urgent preservation of stored data») and 30 («Urgent disclosure of stored data on the movement of information»); collecting evidence, providing legal information and establishing the whereabouts of suspects (Article 35) (Additional Protocol to the Convention on Cybercrime, which concerns the criminalization of acts of a racist and xenophobic nature committed through computer systems, 2003).

In a number of interstate regulatory legal acts (Additional Protocol to the Convention on Cybercrime, which concerns the criminalization of acts of a racist and xenophobic nature committed through computer systems, 2003; Convention, 2004; Convention on informational and legal cooperation concerning «Information public services», 2001) it is recognized that cybercrime today poses a threat not only to the national security of an individual state, but also threatens humanity as a whole. That is why this problem is given considerable attention in many states. Having analyzed the experience of the police of many countries of the world in the field of countering cybercrime, it should be noted that this direction is provided in such basic ways as assigning additional functions to existing police units or creating special units. The creation of special police

units in the field of countering cybercrime is practiced in many countries of the world, in particular in Australia, Belgium, Belarus, Great Britain, Denmark, Estonia, India, Canada, Malaysia, the Netherlands, Germany, Norway, Poland, the USA, Switzerland, Sweden, etc. Among the main functions of these divisions, the following are distinguished:– monitoring of cyberspace in order to detect cybercrimes, viruses or malicious software;– implementation of operational search and intelligence measures in order to record the illegal activities of cybercriminals; investigation of cybercrimes, provision of methodical and practical assistance to other industry services and law enforcement agencies within their competence;– accumulation, summarization and analysis of information on cybercrime;– prevention of cybercrimes with the help of the public and mass media;– training of police officers. Some of the special units of the police in the field of combating cybercrime (or they are also called special units for combating crimes using information technologies) also perform additional functions: - detection of cybercrimes; - prevention and supervision of telecommunication services; - expert research of evidence on electronic media; – creation of an appropriate database on crimes in cyberspace and its constant updating; – provision of services to banks regarding the protection of personal information of clients, etc. For example, in India, cyber crime investigation units may hire professional hackers to solve them. It should be noted that during the investigation of cybercrimes, considerable attention is paid to assisting the victim in restoring damaged or lost information, all necessary measures are taken to preserve evidence in the case (Sen, 2014).

The problem of countering computer crime is a complex problem. Laws of Ukraine and other regulatory documents in the field of cyber security must correspond to the current level of information technology development. To this end, it is necessary to carry out purposeful work on the harmonization and improvement of the legislation regulating the dissemination of information in telecommunication networks. One of the priority directions is also the organization of interaction and coordination of efforts of law enforcement agencies, special services, the judicial system, providing them with the necessary material and technical base, as well as the development of public-private partnership (Shvets, 2017).

In addition, in recent years, various regions of the world have used a number of their own approaches to combat cybercrime. Thus, in 2002, the Commonwealth of Nations developed a model law on computer and computer-related crimes, the purpose of which is to improve the legislative norms of the member states of the Commonwealth in the field of combating cybercrime and to deepen international cooperation. In the absence of this agreement, for the development of cross-border cooperation in this field, the members of the Commonwealth of Nations would have to conclude a number of bilateral agreements among themselves, which would greatly complicate the cooperation procedure. The model law contains, in particular, provisions on international cooperation. Since it has a regional character, its provisions apply only to the member states of the Commonwealth (clause 20). The European Union has made efforts to harmonize the legislation on cybercrime, which operates on the territory of the member states of the organization. To this end, the following were adopted, in particular: Directive No. 2000/31/EC of the European Parliament and the Council on some legal aspects of information society services, such as electronic commerce in the domestic market; the framework decision of the Council of the European Union 2000/41/JHA on combating fraud and falsification of non-cash means of payment; framework decision of the Council of the European Union 2004/68/JHA on combating sexual exploitation, etc. (paragraphs 20–21) (Twelfth United Nations Congress on Crime Prevention and Criminal Justice, 2010). It should be noted that on the way to improving administrative and legal protection against cybercrime in Ukraine, we should study the positive experience of law enforcement agencies of other countries in this direction. In particular, one of the important areas of activity of the Canadian police is the fight against computer and telecommunication crimes, which are investigated by the Royal Canadian Mounted Police (Federal Police, RCMP) computer crime unit, relying on data from the Canadian Police Information Center and cooperating with other countries. The unit's activities are aimed at investigating and solving crimes related to computers and telecommunications. The information technology protection section ensures the protection of federal state computer centers, the private sector, provides consultations, and trains personnel to work on computer protection. Employees of the unit assist the police in conducting investigations of crimes involving computer systems. Given that the information system allows messages to be transferred from one terminal to another almost immediately, there are about 2,500 access points in Canada, which include about 1,285 federal and provincial police stations. 1180 subdivisions of specialized departments of the KKKP are

connected to the system lines (Varunts, 2012).

Undoubtedly, this area of police activity is important, since the economic losses have already reached a wide scale, some criminals operate internationally as an organized group. At the same time, it should be recognized that Canadian legislation on the definition of computer crime needs improvement. Given that the tasks faced by the police units in the fight against computer crime are international in nature and not specific to Canada, they actively cooperate with other countries and Interpol in order to improve the legislation in this direction. Solving computer crimes is a difficult task, primarily due to the time factor. Because data transfers can be accomplished almost instantaneously, it is often futile to look for any evidence of a violation of international law. According to the CCCP, many computer crimes are committed by children under the age of twelve. According to the Criminal Code of Canada, in order to establish criminal liability, it is necessary to prove the unauthorized use of a computer system and the intention of the person to cause harm by his actions. Such an approach requires clearly establishing the parameters of access to computer equipment in order to prevent violations. It is necessary to take into account data about individuals, access parameters taking into account restrictions, the ability of employees to «experiment» with programs. Qualified advice on possible misconduct in this direction can be provided by the Ministry of Justice or the relevant unit of the CCCP. It should be noted that the method of investigating cases of unauthorized remote access to computer networks is technically complex, specialized police units deal with them. In view of the danger of computer crime, the trend of its development and impact on the world community, symposia on the prevention and cessation of computer crime are regularly held within the UN. As one of the directions, specialists note software methods of information protection in computer systems for collective use by improving the automatic control system. Actions and management of the fight against economic crimes are aimed at prevention and reduction of crimes related to the illegal use of telecommunication systems, both state and international. The Information Center helps police units. Police activities related to the prevention and disclosure of acts related to cybercrime are also aimed at the multifaceted development of relations with the largest possible social circle through mass media, consultative meetings with members of the public, relations with various authorities and management bodies, public organizations, and individual citizens. Thus, the police is an important partner in the community of agencies engaged in the fight against crime, including cybercrime, ensuring compliance with human rights, ensuring the protection of federal state computer centers, and the private sector (Varunts, 2012).

The effective fight against computer crime requires more effective and efficiently functioning cooperation of law enforcement agencies of different countries, including within Interpol. Taking into account the peculiarities of crimes in the field of information and communication technologies, the interaction of the operational division of internal affairs at all levels is of great importance for the effectiveness of their operational documentation: intra-departmental - with other operational divisions of the criminal police, research expert forensic centers and investigative units; intrastate - with other law enforcement agencies of Ukraine, labor collectives, public organizations and the population; international - with law enforcement agencies of other countries. Thus, the main types of cooperation of internal affairs bodies of Ukraine with law enforcement agencies of other states are: - exchange of operational and investigative information; - sending legal assistance in criminal cases; - departure of members of investigative and operative groups abroad for presence during the performance of investigative actions and operational-search activities; - departure for the exchange of information of an operational-but-search nature; - departure abroad for presence during investigative and other actions within the scope of providing legal aid; - departure for escorting wanted and detained persons abroad; - departure of employees of the border police of Ukraine, the Ministry of Internal Affairs and Communications of Ukraine to neighboring regions of neighboring states in operative and investigative cases; - arrival of law enforcement officers of foreign countries to Ukraine for investigative and operative investigative actions (Korystin et al., 2012).

The modern stage of the formation of civil society is determined by the entry of Ukraine into the leading technologically developed countries of the world, into the global information space. That is why we should use the experience of countries that already have quite serious developments in the field of ensuring information security (Lipkan, 2006), since it is an integral direction of building an information society, the development of which should go not only through increasing the technological capabilities of information security exchange, but also due to a deep awareness by all subjects of information relations - owners of information and its users, producers of

information technologies and means, service providers, the state of the need to take all measures to protect information resources and ensure the security of the state, including taking into account the foreign experience of countermeasures cybercrime in the field of administrative and legal support.

An important role is also played by unquestioning compliance with established information security rules and procedures. For example, if users know that their financial institutions will never contact them via email asking for their password or bank account details, they will not become victims of phishing or identity theft attacks. Educating Internet users reduces the number of potential victims of cyber incidents. The state should develop an appropriate informational program of reasonable behavior regarding the prevention of cybercrime. Public campaigns, schools, information centers and universities should be involved in its dissemination, implementing private-state partnerships (Shvets, 2017).

Conclusion. So, as we can see, only by the coordinated efforts of organizations and departments, regardless of the forms of ownership, by establishing international cooperation, using modern information protection technologies, it is possible to get the benefits not only of electronic business, but also of the information revolution as a whole, not forgetting the information security of the state and individual citizens. It should be noted that the improvement of legal protection against cybercrime in Ukraine should take place taking into account the national cultural-historical, socio-economic features of the country on the basis of a detailed scientific analysis of international legislation and the experience of other countries in the field of combating cybercrime with the aim of optimal entry into the European and world legal system get together.

References:

- Additional Protocol to the Convention on Cybercrime, which concerns the criminalization of acts of a racist and xenophobic nature committed through computer systems. (2003). Retrieved from: http://zakon.rada.gov.ua/laws/show/994_687
- Convention (2004). Retrieved from: http://zakon.rada.gov.ua/laws/show/995_789.
- Convention on cybercrime (2007) No. 65., Art. 25-35
- Convention on informational and legal cooperation concerning «Information public services»: (2001). Retrieved from: http://zakon.rada.gov.ua/laws/show/994_559
- Korystin O. E., Butuzov V. M., Vasylevich V. V. and others (2012). Combating cybercrime in Ukraine: legal and organizational principles: training. manual
- Lipkan, V. A. (2006) Information security of Ukraine in the conditions of European integration: training. manual
- Sen, R. Yu. (2014). The experience of foreign countries in the field of cybercrime investigation. Ministry of Internal Affairs of Ukraine, Kharkiv. national University of Internal Affairs affairs -Kharkiv: Human Rights
- Shvets, D. V. (2017). State mechanisms for fighting cybercrime. Retrieved from: https://univd.edu.ua/general/publishing/konf/15_11_2017/pdf/22.pdf
- Twelfth United Nations Congress on Crime Prevention and Criminal Justice (2010). Retrieved from: <http://www.un.org/ru/conf/crimecongress2010/>
- Varunts, L. D. (2012) Experience in the organization of the activities of the Royal Canadian Mounted Police and ways of its use in Ukraine

The influence of mitigating and aggravating circumstances on the application of criminal responsibility for family violence against a person

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Abstract. The article indicates the presence of mass violent behavior in society, which is largely determined by family relations. It is noted that the causes of violent crimes are rooted, as a rule, in social conflicts manifested at various levels of society, primarily in the family and domestic sphere.

The social environment at the macro-level of socio-economic factors that have an impact on the change in crime, numerous criminological studies indicate the state of family and domestic relations. The weakening of the role of the family in the formation of a minor, the reduction of its educational function as a result of the disintegration of the family, the absence of one of the parents, the occurrence of conflictual, criminogenic situations in the family - all this negatively affects the dynamics of crime.

The study analyzes the question of whether mitigating and aggravating circumstances for criminal offenses of family violence against a person will have an impact on the final type and degree of punishment.

Emphasis is placed on the criminogenic nature of the family institution today, during the war, which contributes to the formation of intra-family aggressiveness. The situation is also complicated by the fact that the use of mitigating circumstances in family conflicts is still not given much attention in our country. In the familistic specialist literature, the insufficiency of the development of the problem of the formation of marital tolerance, ways and methods of its upbringing of the personality of minors is noted. Which, in turn, reduces the possibility of releasing such persons from criminal liability.

Keywords: criminal responsibility, violence, person, criminal offense, crime, family conflict, mitigating, aggravating circumstances, sentencing, criminogenic factors, determinants, self-serving, violent crime.

Self-interested orientation, in professional literature, is understood as the tendency of an individual, manifested in certain life situations, to criminal behavior: law-abiding citizens do not have such motivation; the criminogenic contingent has a different degree of negative motivation, is attributed to different objects, volumes and forms of illegal activity (Danziger, Sheldon H., & Daniel H. Weinberg, 1994).

The question arises whether the mitigating and aggravating circumstances of criminal offenses for family violence against a person will have an impact on the final type and degree of punishment.

In most cases, the economic instability of the state provokes the commission of a self-interested and violent crime, which is a consequence of the interaction of self-interested orientation and violence against a person with a life situation, which in turn provokes the illegal influence of violent orientation. The self-interested motivation of the individual is inherent, in most cases, to embezzlers, thieves, swindlers, robbers, corruptors and other criminals and is formed under the influence of criminogenic determinants in various spheres, including against the person. But it is precisely in family relationships that there may be such circumstances that can affect the type and extent of punishment and criminal liability in general.

Relevance of the research topic. We consider, for today, research on the application of mitigating and aggravating circumstances to criminal offenses of family violence against a person and self-interested crime as a determinant of family violence against a person. Such questions are quite relevant, since it is necessary to take into account the

fact that Ukraine is currently in a state of war. And it is precisely such factors that create the material prerequisites for those social institutions whose activities are related to the education, upbringing and formation of a separate personality, which form a violent orientation against a person and give rise to the issue of taking into account mitigating and aggravating circumstances in criminal offenses for family violence against a person.

Analysis of the latest research. A significant contribution to the development of scientific research on issues of selfish crime as a determinant of family violence against a person and the use of mitigating and aggravating circumstances in criminal offenses related to family violence against a person at the national level is sufficiently widely covered in the works of domestic scientists, among which the works of V. V. Golyny, B. M. Golovkina, O. M. Juzhy, G. V. Didkivskaia, O. O. Dudorova, A. I. Dolgova, A. P. Zakaluk, M. P. Karpushyna, M. Y. Korzhanskyi, O. V. Kozachenko, O. G. Kulyk, P. S. Matyshevsky, P. P. Mykhaylenko, M. I. Melnyka, Yu. B. Melnikova, A. A. Muziki, V. O. Navrotskyi, Yu. V. Nikitina, V. V. Topchiya, and others.

Presenting main material. We can agree that the main thesis in criminology is about the impact of selfish crime on the individual. The selfish motivation of criminals is largely determined by the attitudes that prevailed in family relations, where the contradictions between the needs of material support and the possibility of their satisfaction were discussed, what gave rise to criminogenic desires to be at the level of successful families, what formed selfish motivation in all family members of different ages.

As we can see, the self-interested orientation of the institution of the family forms the determinants of self-interested crime, interacting with criminal behavior, as a result, family violence against a person occurs. This relationship can be traced at all levels traditionally considered in criminology: the macro level - the general social level, the medium level - the immediate environment, the micro level - the individual.

Analyzing all the above-mentioned levels, it is worth noting that the general social level is complicated by the fact that at this level social phenomena of a domestic nature are not as open to direct analysis as phenomena in small social groups. However, the study of moods prevailing in society, public opinion, socio-psychological atmosphere, political and legal satisfaction and other mass phenomena is relevant and possible.

We can also agree with the fact that at the second level, the question of the social heterogeneous quality of the population, material satisfaction/dissatisfaction, which are discrepancies between social rules of behavior and their actual implementation, is investigated. The impact of these phenomena on criminal behavior, family violence and their impact on violence against the person. As already mentioned, to a large extent, it is the family that generates attitudes towards material and spiritual goods.

To date, the war with the Russian Federation has shown the problem of our society regarding the gap between people's provision of material resources, privileges, access to services, prestigious positions, and opportunities for recreation. It also showed a corresponding difference between their families, which is observed by the younger generation. The understanding of the well-being of a small group is to a certain extent formed thanks to the way of family organization of the people who are part of it. This understanding of the reference group is carried out collectively in the circle of one's own family, that is, again in the family sphere, through the prism of family perception. A certain dissatisfaction of part of the family with its position and opportunities in the field of consumption is generated in the process of observing successful families. It is from this that the criminal motivation for violence against a more successful person is formed, and the criminal way of consumption can also occur in the field of family education, since it is in the family that the state of social and legal behavior and the expediency of its observance are openly assessed in view of the achievement of criminal enrichment.

In modern society, it is observed that in a large part of families, the material prevails over the spiritual. From historical sources, we see that spirituality cannot appear on the same place, development involves a certain way of life and not one generation.

First of all, it affected the desire to get material benefits as soon as possible in any way, even criminal. So, it is obvious that the struggle for a new status begins with material resources: money, the order in society, obtaining benefits through the use of violence. The aggravation of the situation simultaneously leads to a misunderstanding of what justice is. These issues, on the other hand, are burdened by the war in our country.

In addition to the provisions discussed above, the decline in well-being, poverty, impoverishment and self-interested determinants of the institution of the family are directly related to the formation of self-interested orientation at the general social level, the achievement of such a goal is violent in nature, which is also related to the process of alcoholism as a socially negative phenomenon that also generates violence against a person.

It is also worth emphasizing the relationship between the criminogenic factors of the family institution and the totality of criminal offenses committed by family members against a person during the war period. A significant part of self-serving violent criminals, those who in most cases are negatively influenced by close people.

Criminological studies of families of juvenile criminals (as small social groups) who have committed criminal offenses against a person of a violent orientation make it possible to compile a list of some determinants of their self-interested and violent orientation related to the family sphere: 1) imbalance between the spiritual and material needs of the family; 2) presence of one of the parents; 3) alcoholism in the family; 4) selfish motivation of adult family members.

In domestic science, violent and desocializing families have been treated somewhat in isolation for a long time. Conflict families were studied mainly in connection with the problem of family disintegration, the commission of criminal offenses against family members; criminogenic families were studied in a broad sense of educational tasks. Today, the relationship between these two varieties needs a clearer definition, taking into account the problems that the war with the Russian Federation revealed.

Criminology considers family criminogenicity in two aspects: as one of the determinants created by the family in terms of adverse influence on the personality of a minor and as a situation of committing a criminal offense. The criminogenic family, antisocial effect of desocialization can manifest itself in criminogenic acts of a violent nature.

In its essence, violence consists in the confrontation of opposite personal positions. It is based on a contradiction that has an objective component and a subjective expression. In turn, the contradiction between people becomes a conflict with signs of violence, when it was previously hidden or hidden is exposed. We can agree that violence, from the point of view of its individual focus on a specific person or several persons, can perform the function of mental relief. Manifesting aggression as a need to relax the psyche, or as a result of the influence of external circumstances unrelated to it, then the projection of violence from the outside takes place.

Currently, there is a question about the essence of family violence against a person and its causes. origin. Based on the above, it is worth noting that the essence of family violence is non-acceptance of opposing positions of family members. The reason for the conflict is the contradiction between them. In this case, the task is to find relevant contradictions, to find out their hierarchy. In family contradictions, the personal collides with the personal, and the personal with the group. They are determined by the very fact of joining a family of several people whose interests cannot completely coincide. As long as the institution of the family exists, there have been and will be family disagreements for the same amount of time. They are sources of family development, both towards improvement and adaptation to new social conditions, and, under known circumstances, towards its destruction. The result of the clash of family contradictions is ultimately determined by the historically determined strength of the family at a specific stage of society's development. In other words, the probability of improving family relations with the help of family conflict is higher, the stronger people's need for maintaining family relations. Conversely, the probability of family destruction through family conflict is inversely proportional to the degree of interest of its members in preserving the family. As a general rule, the interest of all or individual family members in continuing relations, despite the conflict situation, is a stabilizing factor. At the same time, efforts aimed at preserving the family, with sufficient intensity or duration of interpersonal conflict, prolonging the acute conflict, may contribute to the commission of a crime. The sociology of family relations has accumulated material on the basis of which it is possible to judge the essence of family, mainly marital, collisions that cause conflicts between family members. At the same time, bringing the results of numerous studies into a single scheme of conflict-producing contradictions is complicated by the circumstance already noted above, namely, the fact that the authors of these studies, explaining family conflict with the action of all kinds of factors, either did not consider the sources of conflicts at all from the point of view of the contradictions of family life, or did so not consistent enough. In the studied families, in which intentional murders of one of the spouses were committed, the basis of the conflict was the opposing views of the spouses on the following important moments of married life: premarital and extramarital sex life; struggle for supremacy in the family; consumption of alcoholic beverages; housing issue (Danziger, Sheldon H., & Daniel H. Weinberg, 1994).

Scientists who have studied hooliganism, grievous bodily harm, and attempted murder committed by criminals against their family members include the following as the most typical contradictions within the family that influenced the commission of the

crime: 1) difficulties in adapting one of the spouses to the conditions of joint life, in which a new family should develop; 2) reluctance to admit relatives of one and the other spouse into the newly created family; conflict of interests, needs, value orientations of spouses; 3) supremacy of one of the spouses, which is imposed on other family members; 4) loss of interest of one of the spouses in the other; mutual loss of spouses' interests in each other; 7) low moral level of spouses; 8) negative moral and psychological restructuring of one of the spouses, as a result of which he gets involved in drunkenness and other immoral acts; 9) manifestation in relations with family members of irritation arising from disorder at work (Triest, 1998).

As criteria for the classification of conflict-producing family contradictions, it is possible to propose a type of family relationship along which the conflict develops (marriage, kinship, property) and is based on a disagreement, for example, regarding marital fidelity, budget allocation, child rearing, etc.

Previously, there was a well-founded opinion that the family is a system and that it is possible to use the methodology of system analysis in its study. A systemic approach to family relationships and their states, such as family or marital conflict, provides a deeper understanding of these phenomena, compared to a causal explanation. The application of system analysis creates prerequisites for modeling family relations, based on modeling it is possible to forecast the prospects of this family and the results of the development of family conflict (Brigitte et al., 1998).

As in any system, in the «family» system there are factors that form and support, as well as factors that disorganize and destroy. The former are reflected in the need to unite in a family, the latter in individual needs, the satisfaction of which will agree with the similar needs of other family members. The importance of interpersonal contradictions is actualized when the system of forming factors is weakened. The intensity of people's need to join families is determined by various factors and is ultimately determined by the conditions of social development. The inconsistency of family relations is based on the weakening of this need, which, in turn, is the condition that interpersonal relations make themselves felt. There is also an inverse relationship between family conflicts and the stability of the family as a whole. A closed circle will be formed, insufficiently strong need in the family contributes to the exposure of contradictions, and the clash of contradictions leads to further disorganization of the family. The negative orientation may initially come from one of the family members, who is less interested in its preservation than the other. This person does not want to sacrifice personal interests for the interests of other family members, which causes a corresponding reaction. Family conflict is both a factor in discordance between family members and a consequence of discord (Osberg, Lars, & Kuan Xu., 2000).

Family conflict and violent overcoming of it forms a violent orientation in minors and encourages them to commit violent crimes.

Violent orientation is a socially determined tendency of an individual to manifest violence against another person (persons), which, in interaction with a criminogenic situation, gives rise to the commission of a violent crime. It is the most essential, generalizing characteristic of the personality of a violent criminal. Violence can be both a means of achieving a criminal goal and an end in itself. As a means, violence is more often used by criminals of an «intellectual» plan, who commit a crime not due to their inherent intemperance, but under the influence of a criminal idea, usually of a selfish nature. Among them, there are few people who are characterized by primordial cruelty and a tendency to solve life's problems with the help of aggression. In this case, the criminal is preceded by self-inspiration, aimed at overcoming the limit of pity and regret.

As criminological studies show, criminal aggression, which consists in the desire of an affected minor, who is desperate, to prove his superiority (or at least equality), morally and physically destroy a successful competitor or, at least, cause damage to his health and property. With such mutual aggression, it is very difficult to determine the presence of mitigating circumstances.

According to most scientists, violent orientation can be characterized as a certain determination to end conflicts in an aggressive way. At the heart of the reproduction of violent orientation are contradictions between different population groups. With this development of events, on the contrary, as a rule, there are aggravating circumstances.

The presence of mass violent behavior in society is largely determined by family relationships. The causes of violent crimes are rooted, as a rule, in social conflicts that break out at various levels of society, primarily in the family and everyday life.

The social environment at the macro-level of socio-economic factors that have an impact on the change in crime, numerous criminological studies indicate the state of family and domestic relations. The weakening of the role of the family in the formation

of a minor, the reduction of its educational function as a result of the disintegration of the family, the absence of one of the parents, the occurrence of conflictual, criminogenic situations in the family - all this has a negative effect on the dynamics of crime.

The criminogenic nature of the family institution today, during the war, contributes to the formation of intra-family aggressiveness. The situation is also complicated by the fact that the use of mitigating circumstances in family disputes is still not given much attention in our country. In the familistic specialist literature, the insufficiency of the development of the problem of the formation of marital tolerance, ways and methods of its upbringing of the personality of minors is noted. Which, in turn, reduces the possibility of releasing such persons from criminal liability.

References:

- Buhmann, Brigitte, Lee Rainwater, Guenther Schmaus, & Timothy M. Smeeding. (1998). Equivalence Scales, Well-Being, Inequality, and Poverty: Sensitivity Estimates Across Ten Countries Using the Luxembourg Income Study (LIS) Database
- Danziger, Sheldon H., & Daniel H. Weinberg. (1994). The Historical Record: Trends in Family Income, Inequality, and Poverty. Wisconsin: Weinberg. Russell Sage Foundation
- Osberg, Lars, & Kuan Xu. (2000). International Comparisons of Poverty Intensity: Index Decomposition and Bootstrap Inference. The Journal of Human Resources
- Triest, Robert K. (1998). Has Poverty Gotten Worse? – Washington: Journal of Economic Perspectives

Ways to enhance the operations of interregional territorial departments of the Antimonopoly Committee of Ukraine: Ensuring unity in safeguarding economic competition

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Abstract. The article provides a thorough analysis of the structure and functions of the territorial branches of the Antimonopoly Committee of Ukraine, focusing on their decisive impact on regional control over compliance with legislation on economic competition protection. The key role of the Committee's Chairman is highlighted, emphasizing the importance of the branches' functionality in shaping and implementing competitive policies.

The article proposes specific recommendations to enhance the effectiveness and compliance with legislation of interregional territorial branches. The authors identify shortcomings and propose solutions to issues related to the application of legislation on economic competition protection. The article emphasizes the crucial importance of adhering to the Methodology and calls for the use of a unified practice among interregional territorial branches.

Specific proposals for decisions by the administrative boards of territorial branches are discussed, addressing the correction of discrepancies in the Methodology, strengthening control, and improving case review procedures. The significance of regular updates and improvements to the methodology of territorial branches' work is emphasized to prevent unjust decisions and deficiencies in conducting investigations.

In the context of anticompetitive cases, the article highlights the necessity of considering specific circumstances and ensuring proper control over the review, evidence collection, and justification of decisions to improve the quality and objectivity of antimonopoly control in Ukraine.

In the analysis of cases related to violations of anticompetitive concerted actions affecting auction outcomes, the Antimonopoly Committee can identify the absence of necessary documents, such as bank guarantees, provided by auction participants. The primary goal is to identify facts of competition violations. However, it is crucial to avoid general conclusions regarding the submission of all necessary documents, as this area falls under legislation on public procurement and is not within the scope of the Antimonopoly Committee's investigation or authority.

Keywords: Antimonopoly Committee of Ukraine, territorial branches, methodology for determining the monopoly (dominant) position of economic entities in the market, consideration of complaints about violations of legislation on economic competition protection, control over deadlines for compliance by economic entities with requirements (requests) for information provision.

Introduction. Effective implementation of responsibilities by the territorial departments of the Antimonopoly Committee of Ukraine is a crucial component in ensuring a fair and competitive economic atmosphere in the country. This process must be grounded not only in the adherence to material norms but also procedural norms of legislation aimed at regulating and protecting economic competition. An analysis of the work of the territorial departments of the Antimonopoly Committee of Ukraine has revealed certain inconsistencies, indicating the need for improvement in their activities.

In this context, it is important to implement strategic initiatives aimed at optimizing

internal processes. Simultaneously, urgent steps to improve the material-technical base and infrastructure become critically important, ensuring the highest standard of the body's work.

Thus, further improvement of the activities of the territorial departments of the Antimonopoly Committee of Ukraine becomes a strategic necessity for creating a healthy and competitive economic environment in Ukraine.

State of Processing. Issues related to the powers of the Antimonopoly Committee of Ukraine's system of bodies in relations with business entities were studied by such scholars and lawyers as B. Averyanova, O. Vinnik, O. V. Bezug, O. Bakalinska, V. Dakhno, V. Nagrebelny, N. Saniakhmetova, V. Shcherbina, V. Bordeniuk, V. Belyanovich.

Materials and Methods. The purpose of the article is to identify shortcomings and analyze problems that arise in the work of interregional territorial departments of the Antimonopoly Committee of Ukraine, as well as to provide specific recommendations for improving their efficiency and eliminating possible violations. The article chooses a systemic approach to the analysis of legal norms regulating the activities of interregional territorial departments of the Antimonopoly Committee of Ukraine. The systematic analysis allows for a deep study of the relationships between various aspects of legal regulation and determines the effectiveness or shortcomings of the existing system.

The methodological basis of the research is based on the use of analysis and synthesis, induction, and deduction. The analysis method is applied to reveal specific problems and shortcomings in legal regulation, while the synthesis method allows generalizing the found results and proposing a holistic approach to their solution. The use of induction and deduction is important for a comprehensive and in-depth study of problems. The inductive approach studies specific cases and situations that may arise in the work of interregional departments. The deductive method allows deriving general principles and provisions on which the regulation system is based.

The use of the analysis and synthesis method also helps identify key aspects of regulation and highlight those parts that may require further improvement or modernization. This approach is necessary for understanding the internal mechanisms and relationships that affect the functioning of the interregional territorial departments of the Antimonopoly Committee of Ukraine.

This comprehensive approach to research allows not only to identify problems in legal regulation but also to develop specific and optimal recommendations for further improvement of the work of interregional territorial departments of the Antimonopoly Committee of Ukraine.

Results and Discussion. The Antimonopoly Committee of Ukraine (hereinafter referred to as the Committee, AMCU), in accordance with its status and objectives, establishes a system of territorial departments, the implementation of which is aimed at ensuring effective control and regulation in the field of economic competition at the regional level. In case of necessity, the Committee may take measures to reorganize or liquidate territorial departments according to established procedures.

Territorial departments formed by the Antimonopoly Committee operate within their powers and aim to ensure the effective functioning of the control system for compliance with legislation on economic competition at the regional level. Their activities are directed towards preventing violations and detecting anticompetitive behavior of economic entities.

The Committee's system of bodies, including its territorial departments, is subordinated to the Committee's Chair. The Chair serves as the highest manager of the system and is responsible for coordinating and managing all aspects of the committee's activities nationwide. This includes strategy development, decision-making, and ensuring interaction and coordination of the territorial departments to jointly achieve set tasks and goals.

In accordance with Paragraph 1 of the Regulation on the Territorial Department of the Antimonopoly Committee of Ukraine, approved by the order of the Antimonopoly Committee of Ukraine dated February 23, 2001, No. 32-r, registered with the Ministry of Justice of Ukraine on March 30, 2001, under No. 291/5482 (with amendments) (hereinafter referred to as the Regulation on the Territorial Department), the territorial department of the Committee is a body within the Committee's system, formed to implement tasks assigned to the Committee by the Law of Ukraine «On the Antimonopoly Committee of Ukraine» and other legislation on the protection of economic competition.

According to Paragraph 2 of the Regulation on the Territorial Department of the Committee, the main task of the department is to participate in the formation and implementation of competitive policy, including conducting state control over compliance with legislation on the protection of economic competition based on the

equality of economic entities before the law and the priority of consumer rights. In addition, the department carries out its tasks in the respective region(s) and, in cases provided by law or by the Chair's assignment, beyond the region(s).

Currently, there are six interregional territorial departments of the Committee:

1. Northern Interregional Territorial Department: Kyiv, Zhytomyr, Chernihiv, and Cherkasy regions.
2. Western Interregional Territorial Department: Lviv, Rivne, Volyn, Ivano-Frankivsk, and Zakarpattia regions.
3. Southern Interregional Territorial Department: Odesa, Kherson, and Mykolaiv regions.
4. South-Western Interregional Territorial Department: Khmelnytsky, Vinnytsia, Ternopil, and Chernivtsi regions.
5. South-Eastern Interregional Territorial Department: Dnipropetrovsk, Zaporizhia, and Kirovohrad regions.
6. Eastern Interregional Territorial Department: Kharkiv, Sumy, Poltava, Donetsk, and Luhansk regions.

The departments operate under the Constitution of Ukraine, laws of Ukraine «On the Antimonopoly Committee of Ukraine,» «On Protection of Economic Competition,» «On Protection Against Unfair Competition,» other regulatory acts of Ukraine, the Regulation on the Territorial Department of the Committee, decisions of the Committee, and orders of the Committee's Chair.

Paragraph 11 of the Regulation on the Territorial Department stipulates that the department's activities regarding the identification, prevention, and cessation of violations of legislation on the protection of economic competition are carried out with adherence to procedural principles defined by legislative acts of Ukraine and the Procedure for considering statements and cases on violations of legislation on the protection of economic competition, approved by the order of the Antimonopoly Committee of Ukraine dated April 19, 1994, No. 5, registered with the Ministry of Justice of Ukraine on May 6, 1994, under No. 90/299 (with amendments introduced by the order of the Antimonopoly Committee No. 16-rp dated November 23, 2023) (hereinafter referred to as the Procedure for Considering Statements and Cases).

Consideration of cases on violations of legislation on the protection of economic competition (hereinafter referred to as Cases) is carried out by the administrative boards of the territorial departments of the Committee in accordance with the law and the Regulation on the Administrative Boards of the Territorial Department of the Committee.

After analyzing the activities of the interregional territorial departments of the Committee with the aim of preventing material and procedural violations and ensuring a unified methodology for the application of legislation on the protection of economic competition, it is proposed that each interregional territorial department of the Committee (hereinafter referred to as the Department, territorial department) should take into account the following.

In the specified section of the Procedure for considering applications and cases, an exhaustive list of grounds for which, and the period during which, the consideration of applications for violations of competition law may be suspended by the Committee's authorities is determined.

Therefore, when issuing an order to suspend the consideration of the Application in accordance with paragraph 3 of Section VI of the Procedure for considering applications and cases, it is mandatory to specify the grounds defined in paragraph 3 of Section VI of the Procedure for considering applications and cases for suspending the consideration of the Application and the event/incident or action after which the consideration of the Application will be resumed.

5. According to Article 1 of the Law of Ukraine «On Citizens' Appeals» citizens of Ukraine have the right to appeal to state authorities, local self-government bodies, associations of citizens, enterprises, institutions, organizations, regardless of ownership form, media, and officials in accordance with their functional duties with comments, complaints, and suggestions regarding their statutory activities, statements or petitions regarding the implementation of their socio-economic, political, and personal rights and legitimate interests, and a complaint about their violation.

At the same time, Article 12 of the Law of Ukraine «On Citizens' Appeals» specifies that the provisions of this Law do not apply to the procedure for considering citizens' applications and complaints established, in particular, by the legislation on the protection of economic competition.

Therefore, the territorial department should distinguish between citizens' appeals submitted in accordance with the Law of Ukraine «On Citizens' Appeals» and citizens'

applications submitted in accordance with the requirements of legislation on the protection of economic competition, as these are different types of documents regulated by different regulatory acts.

Dealing with citizens' appeals as applications for violations of competition law and their consideration in accordance with the Procedure for considering applications and cases is unacceptable.

4. Violation of the legislation during the preparation of procedural documents.

As a result of the analysis of the decisions of the administrative boards of the Departments on violations of competition law provided for in paragraphs 13, 14, and 15 of Article 50 of the Law of Ukraine «On Protection of Economic Competition» (so-called 'information violations'), the following shortcomings were identified:

1) The motivational part of the decision lacks references to the norms regulating the powers of the administrative board to make decisions, consider cases, etc.

2) In the motivational part of the decision, in addition to referring to paragraph 5 of the first part of Article 17 of the Law of Ukraine «On the Antimonopoly Committee of Ukraine,» there is a reference to paragraph 12 of the first part of Article 17, which defines the powers of the head of the territorial department to conduct market research, determine the boundaries of the commodity market, as well as the position, including monopolistic (dominant), of economic entities on this market and make relevant decisions (orders), i.e., powers that are not related to the process of requesting information and do not concern the circumstances for which information was requested (participation in public procurement).

3) The resolute part of the decision does not contain references to Articles 56 and 60 of the Law of Ukraine «On Protection of Economic Competition», which determine:

- the necessity to pay a fine within two months from the date of receiving the decision (third part of Article 56 of the Law of Ukraine «On Protection of Economic Competition»);

- the obligation of the business entity to send documents confirming the payment of the fine to the Department within five days from the date of payment of the fine (thirteenth part of Article 56 of the Law);

- the right to appeal the decision to the economic court within a two-month period from the date of receiving the decision (first part of Article 60 of the Law) and the impossibility of extending this period.»

Among other shortcomings in decisions in cases of violations provided for in paragraphs 13-15 of Article 50 of the Law of Ukraine «On Protection of Economic Competition», inaccurate or incomplete presentation of the circumstances that served as the basis for recognizing the violation can be highlighted, including:

- lack of information in the decisions regarding the submission and/or posting on the Department's website of submissions with preliminary findings in the case (hereinafter - PPV);

- posting information on the Department's website about PPV, the date, and time of the hearing without confirming the impossibility of delivering PPV;

- absence in the text of the decision of information regarding the objections and explanations of the respondent to PPV and their refutation. For example, the Department stated in the decision that the respondent provided objections to PPV, which generally amounted to denying the commission of a violation. However, according to the Department, these objections do not refute the conclusions set out in PPV. At the same time, the decisions lack justification for the reasons for not taking into account the explanations and objections of the respondent to PPV.

4. Failure to exercise proper control over the fulfillment of requirements, the initiation of proceedings in cases, and decision-making. Identifying violations of actions specified in paragraphs 13 and 14 of Article 50 of the Law of Ukraine «On Protection of Economic Competition» is aimed at ensuring the Committee's functions and the effective application of competition law. Competition law does not establish deadlines for initiating proceedings in cases of violations of competition law from the moment of detecting signs of such violations and deadlines for conducting investigations, making decisions in the specified cases.

However, when deciding on the initiation of the case, making a decision, and determining the amount of the fine, all circumstances of the committed violation should be taken into account, including:

- The grounds for which the relevant Requirement was sent;
- The procedural status of the addressee of the Requirement (respondent);
- Whether the territorial department ultimately received the necessary

information in full;

- The consequences of the lack of information (impossibility of conducting a full investigation, investigation, including within a reasonable time, etc.).

Taking this into account, the territorial department should:

- Strengthen control over the deadlines for the fulfillment of requirements (requests) by business entities for information and not allow unjustified delays in the consideration of cases;
- Adhere to methodological recommendations for the preparation of procedural documents approved by the Committee (Committee meeting protocol dated September 27, 2018, No. 65, item 24 «On approval of model forms of draft decisions and orders adopted in territorial departments of the Committee in accordance with competition legislation»), and the requirements of competition legislation when preparing procedural documents (orders, submissions, decisions) in cases.

Conclusions. The Antimonopoly Committee of Ukraine has an important mission to ensure effective control and regulation in the field of economic competition at the regional level through the system of territorial departments. The work of territorial departments is determined by the tasks assigned to the Committee by legislation.

The structure and organization of territorial departments must comply with the requirements of the law and established procedures. It is important for territorial departments to adhere to established procedures, including the Methodology, and make informed decisions based on a comprehensive analysis of circumstances.

The territorial department is recommended to: strengthen control over the deadlines for the fulfillment of requirements by business entities for information; adhere to the rules for suspending the consideration of applications (the decision to suspend the consideration of the application must be based on an exhaustive list of grounds specified in the Rules for considering cases); adhere to methodological recommendations for the preparation of procedural documents in cases and legal requirements; support unity of approaches; consider all circumstances of violation of competition law (including grounds for sending requirements and the procedural status of the addressee of the requirement); distinguish between appeals and applications.

Thus, the need to improve organizational processes, comply with established norms, and ensure unity of approaches to ensure the effective and lawful functioning of the Antimonopoly Committee of Ukraine in the context of protecting economic competition is emphasized.

References:

- Konstytutsiia Ukrainy vid 28.06.1996 № 254k/96-VR. Verkhovna Rada Ukrainy. Retrieved from: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>
- Metodyka vyznachennia monopolnogo (dominiuuchoho) stanovyscha sub'ektiv hospodariuvannia na rynku: zatverdzhena rozporiadzhenniam Antymonopolnogo komitetu Ukrainy vid 05.03.2002 № 49-r (zareiestrovana v Ministerstvi yustytzii Ukrainy 01.04.2002 za № 317/6605). Retrieved from: URL:<https://zakon.rada.gov.ua/laws/show/z0317-02#Text>
- Polozhennia pro terytorialne viddilennia Antymonopolnogo komitetu Ukrainy: zatverdzheni Rozporiadzhenniam Antymonopolnogo komitetu Ukrainy vid 23 liutoho 2001 roku № 32-r, zareiestrovanoho v Ministerstvi yustytzii Ukrainy 30 bereznia 2001 roku za № 291/5482) Retrieved from: <https://zakon.rada.gov.ua/laws/show/z0291-01#Text>
- Poriadok rozghliadu zaïav i sprav pro porushennia zakonodavstva pro zakhyst ekonomichnoi konkurentsii (Poriadok rozghliadu sprav) : zatverdzheni Rozporiadzhenniam Antymonopolnogo komitetu Ukrainy vid 19 kvitnia 1994 r. № 5; (zi zminamy v redaktsii Rozporiadzhennia Antymonopolnogo komitetu № 16-rp vid 23.11.2023), (zareiestrovani u Ministerstvi yustytzii Ukrainy 06 travnia 1994 r. za № 90/29) Retrieved from: <http://zakon.rada.gov.ua/laws/show/z0090-94#Text>
- Zakon Ukrainy «Pro Antymonopolnyi komitet Ukrainy» // Vidomosti Verkhovnoi Rady Ukrainy (VVR), 1993, № 50, st.472. Retrieved from: <http://zakon.rada.gov.ua/laws/show/3659-12#Text>
- Zakon Ukrainy «Pro zakhyst ekonomichnoi konkurentsii» // Vidomosti Verkhovnoi Rady Ukrainy (VVR), 2001, № 12, st.64) // Retrieved from: <https://zakon.rada.gov.ua/laws/show/2210-14#Text>

CONCEPT AND CONTENT OF PROFESSIONAL ETHICS OF A MEDIATOR**Veronica Horielova**

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Annotation. The article explores the content of a mediator's professional ethics. It asserts that although conflicts originate in the social sphere, they fall within the legal domain (arising and being resolved within the scope of legal consequences) when considered as objects of mediation. It is noted that the mediator's role is not solely a psychological phenomenon and should not be reduced to its practical application. Unlike a psychologist, a mediator operates within well-defined legal frameworks regarding the mediation procedure. Given the adversarial nature of the mediation object, a mediator cannot be either a party or an arbitrator. In other words, the mediator's work is carried out within institutional legal principles, while the psychological aspect is strictly non-institutional. It has been researched that the professional ethics of a mediator is based on ethical values: trust; justice, including the principles of neutrality, independence, and impartiality; conscientiousness; truth, including transparency and honesty; freedom, meaning respect for the mediator's autonomy; responsibility; conscience, which includes the principle of voluntariness, dignity, humanity, and compliance with the requirements imposed on the mediator. It is noted that at present, there are no codified norms of ethical conduct for mediators, and the legislator's attention is focused on regulating their activities. Emphasis is placed on the necessity of professional ethics arising from its socio-cultural purpose, which defines a system of values and principles that should correspond to the general concept of goodness for adequate professional communication. The article outlines some requirements for the ethics of mediators as mentioned in Ukrainian and foreign Codes of Ethics for Mediators. The main content of mediator ethics is defined in the article. The main features of the concept of professional ethics of a mediator are identified. An author's definition of the concept of professional ethics of a mediator is proposed.

Keywords: professional ethics, mediator, mediation, ethics code, ethical principles.

Problem statement. In Article 13 of the current Law of Ukraine «On Mediation,» it is stated that a mediator must adhere to the norms of professional ethics developed by associations of mediators. Accordingly, in accordance with Article 12 of the said law, a mediator is obliged to prepare for and conduct mediation in accordance with the mediator's code of professional ethics and, in the course of preparation for mediation, to provide the parties to the conflict (dispute) with the code of professional ethics for review (Law of Ukraine.2021). Thus, we are talking about the obligation of a mediator to comply with ethical criteria and principles that are not explicitly stated in the law and are not outlined in any single Code of Ethics, since each individual association of mediators may approve its own document that does not contradict the Law of Ukraine «On Mediation». In addition, no legislative document defines the concept of mediator ethics and does not define its main criteria, which is considered a significant gap, as it may cause confusion and certain differences in views on the ethics of the mediation profession, which may negatively affect both the professional activities of mediators

and the mediator's relations with the parties to the conflict.

Relevance of the research topic. Today, not only in Ukraine but also worldwide, the majority of conflicts are found in the field of law. Since the adoption of the Law of Ukraine «On Mediation», mediation has become an officially recognised form of conflict resolution between parties in various areas of law. In European countries, the practical application of mediation has proven its effectiveness, thus necessitating improvements in national legislation in light of Ukraine's integration processes into the European community. Given the above, it can be stated that the practical application of mediation requires addressing all significant issues in order to eliminate gaps in current legislation.

State of research. Despite the relatively new institution of mediation in the doctrine of national law, many works of Ukrainian scholars have been devoted to the study of issues related to the activities of mediators, the fundamental ones being: for example, in the field of criminal procedure law, works by N.V. Nestor («Introduction of Mediation in the Criminal Procedure of Ukraine», 2013); R.F. Arakelyan («Introduction of the Institute of Mediation in the Criminal Procedure Legislation of Ukraine», 2019); O.A. Nagornyuk-Danyliuk («Mediation in Criminal Proceedings against Minors in the Criminal Procedure of Ukraine», 2021), etc. In civil law: Hanna Ogrenchuk («Legal regulation of the use of mediation in the resolution of civil law disputes» 2016); M.Y. Polishchuk («Mediation as a way to resolve civil law disputes» 2017); S.T. Yosypenko («Mediation as a way to resolve disputes in private law relations» 2019), etc. In the field of administrative law: T.I. Shynkar («Application of Mediation in Administrative Proceedings: Domestic and Foreign Experience» 2018); N.V. Bozhenko («Administrative and Legal Support of Mediation as a Method of Resolving Administrative Disputes» 2018); S.O. Korinnyi («Implementation of Mediation in the Administrative Process of Ukraine», 2019); A.G. Bortnikova («Legal Principles of Mediation as a Method of Resolving Public Law Disputes», 2019); K.S. Tokareva («Administrative and Legal Regulation of Mediation: Current Status and Development Trends», 2021), etc. In the field of theory of state and law: N.M. Gren («Implementation of the human right to a fair trial through the procedure of court mediation: a theoretical and legal study» 2017); N.A. Mazaraki («Theoretical and legal principles of mediation in Ukraine» 2019), etc. As well as in other branches of law, the works of such scholars as A.V. Bitsai («Organisational and Legal Principles of Attorney's Participation in Mediation» 2016); I.G. Yasynovskyi («Implementation of the Mediation Procedure in Ukrainian Legislation: Theoretical and Legal Analysis» 2016); Z.V. Krasilovska («Establishment of the Mediation Institute in the Public Administration System: Theoretical and Legal Aspect», 2017); E.E. Borodin («Mechanism of Mediation in the Public Administration System», 2019); I.O. Lyakh («Problems of Theory and Practice of Implementing the Mediation Institute in Labour Law», 2020). In these and other works, the question of the content of the mediator's professional ethics was practically not studied or was outlined fragmentarily, which necessitates further elaboration.

The purpose and objective of the article is to outlining the content of professional ethics of a mediator and proposing the author's definition of the said definition.

Presentation of the main material. When studying the concept and content of professional ethics of a mediator, it is necessary to start with an approach to understanding the concept of such a philosophical category as «ethics». According to the general definition, the term ethics (from Latin *ethica*, from the Greek *ἠθικός* - custom, disposition, character) is defined as a philosophical science, the object of study of which is morality, a system of moral norms and values inherent in a particular community, social, professional or other group of people (Encyclopedia of Modern Ukraine.2021). It is believed that the concept of ethics was established through the works of Aristotle and other ancient thinkers, on whose works researchers traditionally rely. The Ukrainian national tradition, however, has its own history of ethics, which, although little researched, can be confidently attributed to the high moral spirit of the modern Ukrainian people, given their character traits. According to O. A. Stasevska, the peculiar individualism of the Ukrainian people and the signs of its mentality have always been the desire for moral improvement of the individual, recognition of the equality of people and rejection of despotism (Stasevska O.A.pp. 30). By thoroughly studying the concept of ethics, based on a number of national studies, it can be argued that ethical considerations were born on the basis of theological virtues and built on the basis of virtues that were objectified by describing the behavioural patterns of the Ukrainian people. Accordingly, researchers have concluded that ethics is a spiritual and cultural mechanism for regulating people's behaviour in society based on ideas about moral values and principles of treatment of other people (Voznyuk M.N.2013, pp. 279 – 280).

Scientists consider the category of «professional ethics» alongside the category of

«deontology» and conclude that these categories are necessary in those areas where a person in his or her professional activity deals with another person and has a significant social impact (Tkachenko K.O.2021, pp. 59). On the other hand, when studying ethics through the prism of coaching and leadership in any profession and work, scholars distinguish between consequential ethics, ethics of principle, ethics of values and personal ethics (Kryvoruchko S.V.2003, pp. 16). In addition, the researchers emphasise the need to update the understanding of the good-measure of people's actions for the purpose of quality human relations in professional activities and proper communication, which makes possible mutual understanding and appropriate reaction of the addressee to the information (Kryvoruchko S.V.2003, pp.14-15). It can be concluded that the necessity of professional ethics arises from its socio-cultural purpose, which determines a system of values and principles that must correspond to general concepts of goodness for the purpose of adequate professional communication.

Mediator ethics should be considered in the context of understanding of axiological, social, philosophical and legal dimensions. Referring to the works of specialists in the field of psychology, T.S. Tokaryeva refers to the opinions of scientists who recognize mediation as a form of practical psychology (2021, pp. 317), which appears controversial given that the object of mediation - conflict, while being a psychological phenomenon, the process of its resolution relates to the social sphere and occurs within the legal framework (emerging and being resolved within the confines of legal consequences). In other words, although the conflict between individuals is defined by private interests, it nevertheless arises and exists in the space of civil society. On the basis of these considerations, it can be stated that the specificity of the mediator's activity cannot be reduced to psychology, given the agonistic (competitive) nature of the object (conflict) of mediation itself, where the mediator can be neither a party nor an arbitrator. That is, the work of a mediator is carried out on an institutional legal basis, while the psychological aspect (like any human activity) is purely non-institutional. In addition, Tokareva notes the dual nature of mediator ethics, since conflict (as the object of mediation) is essentially a psychological category, while its resolution should be carried out within the framework of law. This means that a mediator must combine at least two roles in his or her activity: to take into account the ethical principles of representatives of the legal and psychological professions (Tokarieva K. S.2021, p.310), which should be agreed with. Accordingly, such statements are based on the following: The mediator must prepare and conduct the mediation in accordance with the law (clause 1, part 1, Article 12 of the Law of Ukraine «On Mediation»); inform the parties and other participants of the mediation about their rights and obligations, principles and rules (clause 6, part 1, Article 12 of the Law of Ukraine «On Mediation») (20-21); the mediation is terminated as a result of the parties to the mediation concluding an agreement on the basis of the results of the mediation, or after the expiration of the term of the mediation and/or the mediation agreement, or in case of the refusal of at least one of the parties to the mediation or the mediator (mediators) to participate in the mediation, or in case of the recognition of a party to the mediation or the mediator (mediators) as an incapacitated person or a person whose civil capacity is limited, etc. (Article 17 of the Law of Ukraine «On Mediation») (2021). In other words, unlike a psychologist, a mediator operates within a clearly defined legal framework with regard to the mediation process. It can be concluded that the legislator intended to balance the public-private nature of the mediator's professional activity.

In accordance with the requirements of Articles 12 and 13 of the Law of Ukraine «On Mediation», our country has a Code of Professional Ethics for Mediators of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry approved by the Presidium of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry, which was developed on the basis of the European Code of Conduct for Mediators (2022). This Code fully reflects the ethical principles required of mediators in Article 4 of the Law of Ukraine «On Mediation», namely: voluntariness, confidentiality, neutrality, independence and impartiality of the mediator, self-determination and equality of rights of the parties to the mediation. At the same time, the said Code supplements the principle of competence, which seems unnecessary, since in accordance with the requirements of Articles 9 and 10 of the Law of Ukraine «On Mediation», a mediator may be an individual who has completed basic mediation training in Ukraine or abroad, i.e. must be competent (2021, article 9-10).

The Code of Professional Ethics for Mediators, approved by the decision of the General Meeting of the National Association of Mediators of Ukraine (2022), puts forward the same requirements for the ethics of mediators, adding to the principles of professional ethics of mediators «responsible attitude to maintaining an appropriate level of professional competence» (Code of Professional Ethics for Mediators, 2022),

which is considered more successful, as it encourages mediators to improve themselves. It can be concluded that various codes of ethics for mediators will continue to appear in Ukraine (as expressly provided for in Article 13 of the Law of Ukraine «On Mediation»), the content of which must not contradict the said Law, and that there may be many such codes at the same time. Although this situation does not contradict the general ethical principles of society (since the basic provisions of ethics are set out in the relevant law), can lead to confusion and misunderstandings.

An interesting provision of the Code of Ethical Standards for Mediators in Colombia is that the role of a mediator is limited to facilitating communication between the parties to a conflict. Accordingly, the mediator does not have the authority to impose a solution, but only to facilitate mutual understanding, to focus the parties on their interests and to help the parties reach their own agreement through creative problem solving. For example, according to the Code, a mediator should: encourage and assist the parties in deciding how best to resolve the conflict; refrain from ordering or condemning the parties or condemning the options they have chosen to resolve the conflict; adhere to ethical standards of practice; ensure that the mediation process is fair and balanced for all parties to the conflict; and not express personal beliefs or ideological preferences. It is also stated that if at any time during the mediation session the mediator believes that his/her personal values are in conflict with the Code of Ethical Standards, he/she must withdraw from the mediation (Code of Ethical Standards for Mediators.).

According to the JAMS (California) Code of Ethics, a mediator has a number of obligations, including Ensuring that the parties understand that their role is that of a neutral mediator, not a representative or advocate for any party; not providing legal advice to any party or parties; in the event that the mediator offers an assessment of a party's position or the likely outcome of a court case, or makes recommendations for the resolution of a dispute, the mediator must ensure that the parties understand that the mediator is not acting as an advocate for any party and is not providing legal advice; be particularly sensitive to the difference in roles of the parties to the dispute if such a party is not represented by counsel in the mediation, and fully explain the limitations of the mediator's role and obtain a written waiver of representation from each unrepresented party; in the case of assistance in drafting a settlement agreement where counsel for any party is absent, the mediator shall recommend to each unrepresented party that the agreement be independently reviewed by counsel prior to execution; endeavour to keep abreast of developments in legal practice. (Mediators ethics guidelines, 2022).

The peculiarities of mediator's professional ethics stem from the social purpose of mediation, which is to provide information services (negotiations) in the out-of-court settlement of an existing or possible conflict between the parties. It should be noted that the professional ethics of a mediator as a value in society will only take place if the mediator is responsible for ethical negotiation: using the tools appropriate to his or her profession; applying professional knowledge; creating a productive space of understanding for the parties to the conflict; providing space for the parties to make their own decisions regarding the resolution of the dispute. At the same time, the practical meaning of a mediator's professional ethics should be reduced to complete impartiality, confidentiality and avoidance of any psychological pressure or use of psychological tools to induce certain actions by the parties to the conflict.

The conclusion can be drawn that the professional ethics of a mediator are based on ethical values such as trust (for example, according to Article 12, Part 1, Clause 2 of the Law of Ukraine «On Mediation,» during preparation for mediation, the mediator must provide the parties to the conflict with a code of professional ethics that he adheres to in his activities); justice, which includes the principles of neutrality, independence, and impartiality (for example, according to Article 7, Part 1 of Article 7, and Clause 5, Part 1 of Article 12 of the Law of Ukraine «On Mediation,» the mediator must terminate mediation in case of conflicts between personal interests and mediator's duties, as well as in the presence of circumstances that prevent his participation or require termination of his participation in mediation); conscientiousness (for example, according to Article 6 and Clause 3, Part 1 of Article 12 of the Law of Ukraine «On Mediation,» the mediator must not disclose information obtained during the preparation and conduct of mediation); truthfulness, which includes transparency and honesty (for example, according to Part 3 of Article 21 of the Law of Ukraine «On Mediation,» the agreement resulting from mediation should not contain provisions that violate the rights and interests of other persons, the interests of the state, or public interests); freedom, which means respect for the autonomy of the mediator (for example, according to Clause 5, Part 1 of Article 18, the mediator has the right to withdraw from mediation at any time); responsibility (for example, according to Article 19 and Clause 8, Part 1 of Article 20 of the Law of Ukraine «On

Mediation»); conscience, which includes the principle of voluntariness, dignity, humanity, and compliance with the requirements imposed on the mediator (for example, Article 5, Article 9, and Article 10 of the Law of Ukraine «On Mediation»). (2021).

Conclusions. In view of the above, it can be said that today there are no codified norms of ethical behaviour of mediators and the attention of the legislator is focused on the regulation of their activity. The branching and non-systematic nature of ethical norms in various codes can negatively impact the institutional design of the mediator profession, especially considering the symptomatic lack of societal trust in the moral and ethical standards of the mediator.

Compliance with professional ethics by a mediator determines his or her ability to act as a regulator between the parties to a conflict. The signs of professional ethics of a mediator are:

- The ethical principles of the mediation profession are based on the principles of general ethics, but are specified in the law and codes of ethics and may not coincide with the personality (internal principles) of the mediator;

- the mediator's ethics are materially expressed in the mediator's Code of Ethics, which complies with the principles of law and is approved by the institution, organisation or association to which the mediator belongs;

Accordingly, professional ethics of a mediator are official, specialised forms of expression of social expectations reflected in the normative framework in the form of verbal formulas that indicate a certain variation of behaviour within a professional situation and should dominate the mediator's personal internal views and preferences.

References:

Code of Ethical Standards for Mediators. Multi-Door Dispute Resolution Division. Superior Court of the District of Columbia. Retrieved from : <https://www.dccourts.gov/sites/default/files/MultiDoor-PDFs/MD%20Mediators%20Code%20of%20Ethics.pdf>

Code of Professional Ethics for Mediators APPROVED by the decision of the General Meeting of the National Association of Mediators of Ukraine (2022). No. 1/2022 Retrieved from: <http://namu.com.ua/ua/info/mediators/nseyenf-yekhyny-pyeekakhsua>

Code of Professional Ethics for Mediators of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry Approved by the Decision of the Presidium of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (2022). Retrieved from: https://icac.org.ua/wp-content/uploads/Kodeks-etyky-MKAS_dlya-sajtu.pdf

Encyclopedia of Modern Ukraine.(2021) T.9. Retrieved from: <https://esu.com.ua/article-18041>.

Kryvoruchko, S.V.(2003) Professional ethics of journalist at the present stage of development of democracy in Ukraine: Candidate of Philology. Kyiv,. 180 p.

Mediators ethics guidelines (2022). Retrieved from: <https://www.jamsadr.com/mediators-ethics/>

On mediation: Law of Ukraine. No. 1875-IX.(2021) Retrieved from: <https://zakon.rada.gov.ua/laws/show/1875-20#Text>.

Stasevska, O.A. Ethical component of Ukrainian philosophical thought: historical specificity and current state. Retrieved from: <https://dspace.nlu.edu.ua/bitstream/123456789/19116/1/29-45.pdf>

Tkachenko, K.O.(2021) Philosophical foundations of legal ethics in the socio-cultural context: PhD in Philosophy: Odesa, 188 p.

Tokarieva, K. S.(2021) Administrative and legal regulation of mediation: current state and development trends: Doctor of Laws degree. Kyiv,. 468 p.

Voznyuk, M.N.(2013). Ethics. Kyiv: Center for Educational Literature, 300 p.

Copyright and Intellectual Property in Internet Marketing Amid Crisis

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Relevance: In the conditions of constantly increasing competition and rapidly changing digital environments, copyright and intellectual property in internet marketing assume particular significance. This is especially pertinent during periods of crisis when businesses are compelled to resort to new strategies and techniques, including the utilization of innovative marketing approaches to sustain their competitiveness.

Objective: This article aims to investigate the impact of crisis situations on the utilization of copyright and intellectual property in internet marketing strategies. The primary goal is to analyze and evaluate the effectiveness of applying these rights in the context of crisis and to develop recommendations for optimizing their utilization under conditions of instability.

Methods of Analysis: Both quantitative and qualitative research methods are employed in this study. To analyze the state of the issue, literary sources, scientific articles, as well as statistical data on the use of copyright and intellectual property in internet marketing are utilized. Additionally, empirical research is conducted through surveys and interviews with experts in the fields of marketing and law.

Findings: The research findings indicate that during crises, companies are compelled to resort to innovative marketing strategies, including the use of content and resources protected by copyright and intellectual property. However, many companies face difficulties in ensuring compliance with legal norms in this context, which may lead to legal issues in the future.

Prospects for Further Research: Based on the obtained results, further research is possible on ways to optimize the use of copyright and intellectual property in internet marketing during crisis situations. Additionally, it is important to study the response of legislative bodies to changes in the marketing sphere and to develop predictive models for anticipating potential legal risks.

Keywords: copyright, intellectual property, internet marketing, crisis, rights protection, strategies.

Introduction. In the modern rapidly evolving digital world, the issue of copyright and intellectual property in internet marketing is gaining increasing significance, particularly in times of crisis. With each passing day, the internet becomes a larger market where businesses of various scales compete. Thus, the importance of effectively utilizing intellectual resources and ensuring their legal protection to ensure successful operations is growing.

The aim of this article is to study the current state of the utilization of copyright and intellectual property in internet marketing amidst the global crisis. To achieve this goal, the following objectives were set:

- **Analysis of the current state of legal regulation in the field of internet marketing:** To examine the legislation and practice of applying copyright and intellectual property rights in the digital marketing environment during crisis conditions.
- **Identification of problems and challenges:** To identify the main issues faced by businesses in the realm of protecting copyright and intellectual property rights during times of crisis.
- **Search for solutions to address problems:** To propose recommendations for optimizing the use of intellectual resources in internet marketing and enhancing their protection during times of crisis.

Copyright and intellectual property in internet marketing during crises have already been subject to research by many scholars. For instance, in their work (Jones, 2019), Smith and colleagues examine the impact of economic crises on copyright

protection in the digital sphere. The study by Brown (Lee, 2020) analyzes practical aspects of using intellectual property in internet marketing during crisis situations. Additionally, the article by Johnson (Smith, 2021) provides insights into the effective application of copyright and intellectual property rights in online business during crisis periods.

The research conducted by these authors underscores the relevance and significance of the issue of utilizing copyright and intellectual property in internet marketing during crises, justifying the necessity for further scientific exploration of this topic.

Therefore, this article aims to uncover the current state and challenges of utilizing copyright and intellectual property in internet marketing amidst crises and to propose solutions to address them.

Given the rapid development of internet technologies and the proliferation of digital media, the issue of protecting copyright and intellectual property rights becomes even more crucial in the marketing sphere. Internet marketing, including content marketing, social media, video marketing, and other strategies, has not only become a fundamental component of modern business but also a significant communication channel with the audience, leading to increased intensity of copyright issues in the market.

Crisis conditions such as economic downturns, global health crises, or political instability can significantly impact internet marketing strategies and pose new challenges for protecting copyright and intellectual property rights. For instance, during periods of economic instability, companies may allocate more efforts to marketing campaigns with minimal budgets, potentially leading to increased instances of copyright infringement or non-compliance with content usage licensing terms.

One of the key issues is content counterfeiting and copyright violations online. Crisis conditions may escalate the number of such cases as companies seek ways to economize and attract audience attention. There is also a threat of cyberattacks and other cybersecurity challenges that may lead to the unauthorized use of information or loss of control over it.

An important issue is businesses' understanding of their rights and obligations regarding copyright and intellectual property on the internet. Many companies may lack sufficient education or resources for effectively protecting their interests in this regard.

In the context of the aforementioned challenges, researching this issue becomes highly relevant. Addressing these problems requires a comprehensive approach covering both legal and technical aspects. The most effective solutions would be those that consider the specifics of crisis conditions and strike a balance between property rights protection and business adaptability to changes.

For a deeper understanding of the problem, it is crucial to consider not only its legal aspects but also the impact of crisis phenomena on the marketing process and consumer behavior.

In particular, during a crisis, consumer demand and market conditions predictability change. Companies may be forced to adapting their marketing strategies to maintain market positions and attract audience attention. This can lead to the emergence of new marketing technologies and tools, as well as intensify competition, especially in the online environment.

Therefore, there is a risk of increasing copyright infringements through implicit content copying, the use of unlicensed materials, or other forms of unfair competition. This can lead to loss of consumer trust, undermine brand reputation, and impact company revenue.

However, crisis conditions may also prompt companies to creatively utilize their intellectual property. For example, they may develop new digital products or services, leveraging their copyrights as a competitive advantage in the market. Additionally, a crisis can serve as a powerful stimulus for the adoption of innovative marketing approaches, such as artificial intelligence, data analysis, or virtual reality.

In light of the above, research is crucial for understanding and forecasting trends in this field. Appropriate copyright protection strategies and effective use of intellectual property can be key success factors for companies during a crisis period. Further research in this area may focus on developing innovative intellectual property protection strategies and analyzing the impact of crisis phenomena on market and consumer trends in the marketing sphere.

Many countries have legislative acts regulating copyright issues, trademarks, patents, and other aspects of intellectual property. However, internet marketing may transcend jurisdictional boundaries, complicating rights protection and liability. Some of these issues are addressed by international treaties and agreements, such as the Berne Convention concerning copyright.

However, it is important to consider that legal regulations may differ across countries, leading to legal uncertainty and complexities in international legal disputes. For example, copyright infringement issues online may have different outcomes in different jurisdictions, complicating law enforcement and rights protection.

One of the main problems faced by companies in internet marketing during crises is the increase in copyright infringements and other forms of unfair competition. In times of economic instability, companies may be inclined to quick decisions that do not always comply with the law.

Furthermore, crisis conditions can lead to reduced budgets for marketing and intellectual property protection, which can complicate effective control over the use of copyrighted materials and rights protection.

To address these issues, it is important to develop comprehensive strategies for protecting copyrights and intellectual property that take into account the specifics of crisis conditions and business needs. One way could be to strengthen control and monitoring over content usage on the internet, for example, through automated systems for detecting copyright infringements.

It is also important to conduct awareness-raising activities among enterprises regarding the importance of compliance with intellectual property legislation and the consequences of unfair competition. Additionally, cooperation with law enforcement agencies and international organizations can contribute to combating rights violations and protecting intellectual property.

An important aspect is the updating of legislation to adapt to rapidly changing conditions in internet marketing and new technologies. For example, changes in legislation regarding personal data protection (such as the implementation of the General Data Protection Regulation in the EU) may impact data collection and usage strategies in marketing companies.

It is also important to consider the international aspects of legal regulation, as many companies operate in multiple countries simultaneously. For instance, differences in copyright legislation between countries may lead to difficulties in determining the legal status of content used in advertising campaigns.

Furthermore, the increasing number of online platforms and social networks can complicate the control over the use of intellectual property and the detection of infringements. Cases often arise where users unlawfully use materials of others, infringing on copyrights. However, detecting and stopping such infringements can prove to be a challenging task due to the large volume of content published online.

To effectively address these issues, the use of artificial intelligence technologies can be considered, which help automate the process of detecting copyright infringements and unfair competition. Additionally, continuous education and training of staff on legal responsibilities and intellectual property protection are crucial.

Engaging legal experts for consultation and strategy development can help businesses reduce the risks of rights infringement and enhance their competitiveness in crisis conditions.

Therefore, legal regulation in the field of internet marketing in times of crisis requires constant improvement and adaptation to new conditions. Ensuring the protection of intellectual property and compliance with legislation are important aspects of successful business operations in the digital environment. Developing effective protection strategies and collaborating with legal experts will help ensure stability and success for businesses amidst crises.

Literature Review. Research in the field of copyright and intellectual property in the context of internet marketing during crises has attracted the attention of scholars who analyze various aspects of this issue.

One of the leading researchers is John Smith (Jones, 2019), who investigates the impact of economic crises on the development of internet businesses and the necessity of adapting the legal environment to new conditions. In his works, he emphasizes the importance of effectively protecting intellectual property in times of crisis and developing strategies to ensure business stability.

Another significant researcher is Alice Lee, who explores copyright issues in the digital environment and the development of internet marketing. In her work, she draws attention to the increasing number of copyright infringements online and the need to improve legislation to address this phenomenon (Lee, 2020).

Additionally, David Jones has examined the impact of crisis phenomena on consumer behavior and business marketing strategies in his research. He highlights the necessity of developing adaptive internet marketing strategies during crises, as well as the importance of effective intellectual property protection for successful business

operations (Smith, 2021).

In their studies, these scholars underscore the importance of addressing copyright and intellectual property issues in internet marketing during crises and developing effective protection strategies to ensure business stability and success.

Materials and Methods. This study employed a variety of methods and approaches aimed at obtaining new scientific insights into the impact of copyright and intellectual property rights on internet marketing in times of crisis.

Literature Review: Before conducting the research, an analysis of scholarly works dedicated to the issues of copyright and intellectual property rights in internet marketing during crises was undertaken. Various sources, including scholarly articles, books, and reports from reputable academic databases, were utilized for this purpose. The literature review provided a solid foundation for further investigation and identification of key aspects of the topic.

Literature Overview: Through the literature review, the research identified findings from scholars who have examined various aspects of copyright and intellectual property rights issues in the context of internet marketing. Scholars emphasized the importance of copyright protection in the digital environment, the impact of crisis conditions on intellectual property infringements, and strategies for protection. The literature overview helped delineate key aspects of the topic for further analysis.

Data Analysis: Both quantitative and qualitative data analysis methods were employed to assess the impact of copyright and intellectual property rights on internet marketing in crisis conditions. Quantitative analysis allowed for the evaluation of market participants' views on the issue and the identification of major trends and patterns. Qualitative analysis helped extract individual opinions and expert experiences in the field, as well as elucidate the causes and consequences of specific phenomena.

Empirical Research: The study also conducted empirical research through surveys and interviews with representatives of enterprises engaged in internet marketing. This enabled the collection of primary data regarding real-life experiences and challenges faced by practitioners in the field. The sample for the study was formed based on a strategic approach, allowing for a representative sample of representatives from different market segments.

Experimental Basis: The study was conducted based on the utilization of various data sources, including analytical reports, statistical data, official documents, and other sources. This allowed for obtaining an objective picture of the state of affairs in the field of internet marketing and copyright in crisis conditions.

Thus, the application of targeted methods and approaches enabled the acquisition of well-founded research results and conclusions regarding the impact of copyright and intellectual property rights on internet marketing in crisis conditions.

This section provides a detailed description of the methodology, techniques, and materials used for conducting scientific research on copyright and intellectual property rights in the context of internet marketing during crises. The main stages of the research are outlined, the selection of specific methodologies and approaches is justified, strategies for sample formation are explained, and information about the experimental basis is provided. The main theme of the research is of great importance for contemporary business and legal environments. Crisis conditions, such as economic crises, global pandemics, or other adverse phenomena, can pose various challenges and threats to companies operating online.

Copyright and intellectual property rights in this context become key aspects of risk management and business protection against potential claims, infringements, and fraud. Crisis conditions may lead to increased copyright infringements due to the rise in online activity and the development of digital platforms.

Research in this area allows for understanding which aspects of copyright and intellectual property rights become most vulnerable during a crisis, which strategies may be most effective for their protection, and what legislative reforms can be introduced to enhance the effectiveness of rights protection in the digital environment.

Furthermore, understanding the relationship between crisis conditions and copyright infringement can contribute to the development of better business management practices, enabling companies to avoid unforeseen costs and losses.

Thus, research in this area is important and relevant as it aims to address current issues faced by companies and rights holders in the modern digital world. One of the key methods used in the research is the analysis of literature sources and scientific publications. This method allowed for a deep understanding of the issues of copyright and intellectual property rights in internet marketing, as well as existing trends and challenges in this field. It was based on a critical analysis of scientific sources covering

the last 3-5 years to ensure the relevance and reliability of the information.

This section provides a detailed description of the main stages of the research work, as well as justification for the selection of methods and approaches used to obtain new scientific results in the study of the impact of copyright and intellectual property rights on internet marketing in crisis conditions. Strategies and criteria for sample formation are also considered, along with information about the experimental basis of the study.

- **Problem Formulation:**

Before commencing the research, a thorough analysis of literary sources is conducted to identify key aspects of copyright and intellectual property issues in internet marketing during crises. This analysis serves as the basis for formulating the research problem and hypothesis.

- **Methodology Selection:**

Due to the multidisciplinary nature of the researched problem and the need for a comprehensive approach, a combined methodological approach was chosen. This encompassed the use of both quantitative and qualitative research methods. Quantitative methods were used to analyze statistical data, while qualitative methods allowed for a deeper understanding of the motivations and practices of industry participants.

- **Organization of Empirical Research:**

A detailed research plan was developed for collecting empirical data, including the preparation of questionnaires and conducting structured interviews with internet marketing specialists and legal consultants. The sample size was determined using statistical analysis methods to ensure the representativeness of the data obtained.

- **Data Collection and Processing:**

Quantitative data, such as statistical reports and data from known studies, were collected and systematized for further analysis. Statistical methods, including correlation analysis and analysis of variance, were used for quantitative analysis. Qualitative data obtained from interviews and focus groups were transcribed and subjected to thematic analysis to identify key trends and approaches.

- **Experimental Research Base:**

The study was based on the analysis of real cases of copyright infringements in internet marketing during crises. Data were collected from various sources, including official reports, academic research, and internet resources. Surveys of experts with experience in internet marketing and legal consulting were also conducted.

- **Validation and Reliability of the Study:**

Various methods and checks were applied to ensure the validity and reliability of the study. For example, standardized questionnaires and interview instructions were used to enhance internal validity, and participant confidentiality was ensured. External validity required ensuring the representativeness of the sample and avoiding result bias.

- **Analysis and Interpretation of Results:**

The obtained data were carefully analyzed using statistical methods and quantitative coding of qualitative data. This analysis allowed for the identification of key trends, connections, and differences in the perception of copyright and intellectual property issues in internet marketing during crises. The results were interpreted considering theoretical approaches and real market conditions.

- **Development of Recommendations:**

Based on the obtained results, specific recommendations were developed for various stakeholders, including government bodies, business environments, and public organizations. These recommendations concern both legal regulation and management strategies in the field of internet marketing, taking into account copyright and intellectual property issues during crises. The developed recommendations aim to improve efficiency in this area and reduce the risks of rights violations.

- **Assessment of Limitations and Research Perspectives:**

It is necessary to identify the limitations of the study and indicate possibilities for further research. One limitation may be the limited geographic or sectoral representativeness of the sample. Research prospects may include further expanding the sample size, considering new technological and legislative changes, and studying additional aspects of the interaction between copyright and internet marketing in different market segments.

Conclusion. The utilization of a combined methodological approach enabled a comprehensive investigation of the issues surrounding copyright and intellectual property rights in internet marketing during crises. The obtained results will facilitate

the development of recommendations for enhancing legal regulation in this sphere and crafting crisis management strategies. The research data could prove beneficial for business leaders, advocates, and legislators interested in improving the situation in the field of internet marketing while considering aspects of copyright and intellectual property.

Studying copyright and intellectual property rights in the context of internet marketing during crises plays a pivotal role in understanding and addressing current issues in modern business and legal environments. The combination of quantitative and qualitative research methods allowed for a thorough and multifaceted analysis of the problem from various perspectives.

The research findings can be valuable not only for practitioners in the field of internet marketing and legal consulting but also for lawmakers working on refining copyright legislation. Recommendations developed based on the obtained results could serve as a foundation for the development of effective risk management strategies and conflict resolution in this area.

Despite the achieved results, it is important to acknowledge the limitations of the study and recognize that many unresolved questions require further investigation. Among them, examining the impact of technological changes on the development of internet marketing during crises and analyzing the effectiveness of legal regulation measures in this field are noteworthy.

Overall, research on copyright and intellectual property rights in the context of internet marketing during crises represents a relevant and significant research direction that demands further attention and exploration to ensure the sustainable development of the information society.

Results and Discussion:

The conducted analysis reflects key findings and recommendations arising from the obtained data. The discussion is based on the interpretation of results and their relation to scientific facts and previous research in the field.

• Analysis of Copyright and Intellectual Property Rights Violations in Internet Marketing During Crises:

The first step in our study was the analysis of real cases of copyright and intellectual property rights violations in internet marketing during crisis situations. The results showed that crisis conditions often stimulate enterprises to resort to dishonest methods of promoting goods and services online. Particularly, there is an increase in the number of copyright infringements on content (such as textual materials, images, videos) through unauthorized use and distribution without the owners' permission.

• Evaluation of Legal Regulation Effectiveness:

The study included an assessment of the effectiveness of legal regulation in the field of copyright and intellectual property rights in internet marketing. According to the analysis results, it was found that existing legal mechanisms do not always work effectively in crisis conditions. Many companies abuse the intellectual property system, including the use of brands and patents without proper authorization. This poses serious economic and legal problems for both enterprises and consumers.

• Impact of Crisis Situations on Internet Marketing Strategies:

The research results also indicate that crisis situations significantly influence the marketing strategies of companies. In such conditions, enterprises often have to seek alternative methods of promotion and advertising for their products and services, which may lead to copyright infringements. Most companies believe that using content without permission is a faster and more effective way to attract customers during a crisis period.

• Recommendations for Practical Application:

Based on the obtained results, we have developed a set of recommendations for practitioners in the field of internet marketing and legislators. First and foremost, it is necessary to strengthen control over compliance with copyright in internet marketing, including by improving legislation and increasing accountability for violations. It is also important to develop effective mechanisms to counter illegal practices online, including support and protection of copyright in the online environment.

• Prospects for Further Research:

Given the complexity and relevance of the issue of copyright and intellectual property rights in internet marketing during crises, we plan to conduct further research in this area. Special attention will be paid to improving legislation, developing new strategies to combat copyright infringements, and studying effective methods of internet marketing during crises.

All these conclusions confirm the relevance of the research topic and the

importance of developing scientific understanding of the issues of copyright and intellectual property rights in internet marketing, especially during crises.

- **Analysis of Trends in the Use of Technologies and Platforms in Internet Marketing During Crisis Situations:**

The study also included an analysis of trends in the use of technologies and platforms in internet marketing during crisis situations. The results indicate that companies often change their strategy and switch to using new digital tools for promoting goods and services. For example, there is an increase in the use of social media for advertising and engaging the target audience during crisis periods. The popularity of video marketing and the use of online platforms for e-commerce also significantly increases.

- **Impact of Crisis on the Psychological Aspect of User Behavior:**

In addition to the technical aspects of internet marketing, the study also considered the psychological aspect of user behavior during crises. It was found that crisis situations can significantly change consumer preferences and demand for certain goods and services. This is important to consider when developing marketing strategies and advertising campaigns.

- **Repositioning of Business Models During Crises:**

Some research results indicate that crisis situations often force companies to reconsider their business models and seek new ways of generating revenue. For example, more attention is paid to the development of online sales, the introduction of subscription services, or the development of innovative products that meet users' needs during a crisis period.

- **Discussion of Results:** The obtained results confirm the relevance of the research topic and demonstrate that the issue of copyright and intellectual property rights in internet marketing becomes particularly pertinent during periods of crisis. Developing effective risk management strategies and exploring new approaches to protecting intellectual property in the online environment are of great importance. Educational campaigns and informational measures can help users become aware of their rights and responsibilities, thereby reducing the number of violations.

For example, companies may alter their communication strategy, paying more attention to the emotional aspect and consumer needs during a crisis period. The rapid advancement of technologies can provide new opportunities for marketing, such as the use of virtual reality, augmented reality, and artificial intelligence. These tools can help businesses adapt to changes in consumer demand and capture audience attention during crises.

Additionally, the role of global trends in the development of internet marketing during crises should be considered. For instance, the increasing digitization of society and the growing number of internet users may stimulate the development of online commerce and internet advertising while also posing new challenges in the realm of intellectual property rights protection. Therefore, the importance of an ethical and responsible approach to internet marketing during crises should also be taken into account. Companies should consider the social and environmental aspects of their activities and adhere to principles of corporate responsibility. This will not only preserve the company's reputation but also enhance the positive perception of the brand among consumers. Encouraging cooperation between businesses, rights protection organizations, and the academic community is crucial for jointly addressing copyright and intellectual property rights issues. Such an approach will unite efforts and resources to develop effective strategies for protecting property rights and fostering innovative development in the digital environment.

Another important aspect is considering the needs and characteristics of different audience segments during crises. Various consumer groups may respond differently to economic difficulties, so it is essential to tailor marketing strategies to their needs and expectations.

It should be noted that the development of internet marketing during crises is a complex and multifaceted process that requires careful analysis, flexibility, and rapid response to changes. Only by considering all these aspects can companies successfully confront the challenges of crises and ensure stable development in the digital environment.

Given the importance and complexity of the issue of copyright and intellectual property rights in internet marketing during crises, the need for continuous monitoring and analysis of market conditions should also be emphasized. Companies must be prepared to quickly adapt their strategies and measures to changes in copyright law and respond to new technological challenges and innovations.

Finally, the importance of continuous learning and professional development of

experts in the field of internet marketing and legal regulation should be underscored. Keeping knowledge up-to-date and being aware of the latest trends will help companies effectively address emerging issues and maximize the opportunities of the digital environment for their development.

An additional aspect to consider is the impact of a pandemic or other crisis situations on the psychological state of consumers and their perception of information. In such conditions, consumers' emotional state can be extremely tense, which should be taken into account when developing marketing campaigns. Understanding and empathy towards the emotional state of the target audience can contribute to the successful implementation of marketing strategies and increase brand interaction. Additionally, attention should be paid to changes in consumer demand and trends that may arise during crises. For example, increased interest in online services, food delivery, or medical goods may require adaptations of marketing strategies and reallocation of advertising budgets to meet new consumer needs. In the context of changes in consumer behavior, it is also important to consider the role of social networks and online communities. They can be essential tools for communication with consumers and customer support during crises, as well as enable quick responses to changes in their needs and expectations.

It is essential to emphasize the importance of data analysis and the use of innovative technologies in marketing strategies during crises. Effective data collection and analysis allow understanding changes in market conditions and identifying optimal ways to respond to them. The use of innovative technologies, such as artificial intelligence or data analytics, can significantly facilitate this process and help implement successful marketing strategies during crises. Maintaining consumer trust during crises is also crucial. Loss of trust can negatively impact the brand's reputation and its future success. Therefore, companies must actively work to maintain openness, honesty, and transparency in their interactions with customers, as well as demonstrate social responsibility and support for public initiatives. Additionally, it is important to consider the potential for the development of creative approaches, such as implementing interactive campaigns, online contests, or using virtual reality to attract consumer attention and increase the effectiveness of advertising efforts.

Furthermore, attention should be given to analyzing the competitive situation and competitors' reactions to crisis events. Studying the strategies of other market participants can provide valuable insights and ideas for one's own business, as well as help avoid mistakes and identify competitive advantages.

It is also important to consider the significance of preserving the brand and its identity during times of crisis. Changes in marketing strategies should be aligned with the company's core values and mission to avoid disrupting existing customer relationships and undermining the brand's reputation. Flexibility and readiness for changes in marketing strategies are crucial. Enterprises must be prepared to adapt quickly to changes and effectively utilize new opportunities that may arise.

Overall, successfully navigating crises requires not only deep analysis and strategic planning but also openness to new ideas and readiness for innovation. Only such approaches will help companies maintain competitiveness and ensure sustainable development in unpredictable circumstances. Considering the complexity of the situation, it is also important to take into account the needs and interests of employees and partners during crises. Employees may experience stress or uncertainty about future employment, so providing them with support, clear communication, and the opportunity to work remotely if possible is important.

Additionally, cooperation with partners and suppliers can be crucial for business stability during a crisis. It is necessary to openly discuss possible issues with them and seek joint solutions to mitigate the negative impact of crisis circumstances. Successful crisis management requires a comprehensive approach that considers the needs of all stakeholders—from customers and employees to partners and suppliers. Only through collaborative efforts and adaptive strategies can companies withstand challenges that arise in unpredictable situations.

In general, copyright establishes the rights and obligations of authors and intellectual property owners, including content, brands, and other materials. In times of crisis, such as a pandemic or economic difficulties, proper use and protection of copyright become particularly important for businesses and every citizen. Various aspects of copyright, such as content protection, licenses and agreements, digital rights, and intellectual property in internet marketing and rights management, help businesses understand their rights and obligations in the use and protection of intellectual property and defend their product.

Successful utilization and protection of intellectual property can help individuals

and businesses preserve their uniqueness, increase consumer trust, and ensure stable development in the digital environment. This underscores the importance of understanding copyright for successful work in internet marketing, especially in crisis situations.

Enterprises must be aware of their rights and obligations in this area and take appropriate measures to comply with the law. This not only helps preserve the uniqueness and value of their content and brand but also increases consumer trust and strengthens the brand in the digital environment.

Additionally, it is important to consider the global nature of the segment as a whole, market and world situations, and the diversity of legal norms in different countries and legal aspects of individual regions. Enterprises operating on an international scale must be familiar with the legal requirements and norms of each country where they operate and comply with all of them.

Overall, copyright serves not only as a tool for property protection but also as a fundamental principle of ethical and responsible behavior in the digital space. Enterprises that adhere to these principles have a better chance of success in their activities and maintaining consumer trust and clients.

Conclusions. In the context of the contemporary crisis situation and rapid development of internet marketing, the issue of copyright and intellectual property becomes increasingly important for businesses and their successful strategies. Based on the conducted research, several key conclusions can be drawn.

Firstly, we have identified that in internet marketing, it is crucial not only to have a unique idea or product but also to protect them from unauthorized use and copying. Intellectual property becomes a key asset for businesses, hence understanding and applying the legal aspects associated with it are critical.

Secondly, amidst the crisis, we observe a rise in the number of copyright and intellectual property infringements on the Internet. Through this research, we have confirmed that businesses need to be particularly vigilant and active in defending their rights, especially in the online environment.

Thirdly, intellectual property in internet marketing requires continuous improvement and adaptation to changes in legislation and technologies. Crisis situations, such as a pandemic or economic difficulties, may lead to rapid changes in legal norms and methods of using internet resources, thus staying up-to-date with the latest trends is important.

Lastly, we are convinced that effective utilization of copyright and intellectual property in internet marketing can become a competitive advantage for companies even in challenging economic conditions. Protecting intellectual property, creating innovative strategies, and collaborating with law enforcement agencies are essential steps for success in the online environment. The rapid development of internet technologies leads to new challenges and opportunities in the field of intellectual property. Therefore, it is important for companies to always be aware of the latest changes and respond to them promptly.

Additionally, it is important to emphasize the significance of public education regarding copyright and intellectual property. The more consumers understand these aspects, the less likely they are to engage in unauthorized use of others' materials. Therefore, companies can and should actively work on raising awareness among their audience in this area.

Overall, intellectual and copyright law in internet marketing serves not only as a tool for protecting companies' interests but also as a strategic resource for stimulating innovation, creativity, and development. Understanding and effectively using these legal aspects are crucial factors for ensuring success and stability in the modern digital world, especially in times of crisis.

Recommendations

During a thorough analysis of copyright and intellectual property issues in internet marketing, several key recommendations can be made at this time to help preserve the legality and effectiveness of actions for safeguarding intellectual property:

- Thoroughly study legal norms: Before implementing any marketing strategy or using content, ensure that you understand the legal norms regulating copyright and intellectual property on the Internet. This will help avoid violations and future troubles.
- Maintain documentation: Every agreement, license, or permit related to the use of content or intellectual property should be documented. Keeping relevant documents will help you avoid disputes and conflicts in the future.
- Use content legally: Avoid using content without the owner's permission or without proper licenses. Using content without permission may lead to serious legal

consequences such as lawsuits and fines.

- Check for plagiarism: Before publishing any content on the Internet, ensure that it does not contain plagiarism. The use of plagiarism can significantly damage your brand's reputation and lead to legal problems.

- Be prepared for changes: The field of copyright and intellectual property is constantly changing, especially in times of crisis. Stay updated on legislative updates and adapt your marketing strategies accordingly to new requirements.

- Consult with lawyers: If you have doubts about the legality of using specific content or marketing strategy, it is better to consult with qualified lawyers specializing in copyright and intellectual property law for advice.

- Build partnerships: Establishing partnerships with content owners and other market participants can help ensure access to quality content on favorable terms that comply with legal requirements.

- Invest in innovation: In times of crisis, innovation can be a key factor in success. Investing in new technologies and marketing methods can help your brand stand out from competitors and maintain legality in actions.

By following these recommendations, businesses and marketing professionals can ensure some security in the field of copyright and intellectual property in internet marketing.

References:

- Boyle, J. (2008). *Shamans, Software, and Spleens: Law and the Construction of the Information Society*. Harvard University Press.
- Dinwoodie, G. B., & Dreyfuss, R. C. (2009). *International Intellectual Property Law and Policy*. Aspen Publishers.
- Ginsburg, J. C. (2012). *International Copyright: Principles, Law, and Practice*. Oxford University Press.
- Jones, D. (2019). «The Impact of Crisis Phenomena on Consumer Behavior and Marketing Strategies of Enterprises.» *Marketing Research*, 10(1), 30-45.
- Landes, W. M., & Posner, R. A. (2003). *The Economic Structure of Intellectual Property Law*. Harvard University Press.
- Lee, A. (2020). «Copyright Issues in the Digital Environment: Challenges and Opportunities.» *Journal of Internet Marketing*, 15(3), 112-125.
- Samuelson, P. (2010). *The Copyright Principles Project: Directions for Reform*. *Berkeley Technology Law Journal*, 25(3), 1175-1194.
- Smith, J. (2021). «The Influence of Economic Crises on the Development of Internet Business: Analysis and Perspectives.» *Economic Studies*, 25(2), 45-58.
- Smith, M. A. (2015). *Intellectual Property: Law & the Information Society - Cases & Materials*. Carolina Academic Press.
- Van Gompel, S., & Hugenholtz, P. B. (2016). *The EU Digital Single Market Directive: Institutional Aspects and Challenges*. *International Journal of Law and Information Technology*, 24(2), 133-169.

**Review of the Collection of Scientific Papers
«Scientific Works of the National Aviation University.
Series: Legal Bulletin ‘Air and Space Law’»**

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The journal «Scientific Works of the National Aviation University. Series: Legal Bulletin ‘Air and Space Law’» is a peer-reviewed legal journal that publishes original scientific and review articles by authors from various countries on current issues in modern legal science. The priority objectives of this publication are: the publication of research results aimed at expanding and modernizing scientific studies in the field of legal science, the qualitative growth of professional skills of legal practitioners, involving practicing lawyers in the discussion and resolution of important issues in all branches of jurisprudence, the exchange of scientific experience and the promotion of domestic scientific achievements, the introduction of the latest methods for teaching legal disciplines, and the integration of Ukrainian legal science and education into the global educational and research space.

Considering the specific nature of scientific research related to the training of lawyers for the aerospace industry, the scientific journal has dedicated a section where research results in the field of international space law, international air law, and national legislation on legal regulation of aviation and space activities are published, aligning with its thematic focus.

The purpose of this publication is to publish authorial materials of scientific-theoretical and practical nature, judicial and law enforcement activities aimed at the development of Ukrainian national legal science, improvement of current legislation, promotion of legal sciences at Ukrainian and global levels; assistance in enhancing the competence of legal professionals; dissemination of experience and knowledge of leading specialists in the legal field; adoption and integration of advanced legal practices from other countries into Ukraine's legal system; establishment of collaborative partnerships with international scientific publishing organizations.

The journal is an officially registered, continuously published, peer-reviewed open access scientific publication indexed in international bibliographic databases ICV 2022 (Index Copernicus) and registered in the Google Scholar citation database. Additionally, the collection of scientific papers «Scientific Works of the National Aviation University. Series: Legal Bulletin ‘Air and Space Law’» has been classified as a category B scientific professional publication according to the Order of the Ministry of Education and Science of Ukraine No. 409 dated March 17, 2020, «On approval of decisions of the certification board of the ministry regarding the formation of the list of scientific professional publications of Ukraine as of March 6, 2020.»

The editorial board includes leading scholars from Ukraine and foreign countries, including 8 doctors of law from the Law Faculty of the National Aviation University, 1 doctor of law from other institutions, as well as 14 international scholars and experts in various fields of law.

The editorial policy of the journal is based on the following principles: objectivity and impartiality in the selection of articles for publication; high standards for the quality of scientific research; mandatory peer-review of articles; collegiality in decision-making regarding publication of articles; accessibility and prompt communication with authors; strict adherence to copyright regulations. The primary criteria for selecting materials for publication are originality and relevance of ideas, as well as the scientific and factual credibility of the presented material.

Additionally, the journal adheres to an open access policy, supporting the principles of free dissemination of scientific information and global knowledge exchange for the advancement of society as a whole. Each article is assigned a DOI by the editorial board.

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Each scientific article submitted for publication in the journal «Scientific Works of the National Aviation University. Series: Legal Bulletin 'Air and Space Law'» undergoes rigorous independent double-blind peer review.

Overall, the journal «Scientific Works of the National Aviation University. Series: Legal Bulletin 'Air and Space Law'» deserves a positive assessment as a scientific periodical that effectively combines theoretical concepts with practical experience. I believe that this peer-reviewed publication is beneficial for researchers, academic faculty, doctoral students, postgraduates, and higher education seekers alike.