Has been issued since 2010.
E-ISSN 2224-0136.
2020, 11(2). Issued 4 times a year

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Journal is indexed by: **Academic Index** (USA), **CCG-IBT BIBLIOTECA** (Mexico), **Galter Search Beta** (USA), **EBSCOhost Electronic Jornals Service** (USA), **Electronic Journals Index** (USA), **Electronic scientific library** (Russia), **ExLibris The bridge to knowledge** (USA), **Google scholar** (USA), **Index Copernicus** (Poland), **math-jobs.com** (Switzerland), **One Search** (United Kingdom), **OAJI** (USA), **Poudre River Public Library District** (USA), **ResearchBib** (Japan), **Research Gate** (USA), **The Medical Library of the Chinese People's Liberation Army** (China).

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Postal Address: 89, Gorkogo Str., Office 4, Sochi, Russian Federation 354000

Website: http://erjournal.ru/en/index.html
E-mail: aphr2010@mail.ru

Founder and Editor: Academic Publishing House *Researcher*

Release date 01.06.20
Format 21 × 29,7/4.

Headset Georgia.

Order № 127.

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EUROPEAN RESEARCHER. Series A

2020

Is. 2

EUROPEAN RESEARCHER. Series A

2020

Is. 2

EUROPEAN RESEARCHER
Series A

Издается с 2010 г.
E-ISSN 2224-0136.
2020, 11(2). Выходит 4 раза в год.

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Журнал индексируется в: **Academic Index** (США), **CCG-IBT BIBLIOTECA** (Мексика), **DOAJ** (Швеция), **GalterSearch Beta** (США), **EBSCOhost Electronic Jornals Service** (США), **Electronic Journals Index** (США), **ExLibris The bridge to knowledge** (США), **Google scholar** (США), **Index Copernicus** (Польша), **math-jobs.com** (Швейцария), **Научная электронная библиотека** (Россия), **OAJI** (США), **ResearchBib** (Япония), **ResearchGate** (США), **The Medical Library of the Chinese People's Liberation Army** (Китай) и др.

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Мнение редакции может не совпадать с мнением авторов материалов.

Адрес редакции: 354000 Россия, г. Сочи, ул. Горького, 89, оф. 4

Сайт журнала: http://erjournal.ru/
E-mail: aphr2010@mail.ru

Учредитель и издатель: ООО «Научный издательский дом "Исследователь"» - Academic Publishing House *Researcher*

Дата выпуска 01.06.20

Формат 21 × 29,7/4.

Гарнитура Georgia.

Заказ № 127.

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Published in the Russian Federation
European Researcher. Series A
Has been issued since 2010.
E-ISSN 2224-0136
2020, 11(2): 64-70

DOI: 10.13187/er.2020.2.64
www.erjournal.ru

Articles

The Coordinating Mechanism Between the State Agencies and the Institutional Representatives of Enterprises in the Work of Legal Aid for Enterprises in Vietnam

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Abstract

This research focuses on analyzing and clarifying the content of current regulations on the coordinating mechanism between state agencies and the institutional representatives of enterprises in providing legal aid for enterprises in Vietnam today. At the same time, the article also assesses these regulations in practice in recent years to record the achieved results and detect the existed shortcomings. Based on the detected inadequacies, the article will propose solutions to amend and supplement the current legal provisions on the coordinating mechanism between state agencies and the institutional representatives of enterprises in legal aid for businesses in Vietnam to operate this mechanism effectively, thus contributing to the development of businesses in Vietnam today.

Keywords: coordinating mechanism, legal aid, enterprise.

1. Introduction

Currently, in Vietnam, according to Article 4.7 of the 2014 Law on Enterprises, enterprise means an organization that has its own name, assets, office, and is registered in accordance with law to do business. Enterprises include 04 types: (i) Limited liability companies include single-member limited liability companies and multi-member limited liability companies, (ii) joint-stock companies, (iii) partnerships, (vi)) private enterprise. In general, the enterprise is the main business entity in the economy and therefore plays a huge role in the economic development of Vietnam, as follows: "Currently, the enterprise sector is the largest contributor to the development scale of the economy, accounting for over 60 % of the GDP of the entire economy … " (General Statistics Office, 2018). Therefore, enterprises are the subjects which are encouraged by the State to develop production and business activities with many incentives and support on capital, market, science and technology, human resources… (Phu Dong, 2019). In the context when administrative procedures for businesses are still very large, cumbersome and complicated (Tram Anh, 2019), legal aid is an important content that contributes to solve difficulties and obstacles that enterprises encounter in business activities and pave the way for businesses to grow. Legal aid for enterprises

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in Vietnam is currently being prioritized to carried out by many state agencies at central and local levels. The coordinating mechanism of these agencies in legal aid for enterprises will be presented in detail in this article.

2. Materials and methods

2.1. This study is conducted basing on the current provisions of Vietnamese law on legal aid for enterprises and previous legal provisions. Simultaneously, it is also executed based on the reference of published studies, such as: Các tổ chức đại diện doanh nghiệp trong công tác hỗ trợ pháp lý cho doanh nghiệp và một số đề xuất, kiến nghị Bộ Tư pháp [The institutional representatives of enterprises in the work of legal aid for enterprises and some recommendations and petition to Ministry of Justice] (Duy Lam, 2017); Hỗ trợ doanh nghiệp nhỏ và vừa Việt Nam phát triển trong giai đoạn hiện nay [Supporting Vietnamese small and medium-sized enterprises to develop in the current time] (Phu Dong, 2019); Tuân thủ nguyên tắc phối hợp là yếu tố quan trọng tạo nên hiệu quả trong công việc [Compliance with the principle of coordination is the important factor to create efficiency at work] (Hong Thanh, 2018)…

2.2. This research was completed based on the simultaneous use of many different research methods, including analysis, synthesis, dialectical materialism, interpretation, comparative, and history … in analyzing and commenting on issues related to the law on coordinating mechanism between state agencies and the institutional representatives of enterprises in providing legal aid for enterprises in Vietnam currently.

3. Discussion and results

3.1. Overview about coordination in the work of legal aid for enterprises

• The concept of legal aid work for enterprises

To clarify the concept of coordination in legal aid work for enterprises, it is first needed to identify what is "coordination" and what is "legal aid for enterprises". Coordination is the relationship between two or more different entities in the process of implementation and execution for mutual purpose. In other words, coordination is the working together of at least two or more subjects, acting on a common plan to achieve common goals (Hong Thanh, 2018).

Meanwhile, the concept of legal aid for enterprises is a term that has not been clarified in legal documents such as Decree No. 66/2008/ND-CP and Decision No. 585/ QD-TTg. However, the study of the content of current legal regulations and based on practice, it can be understood that legal aid for enterprises is the way the competent agencies and organizations implement free activities as prescribed by law in order to raise the legal knowledge and the sense of respect for law and observance of law from enterprises, thus contributing to ensure the principle of equality in business, preventing and limiting disputes and improving the efficiency of business operations of enterprises.

Therefore, the concept of "coordination in the work of legal aid for enterprises" can be introduced as follows: "Coordination in the work of legal aid for enterprises is the way that the subjects (which are assigned to the legal aid task for enterprises) discuss, build and implement activities in many different forms to achieve the common goal of improving legal knowledge and the sense of respect for law and observance of laws from enterprises, thus contributing to ensure the principle of equality in business, preventing, limiting disputes and improving the efficiency of business operations of the enterprise".

• The need for coordination in the work of legal aid for enterprises

The coordination between the state management agencies and the institutional representatives of enterprises in the work of legal aid for enterprises is very necessary due to the following basic reasons:

Firstly, the activities of enterprises are very diverse, involving to the state management functions of many ministries, branches and localities and the representative functions of many business associations. It can be seen that, when a enterprise is formed and entered into the market, it will be governed by many different legal documents. For example: For companies listed on the stock market, besides the Law on Enterprise which is the original law on enterprises, companies are also subject to the Securities Law and guiding documents. In order to operate stably and limit unnecessary legal risks, the enterprise needs to understand the above-mentioned legal documents.

Hence, it is necessary to have the coordination of state management agencies to provide effective legal aid for enterprises. These agencies, within their functions and duties, will provide answers in their assigned fields; In case the problem involves many ministries and branches, such ministries and branches need to work together to solve them.

Secondly, each state management agency and the institutional representatives of enterprises has its own functions, duties and powers. The implementation of the state's management function and the function of representing the voice of enterprises is completely independent of each other. Therefore, in order to achieve the synchronism in legal aid for enterprises and towards a common goal, the state management agencies and related organizations need to coordinate with each other, avoiding overlap and duplication of authority.

3.2. The coordinating mechanism between state agencies and the institutional representatives of enterprises in the legal aid work for enterprises according to current law.

In order to carry out the coordination in legal aid activities for enterprises effectively, competent entities must base on the provisions of law including:

(1) Group of legal documents on legal aid activities for enterprises: Nghị định số 66/2008/NĐ-CP (Decree No. 66/2008/ND-CP), Quyết định số 585/QĐ-TTg (Decision No. 585/QD-TTg), Luật Hỗ trợ doanh nghiệp nhỏ và vừa năm 2017 (Provision of Assistance..., 2017); Nghị định số 39/2018/NĐ-CP (Decree No. 39/2018/ND-CP)...;

(2) Group of legal documents regulating the functions, tasks and powers of entities such as: Luật Tổ chức Chính phủ (Organization of the Government Law, 2015), Luật Tổ chức chính quyền địa phương (Organization The Local Government, 2015) and other guiding documents for implementing (such as Decrees defining the functions, tasks and powers of ministries and branches)...

Based on the above-mentioned legal documents, the position, role and the coordinating mechanism between state agencies and the institutional representatives of enterprises in the legal aid for enterprises have been determined as follows:

• At central level

- About the focal agency of implementation: According to Article 2.1 of Decree No. 96/2017/ND-CP, the Ministry of Justice shall provide professional guidance and examination of legal work of ministries, branches, localities, state-owned enterprises and legal aid for enterprises; carry out legal aid activities for enterprises in accordance with the law. In addition, Article 13.1 of Decree No. 66/2008/ND-CP stipulates: "The Ministry of Justice shall assist the Government in performing the state management of the provision of legal aid for enterprises nationwide. Within the ambit of its responsibility, the Ministry of Justice has the following tasks and powers:

a) To assume the prime responsibility for or take part in elaborating and submitting to competent authorities for promulgation or promulgate according to its competence legal documents on legal aid for enterprises;

b) To take the initiative in organizing or coordinating with other agencies in conducting the provision of legal aid for enterprises under this Decree;

c) To organize the provision of law knowledge training and professional guidance for legal aid workers;

d) To coordinate with other ministries and provincial-level People's Committees in directing and inspecting the provision of legal aid for enterprises;

e) To assume the prime responsibility for and coordinate with other ministries and provincial-level People's Committees in reviewing the provision of legal aid for enterprises and annually reporting it to the Prime Minister"

In addition, on the basis of Decision No. 585/ QD-TTg, the Ministry of Justice is assigned to coordinate with ministries, branches and localities to organize activities including: Legal information for enterprises in many different forms; formulating and organizing the programs on disseminating basic knowledge about business laws on the mass media for enterprises; organize the implementation of programs on fostering basic knowledge about business laws for enterprise managers; organize training and improving legal professional skills for legal officers of the enterprise; building a legal consultancy network for enterprises in difficult and extremely difficult socio-economic areas; formulating and organizing to implement of pilot projects on legal aid for

enterprises in a number of localities representing regions; formulating and implementing activities that support to enhance capacity for agencies and organizations that are responsible for providing legal aid to enterprises in accordance with the provisions of Decree No. 66/2008/ND-CP/...

About the coordinating agencies to implement: After the Decree No. 66/2008/ND-CP was issued, the ministries and ministerial-level agencies had assigned the Legal Department to be the focal point to organize the implementation of regulations on legal aid for enterprises. A number of ministries and ministerial-level agencies have completed a large number of legal aid activities within their functional areas in order to create favorable conditions for enterprises to enforce laws, in which, highlighting the role of Ministry of Finance in carrying out activities related to tax and customs; Ministry of Transport in the field of transport business of enterprises; Ministry of Defense in the field of defense and security enterprises... Awareness of enterprises in the field has been improved, helping enterprises of all economic sectors to master the law to implement and restrict the violations in production and business activities, and at the same time well serving the state management of ministries and branches.

It can be said that the legal aid for enterprises during the time has been implemented by the Ministry of Justice – the agency in charge of coordination with ministries, branches and provincial-level People's Committees continuously. As a result, it has brought positive results for enterprises, and are highly appreciated by the owners, business managers and representatives of the business community.

• At local level

According to the provisions of Decree No. 66/2008/ND-CP, the entities participating in the implementation of legal aid activities for local enterprises include: provincial-level People's Committees, Department of Justice, specialized agencies of provincial-level People's Committees and other relevant organizations. The positions, roles, functions and tasks of these entities in specific legal aid activities for enterprises are as follows:

Provincial-level People's Committee: The agency that presides and plays an active role in organizing or coordinating activities of legal aid for enterprises according to regulations; organizes the review of legal aid for enterprises and reports to the Ministry of Justice on an annual basis or upon request for the Ministry of Justice to synthesize and report to the Prime Minister.

Department of Justice: Acting as a focal agency for implementation, playing a role as an advisory agency to the provincial-level People's Committee on legal aid for local enterprises and also acting as a focal point in coordination with other specialized agencies of Provincial-level People's Committees to provide legal aid activities for enterprises as prescribed.

Other specialized agencies under the provincial-level People's Committee: Take the role of coordinating unit with the focal point to carry out legal aid activities for enterprises.

In compliance with the provisions of Decree No. 66/2008/ND-CP, the People's Committees of provinces and municipalities have directed specialized agencies to initiatively grasp the need of legal aid of enterprises, organize the implementation of legal aid activities for enterprises according to the provisions of Decree No. 66/2008/ND-CP. The statistics show that most of the provincial-level People's Committees have issued plans to implement legal aid activities for enterprises, some provincial-level People's Committees issued guiding documents and schemes and programs, which specify the responsibilities of departments, boards and branches in providing legal aid for enterprises in the province. Local authorities issued timely guidance documents as a legal basis and made a positive change for the implementation of legal aid activities for enterprises within their respective localities (Report No. 42/BTP-PLDSKT, 2017).

In general, Decree No. 66/2008/ND-CP has created a legal basis for the provincial-level People's Committees to direct, administer and manage the legal aid activities of the state agencies towards enterprises, ensured the compliance with laws and policies of the State. Through the specialized agencies under the provincial-level People's Committee, the legal aid activities are provided to all enterprises, irrespective of ownership form, size and field of operation. The legal aid for enterprises is implemented promptly, fully and accurately, meeting the needs of enterprises in production and business activities.

• The institutional representatives of enterprises

The roles, functions and tasks of the institutional representatives of enterprises are stipulated in Decree No. 66/2008/ND-CP. Specifically, according to Article 5 of Decree No. 66/2008/ND-CP,

the institutional representatives of enterprises have the responsibility to actively organize the implementation of legal aid activities for enterprises within the scope of their functions and duties as well as cooperate with the state management agencies and other related organizations in implementing legal aid activities for enterprises as prescribed. Therefore, the role of associations and social organizations of enterprises from the central to local levels is determined to be extremely important in the work of legal aid for enterprises. These organizations may be proactive or may be units that coordinate with state management agencies and other organizations involved in conducting legal aid activities for enterprises.

In fact, after the Decree No. 66/2008/ND-CP was issued, the institutional representatives of enterprises have actively researched documents and learned the policies and legal documents related to legal aid activities for enterprises, legal regulations related to production and business activities of their organizations. The majority of institutional representatives of enterprises have been very active in performing the representative functions of the business community in supporting the law, protecting the legitimate rights and benefits of members. According to the results of the Ministry of Justice's survey, it was found that after the Decree No. 66/2008/ND-CP was issued, the majority of the institutional representatives of enterprises had established specialized departments related to legal information, fostering legal knowledge, legal consultancy, developing subordinate human resources with the function of consulting the institutional representatives of enterprises in legal aid, protecting the rights and legitimate benefits of members. The institutional representatives of enterprises have implemented many seminars, forums, and seminars revolving around business law topics to encourage enterprises to enforce the law, thereby proposing to the authorities about the completion of policies and laws. At the same time, these organizations also regularly cooperate and interact with other institutional representatives of enterprises to create a sustainable network for supporting the benefits of members. A number of local business associations have actively proposed plans and held seminars and forums on learning, enforcing and proposing to complete the law, and simultaneously organized knowledge training courses for enterprises, including some legal knowledge training courses as required by enterprises (Report No. 42/BTP-PLDSKT, 2017).

3.3. Proposing solutions to improve the effectiveness of coordination between central and local authorities and the institutional representatives of enterprises in the process of legal aid for enterprises

It can be seen that ministries, branches, People's Committees of provinces and cities directly under the Central Government as well as the institutional representatives of enterprises have made great efforts in providing legal aid for enterprises. Accordingly, 100 % of ministries, agencies and 63 localities have issued plans to implement legal aid for enterprises (Report No. 42/BTP-PLDSKT, 2017). A number of ministries, branches and localities have issued legal aid programs for enterprises within their respective branches and localities according to Decree No. 66/2008/ND-CP. However, the effectiveness of the plans and programs is still not high, partly due to the limited coordinating mechanism between the central and local governments and the institutional representatives of enterprises in the process of organizing legal aid activities for enterprises. This has not yet created a unified resource to form a synergy strength in the work of legal aid for enterprises.

In order to further improve the coordination mechanism between the central and local governments and the institutional representatives of enterprises in the process of organizing legal aid activities for enterprises, in the coming time, it is necessary to implement a number of the following solution:

Firstly, at present, the most obvious drawback in the legal aid mechanism for enterprises is the lack of close coordination between organizations and agencies with the function of providing legal aid for enterprises. As a result, duplication of legal aid activities for enterprises has occurred. Hence, in order to improve the efficiency and avoid duplication, it is necessary to overcome the situation of isolation and not having close and smooth coordination between the institutional representatives of enterprises when conducting legal aid activities.

Secondly, in the legal support for enterprises, many business associations have not really considered the importance of the service factor. Specifically, in the process of implementing the methods of legal aid (such as conferences, seminars for fostering legal knowledge) that the Enterprise’s Legal Club is the unit with the function to implement, many local associations of small

and medium-sized enterprises have clearly required on the amount that these units must be entitled. While funding for the work of legal aid for enterprises is still very limited plusing these units require a large fee, the implementation of the duties of the Enterprise's Legal Club faces many difficulties. Therefore, the central association of small and medium-sized enterprises needs to take measures to rectify this situation, in order to make the local associations of small and medium-sized enterprises to take the goal of serving the small and medium-sized enterprises as primarily, without too much considering about the benefit factor.

Thirdly, the study formulates a model of coordinating regulation on the implementation of legal aid for enterprises between the central and local levels, between relevant branches in legal aid for enterprises. On that basis, localities based on socio-economic conditions can issue coordinating regulations on legal aid for enterprises in their localities.

This article has analyzed and clarified the mechanism of coordination between state agencies and the institutional representatives of enterprises in providing legal aid for enterprises in Vietnam today. From the practical operation of this mechanism, the article has recorded the good results that have been achieved, discovered the limitations and proposed solutions to overcome this mechanism.

4. Conclusion

Legal aid for enterprises is essential to improve the business environment, promote business development in the current context of Vietnam. Vietnamese lawmakers have established a coordinating mechanism between state agencies and the institutional representatives of enterprises to provide legal aid for enterprises. In general, this mechanism has operated relatively effectively, making an important contribution to the implementation of legal aid for enterprises to be effective in practice. The inadequacies of the coordinating mechanism between state agencies and the institutional representatives of enterprises in providing legal aid to enterprises need to be overcomed so that this mechanism can operate more effectively.

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Published in the Russian Federation
European Researcher. Series A
Has been issued since 2010.
E-ISSN 2224-0136
2020, 11(2): 71-81

DOI: 10.13187/er.2020.2.71
www.erjournal.ru

The Establishment of a System of Pre-professional Training "JuniorSkills" by the Forces of Institution of Additional Education

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[a] The station of young technicians in Sochi city, Russian Federation

Abstract

The article is devoted to the analysis of prospects, conditions, opportunities, problems and risks of establishment on the basis of additional education institutions of technical orientation, in particular, the municipal budget institution of additional education for young technicians in Sochi, the system of pre-professional training "JuniorSkills". The paper highlights the relevance, goals and objectives of the project for the preparation of "JuniorSkills" in terms of Sochi city, as well as its conceptual foundations; an analysis of the already done work is made in this direction in the Russian Federation and the possibility of organizing the appropriate infrastructure for Sochi city.

Keywords: "JuniorSkills", Technopark, Sochi, resort city, municipal budgetary institution of additional education in Sochi, pedagogical modeling.

1. Введение

Национальный проект «Образование», задающий траекторию развития отечественного образования в 2018–2024 годах, ставит своими целями «…обеспечение глобальной конкурентоспособности российского образования» (Национальный проект «Образование», 2018) и «…воспитание гармонично развитой и социально ответственной личности» (Национальный проект «Образование», 2018). Это возможно при развитии актуальных направлений деятельности образовательных учреждений.

Постановление главы администрации (губернатора) Краснодарского края от 5 октября 2015 г. N 939 «Об утверждении государственной программы Краснодарского края «Развитие образования» создало дополнительный нормативно-правовой стимул для активизации меры по модернизации образования и повышению его качества в регионе.

Как известно, еще 10 августа 2015 года на Генеральной Ассамблее международной организации WorldSkills International в г. Сан-Паулу (Бразилия) Россия выиграла право проведения мирового чемпионата по профессиональному мастерству по стандартам «Ворлдскиллс», которые были проведены в 2019 году. Не будет преувеличением тезис о том, что развитие данного направления является устоявшимся мировым трендом и российская система образования также должна следовать в духе этого тренда.

Направлениями деятельности международной организации WorldSkills International согласно ее Уставу, являются популяризация профессий, построение карьеры, обучение и профессиональная подготовка, международное сотрудничество, исследования в области

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профессиональных навыков, а также организация мировых чемпионатов WorldSkills – крупнейших соревнований по профессиональному мастерству.

Реализация проекта «Технопарк г. Сочи. Подпроект «Профессионалы Будущего», предусмотренного темой краевой инновационной площадки (выполняемого в рамках федеральной инновационной площадки по теме «Технопарк в г. Сочи) позволит на качественно новом уровне выстроить образовательный процесс с полновесной ориентацией на профессию, приобщением к достижениям современной науки и техники; причем, проектируемая нами модель является универсальной и без кардинальной доработки сможет быть использована не только в условиях города-курорта Сочи, но и в других муниципалитетах и регионах. Непосредственным результатом реализации нашего проекта станет действующая система подготовки по направлениям «Юниор-Профи» (JuniorSkills) в г. Сочи.

2. Материалы и методы

Материалом для данной статьи послужили нормативно-правовые акты в сфере образования, а также научно-методическая литература.

Предмет нашего исследования прямо или косвенно регламентируют такие нормативные акты как Конвенция о правах ребенка, Конституция Российской Федерации, Федеральный закон Российской Федерации от 29.12.2012г. №273-ФЗ «Об образовании в Российской Федерации», Национальная образовательная инициатива «Наша новая школа» (утв. Приказом Президента РФ от 4 февраля 2010 г. № Пр-271), государственная программа Российской Федерации «Развитие образования» на 2013 – 2020 годы» (утв. Постановлением Правительства РФ от 15 апреля 2014 г. № 295), Закон Краснодарского края от 16.07.2013 г. №2770-КЗ «Об образовании в Краснодарском крае», государственная программа Краснодарского края «Развитие образования» на 2016-2021гг. (утв. Постановлением от 05 октября 2015 года № 939 губернатора Краснодарского края В.И. Кондратьева), концепция Федеральной целевой программы развития образования на 2016–2020 годы, концепция общенациональной системы выявления и развития молодых талантов, концепция модернизации Российского образования на период до 2020 года, концепция развития дополнительного образования детей (утв. Распоряжением Правительства РФ от 4 сентября 2014 г. № 1726-р), концепция долгосрочного социально-экономического развития Российской Федерации на период до 2020 года, стратегия инновационного развития Российской Федерации на период до 2020 года, стратегия развития воспитания в Российской Федерации на период до 2025 года, перечень поручений Президента РФ по итогам заседания Государственного совета по вопросам совершенствования системы общего образования, 23 декабря 2015 года, Постановление Правительства РФ от 15.04.2014г. №295 «Об утверждении государственной программы РФ «Развитие образования на 2016-2020 годы», Федеральные требования к образовательным учреждениям в части охраны здоровья обучающихся, воспитанников, утверждены приказом министерства образования и науки РФ от 28.12.2010 №2106, Федеральные требования к образовательным учреждениям в части минимальной оснащенности учебного процесса и оборудования учебных помещений, утверждены приказом министерства образования и науки РФ от 04.10.2010 г. № 986, а также Указ Президента РФ от 7 мая 2012 №599 «О мерах по реализации государственной политики в области образования и науки».

На основе указанных документов были созданы внутренние нормативные акты Муниципального бюджетного учреждения дополнительного образования Станция юных техников в г. Сочи: Программа развития муниципального бюджетного учреждения дополнительного образования станция юных техников г. Сочи (2020–2023), Программа федеральной инновационной площадки «Технопарк г. Сочи», а также Положение об инновационной деятельности МБУ ДО СЮТ в г. Сочи.

В работе над проектом были использованы несколько групп методов исследования: общетеоретические (анализ научной литературы и нормативной базы, синтез, обобщение), эмпирические (педагогическое моделирование; устный опрос; беседа; тестирование; анкетирование; наблюдение) и статистические (методы математической обработки данных).

3. Обсуждение

С учетом относительной новизны нашей темы, проблема предпрофессиональной подготовки еще не освещена достаточно полно, однако начинает стремительно набирать популярность, особенно учитывая пристальное внимание этому вопросу российской власти вплоть до самого высокого уровня.

Вместе с тем, советская педагогика и психология (имеем ввиду психологию труда) достаточно глубоко и скрупулезно изучала возможности предпрофессиональной подготовки силами как общеобразовательных организаций, так и учреждений дополнительного образования детей.

Прежде всего, необходимо отметить работы профессора Евгения Александровича Климова, который занимался проблемами допрофессиональной подготовки и психологии труда занимался с начала 60-х годов XX века. Автором были проанализированы роль влияния психологических особенностей личности на индивидуальный стиль деятельности (включая и трудовую) (Климов, 1969), особенности процесса выбора профессии старшеклассником, а также практические советы с точки зрения психологии (Климов, 1990; Климов, 1993) и др. Одним из главных достижений Е.А. Климова стали два фундаментальных труда: общепризнанное в вузах не только в России, но и других регионах постсоветского пространства учебные пособие, которое начиная с 1988 года выдержало множество изданий, вплоть до настоящего времени (Климов, 1988), а также монография, посвященная психологическим проблемам профессионального самоопределения (Климов, 2004). Не будет большим преувеличением тезис, касающийся теоретического обоснования WorldSkills о том, что «все новое – это хорошо забытое старое».

Современным последователем «школы Климова» стала Г.В. Резапкина. Автор разработала программу для облегчения профессионального самоопределения подростков (Резапкина, 2000), в то числе и предпрофильной подготовки для 9-классников (Резапкина, 2005b), а также написанное легким и доступным языком наглядное пособие для помощи в выборе профессии (Резапкина, 2004). Также в других ее монографиях поднимались психологические вопросы выбора профессии (Резапкина, 2006) и особенностям отбора в профильные классы (Резапкина, 2005a). Помимо этого, автор ведет широкую просветительскую и обучающую деятельность в сети Интернет, представляя мастер-классы и блоги по психологическим особенностям и практическим советам по выбору (смене) профессии, в том числе – для людей среднего и предпенсионного возраста.

И.С. Ароном был исследован процесс формирование психологической готовности к профессиональному самоопределению в детском возрасте (Арон, 2010); С.И. Вершининым, Е.А. Сурудиной разработаны методические рекомендации во вопросам осуществления профессионального выбора (Вершинин, Сурудина, 2001); Е.И. Рогов анализирует не только проблему выбора профессии, но и необходимые условия для достижения высоких результатов в процессе трудовой деятельности (Рогов, 2003); М.С. Савина дает методические рекомендации по обучению технологии поиска работы (Савина, 2004), а также в соавторстве с В.А. Солнцевой и А.А. Савиным разработала методические рекомендации по вопросу профориентационного сопровождения профессиональной карьеры (Савина и др., 2001).

Непосредственно соревнованиям WorldSkills посвящены методические материалы Н.С. Королевой, Г.Т. Габдуллиной, Н.П. Орловой, Э.Э. Ульяновой (на примере материалов для проведения «Урока WorldSkills Kazan 2019» в образовательных учреждениях Российской Федерации) (Королева и др., 2019).

Безусловно, мы перечислили только небольшое количество работ, посвященных предпрофессиональной подготовке в целом, и «Юниор-Профи» в частности, однако вышеуказанные работы были непосредственно использованы нами не только для данной публикации, но и в работе Муниципального бюджетного учреждения дополнительного образования Станция юных техников в г. Сочи (далее – СЮТ) над краевой инновационной площадкой «Технопарк г. Сочи. Подпроект «Профессионалы Будущего» в рамках федеральной инновационной площадки «Технопарк в г. Сочи».

4. Результаты

Развитие цифровой экономики в России – один их национальных приоритетов, закрепленных в Указе Президента РФ № 204 от 7 мая 2018 г. «О национальных целях и

стратегических задачах развития Российской Федерации на период до 2024 года». «Обеспечение подготовки высококвалифицированных кадров для цифровой экономики» – одно из конкретных поручений Указа (Указ Президента РФ № 204, 2018). Аналогичные целевые установки закреплены и в программе «Цифровая экономика Российской Федерации» (утв. распоряжением Правительства РФ № 1632-р 28.06.2017). «Кадры и образование» – одно из базовых направлений программы», в рамках которого в 2019-2020 гг. планируется разработать модели компетенций специалистов цифровой экономики (Цифровая экономика, 2017; п. 2.1), создать формат индивидуальных профилей компетенций граждан (Цифровая экономика, 2017; п. 2.3), внедрить индивидуальные траектории обучения под цели программы для 20% учащихся школ (Цифровая экономика; пп. 2.4.6). Согласно данным Агентства стратегических инициатив, 65% нынешних школьников и студентов займут должности, которые еще не существуют (Стратегия РВ, 2015).

С другой стороны, современные школьники и студенты колледжей недостаточно адекватно оценивают перспективы рынка труда, выбирая профессии, не связанные с перспективными экономическими трендами. Эту ситуацию необходимо связывать с неэффективной системой профориентации в школах – так считают 84 % российских родителей (данные опроса 1,9 тыс. человек, проведенного школой «Летово»; Королева и др., 2019; 9). О той же проблеме говорила в свое время и министр просвещения РФ О.Ю. Васильева: «знакомить наших школьников с профессиями, которые востребованы в регионах – история хорошая» (Королева и др., 2019; 6).

Недостаточно готовы к модернизации экономики и университеты. В этом направлении необходимо формировать карты компетенций (пример – презентованный в конце августа 2018 года «Атлас профессий будущего Калужской области), а также заниматься позиционированием программ региональных университетов (пример – спецпроект «Профессии будущего» НИУ ВШЭ).

Краснодарский край стал одним из «пионеров» внедрения программ «Робототехника» и JuniorSkills («ЮниорПрофи»). С 2018 года эти программы трансформируются в новую целостную модель подготовки будущих инженерно-технических кадров «Профессионалы будущего».

Вместе с тем, проблема отсутствия необходимых образовательных услуг в городе Сочи сохраняется. На сегодняшний день в муниципалитете компетенции «Мобильная робототехника» и «Инженерный дизайн» представлены только в МБУ ДО СЮТ. Отсутствуют учреждения, реализующие концепцию «Юниор-Профи» по компетенциям: «Мехатроника», «Медиакомуникации», «Сетевое и системное администрирование». В г. Сочи отсутствует специализированная зона, которая предоставляла бы возможность обучения предпрофессиональным навыкам в рамках сочетания «технологического образования» и «технологического досуга». Реализация проекта создаст условия для построения и сопровождения индивидуальных траекторий развития обучающихся.

Нами рассмотрен представленный опыт реализации аналогичного проекта в РФ и Краснодарском крае. Ввиду своей актуальности, подобные проекты на сегодняшний день решаются на территории всей страны. «Профессионалы будущего» – это профориентационная выездная программа Центра развития и тестирования «Гуманитарные технологии», созданного на базе факультета психологии МГУ имени М.В. Ломоносова для детей 13-17 лет. В рамках программы дети погружаются в профессию вместе с ведущими тренерами и экспертами, создают проекты и развивают необходимые для профессионала навыки.

В Красноярском крае развивается кейсовое движение «Профессионалы будущего» – молодежное сообщество, ориентированное на развитие традиционных отраслей и территории Красноярского края. Ключевым ориентиром Движения является формирование инновационного и системного мышления, профессиональное самоопределение и технологическое развитие участников.

Проект «Профессионалы будущего для цифровой экономики» реализуется Ассоциацией «СМАРТ-Концепт» в партнерстве с Министерством образования Новосибирской области, Агентством формирования инновационных проектов «АРИС», ведущими университетами Новосибирской области и при поддержке средств Фонда

президентских грантов РФ. Проект направлен на создание платформы для профессионального самоопределения школьников 8-10 классов и студентов колледжей Новосибирской области в контексте развития цифровой экономики (в рамках «профессий будущего») и целевых установок социально-экономического развития Новосибирской области. В рамках проекта развитие регионального кадрового потенциала цифровой экономики региона реализуется через содействие профессиональному самоопределению школьников и стимулирование кооперативных связей между школами, университетами и предприятиями. Проект позволит сформировать региональную карту компетенций специалистов цифровой экономики, повысить интерес учащихся к обучению по востребованным профессиям, способствовать закреплению высокопрофессиональных и мотивированных кадров в Новосибирской области, сформировать партнерство школ, университетов и предприятий Новосибирской области под цели развития цифровой экономики.

Отличие нашего проекта в том, что он реализуется на базе учреждения дополнительного образования, т.е. является практико-ориентированным и опирается на первичную профессиональную диагностику. В ходе его исполнения мы сможем не только изучить профессиональные интересы, но и предоставим площадку («Технопарк») для предпрофессиональных проб по заявленным компетенциям.

Как указывалось выше, одна из задач создания технопарка в г. Сочи – это создание системы предпрофессиональной подготовки Junior Skills по актуальным на сегодняшний день направлениям, таким как «Мобильная робототехника», «Инженерный дизайн CAD (САПР)», «Прототипирование», «Мехатроника», «Аэрокосмическая инженерия», «Электроника», «Мультимедийная журналистика». Отдельной задачей выступает организация предпрофессиональной подготовки людей с ограниченными возможностями.

Реализация проекта напрямую способствует решению сразу нескольких важнейших задач государственной программы Краснодарского края «Развитие образования», таких как:

- развитие инфраструктуры образовательных организаций, обеспечивающих доступ населения Краснодарского края к качественным услугам дополнительного образования детей;

- развитие современных механизмов, содержания и технологий дополнительного образования;

- реализация мер популяризации среди детей и молодежи научно-образовательной и творческой деятельности (Развитие образования КК, 2013).

Отметим основные преимущества нашего проекта:

- на муниципальном уровне будет напрямую выполняться одна из задач национального проекта «Образование» – увеличение доли детей в возрасте от 5 до 18 лет, охваченных дополнительным образованием;

- технопарк станет стартовой площадкой для будущих профессионалов г. Сочи по приоритетным направлениям технологического развития Российской Федерации;

- идею, методический инструментарий и результаты проект можно будет тиражировать в муниципальных образованиях Краснодарского края как после завершения, так и на этапах реализации.

Новизна обусловлена инновационным построением обучения и комплексным подходом в проведении досуга, а именно:

- изучение потребности учащихся в технологическом образовании, проектирование и сопровождение образовательных траекторий наставником;

- предоставление технических видов досуга: моделирование, управление различными видами моделей и роботов, предоставление необходимой технической и технологической помощи.

Отметим также, что на сегодняшний день в г. Сочи технопарков, оказывающих такого рода услуги все еще нет.

Таким образом, основная цель нашего инновационного проекта создание практико-ориентированной среды дополнительного образования для предпрофессиональной подготовки обучающихся образовательных учреждений г. Сочи, которая, как нам представляется, может быть решена посредством таких задач как:

1. Создание нормативной и материально-технической базы для функционирования технопарка;
2. Создание кадровой базы технопарка;
3. Организация деятельности по презентации компетенций «Юниор-Профи»;
4. Организация образовательной деятельности в технопарке (в том числе дистанционное дополнительное образование), а также разработка и внедрение инновационных авторских программ по направлениям «Юниор-Профи»;
5. Разработка модели летнего профильного лагеря как платформы для взаимодействия по обмену лучшими практиками;
6. Формирование муниципальной карты компетенций на основе приоритетов национальной программы «Цифровая экономика» и задач социально-экономического развития Краснодарского края;
7. Обеспечение проведения мероприятий в рамках «пространства проб», тьюторство учащихся при прохождении индивидуальных образовательных траекторий, формирование карты компетенций и профессионального самоопределения для каждого участника по итогам прохождения «пространства проб».

Проект смоделирован таким образом, что может быть реализован с минимальными изменениями не только на уровне муниципалитета, но и в образовательных учреждениях других субъектов Краснодарского края. Это становится возможным благодаря использованию в проекте принципа универсальности методического и дидактического инструментария. Таким образом, результаты проекта будут полезны на краевом уровне, так как могут быть тиражированы без каких-либо серьезных изменений в других муниципалитетах Краснодарского края.

Разумеется, в современных условиях ни один педагогический проект невозможен без сетевого взаимодействия. Луковичная диаграмма, представленная на рис.1, отображает схему сетевого взаимодействия участников проекта.

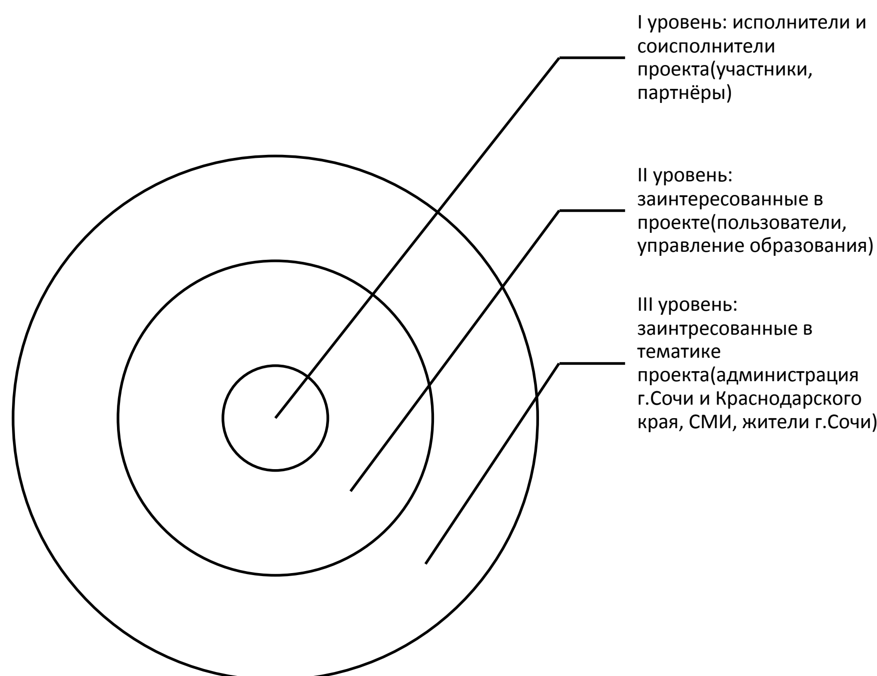

Рис. 1. Сетевое взаимодействие участников проекта «Создание модели практико-ориентированной среды дополнительного образования для предпрофессиональной подготовки обучающихся образовательных учреждений г. Сочи»

Для сетевого взаимодействия в группе I заключены (будут заключены) партнерские соглашения. В группе II взаимодействие осуществляется через презентацию проекта родителям обучающихся и управлению образования г. Сочи и открытость мероприятий на базе МБУ ДО СЮТ г. Сочи и на площадках партнеров. Так, например, после первичной

диагностики будет опубликован срез компетенций на сайте проекта, до родителей будут доведены в индивидуальном порядке предложения по формированию образовательных траекторий их детей. С группой III планируется взаимодействие путем приглашений на мероприятия проекта, предоставляемых отчетов, пресс-релизов, публикаций на сайте.

4. Заключение

Подытоживая сказанное, отметим ключевые моменты, обозначенные выше:

1. В г. Сочи на сегодняшний день отсутствует система подготовки по актуальным в современных условиях направлениям «Юниор-Профи». Проект «Технопарк г. Сочи. Подпроект «Профессионалы Будущего» в рамках федеральной инновационной площадки «Технопарк в г. Сочи», реализуемый в рамках краевой инновационной площадки позволит устранить этот пробел.

Отличие нашего проекта от реализуемых проектов в других регионах Российской Федерации в том, что он сознается на базе учреждения дополнительного образования, т.е. является практико-ориентированным и опирается на первичную профессиональную диагностику. В ходе его исполнения мы сможем не только изучить профессиональные интересы, но и предоставим площадку («Технопарк») для предпрофессиональных проб по заявленным компетенциям.

2. Основными преимуществами нашего проекта считаем: выполнение на муниципальном уровне одной из важнейших задач национального проекта «Образование» – увеличение доли детей в возрасте от 5 до 18 лет, охваченных дополнительным образованием, создание стартовой площадкой для будущих профессионалов г. Сочи по приоритетным направлениям технологического развития Российской Федерации, а также широкие возможности для тиражирования идеи, методического инструментария и результатов проекта в других муниципальных образованиях Краснодарского края как после завершения, так и на этапах реализации. Неотъемлемой частью реализации проекта является сетевое взаимодействие с партнерами.

5. Благодарности

Работа выполнена в рамках федеральной инновационной площадки по теме «Технопарк в г. Сочи» и краевой инновационной площадки по теме «Создание модели практико-ориентированной среды дополнительного образования для предпрофессиональной подготовки обучающихся образовательных учреждений г. Сочи».

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Создание системы предпрофессиональной подготовки «юниор-профи» силами учреждения дополнительного образования

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Аннотация. Статья посвящена анализу перспектив, условий, возможностей, проблем и рисков создания на базе учреждения дополнительного образования технической направленности, в частности, Муниципального бюджетного учреждения дополнительного образования Станция юных техников в г. Сочи, системы предпрофессиональной подготовки «Юниор-Профи» (JuniorSkills). В работе освещаются актуальность, цели и задачи проекта по подготовке «Юниор-Профи» в условиях города Сочи, а также его концептуальные основы; делается анализ уже проделанной работы в данном направлении в Российской Федерации и возможности создания соответствующей инфраструктуры для г. Сочи.

Ключевые слова: «Юниор-Профи», Технопарк, Сочи, город-курорт, МБУ ДО СЮТ г. Сочи, педагогическое моделирование.

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Published in the Russian Federation
European Researcher. Series A
Has been issued since 2010.
E-ISSN 2224-0136
2020, 11(2): 82-90

DOI: 10.13187/er.2020.2.82
www.erjournal.ru

Population Changes in the Region of the Great Bačka Canal in the second half of the 20th century and at the beginning of the 21st century

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Abstract

Autonomous Province of Vojvodina, in geographical terms, includes the northern part of Serbia, northwards from Sava and Danube. Vojvodina covers one quarter of Serbia, and about 27 % of the population of Serbia lives on its territory. It consists of three mesoregional units: Banat, Bačka and Srem.

The subject of this paper is the analysis of population changes in the central part of Bačka – the region of the Great Bačka Canal, comprising the areas of municipalities through which this canal flows. At the end of the 17th century, around 40 % of surfaces in this region were covered with ponds and swamps. With the digging of Great Bačka Canal, drainage has increased the surfaces of fertile land and living conditions have been improved, which lead to mass immigration of mainly Germans, but also of members of other ethnic groups.

The Great Bačka Canal region is a constant migration area, with extremely high percentage of agricultural land, with a sharp decline in the share of economically active population engaged in agriculture, an industry that was not adaptable to the transition processes and the time of disintegration of the former Yugoslavia, with deterioration of the quality of water in the Great Bačka Canal down to the level of endangering living conditions, it has been a depopulation area for more than three decades. The paper contains a comparison of changes in the number of inhabitants in the region of Great Bačka Canal, Bačka and Autonomous Province of Vojvodina.

Keywords: Great Bačka Canal Region, Bačka, Vojvodina, population changes.

1. Introduction

Region of Vojvodina, in geographical terms, includes the northern part of Serbia, northwards from Sava and Danube. It consists of three mesoregional units: Banat, Bačka and Srem. Vojvodina covers one quarter of Serbia, and about 27 % of the population of Serbia lives on its territory (Bubalo-Živković et al., 2018).

Bačka spreads on the area between 45°16´ and 46°22´ of the north geographic latitude and 18°36´ and 20°37´of the east geographic longitude. It occupies the area of 9,244 km², which makes for 42.89 % of the territory of Autonomous Province of Vojvodina (APV), or 10.44 % of the territory of the Republic of Serbia. The area of Bačka is mostly bounded by natural borders, i.e. the Danube and the Tisza rivers. Namely, the Danube surrounds Bačka in the west and south, and the Tisa in the east. Only the northern border, towards the neighboring Republic of Hungary, is artificial, and it stretches from the Danube in the west to the Tisa in the east. While the eastern

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and western borders generally stretch in the meridian direction, the northern and southern borders extend in a parallel direction.

Determining the Great Bačka Canal (GBC) region is a very complex procedure. It could only be roughly determined based on the borders of the municipal areas in the central part of Bačka through which this canal flows, connecting its western and eastern landscapes (Figure 1). These are the territories of the city of Sombor and the municipalities of Kula, Vrbas, Srbobran and Bečej, whose total area is about 2,804 km², which is about 13.04 % of the area of APV (Pantelić, 2012).

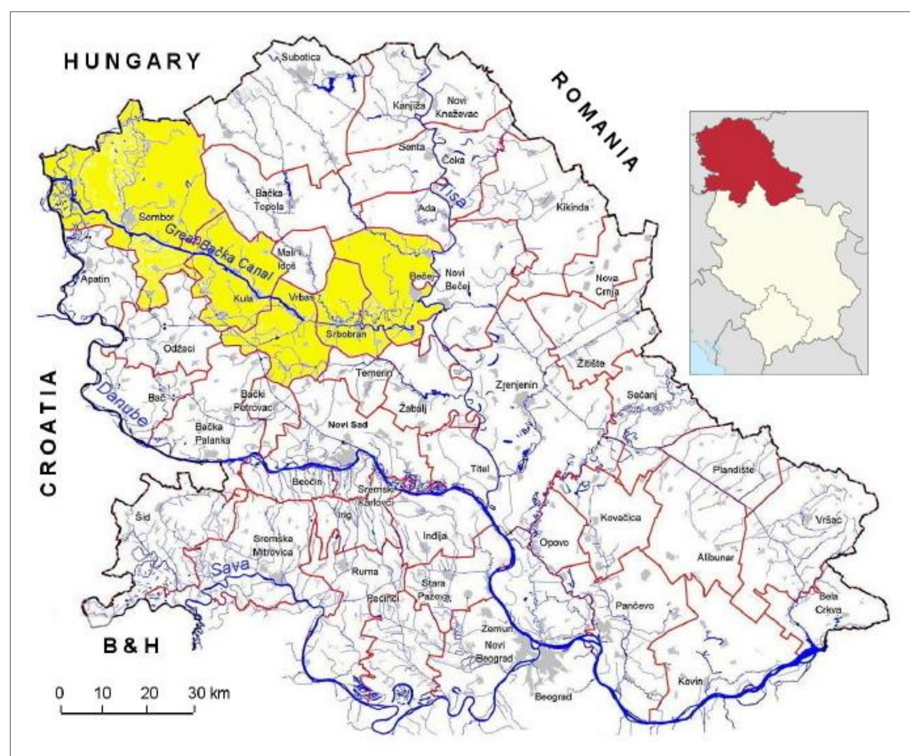

Fig. 1. Location of the Great Bačka Canal Region
Source: Vode Vojvodine

At the end of the 17th century, around 40 % of these areas were covered in ponds and swamps. Until the beginning of the 18th century, around 2,670 km² or 32 % of the territory of Bačka was covered with underwater land, and in South Bačka it covered 2,160 km² or 54 % of its surface. In this period, South Bačka had around 2-3 residents per km² (Milošev, 2002).

With the digging of the Great Bačka Canal, the exploitation of which began in 1802, favourable living conditions were made. Since the time they started settling this area, the people made various influence on it. They built settlements, performed numerous regulations of its flow, they used its water. However, the biggest human influence on this canal is noticed from the start of industry development, and it has increased year after year. Precisely the human factor was crucial to deterioration of the quality of water in the Great Bačka Canal, which jeopardized the entire living world of the water ecosystem, as well as the people inhabiting its surroundings.

1.1. History of settlement and migration

The territory of Bačka has been inhabited since the earliest periods the human race. It has been inhabited since prehistory. A number of sites from paleololite, mesolite and neolite have been found which indicate the continuing population (Kovačević, 2009). The population settled in these areas due to favorable living conditions, sufficient water and fertile land. Events in further historical stages were turbulent in this area with frequent changes of peoples, cultures and state forms. However, Bačka has always been attractive to the population because of its fertile land, pastures, rich rivers and hunting grounds.

Changes in the population of Bačka were frequent because the periods of demographic and economic prosperity alternated with the periods of recession and depopulation. Frequent

migrations of peoples, numerous wars, epidemics, changes in states and cities, different economic changes, industrialization and urbanization processes caused huge demographic changes. Some of these factors had a stimulating effect, while others had a depressing effect on the number and ethnic structure of the population of Bačka (Kicošev et al., 2006).

All these changes are interesting for geographic research, with significant difficulties caused by rare, irregular, incomplete and unreliable censuses (Kicošev et al., 2006).

The greatest influence on today's ethnic structure of Vojvodina has been made by migrations from the beginning of the 18th century to the present. War events, natural conditions, political and historical circumstances that led to emigration and immigration have resulted in the ethnic structure as it is today (Bubalo-Živković et al., 2018).

During the early Middle Ages, large migrations of various peoples took place across the territory of today's Bačka, but only the Hungarians managed to create a more permanent state and achieve domination until the arrival of the Turks, who definitely occupied it in 1542 and turned it into a demographic desert. Hungarian population fled to the northern parts of what was then Hungary. Over the course of their reign, the Turks inhabited Bačka with South Slavs – predominantly with Serbs and Bunjevci. When the Habsburgs finally banished the Turks from Hungary and Vojvodina, at the end of the 17th and in the beginning of the 18th century, they slowly started inhabiting the devastated, and partially uninhabited, area towards the border with the Ottoman Empire, which was then on the rivers of Sava and Danube (east of Belgrade).

The monarchs from the Habsburg dynasty had a simple and logical policy – the "freed" and relatively "empty" area that was left after the Turks withdrew had to be populated, if they ever had any intention to keep this area. Every empty area that was left would be an open invitation to the Ottoman Empire to "take what is nobody's or what nobody wants" (Popović, 2010).

Austrian rulers were particularly skilled in one thing – the making of a state, or more precisely, the establishment of everything that was necessary for a society, which is the base of every state, to function properly. According to records in the Endowment of Danubian Swabians in Munich, Emperor Charles VI (1711-1740) was the first one to start the colonization of what we call Vojvodina today. The process was continued by his daughter, Empress Maria Theresa (1740–1780), and in a certain sense, it was completed by her son, Emperor Joseph II (1780–1790). To them, Vojvodina was the "Bulwark of Christendom" in the defence from the Turkish Empire, i.e. from Islam.

The efficient defence of the "bulwark", i.e. of the border from the new invasion of the Turks, required three things: defenders, infrastructure and logistics. Also, Austrian rulers saw something else in Vojvodina – a granary of the empire. The defenders came alone. In the war between the Austrians and the Turks, the Serbs, who then made up the majority of population in today's Southern Serbia and Kosovo, decided to side with their Christian brothers, the Austrians. When the Austrians lost, the Serbs had no other alternative but to follow them north. That is how the Great Migration of the Serbs (1683–1699) under Patriarch Arsenije III Čarnojević Subsequent wars and turmoil led to the Second Migration of Serbs. The last great escape was led by Patriarch Arsenije IV Jovanović-Šakabenta in 1740 took place.

During the migrations of Serbs, Germans started coming from distant parts of various German kingdoms, counties and duchies (a united Germany did not exist at the time). This was a well-designed and brilliantly executed strategy of planned settlement of people who best responded to the plans of the Habsburg Monarchy for the settlement and defence of the south-eastern part of the empire.

Large parts of Banat, Bačka, and even Baranja, were inhospitable marshes and swamps, which first needed to be drained and cultivated, and then conduct a mass settlement. Poor German peasants were chosen for this difficult task, and they were stimulated to settle today's Vojvodina with stories about "a new begging in prosperity of the great empire".

At first, the Habsburgs wanted farmers, agriculturists and stockmen, preferring those without land and those with barely enough wealth to survive. They were promised an abundance of fertile land and a much better life. What they weren't told is that, in majority of cases, this land first had to be taken away from the capricious Mother Nature (Popović, 2010).

Mid-18th century, with the objective to conduct a successful colonization, Austria measures and maps the land in Bačka, and as part of a solution for water management and hydrotechnical problems, the brothers Kiss suggested a project for construction of a canal that would connect Danube near Monoštor with Tisa near Bačko Gradište. The project was accepted and its

implementation started in 1793, with numerous technical and administrative issues, and with the constant problem of labour shortages. The largest hydro facility in the Danube region and in Southeastern Europe was ready for navigation in June 1801. After the completion of trial run and the verification of its functionality, at the beginning of 1802, which is considered to be the year of the end of construction, the exploitation of the Danube-Tisa navigable canal began. The total shortening of the fairway between the middle and lower reaches of the Tisa and the Danube rivers is about 200 km. The first sections of this canal justified the expectations, therefore it was accepted with the idea of building a canal that would connect the Danube near Monoštor with the Tisa near Bačko Gradište (Petrović, 1979).

The history of construction of the Great Bačka Canal will remain recorded as a significant event for the global history of hydro facilities. Some techniques and innovations will be repeated later on, during the construction of the Suez Canal. Aside from major technical novelties, construction of the Canal contributed to development of economy of that time, and what's most important is that after centuries of struggle with marshes, diseases and floods, the Great Bačka Canal made life in Bačka possible, and it turned former ponds and swamps into tame, fertile plains.

The colonization of the area of today's Vojvodina during the 18th and 19th centuries was done for economic reasons, in order to increase the arable land, to improve the way the land is cultivated, as well as the specialization of some sectors of agricultural production. The Germans were the most numerous, and sometime later a larger number of Hungarians came as well. During the Austro-Hungarian Empire, Slovaks, Czechs, Jews, and Ruthenians immigrated in small numbers – in general, colonization included members of nations from which the Vienna court could have any benefit, political or economic. There were also Spaniards, Italians and French who either returned or merged with the Germans and Hungarians.

During the 20th century, intensive ethnic changes in this area continued, including the emigration of the German population, and the further immigration of the Serbian population. A significant influx of the population occurred after the First World War, with immigration of the population from the regions of the newly emerged state, the Kingdom of Serbs, Croats and Slovenes. The settlement was carried out because of arable agricultural land and numerous agricultural households that were left empty after the emigration of the German population from these areas after the breakup of the Austro-Hungarian state. For the same reasons, the settlement of the population continued after the Second World War. Most Germans left these regions, and after-war migrants, mainly from Croatia, Bosnia Herzegovina, Montenegro, Macedonia and South Serbia, came in their place. However, in the second half of the 20th century, rural-urban migrations started to take place, which lead to the extinction of villages. Not all cities were equally burdened with population, the more intense migrations moved towards larger regional centres. However, in the second half of the 20th century, rural-urban migration took place, which led to the extinction of villages.

Over the last decades, migration have been mainly directed towards moving from the Vojvodina area, which together with negative natural growth leads to a constant decrease in the number of inhabitants. In addition, Vojvodina still has many ethnic groups, which gives it the epithet "Little Europe" (Bubalo-Živković et al., 2018).

Mass migration from the territory of former Yugoslavia happened at the end of the 20th century, and over the past decades, migrations were mainly focused on relocation from the Vojvodinian territory, which combined with negative population growth led to constant population decline.

These mechanical migrations resulted in a change in demographic markings and processes.

1.2. Subject and methods

The subject of this paper is the analysis of the population changesof the population in the GBC region.

From the total surface of the region, agricultural surfaces spread on between 84.1 % in Sombor and 92.6 % in Srbobran, which is above the provincial average, and far above the average of the Republic of Serbia. According to the 2011 Census, this region has 224,764 residents, which is 11.63 % of the total number of residents of Autonomous Province of Vojvodina (APV), with the noted decrease of this region's share in the total population of APV – from 13.48 % in 1948 to 11.63 % according to the 2011 Census.

Modern statistics on the territory of today's Vojvodina appeared in the second half of the 19th century, but frequent changes of administrative borders and changes in the methodology of data processing don't offer sufficient opportunities for research and comparison. In the paper, we used data from, post-war censuses of 1948, 1961, 1971, 1991, 2002 and 2011 on the territory of Vojvodina, Bačka and the municipalities belonging to the GBC region.

The descriptive statistics research method was used in this paper for analysis of the population by national groups. The graphic method was used to display comparative statistical records in the regions GBC, Bačka and APV.

2. Results and discussion

Changes in the size of the population in the GBC region, and in other parts of Bačka and Vojvodina, were common, because periods of demographic and economic prosperity alternated with the periods of recession and depopulation.

Until the end of the 19th century and at the beginning of the 20th century, the territory of Bačka was a distinct immigration area. However, a drop in the prices of agricultural products happened on the global market at that time, and because of that the regions that were strictly oriented to agricultural production found themselves in an economic crisis. Considering the fact that in the GBC region, agricultural surfaces amount to between 84.1 % in Sombor and 92.6 % in Srbobran, there were extensive migrations to overseas countries, especially to America. At the beginning of the 20th century, the population of Bačka increased only because of the large natural increase, with a negative migration balance uncharacteristic not only for the observed area, but for the entire Austria-Hungary (Bačka was a part of it). The reasons for the mass emigration of the population should be sought in the penetration of industrial and market economy, which lead to a decrease in demand for labour. This process culminated in Bačka in the period from 1902–1907, but it continued with somewhat reduced intensity until the beginning of World War I. The causes for this emigration are strictly economic and social, because even the then "ruling" nations, the Hungarians and the Germans, started leaving Bačka in great numbers (Rakić, 1981).

After World War I and the collapse of the Austro-Hungarian monarchy, the territory of Bačka became part of the newly formed Kingdom of Serbs, Croats and Slovenes. More intense migration activities took place: emigration of Hungarians and a number of Germans and Slovaks to the newly formed parent countries and immigration of Serbs and other South Slavs from Hungary and other parts of the Kingdom of Serbs, Croats and Slovenes. By 1936, a planned colonization of the population was carried out, which, like the previous ones, aimed to change the ethnic and religious character of these areas, but now the Serbs and Orthodox Christians were favoured. By World War II (1941), there was again a stronger emigration from these areas, mostly for economic reasons to overseas countries.

During World War II, Bačka was occupied by Hungary. Hungarian authorities expelled or imprisoned mostly Serb interwar colonists and colonized Hungarians from Bukovina and to a lesser extent from Bosnia and Herzegovina in their place. During the war, the population is declining primarily due to physical losses – Hungarians and Germans as soldiers, and Serbs and other peoples (Jews, Roma) in work units and camps. In the autumn of 1944, drastic changes in the population of these areas took place. Penetration of the Red Army and Partisan forces led to mass emigration of Germans and a part of Hungarians. The Germans who weren't included in the evacuations went to camps, from where they were deported from Yugoslavia in 1950 and 1951 (Kicošev et al., 2006).

The subject of this paper is the period after World War II. An overview of the population in that period is shown in Table 1.

The first census after World War II shows that 229,292 people lived in the GBC region. In administrative aspect, this region covered the Sombor, Kula and Bečej counties. Today's municipality of Vrbas was part of the Kula County, and Srbobran Municipality belonged to Bečej County. Before the war, a large number of Germans lived in this area. Some more relevant German settlements were in today's municipalities of Vrbas, Kula and Sombor. Colonization of the South Slavic population from mountainous and war-ravaged areas to the plains, to confiscated properties of evicted and encamped Germans, and to those created with the new agrarian reform, had the greatest demographic importance. This planned relocation of the population lasted until 1948.

Table 1. Population changes in the region GBC, Bačka and APV (1948–2011)

Censuses	Region GBC		Bačka		APV	
	Number	Index	Number	Index	Number	Index
1948	229,292	-	805,589	-	1,640,599	-
1953	234,695	102.4	830,371	103.1	1,698,640	103.5
1961	250,105	106.6	904,591	108.9	1,854,971	109.2
1971	254,867	101.9	960,001	106.1	1,952,560	105.3
1981	257,638	101.1	1,010,641	105.3	2,034,782	104.2
1991	251,871	97.8	1,007,319	99.7	2,013,889	99,0
2002	250,310	99.4	1,022,488	101.5	2,031,992	100,9
2011	224,764	89.8	990,364	96.8	1,931,809	95,1

Source: Statistical Office of the Republic of Serbia, 2014

The next census was carried out in 1953, and the one after that in 1961. In this period, after the organized settlement, spontaneous immigration began. The settlers were mostly people who already had colonized relatives in this area, whom they joined. At the same time, the process of industrialization of the country was initiated, which meant the transformation of peasants into workers, which caused mass migrations from villages to the cities (Kicošev et al., 2006).

The result of these 13 years was the population growth in the Great Bačka Canal region at the rate of 0.69 %, which is significantly lower compared to the entire Bačka, where the rate was 0.92 %, and the rate in APV was 0.98 %. The difference is noticeable also between certain municipalities in the region of GBC. The biggest was in the municipalities of Kula (1.24 %) and Vrbas (1.16 %), and significantly lower in Sombor (0.48 %), Bečej (0.45 %), while it was the lowest in Srbobran (0.13 %). This is the consequence of the population's structure, i.e. the degree to which certain municipalities were included in migrations. On the provincial level, the biggest number of migrants was in the Municipality of Novi Sad (63.1 % of the total population), which is understandable because it is interesting to migrants as a regional centre, with great employment and education opportunities. In the GBC region, it's Vrbas (59.3 %) and Kula (51.9 %) municipalities, while the Srbobran Municipality had 32.8 % of migrant population, according to the 1961 census, in Bečej (0.45 %), Sombor (45.6 %).

According to results of the census from 1971, a population growth suddenly slowed down – in the territory of Bačka the growth rate was 0.61 %, in the territory of APV it was 0.53 %, while this rate amounted to barely 0.19 % in the GBC region.

This trend continued in the next decade – the population growth rate in GBC region was 0.11 %, which is significantly lower than the rate in Bačka (0,53 %) and APV (0,42 %). Municipalities of Bečej (-0.16 %) and Srbobran (-0.56 %) posted negative rates, in Sombor the rate is equal to the rate on the level of the entire GBC region (0.11 %), the growth rate was somewhat hire in Kula (0.24 %), and in Vrbas it was approximately like the rate in the entire Bačka (0.52 %). Some significant changes happened in this period, due to which the GBC region, as well as the entire Bačka, ceased to be attractive immigration areas. Yugoslavia encountered great economic issues, which is why it resorted to opening the borders, which enabled the surplus labor force to go abroad for temporary work. Former immigrants from underdeveloped mountainous areas were much more attractive to go to work abroad than to emigrate to Bačka. This process was joined by the local population, which could no longer find a job in the city that easily, so increasingly more people also decided to go to work abroad (Kicošev et al., 2006).

At the end of 1980s, Bačka faced a sudden drop in natural increase of the population and a constant appearance of its negative values, which was primarily the consequence of declining birth rates. Increase in the number of inhabitants in Bačka in this period is primarily a consequence of immigration to large city centres, such as Novi Sad and Subotica, which attracted immigrants with their developed industry, primarily from other parts of APV – Banat and Srem. The GBC region does

not have such a city centre and its inhabitants follow the trend of relocation, which is least pronounced in Vrbas, whose economy survives in such conditions, and the inhabitants of this municipality have a tradition of daily commuting to Novi Sad, but remain living in their settlements.

In the 1991 census, for the first time, a decrease in the population was recorded in all the observed regions. Depopulation in Bačka was in stagnation, after the population in Bačka decreased at the average annual rate of -0.03 % within the inter-census decade. At the APV level, this rate was -0.1 %; and in the GBC region it was -0.22 %. The crucial factor here was the influence of the cities, Novi Sad primarily, where the population increased at the average annual rate of 3.75 %. In the GBC region, the population size dropped the fastest in Sombor (rate -0.31 %) and Srbobran (-0.40 %), it was somewhat slower in Bečej (-0.16 %) and Kula (-0.12 %), while the Municipality of Vrbas posted a growth with the annual rate of 0.14 %.

In the inter-census period from 1991 to 2002, we noticed differences in tendencies between the observed regions. Depopulation in the GBC region was in stagnation, decrease was recorded at the average annual rate of -0.01 %. The situation was similar in all the municipalities – it was positive in Sombor (0.01 %) and Srbobran (0.03 %), and it was negative in Vrbas (-0.01 %), Kula (-0.02 %) and Bečej (-0.04 %). In Bačka and APV, the average annual rate was 0.01 %. The population in Bačka increased to 1,022,488, which is the highest number throughout the entire observed period. The cause for this population recovery of Bačka is the strong inflow of refugees, primarily Serbs, from Croatia and Bosnia Herzegovina after the breakup of SFR Yugoslavia. In this period, a significant number of Hungarians, and even Croats, emigrated to their parent countries (Kicošev et al., 2006).

The decline in population in all three observed regions was most pronounced in the inter-census period from 2002–2011. The GBC region has the lowest population after World War II (224,764), the population of Bačka has decreased below one million (990,364), with an average annual rate of -0.35 %, and population in the Province is below two million (1,931,809 with an average annual rate of -0.54 %. The city of that stands out from other parts of the Province and Bačka is Novi Sad, which in the same period recorded population growth at an average annual rate of 1.27 %, which affected the overall balance in Bačka and APV. Depopulation in the GBC region was at an average annual rate of -1.13 %. The most unfavourable situation is in Sombor (-1.30 %) and Kula (-1.21 %), while the rate is lower in Vrbas (-0.91 %), Srbobran (-0.96 %) and Bečej (-0.99 %).

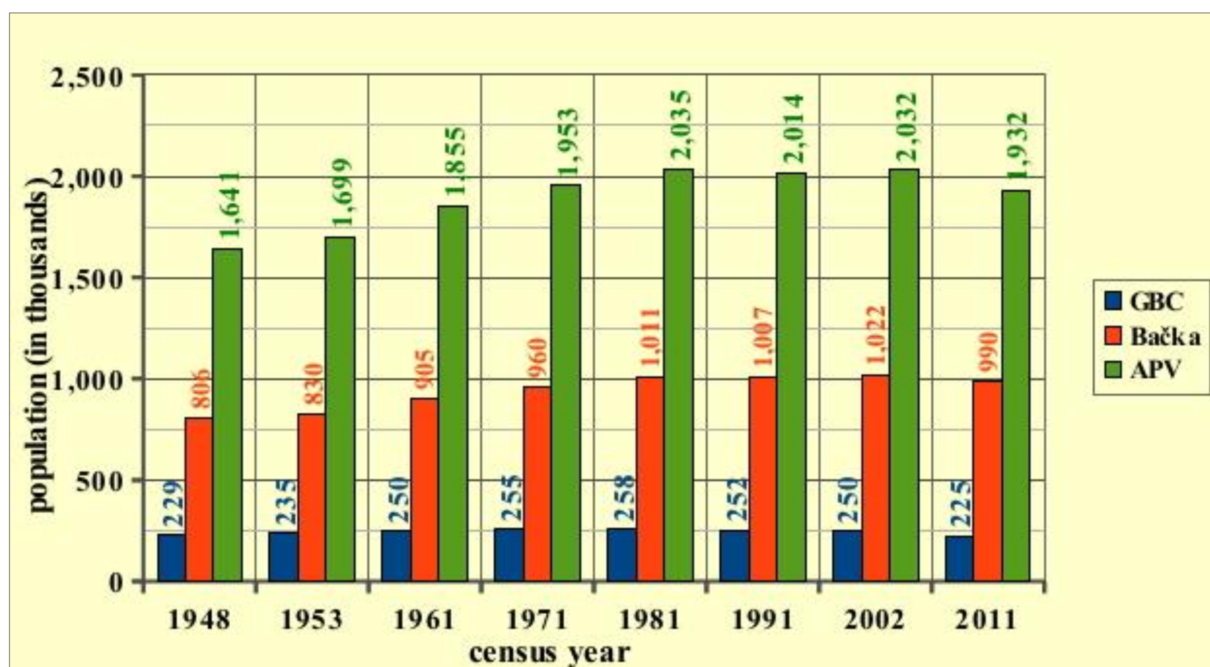

Fig. 2. Population in the region GBC, Bačka and APV (1948–2011)
Source: Statistical Office of the Republic of Serbia, 2014

In the period from 1961–2010 there have been significant changes in natural increase in all the regions. Municipalities in the observed regions had a natural increase that fluctuated, but their depopulation trends were neutralized by a constant positive migration balance. At the level of APV, natural increase was the largest in 1961 and it amounted to 7.7 ‰, the negative natural increase in APV began in 1989, and in the first decade of the 21st century it amounted to about -5 ‰. In the municipalities belonging to GBC region, the municipality of Bečej was the first to enter the phase of fluctuation (years with negative and positive natural increase changed) in 1970, and in 1978 it had a constant negative natural increase, which in the period from 2001–2010 amounted to an average of -6.32 ‰. The municipality of Srbobran has been in a phase of fluctuation since 1972, since 1978 its natural increase has been negative and in the period 2001–2010 it amounted to an average of -7.0 ‰; the municipality of Sombor has had a negative natural increase since 1982 (with the exception of 1985) and in the period 2001–2010 it amounted to an average of -7.5 ‰. The municipality of Kula has had a negative natural increase since 1991 and in the period from 2001–2010 it amounted to an average of -5.4 ‰. The last municipality in the region that entered the negative natural increase was Vrbas in 1996, and in the period from 2001-2010 it amounted to an average of -2.8 ‰. Thus, the decrease in the number of inhabitants is a consequence of negative natural increase and a negative migration balance (Statistical Office of the Republic of Serbia, 2012).

3. Conclusion

Region of the Great Bačka Canal, located in the central part of Bačka, whose main characteristic is its very fertile land, has become a very desirable area for living and business with the construction of the canal, so much so that throughout history it has been the place of settlement of members of different ethnic groups. As the countries to which it belonged changed, there were mechanical movements of the population.

Unlike other parts of APV and Bačka, the GBC region is characterized by the influence of colonisations caused by the construction of the canal, more intensive development of agriculture, significant industrialization and development of the entire area. Because of that, the migration processes were more pronounced – Immigration in favourable periods, emigration of Germans and parts of Hungarians after the world wars, arrival of colonists, rural-urban migration. Fewer and fewer inhabitants were engaged in agriculture, and the transition and the breakup of Yugoslavia had a very unfavourable effect on the economic status of the entire region. From the once leading municipalities in the APV, and even in the entire Republic of Serbia, the GBC region has become an exodus area.

With the accelerated industrialization and negligence for the treatment of industrial and communal wastewater during the second half of the 20th century, the Great Bačka Canal became the most polluted watercourse in Serbia, and even in Europe. In the 1990s, activities were initiated to understand the problem of pollution and to design solutions for industry and communal wastewater treatment, which was not realized due to economic sanctions and wars in this area.

Plans for the revitalization of the canal are being made. In the spatial plans and sustainable development plans of all municipalities belonging to this region, great importance is given to this process and the future development of each one of them is connected with the Great Bačka Canal. The effects of this should be the revival of the economy, increasing employment and creating conditions for stopping the emigration process, which would ensure the reduction and even stopping of the depopulation process.

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Published in the Russian Federation
European Researcher. Series A
Has been issued since 2010.
E-ISSN 2224-0136
2020, 11(2): 91-103

DOI: 10.13187/er.2020.2.91
www.erjournal.ru

New Trends in the Development of Media Literacy Education in Ukraine

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Abstract

The author of the article singles out the main stages of media education development in Ukraine, which directly depend on the political situation (change of the political course of Ukraine from pro-Russian to pro-Western), which stimulates changes in the social, economic, educational, spiritual spheres of life. The article analyzes the leading Ukrainian media education centers. The article identifies a number of trends in media education development in Ukraine at the present stage, when media education has become more popular in Ukraine than before 2014, there is a practical introduction of mass forms of media education for different categories of the population, however, at the same time, it is increasingly becoming a tool for propaganda and ideological manipulation based on the ideological and protectionist theory.

Among current trends in media education in Ukraine, the following are highlighted:

- The positioning of Russia as a kind of its stimulator of sharp interest and development of mass (for different categories of population) media education in Ukraine;
- reliance on ideological (absorbing nationalist ideas) and protectionist theory of media education;
- terminological and substantive inconsistency in the position of modern Ukrainian researchers in the field of media education.
- use of media education by some scientists not related to this branch of pedagogy as a means to achieve their own interests (popularization of themselves in the scientific community, commercial goals, etc.).

Keywords: media literacy education, Ukraine, recent history, prospects, trends, goals, audience, popularity, analysis.

1. Введение

Политические процессы, происходящие на Украине, определяют содержание всех сторон жизни людей – культурной, социальной, экономической, образовательной и пр. Исследователями (Fedorov, 2019; Мурюкина, 2019) отмечаются высокие темпы практического внедрения медиаобразования в этой стране, его интегративный характер и способность медиапедагогов Украины применять медиаобразовательные технологии в разных областях социума. Сегодня медиаобразование используется для общего повышения уровня медиаграмотности населения, укрепления основ государственности Украины, защиты населения от российского (информационного) влияния. К примеру, украинский медиапедагог М. Коропатник уверен, что «альтернативой политике запретов и несистемной контрпропаганды

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должны стать: завершение создания системы общественного вещания; внедрение преподавания медиаграмотности в школах, вузах и учреждениях последипломного образования, рассматривая его как процесс социализации личности; поддержка производителя украинской информационной продукции (кино, телепрограмм, книг и т.п.); построение новой коммуникационной стратегии власти, обязательными составляющими которой должны быть коммуникация с населением» (Коропатник, 2016: 172). В своем исследовании мы обращаемся к новым тенденциям развития медиаобразования на Украине.

2. Материалы и методы

Материалы исследования: научные труды (монографии, учебные и учебно-методические пособия, статьи в журналах, интернет-сайты и пр.) ученых из Украины, занимающихся проблемами медиаобразования; эмпирические данные, полученные медиапедагогами на Украине за последние годы. В процессе исследовательской работы мы опирались на такие методы как: отбор информационных ресурсов, которые относятся к теме проекта, их теоретический анализ, синтез, обобщение, типологизация полученных данных, метод контент-анализа.

3. Обсуждение

Анализ изученных материалов, научных трудов украинских медиапедагогов позволяет нам сформулировать следующие тенденции развития медиаобразования на Украине.

Уникальным явлением в развитии украинского медиаобразования стало то, что Россия выступила своего рода его стимулятором. Если до 2014 года украинские медиапедагоги опирались на российские медиаобразовательные разработки в позитивном ключе (Потятиник, 2005; Найдьонова, 2007; Онкович, 2011; Чемерис, 2008 и др.), то в последние пять лет исследования в области медиаграмотности, массовой коммуникации и пр. часто ведутся на Украине с антироссийской тональностью (Емець-Доброносова, 2014; Медіаграмотність..., 2016 и др.).

Именно Россия способствовала тому, что медиаобразовательная деятельность на Украине стала «доходной»: на сегодняшний день средства выделяются как государственными структурами, так и зарубежными грантовыми фондами; с началом «активной конфронтации между Украиной и Россией развитием медиаобразования на Украине всерьез заинтересовались американские (и в целом – западные) политики. В этой связи весьма характерно, что когда 20-21 апреля 2018 года состоялась шестая ежегодная конференция по медиаобразования и медиаграмотности, организованная Internews и Академией украинской прессы, ее открыла Чрезвычайный и Полномочный Посол США на Украине Мари Йованович. Понятно, что в контексте санкций, направленных против РФ, американские политики весьма заинтересованы в том, чтобы медиаобразование на Украине развивалось с пропагандистским уклоном, с ощутимым привкусом антироссийской направленности» (Fedorov, 2019: 21). Идеологические и защитные подходы в медийном поле Украины проявляются, например, и в том, что украинские власти отключили трансляцию российских телеканалов, ввели запретительные меры на прокат ряда российских фильмов и сериалов.

На Украине публикуются монографии, учебные пособия и статьи, цель которых создать «любыми методами и средствами» украинскую самоидентичность, при этом для достижения цели авторы не гнушаются подмены фактического исторического материала, превращая в героев вчерашних врагов и предателей советского (равно как и украинского) народа (Медіаграмотність..., 2016 и др.). Здесь важным моментом выступает и поддержка таких опусов западными государственными структурами и фондами.

Основной тенденцией современного украинского медиаобразования стала его опора на идеологическую и протекционистскую теории. Медиаобразование приобрело на Украине большую популярность, чем это было до 2014 года, но при этом его содержание все чаще понимается чрезвычайно узко и порой сводится исключительно к пропагандистской и защитной функциям (Емець-Доброносова, 2014; Кропатник, 2016: 172). Начиная «с весны 2014 года, особенно в связи с образованием ДНР и ЛНР и военными действиями на их границах, ситуация с массовым медиаобразованием на Украине все чаще стала приобретать отчетливую идеологическую окраску» (Fedorov, 2019). Вот только некоторые из названий статей украинских авторов: «Медиаобразование» по кремлевскому рецепту», «Особенности

медиаобразования в условиях «гибридной войны России против Украины», «Людям продают страхи – украинский ученый об опасности российских сериалов и войне» и т.п.

Вот как ответил на вопрос украинского журналиста («Недавно был конфликт по эпизоду в телесериале "Не зарекайся" на телеканале "Украина" (в котором, в частности, сеть увидела "добрую ДНР" и освещение боевиков в положительном ключе, online.ua). В чем, на ваш взгляд, проблема с сериалами на ТВ в Украине вообще?») известный исследователь массовых коммуникаций Г.Г. Почепцов: «Это конфликт идентичностей, который мы начали замечать из-за войны. … Если Украина воюет, например, с российскими спецназовцами, то она не может одновременно любоваться ими на экране. Война базируется на понятии врага, а если враг вызывает симпатии, то войны не может быть» (Почепцов, 2017).

В таком контексте Г.Г. Почепцов объясняет актуальность и необходимость школьного медиаобразования: «У нас есть физическое пространство – и в нем ведется обычная война. Есть пространство информационное – с информационной войной. И есть пространство виртуальное, которое порождается идеологией, религией, литературой, искусством, кино… Телевизионный сериал сегодня может изменить любой исторический факт, потому что население не читает научных исследований, но смотрит телевизор. Смысловые войны нацелены на реинтерпретацию. Они могут иначе представить историю, например, снова поднять на пьедестал Сталина. Все это – прямое влияние на массовое сознание. Такое влияние, кстати, имеет и школа, ведь она задает картину мира для младшего поколения, выступая в роли «министерства пропаганды» современных государств» (Поцепцов…, 2017).

Но даже *в рамках идеологического подхода можно увидеть терминологическую и содержательную рассогласованность в позиции современных украинских исследователей в области медиаобразования*. Так, на вопрос интервьюера: «Можно ли сказать, что Украина тоже ведет информационную войну против России? Насколько она успешна? Пока часто звучит, что Украина проигрывает информационную войну… Согласны ли вы с таким утверждением?» Г.Г. Почепцов отвечает: «Украина ведет информационную войну против России на международной арене и в собственной стране. Она не имеет достаточных ресурсов в России, чтобы это можно было делать на вражеской территории. На этих фронтах эта война достаточно успешная. Украина имеет поддержку и международного сообщества, и собственного населения» (Почепцов, 2017).

А вот М. Коропатник утверждает, что Украина только лишь проводит несистемную контрпропагандистскую работу (Коропатник, 2016: 172). То есть в понимании двух украинских исследователей роль Украины диаметрально противоположна: если М. Коропатник убеждает аудиторию, что страна все лишь отвечает на «агрессию» (в том числе и информационную), то Г.Г. Почепцов считает, что Украина и сама проводит (ответную) информационную войну. В пользу последнего свидетельствует и риторика нынешнего президента Украины – В. Зеленского, заявившего, что против России будет вестись «мощная информационная война» (Зеленский, 2019).

Одной из основополагающих идей современного украинского медиаобразования, стимулирующей его активное развитие, стала независимость и территориальная целостность Украины. И если раньше этот лозунг включал в себя независимость как обобщенную категорию, то с 2014 года он приобрел иную направленность – независимость от России (от совместной истории, социально-экономических, культурных, духовных и пр. связей). Здесь предпринимаются колоссальные и достаточно последовательные попытки по дезинтеграции украинской истории из контекста истории Древней Руси, Российской империи, СССР и пр. При этом, важно выделить пропаганду националистических идей, возвеличивание исторических персонажей, которые боролись, например, не с нацизмом, а с господством России над Украиной (Бегер, 2019). Уход от совместной истории двух стран внес коррективы и в терминологический аппарат. Если раньше, в учебниках истории Украины выделялись вторая мировая и Великая Отечественная войны, то сегодня понятие Великая Отечественная война, как правило, не употребляется в учебниках, в них говорится только о второй мировой войне (Бегер, 2019).

Вот и учебное пособие для учителей, вышедшее в Академии украинской прессы – «Медиаграмотность на уроках общественных дисциплин» (Медіаграмотність…, 2016) построено с учетом всех технологических приемов ведения информационной войны, поскольку история Украины представляется там не с позиции изложения фактов, а как

противопоставление России. Авторы пособия утверждают, что «тема Второй мировой войны сегодня умышленно политизируется и используется с манипулятивной целью, чтобы расколоть украинское общество. Это опасно, потому что часто люди, которые пользуются советской концепцией исторической памяти о Второй мировой, считают, что украинский государство строит какую-то другую историю, где героями становятся те, кого они всю жизнь считали врагами. Мифология Второй мировой войны теперь активно используется российской пропагандой, которая пытается дискредитировать Украину, декларирующую проевропейский курс и попытки выйти за пределы советской и постсоветской ментальности и идеологии» (Медіаграмотність..., 2016: 133).

Между тем, «в настоящее время украинский режим пытается создать именно другую историю, где героями становятся те, кого раньше (в СССР) считали врагами. Отсюда и десятки памятников «героям» так называемой Украинской повстанческой армии (УПА) – националистам, в большинстве своем служившим гитлеровскому режиму, особенно в 1941 – 1942 годы. Биография одного из лидеров украинских националистов – Р.И. Шухевича (1907–1950) – тому яркий пример: в 1941 – 1942 годах он вместе с тысячами украинских националистов служил в нацистской армии. Конечно, в гитлеровских войсках служили и тысячи русских, а командующий так называемой Русской освободительной армией (РОА) генерал А.А. Власов (1901 – 1946) был ничуть не лучше Р.И. Шухевича и его соратников. Но в России деятельность власовцев официально осуждена, их никогда не считали, не считают и, смею надеяться, не будут считать героями, тогда как сегодня на Украине именем Р.И. Шухевича названо 35 улиц, ему поставлено 11 памятников (Шухевич, wikipedia)... И это называется «проевропейским курсом» украинской власти?» (Fedorov, 2019: 19).

Одной из новых тенденций современного украинского медиаобразования становится использование его некоторыми учеными, не имеющими отношения к этой отрасли педагогики, в собственных интересах, в частности, популяризации себя в научном сообществе, коммерческих целях и пр. Примером такого рода можно считать украинскую писательницу, кандидата философских наук Ю. Емець-Доброносову, которая в 2014 году опубликовала статью «Медиаобразование» по кремлевскому рецепту» (Емець-Доброносова, 2014), где автор, не являясь компетентным специалистом в области медиаобразования, пускается в бездоказательные рассуждения на тему негативной многоаспектности влияния «технологий Кремля» на развитие медиаобразования на Украине. Конъюнктурность позиции Ю. Емець-Доброносовой, предвзятость по отношению к описываемым событиям и отсутствие доказательной базы делает содержание ее статьи ненаучным, политически ангажированным. Возможно, главной целью автора было создание себе имиджа в медиаобразовательной научной сфере на фоне политический событий на Украине. Об этом говорит и яркое, привлекающее внимание своей эмоциональностью название, которое содержит в себе коды и установки для аудитории. В своей статье Ю. Емець-Доброносова клеймит украинских медиапедагогов, говоря об их тесных контактах и встроенности именно в российский контекст развития медиаобразования: дескать, «они регулярно и численно выступают не на международных форумах по медиаобразованию, а на российских конференциях. Сразу после старта программы по развитию медиаобразования на Украине начали проводиться семинары, тренинги, только с одним нюансом – под патерналистским руководством российских специалистов. Даже историю медиаобразования в мире большинство украинских ученых-пионеров в этой области транслируют при посредничестве российских трудов» (Емець-Доброносова, 2014).

На Украине «такого рода критика довольно оперативно была учтена украинскими медиапедагогами. Так, учебные пособия по медиаобразованию, изданные в Киеве в 2017 году, в большей степени уже основаны на западных разработках, в них почти нет ссылок на российский опыт. Более того, еще в 2015 году на Украине был опубликован ряд статей, где содержались требования с опорой на западный опыт изменить медиаобразовательную концепцию на Украине, отдавая теперь приоритет идеологии и информационному противоборству» (Fedorov, 2019: 19). В статье М. Коропатника «Особенности медиаобразования в условиях «гибридной войны» России против Украины» с возмущением отмечается, что украинское медиаобразование «продолжает в основном основываться на традиционных позитивистских просветительских началах без учета пропагандистского давления на сознание людей разных возрастных категорий со стороны

средств массовой информации, обладающих достаточно мощным манипулятивным потенциалом. Но в ответ на агрессивную информационную среду возникает необходимость более глубокого анализа характеристик информационных, дезинформационных и пропагандистских войн с тем, чтобы учесть их в практике медиаобразования, особенно с точки зрения повышения ее эффективности в процессе социализации личности. ... Основа для этого есть – украинская модель медиаобразования, интегрирующая лучший мировой опыт: канадский (развитие критического мышления), французский (гражданское воспитание), американский (приоритет творчества против авторитарного подхода в образовании), английский (сочетание защитной модели «прививки» и эстетического развития)» (Коропатник, 2015: 18-21). Однако так рьяно призывающий украинских медиапедагогов откреститься от всего российского, в том числе и единых исторических основ медиаобразования, М. Коропатник свою статью «Медиаобразование в Украине: история и настоящее» (Коропатник, 2016: 159-174) почти полностью (за исключением нескольких абзацев, описывающих настоящее состояние и цели медиаобразования) построил на монографии нашего коллектива «Массовое медиаобразование в СССР и России: основные этапы» (Федоров и др., 2014).

4. Результаты

В итоге анализа научной литературы по тематике развития медиаобразования на Украине с 1992 по 2019 годы мы выделили несколько этапов, которые характеризуются специфическими чертами. Для удобства представим их в виде таблицы (Таблица 1).

Таблица 1. Основные этапы развития медиаобразования на Украине

Этап	Характеристика	Специфические черты	Медиаобразовательные центры, научные школы, Ассоциации
1992 – 2004 годы	Изменения государственно-политического строя, процессы либерализации в социальной, экономической, духовной сферах жизни людей спровоцировали коренные изменения в образовании. В годы президентства Л. Кравчука (декабрь 1991 – июль 1994) и Л. Кучмы (июль 1994- январь 2005) Украина позиционировала себя как дружественный партнер России и ведущих западных стран.	1. Трансформация методологических основ медиаобразования в соответствии с западными медиаобразовательными концепциями и моделями (Л. Мастермана, К. Бэзэлгэт, Б. Дункана, Дж. Пандженте, К. Ворснопа, К. Тайнер, Р. Хоббс и др.). 2. Смещение от используемых в советский период медиаобразовательных теорий: «идеологической», «эстетической», «предохранительной», «практической», «культурологической» к «социокультурной» и «культурологической» теориям, а также «теории критического мышления». 3. Сохранение Совета по кинообразованию, переименованного в Ассоциацию деятелей кинообразования Украины, несмотря на сложную и нестабильную сольно-	- Ассоциация деятелей кинообразования Украины (до 1998 года возглавлялась Г.К. Поликарповой, до 2013 года – О.С. Мусиенко, с 2013 – И.Б. Зубавиной). Опора на эстетическую и культурологическую теории медиаобразования; - Институт экологии массовой информации (на базе Львовского национального университета). Опора на «предохранительную» теорию медиаобразования; - Институт высшего образования Академии педагогических наук Украины (Г.В. Онкович и др.). Опора на теорию медиадидактики (сочетающую несколько

		политическую и экономическую обстановку в стране. 4. Открытие новой специальности «Киновед. Преподаватель основ киноискусства» на базе киноведческого факультета Киевского государственного института театрального искусства. Это позволило увеличить ряды медиапедагогов, значительно повысив качество их подготовки. Чтение курсов по медиакультуре в других вузах Украины.	медиаобразовательных теорий).
2005 - 2014 годы	В результате так называемой «Оранжевой революции» к президентской власти пришел В. Ющенко. В годы его президентства (январь 2005-февраль 2010) внутренняя и внешняя политика Украины были направлены на сближение с Западом, что нашло отражение и в системе образования Украины. Однако население Украины осталось недовольно итогами правления В. Ющенко, и на выборах 2010 года президентом был избран в определенной степени пророссийски настроенный В. Янукович. В годы президентства В. Януковича (февраль 2010 –	1. Усиление методологических основ западными концепциями и идеями медиаобразования. 2. Активная работа каждой из украинских медиаобразовательных научных школ, но при этом низкий уровень взаимной заинтересованности разработками друг друга. 3. Значительное увеличение доли научных связей с российскими коллегами-медиапедагогами в рамках различных мероприятий – научно-практических конференций, форумов; кинофестивалей и пр. 4. Большая заинтересованность в освоении западного опыта медиаобразования, особенно с опорой на «защитную» теорию, «теорию развития критического мышления». 5. Низкая национальная грантовая поддержка со стороны, но очевидная заинтересованность государства во введении медиаобразования в школьную систему (так, медиапедагогами были подготовлены учебные планы по медиаобразованию для учащихся разных ступеней обучения). 6. Усиление (с приходом к власти В. Януковича) влияния теоретических и методических российской медиапедагогики на развитие процесса медиаобразования на Украине. 7. Президиум Национальной академии педагогических наук Украины утверждает Концепцию внедрения медиаобразования	- Ассоциация деятелей кинообразования Украины. Опора на эстетическую, идеологическую, протекционистскую, практическую теории медиаобразования; - Институт экологии массовой информации (на базе Львовского национального университета). Опора на «предохранительную» теорию медиаобразования; - Киевская научная школа медиадидактики (Г.В. Онкович и др.); - Лаборатория психологии массовой коммуникации и медиаобразования (Л.А. Найденова и др.); - Академия Украинской прессы (В.Ф. Иванов, О. Волошенюк и др.).

	февраль 2014) была попытка осуществлять политику «баланса», то есть сохранения связей с Западом при возобновлении дружественных отношений с Россией.	(2010), на основе которого Министерство образования и науки Украины начало эксперимент по практическому внедрению медиаобразования 120 украинских школах. 8. Организация (при финансовой поддержке западных фондов) Академией Украинской прессы серии медиаобразовательных семинаров для украинских педагогов.	
2014 – май 2019	Вторая «майданная революция» лишает власти В. Януковича и приводит к президентству (июнь 2014 – май 2019) П. Порошенко. Главным итогом «майданной революции» становятся: - потеря Украиной Крыма; - вооруженный конфликт на Донбассе; - возращение к прозападному политическому курсу; - жесткая антироссийская позиция украинских властей.	1. Политический курс на разрыв отношений Украины с Россией находит свое отражение в научной и медиаобразовательной сферах. 2. Медиаобразование на Украине все чаще выполняет задачи пропагандистского и антироссийского характера. 3. Активная поддержка практического развития медиаобразования на Украине со стороны: государственной власти Украины (продолжение массового внедрения медиаобразования в украинских школах); западных грантовых фондов. 4. Увеличение роли медиаобразовательных технологий, которые способны формировать сознание аудитории с помощью специфических пропагандистских приемов и методов; 6. Опора медиаобразования на Украине преимущественно на идеологическую и предохранительную теории.	Ассоциация деятелей кинообразования Украины. Опора на эстетическую, идеологическую, протекционистскую, практическую теории медиаобразования; - Лаборатория психологии массовой коммуникации и медиаобразования (Л.А. Найденова и др.); - Академия Украинской прессы (В.Ф. Иванов, О. Волошенюк и др.). Опора на идеологическую и предохранительную теории медиаобразования, теорию развития критического мышления.

Исходя из информации, представленной нами в Таблице 1, мы можем сделать вывод, что тенденции развития медиаобразования на Украине в значительной степени зависят от политической власти страны, ее ориентации: прозападной или пророссийской. Данная ситуация будет актуальна и в ближайшие годы.

Краткие данные об основных медиаобразовательных центрах, научных школах, Ассоциациях Украины представлены нами ниже (Таблицы 2–6).

Таблица 2. Институт медиаэкологии при Львовском национальном университете (Б. Потятиник, Н. Габор)

Цель	Теории медиаобразования	Приоритетные темы исследования	Роль на современном этапе развития украинского медиаобразования
Содействие «личности в формировании психической обороны от манипуляции или же эксплуатации со стороны масс-медиа и развивать/ прививать информационную культуру»	Протекционистская или защитная теория медиаобразования	«агрессия и тревога»; «реклама, пропаганда»; «фальсификация, мистификация»; «цензура»; «медиафилософия»; «обзоры, аналитика»; «онлайн – журналистика»; «популярные и качественные медиа», «критика медиа»	В настоящее время коллектив не активен, информация о деятельности Института медиаэкологии в интернете не обновляется.

Таблица 3. Лаборатория психологии массовой коммуникации и медиаобразования Национальной Академии педагогических наук Украины (Л.А. Найденова и др.)

Цель	Теории медиаобразования	Приоритетные темы исследования	Роль на современном этапе развития украинского медиаобразования
Научить аудиторию развивать критические навыки работы с медиатекстами; выявлять слухи, распространяющиеся в соцсетях и не доверять им; распознавать фэйковые сообщения.	Идеологическая и протекционистская теории медиаобразования	Презентация научных исследований по медиапсихологии и медиаобразованию; примеры видеоуроков, презентаций по медиаобразовательной тематике и пр.	Члены Лаборатории активно развивают медиаобразование в своем сегменте исследований с учетом политической конъюнктуры.

Таблица 4. Академия украинской прессы (В.Ф. Иванов, О. Волошенюк и др.)

Цель	Теории медиаобразования	Приоритетные темы исследования	Роль на современном этапе развития украинского медиаобразования
Развитие критического мышления аудитории на медийном материале	Протекционистская и идеологическая теории медиаобразования, теория развития критического	Информация и масс-медиа; манипуляции и борьба; фейк как один из механизмов	Высокая активность по части организации и проведения курсов и семинаров медиаобразовательной тематики для педагогов.

	мышления	информационной манипуляции; стереотипы, предубеждения, язык ненависти.	Высокая публикационная активность (разработка и выпуск учебных пособий и методических рекомендаций по тематике медиаобразования). Как образовательная, так и публикационная активность Академии украинской прессы осуществляется при финансовой поддержке западных фондов. Заметная публикационная активность авторов с яркой антироссийской направленностью.

Таблица 5. Научная школа медиадидактики (Г.В. Онкович Н.М. Духанина, И.М. Чемерис и др.)

Цель	Теории медиаобразования	Приоритетные темы исследования	Роль на современном этапе развития украинского медиаобразования
Содействие «личности в формировании психической обороны от манипуляции или эксплуатации со стороны масс-медиа и развивать/ прививать информационную культуру»	Теория медиадидактики.	Страноведческие; профессионально-ориентированные; культурологически е.	Активная поддержка диссертационных исследований медиаобразовательной тематики и публикационной активности членов научной школы медиадидактики.

Таблица 6. Национальная ассоциация деятелей кинообразования и медиапедагогики Украины

Цель	Теории медиаобразования	Приоритетные темы исследования	Роль на современном этапе развития украинского медиаобразования
Развитие эстетического восприятия и вкуса школьников и студентов	Протекционистская, эстетическая, практическая и идеологическая теории медиаобразования	«кинематограф»; «мультипликация», «пропаганда»; «цензура»	Активность в основном в области организации кинофестивалей и развития кинообразования в вузе.

5. Заключение

Как показало наше исследование, в развитии современного медиаобразования на Украине можно выделить несколько этапов, которые напрямую зависят от политической власти страны, ее ориентации по отношению к России, в частности. Смена данных этапов опирается, прежде всего, на смену политической власти страны и политического курса (пророссийского или прозападного в своей основе), которые стимулируют изменения в социальной, экономической, образовательной, духовной сферах жизни людей. На сегодняшний день выделяются следующие украинские базовые медиаобразовательные центры, научные школы, Ассоциации: Ассоциация деятелей кинообразования Украины; Институт экологии массовой информации; Киевская научная школа медиадидактики; Лаборатория психологии массовой коммуникации и медиаобразования; Академия украинской прессы.

Среди современных тенденций развития медиаобразования на Украине мы выделили следующие:

- позиционирование России как своего рода его стимулятора резкого интереса и развития массового (для различных категорий населения) медиаобразования на Украине;

- опора на идеологическую (вбирающую в себя националистические идеи) и протекционистскую теории медиаобразования;

- терминологическая и содержательную рассогласованность в позиции современных украинских исследователей в области медиаобразования.

- использование медиаобразования некоторыми учеными, не имеющими отношения к этой отрасли педагогики, как средства для достижения собственных интересов (популяризации себя в научном сообществе, коммерческих целях и пр.).

6. Благодарности

Исследование выполнено при финансовой поддержке Российского фонда фундаментальный исследований (РФФИ) в рамках научного проекта № 18-013-00022 «Массовое медиаобразование в странах СНГ (1992–2020)», выполняемого в Ростовском государственном экономическом университете.

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Новые тенденции развития медиаобразования на Украине

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Аннотация. Автор статьи выделяет основные этапы развития медиаобразования на Украине, напрямую зависящие от политической ситуации (смена политического курса Украины от пророссийского до прозападного), которая стимулирует изменения в социальной, экономической, образовательной, духовной сферах жизни людей. В статье анализируются ведущие украинские медиаобразовательные центры. Выделен ряд тенденций развития медиаобразования на Украине на современном этапе, когда медиаобразование приобрело на Украине большую популярность, чем до 2014 года, происходит практическое внедрение массовых форм медиаобразования для различных

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категорий населения, однако, при этом все оно чаще становится инструментом пропаганды и идеологических манипуляций с опорой на идеологическую и протекционистскую теории.

Среди современных тенденций развития медиаобразования на Украине выделены следующие:

- позиционирование России как своего рода его стимулятора резкого интереса и развития массового (для различных категорий населения) медиаобразования на Украине;
- опора на идеологическую (вбирающую в себя националистические идеи) и протекционистскую теории медиаобразования;
- терминологическая и содержательную рассогласованность в позиции современных украинских исследователей в области медиаобразования.
- использование медиаобразования некоторыми учеными, не имеющими отношения к этой отрасли педагогики, как средства для достижения собственных интересов (популяризации себя в научном сообществе, коммерческих целях и пр.).

Ключевые слова: медиаобразование, Украина, новейшая история, перспективы, тенденции, цели, аудитория, массовость, анализ.

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Published in the Russian Federation
European Researcher. Series A
Has been issued since 2010.
E-ISSN 2224-0136
2020, 11(2): 104-111

DOI: 10.13187/er.2020.2.104
www.erjournal.ru

Economic Sanctions in the United Nations and Its Modern Applications (1990–2002)

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Abstract

This paper aims to explain the purpose of international sanctions in general and economic sanctions, in particular. This research highlights the fact of the negative outcome of the imposition of comprehensive economic sanctions on human rights in countries that have been subject to them, such as Iraq since Iraq has faced more economic sanctions than any other country in the world in the 1990s. As an alternative, this research emphasizes smart sanctions because this approach has been applied as being more effective and less detrimental to human rights. This paper discusses the various factors behind the transition from comprehensive economic sanctions to smart sanctions. Smart sanctions do not arbitrarily impact all citizens of the sanctioned country, but only those responsible, through "targeted" sanctions which target particular individuals and entities without any serious harm in civilian life. However, it may not mean that smart sanctions avoid a humanitarian crisis, it still faces many challenges, and other alternatives may emerge.

Keywords: economic sanctions, humanitarian crisis, smart sanctions, Iraq, UN.

1. Introduction

Alongside the large number of human rights conventions, there are a vast number of violations, whether human rights, international norms or international legitimacy, with many sanctions. International sanctions, mostly comprehensive economic sanctions have been broadly enforced through history in order to achieve the overwhelming victory, which was not always achieved by military force alone. Economic sanctions throughout the ages were often considered as a method of lower cost compared to war (Abu-Mtayat, 2001). During 1990–2002, the United Nations imposed economic sanctions more than 12 times and Iraq was one of those countries which the United Nations imposed wide-ranging economic sanctions on it. United Nations resorted to this mechanism in the nineties of the last century on Iraq, Libya and Yugoslavia, there was a series of hard economic sanctions, and some have described as a planned genocide of these nations. It can be said that such decisions have led to the deterioration of human rights in countries where sanctions imposed in terms of civilian, political, financial, social and cultural, by limiting access to food, medicines, health care and clean water particularly in Iraq. Recently, there is a tendency by the United Nations to smart sanctions, which is aimed at maximizing the pressure to make a political change. The humanitarian effects of comprehensive economic sanctions on civilians have been a primary reason for researching the mechanism of international sanctions. Economic sanctions, both comprehensive and smart targeted sanctions tend to be more reprehensible than punitive reasoning.Sanctions mostly are reflecting the power and ambition of

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the government, or the representation of its strategic desires, rather than the wishes of the international community. The purpose of this study is to discuss the different motives behind the shift towards the imposition of smart sanctions, especially the humanitarian tendency that is associated with the existence of smart sanctions and relates to the fact that human rights violations should be considered (Adler-Karlsson, 1968).

2. Discussion and results

International economic sanction is the technical legal expression that many people use without precision to describe a variety of actions that sometimes interfere with the concept of economic blockade. Economic sanction can have many names there are researchers, politicians and writers who call it economic boycotts, it can be called economic embargo, some group defines it as economic warfare, economic oppression, economic aggression, and even defined as quarantine or economic isolation. This is because of overlapping political, economic and legal implications. In light of this difference, the term "Economic Sanctions" will be adopted because it indicates legality and carries the meaning of punishment by international law for Countries who breach international rules of behavior.The origin of the English word Sanctions, "Sanctions" is from the Latin word "Sanctio" dating back to the fourteenth century and derived from the verb (Prescrire) "Sancire" which is usually plural.

Economic sanctions have been adopted as a mechanism or solution to solving conflicts as a chosen diplomatic option to resolve the various challenges to international peace and security. Economic sanctions remain the most common and a powerful deterrent to contemporary international affairs. At the same time, it is a silent and lethal method by less invasive means, because history has proven to be the economic equivalent to the so-called war of mass bombardment; sanctions are one of the methods used by both international organizations and States throughout the Cold War and more used with the Cold War's end. It was first imposed against southern Rhodesia in 1966 and South Africa in 1977 (Baer, 1985).Comprehensive economic sanctions used against Iraq as a recurrent strategy began in 1990, when the United Nations imposed it more than 12 times during the period 1990–2002. In addition, United Nations member states have imposed economic sanctions on different countries and regions.

The League of Nations era and the Charter of the United Nations did not include an explicit description of international sanctions. Woodrow Wilson, the former president of the USA was one of the first to recommend economic sanctions as a strategy that is seen to be faster, less dirty and more efficient than normal warfare and said that "*The nation that has been boycotted is a nation looming in the face of surrender it will not be necessary to use force* ". It's a horrible solution that doesn't cost a life outside the boycotted country; but it places pressure on the country (Bergeijk, 1995).

On the basis of the idea that economic sanctions are the preferable strategic method to deal with numerous challenges to international peace and security, economic sanctions may be an alternative to military intervention as well as an established strategy. The aim and purposes of the use of sanctions can be listed as it's; the aim is to punish the state that committed a breach of international law and not intended to reform this violation, In the basis of an example of sanctions imposed in Iraq between 1990 to 1993 which did not stop at the limit to force Iraqi forces to withdraw from Kuwaiti territory but Compensated Kuwait for losses resulting from the invasion and also; exceeded these goals and continued sanctions to achieve a certain goal to deter and punish Iraq to ensure the inability of Iraq to commit this act again (Borghi, 2008).

Another important aim of economic sanctions is repairing the negative effects and damages occurred from the violation of international regulations which this point can be considered as a fundamental objective of imposing economic sanctions. The State that affected by an aggressive action or abuse of law is primarily concerned with repairing the damage and obtaining appropriate compensation from the attacker part.

The legal basis for the international economic sanctions derived from Chapter VII of the United Nations Charter and the provisions of articles 41and article 39 of declared in the Charter of United Nations in 1945 which is implemented by the Security Council and the General Assembly (Collins, 2018). The provisions of the Charter represent the legal basis for economic sanctions, but their formulation raises some problems, foremost of which is the wide authority given to the Security Council.

Chapter VII of United Nations provides a legal framework for the intervention of regional organisations in the preservation of international peace and security for which the Security Council is directly responsible. The UN Charter's ban on UN member states targeting other UN member states is fundamental to the aim for which the UN was established after the devastation of the Second World War.

Chapter VII of the Charter of the United Nations "action with respect to threats to the peace, breaches of the peace, and acts of aggression ", consist of 12 articles which points out the powers of the UN Security Council to maintain security and peace. It enables the Council to determine the presence of any danger to stability, violation of peace or act of aggression and to take military or non-military actions to "restore international peace and security". Chapter VII also gives responsibility for the strategic planning of forces put at the discretion of the UN Security Council military staff commission which consists of the chiefs of staff of the five permanent members of the Council.

The expression in Article 39 of the Charter is too broad a term to contain gross breaches of human rights wherever they pose a threat to peace and that the justification of sanctions is to contain or avoid a potential actual conflict and to impose it in response to violations human rights". Under the Article 39 of the Charter, the task of economic sanctions, in addition to being remedial, is primarily preventive: Once a violation of international peace and security is confirmed or threatened or an act of aggression is committed, it is not expected until the UNSC intervenes. It deems fit before the violation occurs.

The Article 41 of the Charter, at first sight, is aware that this article mentions some forms of economic sanctions, but not limited to this, with the words "to stop economic, rail, sea, land, air, telegram, radio and other links of the means of transportation are partially or completely suspended". These measures, however, remain non-military, even if they are applied by the armed forces, such as the economic blockade, which requires the implementation of naval, air and land forces sufficient for its implementation.

The United Nations sanctions take the form of an integrated system, expressed in Chapter VII of the charter of the United Nations, which contains binding provisions for all members' states of the UN take military and nonmilitary action to "restore international peace and security. The result is the emergence of different types of economic sanctions, the most important of which are the following:

Prohibition: The prohibition of the old means used by States in the past as a means of foaming, It takes a form of punishment and thus affects the civilian population and deprives them of all the goods they need inside country and may be limited or partial. The traditional definition of a ban is limited to the concept of the area of prohibition of the right to sea. The term "prohibition" was meant to put the hand on the outer vessels to put pressure on the state, which has been flying this vehicle since the end of the 19th century. This definition was expanded until it became and the other is less broad. The broad meaning is to prevent the export of goods to one or several countries.

Economic embargo and embargo: States have considered the embargo – in the 17th century – a "prelude to war." This pressure is usually a general beginning of the blockade by suspending all economic and financial relations. The embargo and the siege at present are a form of "special justice": the existing state by claiming power to self-righteousness on the basis of only its appreciation of justice and consideration of its own interests.

The ban on economic closure differs from the one that the first is a compulsory external decision imposed on the state concerned, while the economic closure is only a voluntary self-decision taken by a national authority as envisioned by economic perceptions based on the essence of self-reliance and Internal natural resources and capacities with a view to establishing an economic model that will enable it to realize its development project in the future.

Banning and boycotting the economy: The boycott is the most important economic penalty imposed by a country or group of countries against a state to be pressured because it represents the ideal form of economic sanctions and because it tightens the screws on the aggressor party until the desired goal is achieved and it has been practiced for centuries in international relations. The economic boycott defines "official procedures that lead to the severing of economic relations between a state and another aggressor when there is no declared state of war between them" (Clark, 1992).

Evaluation of United Nations Economic Sanctions Imposed Against Iraq

In the second Gulf War in 1991, the role of the United Nations during the nineties of the twentieth century was mainly subject to the political will. After the end of the Cold War, the United Nation's role witnessed an expansion in political, economic, and social decisions, such as the Iraq issue during the second Gulf War. At that time, there was an increase in the number of decisions taken and their comprehensiveness of many issues that had not previously been on the agenda of the international organization. This coincided with the introduction of the term "the new world order", which at the time meant a greater role for the global security system, with the United Nations as the primary reference institution for its implementation.

Case study:The Second Gulf War 1991 and UN Resolutions

The role of the Security Council will be discussed after the Iraqi invasion of Kuwait in 1990. After the war, noting that the position has changed after the United States empowered the Security Council to use force against Iraq in favour of having a greater role in Iraq and for the major powers that have vital interests in the Arab Gulf region.

The importance of the Gulf War and the role of the United Nations are clear from the fact that it is the first war in which many international resolutions are taken in compliance with Chapter VII of the Charter, as it is the first crisis on which countries decide at the level of the international body. The West and the Arab consensus on condemning the aggression against Kuwait and aligning themselves with the US-led coalition managed to issue twelve resolutions by the Security Council during the crisis, beginning from Resolution 660 to Resolution 678, which approved the use of military force after the deadline set out by UNSC for the desert storm operation (Hill, 2007).

USA the leader of the international coalition against Iraq, unilaterally dealt with the crisis without referring to the Security Council, which led the Secretary-General Annulling the United Nations at the time, declaring that "this war taking place in the Gulf was not the United Nations war" as for the French Foreign Minister Roland Duma commented on the manner in which the Gulf War had taken place, saying, "The Security Council was placed between brackets during the war, events went in a way that could make the Council collapse" (Malone, 2005).

The longest resolution in the history of the Security Council was issued not only in terms of the number of sections, but also in terms of the content and the new nature of its provisions. Where the decision included the implementation of the following mechanisms:

1. Delineation of the borders between Iraq and Kuwait.
2. Establishing a demilitarized zone between the two countries.
3. Removing, dismantling and destroying Iraqi weapons of mass destruction
4. The return of Kuwaiti property, which was taken over by Iraq.
5. Repatriation of both Kuwaiti citizens and nationals of other countries.
6. Commit not to conduct or endorse actions of international terrorism.

Crisis in Iraq due to Economic Sanction

Economic sanctions are unconstitutional in wartime and are deemed to be in violation of the Geneva Convention. 1977 Additional Protocols to the 1949 Geneva Conventions forbid any policy of wartime which has the effect of depriving the civilian population of resources essential to their survival. Article 33 of the Fourth Geneva Convention (on the protection of civilians in wartime), prohibits "collective penalties." In the peace-time economic sanctions may be relevant, yet they result in a huge loss of life, with 500 000 children reported to have died in Iraq in the 1990s as a result of UN sanctions against Iraq (UNICEF, 1999).

The economic and social effects of the sanctions can also be seen in the loss of more than two-thirds of the country's GDP, the rise of inflation, the fall of private wages, increasing unemployment, the large-scale reduction of personal properties, the massive drop-out rates of education as children were forced to beg or work to contribute to family income, and the dramatic rise in the number of qualified people and specialists fleeing the country as economic migrants in search of better economic circumstances. It is also important to note that the regime implemented some discriminatory policies and initiatives which had the effect of widening the income gap between different races, groups and regions.

The education system in Iraq was directly and seriously affected, resulting in a shortage of school transport and a lack of educational materials, such as pens, writing boards, tables, laboratory equipment and computer science, as a result of which the education sector converted

into a bad situation. Nearly 8,000 schools have declined, with UNESCO and UNICEF reporting that many schools are so poor condition that they do not have a 'healthy teaching and learning environment' causing thousands of teachers to leave the profession. According to UNICEF reports in 1998, the illiteracy rate among adults rose from 20 % in 1989 to 40 % in 1997: Hans von Sponeck described the education system under sanctions as "an intellectual blockade of Iraq and creates a non-educational status." Appropriate to train the new generation of Iraqis in responsible leadership. "Besides, Iraq has witnessed the phenomenon of brain drain at high levels; officially, it is estimated that more than 23,000 researchers, scientists, university professors, physicians, and a distinguished engineer left Iraq.

Resolution 986 as a humanitarian Assistance to Save Iraqis

UN Security Council Resolution 986, passed unanimously on 14 April 1995, confirming all reports on Iraq and acknowledging the bad humanitarian condition of the Iraqi civilians, developed by the security Council, functioning in compliance with Chapter VII of the Charter of the United Nations, a process by which Iraqi oil sales should fund humanitarian assistance to the region, which subsequently was recognized. As the Oil-for-Food Programme.

The Program (OIP) was developed by the United Nations in 1995 to permit Iraq to sell oil on the global market in return for food, medicines and other basic needs to average Iraqi civilians without enabling Iraq to improve its military power. The policy was launched by U.S. President Bill Clinton in 1995 in reaction to the concern that average Iraqi civilians were seriously impacted by the western economic sanctions implemented in the course of the first Gulf War aiming at demilitarizing Saddam Hussein's Iraq. Sanctions were lifted on 21 November 2003 after the US invasion of Iraq, and the humanitarian tasks were handed over to Transitional Authority of the Coalition.

Smart Sanctions as an Alternative of Comprehensive Sanctions

The adverse humanitarian influence of comprehensive sanctions has led the international community to refrain from enforcing them since the mid-1990s; it has driven smart sanctions to emerge be the most promising, selective and targeted method to increase diplomatic effectiveness and reduce humanitarian costs for the greatest political benefit and least civilian suffering. Trying to resolve the contradiction between diplomatic effectiveness and humanitarian considerations led to rethinking the mechanism of economic sanctions, that has been settled by presenting a positive image to international sanctions with the alternative approach 'smart sanctions' that appears theoretically attractive: however, in fact, there are also a number of legal and human rights challenges involved with the rights of the parties to be targeted. Monitoring the enforcement, while realizing that this approach is motivated by the need to maximize pressure on targets so that UN have more bargaining leverage in conflict resolution, gives the impression that this smart approach can resolve humanitarian concerns in terms of targeting.

Smart sanctions are more focused to target governments and governing elites than the general population. It is developed to put pressure to force or influence decision-makers, politicians, and other government actors. The purpose of this strategy is to reduce the influence of the sanctions on people and just to be effective on the regime, non-individuals or specific institutions while mitigating the negative effects of it. This form of regulation has taken place, after the humanitarian crisis that resulted from the implementation of comprehensive punitive sanctions such as Iraq in the 1990s (Cortright, Lopez, 2002). Another assumption is that smart sanctions can also be used by international institutions against non-state actors (rebel groups) to resolve the conflict and try to control violence in certain countries, thereby supporting state-building in failed states as in case of its kind in which sanctions were applied to non-governmental entities those related to the National Union for Total Independence (UNITA) for Angola through resolution No. 864 of 1993.

Sanctions have been applied in the past to the entire nation; however, since mid-1990 they have been imposed on certain parties of the conflict rather than to the citizens of the state thus that "all UN and EU sanctions imposed since mid-1990, it has been selective and smart sanctions" (Cortright, Lopez, 2002). Meanwhile, since around 2007, there were ten sanctions programs imposed by the Security Council, eight of which were targeted at private individuals and entities; the freezing of assets and the ban on arms and vital resources owned by them.

Effective enforcement of smart sanctions requires an enormous amount of detailed knowledge of the country, citizens and target groups, and the identification of assets owned by certain entities, ministries and companies. Externally counted assets; in many cases, smart

sanctions may satisfy need for governments to "do something" and may lessen humanitarian concerns; they may help to consolidate alliances and weaken any authoritarian dictatorship state, but they are not a magic solution to achieve diplomatic goals (Cortright, Lopez, 2002).

Smart Sanctions Types

The shift towards smart sanctions has highlighted four categories of targeted sanctions (arms embargoes, financial sanctions, travel sanctions, commercial sanctions), which have been assessed based on data already established by the UN Office for the Coordination of Humanitarian Affairs.

Arms Embargo Sanctions: Disarmament advocates argue that arms control should deny regimes and criminalized groups access to weapons that encourage and escalate repression and violations of human rights; there is an urgent need to develop effective means to prevent arms shipments from reaching areas of continual political tension and on-going armed conflict. The arms embargo has come under this name, but the effects for the ending of wars and the prevention of conflicts are still questionable. In this context, many scientists believe that the ineffectiveness of the arms embargo does not stem from deficiencies in the instrument or instrument itself, but from the shortcomings of implementation and inadequate implementation (Cortright, Lopez, 2002).

The implementation of the targeted arms embargo is unlikely to have a direct negative impact on the humanitarian sphere, but rather supports to reduce humanitarian problems usually caused by other types of economic sanctions but its implementation may result in the reduction of some labour (soldiers or those).

Targeted Financial Sanctions: Targeted financial sanctions, which specifically and intelligently impact the personal and financial interests of the leadership responsible for unacceptable actions, are considered to be a more effective tool, since financial sanctions are easier to enforce than commercial sanctions in terms of their quick application and direct costs against the target It is argued that targeted financial sanctions are more effective if the target country is poor and has no developed banking system or stable currency, often synonymous with corruption or wealth accumulation abroad, mainly where the target country can access alternate sources of income such as oil or other natural resources.

Financial sanctions, in general, have a less immediate impact on commercial movements and thus cause less suffering. It should be noted, however, that financial measures to suspend credit, loan restrictions and export financing can have a broader effect on public trade; they can lead to unintended humanitarian problems similar to those caused by more comprehensive trade sanctions. They harm financial markets and liquidity rates; high inflation and low trade; these effects would damage employment and, in particular, the price of goods.

Travel Sanctions: Travel and transportation sanctions are, in the view of some experts, are the weakest mechanism in a range of smart sanctions options for the Security Council. The travel ban seems primarily a symbolic measure. Travel sanctions targeting a select number of individuals are likely to have little impact on the general population unless such a ban or a boycott of trade creates an unfavourable environment for further investment or trade that would reduce employment and reduce imports of goods.

Aviation sanctions include both passenger and air cargo flights to and from the target country; air passengers are relatively easy to spot due to the industry's high level of regulation, its constant concern for passenger safety, and the need to control trade without sacrificing safety measures. For the no-fly zone which is more complicated than the travel ban in both targeting and possible structure, should be understood. Control of commercial aviation passengers is easier than other transport industries because the number of operating companies is smaller and many airlines are state-owned, despite recent trends towards privatization (Nelson, 2015). Ban on a flight or limited shipping can have negative humanitarian effects in situations where transport is used to provide medical goods/supplies or to provide access to medical care within or outside the target area. For example, aid organizations relying on the airline to reach remote areas of the country taking into account these considerations.

Commercial Sanctions: through different forms of sanctions, targeted sanctions for goods and services are most likely to have an impact on the humanitarian situation. They are closer to general sanctions; in other words, they hit the economy as a whole and therefore depend on them. The large economic burdens to the general public are likely to be reduced if the targeted products and services are managed. Not especially necessary even whether sanctions are enforced with some

sort of discipline. Clearly, there is nothing inherent in the targeting of particular products or services that would prevent major humanitarian costs.

Commercial movements in the oil industry, if halted, funds for any daily life institutions may stop and subsequent consequences will also impact a much wider population and those who lose their jobs in the sector. It also has an indirect effect on the overall business environment of the country; industrial services may become unavailable and transport costs for other industries can rise; inflation may rise. If that occurs, purchasing power and the availability of jobs around the country are expected to decrease, leading to the further worsening of living conditions for many people. This form of general economic recession and stagnation has been witnessed in several countries under trade sanctions, including the Democratic People's Republic of Korea, Myanmar, Haiti and Libya.

3. Conclusion

The determination of the international community to avoid the use of military force has led to a preference for sanctions, two of which have been common, first is a comprehensive approach which is inconsistent with the general aim to “maintain international peace and security without violating human rights”. The second method, known as smart sanctions, is reducing humanitarian negativity that arose from the comprehensive approach, during the decade of sanctions. Comprehensive sanctions shouldn’t vanish with emergence smart sanctions; the second to be added to the first, as happened in Iraq; more than that, so far some claim that comprehensive sanctions might be more fitting to deal with some difficult cases.

The reason behind adopting smart sanctions is the desire to avoid the negative humanitarian effects that multilateral UN sanctions, US sanctions, and EU sanctions have had over the targets in recent decades.Comprehensive sanctions have been questioned by this study due to the economic and social (negative) implications of the sanction. All sanctions applied by the United Nations and the European Union since the mid-1990s, have been restricted to innocent and vulnerable classes of the population (Hufbauer, 2012). Some scholars also argue that smart sanctions are desirable based on certain arguments; for example, the extreme humanitarian problems that have been apparent, especially in the case of Iraq and whose results have been less severe in Haiti and Yugoslavia, indicate that, in all of the targeted smart sanctions, ordinary people have not been exposed to the effects of sanction. For example, in Libya, the government has claimed that UN travel ban sanctions have caused significant problems, but there is no credible evidence or investigation to validate these allegations of the negative social effects of these steps (Cortright, Lopez, 1995).

It should also be stressed that, from an ethical and realistic perspective, it’s important to differentiate between comprehensive and smart economic sanctions. Human misery arises as an unintended consequence of smart sanctions rather than as a way of achieving political ends. Smart sanctions are intended to respond to human rights concerns, but these smart targeted sanctions, by nature, also affect the rights of people; targeted sanctions may affect many forms of human rights, for example, travel bans primarily affect freedom of movement, while targeted financial restrictions have an effect on the property rights of targeted persons and can affect the privacy of people and affect the reputation and family rights of the individual if these punishments are wrongly enforced on such people without allowing them the chance to appeal the actions taken against them.

As a result, the transition from traditional comprehensive economic sanctions to smart sanctions has been made to reduce the effects of human rights. Economic sanctions can continue to be one of the instruments to implement the rules of international law and pressure States to accept international legitimacy.Economic sanctions, both comprehensive and intelligent (smart targeted sanctions) tend to be more reprehensible than punitive reasoning. UN sanctions against Iraq have been implemented at a more US-oriented than the international level, even though UN sanctions, generally imposed by organizations, but they are perceived to be distinct international sanctions. Sanctions mostly are reflecting the power and ambition of the government, or the representation of its strategic desires, rather than the wishes of the international community.

4. Acknowledgements
This Article is based on the dissertation of the author entitled Farooq Saeed, Economic Sanctions in the United Nations and its Modern Applications (1990–2002).

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Published in the Russian Federation
European Researcher. Series A
Has been issued since 2010.
E-ISSN 2224-0136
2020, 11(2): 112-118

DOI: 10.13187/er.2020.2.112
www.erjournal.ru

Corporate Finances as the Object of Legal Regulation: Interdisciplinary Aspect

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Abstract

The object of a legal relationship is its aim. The article observes different approaches to understanding the object of legal relations. The main ones are those that, as an object, recognize goods or behavior. There are also not quite ordinary ones that understand the object of the legal regime. Both approaches are applicable to one degree or another to various objects within the framework of a particular industry. So, as the objects in civil law can be considered right and good and behavior. In our opinion, the objects of financial legal relations and rights are both the benefits and behavior of the subjects.

Object relationship and financial performance should have ability to legal objectivity and recognized as an object of financial rights by the state. The concept of "object of financial rights" is not contained in the legislation. However, individual objects can still be attributed to the objects of financial rights based on the characteristics that these objects should possess.

Keywords: object of legal relationship, object of financial activity, object of financial rights, object of financial law, corporate law, business law, corporate finances, private finances, public finances, legal objectivity.

1. Introduction

We should not forget about the differences in the objects of rights and legal relations. Legal objectivity, that is recognition as an object of rights, is a prerequisite for the appearance of a specific good or behavior as an object of legal relationship. An object of rights is an abstract concept characterizing the totality of benefits and characteristics of behavior. In a legal relationship, it becomes more specific. This process is similar to the process of distinguishing between the subject of law and the subject of legal relations.

Since financial relations are of a monetary distribution nature, the objects of financial legal relations as benefits are subject to distribution. Therefore, the main property of objects of financial rights and legal relations as benefits will be their potential "distributivity". In each group of financial relations, a specific object will be different, but it will be common for this object to be distributed in the future.

2. Materials and methods

The article is based on the analysis of doctrinal approaches using general and special scientific methods. The legal regulation of private finance investigated from the perspective of the legal regime. The legal regime for the distribution of the object of financial rights, its general

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framework should be, one way or another, determined by the state. The legal distribution regime will differ according to the regulatory method for public and private finances (Pistor, 2012; Pistor, 2013; Allen et al., 2004). In the case of centralized finance, the distribution mechanism is regulated by public education mainly imperatively, in the case of decentralized finance, the method will have the features of both imperative and dispositive. Dispositive rules can only be established by an individual and legal entity after compliance with all peremptory requirements of the law. In some cases, we will talk about the measure of imperativeness and dispositiveness in an object's distribution model. For example, profit is an object of distribution. The legal distribution regime will be determined by:

- directions of distribution: tax, dividends, reinvestment. The income tax will be distributed in an imperative manner. The distribution of profit after tax will be determined by the company dispositively, taking into account legislative restrictions on the distribution of profit (for example, Article 29 of the Federal Law "On LLC" (Federal'nyi zakon, 1998; Grazhdanskii kodeks..., 1994);
- the rules of accounting and tax records.

The directions of distribution will, to one degree or another, determine the methods of distribution.

Focus on the methodology's application to corporate law and corporate governance issues, supplemented with discussion of other relevant empirical work as well. Event studies are emphasized because they have played an important role in the making of corporate law and in applied corporate finance and corporate law scholarship. The reason for this input is twofold. First, there is a match between the methodology and subject matter: the goal of corporate law is to increase shareholder wealth and event studies provide a metric for measurement of the impact upon stock prices of policy decisions. Second, because the participants in corporate law debates share the objective of corporate law, to adopt policies that enhance shareholder wealth, their disagreements are over the means to achieve that end. A further reason for emphasizing event study data is that they avoid the endogeneity concerns that can limit the results of other modes of empirical research in this area (Bhagat, Romano, 2005).

3. Discussion

If the object of financial rights is a blessing, it must necessarily possess at least the following features:

1. distributeability;
2. monetary nature.

When the object of the financial relationship is the behavior, it should be about planning, formation, distribution, and use of funds and financial resources (financial liabilities), as well as financial control.

From the standpoint of the general theory of law, the benefit should be recognized as objects by the state as transferable (able to pass from one person to another), securing the object for the subject, and separating from the other objects.

Objects of financial law as benefits have special features that distinguish them from objects of other branches of law, as mentioned above, they must have the quality of distributability.

The objects of financial rights and, accordingly, legal relations, in our opinion, are:

- financial resources, including those having a fund form (the types of financial resources in public finance and in private will vary);
- monetary funds as tangible carriers of financial resources;
- the behavior of entities regarding the planning, formation, distribution, and use of financial resources, as well as financial control.

The specific objects of financial legal relations will vary depending on the type of financial legal relationship and the sphere of financial activity (in public and private financial relations, the behavior will consist of different specific actions that have a single nature, specific types of financial resources differ for each type of financial relationship).

Various economic classifications of the financial relations of an enterprise are distinguished in the economic literature on the finances of organizations. Conventionally, all the financial matters arising in financial institutions can be divided into three groups:

1) external (arise between independent entities) ;

2) internal, in-house (between units of the organization, as well as units of the organization and its parent bodies);

3) financial relations within holdings, financial and industrial groups, associations, and unions. Since, on the one hand, the enterprise is in one form or another their participant, and on the other, these associations are of a supra-company nature and do not replace the legal personality of the organization, they must be singled out in a special group.

Both external and internal relations can be "vertical" and "horizontal". In horizontal relations, the parties are equal. Relations are built primarily by the method of coordination and recommendations. In vertical relations, the will of one or the other parties will be decisive. Such relationships are based primarily on the mandatory prescription method.

Consider external financial legal relations in the finances of organizations.

By vertical external relations are financial relations commercially's organizations first with the budgetary system in the payment of obligatory payments to the budget (taxes, fees, customs duties, and insurance contributions to the extrabudgetary funds). For horizontal external financial relations are financially sound organization and with other organizations, with the banking and insurance companies (the relationship of organizations with banks have a dual nature, and are a combination of horizontal and vertical relations, on the one hand, the relationship bases on the contract, and on the other Bank authorized to exercise banking supervision).

Examples of internal financial relations can cause horizontal (financial relations organization regarding payroll, financial relations among the organization and its founders in the formation of the authorized capital, financial relations of organization and its shareholders and members, financial relations between equal divisions of the legal entity, financial relations arising between the enterprise and its employees regarding payroll) and vertical internal financial relations (financial relations between structural divisions of the organization that are in the subordination relationship).

Each of these groups has its characteristics, scope, implementation methods. However, not all financial relations in these groups are unidirectional. The material basis is the movement of funds, due to their use, cash flows are formed, they accompany the formation of the authorized capital of the organization (enterprise), the circulation of funds begins, and ends, the formation and use of funds for various purposes (Kolchina, 2007).

In the framework of the activity approach, a financial legal relationship is a form of implementation and an object of financial activity as a mutual relationship of entities, expressed in the rights and obligations regarding the objects of legal relations (financial resources and monetary funds) in the process of their formation, distribution and use.

There are highlights of the general signs of private and public financial relations:

- they exist in a sphere financial activity, arises in the process of formation, distribution, and use of financial resources.
- Financial resources and the behavior of entities regarding the formation, distribution, and use of financial resources are an object of financial legal relationship.
- These financial legal relationships are property and management monetary relations.
- Are regulatory relationships.

Financial relations in the finance organization, in our convictions, are not civil. Civil relations are based on the principles of equality and autonomy of will. In financial legal relations in an organization, the principle of autonomy of the will is limited. The formation, distribution, and use of financial resources in the finances of organizations is carried out on a private-public basis. In particular, profit distribution includes the obligation to make mandatory payments to the budget and legislative restrictions on its distribution. It is characterized by direct state intervention in the organization's distribution processes.

Thus, the need to expand the concept of a financial relationship considering that the financial relations in the sphere of financial activity of organizations exist. It is due to the internal logic and systematic nature of the category of finance.

All existing definition of a financial relationship, in fact, reflect the specifics of just relationships, arising in the field of state and municipal finances, and do not take into account the specifics of the financial relations, arising in the field of decentralized finance and financial institutions in particular. Also, a classification of financial legal relations should be made, taking

into account a more precise definition of financial legal relations in the field of state and municipal finances and financial legal relations within the framework of decentralized finances. The criteria for such a distinction require further refinement. It is possible to differentiate according to the prevailing sub-method (method) of regulation, perhaps – according to the sphere of financial activity, and perhaps the criterion should be comprehensive. This question requires further study and the issue of non-financial relations, arising in the financial sphere.

I.V. Ershova formulated a definition of the finances of organizations and financial legal relations. In her opinion, "the essence of the financial rights of business entities is determined by the nature of the legal relations that develop when conducting entrepreneurial activities" (Ershova, 1999). "Financial legal relations can be understood and disclosed as specific relations of subjects in clarifying the structure of legal relations ... The whole variety of these relations is divided into two large groups: absolute and in personam type of relationship" (Ershova, 1999). "The absolute design is not limited to property relations. Outside correspondence with other entities, the organization carries out activities to form the cost of production. The nature of these legal relations lies in the ability of the enterprise to exercise its rights without objection from other entities interested in such lawful behavior (mainly the state represented by tax and other regulatory bodies)" (Ershova, 1999).

However, we cannot agree with this position, because by the economic nature of the relationship on the formation of cost are not financial, they only accompany them.

Analyzing financial legal relations, I.V. Ershova concludes that they are absolute also at the stage of employers using the profit that remains at their disposal after making obligatory payments to the budget and extra-budgetary funds"(Ershova, 1999). "The procedure for the formation, condition, and movement of capital, funds, and reserves of an enterprise is regulated by law and (or) constituent documents. Carrying out activities on the use of profits by his power and interests following the requirements of legislation and constituent documents, the entity does not enter into legal relations with particular obligated persons. An indefinite circle of business entities is obliged only not to impede the entrepreneur in the exercise of their rights; their duty is passive. Thus, this construction of legal communication should be considered as absolute" (Ershova, 1999). Absolute relations arise in connection with the formation of a reserve fund in the process of profit distribution.

Relations «in personam» arise between the pre-defined subjects of financial relations, in particular in the following cases:

1) distribution of profits on dividends: participants – a legal entity;
2) redemption of bonds: the company – holders of bonds;
3) calculation, payment of taxes: society – tax authorities (budget).

Financial relations in an organization are managerial relations, as well as the legal financial relations in organizations. The ratio of power and subordination arises in finance organizations, but this is not always the attitude of the authorities and the public entity subordination of other, non-power entities. It may be the government's attitude and the governing bodies of the legal entity and its subordination to the farm units. As noted in the textbooks on financial law, a financial relationship is an authority relationship, since it serves as a form of implementation of a mandatory financial and legal norm. Mandatory nature of financial and legal norms is manifested in the legal relationship in such a way that it is implemented on the principle of "command-execution", which issued command is, so the state (or a municipality), and fulfill their individual and collective, and other subjects of financial law; one of the parties to a financial legal relationship is always: a) a state, b) a municipality or c) a body authorized by the state (Karaseva, 2015). As for the financial legal relationship of organizations, this requirement is not always met. The subject vested with power can be the authorized body of a legal entity; the subject of subordination is the corresponding unit of the same legal entity. Besides, peremptory norms will also not always come from the state. A legal entity's competent authority can establish mandatory norms in internal financial legal relations.

It is generally accepted that financial relations are the subject of financial law and authority relations, but today's dispositive method is used in financial law. Its affairs reflect the general pattern of mutual entering of public and private branches of law. Nevertheless, it should be noted that in financial law, power relations with the participation of public entities occupy the bulk of the relations of the subject of regulation. As part of the finances of

organizations, the main focus is on relations with counterparts under contracts and internal relations, and the payment of mandatory payments to the budget.

Legal relations in the area of finance organizations are heterogeneous: they are authority relations, and relations, based on equality and the relationship, are based on the subordination of one unit to another within the enterprise.

The stock nature reflects the statistics of the financial legal relationship, financial liability, mediating cash flow, cash flow – dynamics.

Financial legal relations are a kind of synthesis of legal and economic matters, being an economic and legal category (Krokhina, 2016), which is why we do not distinguish between financial relations and financial legal relations. Financial relationships exist in legal form.

Financial relations arising in the organization can be classified into external and internal.

The external financial relations in the organization, including:

The organization's financial relations with state authorities regarding the payment of taxes and other obligatory payments (vertical financial relations);

Financial relations of the organization with counterparties under contracts (horizontal financial relations);

Financial relations of the organization with credit organizations, investment funds, and companies, insurance companies.

The system of internal financial relations of the organization includes:

15. Financial relations of an organization within a holding, union, association, self-regulatory organization (intra-industry financial relations);
16. Financial relations with founders – shareholders, participants (corporate relations);
17. Financial relations of the organization and employees;
18. Financial relations between the governing bodies of the enterprise and its structural divisions (vertical intraeconomic relations);
19. Financial relations between various structural divisions of an enterprise (horizontal intraeconomic relations).

The above are various classifications of relations in the framework of the finances of organizations, but at the same time, the question of what kind of monetary relations are related to finances is "vexata quaestio". The most frequently discussed financial relations that arise in the sale of goods and about the payment for labor. Depending on the type of activity the list of discussion questions can be supplemented with other relations specific to this type of activity, such as financial relations, arising with the reinsurer (the payment of reinsurance premiums, reinsurer's participation in losses for insured events) (Nikulina, 2008) in the field of financial activities of insurance organizations, between commercial banks and the Bank of Russia in the sphere of financial activities of banks. Each of these groups of relations has its characteristics by the method of formation, distribution, and use of financial resources.

4. Conclusion

All private financial relations are bilateral in nature. The cash flow is their material basis, due to their use, cash flows are formed, they accompany the formation of the authorized capital of the organization (enterprise), the circulation of funds begins and ends, the formation and use of cash funds for various purposes, financial reserves and the overall financial resources of the organization (Kolchina, 2007).

On the issue of monetary relations arising under contracts of sale, the opponents of classifying financial relations as arising from the purchase and sale offer the following arguments: "Such monetary operations as buying and selling cannot be classified as finance. This operation, if it takes place on an equivalent basis, is a change of forms of value, both parties involved in it, cost nothing to lose and do not get. As for the exchange with imbalancing of the equivalent, there is a distribution between the buyer and the seller, but this distribution is a function of price, not a function of finance. Thus, all exchange operations (trade) are not included in the concept of finance, which does not at all preclude the use of finance in the sphere of circulation" (Shermenev, 1977). D.S. Molyakov, justifying the opposite point of view, wrote: "The company sells products and receives the corresponding revenue. In this case, there is not only a change in ownership (goods – money), but financial relations also arise. As a result of the sale of products, the supplier enterprise receives a certain amount of gross income – the main source of formation of cash funds and cash

accumulations. The size of this gross income depends on how the economic relations among the supplier and buyer of goods in the process of their sale will develop.

In many cases, the revenue from sales does not coincide with the cost of goods ... For many enterprises, revenue from sales exceeds the cost of products sold, and they pay fixed and rental payments to the budget ... Besides, as a result of cash relations between suppliers and customers, the latter generates specific financial resources in the form of normal carry-on debt to suppliers for goods received from them, the payment term of which has not yet arrived, which is one of the sources for the formation of working capital of the enterprise" (Molyakov, 1986).

Any monetary operations can be considered financial not only in the absence of an equivalent, but also equivalent with a time lag between the receipt of funds and the counter-provision. Also, one should not forget about operations subject to VAT.

On the issue of wages, we agree with the opinion of D.S. Molyakov: "As a rule, the timing of payment of wages at enterprises does not coincide with the time of receipt of revenue from sales of products and with the end of the payment period, so mutual advancement arises in the process of implementing these relations" (Molyakov, 1986).

On the criterion of subject and method of legal regulation, all of the above financial relations arising in the sphere of financial activity of organizations can be classified into:

1) public (vertical), arising imperatively in connection with the implementation of financial activities in the organization and its regulation, financial relations of authority and subordination with authorities (for example, the implementation of mandatory payments to the budget and extra-budgetary funds, relations under state financial control, legal regulation of accounting and reporting, cash and banking operations). Such relationships are purely financial and legal. They are predominantly imperative. Within the framework of these relations, authorities and administrations have competence. In business law, a group of vertical relations is also distinguished. However, they correspond to relations with the participation of persons engaged in entrepreneurial activity, that is, overlap with the finances of organizations partially, and only in the field of financial activity of commercial organizations;

2) private (horizontal) financial relationships that occur between independent entities, in its relations with counterparties, including credit and insurance organizations, banking supervision of the implementation of cash transactions (private-public financial relations). This group of relations is associated with civil relations but does not fully comply with them. To these relations, we can say that civil law relations generate financial relations and accompany them. Horizontal relationships in business law also arise in individuals, engaged in entrepreneurial activity, which partially cover the subject area of finance of organizations;

3) in internal vertical and horizontal financial relations, as well as those involving intra-company financial control.

Intraeconomic relations are not typical of financial law. At the financial level of organizations, there are intraeconomic financial relations that are not studied by financial law. In part, they are examined by specialists in the field of accounting law. At the same time, intraeconomic relations partially overlap with intraeconomic financial relations, which, according to the logic of the subject, constitute the subject of entrepreneurial (economic) law (Budnikova et al., 2019).

The subjects of intraeconomic relations are various structural units of the organization, which interact both among themselves and with the organization as a whole. "Internal relations are heterogeneous. So, in the structure of intraeconomic relations, internal corporate, based on the fact of participation of a person in a business company as a shareholder (participant), are distinguished; membership arising from participation in organizations based on membership (production cooperative), and, therefore, entailing the obligation of personal participation in managing the organization's affairs. Often such relationships are managerial in nature, as they arise in the process of self-organization and self-government in commercial organizations" (Ershova, Otnyukova, 2020).

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Published in the Russian Federation
European Researcher. Series A
Has been issued since 2010.
E-ISSN 2224-0136
2020, 11(2): 119-125

DOI: 10.13187/er.2020.2.119
www.erjournal.ru

The Main Sources of the Hussite Movement

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Abstract

This article, based on scientific literature and historical sources, provides a brief analysis of the ideas that formed the basis of the Hussite movement, led by the Czech preacher Jan Huss. Compares the theological views of several medieval theologians (John Wycliffe, who was dubbed the "Morning star of the Reformation", Peter Lombard, Anselm of Canterbury, and Pierre Abelard), whose teachings influenced John Huss and formed the basis of the reformation of the Bohemian Church in the XIV – XV centuries, and also led to changes in the religious, political, social and cultural life of the Kingdom.

The relevance of the chosen topic is explained by the presence of many lacunae that require detailed study and historical reconstruction to create an objective view of historical events related to the Church reformation in Bohemia.

The article analyzes and compares the opinions of medieval theologians on the following issues: on freedom of will in Christian teaching, on the perception of the cross by believers, on the relationship between God and man, on the attitude to sin, on the right to freely preach the gospel teaching (including in national languages), on the attitude to spiritual and secular power.

Keywords: Jan Hus, medieval reformation, Hussite movement, Bohemia, church reformation, philosophy, religion.

1. Введение

В исторической науке по сей день сохраняется интерес к церковной Реформации. В связи с данным событием в научной среде с новой силой разгорелся интерес к событиям, Реформации предшествующим, в частности – к судьбам Яна Гуса и тех богословов, чьи учения и идеи оказали на чешского реформиста значимое влияние.

Одним из наиболее спорных вопросов, стоящих перед исследователями истории реформационных движений, является вопрос о степени влияния, которое оказал на Яна Гуса и его последователей Джон Уиклиф, английский теолог и богослов. Действительно ли Гус заимствовал большую часть идей английского реформатора и его заслуга заключается лишь в удачном распространении реформаторского учения на чешской земле или же развитие идей реформистов было независимым процессом, никак не связанным друг с другом и лишь случайно совпавшим по времени?

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2. Материалы и методы

Фундаментом данного исследования стали исторические источники и научная литература отечественных и зарубежных авторов, посвященная вопросу реформации богемской церкви. К первым относятся книги Йозефа Мацека, Франтишека Палацкого, Дэвида Шафа, Петра Ломбардского, Асельма Кентерберийского, Пьера Абеляра, Жака Ле Гоффа. Из отечественных исследователей можно работы таких А. Вознесенского, В.И. Пичеты, С.С. Корякина и С.Г. Лозинского.

Были использованы методы дедукции и индукции, анализа и синтеза, которые помогли выделить основные составляющие источников, а затем сложить их воедино, что делает картину более полной. Типологический метод, в основе которого лежит сопоставление, дает возможность выявить схожие взгляды у различных богословов.

3. Обсуждение

Церковной реформации предшествовало множество факторов, как внешних, так и внутрицерковных. Например, Столетняя война (1337–1453 гг.), разгоревшаяся между Англией и Францией, которая пользовалась поддержкой папского престола, находившегося в Авиньоне в связи с событиями Авиньонского пленения пап (1309–1378 гг.) (Лозинский, 1986: 68). Говоря о Богемии, следует отметить рост немецкого бюргерства в чешских городах, который порождал конфликты в культурной, социальной и экономической сферах (Рубцов, 1955: 34-35). Показательной является ситуация, сложившаяся в торговых и ремесленных цехах: немцы, занимая должности мастеров, открывавших им путь в городской совет, держали в подчинении чешских учеников и подмастерьев (Мацек, 1954: 78). Часто недовольство чешского населения выражалось в виде вооруженных восстаний. Например, в 1408 году в городе Будишине вспыхнуло восстание чешских суконщиков (Пичета, 1947: 69).

Обмирщение католической церкви, уподобление, а порой и превосходство ее служителей светских правителей в роскоши, повсеместная коррупция, бюрократизация церковного аппарата, борьба за лидерство и земное господство с целью монополизировать не только духовную, но и светскую власть, греховный образ жизни, не скрываемый духовенством, великая западная схизма, разделившая католический мир на несколько враждебных друг другу лагерей к началу XV века дискредитировали авторитет понтифика в глазах верующих (Ле Гофф, 2007: 320-335). Данные факторы сыграли решающую роль в реформистском движении.

Современники Гуса в различных хрониках и трактатах говорили о падении нравов духовенства, торговле индульгенциями и церковными должностями (симонии), нарушении целибата священнослужителями (Пичета, 1947: 68). Идея о необходимости реформ была осознаваема Миличем из Кромержижа, Яном Миличем, а впоследствии перенята его учеником Матвеем из Янова, настаивавших на церковных реформах задолго до публичных проповедей Гуса. Яркой фигурой был и монах-августинец (предположительно, принадлежавший к августинским каноникам) Конрад Вальдгаузер, проповедовавший на немецком языке и клеймивший порочность нравов католического духовенства (Палацкий, 1872: 10).

Многие историки сходятся во мнении о том, что Гус впервые познакомился с идеями Уиклифа в пражском университете, где с 1396 года занимал должность преподавателя философии. Династический брак между дочерью Карла IV Анной Люксембургской и английским королем Ричардом II сблизил два королевства (Кратохвил, 1959: 37). Чешские студенты получили доступ в Оксфордский университет, где на тот момент идеи английского проповедника были популярны. Возвращаясь на родину, чехи брали с собой и реформаторские взгляды Уиклифа.

Несмотря на то, что оба реформатора настаивали на возвращении к апостольскому аскетизму, понимали они его по-разному. И Уиклиф, и Гус критиковали образ жизни священников, в котором превалировали разврат и пресыщение (Вознесенский, 1903: 126-127; Wycliffe, 1915: 237). Забота о материальном комфорте и достатке заслоняла собой проблемы приходов и паствы, окормляемой священнослужителями, что резко контрастировало с евангельскими истинами.

Оба проповедника обличали практику торговли индульгенциями, настаивая на том, что, согласно Писанию, только искреннее покаяние перед Богом является средством к

прощению грехов (Вознесенский, 1903: 113; Wycliffe, 1915: 219-220). Как английский, так и чешский проповедники отстаивали право свободной проповеди Евангелия всеми христианами, ссылаясь на Писание, обязывающее верующих распространять Благую Весть повсюду (Вознесенский, 1903: 67-68; Wycliffe, 1915: 238).

Симонию (торговлю церковными должностями) и Уиклиф, и Гус считали одной из главных проблем церкви, нарушающей апостольскую преемственность и ведущую к погибели не только рукоположенных священников, но и вверенной им паствы (Вознесенский, 1903: 70; Wycliffe, 1915: 225). Торговлю религиозными должностями проповедники сравнивали с продажей Христа Иудой, называя участников подобных сделок его духовными наследниками и слугами дьявола.

Материальное богатство и его накопление как мирянами, так и священнослужителями критиковалось богословами. Деньги, по мнению реформистов, должны являться не целью, а инструментом для достижения духовного совершенства и поддержания жизни человека в земном мире (Вознесенский, 1903: 127; Wycliffe, 1915: 225). И Уиклиф, и Гус подчеркивают важную роль милостыни, которую верующие обязаны давать беднякам, и тем самым уподобиться Богу (Schaff, 1915: 299; Вознесенский, 1903: 199).

Необходимым, по мнению обоих теологов, являлась проповедь на родном языке паствы (Вознесенский, 1903: 68-69; Wycliffe, 1915: 237). Кроме того, и Уиклиф, и Гус настаивали на необходимости самостоятельного изучения Писания всеми верующими (в том числе и теми, кто не владел латынью), для чего был необходим перевод Библии на национальные языки (Вознесенский, 1903: 47; Wycliffe, 1915: 272).

Духовенство, по мнению Уиклифа и Гуса, должно находиться в подчинении короля и представителей светской власти (панов и графов) (Wycliffe, 1915: 93-95; Schaff, 1915: 148-150). Уиклиф, опираясь на Писание, доказывал необходимость покоряться светской власти, однако, постоянно помнить о том, что Бог выше мирских правителей (Wycliffe, 1915: 201). Гус, призывая к покорности светским властям, делал акцент на критическом подходе (люди не обязаны подчиняться властям, дела которых идут в разрез с заповедями Библии) и сохранении нейтралитета в спорах высшей церковной иерархии (Вознесенский, 1903: 18-19).

Светские правители, согласно учению Уиклифа, должны помнить о долге, возложенным на них Богом. Справедливое правление, милосердие и любовь к подданным, богобоязненность являются главными отличительными качествами христианского правителя, сближающего его с Господом (Wycliffe, 1915: 196). Гус в наставлениях светским правителям призывал их к тому же: к заботе о народе и стране, страху перед Богом и постоянном размышлении о спасении души (Вознесенский, 1903: 173-180).

Большую роль в учении Уиклифа играют представители светской власти: и английскому, и чешскому проповедникам король представлялся как наместник Бога на земле, которому принадлежит право секуляризации церковных и монастырских земель (Wycliffe, 1915: 92). Уиклиф уделяет данному пункту особое внимание: он, ссылаясь на Писание, указывает на отсутствие у Иисуса и апостолов собственности, выстраивая на этом аргументацию о несоответствии Писанию факт владения духовными лицами монастырской и церковной земельной собственностью (Wycliffe, 1915: 195). Епископы и монахи, живущие в роскоши и уподобившиеся светским правителям (в отличие от Христа, отказавшегося от всякой мирской власти и удобств), сравниваются английским богословом с языческими царями, которые будут повержены в конце дней.

По-разному сложились судьбы идей реформаторов в социуме. Если последователи Уиклифа, состоявшие преимущественно из низших слоев английского общества, после смерти духовного лидера не смогли добиться больших успехов в проповеднической деятельности, часто подвергались насмешкам в среде народа (само название лолларды носило уничижительный характер) и не представляли в глазах власти угрозы социальному спокойствию, то после сожжения Гуса его последователи вступили в схватку с представителями католической лиги, окончившейся поражением сторонников реформации во время битвы у Белой горы (8 ноября 1620 г.) (Цыпина, 2017: 200).

В становлении и последующей судьбе учения Гуса также сыграли роль другие богословы и мыслители. Общие положения многих видных теологов средневековья, касающиеся вопросов разума, свободы воли, грехов, отношений к религиозным и гражданским институтам, отразились на программе Гуса и его последователей.

Одним из фундаментальных пунктов в реформации, осуществленной Гусом, стал вопрос о роли разума и праве свободной проповеди Евангелия, а также его самостоятельного толкования простыми мирянами. Данная идея была не нова для средневекового сознания, однако именно Гусом и его последователями она была претворена в жизнь. Носителем идеи о возможности, а порой и необходимости самостоятельного толкования Писания был Петр Ломбардский, с трудами которого чешский проповедник был прекрасно знаком (Аликин, 2017: 98).

Благодаря работам Петра Ломбардского ранее обсуждавшиеся исключительно в среде священников вопросы стали предметом всеобщего обсуждения и изучения среди грамотного населения Европы. В своей апелляции к папской кафедре, написанной 25 июня 1410 года, Гус упоминает Ломбардского как автора, чьи труды во многих положениях отступают от учения церкви, но, тем не менее, необходимы для получения ученого звания (Вознесенский, 1903: 46).

Ломбардский в «Книге сентенций» приводит пять аргументов в пользу существования Бога, основанных на логике (Ломбардский, 2001: 488-490). Подобно ему, Гус в своих посланиях и проповедях неоднократно делал акцент на ведущей роли разума как в процессе изучения Писания, так и в процессе отделения того, что действительно исходит от Бога, и того, что идет от людей или дьявола. Даже слова Гуса о том, что Евангелие является единственным источником истины, не ставит авторитет книги выше авторитета разума, так как проводит различие между самой истиной и средством ее познания; а таким средством является разум по отношению к евангельской истине, как всякой другой (Вознесенский, 1903: 15-16).

Другой проблемой, поставленной перед верующими Гусом, был вопрос о свободе воли. Взгляд и рассуждения о свободе воли Ломбардского тесно связаны с вопросом о роли разума и также оказали влияния на учение Гуса. Петр Ломбардский утверждал, что свобода воли не уничтожается грехопадением (Ломбардский, 2001: 477-493). Гус в своих письмах и проповедях неоднократно делал акцент на необходимости подходить к послушанию тому или иному священнику и епископу с точки зрения разума: миряне, согласно взглядам Гуса, имели возможность самостоятельно делать выводы о благочестии того или иного церковного служителя. Это, в свою очередь, позволяло мирянам самим решать, прислушиваться к пастырям или же избегать их, дабы не встать на путь греха вместе с ним (Вознесенский, 1903: 125).

Важной проблемой, разделившей Гуса и католическую церковь, стала впервые в проповедях озвученная необходимость соответствовать установленным Писанием идеалам и защищать честь Бога перед людьми. Автором, высказывавшим эту идею ранее, был средневековый мыслитель Ансельм Кентерберийский. Богослов в своем труде «Cur deus homo» категорично заявляет о необходимости защищать честь и имя Бога (Кентерберийский, 1999: 26). В свою очередь, Гус в послании к горожанам Лоуна обращает внимание на необходимость всеми силами стоять за истину и защищать честь и правду Бога перед судом грешников, которые трактуют Писание в свою пользу или же стремятся исключительно к мирским благам, используя ради этого привилегии, дарованные духовным лицам (Вознесенский, 1903: 50-51).

Однако, Гус значительно отклонился от первоначальной идеи, высказанной Ансельмом. Чешский проповедник сузил круг обсуждаемых до людей, наделенных духовной властью, тогда как его английский коллега подразумевал всех грешников. Согласно идее Ансельма, отмщением служит наказание за грехи, посылающееся людям Богом, тогда как Гус настаивает на необходимости воздаяния со стороны людей: обличение и уход от недостойных священников (Вознесенский, 1903: 144).

Другим теологом и мыслителем, оказавшим значительное влияние на развитие идей Гуса, стал Пьер Абеляр. Идеей Абеляра, схожей с идеей Ломбардского, является учение о том, что Бог дал людям ум и разум для самостоятельного анализа различных идей и учений, а также Священного Писания. Абеляр полагал, что вера, приобретённая без содействия умственной силы и принятая без самодеятельной проверки, недостойна свободной личности, коей является человек, сотворенный Богом по Его подобию. Разум, согласно учению Абеляра, является самым верным инструментом при изучении Писания.

Своеобразие этических воззрений Абеляра состоит в примате внутреннего намерения над внешним проявлением: грех совершается только в душе, поступки человека – лишь следствие того, что уже свершилось внутри него (Абеляр, 2010: 405-409). Гус, как и Абеляр, делавший акцент на духовном совершенствовании (что видно из многочисленных посланий своим сторонникам), также указывал на важность постоянного наблюдения за душевными помыслами, без которого человеку легко впасть в грех.

Единственными источниками истины, по утверждению Абеляра, являются диалектика и Священное Писание. Даже апостолы и отцы Церкви могли заблуждаться в своих суждениях и решениях касательно богословских вопросов иерархического и догматического характера. Любая официальная догма церкви, не основанная на Библии, могла быть ложной и подвергаться сомнению. Вместо слепого доверия философ предложил современникам руководствоваться собственным разумом при чтении и интерпретации Писания. Ярким примером может служить самостоятельное трактование Абеляром отрывка из ветхозаветного пророчества Иезекииля, которое было написано ученым без опоры на авторитетных богословов (Абеляр, 2014: 18).

Согласно Абеляру, слово священного Писания является тем, что человек вполне может познать и воспринять самостоятельно, более того – это его прямая обязанность. Именно изучение и понимание Писания задает предел разуму и одновременно является связующим звеном между Богом и человеком (Абеляр, 2010: 20).

По утверждению Абеляра, приближение царства Божьего возможно только посредством послушания Его слову и осмысления Писания, «Ибо Господь радуется пребыванию в сокровенном, так что чем более Он сокрыт, тем милостивее Он к тем, кому открывается; чем более корпят над трудностями Писания, тем более велика заслуга читателя» (Абеляр, 2010: 280).

В вопросе греха Абеляр придерживается радикального суждения: греша, человек отталкивает от себя Бога, так как Дух Господень несовместим с жестокостью и твердо противостоит порокам» (Абеляр, 2010: 169). Гус, осуждавший грешащих священников, часто называет последних слугами и сыновьями Сатаны. В учении чешского богослова реальные дела приобретают значение куда большее, чем слова и статус духовных лиц (Вознесенский, 1903: 68).

Важной идеей, осмысленной Гусом, стала теория искупления. Блаженный Августин, Абеляр и Ломбардский сыграли в формировании отношения как к крестной жертве Христа, так и к мученичеству христиан особую роль. Например, Блаженный Августин главным в крестной жертве считал освобождение человечества от первородного греха через смирение (Корякин, 2016: 78). Гус в своих посланиях часто указывал на необходимость духовного смирения, принятия выпавших испытаний и предоставления суда над грешниками Богу. Тем не менее, проповедник подчеркивал сохранение человеком свободной воли в вопросах следования за грешниками или отказа от данного пути (Вознесенский, 1903: 60-61).

В вопросе о необходимости дозволения свободной проповеди Евангелия каждому христианину Гус опирался на авторитет Беды Достопочтенного, святого Григория и блаженного Исидора. В письме к крумловцам Гус ссылается на труды данных богословов, в которых с опорой на Писание опровергается возможность запрета проповеди Евангелия (Вознесенский, 1903: 59-60).

4. Заключение

Таким образом, можно сделать вывод о значительном влиянии на идеи и учении Гуса со стороны множества богословских авторитетов. Гус и Уиклиф стали первыми богословами, заложившими фундамент протестантского движения, в последующем охватившего всю Европу. Важным является тот факт, что многие идеи, за которые Ян Гус был осужден, ранее высказывались и подробно разбирались многими богословами, имевшими авторитет в католической церкви. Заслуга чешского проповедника состоит в систематизации данных идей, их выстраивание в единое учение и последующее распространение в Богемии с учетом национальных, экономических и социальных особенностей.

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Основные источники гуситского движения

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Аннотация. В данной статье с опорой на научную литературу и исторические источники приводится краткий анализ идей, которые легли в основу гуситского движения, возглавляемого чешским проповедником Яном Гусом. Сопоставляются богословские взгляды нескольких средневековых теологов (Джона Уиклифа, которого окрестили «Утренней звездой Реформации», Петра Ломбардского, Ансельма Кентерберийского, Пьера Абеляра), чьи учения оказали на Яна Гуса влияние и легли в основу реформации богемской церкви в XIV – XV вв., а также повлекли за собой изменения в религиозной, политической, социальной и культурной жизни королевства.

Актуальность выбранной темы объясняется наличием множества лакун, которые требуют детального изучения и исторической реконструкции для создания объективного взгляда на исторические события, касающиеся церковной реформации в Богемии.

В статье анализируются и сопоставляются мнения средневековых богословов касательно следующих вопросов: о свободе воли в христианском учении, о восприятии верующими крестной жертвы, об отношении между Богом и человеком, об отношении к греху, о праве свободной проповеди евангельского учения (в том числе, на национальных языках), об отношении к духовной и светской власти.

Ключевые слова: Ян Гус, средневековая реформация, гуситское движение, Богемия, церковная реформация, философия, религия.

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Published in the Russian Federation
European Researcher. Series A
Has been issued since 2010.
E-ISSN 2224-0136
2020, 11(2): 126-131

DOI: 10.13187/er.2020.2.126
www.erjournal.ru

Legal Problems of Retail Network Development in the Period of Global Socio-Economic Threats Caused by the Coronovirus Pandemic

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Abstract

Providing the population with affordable food is one of the strategic tasks of the state at a time of global socio-economic threats, such as the spread of coronavirus infection. Retail chains act as a vital channel for supplying food to the population, thus avoiding a decline in the quality of life of the population and the growth of social tension. At the same time, the prohibitions contained in the legislation on their organic growth of retail chains, aggregate remuneration, and mandatory payment terms for delivered products may create obstacles in solving this task, primarily in sparsely populated, remote and hard-to-reach areas.

In the article the authors suggest the main directions of changes to the Russian law on trade, which will eliminate excessive administrative barriers and unreasonable restrictions for the development of trade networks, as well as ensure a balance of interests of entities engaged in trade activities. Removing excessive administrative barriers will help to find the most cost-effective ways of interaction between economic entities.

Keywords: food, non-foods, trading networks, retail, suppliers, pandemic, organic growth of the distribution network, antitrust legislation, the Law on Trade, business law, regulation.

1. Introduction

The national security strategy of the Russian Federation (Ukaz Prezidenta…, 2015), provides that improving the quality of life of Russian citizens is a national priority. The doctrine of food security (Ukaz Prezidenta…, 2020) also refers to the national interests of the state in the field of food security sufficient food supply for Russian citizens.

The development of large retail chains is one of the key factors in providing the population with affordable food products. During the period of global socio-economic threats caused by the coronavirus pandemic, the strategic importance of retail chains became apparent.

A large retailer, in contrast to small and medium-sized retailers, is able to provide food to the General population and has a margin of safety to overcome the crisis.

A large retail network is the primary sales channel for large manufacturers and suppliers, providing them with financial stability.

Large suppliers in extraordinary conditions can provide regular stable supplies of goods in large volumes necessary for the operation of retail chains. Because of this, competition between small and large suppliers is impossible in principle. It's not so much about "price requirements of retail chains, but functional ones".

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The interaction of large suppliers and large networks during the pandemic helps to avoid shortages of goods and deterioration of the quality of life of the population.

World experience has examples of the positive impact of network trading on the socio-economic indicators of countries. For example, retail due to high price flexibility, have a positive effect on reducing product inflation. In the Russian Federation, this was especially important in specific periods. For example, during the acute phase of the crisis at the end of 2008 and the beginning of 2009, retail restrained the growth of prices for their assortment, which affected inflation in general (Prikaz Ministerstva promyshlennosti..., 2014).

2. Materials and methods

The study is based on an analysis of the legal regulation of retail chains, as well as the practice of its application.

During the study, methods of analysis, synthesis, induction, and deduction, as well as legal modeling, were applied.

3. Results and discussion

A vibrant and competitive retail sector is important to consumers, businesses, and, therefore, the entire economy. In this regard, it is advisable to point out the problems of retail development in the European Union. The size of the companies and jobs involved, as well as the contribution to the EU's added value, make retail trade a key factor in stimulating long-term economic growth. Driven by growing consumer needs and technological progress, this sector has rapidly transformed and is a catalyst for innovation and increased labor productivity. EU households spend up to one-third of their budget on retail products. Through the price, choice, and quality of the products offered, the retail sector affects the quality of life of the population in the EU. A well-functioning retail sector will result in positive side effects for the economy. However, this requires a favorable business and regulatory framework that meets the needs of both online and offline retailers and helps to respond to challenges affecting the retail sector at the global level (Kozyreva, 2018; Alekseeva, Bandurina, 2016). Retailers face many limitations to one degree or another in terms of creating stores (for example, regarding the size and location of a store or obtaining a specific permit) and operations (for example, opening hours, promotions and sales channels, taxation, sourcing). The legitimate objectives of public policy can justify many of these restrictions, but their accumulation can create disproportionate barriers for new entrants and, therefore, affect sector productivity. Retailers emphasize that the regulatory framework must be reliable and flexible in the future to allow enterprises to adapt to changing reality quickly (A European retail..., 2018).

Many Russian retailers during the pandemic decided to sell food staples without a trade margin (FAS, 2020).

Elimination of excessive economically unreasonable regulation, including antitrust restrictions in the field of trade, will contribute to the formation of a real competitive environment, normalizing the balance of interests of all participants in trading activities.

This goal can be achieved by limiting state interference in trading activities, eliminating legal uncertainties in the legal regulation of the rights and obligations of suppliers and distribution networks, establishing fair antitrust regulation taking into account real market conditions, and removing excessive restrictions on the organic growth of distribution networks (Budnikova et al., 2019).

Federal Law of December 28, 2009, № 381-FZ "On the Basics of State Regulation of Law on Trade Activities in the Russian Federation" (from now on referred to as the Law on Trade) (Federal'nyi zakon..., 2019) as amended is non-systemic and is not balanced in terms of interests of entities falling within the scope of the law.

The strategic task of providing the population with affordable food during the period of global socio-economic threats is impossible without the development of a large trading business.

There is an objective need to lift the restrictions established by the Law on Trade on the organic growth of retail chains, which impair the ability to provide the population with food and non-food products, including in remote and remote areas.

Retail chains are a strategically important channel for supplying food to the population. However, the restrictions provided for in articles 9 and 13 of the Law on Trade do not allow large suppliers and large retail chains to determine the terms of delivery of goods, which can cause a

shortage of food products and, in the context of a pandemic, pose a threat to food security. One of the instruments of removing restrictions on the development of retail chains can be the removal of large retail chains and large suppliers from the relevant restrictions of the Law on Trade. Sales may increase due to an increase in the number of units generating sales (for example, the opening of new stores), as well as due to an increase in the sales rate in existing stores (Curtis et al., 2013). The provisions of article 9 and article 13 of the Law on Trade should not apply to relations arising between economic entities engaged in trade activities, including economic entities engaged in trade activities through the organization of a trade network and economic entities engaged in the supply of food products whose revenue (their group of persons determined in accordance with antitrust legislation) from the sale of goods for the last calendar year exceeds two billion rubles. It is proposed to exclude in the relations of these economic entities regulatory requirements that create obstacles to the development of large retail chains in relation to determining the terms of payment for food products; the maximum amount of the total remuneration of the retail network, which is five percent; the ban on concluding intermediary agreements between the supplier and the retail network.

With the introduction of restrictions in Art. 9 of the Law on Trade (from 2016 to 2019), there was a decrease in the profitability of retail, shareholder value, an increase in the debt burden, and the background of a favorable market situation domestic manufacturers. Moreover, the profitability of retail chains is quite low in comparison with the profitability of suppliers (7-25 % depending on the industry, according to Russian Federal State Statistics Service). According to the reports of retail IFRS reporting in the period from 2014 to 2018, it fell from 6 to 0-3 %, and in some cases, became negative. In general, a decrease in profitability affects the investment attractiveness of the industry, affecting the market value of companies. The processes of trade modernization are inhibited. Reduced profitability reduces tax revenues to budgets. The debt overburden of retail is growing at the same time since low profitability forces borrowed funds out to survive in a competitive environment. These indicators indicate the industry's crisis and the need to remove the restrictions as soon as possible.

The application of restrictive rules designed to regulate relations between suppliers and large retail chains without taking into account the profitability of the business of retail chains and market conditions creates an additional administrative burden. The prohibitions contained in the Law on Trade relate mainly to the activities of retail chains and do not apply to other participants in trade activities, which indirectly indicates discrimination of retail chains as market entities. With a high level of competition in the trade sector and relatively low market concentration, it is necessary to ease the antitrust regulation of the industry.

The Law on Trade establishes mandatory terms for payment for goods, limits the organic growth of retail chains to twenty-five percent of the volume of sales of food products within the borders of districts and subjects of the Russian Federation, and limits the amount of total remuneration for a retail network to five percent. These restrictions do not depend on the fact that the dominant position of the trading network has been established or that such a position has been abused. The Law on Trade mainly regulates relations for the supply and promotion of food products, almost without affecting the non-food sector, which does not correspond to the object and purpose of the Law's regulation and indirectly restricts the growth of trade in non-food products The current regulation does not take into account the fact that, as a rule, non-food products are also present in the assortment of the trading network. The retail trade turnover of food products, including beverages, and tobacco products, is comparable in terms of the volume of retail trade in non-foods, according to Russian Federal State Statistics Service. The Ministry of Commerce and Industry of Russia took the initiative to oblige retail chains to increase the share of domestic light industry products to 40 % (TPP prosit..., 2020). Its implementation will inevitably require retail chains to increase their retail space, which will become difficult given the current restriction on organic growth enshrined in part 1 of article 14 of the Law on Trade.

The current regulation does not take into account the fact that, as a rule, non-food products are also present in the assortment of the trading network. The retail trade turnover of food products, including beverages, and tobacco products, is comparable in terms of the volume of retail trade in non-foods, according to Russian Federal State Statistics Service. The Ministry of Commerce and Industry of Russia took the initiative to oblige retail chains to increase the share of domestic light industry products to 40 % (TPP prosit..., 2020). Its implementation will inevitably

require retail chains to increase their retail space, which will become difficult given the current restriction on organic growth enshrined in part 1 of article 14 of the Law on Trade.

Ultimately, such an unbalanced regulation is detrimental not only to the interests of retail but also does not contribute to ensuring national security interests. The current version of the Law on Trade unjustifiably restricts freedom of economic activity (part 1 of article 8 of the Constitution of the Russian Federation). Freedom of contract, in general, unjustified interference in the civil law sphere, is carried out with a clear priority for the interests of suppliers. Balancing market participants' interests with equal market power require the same regulatory impact on their market behavior. In this regard, one of the options for the development of legislation on large retail may be the removal from under the action of the restrictions established in Art. 9 and 13 of the Law on Trade of Large Participants (Suppliers and Distribution Networks), whose revenue (their group of persons determined under antitrust laws) from the sale of goods for the last calendar year exceeds two billion rubles. Removing these restrictions will allow us to maintain a competitive environment in which self-regulatory mechanisms will be in demand. At the same time, restrictions for large suppliers or networks, in the implementation of supply activities with small and medium-sized businesses, should be maintained.

The norm of part 4 of art. 9 of the Law on Trade in terms of determining the range of entities falling within its scope. The wording "business entity engaged in trading activities" may be replaced by the words "business entity engaged in trading activities through the organization of a trading network". This change is because the current norm of Part 4 of Art. 9 of the Law on Trade allows extending its effect not only to the contract for the supply of food products but also to other types of contracts, for example, a distribution contract, as well as distance trading. Uncertainty of legal regulation regarding the total remuneration and its limit value paid by the supplier of the distribution network creates obstacles for the development of distribution networks. Currently, Art. 9 of the Law on Trade limits the payment of remuneration and services to five percent of the turnover for retail chains, distributors, and online stores. The prohibition on the inclusion in the price of the contract for the supply of food products of "other types of remuneration" not stipulated by the Law on Trade applies only to retail chains (Part 6. Article 9). At the same time, the content of this concept is uncertain, which on the one hand creates a problem of compliance with the requirements, and on the other hand, the problem of proving the violation by the Supervisory authority.

Thus, the distributor and the subject of distance trading are not subject to a ban on organic growth, as enshrined in Art. 14 of the Law on Trade, which is associated with restrictions under Art. 9 of the Law on Trade.

The need for exclusion from the action of Part 4 of Art. 9 distribution agreements were supported by the Federal Antimonopoly Service in the Report on the Competition in the Russian Federation – 2015 (FAS, 2015).

The establishment of the limit value of the aggregate remuneration of five percent primarily affects the interests of buyers and large suppliers, introducing innovations into the market since it is impossible to conduct promotions with significant discounts. The total amount of remuneration before the introduction of restrictions was compensation by the supplier of the loss of the trading margin by the trading network to promote the supplier's goods. Exceeding the amount of aggregate remuneration entails an administrative fine. Also, the absence in the Law on Trade of the definition of "logistics service" (Mikhailuk, 2016), the cost of which is taken into account to determine the aggregate remuneration of the supplier, leads to the refusal of retail chains to provide transportation services, which entails an increase in transportation costs for small and medium-sized businesses by an average of twenty percent. In this regard, the Law on Trade must be amended to exclude transportation services from under Art. 9.

Law on Trade (Part 12. Article 9) contains a proscription on forcing the counterparty to conclude a contract for the provision of services for a fee. The imposition of conditions, the imposition of the conclusion of a contract, in any case, contradicts the principle of freedom of contract and is not allowed under the civil legislation, clause 1, art. 421 of the Civil Code of the Russian Federation (Grazhdanskii kodeks..., 1994). Besides, the conclusion of mixed and unnamed contracts is permitted by the Civil Code of the Russian Federation (clauses 2 and 3 of Article 421). This norm creates excessive regulation, introducing an unreasonable legal restriction, duplicating civil law mechanisms.

The abolition of the limitation of aggregate remuneration in relations between large suppliers and retail chains will allow a fair distribution of costs and revenues using market mechanisms, as well as will allow in the interests of consumers to promote new products and conduct promotions with significant discounts.

The Law on Trade (part 7 of article 9) provides for the timing of payment for the goods. The regulation of these terms also has adverse effects, increasing the cost of working capital (due to small batches of goods and attracting credit), creating artificial obstacles to mutually beneficial cooperation between suppliers and retail chains. Unreasonable interference in contractual relations negatively affects contractual practice. Ultimately, a decrease in the volume of procurement lots from the supplier, caused by a reduction in the payment term for the delivered goods, also leads to an increase in the consumer's cost of goods.

Restrictions on the timing of payment of the delivered goods for the distribution network lead to a limitation of the assortment and quantity of goods, which ultimately violates the interests of the suppliers themselves. Limiting the batch size leads to the need for the more repeated carriage of goods, the cost of transportation of goods increases, and the amount of time spent on paperwork increases due to the need to more often draw up documents for delivery.

In connection with the establishment of deadlines for payment of food products by trade organizations to a supplier, depending on the expiration dates of the specified products, the problem arose of determining the payment term for "mixed" batches, when the same batch of products for which the contract is drawn up and billed can be presented goods with different expiration dates.

The establishment of tight payment deadlines also causes suppliers to lose an additional distribution channel geographically more remote from the distribution network. In remote areas, shorter payment periods make it impossible to deliver.

In territories, communication with which is carried out only during the navigation period and only with certain types of transport, the turnover of products can reach 180 days. Because of established in h. 7 Article. 9 of the Law on Trade, the timing of payment for the delivery of goods, trade enterprises are forced to deliver products in small batches, reduce the range and volumes of delivery to navigation since the provision of a delay may result in the imposition of an administrative fine. This has already led to a significant increase in the cost of production, since the undelivered amount of food is imported during the inter-navigation period by air. The introduction of appropriate amendments to the Law on Trade will exclude the validity of Part 7 of Art. 9 of this law in the relationship of large suppliers and distribution networks, which will allow for the deferral of payment for delivery, assortment, affordable price due to a larger consignment, as well as the volume of delivery to hard-to-reach areas.

4. Conclusion

In order to solve the priority strategic task of providing the population with affordable food and non-food products, including in the period of global socio-economic threats, it is necessary to develop large retail networks. At the same time, the prohibitions on their organic growth contained in the legislation, aggregate remuneration, and peremptory deadlines for payment for delivered products can create obstacles to this priority, especially in sparsely populated, remote and inaccessible areas. It is necessary to develop a roadmap of the main directions of changes to the Law on Trade, which will remove excessive administrative restrictions on the development of retail chains. Many players are entering with different retail formats. As a result, competition is becoming very tough (Das, Kumar, 2009).

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