

Goncharenko Olena

Ph.D. in Law, Associate Professor, Docent,
Associate Professor of the Department of
International Private, Commercial, and Civil law,
Kyiv National University of Trade and Economics
ORCID 0000-0002-0178-2003
olena-77@ukr.net

Neskorodzhena Larisa

Ph.D. in Law, Associate Professor, Docent,
Associate Professor of the Department of
International Private, Commercial, and Civil law,
Kyiv National University of Trade and Economics
ORCID 0000-0002-1484-3557
pask_volf@ukr.net

SELF-REGULATION OF CULTURE: THE ROLE OF PUBLIC ASSOCIATIONS AND ELECTRONIC COMMUNICATION

The purpose of the article is to study the role of public associations and modern means of electronic communication through the prism of cultural self-regulation. **Methodology.** The philosophical (dialectical) method was used to consider the concept of cultural self-regulation and the influence of public organizations on its formation and development; general scientific (formal-logical, method of analysis and synthesis) allowed to explore the conceptual and categorical apparatus, to determine the functions of public organizations in the field of culture; particular legal (comparative legal, formal legal) methods allowed to establish the legal basis for the activities of public associations in the area of culture, the specifics of the legal framework for electronic communication. **The scientific novelty** of the work lies in the implementation of a comprehensive study of the legal problems of social self-regulation in the context of the activities of public organizations and the use of modern electronic communication tools. **Conclusions.** The study concluded that the active work of public associations is an indicator of proper and effective management in the field of culture. It has been established that the self-regulation of culture is a complex dynamic process, which is directly carried out by the actors themselves in the field of culture without external interference. Electronic communication in the field of culture is a consequence of the creative approach to the possibility of self-regulation of processes. It was determined that public associations in the area of culture perform representative, protective functions; have the opportunity to form charitable organizations to finance cultural programs; involved in the formation of governing bodies; participate in the development of legal acts on cultural activities; represent professional artists to award state awards to creative unions and the status of creative workers; carry out certification of artists and the like. With the help of electronic communications (as a tool of self-regulation), public organizations promote the spread of culture.

Key words: public association; self-regulation; self-regulation of culture; electronic communication; self-regulating processes; regulatory legal act.

Гончаренко Олена Миколаївна, кандидат юридичних наук, доцент, доцент кафедри міжнародного приватного, комерційного та цивільного права Київського національного торговельно-економічного університету; Нескороджена Лариса Леонідівна, кандидат юридичних наук, доцент, доцент кафедри міжнародного приватного, комерційного та цивільного права Київського національного торговельно-економічного університету

Саморегулювання культури: роль громадських об'єднань та електронної комунікації

Мета статті полягає у дослідженні ролі громадських об'єднань та сучасних засобів електронної комунікації через призму саморегулювання культури. **Методологія дослідження.** Використано філософський (діалектичний) метод для розгляду поняття саморегулювання культури та впливу громадських організацій на її становлення і розвиток; загальнонаукові (формально-логічний, метод аналізу та синтезу) дозволили дослідити понятійно-категоріальний апарат, визначити функції громадських організацій у сфері культури; спеціально-правових (порівняльно-правовий, формально-юридичний) методи дозволили визначити правові засади діяльності громадських об'єднань у сфері культури, особливості правового забезпечення електронної комунікації. **Наукова новизна роботи** полягає у здійсненні комплексного дослідження правових проблем саморегулювання культури в контексті діяльності громадських організацій та застосування сучасних засобів електронної комунікації. **Висновки.** У результаті дослідження, зроблено висновок, що активна діяльність громадських об'єднань є показником належного та ефективного врядування у сфері культури. Встановлено, що саморегулювання культури – це складний динамічний процес, який здійснюють безпосередньо самі суб'єкти діяльності у сфері культури без втручання ззовні. Електронна комунікація у сфері культури – це наслідок творчого підходу до можливості саморегулювання процесів. Визначено, що громадські об'єднання у сфері культури виконують представницьку, захисну функції; мають можливість утворювати благодійні організації для фінансування культурних програм; залучаються до формування керівних органів; беруть участь у розробці нормативно-правових актів щодо культурної діяльності; представляють професійних творчих працівників до відзначення державними нагородами творчих спілок та статусу творчих працівників; проводять атестацію творчих працівників тощо. За допомогою електронних комунікацій (як інструменту саморегулювання) громадські організації сприяють поширенню культури.

Ключові слова: громадське об'єднання; саморегулювання; саморегулювання культури; електронна комунікація; саморегулювані процеси; нормативно-правовий акт.

Гончаренко Елена Николаевна, кандидат юридических наук, доцент кандидат юридических наук, доцент кафедры международного частного, коммерческого и гражданского права Киевского национального торгово-экономического университета; Нeskороджена Лариса Леонидовна, кандидат юридических наук, доцент кандидат юридических наук, доцент кафедры международного частного, коммерческого и гражданского права Киевского национального торгово-экономического университета

Саморегулирование культуры: роль общественных объединений и электронной коммуникации

Цель статьи заключается в исследовании роли общественных объединений и современных средств электронной коммуникации через призму саморегулирования культуры. **Методология исследования.** Используются философский (диалектический) метод для рассмотрения понятия саморегулирования культуры и влияния общественных организаций на ее становление и развитие; общенаучные (формально-логический, метод анализа и синтеза) позволили исследовать понятийно-категориальный аппарат, определить функции общественных организаций в сфере культуры; специально-правовые (сравнительно-правовой, формально-юридический) методы позволили определить правовые основы деятельности общественных объединений в сфере культуры, особенности правового обеспечения электронной коммуникации. **Научная новизна** работы заключается в осуществлении комплексного исследования правовых проблем саморегулирования культуры в контексте деятельности общественных организаций и применения современных средств электронной коммуникации. **Выводы.** В результате исследования сделан вывод, что активная деятельность общественных объединений есть показателем надлежащего и эффективного управления в сфере культуры. Установлено, что саморегулирование культуры - это сложный динамический процесс, который осуществляют непосредственно сами субъекты деятельности в сфере культуры без вмешательства извне. Электронная коммуникация в сфере культуры - это следствие творческого подхода к возможности саморегулирования процессов. Определено, что общественные объединения в сфере культуры выполняют представительскую, защитную функции; имеют возможность образовывать благотворительные организации для финансирования культурных программ; привлекаются к формированию руководящих органов; участвуют в разработке нормативно-правовых актов по культурной деятельности; представляют профессиональных творческих работников к награждению государственными наградами творческих союзов и статуса творческих работников; проводят аттестацию творческих работников и тому подобное. С помощью электронных коммуникаций (как инструмента саморегулирования) общественные организации способствуют распространению культуры.

Ключевые слова: общественное объединение; саморегулирование; саморегулирование культуры; электронная коммуникация; саморегулируемые процессы; нормативно-правовой акт.

Relevance of the research. The role of self-regulation in building a modern Ukrainian state is trying to overestimate. The achievement of self-regulation was the development of civil society, built on the active participation of citizens in public life and the responsibility of the state to the citizen and citizen to the country.

Recently, electronic communications are increasingly filling our lives. Most people use electronic services in the area of payment of utility bills, ordering goods, transferring money, paying for various types of services, and so on. The sphere of culture and art did not go away as well, because we can buy electronic tickets to the theater, the cinema, on various shows, watch the live broadcast of the play, etc. For effective interaction between representatives of culture and state authorities, consumers of cultural products create some public organizations that have signs of self-regulation. Such a trilateral communication will be useful in the use of modern electronic communications. The history of their emergence owes itself to the properties of self-regulation, including in the field of culture.

The purpose of the article is to study the combination of the role of public associations and modern means of electronic communication through the prism of self-regulation of culture.

Analysis of recent research and publications. The problems of the functioning of civic organizations were covered in their writings by Ukrainian scientists: V. Averyanov, M. Vihlyayev, V. Kravchuk, L. Yemets, L. Loiko. The self-regulation in the right investigated: O. Bakalinska, O. Belyanovich, V. Kochin, V. Makhinchuk, V. Shcherbina and others.

However, beyond the attention of scholars, there were issues related to the involvement of civic organizations in the sphere of culture in the process of self-regulation, co-regulation. At the same time, the main points of electronic communication in cultural activity are not sufficiently defined at the level of functioning of public associations and their interaction with state authorities.

Presenting the main material. Questions of self-regulation of culture are studied actively. Thus, A. Gotsaliuk rightly states: "Due to its content, culture is the most self-organized system among other social ones. The spiritual demand of a person leads to the use of self-realization, self-regulated properties as aspects of self-organization" [1, 184]. S. Gololobov on the activities of public organizations emphasizes: "The fundamental factor in the process of democratization of modern society today is the non-expansion of the market economy and private property, and the realization of the power of public organizations, which is the content of civil self-organization" [2].

Self-regulation is a property of a complex social system, which is a society that is personified by specific individuals. The essence of self-regulation lies in both the potential and the real possibility for the subjects to create their own rules of conduct and act at the own discretion, on their own, without external influ-

ence. Therefore, self-regulation is an internal regulation that manifests itself through active activities, including public organizations.

Consequently, public associations are endowed with certain self-organizing peculiarities, which are in particular self-regulation. Self-regulatory activity in the field of culture can be called the one which is carried out without the influence of state authorities and local self-government bodies, and other institutions of civil society. The creative component of culture contributes to the involvement of self-regulating mechanisms, which consist of self-regulation, self-development, initiative, search for new options in solving original problems. Each type of cultural activity is endowed with self-regulatory properties to varying degrees.

One of the components of the effective implementation of self-regulation is the creation of a supportive innovation culture in society, which is associated with the initiative, responsibility, achievement of high goals [3, 18]. Today, innovation is inherent in electronic communication in a culture that is widely implemented and rapidly developing. Thus, on the example of electronic communication means it is possible to trace a positive effect from the introduction of self-regulatory mechanisms.

The formation of civil society is characterized by distinguishing between paternalistic expectations and a sense of the own involvement in the development of statehood. To what extent such a public position will be realized depends on the individual, on his potential to self-regulate. Also, for self-regulation, there is a different volume of implementation depending on the direction of action of the subject of self-regulation (greater or lesser degree of self-regulation of potential opportunities embedded in the scope of competence of the issue).

The ability to self-organize, self-regulation, self-development, self-control - is the natural properties of any individual, which can subsequently be allocated to (operate) and collective communities (regional communities, civil society, public associations, self-regulatory organizations, the state as a whole). The state also has inherent properties of self-regulation. At the same time, the state sets limits on which self-regulation in the sphere of culture may be implemented. Such restrictions are also determined for the activities of public associations in the field of culture. Various grants from the international community support the operation. Specific cultural programs and shares also finance it by state authorities.

However, the first function of the state is to create preconditions and principles for self-regulation. The foundations of the activities of public associations in the field of culture are proclaimed in the Constitution of Ukraine (section 36 guarantees freedom of association in public organizations for the realization and protection of their rights and liberties and satisfaction of political, economic, social, cultural and other interests; section 54 - freedom of the literary, artistic, scientific and technical creativity, protection of intellectual property, their copyright, moral and material interests that arise in connection with various types of mental activity). A number of Laws of Ukraine define the grounds and authority of public associations in the field of culture: "On Public Associations", "On Youth and Children's Public Organizations", "On Culture", "On Professional Creative Workers and Creative Unions", "On Charitable Activities and Charitable Organizations", "On State Support to Cinematography in Ukraine", "On Ukrainian Cultural Foundation", "On State Support to Cinematography in Ukraine" and others.

At the international level, there are the following international instruments on the activities of public associations (non-governmental organizations), including in the field of culture: the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the European Charter of Local Self-Government in 1985, the Recommendation of the Committee of Ministers of the Council of Europe Member States on the legal status of non-governmental organizations in Europe 2007 No. SM / Rec (2007) 14, Fundamental Principles on the Status of Non-Governmental Organizations in Europe 2002 In 2009, the International Conference of Non-Governmental Organizations of the Council The Code of Best Practices for Public Participation in Decision-Making [4] was developed in Europe.

The Law of Ukraine "On Culture" dated December 14, 2010 No. 2778-VI stipulates that citizens have the right to unite in creative societies, national-cultural societies, centers, foundations, associations, and other public organizations in the sphere of culture [5]. Also, public organizations (trade unions, trade unions, associations, foundations, associations, etc.) participate in the implementation of state policy in the field of culture [5]. That is, in this example, we already talk about co-regulation: not only the state authorities are competent to regulate cultural activities, but also directly by its representatives through public organizations can offer their options for the implementation of the public purpose. The following provisions, which clearly manifest co-regulation, are as follows: in order to represent and protect the interests of professional creative workers and amateurs, the state engages representatives of the cultural and artistic community to participate in the preparation of drafts of normative legal acts, presentations of Ukraine in various spheres of international cultural life, provides information provision, necessary for the tasks specified in the statutes (regulations) of cultural institutions [5]. These norms are important for strengthening the dialogue between state authorities and subjects of self-regulation in the field of culture. Because "... along with self-regulation, there should always be co-regulation. States must ensure their interconnection and interaction given the mental characteristics of their legal system"[6, c. 32]. The current provisions for the implementation of self-regulation in the activities of civic organizations are the possibility to form charitable organizations for the financing of cultural programs for the development of literature and art, support of talents and creative initiatives in the field of culture, solving social and domestic problems of professional creative workers.

Law of Ukraine "On State Support to Cinematography in Ukraine", 23.03.2017 № 1977-VIII one of the principles of state policy in the field of support for cinematography determines the provision of participation of cinematographic subjects, public associations representing their interests, creative unions in the formation and implementation of state policy in the field of cinematography. Also, the Council of State Support for Cinematography should include persons proposed by creative associations, public associations, economic associations, whose statutes provide for the activities of cinematography and/or television activities and which are active [7]. As we see, representatives of public associations are involved in the formation of governing bodies in the field of culture, which is an essential democratic norm.

By the Law of Ukraine "On the Ukrainian Cultural Foundation" dated March 23, 2017, No. 1976-VIII, the Ukrainian Cultural Foundation interacts with issues within the competence of the Ukrainian Cultural Foundation as well as representatives of civil society. The composition of the Supervisory Board of the Fund is formed from persons competent in the field of culture, who have an impeccable business reputation, high public authority, are recognized professionals in the field of their professional activities. Members of the Supervisory Board of the Fund who are representatives of cultural institutions and civic associations may not be persons authorized to perform state or local government functions. Candidates for the election to the Board of Supervisors of the Foundation are provided by cultural institutions and public associations [8].

According to the Law of Ukraine "On Professional Creative Workers and Creative Unions" dated 07.10.1997, No. 554/97-BP, the creative union is a voluntary association of professional creative workers of the corresponding professional direction in the field of culture and art, which has a fixed membership and operates on by the statute. The Creative Union operates on the principles of the voluntary association of its members, self-government, mutual assistance, and cooperation, non-interference in the creative process, free choice of forms and methods of creative activity, recognition of copyright [9]. In the latter position, the self-regulating signs of the creative union are vividly followed. In addition, the mentioned Law provides the main directions of activity of the original union and their rights and duties, in particular: to represent and protect the rights and lawful interests of its members; to participate in the development of legal acts on the activities of creative unions and the status of creative workers; to represent professional creative workers to celebrate state awards, honorary titles, state awards, other types of moral and material incentives; to carry out measures on social and economic support and charity; to carry out the certification of creative workers in accordance with the statute. [9]. The provisions are self-regulatory powers of creative unions. Therefore, the letter of these organizations can often meet such a functional purpose of the mentioned public associations.

By the Law of Ukraine "On Museums and Museum Affairs"

From 29.06.1995, № 249/95-BP, Ukrainian museums have the right to join national, regional and profile organizations (unions, associations, etc.), to join international museum organizations and foundations [10]. However, in other types of cultural activities, public organizations can unite. For example, one of the media reports: "Civic organizations are united in the Alliance of Culture for reform. Alliance of Culture: "Culture-2025" is a space for collaborative work on cultural reforms" [11].

The long-term strategy for the development of Ukrainian culture - the reform strategy underlines that the Strategy's goal was to create conditions for the promotion of the citizen's creative activity and the formation of a European-level civil society in Ukraine, envisaging ensuring the implementation of the political, civil, economic, social and cultural rights of citizens, assimilation and use of the newest knowledge and technology [12]. However, the analysis of the specific Strategy shows that the Cabinet of Ministers of Ukraine provided for electronic communications only when creating a system of computerized accounting of museum objects, a digital register of museums and institutions of the museum type of Ukraine with up-to-date information for their promotion and management, intensive development and updating of information resources of libraries on electronic media and providing access to them.

One of the international instruments governing the implementation of e-commerce is Directive 2000/31 / EC of the European Parliament and of the Council of 8 June on certain legal aspects of information services, in particular, electronic commerce, in the internal market ("Directive on e-commerce") 2000 [13]. The directive provides that electronic communications offer the Member States extraordinary means of delivering public services in the cultural, educational and linguistic spheres, that is, on cultural heritage, the country's art is recognized by more and more people, which in turn will stimulate economic growth in the field of tourism. The subject of e-commerce can be either a business entity of any organizational and legal form that sells goods, performs work, provides services using information and telecommunication systems, as well as the person who purchases, orders, uses the specified assets, works, services by committing an electronic transaction [14]. E-market participants, which include sellers, buyers, and intermediaries, as well as organizations that provide infrastructure and market rules [15], must be confident in protecting their rights and legitimate interests [16, 51].

Civic organizations promote the spread of culture, including innovation. However, it is not clear from the analysis of the statutes of public organizations that civic organizations in the field of culture are actively using electronic communications. Thus, in the charter of the public organization "PAZL" (public organization of the cultural direction, which was created with the purpose of popularization of creative people, provision and promotion of the level of cultural development in the region, coordination of efforts of organizations, institutions and citizens interested in its development) [17], Regarding electronic communications only in clause

2.2.32 it is stated about the creation and constant updating of the website of the Organization. At the same time, the activities of a public organization according to p.2.2. The charter is broad: creation, execution, demonstration (public display and public announcement) and popularization of works of literature and art; carrying out scientific research in the field of culture, literary and artistic criticism, film criticism; holding seminars, conferences, meetings, practical events and assistance in organizing courses on cultural development in the region; dissemination of information about the activities of the Organization, etc. Thus, using electronic communications (for example, Facebook) there may be a promotion of works of literature and art, seminars, conferences, meetings, practical events, etc.

Conclusions. Active activity of public associations is an indicator of proper and effective governance in the state. Therefore, the Ukrainian state seeks to develop civic organizations in the field of culture.

Self-regulation of culture is a complex dynamic process, carried out directly by the actors themselves in the field of culture without external interference. Electronic communication in the area of culture is a consequence of a creative approach to the possibility of self-regulation of processes.

Public associations in the field of culture carry out representative, protective functions; have the opportunity to form charitable organizations for the financing of cultural programs; are involved in the formation of governing bodies in the field of culture; participate in the development of normative legal acts on cultural activities; represent professional creative workers to celebrate the state awards of creative unions and the status of creative workers; conduct certification of creative workers, etc. Civic organizations promote the spread of culture through the electronic communications (as a tool of self-regulation).

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