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Section 1. European law

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RIGHT TO LIBERTY AND SECURITY EUROPEAN COURT OF HUMAN RIGHTS VS. ARMENIAN HIGHER COURTS

Abstract. The following article is devoted to the development of the practice on execution of the fundamental human right to liberty and security in the context of the European Convention on Human Rights on the example of the Republic of Armenia. The article is focused on the case study with unique analysis of the practice of ECHR cases against Armenia.

Keywords: International Law of Human Rights, right to liberty and security, Armenia.

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ПРАВО НА СВОБОДУ И ЛИЧНУЮ НЕПРИКОСНОВЕННОСТЬ ЕВРОПЕЙСКИЙ СУД ПО ПРАВАМ ЧЕЛОВЕКА ПРОТИВ ВЫСШИХ СУДОВ АРМЕНИИ

Аннотация. Настоящая статья посвящена практике применения фундаментального права на свободу и личную неприкосновенность в контексте Европейской Конвенции по правам человека на примере Республики Армения. Статья направлена на изучение судебных решений с уникальным анализом дел рассмотренных ЕСПЧ против Армении.

Ключевые слова: Международное право прав человека, право на свободу и личную неприкосновенность, Армения.

Присоединившись к Совету Европы 25 января 2001 года, Республика Армения стала 42-ым государством-участником [2]. Одним из первых действий Армении в составе данной организации стало подписание и, в след за этим, ратификация (2. См. ЗР, от

26 апреля 2002 года // См. Постановление КС РА По делу О соответствии Конституции Республики Армения обязательств, закрепленных в подписанной 4 ноября 1950 года в Риме Конвенции о защите прав человека и основных свобод, в подписанном

20 марта 1952 года в Париже Протоколе к конвенции о защите прав человека и основных свобод, в подписанном 16 сентября 1963 года в Страсбурге Протоколе N4 «Об обеспечении некоторых иных прав и свобод помимо тех, которые уже включены в Конвенцию и Протокол N 1 к ней» К Конвенции о защите прав человека и основных свобод и в подписанном 22 ноября 1984 года в Страсбурге Протоколе N 7 к Конвенции о защите прав человека и основных свобод.) Европейской Конвенции о защите прав человека и основных свобод 1950 года. Следует отметить, что еще до ратификации ЕКПЧ, вопрос о соответствии ее норм Конституции РА рассматривался в КС РА. Указанию подлежит также тот факт, что именно тогда, в 2002 году, Конституционный Суд РА указал, что права и свободы перечисленные в Конституции не могут являться исчерпывающим, иными словами, гражданин и человек могут обладать иными правами в силу уполномочивающего характера норм Основного Закона [12]. В. Оганесян заместитель Председателя Конституционного Суда Республики Армения. Еще тогда наблюдался революционный и исключительный, по своей сути, подход КС РА к ЕКПЧ.

В виду того, что «конвенционное» [4]. Право закрепленное в ЕКПЧ право на свободу и личную неприкосновенность являются гарантией, особо важной для правового государства, нами будут рассматриваться решения ЕСПЧ, в которых, на примере Армении, были констатированы нарушения и следовательно, были выработаны принципы действия данной нормы.

Ключевым в развитии практики ЕСПЧ против Армении является дело о незаконном содержании под стражей без соответствующего судебного решения, дело *Piruzyan v. Armenia* [3]. Так, Европейский Суд указывает, что подп. (с) п. 1 ст. 5, как и п. 3 той же статьи, относятся к случаям предварительного заключения лица, обвиняемого в совершении правонарушения, до принятия Судом решения по его делу. Арест или задержание лица допускаются, если имеются обоснованные подозрения в

совершении правонарушения, если наличествуют веские основания полагать, что задержание необходимо для предотвращения совершения правонарушения или в целях воспрепятствования лицу скрыться после совершения правонарушения [3]. Как и в вышеуказанном деле, с обеспечением выполнения любого обязательства предписанного законом (подп. (в), п. 1), подп. (с) так же сформулирован весьма расплывчато. Если исходить только из «буквы Конвенции», то можно предположить, что норма допускает заключение лица в связи лишь с подозрением в возможном совершении правонарушения, при том, что само правонарушение лицом, возможно, еще не было совершено. Но, при рассмотрении практики ЕСПЧ по данному вопросу, можно выявить, что еще в 1961 году, Европейский Суд при рассмотрении дела *Lawless v. Ireland* [13] отстоял точку зрения, согласно которой лишение лица свободы в целях предотвращения совершения преступления без предоставления возможности обвиняемому оспорить такое решение в судебном порядке, противоречит подп. (с) п. 1 ст. 5 [14]. Такая позиция ЕСПЧ получила подтверждение и в последующей практике рассмотрения дел [9].

Обращаясь к позиции ЕСПЧ по аналогичным вопросам следует отметить, что в понимании Конвенции, заключение под стражу, даже временное, должно иметь на такое серьезные основания. Требование Конвенции заключается в том, чтобы оно мотивировалось только обоснованными подозрениями в совершении уголовного деяния, а обоснованность подозрений, в свою очередь, представляет собой существенный элемент защиты от произвола при лишении свободы. Вышеуказанное также предполагает наличие обстоятельств или сведений, способных убедить объективного наблюдателя в том, что лицо могло совершить правонарушение. То, что подразумевается под обоснованностью подозрений, зависит, однако, от совокупности обстоятельств (Комментарий к Конвенции о защите прав человека и основных свобод и практике ее применения, Под общей редакцией д.ю.н., профессора

Туманова, д.ю.н., профессора Энтина, стр. 58). В данном деле Европейский Суд выявил не только нарушение конвенционных прав заявителя, но и признал несоответствие ЕКПЧ национальной нормы, которая дала возможность национальному Суду принять решение о продлении срока содержания под заключением [6].

Другим примером по вопросу правомерности решений о содержании под заключением, является дело *Muradkhanian v. Armenia* [7], где заявитель жаловался на то, что продление срока его содержания под стражей решением от 29 декабря 2005 года было незаконным, поскольку его содержание под стражей до такого решения не было основано на судебном решении, как того требует Закон. Он сослался на п. 1 ст.5 Конвенции. Европейский Суд, толкуя норму ЕКПЧ, вновь постановил, что ст. 5 ЕКПЧ, гарантируя основополагающее право на свободу и безопасность, играя первостепенную роль в «демократическом обществе» по смыслу Конвенции [8] ни в коем случае не может толковаться и пониматься национальными Судами в качестве возможности ограничения права лица, находящегося под их юрисдикцией (в данном случае Республики Армения). Логика ЕСПЧ в данном деле, по сути, является продолжением позиции, представленной в деле *Grigoryan v. Armenia*.

Значимым, в практике рассмотрения дел с указанием о нарушении ст.5 ЕКПЧ, является дело *Накобян and Others v. Armenia* [9]. В связи с возникшими вопросами о легитимности избрания в апреле-мае 2003 года нового Президента Армении, заявители обратились в Конституционный Суд РА, который дал рекомендацию провести повторный референдум в течение года для обеспечения легитимности исполнительной власти. Европейский Суд счел важным в своем решении отметить Резолюцию 1374 (2004) Парламентской Ассамблеи Совета Европы, где указывалось, что власти осуществляли уголовное преследование над оппозицией и, более того, неизвестные люди, били журналистов и политическую оппо-

зицию, в то время как полицейские стояли рядом и не предпринимали никаких шагов [10].

Несмотря на то, что в Суде ответчик утверждал, что в соответствии со ст. 294 КоАП РА [16] не были исчерпаны внутригосударственные средства защиты и заявителям следовало бы обратиться к Председателю Уголовного и военного апелляционного суда РА, ЕСПЧ указал, что вопреки цели п.1 ст.35 ЕКПЧ, внутригосударственная норма не предусматривает эффективной защиты и, в данной связи, заявление государства-ответчика было отклонено. По существу дела, Республика Армения утверждала, что возбужденные против заявителей административные дела, являются лишь законным следствием в ответ на использование ненормативной лексики и неподчинению приказам Полиции, которые были констатированы соответствующим Судом, а факт партийной принадлежности не играл никакой роли. Заявитель утверждал также, что был осведомлен о причине ареста полицейским verbally, что, согласно п.2, ст.5 ЕКПЧ, предполагает максимальный срок содержания под стражей на срок не более 3 часов. Рассматривая заявления в совокупности вместе с остальными указаниями о нарушениях статей Конвенции, ЕСПЧ счел, что действия властей, хоть и основывались на норме Закона, представляли собой лишь умышленное ограничение и ущемление прав и свобод и, по своей сути, являлись не решением уголовно-процессуальным, а решением «политико-процессуальным» [9]. Европейский Суд в вынесенном решении указал на нарушение п. 2 ст. 5 Европейской Конвенции. Следует отметить, что согласно ЗР- 2-Н, от 07 февраля 2012 года статья 294 КоАП РА утратила силу и была исключена из Закона, несмотря на то, что окончательное решение ЕСПЧ было вынесено 10 июля того же года. Следует предположить, что такому явлению есть, как минимум, два объяснения:

а) Республика Армения, вернее сказать, органы государственной власти использующие данную норму знали о проблеме в законодательстве и именно по этой причине использовали ее для политико-

процессуальных целей, иными словами, представляя действия органов власти в качестве законных, пытались подавить и уничтожить оппозицию или;

б) о такой несоответствии нормы Конвенции не имелись сведения, а раннее исключение ее из КоАП лишь пример оперативной и продуктивной работы законодателя Республики.

Таким образом, следует отметить, что правовые механизмы защиты в Республике Армения требуют усовершенствований: несмотря на долгий путь развития национальной системы судеб-

ной юстиции на пути к становлению независимого института контроля, наличествует множество проблем с применением норм национального законодательства, а также исполнением международных обязательств, следовательно, предлагается урегулирование не только на законодательном уровне, но и путем различных способов ограничить возможность влияния государственных органов исполнительной власти на судебные, и Европейский Суд играет огромную роль на пути становления указанной независимости.

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Section 2. International law

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INTERNATIONAL LEGAL AND ECONOMIC ASPECTS OF INTERACTION OF THE BRICS COUNTRIES AND THE ORGANIZATION OF ECONOMIC COOPERATION AND DEVELOPMENT IN MODERN CONDITIONS

Abstract. The article analyzes the international legal and economic aspects of the activities of the BRICS countries and the Organization for Economic Cooperation and Development in modern conditions. The main directions of activities of the BRICS countries and the Organization for Economic Cooperation and Development to reduce the negative consequences of the pandemic are described.

Keywords: BRICS, Organisation for Economic Cooperation and Development (OECD), public administration, foreign legal experience, development prospects).

Presently, international organizations are an important part of the system of international relations.

The creation of a large number of various international organizations indicates the increased role of interstate relations, caused by the complication of world economic relations, the unification of various socio-economic processes.

International economic associations allow various countries to acquire certain socio-economic preferences, which help strengthen the position of the country on the global stage.

In 2001, the American investment company “Goldman Sachs Group” proposed to name four dynamically developing economies of the world — the Federal Republic of Brazil, the Russian Federation, the Republic of India, the People’s Republic of China — the BRICS countries.

In connection with the accession of the Republic of South Africa to this group, this group became known as BRICS.

However, it should be noted that the idea to create such an organization was proposed by Prime Minister of the Russian Federation Yevgeny Primakov in the mid-90s of 20th century. It was during this period that the Russian Federation tried to strengthen its influence in Latin American countries and strengthen economic ties with India and China.

However, idea of Primakov was realized in full only in the middle of 2010. Since its creation, the BRICS group has sought to strengthen the role of developing countries in global governance processes, as the weakening of the EU has shown that global governance only by Western countries is ineffective.

A striking example of the inability of Western countries to exercise global governance was the global economic crisis of 2008, when to overcome the consequences of the crisis had to involve other countries and increase the role of these countries in global decision-making.

In addressing the issues of strengthening its influence in making significant international decisions, the BRICS group seeks to ensure the preservation of

the basic international security guarantees that were achieved after World War II.

In addition, the strengthening of interstate relations within this group of countries contributed to the deterioration of Russia–United States relations in 2014, as well as trade wars between the U.S. and China, which began in 2017.

Globalization of economic processes has led to many unilateral decisions by the leading Western economies. A vivid example of these actions is the slogan of U. S. President Donald Trump “Make America Great Again”.

However, it should be noted that this position is taken not only by the U.S., but also by many other regional alliances, which only exacerbates the global chaos and destroys the established world order.

This tendency was especially vivid during the COVID-2019 pandemic, when most decisions were made at the level of individual states, rather than by various intergovernmental organizations.

It became obvious that regional powers tend to pursue independent policy and take key decisions in regional processes without looking at world leaders.

The BRICS countries are interested in creating new institutions that influence global processes to coordinate the actions of individual countries in order to protect their national interests.

Therefore, we can say that now it is necessary to develop the BRICS as an institution of global governance because over the years, the BRICS countries have made significant progress in a common outlook on the most pressing international issues related to the solution of world economic problems, the development of new criteria for international security.

The increased activity of the BRICS countries on the global stage automatically increases the influence of the countries that participate in this union. Solution of global issues within the bounds of BRICS allows these countries to defend the principles of the world order acceptable to them, such as non-interference in the internal affairs of other states, taking into account the interests of each other, making global

decisions taking into account the interests of other states.

In addition, effective cooperation within the BRICS allows these countries to counteract the attempts of the collective West to establish its domination on a global scale.

This association creates a global system of finance outside the control of the West and reduces the role of the U.S. dollar in international calculations, which reduces the negative impact of Western sanctions.

The new world crisis caused by the Coronavirus pandemic makes it urgent to strengthen economic cooperation between the BRICS countries and other international organizations to make coordinated global decisions.

At this stage, the most important international association with which the BRICS countries need to establish constructive cooperation is the Organization for Economic Co-operation and Development.

As of August 2020, more than 35 countries are members of the Organization for Economic Co-operation and Development (hereinafter – OECD). These countries account for more than 50% of global GDP, and they cover more than half of world interstate trade. The main mission of the OECD is to create conditions for economic growth among the countries participating in the organization and to ensure the growth of world trade in general.

Now the field of interest of the OECD covers almost all areas of the world economy from the creation of agriculture operating under the best technological innovations to ensuring a favorable investment climate. At the moment, the OECD is the most influential international organization, with many countries seeking to become members.

The purpose of joining the OECD for many countries is the fact that this organization has been engaged in a real analysis of the global economy for a long period of time and the recommendations of this organization allow member states to pursue policies that promote constant economic prosperity and improve the quality of life of citizens of these countries.

The OECD was actually established in 1961 as a successor to the Organisation for European Economic Co-operation.

Initially, the OECD was created to address the social and economic issues of the member states of the NATO political and military Alliance. Over time, however, the OECD was gradually reformed and its functionality expanded.

The OECD actively cooperates with various intergovernmental and non-governmental organizations. This cooperation is expressed in the exchange of information, mutual sending of observers, coordination of various events and joint research on common problems.

At present, this organization has a decisive impact on global economic processes. Therefore, membership in this organization will allow the country to gain access to effective mechanisms of market economy management, promote new ideas in social and economic spheres on the basis of this association, improve rating indicators for international investors and influence world economic processes.

At the beginning of 2020, the OECD, taking into account the rapid spread of the coronavirus COVID-19, clarified the forecast of global economic growth in 2020, reducing the growth of the world economy to 2.4%, while the economy in the EU countries will only grow by 0.8% [1].

The OECD is definitely a leader in the regulation of corporate relations and the introduction of digital technologies, as in modern world transnational corporations are beginning to play an increasing role, which are becoming customers of most researches in the field of corporate governance [2].

The importance of the OECD manifested itself during the global economic crisis in 2008, to overcome this crisis, the OECD adopted the Strategic Response to the Financial and Economic Crisis, which included both policy measures aimed at stabilizing economic processes, including strengthening control over the financial industry, developing competition, improving the efficiency of tax collection, and

economic incentives aimed at maintaining economic growth, such as the development of open markets and innovation activities, as well as the promotion employment and improving retirement benefits.

Prior to the pandemic, the OECD operated on a permanent basis, with a Council consisting of representatives of the countries participating in the association being the highest OECD body.

The Council makes decisions concerning the activities of the organization at the international level, as well as considers internal issues: creation of additional bodies, the budget of the organization. The Council also concludes international agreements on behalf of the organization, decides on the possibility of joining the organization of other states.

Nowadays, the main condition for cooperation between the OECD and other countries is the desire to create equal opportunities for all countries to realize all the positive aspects of scientific and technological development and globalization of the economy and openness of world markets.

The OECD's cooperation with China, India and South Africa is a global example of partnership. This cooperation includes discussion of general and relevant issues on freedom of investment, alternative energy and innovation development.

At present, the priority task of the organization is to create conditions for stable economic growth, which is ensured by the development of education and science, increasing business activity, addressing environmental issues, increasing trade relations and improving the quality of health services. These fields are supervised by the Directorates, which are the main analytical centers of the organization. The organization also oversees issues related to energy development, nuclear energy, antibribery, anti-money laundering and anticorruption measures.

Therefore, it is possible to say that nowadays OECD is a world analysis center for economically developed countries, as this organization regulates all global aspects of economic development of the majority of countries and forecasts the most

important aspects of social and economic development of individual states, designs theoretical and practical templates necessary for effective solution of global financial and economic problems, which are later unified into interstate ones.

At the same time, the epidemic of COVID-19 that broke out in early 2020 has made adjustments to the activities of this organization.

In the spring of 2020, most OECD countries recorded an increase in unemployment on regional labour markets. This was a consequence of quarantine measures, which countries were forced to take because of the COVID-19 pandemic. In February 2020, the total unemployment rate in OECD countries fell by 0.1 percent to 5%. The unemployment rate in the European Union remained at 6.5%.

In the United States, the total unemployment rate in early March 2020 was 0.9 percent to 4.4 percent, with the number of unemployed Americans aged 16 to 24 increasing by as much as 2.6 percent to 10.3 percent. In the second half of March 2020, the situation in the United States was several times worse, with new jobless claims 20 times greater than in early March [3].

In response to the evolving emergency situation caused by the Covid-19 epidemic, the OECD has taken steps to prevent the spread of the epidemic by telecommuting all staff and avoiding meetings with the physical presence of workers.

In the shortest time possible, uniform working methods were developed within the OECD, which allowed states to exercise their right to participate in the organization's activities. Despite the pandemic, the G20/OECD Inclusive Framework on BEPS was held in July 2020 in Berlin [4].

The financial market figures that responded to the spread of COVID-19 reflected the enormous financial weakness of all countries in extreme conditions. For example, more than 50% of all corporate bonds issued in 2019 had the lowest investment grade rating -BBB, and more than 25% of non-financial corporate bonds had no investment grade [5].

In OECD countries, long-term interest rates were lowered to almost zero, and the social rate of return on public investment is likely to exceed the cost of financing many projects. Investments are especially needed in such areas as health care, education, and digital and environmental infrastructure.

At the beginning of the pandemic, the OECD predicted two options. The first option, which quickly lost its relevance, predicted a short-term decline in economic activity in China.

In the second option, OECD experts predicted a fall in domestic demand in the countries of the Asia-Pacific region, including Japan and South Korea, and a fall in domestic demand in countries with developed economies of the northern hemisphere in the third quarter of 2020, which will lead to a global decline, which will continue in 2021.

The main measures in OECD countries to mitigate the negative impact of the pandemic have focused on several areas, including health, social and tax policies.

In the area of health, OECD experts proposed to provide free diagnostics, increase the number of health workers and increase bed capacity to accommodate patients. These recommendations are implemented by the countries themselves, as in the UK an appeal was made to doctors of retirement age to return to work during the pandemic.

In the area of social policy, OECD experts see the main task as maintaining income while minimizing personal contacts in the process of work. The main recommendation is to transfer employees to remote work as much as possible, and for those who find themselves in quarantine to ensure sickness benefits at the expense of the state. These recommendations are implemented in each country in a different way in Norway, where an employee is paid 100% of his average earnings for a period spent under quarantine, and children whose parents are quarantined are placed in kindergartens for free.

From a social point of view, OECD experts believe that the main impact of the epidemic is the growing tension in society. Declining income, loss

of savings, temporary unemployment, or loss of employment create an environment of social uncertainty that affects economic activity.

During the pandemic, public spending on social security increased significantly on the basis of OECD recommendations. For example, in France, expenditures for these purposes rose to 31.2%, in Belgium to 28.9%, in Italy to 27.9%, in Sweden to 26.1%, in Germany to 25.1% and in Spain to 23.7% [6].

In business support, the priority of OECD countries is given to small and medium-sized enterprises. For these organizations, reducing the number of buyers due to the epidemic can be fatal and the OECD has proposed a number of measures to preserve them, including the reduction or postponement of taxes and preferential loans or credits during the epidemic.

In March 2020, the OECD prepared a report on tax support measures necessary due to the situation with COVID-19. In fact, this report is the first list of tax responses by OECD experts to economic problems caused by the global epidemic.

OECD experts believe that tax support measures should be applied only to those sectors of the economy most affected by the global pandemic.

First of all, OECD recommends prolonging the deadline for filing declarations and paying taxes. In many countries, the epidemic peaked in the period when it is necessary to file a declaration or pay taxes. Governments of countries affected by the epidemic should ensure that taxpayers can file tax returns later than the legal deadline, as well as provide an opportunity to defer social security contributions, corporate property taxes, turnover taxes and other tax payments.

OECD experts also suggest that tax authorities of member states should suspend the imposition or collection of fines for violations of tax law, especially for violations related to late submission of tax returns. It is also proposed to agree with taxpayers on a schedule of payment of arrears of taxes and other payments.

Several OECD recommendations were also implemented by the Russian authorities. For example,

until May 1, 2020 the tax inspectorates stopped field tax audits, the deadlines for insurance payments were postponed, and all taxes other than VAT and personal income tax were postponed.

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Section 3. Political Sociology

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SOCIAL SECURITY IN VIETNAM: THEORY AND PRACTICE

Abstract. The Government of Vietnam is determined to develop a social security system that is appropriate for a middle-income country and with international standards, to better ensure basic human rights. To provide people with minimal access to basic social services (health, education, housing, clean water, information), step by step contribute to increase income, ensure a safe life, equality and happiness of the people. The paper aims to introduce general issues of social security, achievements, shortcomings of current social security policies and policy directions for the period from now to 2025.

Keywords: Social security; policy; Social security policy; Vietnam Social Security; policy enforcement.

1. Place the problem

Vietnam has undergone nearly 34 years of renovation and international integration. This process has strongly promoted the functioning of the market economy mechanism in the economy. It can be said that the market economy mechanism as well as the process of international economic integration have brought many benefits to the economy such as promoting competition, expanding markets, developing science – technology ... However, competition also brings many equally negative effects such as bankruptcy, unemployment ... On the other hand,

problems of natural disasters, climate change, environmental incidents or problems. socio-political extremes have hurt many poor people and disadvantaged groups in society. Moreover, when Vietnam is moving to a socialist-oriented market economy, this issue is more important. In the context of the COVID-19 epidemic continuing to develop complicatedly in many countries, there is still a great potential for risk. Some countries face the risk of a second and third outbreak. Many countries have decided to delay the opening of the economy, and at the same time re-impose gap measures, a social security assessment

in Vietnam is necessary to be able to make decisions. The policy or program direction to create a social safety net to keep members of society safe is of particular concern. Therefore, the article is made to contribute to highlight the achievements as well as weaknesses to identify the current state of social security in Vietnam.

2. General theory of social security

2.1 Concepts

Social Security has broad and increasingly complete content about awareness and practice around the world. Social security, from the point of view of some international organizations, also has a wide, narrow range and different target groups.

According to the United Nations, social security has access to the rights of the people (Article 25, Charter of the United Nations 1948): “Every person and household has the right to a minimum of health and social benefits include dress, clothing, medical care (including maternity), essential social services and the right to welfare in the event of employment events, illness, disability, widows, old age or other force majeure cases”.

According to the World Bank (WB), “Social security is the government’s measures to help individuals, households and communities cope and curb the risk of impact on income to reduce ease hurt and income uncertainties”.

International Labor Organization (ILO): “Social security is a protection that society provides to its members through a number of widely adopted measures to cope with difficulties, social and economic shocks that seriously result in loss or impairment of income due to illness, maternity, work injury, loss of work capacity or death. Providing medical care and benefits to victim families with children” [1].

Social security is a component of social policy. According to Simone Cecchini, social policy consists of three basic components: Social security, promoting social development and industry policies. Policies promoting social development and sectoral policies aim to improve human capacity (human capital) and the

human operating environment (labor, employment, health, education, and education policies). education, business development, infrastructure ...) [2].

Social security has a broader scope than social assistance

According to Katja Bender et al., Social assistance is a fundamental component of social security (other components include social insurance, health insurance, labor market policy; muscle strengthening; access to jobs, vocational training ...) [3].

Social security policy is one of the basic policies of each country to prevent, protect and ensure safety for members of society in case of risks. Building, completing and effectively operating the social security model based on the principles of shared responsibility and social justice, is one of the important indicators of a developing society in the economic conditions school and international integration. The more social development, the richer human life, the more diverse and increasing the need to ensure social security. Therefore, the Party and State of Vietnam have introduced important guidelines and policies aimed at promoting social security, caring for and developing human resources, for sustainable development.

2.2. Function

Vietnam’s social security system has 3 main functions:

Risk management:

The social security system aims to help people better manage risks through three basic groups of tools:

- (i) Risk prevention: supporting people to proactively prevent risks in life, health, production and business and fluctuations of the natural environment;
- (ii) Risk mitigation: helps people have sufficient resources to compensate for income gaps due to events in life, health, business and natural environment;
- (iii) Overcoming risks: timely support for people to minimize unforeseen impacts or out of control due to events in life, health, business and production. natural school, ensuring minimum living conditions for people.

Income redistribution: Poverty reduction policies, regular and extraordinary social assistance

forms for disadvantaged and vulnerable groups and the motto “young people pay-for the elderly” social insurance, or “the healthy person pays – the sick person benefits” in health insurance to redistribute income of the population, create a sharing mechanism when facing health, business and environmental risks. nature.

Social cohesion: In market economic conditions, social stratification tends to increase, good jobs in risk management function, income redistribution will help strengthen social cohesion. ensuring sustainable development achievements and sharing among members of society.

2.3 The Components of Social Security

The social security system is a multilayer system, flexible and able to support each other, ensuring prevention, minimization and overcoming of social risks for everyone. Vietnam’s social security system is built on the principles of risk management, and emphasizes the role of providing basic social services to the people, including the following four basic groups of policies:

- The group of employment policies to ensure minimum income and reduce poverty: to support people proactively prevent risks through participat-

ing in the labor market to get good jobs, minimum income and reduce poverty. lasting.

- Group of social insurance policies: to support people to reduce risks when getting sick, occupational accidents, old age ... through participating in the social insurance system to actively offset the reduced income. or lost due to the above risks.

- Group of social assistance policies: including regular and ad-hoc policies to assist people to overcome unforeseen risks or out of control (crop failure, hunger, chronic poverty).

- A group of basic social services policies aimed at improving people’s access to the basic service system at a minimum, including minimum education, minimum health care, minimal housing, clean water and information. communication.

In essence, social security is to contribute to ensuring income and life for citizens in society when they unfortunately encounter “social risks” or “social events” leading to the suspension or reduction of income. import. The mode of operation is through public measures. The aim is to create a “well-being” for all members of society and therefore deeply social and humanistic, this is also an idea that aims to bring prosperity and happiness to everyone and to give society.

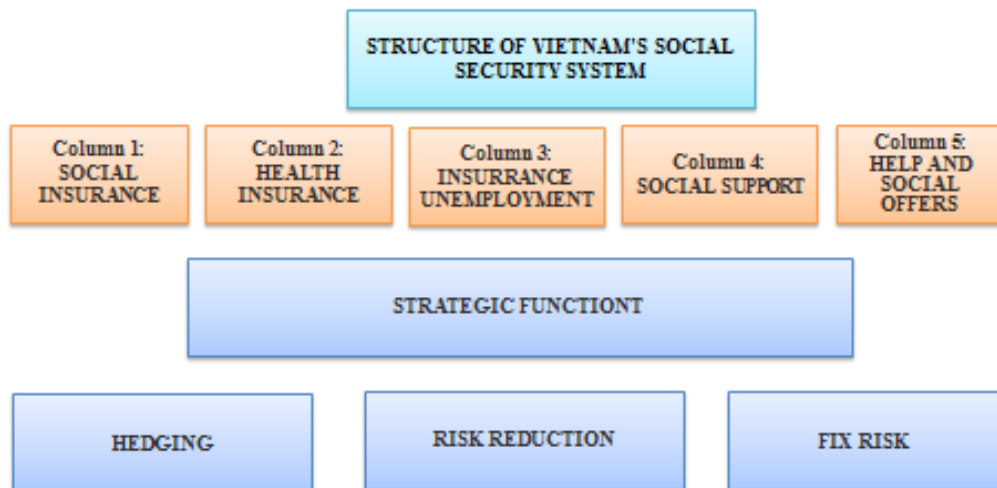


Figure 1.

In addition, the social security system, including social insurance, through its activities contributes to increasing the close relationship between the employee,

the employer and the State. Employees, employers and the State all contribute to the social insurance fund, which makes employees more responsible for their

work, in production, and attachment to their workplace. Employers contributing to the social insurance fund and other social funds also see clearly their responsibilities to the employees and society. The State both contributes and manages the activities of the social insurance fund and other social security funds, ensuring fairness and equality for all beneficiaries ... That increases the close relationship between the State.– Employer – employee, contributing to stabilizing the economy – society. Social security, through its mechanisms, contributes to reducing the gap between the rich and the poor, contributing to social equity.

3. Achievements and limitations

During more than 34 years of implementing “Doi Moi” for national development, social security work has always been paid attention by the Party and State to contribute to human development, promote social equity and progress, and improve High quality of life for all people. Vietnam has made many important achievements in social security, recognized by the United Nations as one of the leading countries in the implementation of the Millennium Development Goals, notably in poverty reduction, job creation, education-training, health care, assistance for disadvantaged people and gender equality. The proportion of investment from the state budget for social security reaches over 28%. The State prioritized investment in job creation, poverty reduction, preferential treatment for people with meritorious services to the revolution, assisting disadvantaged and vulnerable groups and providing basic social services such as education, health care, clean water, sanitation, housing for the people.

Up to now, Vietnam has built a relatively comprehensive and diverse social security system, which is increasingly expanding in terms of size and target, with enhanced effectiveness, with 4 pillars: (1) Policy group jobs to ensure minimum income and reduce poverty such as: supporting people to proactively prevent risks through participating in the labor market to get good jobs, minimum income and sustainable poverty reduction; (2) Social insurance

policy group: supporting people to reduce risks of illness, occupational accident, old age ... through participation in social insurance to actively compensate for the reduced income. or lost due to the above risks; (3) Group of social assistance policies, including regular and irregular subsidy policies; (4) Basic social service policy group, helping people to access basic services in education, health, housing, clean water and information and communication. For our country, an important component in the social security policy is the group of policies for people with meritorious services to the revolution.

The national target program on sustainable poverty reduction for the 2011–2015 period is effectively implemented with resources up to VND47,339 billion; for the 2016–2020 period, VND41,449 billion was allocated from the central budget and VND4,712 billion from the local budget. The rate of poor households reduces on average about 2% / year in the period 2010–2015. According to the multidimensional poverty line, since 2016, the rate of poor households has decreased by an average of 1.3% / year. The National Fund for Job Creation is supplemented with the annual budget of about 50 billion VND and lends an average of 2,000–2,500 billion VND / year, the rate of capital usage reaches over 98%. In addition, 51 provinces and cities have set up a local employment fund. The Government has issued more than 20 preferential credit policies, using the credit loan mechanism through programs, organizations and unions to support the poor, ethnic minorities, students with refunds. Difficult situation ... In the period 2012–2018, over 14,934 thousand turns of poor households, near-poor households and other policy beneficiaries had access to credit.

On August 5, 2012, the Prime Minister approved the Project to assist people with disabilities for the period 2012–2020. In October 2015, the National Committee on People with Disabilities was established. The country has more than 7 million people with disabilities, with more than 1,130 vocational training institutions organized to provide vocational

training for people with disabilities, including 744 public establishments, 386 private establishments. In the period 2010–2018, about 180,000 people with disabilities were supported in vocational training and job creation through programs to support vocational training and loans.

However, in addition to the achieved results, the social security target of the entire population still faces many challenges, a number of long-lasting weaknesses that are slow to be overcome such as: Low unemployment rate but the rate of employed workers. unsustainable work is still high; rapid but unsustainable poverty reduction; the proportion of people participating in social insurance is low; the monthly cash subsidy level for people in extremely difficult circumstances remains modest; quality of some essential social services has not met development requirements. Not only that, the social security system and social security policies in Vietnam are facing great new challenges such as: Vietnam has entered a period of population aging, international integration, participation The new generation of trade agreements have raised new issues of labor standards, professional standards, social security challenges in a digital age and integration.

Up to now, the country has confirmed 9.2 million people with meritorious services, of which over 1.3 million people are enjoying the monthly preferential treatment. 99.5% of families with meritorious services have a living standard equal to or higher than the average living standard of the local population. In terms of employment, income and poverty reduction policies, annually, on average, domestic jobs are created for 1.5–1.6 million people and sending more than 100 thousand workers to work abroad under contracts. The unemployment rate has always remained low, about 2–2.2%, the urban unemployment rate is below 3.5%.

Social insurance development has made a breakthrough, up to now, there are about 32% of the labor force participating, especially voluntary social insurance in 2019 has added nearly 300,000 participants,

bringing the total number of participants to about 574 thousand people, equal to 10 years of previous implementation. Coming to the crest.

4. Solutions to strengthen implementation of social security policies in Vietnam in the current context

The 2021–2030 period is a breakthrough period in the country's socio-economic development towards creative growth and social security. Therefore, a social security strategy needs to be formulated in a new approach.

Parallel and harmonious development between the economy and society is a requirement, it is necessary to continue to inherit the point of view of Central Resolution 5, emphasizing the view that human is the center of the development process, ensuring the main Social books must be built and implemented in harmony with economic development.

Investment in the implementation of social policies is investment for development. According to the Central Resolution 5, social policies must ensure inclusive and comprehensive development, especially improving the quality of human development, creating adequate jobs and good jobs for everyone; to better control the rich-poor differentiation, reduce social inequality, and achieve gender equality. In Vietnam, poverty must be completely eliminated for everyone, anywhere, anytime, to focus on solving the poorest group, the poorest region, and narrowing the rich-poor gap between regions, regions and people. clan. The social security policy must be developed comprehensively, eventually covering the entire population.

In the context of many difficulties, it is necessary to make every effort to implement a number of contents and research projects on social policy in the period of 2021–2030.

In the immediate future, to bring into play all effective resources against the Covid-19 epidemic; research on a national bailout package on social security and practicality for employees; continue to review and improve the legal system, evaluate policies in each area

to have a basis for proposing, supplementing, amending or replacing appropriate new policies; continue to upgrade, expand, fully implement the policy of people with meritorious services, well solve outstanding problems. Restructuring resources to ensure social security in the direction of: Increasing the State's investment in social security policies and programs with the view that investment in social security is investment in development and core role; to restructure the social insurance and unemployment insurance premium-entitlement parameters to ensure that the social insurance and unemployment insurance fund are firmly balanced in the long term (in terms of payment rate, benefit rate, payment period, formula for calculating pension, retirement age, management costs, fund development investment ...); develop and expand social security funds ("gratitude" fund, love fund, emergency fund ...) with the contributions of businesses, organizations, people, communities and international assistance in accordance with the law.

To develop and improve the quantity and quality of basic social services; flexible social assistance, meeting the needs of people and communities after natural disasters and disasters with the spirit of ensuring timely support for the vulnerable and disadvantaged people overcoming risks, preventing violence and abuse women and children. Along with that is to develop a flexible, diversified, multilayer, modern and international integration social insurance system, towards universal social insurance, especially voluntary social insurance in the field. agriculture, informal labor; Better state management of insurance companies.

Promote and improve the efficiency and quality of international integration and cooperation on so-

cial security; continue to participate in the development of international conventions and standards of the United Nations, International Labor Organization (ILO), United Nations Children's Fund (UNICEF), multilateral and bilateral cooperation agreements new relations related to social security...; proactively, actively and responsibly implement international commitments on social security; proactive policy responses to undesirable impacts in the process of international integration to limit risks for people; to take advantage of international technical support, staff training and finance, ... to increase resources together with the State to ensure social security for the people.

5. Conclusion

Entering a new strategic phase, Vietnam continues to consider ensuring social security and social welfare as a regular key task. Vietnam is determined to fulfill high socio-economic development targets because this is an important basis to better ensure social security. However, Vietnam also faces many difficulties and challenges because the hunger eradication and poverty reduction must focus on the regions and the most difficult subjects; A not small part of the labor force has no job or lack of labor skills, is doing unstable jobs with low wages, salaries and social protection. Besides, the socio-economic situation still faces many difficulties; climate change, natural disasters, epidemics tend to increase ... With a clear determination of the above difficulties, Vietnam has been promoting its achievements and good experiences, overcoming shortcomings, concentrating all resources to develop a system of policies to ensure synchronous and effective social security.

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DEVELOPMENT OF HUMAN RESOURCE IN THE COURSE OF INDUSTRIALIZATION – MODERNIZATION

Abstract. One of the urgent needs during the period of industrialization – modernization and international integration acceleration is to build and develop human resources, especially a team of experts and managers who are capable of satisfying the growing requirements of development. Vietnam benefits from its own large population and is experiencing a period of “golden population structure”, creating the abundance of human resources which is of paramount importance. Vietnam can, based thereon, achieve the success in implementing its Socio-Economic Development Strategy for the period 2011–2020. The Party and State of Vietnam have put particular emphasis on building and developing highly qualified human resources to meet the requirements of the cause of industrialization – modernization and international integration acceleration today.

Keywords: Party’s policy; human resource development; industrialization and modernization.

Introduction

The globalization across the globe is in quick sequence, and knowledge-based economy becomes in the frontline in the world’s socio-economy. The globalization strategies, at all times, knuckle down to building and developing the knowledge-based economy. In the early twenty-first century, knowledge-based economy was included in the development strategies of both developed and developing countries. It involves technology generation, dissemination and use of knowledge which plays the crucial role in economic development, builds a lot of wealth and improves the life quality. The economies with the highest technological expertise today are incontestably knowledge-based. Thus, the quality of knowledge acts as a decisive factor for the quality of human resources while the latter play a decisive role in the socio-economic development of each country, entailing it formulating its own proper and reasonable strategies for training, development and making use of human resources. The perspective is the key for each country to both shape sustainably its internal strength and enhance its competitiveness in the international arena.

On the other hand, there is no doubt that the combination between novel scientific and technological products evolved from the knowledge-based economy and the potent integration and globalization process inevitably induces the trend of technology transfer in all fields of research and application. Both developing and underdeveloped countries are certainly given the opportunities to benefit from the latest achievements of knowledge-based economy in the form of bilateral and multilateral cooperation. Taking advantage of the latest knowledge achievements favors the underdeveloped and developing countries in curtailing the industrialization and modernization period. For this reason, every country in the world buckles down to urgently building and developing its “intellectual capital” to acquire and adopt high-tech achievements.

The article aims at addressing the following tasks:

- Analyzing the theoretical factors of highly qualified human resource development in the industrialization and modernization period;
- Assessing the current situation of highly qualified human resource development in the

industrialization and modernization period, and revealing outstanding problems requiring to be tackled;

- Advancing feasible directions and actions to forward the highly qualified human resource development in the industrialization and modernization period.

Rationales

The highly qualified human resource development in the process of industrialization and modernization acceleration is one of the cores in the framework of the operation of the Party, the State, political and social organizations and workers. It is the right way, mechanism and policy which attach the great importance to the education-training development with the aim at ameliorating physical strength, intelligence and psychosocial qualities towards building highly qualified human resources and accomplishing the requirements of integration and sustainable development of Vietnam. Additionally, the highly qualified human resource development involves in the employment and proper remunerations to create motivation for and further the position, role and value of such human resources.

Credo for building the country in the transitional period to socialism passed at the 7th National Congress affirmed “promoting the human factors on the basis of ensuring fairness and equality in the rights and obligations of citizens; combining effectively economic growth and social progress, material and spiritual life, assurance of immediate needs and care for long-term benefits, individuals, collectives and social communities” [1].

For realization of the objectives, the Party has issued the direction on centering on making breakthroughs in core areas to dramatically change the whole socio-economic situation. Human resource development, namely involving “creating great shifts in human resource development with focus on education and training, science and technology” [4] has been included in three cores.

The 10th National Congress of the Party (April 2006) persisted in attaching importance to the human resource development. The five-year socio-economic development plan 2006–2010 specified the

relevant orientations and 8 key duties, one of which was to better the human resources. The resolution of the National Congress highlighted “robustly developing science and technology, education and training, improving the quality of human resources to meet the requirements of industrialization and modernization of our country, and developing knowledge-based economy” [5]. Also at 10th National Congress, the socio-economic development orientation, for the first time, concretized the targets for the highly qualified human resources development, namely, achieving 200 university and college students/10,000 people [6].

At the 11th National Congress of the Party (January 2011), the human resource development was highly regarded by and received the befitting attention of the Party. The 2011–2020 socio-economic development strategy identified three key strategic breakthroughs, one of which was human resource development. The resolution of the Congress emphasized “speeding up the development of human resources, especially highly qualified human resources, paying the close attention to the fundamental and comprehensive renovation of the national education, and tying resource development with the development and application of science and technology together” [7].

The Party has been comprehensively aware of human resource development in association with the science and technology development and application as human is the determinant on the result of the later. Therefore, the Party, via the orientation for improving the quality of human resources affirmed: “developing and improving the quality of human resources, especially highly qualified human resources, is not only a strategic breakthrough and decisive factor to boost the development and application of science and technology, economic restructuring and growth model transformation, but also the all-important competitive advantage to achieve the rapid, effective and sustainable development” [8].

The Resolution of the 12th National Congress of the Party (January 2016) further affirmed the impor-

tance of human resource development and unquestionably defined directions and duties of improving the quality of human resources, including “organizing higher education in association with socio-economic development and planning for human resource development; developing a human resource development strategy for our country, each sector and each field; specifying synchronous solutions and centering on solutions of human resources training and retraining and so forth; placing much emphasis on improving the professionalism and practical skills” [9].

Despite the special attention paid and great achievements obtained, the training and development of human resources become urgent in the context of international integration. As judged by the World Bank (WB), the quality of human resources in Vietnam was lower than that of many countries, especially in term of shortage of skilled workers and high-grade technical workers. The quality of human resources in Vietnam received a score of 3.79 out of 10 points (ranked 11th among 12 Asian countries involved in World Bank’s ranking) while scores of South Korea, India, Malaysia and Thailand was 6.91, 5.76, 5.59 and 4.94, respectively. The occupation-based labor allocation structure was also imbalanced. The proportion of workers in the engineering – technology and agro-forestry – fishery sectors was low while that in the social sciences such as law, economics, foreign languages and so on was rather high. In addition, the state of imbalance (redundancy but shortage) occurred in a lot of occupations and fields.

The roles of human resource development are concretized as follows:

Firstly, highly qualified human resources is the pioneer in building and defending the homeland, and sustaining the national cultural identity and the nature of regime of Vietnam.

Secondly, highly qualified human resources favors lessening the backwardness and furthering economic growth.

Thirdly, developing highly qualified human resources is an important prerequisite to facilitate

Vietnam’s integration into the process of labor movement and global division of labor and participation in global value chains.

Fourthly, the highly qualified human resource development is the prerequisite for building a knowledge-based economy.

Fifthly, highly qualified human resources serves as the core of national competitiveness.

In brief, developing highly qualified human resources provides the favorable conditions for Vietnam’s international integration, and rapid and sustainable development.

Methodology

The methodology involving dialectical and historical materialism of Marxism-Leninism, Ho Chi Minh’s thought and guidance of the Party and State of Vietnam was adopted.

The logical – historical method was adopted to give a true and fair view of the process of highly qualified human resource development in the industrialization and modernization period, at the same time, generalize such process to arrive at conclusions essential for the study process.

The comparison and collation method was used to provide more information for the assessment of highly qualified human resource development in Vietnam in comparison with the proposed contents and criteria and the highly qualified human resource development process which have been implemented in the other part of the world.

In addition, the Government’s statistics of the human resource development indexes was appertain to assess the level of satisfying the needs for highly qualified human resources in the period of industrialization and modernization.

The assessment of the current situation and needs was conducted to effectively formulate measures for human resources training and development in light of the industry structure.

Resultants

The studies conducted by the author aim to supplement to Vietnam’s research document system on

the development of highly qualified human resource in general and development of the same in the process of international integration in particular. Based on the analysis of the current status, causes and needs of human resources in the industrialization and modernization period, a number of solutions to human resource development are proposed as follows:

First of all, it is of necessity to renovate the State management of human resource development, in particular, perfecting management system of the human resource development, renovating management methods, building capacity, enhancing effectiveness and efficiency of such management system. An agency in charge of collecting information and building an information system on the supply and demand of human resources in the whole country should be constituted to balance successfully the supply-demand for enhancing the socio-economic development, carry out frequent surveys and investigation on human resources and quality of the same in all sectors, levels and localities and in the whole country, ensure the supply – demand balance of human resources for socio-economic development not only nationwide but also in each sector and level, renovate policies, mechanisms and tools for human development and strengthen coordination between levels, branches and actors involved in human resource development.

Secondly, it is of necessity to renew the concepts and philosophy of education using the approach to content followed by those to capacity, and favor the development of individual factors. Reasoning from this fact, training contents and methods must be renewed in the direction of focus on the “learning to realize” target. A human resource development strategy should be set out in accordance with the socio-economic development strategy. Training mindset should be shifted from training on what is being possessed to training on what the market requires. The close link between enterprises and training institutions is indispensable to create the linkage model between schools and businesses, which benefits significantly training activities in schools, businesses,

and of learners. The interconnection between universities and businesses contributes to building the reality-associated higher education system to better respond to the needs of society.

Thirdly, it is required to adjust the vocational training strategies, restructure the vocational training system, pay more attention to long-term vocational training with quality decentralization, and give higher priority to training on spearhead jobs to meet requirements of industrialization, modernization and international integration. Additionally, the State should set out policies to forward the enterprises’ participation in vocational training.

Fourthly, the State, with the aim of turning the strengths of human resources to great advantage and taking advantage of the “golden population structure” in the international integration process, should coordinate with other countries in the region in adopting various forms of training to create the highly specialized workforce capable of working in the international environment. The bilateral cooperation activities among countries in the region should be realized through the relevant programs and projects.

Fifthly, the policies on salary, bonus and remuneration, talent encouragement, working environment, conditions and facilities, employment, income, insurance and social protection should be perfectly executed.

Sixthly, the contingent of intellectuals and talents are required to master the perspective of “Ensuring democracy, respecting and promoting freedom of thought in intellectual research and creativity ... Creating favorable environment and conditions for intelligence-based professional operations. Appreciating intellectuals based on the proper assessment of quality, capacity and dedication results, setting out special policies towards the country’s talents”, at the same time, raise their sense of civic and social responsibility for the common cause.

Seventhly, it is necessary to create a healthy competitive environment in use and training of human resources, improve employees’ ability to adapt to the

innovation, favor employees in obtaining opportunities for creation in their work and changing jobs to find out the best choices for themselves, among other similar actions.

Discussion

Each country, in its process of socio-economic development, needs resources including natural resources, capital, science – technology, human resources, etc., of which the fourth is of the most importance. Highly qualified human resources is an integral part of human resources of each country which desires to gradually move forwards to the predominantly knowledge-based economy. In addition to the trend of international integration and globalization, highly qualified human resources is a determinant while developing the same increases the physical, mental, intellectual and skill values of people, and renews capacities and qualities to meet the increasing requirements of socio-economic development. Speaking generally, the highly qualified human resource development for each country involves the quantitative and qualitative changes in knowledge, skills, physical health and spirit, and serves to create and use the comprehensive human capabilities for socio-economic development and individual perfection. The Party's policies on human resource development and improvement is essential for the development of highly qualified human resources in Vietnam in the process of national industrialization and modernization acceleration, at the same time, in accordance with the trend of the times and the new requirements of international integration.

The integration process in Vietnam has been well underway since 2006 in association with the accession to international organizations such as WTO, AEC, and TPP and so on. Each change resulted from the process also posed new requirements of human resources. The perspective has been regarded in the works of Nguyen Tiep (2005), Assoc.Prof.Dr. Nguyen Thuong Lang, Ma S. Tran Duc Thang (2015), Ngoc Le (2015), Tung Lam (2015), Assoc.Prof.Dr. Nguyen Tien Dung (2015) among others.

The international integration process requires that the members of highly qualified human resources must be masterly at profession, computer skills, foreign languages, and adaptability to international culture and law. In other words, all of them should become global citizens possessing the new, more creative and effective way of thinking. In this regard, the studies of Rowan Gibson, Charles Handy, Philip Kotler, Michael Porter, Lester Thurow, ... (2006), Mark Gerzon (2011), Dr. Ho Ba Tham, Mas. Nguyen Thi Hong Diem (2011), Assoc.Prof.Dr. Vu Van Phuc, Dr. Nguyen Duy Hung (2012) ... have been conducted.

In terms of the management and development of highly qualified human resources in the international integration process, many authors, such as Randall S. Schuler, Susan E. Jackson and Ibraiz Tarique (2011), Dr. Pham Thai Viet (2008), Vo Thi Kim Loan (2014), etc. have conducted profound analysis to propose the convincing solutions.

In the trend of globalization, integration and competition towards the knowledge-based economy, countries pay much attention to investment in training and development of highly qualified human resources. Vietnam, for the avoidance of lagging far behind the general level of developed countries in the region and around the world, must set out and put innovative policies for training and development of highly qualified human resources in practice following the guideline of the Party.

Thus, it is urgent to better the qualifications of human resources in building and development of Vietnam. It is required to quickly invest in developing human resources towards “knowledge-based economy”, update, appreciate and advance the talent and values of highly qualified human resources to keep up with the global speed.

With the aim of turning the strengths of human resources to great advantage and taking advantage of the “golden population structure” in the international integration process, Vietnamese human resources is required to master and improve its own profession and capacity of scientific thinking and creativity in

working, promote initiatives and apply new technologies to continuously forward professional skills.

Conclusion

In the period of industrialization and modernization acceleration, highly qualified human resource development is a significant, fundamental and long-term issue, requiring the proper analysis and assess-

ment of the current situation of highly qualified human resource development in all aspects, from economy, politics, society, management and use of human resources ... to policies on employee attraction and remuneration. Developing highly qualified human resources favors Vietnam's international integration and rapid and sustainable development.

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Section 4. Political institutes, processes and technologies

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NATIONAL RISK ASSESSMENT: FOREIGN EXPERIENCE IN MITIGATING AND PREVENTING POLITICAL RISKS IN THE CONTEXT OF GLOBALIZATION

Abstract. The article summarizes foreign experience in national risk assessments in the context of globalization. The scientific and practical importance of using Ireland's experience to test the first national NOR in Ukraine, as well as the inclusion of the sectoral assessment of political risks into its structure is substantiated.

Keywords: national risk assessment, risk, threat, political risk, political risk governance, globalization.

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НАЦИОНАЛЬНАЯ ОЦЕНКА РИСКОВ: ЗАРУБЕЖНЫЙ ОПЫТ МИНИМИЗАЦИИ И ПРЕДУПРЕЖДЕНИЯ ПОЛИТИЧЕСКИХ РИСКОВ В УСЛОВИЯХ ГЛОБАЛИЗАЦИИ

Аннотация. В статье обобщен зарубежный опыт по проведению национальных оценок рисков в условиях глобализации. Обоснованно научно-прикладное значение использования опыта Ирландии для апробации первой общегосударственной НОР в Украине, а также включения в ее структуру секторальной оценки политических рисков.

Ключевые слова: национальная оценка рисков, риск, угроза, политический риск, управление политическим риском, глобализация.

Введение

Политический риск в условиях глобализации представляет собой трудно предсказуемое явление. Он может возникать вследствие специфики национальной политической системы, системы государственного управления, их соответствия или несоответствия социально-экономическому положению и геополитической ситуации. Для того, чтобы государственное управление было эффективным и способным управлять такими рисками, в частности, минимизировать их негативное влияние, правительства в развитых странах мира уделяют серьезное внимание развитию инструментов их анализа и предупреждения. В связи с этим, все большее внимание теоретиков и практиков государственного управления по всему миру [3–8] привлекает такой инструмент как национальная оценка рисков (далее – НОР). НОР, будучи, с одной стороны, составной частью процесса государственного стратегического планирования, а с другой – элементом антикризисных деятельности, проводится путем систематического выявления потенциально опасных явлений и процессов в определенной сфере социального управления с использованием различных форм моделирования рисков, необходимых для изучения характера опасности, частоты, с которой она может возникать или повторяться.

Вместе с тем, опыт некоторых государств мира показывает, что современные вызовы глобализации диктуют необходимость расширения национальной деятельности по оценке рисков, выходящей за рамки секторальных НОР с целью учета всего спектра национальных рисков, с которыми сталкиваются правительства, – социальных, экономических, геополитических, природных и техногенных. Среди прочего смещение приоритетов на анализ общенациональных рисков позволяет учитывать и риски, связанные с изменением политического

климата и стабильности в государстве, вызванными, в том числе, и процессами глобализации.

Для Украины в контексте становления и развития ориентированного на предупреждение рисков государственного управления приоритетной задачей должно стать изучение именно такого опыта по проведению оценки национальных, в том числе, политических рисков.

Итак, целью статьи станет обобщение зарубежного опыта по проведению оценки национальных рисков и обоснования возможностей по внедрению в Украине на государственном уровне подобного инновационного инструмента управления политическим риском в условиях глобализации.

Результаты исследования

Оценка национальных рисков, которую в зависимости от практикующего ее государства, также часто называют оценкой стратегических рисков на национальном уровне или же оценкой рисков национальной безопасности является относительно новым, но все более популярным инструментом для стратегического планирования в зарубежных государствах. Оценка национальных рисков за рубежом проводится путем систематического выявления так называемых стратегических/критических рисков, начиная от угроз стихийных бедствий и заканчивая опасностью нарушения политической стабильности и делегитимации правительства и государственной власти в целом. Как правило, это анализ макроэкономических, геополитических, социально-политических и экологических тенденции (как внутри страны, так и за ее пределами), способные привести к политическому, экономическому, экологическому и другим кризисам на национальном уровне.

Пионером в этой сфере является Великобритания, чей национальный реестр рисков [6] (фактически классифицированный вариант национальной оценки) публикуется с 2008 года. В нем

содержится информация не только обо всех опасностях, от которых могут пострадать граждане и инфраструктура, но также о том, какие виды управления рисками предполагается осуществлять по каждому из них. Другие развитые страны Западной Европы, в частности, Нидерланды и Ирландия, также прилагают аналогичных усилий.

Так, Национальная оценка рисков Нидерландов базируется на комплексном подходе к управлению критическими рисками, закрепленном в Национальной стратегии Нидерландов в сфере охраны и безопасности. В последний определены пять жизненно важных для страны отраслей: территориальная, физическая, экономическая и экологическая безопасность, социальная и политическая стабильность [7]. Основная цель НОР заключается в определении приоритетных рисков по каждой из выше названных отраслей (секторов) национальной безопасности, к которым правительственные структуры должны подготовиться и соответствующим образом спланировать развитие готовности смягчать их последствия. Поскольку НОР делает прогнозы на пятилетний период, определение высокого уровня влияния того или иного риска позволяют правительству Нидерландов заранее расставить приоритеты при выборе непосредственной стратегии управления им. Кроме того, оценка и прогнозы по выявленным рискам могут корректироваться группами экспертов в соответствии с новой информацией или новым контекстом. Ежегодно в парламент направляется отчет о рисках. Он также публикуется на официальных сайтах государственных органов власти и распространяется среди заинтересованных сторон. Результаты НОР используются для анализа пробелов в способности субъектов управления рисками, а также определение областей, требующих укрепления готовности к развитию неблагоприятных ситуаций, в том числе политических кризисов [8].

Бесспорно, регулярные ежегодные НОР на государственном уровне позволяют не только улуч-

шить оценку секторальных рисков, с тем чтобы целенаправленно проводить профилактическую политику и программы смягчения их последствий, но и предупредить саму вероятность развития событий, которые могут политизировать такие риски, превратив их в политические. Иными словами, внедряя дальнейшие профилактические меры после проведения НОР, правительство Нидерландов тем самым уменьшает склонность и уязвимость управляемой системы к политическим рискам и политическим кризисам.

Однако еще большего внимания в контексте изучения полезного опыта для развития отечественной системы управления национальными рисками в контексте угроз глобализации заслуживает опыт проведения НОР в Ирландии. При всех различиях Ирландии от Украины оба государства имеют ряд схожих политических и других рисков, вызванных глобализацией.

Во-первых, оба государства являются небольшими открытыми экономиками, которые, как известно, особенно уязвимы перед геополитическими рисками. Во-вторых, имеет место дестабилизация обстановки непосредственно у границ этих государств и стратегически важных для них регионах. В-третьих, имеет место быть наличие реальной угрозы террористических актов и деятельности на их территории незаконных вооруженных группировок.

В частности, в Национальной оценке рисков Ирландии за 2019 год в качестве приоритетных для рассмотрения на правительственном уровне стратегических риски, последствия которых представляли наибольшую угрозу национальной безопасности, выделялись следующие [5]:

– геополитические (выход Великобритании из ЕС, политическая нестабильность в Северной Ирландии, в частности имеется в виду деятельность местных экстремистских группировок, угроза террористических актов; отход от системы безопасности, основанной на международных правовых нормах; факторы нестабильности в ЕС, которую

в известной степени интенсифицируют “гибридные” действия России; военно-политическая нестабильность в ближневосточном регионе и Азии, то есть непосредственно у границ Евросоюза;

– экономические (экономические последствия Brexit; риск перегрева экономики; давление на государственные расходы; рецессия глобальной экономики, включая изменения в международной торговой среде, международные налоговые изменения, зависимость от многонациональных корпораций и отраслевой принадлежности);

– социальные (ограниченные возможности системы высшего образования; нехватка квалифицированной рабочей силы; стареющее население, включая проблемы пенсионного обеспечения и в системе здравоохранения; влияние социальных сетей на общественное мнение и социальную сплоченность; наличие региональных и сельских диспропорций; миграция и проблемы с интеграцией мигрантов);

– экологические (изменение климата и биоразнообразия; обеспечение доступными и разнообразными энергоресурсами; обслуживание коммунальной инфраструктуры; безопасность пищевых продуктов; обеспечение жильем и его доступность);

– технологические (кибербезопасность; разрушительные тенденции в области технологий; антимикробная резистентность; значительные пандемии; ядерное загрязнение).

В то же время в последних двух стратегиях национальной безопасности Украины [1, 2] постулируются очень ряд сходных с ирландскими угроз (рисков), например: отсутствие эффективных внешних гарантий безопасности Украины; чрезмерная зависимость национальной экономики от внешних рынков; активизация миграционных процессов; недостаточный уровень диверсификации источников энергоносителей и технологий. Сюда следует также добавить и изменения в европейской политике соседства касательно Украины, в частности, вызванными пандемией COVID-19,

несущие не только вред национальной экономике, но и наносящие репутационные потери для ответственных субъектов политического управления.

Впрочем, без сомнения, ряд геополитических рисков для Украины значительно опаснее, чем для Ирландии и многих других европейских государств, поскольку интенсифицируются, в частности, агрессивной внешней политикой России, реализуемой помощью «гибридных» инструментов влияния. В то же время из-за отсутствия четко определенных стратегических целей национального развития, приоритетных направлений социально-экономического, научно-технического и военного развития Украины, а также эффективных механизмов концентрации государственных ресурсов для достижения таких целей, деятельность по оценке стратегических рисков, в том числе политических, до сих пор не вышла на надлежащий уровень. Эти обстоятельства тем более должны стимулировать исследовательское внимание украинских ученых изучать лучшие зарубежные кейсы в сфере оценки политических и других национальных рисков.

В Ирландии межведомственная национальная оценка рисков осуществляется на двух уровнях исполнительной власти: канцелярии Премьер-министра (Министерство Тайосерч) и Министерства обороны (Управление по планированию на случай чрезвычайных ситуаций). В первой рассматриваются широкие геополитические, социальные и основные экономические или финансовые тренды, как внутри государства, так и за его пределами, способные привести к политическому кризису на национальном уровне.

В свою очередь оценка рисков, проводимая Министерством обороны, представляет собой анализ всех опасностей/угроз на национальном уровне (в дополнение к оценкам рисков, проводимых на местном и региональном уровнях) по четырем категориям: стихийные, транспортные, технологические и гражданские. При этом, поскольку некоторые из гражданских рисков (Civil Risks) (инфекционные заболевания, террористиче-

ские акты, инциденты с животными, заражение пищевых продуктов, вред критической инфраструктуре (водоснабжение и распределительная сеть), безопасность в местах массового скопления людей, нарушение общественного порядка, вспышка болезней, передающихся через воду и т.д.) могут перерасти в широкомасштабные кризисы, имеющие репутационные последствия для правительства, то анализ относительно их также составляет подгруппу ежегодного стратегического обзора национальных рисков, проводимого министерством Тайосерч. Для рассмотрения рисков, представленных по каждой из вышеуказанных секторов безопасности, создают специальные фокус-группы. Сама оценка проводится путем анализа вероятности возникновения опасности и изучения потенциального воздействия для жизни и здоровья, имущества и инфраструктуры, а также для окружающей среды. В результате по каждой из этих секторов составляются отдельные матрицы [4, Р. 47].

Основным результатом НОР является сводная общая матрица национальных рисков, отображаемая в форме «пять на пять». Она используется на самом высоком правительственном уровне с целью расставления приоритетов по снижению влияния идентифицированных высоких рисков. Данная матрица представляет собой текущую оценку относительного риска по ключевым выявленным угрозам по шкале вероятности (абсолютно низкая – низкая – средняя – высокая – наиболее высокая) и шкале степени воздействия (от низкого до очень высокого). Такие оценки основаны на гибридных методиках анализа, построенных преимущественно на экспертных заключениях и интерпретациях полученных данных. Экспертные оценки подкрепляются количественным анализом лишь в тех случаях, когда имеются соответствующие данные о конкретных угрозах. Результаты оценки по обнаруженным актуальным рискам также, как и в Нидерландах публикуются ежегодно.

Соответствующая матрица используется для руководства деятельностью по смягчению послед-

ствий этих рисков, планирования и обеспечения готовности к кризисам различного генезиса на национальном и региональном уровнях. Определение приоритетов и выделение ресурсов для принятия соответствующих мер по смягчению их последствий является обязанностью каждого Главного государственного ведомства, то есть центрального органа исполнительной власти и соответствующих подведомственных органов. Поскольку целью всего процесса управления риском является предотвращение и уменьшение вероятности возникновения кризисов на национальном уровне, соответственно эти органы должны периодически формировать отчеты о прогрессе в области смягчения последствий выявленных рисков для Специальной целевой группы планирования на случай чрезвычайных ситуаций – правительственной платформой, созданной в рамках реагирования на чрезвычайные ситуации национального масштаба [3].

Таким образом, можно сделать вывод, что в Ирландии, как и в Голландии при проведении Национальной оценки рисков в качестве методической единицы анализа рассматривается непосредственно ландшафт риска, которым является каждый сегмент (область) национальной безопасности. Для сравнения в Украине, судя по стратегическим документам в сфере национальной безопасности [1; 2], фокус внимания традиционно сосредотачивается на перечне актуальных угроз на среднесрочную перспективу (пятилетку), что лишает субъектов государственного управления возможности как отслеживать их эволюцию в динамике, так и своевременной оценки возникающих угроз. Как показано на примере голландского и тем более ирландского опыта проведения НОР, оценка рисков на основе ежегодного пересмотра риск-ландшафта по секторам национальной безопасности выглядит более адаптивной моделью, чем отечественная, где перечень угроз не обновляется пока не принимается следующая стратегия нацбезопасности.

Результатом НОР в этих государствах является составление матриц секторальных рисков, в том числе имеющих политическую природу (геополитических, социальных, экономических), на основе которых формируется матрица общенациональных рисков. То есть такой подход соответствует стратегическому, а не реактивному подходу государственного управления. В связи с чем считаем методологически оправданным применение именно такого подхода к оценке политических рисков в Украине.

Выводы

Итак, проанализированный зарубежный опыт, особенно опыт Ирландии, учитывая ряд

схожих с Украиной геополитических условий и угроз, имеет научно-прикладное значение для апробации первой общегосударственной НОР в нашем государстве, а также для обоснования дифференциации в структуре последней секторальной оценки политических рисков внутреннего и внешнего генезиса. Перспективы дальнейших исследований заключаются в изучении возможностей внедрения в Украине на государственном уровне актуальных схем проведения оценки политических рисков, что рассматривается нами как перспективный инструмент развития практики государственного управления национальными рисками.

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Section 5. Political problems of the international relations, global and regional development

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PERSPECTIVE OF THE PEACEFUL SPACE EXPLORATION: WHAT PROBLEMS DO HUMANITY FACE?

Abstract. To date, the outer space is consistently becoming a place for technological rivalry among the states. This paper analyzes the core problems towards the enhancement of interstate cooperation on the issue of space exploration and usage, basing on the historical and normative analysis. The result of this work is the identification of key problems in the field of international cooperation in the peaceful uses of outer space.

Keywords: outer space, interstate cooperation, arms race, space debris, weapons of mass destruction, United Nations.

The modern era of space exploration and usage began on October 4, 1957, with the launch of the first artificial satellite ‘Sputnik-1’ by the Union of Soviet Socialist Republics (USSR), which dramatically triggered the rapid development of science and technology in the second half of the 20th century [1]. Noting with concern the common interest of mankind in the exploration of outer space, the United Nations (UN) has started its work on regulating the activities of states in outer space. On December 13, 1958, the UN General Assembly (UNGA) adopted the resolution A/RES/1348 (XIII), which established the ad hoc Committee on the Peaceful Uses of Outer Space [2]. Additionally, the group of experts, working within the UN Secretariat to facilitate the work of the Committee, was transformed into the UN Office for Outer Space Affairs, which is one of the key bodies within the Organization’s structure

that deal with space security issues [1]. Following that, on December 12, 1959, the UNGA adopted the resolution A/RES/1472 (XIV), which established the Committee on the Peaceful Uses of Outer Space to strengthen the international legal regime, governing the activities of states in outer space, to organize mutual exchange and dissemination of information on space exploration, and to promote initiatives at the national, regional and global levels [3].

In the field of space technologies, the significant step forward was made in 1960 after the launch of the first weather satellite ‘TIROS-1’ by the National Aeronautics and Space Administration of the United States of America (USA). And on April 12, 1961, Soviet cosmonaut Yuri Gagarin made the first manned space flight aboard the ‘Vostok-1’ spacecraft, which significantly expanded the boundaries of space exploration. To control the rapidly growing number

of spacecraft, the UNGA adopted the resolution A/RES/1721 (XVI) of 20 December 1961, which established the first UN Register of space objects [4].

The report of the Secretary-General 'Coordination of space-related activities within the United Nations system: directions and anticipated results for the period 2018–2019' A/AC.105/1179 of 2018 indicates that since the creation of the Register more than 7,300 functional spacecraft, which were launched by more than 55 states and intergovernmental organizations (satellites, spacecraft, probes, etc.), have been registered by the UN Secretary-General. The registration system makes a great contribution to ensuring effective regulation of all space activities, which has a huge impact on strengthening mutual trust in outer space [5].

However, any human activity does not pass without a trace. The same is true for the exploration and use of outer space. Science is developing at an incredibly fast pace, and humanity is gaining access to more modern and modernized technologies. Similarly, unsuccessful tests of spacecraft, failure of satellites, previously functioned in earth orbit, and many other things lead to significant contamination of outer space.

According to statistics from the European Space Agency, among 5,000 satellites currently placed in space, only 1,950 of them are still operational, while the total number of space debris objects regularly tracked by space surveillance networks is about 22,300 [6]. To combat space debris, the UN GA adopted in its resolution A/RES/62/217 of 2007 [7] the 'Space Debris Mitigation Guidelines' [8] proposed in 2003 by the Inter-Agency Space Debris Coordination Committee.

It would seem that there are numerous international and regional initiatives to combat space debris. At the local level, national space agencies are actively developing technologies for tracking space objects, drawing up guidelines for safe return of no longer functioning satellites, and creating virtual models of outer space. However, the absence of definitions for such terms as 'space weapons' alongside 'militariza-

tion of space' leads to an escalation of disputes over the legality of the use of certain technologies for the destruction of space debris. Significant differences in the interpretation of terminology lead not only to greater ineffectiveness of existing measures but also to the facilitation of an arms race.

Meanwhile, the issue of the necessity to prevent the militarization of outer space remained unresolved, and the UNGA adopted the resolution A/RES/1962 (XVIII) 'The Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space' of 1963, which served as the basis for the further development of space law. The Declaration states that space is the property of all mankind, and its exploration and exploitation should be carried out exclusively for the benefit and in the interests of all states [9].

Later, on 10 October 1967, based on the key provisions of the Declaration, the 'Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies', also known as the 'Outer Space Treaty', entered into force. The Treaty establishes the framework of international space law and expands the principles set out in the Declaration. The Treaty states that outer space is free for all states to explore, prohibits the deployment of weapons of mass destruction (WMD), and emphasizes the fact that the Moon and other celestial bodies can be used exclusively for peaceful purposes. Article IV of the Outer Space Treaty emphasizes the responsibility of all countries for their space activities and damage caused by their space objects [10].

Various mechanisms of international cooperation have been gradually improved along with the active development of space law. Thus, 4 UN Conferences on the exploration and peaceful uses of outer space were held in 1968, 1982, 1999, and 2018 (Unispace I, Unispace II, Unispace III [11] and UNISPACE + 50 [12]). Key role in inter-state partnership plays UNISPACE II, which served as the basis for the adoption of the UNGA resolution

A/RES/37/90 [13] of 10 December 1982, which included measures of practical implementation of the UN Programme on Space Applications [14]. The goal of the Program is to enable developing countries to strengthen their capacity to use space technologies through interstate cooperation and free exchange of information. Besides, these United Nations Conferences led to the establishment of regional centers for space science and technology education in Asia and the Pacific (1998), Africa (1998), Latin America and the Caribbean (2003), and Western Asia (2012) [11].

The status of outer space as the 'heritage of all mankind' was proclaimed in the 'Outer Space Treaty' and other international normative documents. However, to date, outer space is becoming an arena for demonstrating scientific and technical superiority by deploying spy satellites or testing various types of weapons. The UN Office for Outer Space Affairs has repeatedly reported that Russia, the United States, and China are testing anti-satellite weapons, kinetic-energy weapons, and directed-energy weapons.

The problem is that the 'Outer Space Treaty', like all other agreements, does not have any specific restrictions on the militarization of outer space. As it was mentioned earlier, at the moment there is not even a definition of the concept of 'militarization of space' while the terms 'weaponization' and 'militarization' are not differentiated at all. Moreover, space law does not define the boundaries of the use of WMD. Article IV of the 'Outer Space Treaty' declares that states undertake not to place nuclear weapons or other types of WMD in outer space [10]. This article deals exclusively with the permanent deployment of WMD but does not focus on the use of such weapons, which permits nuclear attacks in outer space.

This inferiority in the legal system of space law, along with a lack of measures, regulating space activities, is leading to an escalation of inter-state contradictions based on a clash of national interests. In the reality of the 21st century, when scientific and

technological development has almost reached its apogee, the possibility of deploying military technologies in outer space is completely unacceptable for the modern system of international relations, where the power dominance still plays a huge role, which underlines the importance of further development of the international legal system in the field of space exploration.

For more than 60 years, humanity has been studying the boundless space of our Universe. The spacewalk significantly accelerated scientific and technological progress, stimulated the development of the interstate partnership, still caused an escalation of contradictions in the system of international relations. Since the launch of the first artificial satellite, 'Sputnik 1', in 1957, the UNGA has adopted more than 100 resolutions related to the peaceful uses of outer space, numerous international agreements have been concluded, and space agencies have been established at the regional and national levels to strengthen existing regulatory frameworks.

Nevertheless, despite all the efforts of the international community to protect outer space and prevent collisions of national interests of states in space, more and more actors in international relations are starting to use outer space to demonstrate their power, to demonstrate their scientific and technical superiority. The lack of regulatory measures, in particular restrictions on the arms race and the use of WMD, allows states to base military and dual-use technologies in outer space, which forces a fundamental review of the current regulatory framework.

Outer space is the 'heritage of all mankind', free for the development by all interested parties. The rapid growth in the number of actors in outer space, along with the increasing pace of scientific and technological progress, requires strengthening the existing international legal system in the field of space law, in particular the introduction of such concepts as 'militarization' and 'weaponization' of space, and limiting the use of military technologies, otherwise, open collisions are inevitable.

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Section 6. Public rights

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FACTORS INFLUENCING PUBLIC POLICY ENFORCEMENT IN VIETNAM

Abstract. The policy when it comes to the organization / manager for enforcement can be ambiguous, has many conflicting goals, and implementation measures have not been fully designed. Like the policy-making step, the policy implementation step is also influenced by many different institutions and interest groups. Interest groups also have an incentive to move policy implementation in ways that benefit them. Assessing the policy implementation environment, analyzing political, institutional, economic and social factors that affect policy implementation is a necessary issue in Vietnam today.

Keywords: Public policy, Policy enforcement, Social security, Social policies, Vietnam.

1. Policy enforcement and social security policy enforcement

Policy Implementation (Policy Implementation) is the process of turning policies into real results through organized activities in the state apparatus, in order to realize the goals set out by the policy; is the whole process of the subject's activity in different ways to effectively realize the content of public policy [2, P. 127].

The importance of policy implementation is to address pressing social problems. Without this phase the policy cycle cannot exist; if there is no policy imple-

mentation to achieve certain results, the undertakings and regimes are just slogans. If the policy implementation is not good, it will lead to lack of trust. The process of organizing the policy implementation contributes to completing the policy: There are problems in the policy-making phase that have not arisen, revealed or have arisen but the planners have not noticed, to the stage, newly discovered enforcement organization. The policy implementation process with practical actions will contribute to adjusting, supplementing and completing the policy in accordance with the reality and meeting

the requirements of life. The analysis and evaluation of a policy (the level of good, bad) can only be complete and convincing after implementing the policy. Through the implementation organization, the new authorities can know whether the policy is accepted by the society and the majority of people, whether or not it will come to life. Policy implementation includes the following basic steps: *Step 1*: develop a plan to implement the policy, which is an important step because the organization of policy implementation is a complicated process. out in the long run so there must be a plan. This plan must be formulated before bringing the policy to life and includes the following steps: Organizational and executive plan such as system of participating agencies, human resources, enforcement mechanism; plans to provide resources such as finance and equipment; implementation time plan; plan to inspect and urge policy implementation; expected regulations and rules on organization and administration of policy implementation. *Step 2*: Disseminate policy propaganda: This is the next step after the policy has been approved. It helps the people and authorities at all levels to understand the policy and helps the policy to be deployed smoothly and effectively. This communication needs to be carried out on an ongoing basis, even when the policy is being implemented and for all. *Step 3*: Assign coordinated policy implementation: One policy is usually implemented on one The area is large and many organizations participate, so there must be a reasonable coordination and assignment to complete the tasks well. *Step 4*: Maintain the policy: This is the step to make the policy viable and effective in the real environment. Maintaining the policy requires consensus and synergies of many factors, such as the State who organizes the policy implementation must create conditions and the environment for the policy to be well implemented. For policy executors have the responsibility to actively participate in policy implementation. *Step 5*: Adjust policy, this job is necessary, takes place regularly in the process of organizing and implementing policies. It is done by the government authorities (usually the agency that makes the policy has the authority to regulate). This

adjustment must meet the maintenance of the initial goals of the policy, only adjust the measures, the goal implementation mechanism. This operation must be very careful and accurate, not distorting the original policy. *Step 6*: Monitoring, checking, and speeding up the implementation of policies: Any implementation of policies must be checked and urged to ensure that the policies are properly implemented, and effectively used. power. State agencies carry out this inspection, and if conducted regularly, it helps managers to grasp the policy implementation situation from which to have accurate conclusions about the policy. This inspection also helps the executors realize their limitations to adjust, complete, to improve the effectiveness of the policy. *Step 7*: Summarize assessment to draw experience: this stage is conducted continuously during policy maintenance. In this process it is possible to evaluate part or whole of the policy. In this assessment must be conducted for both state agencies and policy implementers [2, P. 131, 136].

Implementation of social security policies is the process of turning policies, directions and measures related to the social security system into practical results through organized activities in the state apparatus. and the broad participation of organizations, units, families, individuals and the whole society, in order to realize the goals set out by the policy. It is the process of implementing the system of social security policies (social assistance, social incentives, social insurance, health insurance, job creation ...) into practice with tools and state machines to realize the set goals [3, P. 44]. How the social security policy is implemented depends on the sectors (state agencies make social security policies, the executing agency to implement the social security policy, the social community. participate in social security activities, beneficiaries of social security policies) and basic steps in implementing social security policies. In fact, the aforementioned departments are sometimes not completely independent, but interleaved and integrated (for example, the social security policy maker is also the beneficiary of the policy ...). The implementa-

tion of steps in implementing social security policies must be considered at the executor level: Social policy, social security policy planned by the central level (national policy). The policy enforcement level is the local government at all levels. On the basis of national policies, local governments at all levels, on the basis of their specific local conditions, continue to institutionalize national policies through the issuance of decisions, plans and programs. local policies) and implementation arrangements to realize the above policies. Therefore, in relative terms, it can be considered that the implementation of social security policies of a province or city is just one stage in the policy cycle (planning, implementation, evaluation of results) and both It can be considered that the implementation implies a whole policy cycle (local policy) with all 3 steps (planning, implementing, evaluating results).

2. Subject, object and factors affecting the implementation of social security policies in Vietnam

2.1. Subjects and objects participating in the process of organizing and implementing social security policies in Vietnam

The State is the promulgator and also plays a key role in the implementation of social security policies – the state here is understood as a competent agency in the state apparatus, including including National Assembly, Government, Ministries (national policy), local governments at all levels (local policies). In addition, non-state organizations such as the Vietnam Fatherland Front and socio-political organizations, social organizations (volunteering, volunteering, charity for the community ...) and residential communities. also plays an important role in contributing to the realization of social security policies issued by the state and government. This means that the system is designed according to the principle that the State plays a key role, at the same time the policy implementation must be highly socialized, mobilizing the wide participation of all organizations, units, and families, individuals and society as a whole; building a diversified and multilayer social security system aiming to

cover the entire population; improving private capacity of people and community [4, P. 19].

The objects of social security policies are all people, including those in the working subjects, the people under the working age and the people at the end of the working age, including the subjects of social policies. are the poor in urban and rural areas, women, children, youth, the disabled and ethnic minorities... [1, p. 22–25].

In general, there are two types of social security participants in all countries:

Firstly, the beneficiaries of social security policies follow the principle of pay-benefit. This object is an employee who faces risks and difficulties due to the reasons of illness, maternity, loss of working capacity, old age, who face difficulties due to “loss or serious decline in income”. These workers are required to contribute an amount of money to the insurance fund during their employment at a certain rate of income. Social insurance participation ensures that they maintain a standard of living in the school. The beneficiaries of the social security schemes under the principle of payment in developing countries differ from those of developed countries, due to their higher level of development, Most workers in the developed world Due to their higher level of development, most workers in the developed world work in the formal sector, usually in the salaried sector, which is why most people workers in these countries participate in social security programs on the principle of payment, meanwhile, for developing countries Most of the population is self-employed and works in scattered agriculture, small, in economic zones, the structure cannot be calculated, or collectively, workers working outside the formal sector. Normally, for this sector, workers have low income and wages; makes participation more difficult for them to participate in closed-benefit social security programs. Therefore, the focus of the policies is not limited to the formal working population. The extent to which workers outside the formal sector participate in social security programs demonstrate the success of the social security policy. In addition,

because workers in this sector are working dispersedly, without labor contracts, the organization of the management of workers outside the formal sector in developing countries to participate in welfare programs. the society is also more complex. This requires that social security policies in developing countries also have specific characteristics compared to developed countries, to have programs suitable for income capacity to attract workers outside the region. formal sector participation in social security programs.

Second, those who participate in social security programs on the principle of assistance: According to the ILO, in developed countries, providing medical care and assistance to families with child victims. For developing countries, the beneficiaries of help are broader. These groups include urban migrants, ethnic minorities, people in constant poverty, people who are very vulnerable (lonely elderly, disabled people, orphans), those who are damaged by the sudden changes of nature and society. Among these groups, the poorest are often the target of poverty reduction programs. But poverty alleviation and poverty reduction programs often target those who live below the food and food poverty line. Many families and individuals in vulnerable groups have not been able to participate in poverty reduction programs, nor in any way because they generally do not have a labor contract. Expanding their access to the social security system raises the problem of resource allocation. For countries that have endured a long war like Vietnam, social security policy also includes those who contributed to the revolution, martyrs' families, wounded soldiers and their relatives who died. blood and blood for the country's survival. In essence, this is a form of social assistance for victims of war, but it is a special subject, so the name may be different as "policy towards people with meritorious services", "book of gratitude to the meaning", policy of social incentives "... [1, pp. 28–31].

2.2. Factors influencing the implementation of social security policy

Factors affecting the public policy implementation process are: The nature of public policy issues (simple

or complex, urgent, pressing or normal); public policy enforcement environment (material and technical conditions in the economy, political atmosphere, social order, interest groups, international relations); the relationship between public policy actors (agreement or disagreement about the interests of objects in the implementation of public policy objectives); the potentiality of groups of public policy beneficiaries (in terms of both size and level); characteristics of public policy objects (self-awareness, discipline, creativity, determination, tradition); capacity to implement public policies of cadres and civil servants (sense of responsibility, sense of discipline, practical capacity, public ethics); compliance with the steps in the public policy cycle; the physical conditions to implement the public policy (technical equipment and modern means of support); the consent and support of the people (practical with people's life, suitable with the current conditions and qualifications of the people) [2, P. 137, 145]. Specifically, the factors affecting the implementation of social security policies can be mentioned as follows: – Institutions and policies on social security: Institution and policy is an important pillar of the system. The basic content of the social security policy institution is to identify the participants, the subject of adjustments with specific criteria, conditions and the mechanism for identifying the subjects according to a unified process; identify policies, modes of contribution, beneficiaries and certain binding conditions on responsibility to contribute, responsibility of ministries, branches and localities in the implementation of proposed policies and regimes. The mechanism to participate in the types of social security that countries often apply is compulsory or voluntary with support from the state. Each specific mechanism has its own advantages and disadvantages. Which mechanism to apply depends on socio-economic conditions and cultural traditions of each country. If the social security policy matches the requirements with real life, the implementation of the social security policy will be favorable and feasible; On the contrary, the social security policy is suitable with the requirements of real life, the implementation

of the social security policy will be difficult, even not feasible and ineffective. The manifestation of the impossible is the narrow coverage of construction policy; not meeting the increasing demands of disadvantaged groups in need of assistance in society; not ensuring the systematic, comprehensive, and balance between parts in the social security structure; inconsistent with implementation plan and area of application; lack of supervision provisions and sanctions; financial sustainability is not ensured [3, p. 48–56].

Institutional organization and staff: This factor has a decisive role in the organization of social security policies. No matter how good the policy is, but the organization doesn't do it well, the policy won't come to life. Therefore, the establishment of organizational management system with a team of professional staff (from awareness, organizational structure, capabilities, qualities, and modes of coordination) to effectively implement the main implementation. social security books. In principle, it is possible to set up an independent organizational system for each component; but can also use the existing government apparatus to perform, depending on specific conditions. Policy institutions are universal, the management costs are less and the organizational structure is compact and vice versa, complex institutions are more expensive to manage. If policy enforcement subjects (organizations, agencies, officials) do not comply with plans, lack synchronization, not the right subjects and norms, benefits ... will reduce the effectiveness of the main implementation. books and reducing people's confidence in the Party and State.

Awareness of society and people: The development of the social security system depends on the general perception of social security of the society. When employees, employers and the state understand the importance of social security policies and then voluntarily and actively participate, this system has the opportunity to develop and vice versa. People are beneficiaries of social security policy. If they are self-conscious, active, proactive, and voluntarily participate, the implementation of the social security policy will be effective and sustainable; Conversely, if they are indifferent, passive, reliant and even self-interested, the implementation of the social security policy will be ineffective.

Environment for implementing social security policy: The difference in natural and social conditions of each locality, region or region: localities, regions and regions with favorable locations and natural conditions, If people have knowledge and awareness of social security policies, the implementation of social security policies is favorable; On the contrary, where there are difficult locations, natural conditions, backward customs and practices, and people with little knowledge of social security policies, the policy implementation is difficult. Economic development level of localities, regions and regions: If any locality has high economic development level, strong financial resources, stable income of workers, low unemployment level, the enforce a favorable social security policy and vice versa. Political environment: Where social stability is ensured in the development process, the implementation of social security policies is favorable and where it is not stable – social policy implementation hard.

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Section 7. Theory and philosophy of politics, history and methodology of political science

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STRENGTHENING THE SUPERVISION OF THE NATIONAL ASSEMBLY IN IMPLEMENTATION OF POLICIES AND LAWS ON REFORMING THE STATE ADMINISTRATIVE SYSTEM IN VIETNAM

Abstract. Reform of the state administrative system is one of the main contents of the administrative reform, an issue of urgent theoretical and practical in Vietnam today. In order to effectively implement policies and laws on reforming the state administrative system in Vietnam, one of the important solutions is to strengthen the supervision of National Assembly deputies on this issue. This article mentions the supervising function of the National Assembly deputies of Vietnam on the implementation of policies and laws on reforming the state administrative system and solutions to strengthen the supervision of National Assembly deputies on that process in Vietnam today.

Keywords: administrative reform, policy, National Assembly, supervision, law, administrative organization.

Introduction

Reforming the state administrative system to be lean and effective operation is a consistent policy of the Communist Party of Vietnam. The Government, ministries, committees and local authorities have made great efforts and determination to implement the policy of reforming the state administrative system, but it can be seen that there are still many shortcomings because the system is still “bulging” out and the personnel continue to increase. To limit and prevent such situation, one of the measures is to strengthen the supervision of the National Assembly deputies.

The activities of the National Assembly of Vietnam for many years shows that the supervision of the National Assembly in general and the supervision of elected deputies in particular plays an important role, because it is directly related to the state administrative system, to all aspects of people’s life. The effective implementation of the supervisory function contributes to improving the performance of agencies in the state organization from the Central to local levels. Supervising is the basis for testing the correctness of decisions in reality, a measure of promptly detecting violations of all subjects in legal compliance activities. On the contrary, local major

policy are the basis for the supervising activity to be respected, directing the supervision activity to focus on urgent local issues.

Content

1. About the supervisory functions of the National Assembly and of its deputies

In the state organization of the Socialist Republic of Vietnam, the National Assembly is identified as the highest representative of the people and at the same time the highest of state power. In addition to its constitutional, legislative and decision-making authority on important issues of the country, the National Assembly of Vietnam also has supreme supervising authority over all state activities.

The supervisory function of the National Assembly plays an important role in political life and in asserting the National Assembly's position and role. Supervision is to examine, inspect and make judgments about a certain thing is right or wrong according to regulation. Supervising is a purposeful activity, always associated with certain subjects and is conducted according to regulations. Vietnamese law stipulates that supervision is considered and evaluated by the National Assembly, Standing Committee of the National Assembly, Ethnic Council, Committee of the National Assembly, National Assembly delegation and National Assembly deputies examine, evaluate the activity of agencies, organizations and individuals to be supervised in the implementation of the Constitution, laws and resolutions of the National Assembly, ordinances and resolutions of Standing Committee of the National Assembly.

Deputies of the National Assembly are among the subjects who are given the supervising authority in the agencies system of the National Assembly. This is also the only individual subject type and most different from other types of subjects because the supervision of other types of subjects can only be conducted on the basis of individual supervision of National Assembly deputies. In the supervision of law enforcement in the local, National Assembly deputies have the right to request the supervising subject to report in writ-

ing, to provide information and documents related to the supervision contents; explain issues of concern to National Assembly deputies; examining and solving problems related to law enforcement or related to the local socio-economic life.

2. Achieved result

Implementing the Supervisory Program of the National Assembly of Vietnam in 2017, on July 28, 2016, the National Assembly issued Resolution No. 20/2016/QH14 on the establishment of supervision team of "The implementation of policies and laws on reforming of state administrative system in the period of 2011–2016". The supervision of reforming state administrative system was conducted for the period 2011–2016, focusing on the organizational structure of state administrative agencies nationwide, including Government, Ministries, Ministerial-level agencies, Governmental agencies and People's Committees at all levels. Accordingly, National Assembly deputies is the highest deputies of the people, representing the will and aspirations of the People in the highest state authority so the responsibility to supervise the Resolution of the National Assembly is natural. National Assembly deputies also plan specific and detailed supervising activities to effectively implement the National Assembly's supervisory program. After the supervising period, according to the Program of the 4th session, the National Assembly spent the whole day 30/10/2017 discussing at the Hall on the results of supervising the implementation of policies and laws on reforming state administrative system period 2011–2016; There were 50 National Assembly deputies giving opinions and arguments at the Hall and 270 National Assembly deputies sent back their comments. The opinions of the deputies were enthusiastic and intellectual, reflecting the voters' thoughts and aspirations and expressed high responsibility for the administrative reform in general and the reform of the state administrative system in particular has been conducting continuously for many years. National Assembly deputies focused on examining and evalu-

ating the achieved results, limitations, shortcomings, difficulties and obstacles in the institutionalization of the Party's undertakings and policies and the actual arranging and renewing the organization of the state administrative system; identifying the causes and responsibilities of agencies, organizations and individuals in the reform of the state administrative system in the period 2011–2016; from there, the directions, tasks and solutions in the coming time will be determined in all three areas, namely the institutionalization of the Party's undertakings and policies, the implementation of the arrangement and renovation of the state administrative system, management and downsizing. The opinions of deputies also analyzed and added more information, contributing to clearer assessments, comments and proposing more specific recommendations and solutions to continue improving the quality and efficiency of the state administrative system in the coming time.

National Assembly deputies have efficiency in supervising and urging ministries, agencies and localities to perform the tasks, conclusions and directions assigned by the Government and the Prime Minister, ensuring correctness progress and quality. With the drastic direction from members of the National Assembly, the implementation of policies and laws on reforming of Vietnam's state administrative system has achieved important goals, making an important contribution to achieve general socio-economic development and international integration of the country.

Together with other supervisory subjects of the National Assembly, in recent years, the supervision activities of National Assembly deputies have achieved a number of results in the implementation of policies and laws on reforming the state administrative system follows:

Firstly, clearly defining the functions, tasks and powers of agencies in the state administrative system.

The functions, tasks and powers of the agencies in the state administrative system have been reviewed and redefined, thereby more clearly defining the authority of each agency, step by step overcoming the

overlapping issues, interference or blank. The organizational structure of the Government continued to be kept stable, with no addition of ministries, ministerial-level agencies, and government-attached agencies. The People's Committees at all levels and specialized agencies at the provincial and district levels are arranged, consolidated and basically in accordance with the Central regulations, initially taking into account the characteristics of the administrative units in rural, urban and islands. The system of public non-business units under ministries, branches and localities has been gradually arranged, renewed and initially implemented the autonomy mechanism in a number of fields. By June 2017, the Prime Minister approved 3/11 public non-business unit network plans in sectors and fields and 4/11 lists of public non-business services using the state budget in management fields. On the basis of the planning and list approved by the Prime Minister, the ministries, branches and localities have reviewed and developed the proposal for the establishment, reorganization and dissolution of public non-business units. In order to improve operational efficiency, thereby, the number of public non-business units under the provincial People's Committees and specialized agencies also tends to decrease.

Secondly, working methods in agencies under the state administrative system have been gradually improved and reformed towards more transparency and efficiency, positively contributing to the downsizing and consolidating process of the system.

Recently, many agencies under the state administrative system have implemented the "one-stop", "inter-agency one-stop" mechanism in handling administrative procedures; pilot establishment of public administrative centers or receiving center in a number of provinces; publicizing and posting information related to investment opportunities, preferential policies to attract investment, issues that people and society are interested in on the websites of agencies and units ... State administrative agencies' efforts to reform working methods have increased the publicity, transparency and efficiency

of their operations; reduce troubles, costs, time and improve the relationship between administrative agencies with the people and enterprises. The simplification of administrative procedures, the application of information technology in job processing have positively contributed to improving labor productivity, reducing the number of people needed to solve problems, and downsizing the internal system of each agency or organization.

Thirdly, on the implementation of management and reduction in personnel.

The personnel in agencies, organizations and units is managed more closely and tends to decrease. The quality of officers has been gradually increased; the structure is more reasonable; the management of commune officers and part-time workers at commune level, in villages and residential groups is concerned with direction and innovation; the management of personnel and the number of people working in public non-business units continue to be renewed.

However, the supervision of National Assembly deputies on implementation of policies and laws on reforming the state administrative system in localities is also one of the supervision activities that are rarely done as an independent supervising subject. This activity also faced many difficulties and limitations, namely:

Firstly, National Assembly deputies have not actively developed and implemented the law enforcement supervising program in the locality. Survey of 63 reports summarizing the XIII National Assembly term of 63 National Assembly delegations of provinces and cities that all have common views on limitations in monitoring law enforcement in the locality as follows: the supervising of law enforcement in local are usually organized in the form of a thematic supervision team of the National Assembly delegation; National Assembly deputies developing and implementing their own supervision program in accordance with the Law on Supervisory Activities has not yet been implemented. Many concurrently National Assembly deputies have not been able to

arrange time to participate in the supervision delegations of the National Assembly delegation. Some National Assembly delegations also assessed: local supervision activities still depend heavily on the general supervising program of the National Assembly, the National Assembly Standing Committee, supervision content is short, not to keep up with actual requirements set out; the coordination between the National Assembly delegation and the Standing Committee of the People's Council is limited. This is also the general situation in supervising activities of local National Assembly deputies.

Secondly, the supervision of National Assembly deputies on the implementation of laws on reforming the state administrative system at localities overlap with the scope of supervision, supervising content, and form of supervision with the National Assembly delegation, People's Councils and representatives of People's Councils at all levels. The law has not "zoned" the scope of supervision of local National Assembly deputies compared with the above supervising subjects, leading to overlapping regulations and lack of feasibility, no agency take responsibility when a problem occurs.

Thirdly, the new law regulates the competence but has not yet provide the measures to help National Assembly deputies execute their powers more effectively and conveniently. The Law on Supervisory Activities of the National Assembly and People's Councils stipulates that when detecting a law violation, causing damage to the interests of the State, the legitimate rights and interests of social organizations, economic organizations, people's armed forces units or citizens, deputies of the National Assembly have the right to request individuals, agencies, organizations or units to take necessary measures to promptly put an end to such acts. However, this provision is not highly feasible because, although it is defined that the supervising subject is responsible for implementing the supervision proposal, there is a lack of regulations on whether relevant individuals, agencies, organizations or units do not implementing the

recommendations of delegates, so the execution of individuals, agencies, organizations and units concerned is often not serious or depends on the position in the state system that the National Assembly deputies hold.

Thus, the reality shows that, in the supervision of National Assembly deputies on law enforcement in localities, the provisions of the law are still unfeasible, the scope of supervision overlaps with other subjects, National Assembly deputies have not actively executed their authority in this area. Therefore, it is possible to question the appropriateness, convenience and ease of using supervision of law enforcement in the locality of National Assembly deputies.

3. Some solutions to enhance supervision activities of National Assembly deputies in the implementation of policies and laws on reforming Vietnam's state administrative system

Firstly, the National Assembly's approval of the Resolution No. 56/2017/QH14 dated November 24, 2017 on continuing to reform the state administrative system to be downsized and effective at the present time is very timely and practical, demonstrating the determination of the National Assembly, the Government and agencies in urgently bringing the Resolution of the Party to life. Therefore, it is necessary to implement scientifically and ensure consistency between the Resolution of the National Assembly with Resolution No. 18-NQ/TW and Resolution No. 19-NQ/TW dated October 25, 2017 of the 6th Conference of the Party Central Committee Session XII. In order to concretize the 2013 Constitution, the XIII National Assembly enacted the Law on supervision activities of the National Assembly and People's Council dated November 20, 2015 at the 10th session and took effect from July 1, 2016, is continuous inheritance. Accordingly, the 14th National Assembly and members of the National Assembly have further enhanced the quality of supervision activities, it is necessary to carefully study the provisions of the law, to build an effective supervising program for the implementation of cur-

rent policies and laws on reforming state administrative system.

Secondly, supplement and complete legal institutions on the supervisory powers of National Assembly deputies in the implementation of policies and laws on reforming the state administrative system such as: Increase the questioning activities at the Standing Committee of National Assembly to ensure continuity; Increase the explanation activities at the Ethnic Council and Committees of the National Assembly to clarify the in-depth contents, outstanding issues that are of public concern, especially the implementation of policies and laws on reforming the state administrative system. Specifying and setting up sanctions and responsibilities of entities having the supervising authority to settle complaints and denunciations; stipulating a mechanism forcing subjects that have supervising competent to completely settle complicated and prolonged complaints and denunciations of citizens. It is necessary to add provisions on legal consequences if concerned individuals, agencies, organizations and units fail to comply with the recommendations of delegates in local law enforcement supervising activities to ensure effectiveness and feasibility of this authority.

Thirdly, ensuring human resources in the process of developing and deploying the supervision of National Assembly deputies in the implementation of policies and laws on reforming the state administrative system, in which attend to the followings:

- Continue to increase specialized National Assembly deputies to act as the core in law improvement, supervision and other activities. Regard the importance of quality of deputies to improve the quality and efficiency of the National Assembly's operations, reduce the number of deputies working in agencies in the state administrative system and increase the proportion of National Assembly deputies who are scientists, deputies with qualifications in the National Assembly, conscientious in supervising the implementation of policies and laws on reforming the state administrative system.

– Consolidate the agencies system of the National Assembly; strengthen the Standing Division of the Ethnic Council and Committees of the National Assembly to ensure enhancing the effectiveness and efficiency in supervising the implementation of policies and laws on reforming the state administrative system. Continue to develop sub-committees in the Committees of the National Assembly that are strong enough and operate more effectively in supervising the implementation of policies and laws on reforming the state administrative system. Have mechanism to strengthen the role of the Ethnic Council and the Committees of the National Assembly in examining law projects, the budget and supervising activities in the fields under its jurisdiction.

– Consolidate advisory and assisting agencies in the direction of increasing professionalism, stability, avoiding overlaps, strengthening research services, providing information, supporting National Assembly deputies to submit legislative initiatives ... Building a team of advisors and assistants corresponding with the nature and requirements of the actual work; have a specific mechanism to mobilize a contingent of collaborators, scientists and experts to contribute to the activities of the National Assembly. Strengthening the work of ensuring material foundations and working conditions of the National Assembly, agencies of the National Assembly and National Assembly deputies. Continue to renew the information work, propagate work about activities of the National Assembly, agencies and deputies of the National Assembly to voters and the people in supervising the implementation of policies and laws on reforming the state administrative system.

– Renovate the way of operation to ensure that the National Assembly is closer to the people. Applying technology to building an e-National Assembly with the aim of enhancing efficiency and transparency in the activities of the National Assembly, and people can easily access information about the National Assembly. Continue to innovate and improve the effectiveness of contact between the National Assembly

deputies and voters in the direction of organizing for each deputy to meet with voters and report to voters on the performance of their duties; increase the contact with voters base on topics, fields and subjects. Effectively organize the gathering of voters' comments on law projects and other projects at the meetings; use technology to expand the form of receiving opinions and recommendations from voters and the people about activities of the National Assembly.

Fourth, continuing to improve policies and laws on reforming the state administrative system synchronously, fully, promptly with quality. Do not incorporate regulations on organizational structure and personnel into legal documents and ordinances that are not in the field of state organizational system, except in special cases where it is necessary to have an appraisal process, evaluate the impact for the National Assembly to consider and decide. Promulgating specific regulations on: order, procedures and form of supervision of documents of the National Assembly, the Standing Committee of the National Assembly, the Ethnic Council, and Committees of the National Assembly, in order to strengthen supervising of legal documents; assign an agency to act as the focal point to submit general reports to the National Assembly on the supervision of legal documents.

– The process of supervising the legal documents of deputies should be clearly defined, both in the case of being conducted as independent supervising and when supervising by various ways.

– It is necessary to clearly define the scope of supervision of documents of individual National Assembly deputies to avoid overlapping with other subjects and in accordance with the operational conditions of deputies. It is more important that in order to make this authority more feasible, it is necessary to make the supervision of legal documents of National Assembly deputies as a step in the process, integrated with other supervision activities such as supervising law enforcement or supervising the settling of complaints and denunciations of citizens. It is necessary to have a uniform regulation between the

competence to supervise legal documents of deputies of the National Assembly and the responsibility of documenting agencies.

– It is necessary to add provisions on the case when National Assembly deputies supervise the resolutions of People’s Councils of provinces, if detecting any violations, which agencies are recommended to handle them. At the same time, stipulating more uniformly on this issue among different legal documents to ensure the constitutionality, legality and consistency of the legal documents system.

Fifth, urgently promulgate a decree on the criteria of establishing and unifying the organizational model of departments under the ministries and departments of specialized agencies in provinces based on their positions, functions, tasks, and working relationship, job position and number of people, the minimum required focal point for a unit; approved criteria for determining the total personnel of ministries and localities on the basis of classifying agencies, administrative units and assigning ministries, localities to actively implement the total personnel have been approved; The Government, ministries, ministerial-level agencies and provincial-level People’s Committees, within the ambit of their respective tasks and powers, urgently review for timely amendment, supplementation or promulgation according to their competence or submit to the Competent authorities to decide in order to overcome the limitations, problems and overlaps in delimitating of functions, tasks, powers, organizational structure and personnel.

Continue to review the functions and tasks of agencies in the state administrative system, in which, review and improve the functions, tasks, powers and working relationships of the Government and the Prime Minister with ministries and administrative departments; clearly delineate functions, tasks and powers in state management between the Government and departments, fields and between agencies at the same level, ensuring the more effective implementation of the principle that one agency can do

many works but one work is assigned to only one agency or organization to execute and take responsibility for the work; clarify the issue of decentralization in state management in all fields; associated with the establishment of an effective power control mechanism and strict inspection and supervision. Delegate proactive power to subordinates, at the same time strengthen inspection, supervision and build a power control mechanism; clearly define the authority and responsibility of groups and individuals, especially the leader; implementing the roadmap for reorganization and minimizing the State’s direct participation in economic activities through state-owned enterprises.

Organize and arrange agencies in the state administrative system compactly, reduce intermediate levels, assign clear functions, tasks, powers and responsibilities: For the Government, for the internal organization of ministries, ministerial-level agencies, for government-attached agencies, clarify the functions, tasks, nature and operational requirements suitable for the job in order to determine the appropriate organizational model, not apply the organizational model of ministries for local authorities, for interdisciplinary organizations and for public non-business units;

At the same time, downsizing personnel associated with restructuring and improving the quality of the officers and employees; continue to reform administrative procedures, computerize state administrative management, implement e-Government, reform working methods, reduce meetings, reduce administrative documents, satisfying the conditions to ensure the reform of the state administrative system; regularly inspecting, examining and supervising the implementation of policies and laws reforming the state administrative system. Getting the results of the restructuring of the system and personnel downsizing is one of the important criteria to evaluate the credibility of leaders of agencies and key positions led by the National Assembly and People’s Council elected or approved by the people.

Conclusion

Reforming the state administrative system to be lean and effective operation is a consistent policy of the Communist Party of Vietnam. Over 34 years of implementation of the renovation policy (1986–2020), the National Assembly and National Assembly deputies have made many reform steps in terms of organization, supervising functions and operation in many fields, including the supervision of imple-

mentating policies and laws on the reforming the Vietnam's state administrative system. However, in the coming time, in order to further strengthen the supervision of Vietnam's National Assembly deputies in the implementation of policies and laws on reforming the Vietnam's state administrative system, it is necessary to apply many synchronous solutions, the unanimity of the entire political system and of the people.

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Section 8. Political institutes, processes and technologies

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PARTICIPATION OF THE UKRAINIAN CIVIL SOCIETY IN THE DEVELOPMENT OF PUBLIC INFORMATION POLICY

Abstract. The article is devoted to the analysis of the interaction of civil society and public authorities of Ukraine in the development of information policy. The normative-legal grounds of such interaction are investigated. Direct and indirect levers of the third sector's influence on the public information policy have been identified.

Keywords: information policy, civil society, public authorities, participation.

Recent decades have demonstrated the global scale of democratization. More and more countries, their populations and state authorities, not only rely on democratic principles of socio-political functioning, but also on modernization of democratic institutions, expansion of public policy, intensification of political participation through digitalization, intersectoral partnership, good governance model, etc.

An important role in the process of democratization belongs to civil society, which today not only proclaims the needs and demands of the population, but also monitors and evaluates the activities of the state, participates in the development and implementation of political decisions. The wide involvement of the third sector in public policy means more transparency, openness and accessibility of the latter.

In the age of the information society, the access of civil society to the development of public information policy acquires special significance, because

modern reality is constructed not so much by events as by discourses about events. Today's information and communication space offers a number of advantages: e-government, digitalization of public services, interactivity, etc. However, it also has some drawbacks, in particular its tools can be used for suggestions, manipulations, total control. In order to minimize the negative effects of information and communication space on public life, it is necessary to maintain a balance of public and state interests. That is why the participation of the third sector in the formation of information policy is extremely important.

In Ukraine, the third sector is characterized by wave-like dynamics of development, where the peak is a «revolution», which is preceded by growing social dissatisfaction with economic, political, geopolitical problems and solutions proposed by the government. The functioning of civil society is influenced by a large number of factors, one of which is the state informa-

tion policy. The peculiarity of this factor is that regardless of the nature of information policy in relation to civil society (favorable or unfavorable), the latter develops under its influence either through cooperation or in the process of confrontation.

Undoubtedly, in democratic environment, guaranteeing basic political rights (freedom of speech, assembly; participation in the public affairs governance, etc.), the Constitution and a number of international documents give citizens an opportunity to realize their public potential. However, what levers of influence on the formation of information policy do Ukrainians, representing civil society, have today? This article is devoted to finding the answer to this question.

In general, these levers of influence can be divided into indirect and direct ones. Indirect methods of influence are manifested in various manifestations held by members of different public organizations to express disagreement with the information policy of the state. In particular, among the latest events we can mention the rally that took place in Kyiv in front of the Cabinet of Ministers of Ukraine on October 2, 2020, organized by the initiative group «Without language there is no people» and the public organization «Ukrainian public function». The participants of the event criticized the pro-Russian position of Minister O. Tkachenko, criticizing his harsh statements about the language law, as well as attempts to return Russian-language content to TV and radio [1]. Undoubtedly, this event had its social and psychological impact on the minds of citizens, as a number of media covered it, and some psychological pressure was exerted on the head of the Ministry of Culture and Information Policy of Ukraine. In the same context, we can recall actions in support of the law “On ensuring the functioning of the Ukrainian language as the state language” (November 3, 2020 in Kyiv, November 9 in Kharkiv, etc.) [2; 3].

However, the fluidity of information drives in the information and communication space does not contribute to the long-term fixation of such facts in the public consciousness. In addition, some rallies

in Ukraine are custom-made. Accordingly, some participants see them as a way to make money, and certain political forces see them as promoting their own ideas, which inevitably undermines trust in civil society institutions. Thus, we can conclude that indirect levers of influence in the form of protests and rallies do not have a decisive impact on the content of information policy of the state, because they do not lead to concrete results in the form of removal of heads of departments or clear changes in information policy.

Instead, direct levers of influence could provide more significant changes, as they are directly related to the processes of developing the principles, agenda and content of information policy. Direct means include public councils at public authorities, and public examinations.

The activity of public councils is regulated, first of all, by the Resolution of the Cabinet of Ministers of Ukraine «On Ensuring Public Participation in the Formation and Implementation of State Policy» (current version of May 7, 2019) [4]. This document defines the basic requirements for the organization and conduct of public consultations with the public on the formation and implementation of public policy. Public consultations are held in order to involve citizens in the management of public affairs, to provide them with free access to information on the activities of executive bodies, as well as to ensure publicity, openness and transparency of these bodies. Public consultations should promote the establishment of a systematic dialogue between the executive authorities and the public, improve the quality of preparation of decisions on important issues of state and public life, taking into account public opinion, and create conditions for citizen participation in drafting such decisions. The results of public consultations are taken into account by the executive body during the final decision or in its further work. Representatives of public associations, religious, charitable organizations, creative unions, trade unions and their associations, employers’ organizations and their

associations, mass media (civil society institutions) may be elected to the public council, if these public structures are registered in the prescribed manner.

The main tasks of the public council are:

- promoting the exercise by citizens of the constitutional right to participate in the governance of state affairs;
- promoting the consideration of public opinion by the executive body during the formation and implementation of state and regional policy;
- promoting the involvement of representatives of stakeholders in public consultations and monitoring the results of the formation and implementation of state and regional policy;
- conducting public monitoring of the activities of the executive body in accordance with the legislation;
- preparation of expert proposals, conclusions, analytical materials on the formation and implementation of state and regional policy.

In the context of our study, it is logical to research the activities of public councils in public authorities involved in the development of information strategies, in particular the Ministry of Information Policy of Ukraine (2014–2019), the Ministry of Culture and Information Policy of Ukraine (since 2020), the State Committee for television and radio broadcasting of Ukraine.

Systematized data can be found in the collection of results of evaluation of central executive bodies in the field of «interaction with the public», conducted by a group of experts from among Ukrainian civil society organizations, public authorities, research institutes and international organizations (2019) [5]. Below are the findings of the study on the activities of the Ministry of Information Policy of Ukraine and the State Committee for Television and Radio Broadcasting of Ukraine.

The Ministry of Information Policy of Ukraine, in compliance with current legislation, develops an Indicative Plan for Public Consultations. The document has a formal nature, unclear forms of consul-

tation, target audience, timing. It is not possible to determine the facts of public consultations. On the page «Electronic public consultations» there are only drafts of regulations that are submitted for discussion. And there are no reports on consultations and consideration of public proposals. At the ministry, 3 advisory bodies were formed: the Public Council, the Student Council, and the Expert Council. The Public Council was established to achieve several interdependent goals: ensuring public participation in the management of state affairs, organizing public control over the activities of the Ministry, establishing effective interaction of the Ministry with the public, taking into account public opinion in the work of the Ministry.

In the period from May 2017 to March 2018, the Public Council at the Ministry worked as a collegial body, as evidenced by the protocols of its meetings. In 2018, one meeting of the Public Council took place on March 12, 2018. In 2019, meetings were not held by the Public Council.

In 2018–2019, the Public Council discussed reports on the activities of the Ministry, proposed an algorithm for responding to discrediting materials of foreign media, discussed draft documents of the authorities of Ukraine. However, in 2018–2019, no decisions were made, no policies were developed, which could be a joint achievement of the Ministry and the its advisory bodies, as well as CSOs.

The State Committee for television and radio broadcasting had a tentative plan for public consultations and an action plan for drafting regulatory acts that comply with the law, a schedule of personal reception of citizens and instructions on record keeping at the request of citizens, a special unit responsible for public consultations, yet it had no algorithms and procedures for public consultations. There were numerous public consultation activities, their diversity, overfulfillment of the tentative plan for public consultations for 2018, submission of information notices on public consultations and reports on the results of their holding in a publicly understandable

form, availability of notifications on the publication of draft regulations. However, there were irregularities in the preparation of informational reports and reports on the results of public consultations, the lack of an online platform for electronic public consultations, technical problems with the function of voluntary registration of visitors to the official website of the committee and feedback.

The State Committee for television and radio broadcasting does not have a strategy for cooperation with civil society organizations. In terms of measures to implement the National Strategy for Civil Society Development in Ukraine for 2016–2020 [6] there are no tasks for this Committee.

Volunteer support of the State Committee for television and radio broadcasting is provided by various specialized public organizations. In particular, this applies to the dissemination of information about the activities of the body, assistance in drafting documents, organizing events. The State Committee for television and radio broadcasting together with the public took measures to improve the skills of journalists of the reforming newsrooms.

Conducting of public examinations is regulated by the «Procedure for promoting public examination of the activities of executive bodies» [7]. Despite the proper regulatory framework, the relevant measures are not systematic. Among the recent events in the context of information policy we can mention the Conclusion on the results of public examination of the Ministry of Information Policy of Ukraine on 01.12.2017, on the basis of which proposals were developed (26.12.2017), and on 18.01.2018 the Minister's order № 7 «On results of public examination» with a list of measures aimed at taking into account the proposals of public examination of the NGO «Ukrainian Democracy» was signed.

In 2018, one public examination of the State Committee for television and radio broadcasting was conducted. The order of the State Committee for Television and Radio Broadcasting approved measures for the preparation of materials for public

examination. Information and materials on the results of consideration of expert proposals were also sent to the Secretariat of the Cabinet of Ministers of Ukraine for posting on the government website «Civil Society and Government».

The official website of the Ministry of Culture and Information Policy of Ukraine [8] provides data on six advisory bodies (Board, Scientific and Methodological Council for Cultural Heritage Protection, Expert Council on Intangible Cultural Heritage, Expert Commission on Accounting for Cultural Heritage, the Expert Fund Commission, the Expert Fund Council on the free transfer of confiscated cultural property, converted in accordance with the law into state revenue). Provisions on these bodies, data on their structures, separate protocols of meetings are publicly available. However, a substantive study of the available documents shows that these structures, firstly, are related to the cultural dimension, rather than information, and secondly, minimally involve representatives of public organizations. Electronic consultations with the public find more coverage on the site, but among more than 20 public discussions, only 2 can be attributed to the issue of information policy. Accordingly, the interaction of the civil society with the Ministry today is minimal and unsatisfactory.

As a result of the study it could be concluded that in Ukraine civil society has two types of influence on the formation of information policy — direct (public councils at public authorities, public examinations) and indirect (rallies, meetings). Both varieties have adequate legal support, but direct effects are directly aimed at improving the content of information policy, while indirect — are complementary. The interaction of the state with civil society organizations in the information sphere depends on the interests of the current ruling elite. The current state of this interaction can be described as unsatisfactory, and the participation of the third sector in the development of public information policy requires greater initiative and efficiency.

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