

## **THE MUSEUMS OF UKRAINE AS THE OBJECT OF THE STATE POLICY: NOWADAYS**

**Purpose of Research.** The purposes of the article are to analyse the legislation on the regulation of the museum business in Ukraine and to define the practical state-managerial principles in this area. **Methodology.** The methodology of the research includes various problem-oriented approaches, which are based on systematic and legal analysis of normative legal acts in order to improve state-management decisions as the main direction of the regulatory activity of the state. **Scientific Novelty.** The scientific novelty of the research is to analyse the latest regulatory documents and promising areas of public administration in the museum affairs. **Conclusions.** Ukraine has formed a sufficient regulatory system that defines the conceptual framework for the functioning of the museum business and the activities of public authorities in this area. At the same time, in order to ensure public management and administration of socio-cultural processes in the context of the development of museums and museum affairs, Ukraine must focus on the implementation of innovative forms and methods of public administration, based on the acquisition of advanced world experience, which will ensure the formation of the positive managerial image, as well as the confidence to its institutions.

**Key words:** museum, museum affairs, state administration, cultural policy, normative-legal documents.

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### **Музеї України як об'єкт державної політики: сучасний стан**

**Мета** – проаналізувати нормативно-правові акти щодо регулювання музейної справи в Україні з визначенням практичних державно-управлінських засад у цій сфері на сучасному етапі. **Методологія** дослідження ґрунтується на використанні проблемно-орієнтованих підходів, які спираються на системний і правовий аналіз нормативно-правових актів з метою удосконалення державно-управлінських рішень як основного напрямку регуляторної діяльності держави. **Наукова новизна дослідження** полягає в аналізі останніх нормативних документів та перспективних напрямів державного управління у музейній справі. **Висновки.** В Україні сформовано достатню нормативно-правову базу, яка визначає концептуальні засади функціонування музейної справи та діяльність органів державної влади у цій сфері. Водночас для забезпечення публічного управління та адміністрування соціокультурними процесами в контексті розвитку музеїв та музейної справи українській державі необхідно зосередити увагу на запровадженні інноваційних форм та методів публічного управління на основі запозичення передового світового досвіду, що, крім іншого, забезпечить формування не лише позитивного управлінського іміджу держави, а й довіри до її інституцій.

**Ключові слова:** музей, музейна справа, державне управління, державна політика, нормативно-правові акти.

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### **Музеи Украины как объект государственной политики: современное состояние**

**Цель** – проанализировать нормативно-правовые акты по регулированию музейного дела в Украине с определением практических государственно-управленческих принципов в этой сфере на современном этапе. **Методология** исследования основана на использовании проблемно-ориентированных подходов, опирающихся на системный и правовой анализ нормативно-правовых актов с целью усовершенствования государственно-управленческих решений как основного направления регуляторной деятельности государства. **Научная новизна** исследования заключается в анализе последних нормативных документов и перспективных направлений государственного управления музейным делом. **Выводы.** В Украине сформирована достаточная нормативно-правовая база, которая определяет концептуальные основы функционирования музейного дела и деятельности органов государственной власти в этой сфере. В то же время для обеспечения публичного управления и администрирования социокультурными процессами в контексте развития музеев и музейного дела украинскому государству необходимо сосредоточить внимание на введении инновационных форм и методов публичного управления на основе заимствования передового мирового опыта. Это, помимо прочего, обеспечит формирование не только положительного управленческого имиджа государства, но и доверия к его институтам.

**Ключевые слова:** музей, музейное дело, государственное управление, государственная политика, нормативно-правовые акты.

**Formulation of Problem.** The important directions of cultural policy are the definition of the basic principles, practical solution of the regulation of social relations in the field of museum affairs as a component of the cultural system and the establishment of a legal regime for the functioning of museum institutions, and the peculiarities of their protection.

The museum business is the branch of culture. Its main tasks are the acquisition, accounting, saving, studying and using of cultural property of Ukraine by museums. According to the Law of Ukraine "On museums and museum affairs", the museum affairs embody the national museum policy, museum studies and museum practice. The Law regulates social relations in the field of museum affairs, defines the legal, economic, social principles of the creation and functioning the museums of Ukraine and the peculiarities of the scientific formation, study, recording, protection and using of the Museum Fund of Ukraine and its legal status [4]. Terminologically, the interpretation of museum studies is more conceptual. It means the system of all knowledge of the theory, history and practice of museum affairs, the economic and legal foundations of the functioning of museums in the context of their significance for society. The special area of the museum affairs is the museum policy, which includes the legislation in the field of museum affairs, the creation of conditions for the effective functioning of museums, the organization of their management etc. In fact, in the concept of "museum", the law combines the scientific, theoretical and practical aspects of the particular area of the functioning of the socio-cultural sphere.

**Actuality and Purpose.** Having proclaimed the independence of Ukraine, the transition from the status of a union republic with limited sovereignty to the status of an independent state has contributed to the significant legislative work, the improvement of the quality and effectiveness of management activities, and the determination of the legal status of all cultural objects, in particular the museum industry. Nowadays, the development of the normative and legal maintenance of relations in this sphere of culture continues. It is seen by the constant attention to both lawmakers and state officials to the problems of the museum sphere.

In addition, there are about 12.5 million museum exhibits in the funds of Ukrainian museums, whereas only 3-5% of them are represented in the main exhibitions due to lack of space. It is clear that it requires primarily the effective reaction of the state and its institutions because they have sufficient material resources to solve such a large-scale problem.

The purposes of the article are to analyse the legislation on the regulation of the museum business in Ukraine and to define the practical state-managerial principles in this area.

**State of Scientific Development.** In the theoretical aspect, the problems of the museum industry are interesting for the representatives of a number of sciences such as Museology, Public Administration, Cultural studies, Art studies. Museological aspects of the functioning of culture are studied by the following foreign researchers – F. Waidacher, S. Sotnikova, L. Shlyakhtaina, E. Shulepova, T. Kalugina, S. Zhigulsky and others. The most important the works among the Ukrainian scholars are written by G. Mezentseva, V. Yakubovsky, S. Rudenko, V. Shevchenko, M. Rutinsky, Yu. Omelchenko, V. Karpov and others.

However, the study of museums is at the crossroads of practical and theoretical interests, where one of the main roles is played by the state's policy, which is reflected in a number of legal acts.

**Presentation of the material./ Main Part.** Naturally, cultural policy includes a wide range of social relations, which cover various aspects of cultural, artistic and educational life, particularly the creation, dissemination and preservation of the spiritual achievements of a society. However, cultural policy is partially implemented and is closely linked with the public and managerial activities of the state and its institutions. Public administration in the field of culture is the definition of strategic directions for the development of the sector, the priorities and goals of the state policy to support the evolution of culture and arts, as well as the protection of the historical heritage.

First of all, let's review briefly the basic concepts that are projected into the plane of our study. I would like to remind you that there are many definitions of public administration. In the context of our research, the understanding of public administration, proposed by N. Nyzhnik and O. Mashkov is the most methodologically appropriate, because it contains such an important element as the cultural and spiritual development of a man: "public administration is the subordinate activity of the executive authorities, aimed at the practical organization of the normal life of the society and ensuring personal safety of citizens, creating conditions for their material, cultural and spiritual development [10, 54].

The following concept of public administration and administration is wider than the previous one and means the management of a coherent system of all spheres of the state's life. As for the museum business, it deals with the direct influence of the state on relations in this area.

In addition, public policy in the museum sphere as an isolated concept, which means the state's policy, is realized through public administration, for example, by the certain types of museums (state, communal, private, etc.). In this case, public policy in the museum industry, as in any other, excludes centralized management of creative activity and the application of censorship.

In general, the national museum policy is the set of basic directions and principles of activity of the state and society in the field of museum affairs. There are the following principles among the main areas of the national museum policy are: preservation and state support of the Museum Fund of Ukraine; returning cultural values of the people to Ukraine, which are abroad; provision of socio-economic, legal and scientific conditions for the effective work of museums; assistance in the formation of a modern museum infrastructure; support and the development of a network of museums; training and professional qualification of museum staff, their legal and social protection; budget funding and priority material and technical support for the development and implementation of state, regional and local programs for the development of museum affairs; ensuring the protection of museums; promoting international cooperation in the field of museum affairs, etc. [1].

In our country, the management of museum affairs is carried out according to the Art. 54 of the Constitution of Ukraine, which says that cultural heritage is protected by law. The state ensures the preservation of historical monuments and other objects of cultural value, takes steps to return to Ukraine cultural values of people, which are out of Ukraine [7]. The constitutional priority of the freedom of artistic, scientific and other forms of creativity is fundamental to determine the methods of public influence the museum industry.

The Law of Ukraine "On Museums and Museum Affairs" of June 29, 1995 is also the important normative legal act of the state in this sphere [4]. This Law is applied to all types of museums and reserves in terms of their museum forming, as well as the recording, storage and using, conservation, restoration of museum objects and museum collections [4].

This Law, after its adoption in 1995, has undergone a series of innovations: No. № 659-XIV dated 14.05.99, № 2120-III dated 07.12.2000, № 2905-III dated 20.12.2001, № 380-IV dated 26.12.2002, № 594-IV dated 06.03.2003, № 1344-IV dated 27.11.2003, № 107-VI dated 28.12.2007, № 10-pri/2008 dated 22.05.2008, № 1709-VI dated 05.11.2009, № 5461-VI dated 16.10.2012, № 1166-VII dated 27.03.2014, № 76-VIII dated 28.12.2014, № 911-VIII dated 24.12.2015, № 955-VIII dated 28.01.2016.

The last changes were made in the article. 26 "State Administration of Museums" of Section V of "the Management and the Self-government of Museums, Guarantees of the Rights and Legal Interests of Their Employees" and entered into force on February 24, 2016.

Despite the expansion of self-governing rights and functions of museums, as can be understood from the latest versions of the Law, the role of the state in this area is not diminished. Moreover it remains the main one.

In addition, the latest version of the Law has the direct reference to it in the provisions of the Law "On Culture", which also plays an important role in defining the principles of museum management. The order of the holding the casting for the manager of state or municipal museum and the requirements to the candidates are written in the articles 21-5 of the Law of Ukraine "On Culture" [2].

Therefore, analysing the issues of the formation and legal maintenance of the museum business, the state support of the processes of the formation of new relations, we should pay attention to the system of state institutions of Ukraine, which act in this area and their main possible changes.

A number of central government executive bodies have been set up in Ukraine to ensure and implement state policy of the development of the museum sphere, as well as to form the national culture. Let's briefly analyse them and their functions.

The Verkhovna Rada of Ukraine, as a legislative body, carries out legislative regulation and parliamentary control over the functioning of the executive institutions in relation to the implementation of their laws and tasks in the field of the museum. It adopts the concept of the country's internal and external policies in the social, information and communication sphere, cooperates with international organizations through direct negotiations and legislative harmonization of international law with national legislation, and conducts parliamentary hearings on issues of the development of culture and arts. One of the important regulatory activities of the Verkhovna Rada of Ukraine is the financing of various cultural and artistic programs. It approves the state budget and controls the purposeful using of its funds.

The Committee of the Verkhovna Rada of Ukraine on Culture and Spirituality develops and improves the legislative framework and controls the field of culture and art, in particular, its activity concerns the protection of the historical and cultural heritage such as the museum business; archival affairs; activities of reservations; export, import and returning of cultural property.

The Committee cooperates with other governmental institutions and involves leading domestic experts in the sphere of culture and arts, regularly initiates and organizes parliamentary hearings on issues of protection of the historical and cultural heritage.

The Committee also cooperates with the Public Council, established by the Committee on Culture and Spiritual Affairs of the Verkhovna Rada of Ukraine on December 24, 2014. The Public Council is a permanent consultative and advisory institutions in the field of cooperation of public organizations with the Verkhovna Rada Committee on Culture and Spirituality.

According to the Constitution of Ukraine, the President of Ukraine is the head of state. Within the limits of his authority, the President of Ukraine exercises controls the creation, reorganization and liquidation of executive institutions, determines their functions and main tasks. The Main Department of Humanitarian Policy of the Presidential Administration has the main authority in the field of museum affairs. Its task is analytical, information, legal support of the President of Ukraine in relation to the formation and implementation of state policy, in particular in the field of culture and arts. The Department generalizes and makes the following proposals to the President of Ukraine: the elimination of gaps in the implementation of decrees, orders, orders of the President of Ukraine in the field of culture; streamlining the mechanisms of giving information services to the citizens by executive authorities in this direction; improvement of the cooperation among executive and legislative branches of the political power and public organizations; summarizing of the normative-legal, analytical-informative and reference materials on questions of culture, etc.

The Ministry of Culture of Ukraine is the main body in the system of central institutions of the executive power, which ensures the formation and implementation of state policy in the field of culture. According to Art. 3 points. 46-66 of the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Regulation on the Ministry of Culture of Ukraine" from September 3, 2014, No. 495, the main tasks of the Ministry of Cul-

ture in the field of museology are: to define the requirements for the storage and keeping of museum objects, museum collections; to approve the procedure for assigning the museum objects of the Museum Fund of Ukraine to the State Register of National Cultural Property and the conditions for their storage; to make a decision on the exchange of museum objects, museum collections, museum collections, belonged to the state part of the Museum Fund of Ukraine; to form the requirements of the state statistical registration of museums, created on the territory of Ukraine; to coordinate the creation of a unified information system of museums; to control the activities of museums of the state and communal ownership; to contribute to the transfer of museum objects, museum collections and objects of museum values, belonged to the non-state part of the Museum Fund of Ukraine, for temporary storage to state museums, etc. [12]. Naturally, we cannot list all tasks and responsibilities of the Ministry of Culture, which are stated in the Law. However, it is clear that the Ministry has a wide range of tasks and practical and normative rights in the museum industry.

In August 2014, the Office of the Museum Affairs and the Normative and Methodological Support for the Transfer of Cultural Property included: 1) the Department of Normative and Methodological Support for the Restoration and Maintenance of Monuments; 2) the Department of Museum Affairs. In April-June 2015, due to "Proposals on Priority Strategic Priorities for the Development of the Museum Industry in Ukraine: Analysis of the Situation" of the Museum Council of the Ministry of Culture of Ukraine established the Department of Museums and Cultural Property, which consisted of four departments (instead of two). They worked in the following areas: 1) the formation of state policy in the field of museum affairs, export, import and returning of cultural property; 2) the activities of museums and the implementation of museum policy; 3) accounting and funds work; 4) the movement of cultural property. Since December 2015, the Office has increased the number of employees from 11 to 22.

At the low level the system of state governing institutions in the museum sphere includes:

- the Departments of Culture of various regions and Kyiv City State Administration;
- the departments of the culture of district state administrations, which according to the Laws of Ukraine "On Local Self-Government in Ukraine" [3], "On Culture" [4], "On Protection of the Cultural Heritage" [6], the Decrees of the Cabinet of Ministries of Ukraine "On Ordering Structures of the Apparatus of Central Executive Institutions, Their Territorial Divisions and Local State Administrations" (March 12, 2005) [14] and "On approval of the Model Regulations on the Structural Subdivision of Local State Administration" (September 26, 2012) [13], the order of the Ministry of Culture of Ukraine "On Approval Methodological Recommendations for the Development of the Regulations on the Structural Subdivision of the Local State Administration in the Field of Culture" (20.12.2012) [9], the decision of the Kyiv City Council "On Structuring the Activity of the Executive Institutions of the Kyiv City Council (Kyiv City State Administration)" (25.12. 2014) [15]. They coordinate the activities of museum institutions of urban subordination in order to preserve and popularize the achievements of Ukrainian national and world culture, provide information to the Ministry of Culture of Ukraine about museums, established in the composition of enterprises, institutions and organizations, educational institutions of state and communal ownership forms, which preserve museum collections and museum objects that are state-owned and belong to the state part of the Museum Fund of Ukraine.

Despite the positive changes in the field of legal regulation of the museum industry, its reformation is still far from the finishing. Thus, at the end of 2015, the Office of Museums and Cultural Property proposed amendments to the Law of Ukraine "On Museums and Museum Affairs", formulated in the relevant conception. The main purpose of the changes at the legislative level is to define the ways to improve the mechanism of legal regulation in the field of museum affairs, make the legislation closer to the conceptual approaches, defined by the legislative acts of the EU member states [8].

In general, Ukrainian museums in the system of public administration have a special peculiarity, which is expressed in the subject and the method. So, the museums can closely interact with practically all state institutions, government and the civil society. In addition, the museums of Ukraine have the right to join national, regional and profile organizations (unions, associations, etc.), join international museum organizations and foundations, create self-government bodies: scientists, supervisory, methodological, museum-pedagogical, artistic, restoration and other councils, involving the specialists of various profiles, etc. [1]. Therefore, the management of the museum industry includes its regulatory impact on a wide variety of industries and spheres of public life, associated with numerous vertical and horizontal relations with various scientific institutions, enterprises and organizations.

Conclusions. Thus, today in our country the sufficient legal basis has been formed. It defines the conceptual foundations of the functioning of the museum industry and the activities of state authorities in this area. At the same time, in order to ensure public administration of socio-cultural processes in the context of the development of museums, Ukraine must focus on the introduction of innovative forms and methods of public administration in the museum industry, which are based on the world experience. Such policy will ensure the formation of the positive managerial image and confidence to its institutions.

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