

DOI <https://doi.org/10.51647/kelm.2020.5.1.24>

## GENEZA GŁÓWNYCH RODZAJÓW PLANOWANIA STRATEGICZNEGO I ICH WŁAŚCIWOŚCI ADMINISTRACYJNO-PRAWNE NA UKRAINIE

*Nataliia Biloshytska*

*aspirant*

*Institucji szkolnictwa wyższego „Międzynarodowy Uniwersytet Biznesu i Prawa” (Chersoń, Ukraina)*

*ORCID ID: 0000-0001-7441-5194*

*Biloshytska@gmail.com*

**Adnotacja.** W artykule zbadano genezę głównych rodzajów planowania strategicznego i ich cechy administracyjno-prawne. Udowodniono, że system tak zwanego dyrektywnego państwowego planowania rozwoju kompleksu narodowo-gospodarczego (w przeciwieństwie do planowania wskaźnikowego w krajach o gospodarce rynkowej) powstał w wyniku konsekwentnego doskonalenia organów planowania państwowego i regulacji prawnej ich działalności. Wskazano, że Państwowy Komitet ds. Planowania w ramach własnego obszaru odpowiedzialności wydał rozporządzenia wiążące dla wszystkich ministerstw, urzędów oraz innych organizacji. Dano mu możliwość angażowania do badań projektów planów i poszczególnych spraw narodowo-gospodarczych akademii nauk, instytucji badawczych i projektowych, konstruktorskich oraz innych firm i instytucji, a ponadto samodzielnych ekspertów, specjalistów i pionierów produkcji. Konkretnie sztab Państwowego Kabinetu ds. Planowania składał się bezpośrednio z działów branżowych (odpowiednio w dziedzinie przemysłu, rolnictwie, transporcie, sektorze obrotu towarowego, handlu zagranicznego, kultury, a także edukacji, zdrowia i innych dziedzin) i działów skonsolidowanych (skonsolidowany dział planu narodowo-gospodarczego, wydział planowania przestrzennego, a także lokalizacji zakładów produkcyjnych, skonsolidowany dział inwestycji kapitałowych, skonsolidowany dział bilansów materialnych, a także projektów podziału, wydział pracy, wydział finansów i kosztów własnych itp.). Ustalono, że planowanie dyrektywne posiadało szereg niewątpliwych zalet, pozwalających na kompleksowe rozwiązywanie wielu problemów zarządczych. W szczególności na prowadzenie jednolitej polityki technicznej związanej z rozwojem głównych obszarów nauki; koordynowania tempo rozwoju gospodarczego kraju ze wzrostem potencjału gospodarczego i technicznego regionów; centralnej redystrybucji zasobów finansowych, materialnych i pracowniczych do najbardziej odpowiednich obszarów. Te i niektóre inne pozytywne aspekty planowania dyrektywnego rozwoju kompleksu narodowo-gospodarczego wykazały najwyższą wydajność w trudnych okresach przejściowych (industrializacja i ożywienie gospodarcze), ale w okresach pokojowego rozwoju pojawiły się w nim znaczące problemy, których nigdy nie udało się rozwiązać. Uzasadniono, że nowoczesne prawo administracyjne Ukrainy również nie stawia kwestii związanych z rządowym planowaniem strategicznym rozwoju gospodarki. Nawet kursy szkoleniowe takich dyscyplin jak prawo finansowe i budżetowe Ukrainy pomijają związek planowania budżetowego z kwestiami prognozowania gospodarczego i planowania strategicznego gospodarki regionalnej. W specjalnościach prawniczych brakuje również badań magisterskich nad problematyką administracji publicznej. Tak się złożyło, że po zniesieniu systemu państwowych organów planowania badania te stały się prerogatywą ekonomistów, w tym z komponentem prawnym badanych zagadnień. Przewidywalność terytorialnego i sektorowego rozwoju gospodarczego można osiągnąć jedynie na podstawie zastosowania zestawu narzędzi planowania strategicznego i prognozowania. Brakuje jednak systemu planowania terytorialnego na Ukrainie i innych państwach poradzieckich, a perspektywy jego częściowej odbudowy wiążą się z przejściem na zasady i metody stosowane w zachodnich krajach rozwiniętych gospodarczo. Należy zauważyć, że planowanie wskaźnikowe ma wiele poważnych różnic w stosunku do planowania scentralizowanego. W centralnie ukształtowanej gospodarce cechy projektów firm, koszty produkcji, wynagrodzenia pracowników, koncepcja podziału zysków i ilość zasobów produkcyjnych były kształtowane przez dezagregację strategicznych planów pięcioletnich, miały charakter dyrektywny i były obowiązkowe do wykonania, to znaczy miały charakter czysto administracyjny. Wskaźniki planów były kryteriami oceny działalności przedsiębiorstw. Realizacja planowanych zadań poparta była koncepcją motywowania materialnego pracowników oraz wyłącznie administracyjnymi sposobami kierowania dyrekcją przedsiębiorstw.

**Słowa kluczowe:** zabezpieczenie administracyjno-prawne, prawo administracyjne, regulacja administracyjno-prawna, podstawy administracyjno-prawne, planowanie strategiczne, administracja publiczna, prognozowanie administracyjno-prawne, doświadczenie zagraniczne, zrozumienie administracyjno-prawne, koncepcja administracyjno-prawna, system legislacyjny, plan, strategia.

## GENESIS OF THE MAIN TYPES OF STRATEGIC PLANNING AND THEIR ADMINISTRATIVE AND LEGAL FEATURES IN UKRAINE

*Nataliia Biloshytska*

*Postgraduate Student*

*International University of Business and Law (Kherson, Ukraine)*

*ORCID ID: 0000-0001-7441-5194*

*Biloshytska@gmail.com*

**Abstract.** *The object* of the study is there are public relations that arise in the sphere of application of strategic planning within the framework of Public Administration of Ukraine. *The subject* of the study is the administrative and legal support

of strategic planning in the field of Public Administration of Ukraine. The purpose of the dissertation is to determine the features of administrative and legal support for Strategic Planning in the field of Public Administration in Ukraine based on the analysis of scientific views of scientists and the norms of the current legislation of Ukraine, on the basis of the development of positive domestic and foreign experience, to determine the directions for improving the relevant administrative legislation. *Methods.* The methodological base of the dissertation search is based on general scientific and special scientific methods of scientific knowledge. In particular, methods of analysis and synthesis were applied, with the help of which a general characteristic of the essence, nature and theoretical foundations of administrative and legal understanding of strategic planning and its place and significance in the field of Public Administration became possible; a dialectical method that allowed us to study the genesis of the main types of strategic planning and their administrative and legal features, as well as to determine the main principles of administrative and Legal Policy and priority directions for the development of legislative strategic planning in public administration. The use of the system-structural method served as a tool for substantiating and characterizing a specific tool of State Strategic Planning – Administrative and regulatory forecasting. The method of system analysis was used in the course of analysis from the administrative and legal positions of the logic and principles of strategic planning in public administration, as well as to work out the methodology and main approaches to state strategic planning; the structural and functional method provided an opportunity to study the administrative and legal tools of strategic planning in the public administration system; using the comparative legal method, a comparative analysis of foreign experience in administrative and legal support of strategic planning in public administration is carried out and the possibilities of its application in domestic practice are determined. The formal and legal method is widely used, which made it possible to properly study the regulatory material, formulate definitions of special research concepts, in particular during the formulation of proposals for improving administrative legislation regulating strategic planning in the field of Public Administration of Ukraine. The use of the logical-semantic method contributed to the improvement of the conceptual and categorical apparatus of work, the expansion and refinement of the studied concepts and categories; using the logical and legal method, it became possible to substantiate the latest trends in administrative and legal support of strategic planning in the field of Public Administration. *Results.* The genesis of the main types of strategic planning and their administrative and legal features are studied, which allowed us to substantiate the positive administrative and legal potential of strategic planning of socio-economic development, its need directly in the transition period, in connection with the need to formulate in legal configurations a clear vector for the further formation of society, and in addition its concretization in setting long-term, as well as current goals, defining clear tasks in order to organize a full-fledged, effective concept of strategic planning socially-economic development of Ukraine. *Practical value.* The scientific novelty of the results obtained lies in the fact that the work is one of the first attempts to comprehensively, using modern scientific works and methods of scientific knowledge, determine the features of administrative and legal support for Strategic Planning in the field of Public Administration of Ukraine. As a result of the work carried out, new scientific provisions and conclusions are formulated, which are proposed by the applicant personally.

**Key words:** administrative and legal support, administrative legislation, administrative and legal regulation, administrative and legal bases, strategic planning, public administration, administrative and regulatory forecasting, foreign experience, administrative and legal understanding, administrative and legal concept, legislative system, plan, strategy.

## ГЕНЕЗИС ОСНОВНИХ ВИДІВ СТРАТЕГІЧНОГО ПЛАНУВАННЯ ТА ЇХ АДМІНІСТРАТИВНО-ПРАВОВІ ОСОБЛИВОСТІ В УКРАЇНІ

*Наталія Білошицька*

*аспірант*

*ЗВО «Міжнародний університет бізнесу і права» (Херсон, Україна)*

*ORCID ID: 0000-0001-7441-5194*

*Biloshytska@gmail.com*

**Анотація.** В статті досліджено генезис основних типів стратегічного планування та їх адміністративно-правові особливості. Доведено, що система так званого директивного державного планування розвитку народно-господарського комплексу (на відміну від індикативного програмування в країнах з ринковою економікою) склалася в результаті послідовного вдосконалення органів державного планування і правового регулювання їх діяльності. Зазначено, що Держплан у межах власної зони відповідальності видавав розпорядження, обов'язкові до виконання всіма міністерствами, відомствами а також іншими організаціями. Йому була дана можливість залучати для досліджень проектів планів і окремих народногосподарських питань академії наук, науково-дослідні та проектні установи, конструкторські а також інші компанії та установи, а крім того, індивідуальних експертів, фахівців і передовиків виробництва. Конкретно апарат Держплану складався безпосередньо з галузевих відділів (відповідно у галузі індустрії, сільському господарстві, транспорті, галузі товарообігу, зовнішньої торгівлі, культури а також освіти, охорони здоров'я та інших сфер) і консолідованих відділів (консолідований відділ народного-господарського плану, відділ територіального планування а також розміщення продуктивних потужностей, консолідований відділ капітальних інвестицій, консолідований відділ речових балансів, а також проектів розподілу, відділ праці, відділ фінансів та собівартості тощо). Визначено, що директивне планування володіло рядом безперечних переваг, які дозволяли вирішувати багато управлінських питань комплексно. Зокрема, проводити єдину технічну політику, пов'язану з розвитком основних напрямів науки; узгоджувати темпи економічного розвитку країни зі зростанням економічного і технічного потенціалу регіонів; централізовано перерозподіляти фінансові, матеріальні і трудові ресурси на найбільш актуальні напрями. Зазначені та деякі інші позитивні сторони директивного планування розвитку народно-господарського комплексу демонстрували найбільш високу ефективність у складні перехідні періоди (індустріалізація та відновлення економіки), але в періоди мирного розвитку в ній виявлялися значні проблеми, які так і не вдалося вирішити. Обґрунтовано, що сучасне адміністративне право України теж не ставить питань, пов'язаних з державним стратегічним плануванням розвитку економіки. Навіть навчальні курси таких дисциплін, як фінансове

і бюджетне право України, оминають увагою зв'язок бюджетного планування з питаннями економічного прогнозування і стратегічного планування регіональної економіки. За юридичними спеціальностями відсутні і дисертаційні дослідження відповідних проблем державного управління. Так склалося, що після скасування системи, державних плануючих органів ці дослідження стали прерогативою економістів, в тому числі і юридичного складника досліджуваних питань. Передбачуваність територіального і галузевого економічного розвитку може бути досягнута тільки на основі застосування комплексу інструментів стратегічного планування і прогнозування. Однак система територіального планування в Україні та інших пострадянських державах відсутня, а перспективи її часткового відновлення пов'язані з переходом на принципи і методи, використовувані в західних економічно розвинених країнах. Наголошено, що індикативне планування має ряд серйозних відмінностей стосовно централізованого планування. У централізованому формованій економіці характеристики проектів компаній, вартість продукції, заробітна плата співробітників, концепція розподілу прибутку, а також кількість ресурсів виробництва склалися завдяки дезагрегації стратегічних п'ятирічних планів, мали директивний характер і були обов'язковими до виконання, тобто мали чисто адміністративний характер. Показники планів були критеріями оцінки діяльності підприємств. Здійснення планових завдань підтримувалося концепцією матеріального стимулювання співробітників і винятково адміністративними способами керівництва директором підприємств.

**Ключові слова:** адміністративно-правове забезпечення, адміністративне законодавство, адміністративно-правове регулювання, адміністративно-правові основи, стратегічне планування, державне управління, адміністративно-правове прогнозування, зарубіжний досвід, адміністративно-правове розуміння, адміністративно-правова концепція, законодавча система, план, стратегія.

**Introduction.** Strategic planning is one of the most important integral tools of Public Administration and an integral part of its ontology. The term “strategizing” is also used, which in public administration, in our opinion, reflects an active, focused element of the public administration system, which is expressed in programming certain interrelated sequences of actions. Strategic planning (as one of the tools of Public Administration) is currently insufficiently regulated by law in Ukraine. Administrative and legal support of strategic planning has a number of shortcomings, containing mainly requirements to carry out such planning within the framework of State Construction and public administration, without building a proper tool and logistics platform for systematic multi-vector and integrated “strategizing” in public administration, the consequence of which is numerous systemic failures and partly systematic failure in the implementation of a number of already adopted strategic planning documents in our state. Numerous defects in ensuring and meeting budget expenditure requirements, reflected, in particular, in assessments by senior officials and documents of the Accounts Chamber, inappropriate expenditures of budget funds for quite large amounts, other modern problems and shortcomings of Public Administration in Ukraine are largely due to systemic shortcomings of strategic planning in public administration. The aggravation of international competition in almost all sectors of Public Relations (economy, geopolitics, energy, water resources) actualizes the understanding that competent and effective strategic planning becomes the key, determinant of the survival of statehood, proper competitiveness and sovereignty of the state, changes in the mode of Public Administration to the model of “Smart State” and “smart public administration”. Today, the issue of choosing strategic goals for the development of Ukraine and the corresponding development of the public administration system is very acute.

The concept, nature and tools of strategic planning in public administration have not yet been studied and explained properly, and they have not received a detailed study, description and explanation from the standpoint of the theory of Public Administration and the science of administrative law. At the same time, without proper legal conceptualization and applied legitimization of strategic planning in public administration, the quality of this tool, which is mainly understood and interpreted today from the standpoint of economics, enterprise management, etc., but not from a legal standpoint, will remain low in Ukraine.

The above actualizes further administrative and legal research and discussion of the importance of strategic planning in public administration.

### **Main part.**

#### **1. Prerequisites for the development of strategic planning in public administration**

Currently, it is generally recognized that public administration (in the broadest sense) is a mechanism of political power that promotes the development of public relations based on the principles of democracy (Baile K., 1998: 34). At the present stage, the role of the state administrative apparatus is gradually being transformed: spreading to more and more new areas, it is becoming more and more close to satisfying the interests of citizens, their rights and freedoms. In today's society, which seeks to preserve and develop the ideals of humanism and tolerance, in the conditions of rapid growth of informatization of Public Relations, integration of economic and political processes, the role and significance of Public Administration, or rather the role of purposeful activity of subjects of such management, is becoming more complex. At the same time, the essence of managing social processes remains unchanged: the purposeful influence of people on the social system as a whole, as well as on its individual elements based on the knowledge and application of its inherent objective laws in the interests of ensuring its best functioning, as well as the formation, achievement of established goals (Dunn W., 1994: 210).

The above definition of a well-known scientist has become axiomatic, but in domestic public administration it is followed by a long-term discussion of legal scholars about the role, place, functions, system and structure of state bodies authorized to manage certain affairs of society and the state. At the same time, the scientific approach to managing the affairs of society assumes that the regularities of management are manifested both in the development of the subject of management and in the development of the object on which management influence is directed. The objective development of both sides of Management Relations is determined by many factors, among which not all are obvious.

In particular, the scientific literature points to such phenomena as self-regulation, spontaneous regulation, which are manifestations of a close relationship between necessary and random (Iglesias A., 2015: 41). However, in domestic administrative law, the subject of Public Administration is still in the foreground, and the complex process of influence is revealed as a component of principles, methods, powers and other attributive elements of the administrative status of state bodies and officials (Nartisa I., 2012: 242). Despite the importance of studying the relevant provisions of administrative law, even in modern educational literature, issues related to the laws of development of modern society and its main spheres of life in which public administration processes are implemented are practically not disclosed. Taking the relevant issues outside the scope of the subject of study of administrative law, other social disciplines, is hardly acceptable. And the study in a special part of administrative law of the traditionally allocated economic sphere of Public Administration is hardly possible after excluding from scientific circulation such concepts as “National Economic complex”, “sector of the state economy”, “proportional development of the national economy and other categories that were operated by the previous school of Public Administration.

These and other mandatory components of the theory of Soviet state administration determined the uniqueness of its construction and differences from “bourgeois” administrative law. But at the same time, the ambiguity of the content of the concept of “public administration” was also reflected in the formation of domestic administrative law, which (in contrast to European law) was considered almost until the middle of the XX century within the framework of state law and the theory of Soviet governance (Dunn W., 1994: 235). This process of development of domestic administrative law is covered in sufficient detail in special publications, and here we agree with the opinion of those researchers who emphasize that the contribution of legal science of the Soviet period should not be underestimated. To date, many of the questions raised by Soviet administrative scientists remain relevant. In particular, the question of the legal form of Public Administration and (or) managerial influence, in our opinion, is of interest for studying the role of state planning for the socio-economic development of public relations and administration of the implementation of state plans (programs) (Allison M., 2006: 53).

## **2. Key aspects of policy planning**

The system of so-called directive state planning for the development of the National Economic complex (in contrast to indicative programming in countries with market economies) was formed because of consistent improvement of state planning bodies and legal regulation of their activities. In accordance with the “regulations on Gosplan” of September 9, 1969. it was established that: state projects for the formation of the national economy should be the best, rely on the Economic Laws of socialism, build on the current achievements and prospects for the formation of Science and technology, on the results of scientific research on economic and social issues of communist construction, a comprehensive study of social needs, on the exact combination of industry and territorial planning, and in addition centralized planning with economic self-sufficiency of companies and organizations. The activities of “Gosplan” according to the planning of the national economy were actually connected with all central state administration bodies and higher regional authorities (Nartisa I., 2012: 241).

“Gosplan”, within its own area of responsibility, issued orders that were binding on all ministries, departments, and other organizations. He was given the opportunity to attract Academies of Sciences, Research and design institutions, design and other companies and institutions, as well as individual experts, specialists and industry leaders to research draft plans and individual economic issues. Specifically, the State Planning Office consisted directly of industry departments (respectively in the field of industry, agriculture, transport, trade, foreign trade, culture and education, health and other areas) and consolidated departments (consolidated Department of the National Economic Plan, Department of Territorial Planning and placement of productive capacities, consolidated Department of capital investment, consolidated Department of clothing balances, as well as distribution projects, Labor Department, finance and cost department, etc.) (Murphy R., 2003: 110). In the period of 60–80 years under “Gosplan”, there were a number of regularly operating commissions (the state expert commission, the Interdepartmental Commission on economic reform, the committee of technical and economic expertise) and a number of research institutes (the economic institute, the Institute of complex transport problems, the Institute of complex fuel and energy problems, the Institute of planning and standards, etc.) (Baile K., 1998: 49).

Directive planning had a number of undoubted advantages that made it possible to solve many management issues in a comprehensive manner. In particular, to implement a unified technical policy related to the development of the main areas of science; to coordinate the pace of economic development of the country with the growth of the economic and technical potential of the regions; to centrally redistribute financial, material and labor resources to the most relevant areas. These and some other positive aspects of Directive planning for the development of the National Economic complex demonstrated the highest efficiency in difficult transition periods (industrialization and economic recovery), but during periods of peaceful development it revealed significant problems that could not be solved (Nartisa I., 2012: 243).

These problems were commented on by Soviet jurists, first of all – the lack of Integral planning legislation in the state that would fully regulate the powers, responsibilities, procedures, legal form and consistency of long-term and medium-term planning at various levels of Public Administration. Proposals were considered in this regard on the development of the state branch of legislation, which would provide for “the adoption of acts on planning, capital construction, standardization, financing and lending, material and Technical Supply, on the management of the national economy (in order to develop the constitutional principles of economic management in relation to its main branches-industry, agriculture, transport, consumer services, etc.), on the introduction and use of management (organizational) equipment, on integrated system protection of the human environment, etc.” (Iglesias A., 2015: 41).

### 3. Features of indicative planning

Indicative planning has a number of serious differences in relation to central planning. In a centrally formed economy, the characteristics of companies 'projects, the cost of production, employees' wages, the concept of profit sharing, and the amount of production resources were formed due to the disaggregation of strategic five-year plans, were directive in nature and were mandatory for implementation, that is, they were purely administrative in nature. Indicators of plans were criteria for evaluating the performance of enterprises. The implementation of planned tasks was supported by the concept of material incentives for employees and exclusively administrative methods of managing the Directorate of enterprises (Nartisa I., 2012: 241).

Unlike directive planning, an indicative plan is an administrative act adopted by an Authorized Public Administration body and having a predominantly advisory character. The Indicative Plan contains the main indicators (indicators) of volumes, structure, growth rates of production and consumption, price dynamics, exports and imports, investments, etc. this type of planning involves the use of direct and indirect economic regulators (prices, income, taxes, interest rates, loans, etc.), which orient economic entities of the region to implement planned indicators. The most important element of the indicative planning process is the procedure for coordinating (mechanisms for finding consensus) regional priorities with the strategic goals of financial and industrial groups, business unions, trade unions and other participants in the development process (Murphy R., 2003: 115).

Indicative planning is often referred to as a "public consent agreement", according to which authorities, companies, and public organizations assume specific obligations in order to shape the economy and a coordinated standard of living for residents. It is developed and implemented by all participants who influence the formation of the state, district, city, taking into account common interests and with the participation of the entire population. The plan is addressed to the entire community, sets guidelines for everyone, shows the prospects of business, government, residents, and potential external investors. An indicative plan is not a directive, but a set of agreed, recognized as reasonable planning guidelines for market entities, the population, and corresponding requirements for the state (local) administration, which must provide the necessary conditions. In other words, it is a joint agreement on certain measures that are of strategic importance for the state, region, or city and should be taken. The indicative planning procedure is focused on the selection of social consensus, a wide range of interested parties is involved in its adoption, which means that the implementation of the plan is based on their active support (Iglesias A., 2015: 43).

Indicative plans organically combine the concepts of economic and industrial policy of the state, forecasts of the functioning of the economy, state programs, volumes of state capital investments, and on this basis ensure the relationship between national and regional programs, as well as regulate the management processes of state-owned enterprises and regulation of market structures (Allison M., 2006: 33)

The variety of forms of indicative plans used, the variety of strategic goals for the development of the regional economy generates a large number of modifications of indicators of socio-economic development. For any particular type of regional development strategy, a clear form of indicators of socio-economic development of regions corresponding to it is developed. Indicators can reflect quantitative and qualitative characteristics of socio-economic phenomena and actions taking place in the region. The qualitative area of the indicator reflects the essence of phenomena in a specific period, and the numerical area reflects its volume, unconditional or conditional value. Manifested in the form of numerical characteristics of the degree of a particular qualitatively defined aspect of social and financial formation, indicators serve as a clear and unbiased indicator of the work of economic entities of a particular district (Poister T., 2010: 67).

Public administration in the indicative planning system is based on a planning solution that contains two groups of characteristics: the desired States of the control object at reference points (indicators) and ways to achieve these states (regulators). The regulator is a parameter of the control action (reaction) that ensures the implementation of the indicator value. Determination of regulators and points of their influence on indicators is carried out based on using situational cognitive modeling as one of the most effective tools for making strategic decisions (Baile K., 1998: 104).

**Conclusions.** The genesis of the main types of strategic planning and their administrative and legal features are studied, which allowed us to substantiate the positive administrative and legal potential of strategic planning of socio-economic development, its need directly in the transition period, in connection with the need to formulate in legal configurations a clear vector for the further formation of society, and in addition its concretization in setting long-term, as well as current goals, defining clear tasks in order to organize a full-fledged, effective concept of strategic planning socially-economic development of Ukraine.

#### References:

1. Allison M., Kaye J. Strategic Planning for Nonprofit Organizations: A Practical Guide and Workbook. San Francisco : CompassPoint Nonprofit Services, 2005. 458 p.
2. Baile K. Study of strategic planning in federal organizations/ Dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Public Administration and Policy. - Virginia: Virginia Polytechnic Institute and State University, 1998. 175 p.
3. Barnard Ch. The Functions of the Executive / Ch. Barnard. Cambridge, 1938. P. 65.
4. Chandler A. Strategy and structure / A. D. Chandler. Cambridge: chapters in the history of the industrial enterprise: MIT Press, 1962. 463 p.
5. Dunn W. Public policy Analysis: an Introduction. 2-nd ed. / W. N. Dunn. New Jersey : Englewood Cliffs, Prentice Hall, 1994. 480 p.
6. Nartisa I., Putans R., Muravska T. Strategic planning and management in public and private sector organizations in Europe: comparative analysis and opportunities for improvement. *European Integration Studies*. 2012. № 6. P. 240-248.

7. Poister T. H. The Future of Strategic Planning in the Public Sector: Linking Strategic Management and Performance. *Public Administration Review*. 2010, December. Special Issue. P. 248-251.
8. Giraudou A., Mclarney C. Benefits and Challenges to Strategic Planning in Public Institutions. *SDMIMD Journal of Management*. 2014. March. Vol. 5. № 1. P. 3-13.
9. Iglesias A. Making Strategic Planning Work in Local Government: An Empirical Study of Success and Failure. *Strategic Public Management Journal*. 2015. October. № 1. P. 40-55.
10. Murphy R. Managing strategic change: an executive overview. Pennsylvania: Department of Command, Leadership, and Management, 2003. 180 p.

DOI <https://doi.org/10.51647/kelm.2020.5.1.25>

## SANKCJE ZA PRZEKAZYWANIE LUB ZBIERANIE INFORMACJI STANOWIĄCYCH INFORMACJE SŁUŻBOWE ZEBRANE PODCZAS CZYNNOŚCI OPERACYJNO-ROZPOZNAWCZYCH, KONTRWYWIADOWCZYCH, W ZAKRESIE OBRONY KRAJU

**Volodymyr Boichuk**

*student Katedry Prawa Karnego*

*Narodowego Uniwersytetu Prawniczego imienia Jarosława Mądrego (Charków, Ukraina)*

*ORCID ID: 0000-0002-8139-7286*

*Boichuk@gmail.com*

**Adnotacja.** Artykuł dotyczy kwestii sankcji przewidzianych w art. 330 Kodeksu Karnego Ukrainy za przekazywanie lub zbieranie informacji stanowiących informacje służbowe zebrane podczas czynności operacyjno-poszukiwawczych, kontrwywiadowczych, w sferze obrony kraju. Podano charakterystykę sankcji art. 330 Kodeksu Karnego Ukrainy w kontekście ich klasyfikacji karno-prawnej, zauważono, że sankcja powinna odpowiadać ciężkości czynu i być zgodna z sankcjami za popełnienie innych, zbliżonych do rodzaju i charakteru przestępstw. W związku z tym przedstawiono propozycje wprowadzenia sankcji ust. 1 i ust. 2 art. 330 Kodeksu Karnego Ukrainy w spójności między sobą poprzez obniżenie górnej granicy kary w sankcji ust. 1 art. 330 Kodeksu Karnego Ukrainy do 4 lat pozbawienia wolności i równoległe powiększenie dolnej granicy sankcji ust. 2 tego samego artykułu do 5 lat pozbawienia wolności. Zaproponowano schemat rozgraniczenia środka odpowiedzialności karnej za przestępstwa przewidziane w art. 328, 329, 422 Kodeksu Karnego Ukrainy i art. 330 Kodeksu Karnego Ukrainy.

**Słowa kluczowe.** Sankcje karno-prawne, informacje służbowe, tajemnica państwowa, bezpieczeństwo informacyjne państwa.

## SANCTIONS FOR TRANSMISSION OR COLLECTION OF INFORMATION THAT CONSTITUTE OFFICIAL INFORMATION COLLECTED IN THE PROCESS OF OPERATIONAL INVESTIGATION, COUNTER-REVIEW, IN SCOPE OF NATIONAL DEFENSE

**Volodymyr Boichuk**

*Applicant at the Department of Criminal Law*

*Yaroslav Mudryi National Law University (Kharkiv, Ukraine)*

*ORCID ID: 0000-0002-8139-7286*

*Boichuk@gmail.com*

**Abstract.** The article considers the problems of sanctions under Art. 330 of the Criminal code of Ukraine for transfer or gathering of the information making the official information collected in the course of operatively-search, counterintelligence activity, in the field of defense of the country. The characteristic of sanctions of Art. 330 of the Criminal Code of Ukraine in terms of their criminal classification, it is emphasized that the sanction must correspond to the gravity of the act and be consistent with the sanctions for the commission of other, similar in nature and nature of the crimes. In this regard, proposals were made to impose sanctions under Part 1 and Part 2 of Art. 330 of the Criminal Code of Ukraine in agreement with each other by reducing the upper limit of punishment in the sanction of Part 1 of Art. 330 of the Criminal Code of Ukraine to 4 years of imprisonment and parallel increase of the lower limit of the sanction of part 2 of the same article to 5 years of imprisonment. The scheme of delimitation of a measure of criminal responsibility for the crimes provided by Art. Art. 328, 329, 422 of the Criminal Code of Ukraine and Art. 330 of the Criminal Code of Ukraine.

**Key words:** criminal sanctions, official information, state secret, information security of the state.