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CARACTERÍSTICAS DE LA COMPENSIÓN DE LAS RELACIONES PÚBLICAS EN UCRANIA Y PAÍSES EUROPEOS

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Abstract: The purpose of the research is defining the concept of social relations from the point of view of theoretical, administrative, civil-legal aspects of legal regulation, considering scientists. Main content. The content of the concepts of “public relations” and “social relations” as political and legal entities with different paradigmatic definitiveness is substantiated. Methodology: The methodological basis of the research consists of comparative-legal and system analysis, formal-legal method, interpretation method, hermeneutic and methods of analysis and synthesis. Conclusions

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It has been established that the term “public relations” characterizes relations between people, which provide for the unconditional priority of the economy over other spheres of society (political, ideological, cultural), where there is no place for a person with his values, rights, and freedoms. At least, the latter do not acquire proper regulatory support.

Key words: Administrative public relations, legal regulation, civil public relations, legal theory.

Resumen: *El propósito de la investigación es definir el concepto de relaciones sociales desde el punto de vista de los aspectos teóricos, administrativos, civil-jurídicos de la regulación jurídica, considerando científicos. Contenido principal. Se fundamenta el contenido de los conceptos de “relaciones públicas” y “relaciones sociales” como políticas y jurídicas con distinta definición? paradigmática. Metodología: La base metodológica de la investigación está constituida por el análisis comparativo-jurídico y sistémico, el método formal-jurídico, el método de interpretación, la hermenéutica y los métodos de análisis y síntesis. Conclusiones. Se ha establecido que el término “relaciones públicas” caracteriza las relaciones entre personas, que prevén la prioridad incondicional de la economía sobre otras esferas de la sociedad (política, ideológica, cultural), donde no hay lugar para una persona con sus valores, derechos y libertades. Al menos, estos últimos no adquieren el debido respaldo regulatorio.*

Palabras clave: *Relaciones públicas administrativas, regulación jurídica, relaciones públicas civiles, teoría jurídica.*

Summary. *I. Introduction. II. Literature review.. III. Materials and Methods I.V. Results and Discussion V. Conclusions References*

I. INTRODUCTION

In the last decade, many works have appeared in the scientific literature devoted to the philosophical and sociological analysis of the problems of the theory and history of the development of public relations. These studies allow a deeper understanding of the consistent patterns of the historical process. Such studies need further development of the categorical framework, where the central place is occupied by the concept of public relations. In recent years, much attention has been paid to the analysis of the content of this category in the domestic scientific literature. Many aspects of this problem are reflected in the publications of the authors, however, some significant issues - and among them the issue of defining public relations – are still the subject of discussion and need to be further developed. This article attempts to highlight the most general characteristics of public relations that are needed to define this concept.

II. LITERATURE REVIEW

The term “public relations” in scientific literature, in particular philosophical literature, is defined as “various connections that arise between the subjects of social interaction and characterize a society or community in which these subjects belong as an integrity” (Andrushchenko, 2006).

It is usually believed that this concept, being developed mainly by representatives of the Marxist intellectual tradition, is associated with the problems of social objectification- desobjectivation, social exclusion, social fetishism, social production, base and superstructure, social classes and social antagonisms (Andrushchenko, 2006).

Public relations are diverse and can be classified according to their objects, subjects and the nature of the relationship between them. So, the subjective basis of public relations is the social communities, and the objective basis is the ownership of the means of production.

It is known that the emergence and development of society are considered a social form of the movement of matter, in contrast to mechanical, physical, chemical and biological, interactions? Therefore, social relations and processes are understood, first of all, as all relations and

processes, public life as a whole. In this sense, the classics of the Marxist intellectual tradition defined public phenomena as social, noting their differences from natural phenomena. On the other hand, they clearly and unambiguously noted the “personality” of social relations that develop between people of different backgrounds.

Public relations were divided, as it is known, into two groups: material and ideological. Economic relations as natural connections between people in the process of production, exchange, distribution and consumption developed “regardless” of the will and consciousness of a person, represented the defining basis of public relations.

The variety of public relations were predetermined by material conditions included class and national relations, as well as everyday relations, family relations, etc. Each of them had their own, relatively independent object, to study which they were aimed at: interclass – about a different form of ownership; interethnic – about the commonality of economic life, territory, language, culture; everyday – about ties in the non-productive sphere, family, marriage relations, family ties, etc. Political affairs were considered the highest level of development of public relations.

Politics, as already noted, was seen as a concentrated expression of the economy, its generalization and completion. Political relations arise, exist and develop as issues of taking, retention and use of state power in the interests of realizing the economic and social interests of the ruling class. One of the most important signs of political relations was considered to be a consciously organized nature, possible only if there were political organizations of the ruling class, the interaction of certain political ideas and organizations expressing the interests of this class. The leading role was assigned to the socialist ideology, the mastery of which formed the only correct worldview.

So, the purpose of the article is to define the theoretical, administrative, civil-legal aspects of regulating public relations.

III. MATERIALS AND METHODS

The research is based on the works of foreign and Ukrainian researchers on methodological approaches to understanding public relations from the point of view of legal theory, administrative law, civil law, etc.

Through the use of the gnoseological method, the essence of public relations was clarified from the point of view of the legal theory, administrative law, civil law, etc. Thanks to the logical-semantic method,

the conceptual framework was deepened, the essence of the theoretical, administrative, civil-legal aspects of regulating public relations from the point of view of legal theory, administrative law, civil law, etc. Thanks to the existing methods of law, we were able to analyze the essence of public relations from the point of view of legal theory, administrative law, civil law, etc

IV. RESULTS AND DISCUSSION

O. Skakun defines the legal regulation of public relations as being carried out by civil society and the state with the help of the entirety of legal means of streamlining public relations, their consolidation, protection and development (Skakun, 2003).

The priority of general public interests is emphasized by M. Kelman and O. Murashyn (Kelman & Murashyn, 2006). “Public relations” as a scientific term is a purely formational concept, the origin of which is associated with the Marxist intellectual tradition, the birth of which dates back to the middle of the XIX century. The long and short of it is that the starting foundations of public relations are economic relations as priority (basic), which determines the nature of political and ideological relations as superstructural, secondary (Liutikov et al., 2021).

The essence of public relations can only be understood by considering production relations as starting, fundamental, defining, above which the superstructure rises – political, legal, moral, philosophical and other views, as well as political and other institutions and organizations (Leheza et al., 2020).

A feature of public relations is that their subjects are not all communities of people, but only those that arose objectively in the process of historical development: 1) socio-class communities (classes, intraclass and interclass social strata and groups); 2) ethno-national formations (tribes, nationalities, nations); 3) socio-demographic groups (family, men, women, youth, persons of retirement age, etc.); 4) socio-professional groups (workers, peasants, entrepreneurs, specialists, employees, etc.); 5) socio-territorial communities (population of separate administrative-territorial units, regions, residents of separate cities and villages, urban and rural population). It is obvious that there is no proper place for a person, his/her rights and freedoms, value and social priorities in this system of coordinates provision (Tylchych et al., 2022).

Also, public relations do not provide for the consideration of the individual as a full-fledged subject of social interaction: a human as a biosocial being with his/her interests, needs, freedoms and values fell out of the context of their definition, understanding and interpretation, since priority was given to public interests, public property, public organizations and single political party (of course, the communist one) as the highest form of organization of the ruling class. The personality as a subject of public relations was considered only as a representative and bearer of the interests of a social group (classes, nation, collective, etc.) (Leheza et al., 2021).

The definitions of the essence of public relations, which are provided in the domestic scientific and educational literature, are a continuation of the Marxist intellectual tradition, which seems to be quite appropriate, provided that the monograph or textbook, teaching aids are prepared in accordance with the canons of the above tradition. However, in such cases there should be a clear distinction, given the multi-paradigm nature of scientific knowledge, intellectual traditions in their formational and civilizational dimensions, understanding of their fundamental irreducibility to one another (Leheza et al., 2022).

Orientation of law to the regulation of public relations significantly impoverishes the regulatory potential of law, since the priority of the general (class) interest over the individual, the common good – over the personal, socio-public – over the civil is realized. Civic virtues are regarded as secondary, and often even sacrificed to public interests as supposedly unconditionally priority and determining. It is no coincidence that domestic scientists, considering the essence of social relations, rightly emphasize the importance of their correlation with social theories alternative to Marxism, in particular, social norms (E. Durkheim), social systems (T. Parsons), social action (M. Weber), social interaction and social role (G. H. Mead), social exchange (G. C. Homans) (Andrushchenko, 2006).

The formation and development of non-linear intellectual traditions are associated, as it is known, with human-centrism, respect for the dignity of a human, ensuring his/her rights and freedoms as starting and determining points in the process of functioning of society. Structural functionalism as a scientific paradigm arose as the personification of the natural human right to a decent life. It is significant that the variants of natural law theory in different periods of history acquired a characteristic meaning and ideological orientation. Separate provisions of natural law theory date back to V-IV century B.C.E.: the philosophers of Ancient Greece in a dialogue form developed the ideas of character, essence, rooting of law in the

objective and subjective nature of things, in the eternal order of the universe with its subordination to the flow of time and the immutability of human nature. It is still relevant to raise the question of law as a result of a “voluntary agreement” between the citizens of Athens (Leheza et al., 2022).

Socrates, Plato and Aristotle denied the sophists' understanding of law as an “artificial invention of people”: written laws do not exclude eternal, unwritten legal truths, as well as laws “imbedded in the hearts of people by the divine mind itself”. The eternal, unshakable divine order determines not only the essence of human relationships, but also the universe. For example, Aristotle saw two main parts in law: natural and conditional. The natural component of law consists in its equal significance in all social strata, being independent of the degree of its recognition or non-recognition. While a conditional law, being originally formed by a human as “indifferent”, in the case of determining its social priority, this indifference overcomes (Rabinovych, 2001).

The natural legal tradition underwent a significant evolution in the era of the Middle Ages, the Enlightenment and the Modern Age, developing the postulates of eternity and the immutability of human nature, the divine and natural origin of law, which was reflected in the intellectual activity of the great thinkers of the past: H. Grotius and B. Spinoza (Holland), T. Hobbes and J. Locke (England), J-J. Rousseau and P. Holbach (France) (Petryshyn, 2002).

Recently, the natural legal tradition has been developing as a starting, defining intellectual theoretical and methodological platform for the humanization of law, its approximation to civilized standards of freedom, social justice, guarantees of human and civil rights and freedoms. In Ukraine, this direction of law is implemented, in particular, as a process of approximation (adaptation and harmonization) to the legal standards of the member states of the European Union (Kopeichykov, 2002).

The above proves, in our opinion, the priority of natural law, which, being related to the legal norm, legal law, the supremacy of law, affirms the validity of the statement “Human is the measure of all things” (Heraclitus), the truth of which could not overcome the living procession of History with its ups and downs, gains and losses, challenges and dangers (Leheza, 2022).

An action carried out by non-legal means cannot be considered a legal regulation. Thus, influencing people’s consciousness and behavior through the mass media, through propaganda, agitation, ethical and legal education and training cannot be referred to legal regulation as a special legal organizing activity. Influence over social relations and on people’s behavior

caused by special legal means and methods, in its turn, affects spiritual, ethical, ideological aspects of a person's life. Law cannot regulate all social relations, all social connections between members of the society. Therefore, at each concrete historical stage of social development, the sphere of legal regulation must be defined with a sufficient level of precision (Petryshyn, 2002).

In conditions of a narrowed sphere of legal regulation in the society, there is a threat of arbitrariness, chaos and unpredictability in those areas of human relations that can and must be regulated with the help of law. And in cases of unjustified expansion of the sphere of legal regulation, especially at the expense of centralized state-authority action, created are conditions for strengthening of totalitarian regimes, regulation of people's behavior, which leads to social passivity, lack of initiative of members of the society (Leheza et al., 2022).

The sphere of legal regulation should include those relationships that have the following characteristics (Petryshyn, 2002): reflection of individual and general social interests of society members; realization of mutual interests of their participants, each of whom narrows his/her own interests in order to satisfy interests of others; agreement-based formation of implementation of certain rules and recognition of their obligatoriness; compliance with rules obligatoriness of which is supported by a sufficiently effective legal force. The nature and type of social relations, components and subject of legal regulation determine the degree of intensity of legal regulation, that is, the breadth of legal action, the degree of bindingness of legal orders, forms and methods of legal coercion, the degree of detail of orders as well as intensity of legal action on social relations (Oliinyk, 2001).

In spite of different approaches to its definition, a certain understanding of the essence of legal regulation has been formed in literature sources. The term "regulation" comes from the Latin word «regulo» (rule) and means ordering, adjusting, bringing something into line with something else (Oliinyk, 2001). That is, legal regulation is an action on social relations with the help of certain legal means, including primarily legal norms. In the conditions of forming the basis of a legal state, the role and importance of legal regulation of social relations acquires special relevance. It is about those social relations, which cannot function without the use of legal means (economic, political, and socio-cultural). However, not everything in social relations is regulated by law. For example, the following aspects are not regulated by law: in the sphere of economic relations - production processes; in the sphere of political relations - development of party programs and

statutes; in the spiritual and cultural sphere - religious relations, etc. (Oliinyk, 2001).

Legal regulation presupposes normalization, legal consolidation and protection of social relations through the use of legal means. The regulatory influence of law on social relations consists in the fact that, law in its norms constructs a model of mandatory or permitted behavior of various subjects of these relations.

Most authors understand legal regulation a set of techniques and means of legal influence over behavior of subjects of social relations. According to S.O. Sarnovska, certain legal regulation of social relations is carried out precisely from the moment of publication of the respective normative legal act (Sarnovska, 2003). A somewhat different point of view is held by P.M. Rabynovych, who believes that the rule of law begins to regulate behavior of subjects not from the moment the rule of law is issued, but from the time of occurrence of legal facts provided for by this rule (Rabinovych, 2001).

Since the subject of legal regulation consists in social relations, legal regulation is determined by some objective and subjective factors. Such factors may include the following ones:

Level of economic development of the society; social structure of the society; level of maturity and stability of social relations; level of legal culture of citizens; level of certainty of the subject, means and methods of legal regulation (Kravchuk, 2002).

Most modern scientific works are devoted to legal regulation, and therefore to its spheres and boundaries, as one of the types of legal influence. In this regard O.M. Melnyk notes that some authors equate the concepts of legal influence and legal regulation, although boundaries of these concepts do not coincide. Others do not take into account different forms of legal regulation. Hence we have the statement of some scientists that legal regulation begins with adoption of a legal norm and is confined to it, and opinion of others that it starts with the entry into force of the norm or with occurrence of a legal fact provided for by the respective norm of law. Research of the issue of the sphere of legal influence is not only of theoretical, but also of practical significance, because having defined the sphere of legal influence, we will be able to answer the question about what relations are subjected to such influence and we will establish the limit of legal influence.

The sphere of legal influence, as well as the sphere of legal regulation, cannot remain constant. In this aspect, N.M. Onishchenko and S.V.

Bobrovnyk note that changing the scope of legal regulation is a complex process in which opposite trends (expansion and narrowing of legal regulation) coincide (Onishchenko, 1995). The scope of legal regulation can expand due to the emergence of new relationships of social reality (those previously unregulated by law). Narrowing of this sphere occurs due to society's refusal to use the law and due to replacing legal regulation with other means of social regulation. Such a tendency is caused by the social nature of legal norms, their interrelationship with norms of social regulation.

. In this regard, M.P. Orzikh notes that “the scope of the regulatory influence of law is limited to the normatively established variants of person's behavior in each typical situation” and “the wider the range of these variants is, the more meaningful legal freedom of an individual is, and the wider the framework of the sphere of regulatory influence becomes” (Orzikh, 2009).

According to P.M. Rabinovych, the sphere of legal regulation can be defined as a social space actually regulated by law, or one that can be regulated by law. But such social space is always limited (Rabinovych, 2001).

In Ukraine, the sphere of legal influence is in constant and rather contradictory movement in accordance with the pace of legislation formation and improvement. However, many legal norms do not find their consistent application and implementation. Legal awareness of Ukrainian citizens still remains at a low level, and activities of state bodies often do not meet the standards of a law-governed state. Unfortunately, important changes in law, often have a chaotic nature, so they remain disordered and lack a system-defined connections. For example, the analysis of Art. 9 of the Housing Code of Ukraine provides an opportunity to conclude that any citizen has the right to receive housing free of charge (Law of Ukraine, 1983). At the same time, the Constitution of Ukraine, as the highest law, grants such a right only socially vulnerable sections of the population (Article 47). That is, that the norm of Art. 47 of the Constitution of Ukraine is calculated for today (Law of Ukraine, 1996). Articles 1 and 9 of the Housing Code of Ukraine mainly regulate relations that remained in the days of yesterday.

Thus, changes in the sphere of legal influence, as well as those in the sphere of legal regulation, depend on a significant number of factors, among which the following ones can be singled out:

Changes in the legal system as a whole; priority of public and individual interests; progressive changes in society associated with emergence of new

social relations; increase or decrease in the level of legal awareness and legal culture of the society; progressive changes in the current legislation in the country, both in the direction of expansion and reduction of the regulatory framework; expanding rights and freedoms of citizens and creating favorable conditions for their implementation (Leheza et al., 2022).

Problems in the sphere of legal influence are inextricably linked with the need to study the issue of legal influence limits. Any influence or regulation cannot be performed without boundaries and indefinitely, and therefore such influence must have a certain limit; if this limit is crossed such influence acquires new features and turns into another substance. So, S.V. Bobrovnyk emphasizes that limits of legal regulation constitute an optimal completeness of legal mediation of social relations, due to the need for state influence over spheres of social life, which cannot be regulated otherwise than with the help of law (Bobrovnyk, 2001).

When analyzing the above first of all it is necessary to clarify the essence and meaning of the “limit” category for the purpose of researching the notion of “legal influence limits”. Given the fact that there are several types of definitions in science, first of all, it is necessary to give a scientific analysis of the concept of legal influence limits and choose the most optimal approach. In the process of forming a definition due to the closest genus and species difference, it breaks up into two relatively independent cognitions: definition of the meaning of the very concept of “limit”; establishment of the most significant distinguishing features of legal influence limits from all other subtypes of limits (Leheza et al., 2022).

It should be noted that the word “limit” is used for such entities (phenomena) that can be imagined in clear or unclear, but always specific units, parameters or characteristics. Thus, in the process of researching the issue of legal influence limits, we consider limiting characteristics of the action of law, real and potential possibilities of its influence over social relations and interests (Leheza et al., 2020).

Considering the above, in our opinion, it is possible to distinguish two main approaches to understanding legal influence limits: an objective approach related to objectively existing conditions that do not depend on the will of social subjects or the state, cannot be changed at their will and are capable of limiting legal influence in a certain way. Such conditions may include certain regularities of social development (for example, cultural ones, economic ones, etc.), laws of nature; and a subjective approach, which consists in one’s own worldview, self-assessment by social subjects of their legal capabilities. Thus, it is in the process of own perception, assessment

and representation that the subjective approach to understanding legal influence limits is revealed.

It should be noted that this approach to characterizing the marginal indicators of legal influence depends on the level of legal awareness and legal culture of a particular society at a certain stage of its development. Therefore, the mechanism of legal influence as a whole will depend on how adequately law in its essence will be perceived.

Like any theoretical category, “legal influence limits” do not receive a full-fledged theoretical study without characterizing their main features. As noted by O.M. Melnyk legal regulation limits are determined by non-legal factors. They come from the very nature of human activities, they are determined by culture and civilization as well as by the existing system of relations, economic, historic, religious, national and other circumstances (Melnyk, 2000).

A peculiar place among subjective factors influencing determination of legal influence limits is taken by the dominating in the society and the state legal consciousness which is tightly related to certain common philosophic and world outlook views of the society and can determine limits of influence over legal awareness of a definite social subject.

Factors of subjective nature determining legal influence limits may also include propaganda of law, legislator’s intentions, motivation of law and legal innovations as far as they do not perform direct regulation and never initiate definite legal relations, but they have an influence over subconsciousness of subjects of law and so determine possible limits of their behavior (Leheza et al., 2021).

Similarly to objective factors, subjective factors are not exhaustive and may change under influence of objective reasons. Such changes are presented as narrowing or expanding possible legal influence limits (Leheza, 2022).

EU countries develop social relations according to the principles declared in the "White Book", which was adopted by the European board in July 2001. Along with the approaches of the World Bank and the Organization for Economic Cooperation and Development, the European Commission introduced its own concept of social - political relations. The White Paper contains a number of recommendations and proposals regarding the processes of democratization in Europe and increasing the legitimacy of EU institutions:

Involvement of the public in the management of state affairs; improvement of regulatory policy; strengthening the role of the EU in world governance.

The Commission laid five key principles at the basis of the effective establishment of democratic social relations (Maistre, 1853):

Openness (subjects of public relations must act openly and, together with member countries, publicly declare what the EU is doing and how relevant decisions are made. They must use language that is accessible and understandable to everyone. Openness in activity is important left also because it contributes to the strengthening of trust in all institutions of social relations);

Participation (the level, professionalism and effectiveness of European Union policy depends on the degree of involvement of public relations actors in the process of policy formation, starting from the development of concepts and ending with their implementation. Active participation contributes to the growth of trust in the final result and in the policy of the state The depth of involvement crucially depends on the degree of application of the concept of "inclusion of citizens in this process" by the central government bodies of the EU member states when developing and implementing their policy.

Responsibility (the division of legislative and executive functions must be clearer. Each EU governing body must explain to citizens what activities it carries out in Europe and what responsibility it bears for it. A higher level of clarity and correlation is also necessary in the member states the EU, as well as in the activities of all those structures that, regardless of the level of hierarchy, participate in the development and implementation of EU policy);

Effectiveness (EU policy must be effective, timely and provide for the necessary steps on the basis of clear goal setting, assessment of consequences and — if possible — accumulated experience. Effectiveness is also determined by the way the policy is implemented, which corresponds to its declared objectives goals, as well as the correct choice of decision-making level);

Coherence (policy and specific social actions must be coherent and understandable.

Each of these principles is important for the democratization of social relations.

They are particularly important for the European Union, which has faced unprecedented challenges in its history. Each of the above principles

is important, but none of them can be implemented with the help of separate measures or actions. Policy can no longer be effective if it is developed and implemented without the involvement of a wide range of interested participants in social relations (Strel'tsov, 2009).

V. CONCLUSIONS

So, legal regulation demonstrates interference of the state into vital activity of the society in general as well as that of each separate personality. This interference in the modern democratic society must have its limits, i.e. limits of dictatorial interference of the state and its bodies to the system of social relations. And violation of these limits by the state, application of prohibited methods of influence over social relations should be viewed as interference of the state to insubordinate spheres of social regulation.

In a modern democratic state, the nature and types of these means are determined by a complex of factors; among these factors we can first of all highlight patterns of development and principles of the legal system, as well as the level of declared and actually effective rights and freedoms of human and citizen established both in national legislation acts and international acts ratified by the legislative body of that state. In addition to that, legal, democratic and social state should recognize priority of rights, freedoms and legally protected interests of a separate person over its own interests. Despite declarativity of this statement it has a significant importance for choice of priority guidelines and means for legal regulation of social relations.

Special tasks are assigned to legal science as a means and mechanism for regulating public/social relations, legal socialization of a human, ensuring his/her rights and freedoms and, most importantly, his/her formation as a person, a citizen of the country, as a full-fledged representative of civil society.

In the scientific literature, the terms “public” and “social” are used both to refer to the same phenomena, events and processes (lack of identification), and various social phenomena. In other cases, the social is identified with the public. As a rule, this takes place in two cases: in the case of comprehending the entirety of phenomena and processes that exist in a particular society, as well as in cases of emphasis on the differences that distinguish social phenomena and processes from natural, technical, technological and informational. This approach, which can be defined as a broad one, understands social relations as economic, political, and ideological phenomena and processes, while public relations are determined

as social ones. This circumstance gave rise to some authors to consider social relations as synthetic, generalizing the interaction of material and ideological social relations. However, in our opinion, social relations do not just reflect the most important signs of human interaction, but are primarily are the result of the direct influence of civil society, which is being formed in Ukraine, and consist primarily in ensuring human and civil rights and freedoms, the implementation of universal human values as unconditional priorities of the process of social change. Outside of the human-centric orientation as determining in terms of determining the nature (type) of relations, relations between people do not acquire a social character, which allows them to be characterized as public, where, as already noted, relations concerning mode of production, the nature of distribution, exchange and consumption of material good are priority.

In other cases, the concept of “social” is interpreted narrower than “public”, is considered only a part or a constituent of the latter. Under such conditions, social relations stand out as allegedly special in the system of public relations, are considered on a par with economic, political, ideological forms of human interaction. This approach rather unifies the essence of social relations than demonstrates their difference, the fundamental irreducibility of one social phenomenon to another.

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