

CONTRIBUTING ADMINISTRATIVE PROCEDURES IN THE SECTOR OF LEGAL RESEARCH IN THE CONTEXT OF THE ECONOMIC INSTABILITY AND NATIONAL SELF-IDENTITY

Liubov Bila-Tiunova¹, Tetiana Bilous-Osin², Liudmyla Borovyk³

Abstract. The article's focus is on the examination of the extant administrative procedures that contribute to the field of legal scientific activity. It is proposed that the thesis on the necessity of taking into account the national self-identity of Ukrainian legal science in the implementation of European standards for the protection of subjects of scientific activity be accepted. It seems appropriate to enhance the administrative procedures pertaining to scientific activity by: 1) Adopting the Regulation on the peculiarities of obtaining a scientific degree in the field of law; 2) Approving the Order on Special Requirements for Candidates for Academic Title in the Field of Law; 3) Adopting the Concept of Grant Support for Legal Research. The methodology of the research is determined by the defined goal and tasks and encompasses a range of scientific knowledge methods, approaches, and actions aimed at acquiring new scientific insights into the determination of contributing administrative procedures of scientific activity. In the course of the study, a variety of methods were employed to gain insight into the nature of scientific knowledge, including the method of system analysis, the dialectical method, the formal-logical methods, the structural-functional and comparative-legal methods, as well as several empirical methods. These methods were used to determine the significance of the specifics of legal scientific activity for their procedural ordering. It is argued that a particular category of persons engaged in legal research activities can be considered to have a national identity in accordance with the current legislative framework and the realities of law enforcement. Concurrently, the author underscores that young scholars have only recently begun their careers as legal professionals and thus still reflect the archetypes of their mentors. It is observed that the period during which they have been positioned as subjects of scientific activity does not permit the conclusion that they are independent and quantitatively predominant. Furthermore, it is imperative that the state provides economic support, including grant funding, for legal research.

Keywords: state regulation, economic support of the state, grant support, scientific activity, administrative procedures, academic degree.

JEL Classification: H79, H81, I20

1. Introduction

The current economic instability in the state has resulted in an increased necessity for supplementary assistance in the field of scientific activity. First and foremost, the implementation of transparent procedures aimed at obtaining grant support from the state and the clarification of the status of scientists are essential. The process of European integration has an impact on all areas of social life that are subject to legal regulation. This is particularly pertinent to the

activities of public institutions in all their forms and external manifestations. The enactment of legislation governing administrative procedures constitutes a laudable initiative (The Law of Ukraine "On Administrative Procedure", 2022).

The functioning of the state is an integral feature of the functioning of public authorities, encompassing a range of spheres of human existence. The sphere of legal scientific activity is no exception to this rule; the relevant subjects must be involved in ensuring

¹ National University "Odesa Law Academy", Ukraine
E-mail: bilatiunova@gmail.com

ORCID: <https://orcid.org/0000-0001-7886-793X>

² National University "Odesa Law Academy", Ukraine (*corresponding author*)
E-mail: bilous200@ukr.net

ORCID: <https://orcid.org/0000-0001-5343-3756>

³ International University of Economics and Humanities
named after Academician Stepan Demianchuk, Ukraine

E-mail: misborovyk@gmail.com

ORCID: <https://orcid.org/0000-0002-8997-0577>



This is an Open Access article, distributed under the terms
of the Creative Commons Attribution CC BY 4.0

its proper functioning (namely, the Cabinet of Ministers of Ukraine, the Ministry of Education and Science of Ukraine, and higher educational institutions vested with executive and administrative powers). The relationship between the authorised entity and the specific regulated sphere of social relations is reflected in the administrative procedures established by the state and set out in the relevant normative legislation.

The normative definition of administrative procedure is that it is a procedure for the consideration and resolution of an administrative case determined by law. This is to ensure the exercise of the right, freedom or legitimate interest of a person and/or the fulfilment of their duties determined by law, as well as the protection of their right, freedom or legitimate interest. This is considered by an administrative body (The Law of Ukraine "On Administrative Procedure", 2022). Furthermore, the evaluation of an administrative procedure culminates with the issuance of an administrative act. Notwithstanding the absence of a classification of administrative procedures in the legislation, scholars of administrative law advocate for the differentiation of intervention, contributing, and ensuring procedures (Bityak, Matyukhina, Kovtun, 2021:11). All types of administrative procedures are intrinsic to the field of scientific activity. In light of the European integration trajectory of the Ukrainian state, this paper will examine the procedures that have been implemented with the aim of optimising scientific activities.

The objective of contributing procedures is to facilitate the implementation of granted rights, freedoms, or legitimate interests. These procedures are associated with the provision of services, permits, privileges, and certificates to individuals by public administration entities (Galunko, Dikhtievskiy, Kuzmenko, Stetsenko, 2018: 19). In the context of scientific activity, this will be evidenced by the provision of documents in the requisite format, attesting to the status of individuals engaged in scientific pursuits.

Furthermore, the selected topic's significance is substantiated by the juxtaposition of long-standing regulations and prerequisites for attaining special statuses by those engaged in scientific pursuits (the factor of national self-identity) and the normatively established requirements currently in force (the European integration factor). The convergence and standardisation of scientific activity, on the one hand, facilitates the comparison of scientific works; however, on the other hand, there is a risk of losing the individualisation of scientific research.

The purpose of this article is to identify and study the administrative and legal nature of facilitating administrative procedures. This goal necessitated the following tasks: 1) to identify the features which

characterise the procedure for obtaining a scientific degree; 2) to highlight the most important characteristics of the procedure for obtaining an academic title; 3) to characterise the status of implementation of the procedure for granting grant support for scientific activities.

To form a comprehensive approach to the state of implementation of the selected vectors of implementation of favourable administrative procedures in the field of scientific activity, the article presents statistical indicators on the application of the procedure for obtaining academic degrees for the period 2021-2023 (National Library of Ukraine named after V.I. Vernadskyi). Accordingly, the lowest number of academic titles was awarded in 2022. This indicates that after the procedure for obtaining the degrees of Candidate of Juridical Sciences and Doctor of Philosophy was updated, the procedure for obtaining this degree and the degree of Doctor of Science was not sufficiently tested. As of 2023, the practice of defending dissertations began to increase, which is explained by the adaptation of Ukrainian scientists and authorised entities to work according to the new standards.

The question of the impact of national identity and European integration is a highly pertinent one. It is noteworthy that identity represents a process of self-reflection that informs Ukraine's evolving stance on European integration. In the field of philosophy, the formation and dissemination of the concept of identity can be attributed to the evolution of contemporary philosophical and political thought, which has significantly impacted the individual's perception of their place in the world and the role of self-awareness in human life. However, as a consequence of the emergence of the concept of personal identity in contemporary philosophical discourse, the understanding of the individuality of legal regulation has evolved (Ilyina, 2022). The relationship between the global and the national is considered in the context of comparative education in terms of its major content or object of study, its method, its goals, and objectives. In addition, the differentiation of comparative education from related fields such as international education, educational development, and area studies is addressed. Furthermore, the impact of the growing pace of globalisation on the effectiveness of culture as a unit of comparison is discussed (Mason, Evers, 2010).

In terms of content, national identity can be defined as a specific collective sentiment, namely a self-image or understanding. Consequently, it can also become an integral aspect of an individual's personal identity, or their "sense of belonging". The verification of the concept of "national identity" is challenged by transdisciplinary and controversial concepts that are themselves linked to additional

equally complex concepts, such as nationalism, ethnicity, and culture (Jan Marschelke, 2020).

The process of constructing a national identity is shaped by the assimilation of institutional separation, which is filtered through the lens of personal attitudes. This can be observed in the variability of ways of representing national identity across different contexts (Snegur, 2023). The present study concerns the existence of national identity among a specific category of individuals engaged in legal research activities in accordance with the prevailing legislation and the realities of law enforcement. Concurrently, young scholars who have recently defended their dissertations in the field of law exhibit the archetypes of their mentors. However, the relatively short period during which they have been engaged in scientific activity does not allow one to conclude that they are independent and quantitatively predominant. Furthermore, the collective number of young scientists in relation to the total number of individuals engaged in legal research is on the decline.

2. Obtaining a Research Grant: The Essence and Economic Component

A grant for scientific research is a specially contributing procedure in the field of legal research. The normative basis for obtaining grant support is the Law of Ukraine "On Scientific and Scientific-Technical Activities" (The Law of Ukraine "On Scientific and Scientific-Technical Activities", 2015), the Procedure for Grant Support of Scientific and Scientific-Technical Activities at the Expense of the State Budget (The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Grant Support of Scientific and Scientific-Technical Activities at the Expense of the State Budget", 2019), and the Procedure for Competitive Selection of Scientific, Scientific and Scientific-Technical Works to be Performed at the Expense of the State Budget (The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Competitive Selection of Scientific, Scientific and Scientific-Technical Works to be Performed at the Expense of the State Budget", 2018). Grant support for scientific and technical activities is provided to develop the scientific and technical potential of specialised educational institutions with a scientific profile (scientific lyceums, scientific boarding schools), research institutions, and higher education institutions (Article 59 of the Law of Ukraine "On Scientific and Scientific-Technical Activities" (2015)).

As with other contributing procedures in the field of legal research, grants for scientific research have a defined set of participants. The beneficiaries of grant support are institutions of higher education with a scientific profile, scientific institutions, and

other institutions engaged in scientific research. Instead, the public authorities authorised to provide grant support (and/or grantors), which also act as subjects of the competitive procedure for granting grants for research, are the Ministry of Education and Science of Ukraine, the National Academy of Sciences of Ukraine, the National Research Foundation of Ukraine, national sectoral academies of sciences, other executive authorities, which manage budgetary research institutions, universities, academies, institutes.

These authorities provide financial assistance in the form of grants to legal entities engaged in activities falling within the scope of their respective mandates. In particular, the Ministry of Education and Science of Ukraine provides grant support in the following areas: 1) Research and development in priority areas of science and technology; 2) Implementation of projects within the framework of international scientific and technical co-operation; 3) Scientific internships for researchers, and so forth (clause 5 of the Procedure for Grant Support of Scientific and Scientific-Technical Activities at the Expense of the State Budget) (The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Grant Support of Scientific and Scientific-Technical Activities at the Expense of the State Budget", 2019).

Grant support is provided on a free and non-refundable basis in a competitive manner. The procedure for competitive selection for grant support is developed independently by grantors in agreement with the Ministry of Education and Science of Ukraine, with due consideration of the requirements set forth in the Procedure for competitive selection of scientific, scientific and technical works planned to be carried out at the expense of the state budget (The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Competitive Selection of Scientific, Scientific and Scientific-Technical Works to be Performed at the Expense of the State Budget", 2018). The administrative procedure for grant support consists of several stages:

1) Decision to hold a competitive selection and publication of the announcement of the competitive selection. To receive grant support, an educational institution must submit an application for participation in the competition. A sample application form and other important requirements are published by placing an announcement on the official websites of the grantor and the Ministry of Education and Science of Ukraine. The deadline for submitting applications is specified in the announcement, but may not be less than 30 calendar days from the date of publication of the competition announcement (clause 12 of the Procedure for Competitive Selection of Scientific, Scientific and Scientific-Technical Works to be Performed at the Expense of the State Budget (2018));

2) Acceptance (receipt) of applications, including their registration. Upon receipt of applications from educational institutions, a preliminary review of their applications for compliance with the established requirements is carried out. In addition, scientific and technical expertise may also be carried out at this stage. If an application is found to be inconsistent with the requirements set out in the competition terms, it is subject to rejection (clause 18 of the Procedure for Competitive Selection of Scientific, Scientific and Scientific-Technical Works to be Performed at the Expense of the State Budget (2018));

3) Announcement of the results of the competitive selection. After reviewing the applications, the list of grantees who have won is determined. The selection of the winners is recorded in the minutes of the competition committee. The terms and conditions of grant support are determined based on the results of the competition and are recorded in the grant support agreement. The term of grant support is determined by the terms of the competition, but may not exceed three years. Grant support funds may be used exclusively for the purposes stipulated by the terms of the competition and the agreement (clause 19 of the Procedure for Grant Support of Scientific and Scientific-Technical Activities at the Expense of the State Budget (2019)).

The financial rationale for providing grant support constitutes an essential element of the evaluation of grant applications. This item encompasses a range of characteristics, including the requisite funding for the implementation of the project by cost item; the cost associated with grant support; and the funding allocated to individual expenditure items. In practice, the financial attractiveness and economic soundness of a project are among the primary considerations when determining whether to provide financial support. As evidenced by the statistical indicators presented in Table 1, the funding of scientific activity is of paramount importance. It is therefore advisable to identify and implement a training system for grant recipients in terms of economic literacy.

Thus, the conferral of academic titles (senior researcher, associate professor and professor) is an enabling administrative procedure, as it involves the involvement of public authorities in its implementation and ends with the adoption of an

administrative act in the form of a certificate. The grant procedure is carried out on a competitive basis and consists of several stages: 1) making a decision to conduct a competitive selection and publishing an announcement on the competitive selection; 2) acceptance (receipt) of applications, including their registration; 3) publication of the results of the competitive selection. The main participants in the procedure for obtaining a research grant are a higher education institution (research institution), the Ministry of Education and Science of Ukraine, the National Academy of Sciences of Ukraine, the National Research Foundation of Ukraine, national sectoral academies of sciences, and other executive authorities whose jurisdiction includes budgetary research institutions, universities, academies and institutes.

3. Obtaining a Doctor of Philosophy Degree

According to part 5 of Article 5 of the Law of Ukraine "On Higher Education", a Doctor of Philosophy is an educational and, at the same time, a scientific degree that is obtained at the third level of higher education on the basis of a master's degree (The Law of Ukraine "On Higher Education", 2014). The Law of Ukraine "On Higher Education" provides for the possibility of obtaining a Doctor of Philosophy degree within the framework of legal research and is specified in such bylaws as the Procedure for Conferring the Degree of Doctor of Philosophy and Cancellation of the Decision of a One-time Specialised Academic Council of a Higher Education Institution or Research Institution to Confer the Degree of Doctor of Philosophy (2022), the Procedure for Training of Higher Education Applicants for the Degrees of Doctor of Philosophy and Doctor of Science in Higher Education Institutions (Scientific Institutions) (2016), Requirements for Dissertation Design (2017), etc.

Obtaining a Doctor of Philosophy degree as an administrative procedure is a complex process that includes a certain list of participants, including public authorities, and stages with statutory deadlines that allow individuals to effectively implement their research projects, formalised in the form of a dissertation, and obtain a Doctor of Philosophy degree. According to part 2 of Article 5 of the Law of Ukraine "On Higher Education", the degree of

Table 1

Financing of scientific and scientific-technical activities in 2023 (The Official website of the Ministry of Finance of Ukraine)

No.	Financing area	Funding amount
1	"Academic science"	8.5 billion UAH
2	"University science"	1.1 billion UAH
3	"Industry science"	0.6 billion UAH
4	Scientific research by the institutions of the National Academy of Sciences of Ukraine	5.6 billion UAH

Doctor of Philosophy is awarded by a one-time specialised academic council of a higher education institution or research institution based on the results of successful completion of the relevant educational and research programme by the higher education student and public defence of the dissertation in a one-time specialised academic council (The Law of Ukraine "On Higher Education", 2014). Thus, it is possible to argue for a kind of delegation of authority from a public authority (in particular, the Ministry of Education and Science of Ukraine) to a higher education institution or research institution to make a decision on awarding a Doctor of Philosophy degree.

The Procedure for Conferring the Degree of Doctor of Philosophy (The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Conferring the Degree of Doctor of Philosophy and Cancellation of the Decision of a One-time Specialised Academic Council of a Higher Education Institution or Research Institution to Confer the Degree of Doctor of Philosophy", 2022) involves several stages of this administrative procedure. The first stage forms the prerequisites for a person to acquire the right to obtain the degree of Doctor of Philosophy and consists of 1) admission to postgraduate studies; 2) completion of the programme of the third (educational and scientific) level of higher education; 3) preparation of a scientific achievement in the form of a dissertation in accordance with the established requirements (The Order of the Ministry of Education and Science of Ukraine "On Approval of the Requirements for Dissertation Design", 2017). This stage means the preparation of higher education students for the degree of Doctor of Philosophy, which lasts 4 years. The participants of this stage are the applicant and the higher education institution (research institution) represented by the supervisor (The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Training of Higher Education Applicants for the Degrees of Doctor of Philosophy and Doctor of Science in Higher Education Institutions (Scientific Institutions)", 2016).

The second stage of obtaining the degree of Doctor of Philosophy, if the previous stage is completed, is the creation of conditions for a person to acquire the right to obtain the degree of Doctor of Philosophy. It includes the applicant's application to the Academic Council of a higher education institution (research institution) with a request to form a one-time council. However, the deadline for submitting an application is no more than two weeks from the date of receipt of the conclusion on the scientific novelty of the dissertation, and the deadline for convening a one-time Academic Council is no more than two months from the date of receipt of the applicant's application (clauses 13-14 of the Procedure for Conferring the Degree of Doctor of Philosophy

(2022)). At this stage, the participants are the higher education student, the higher education institution (research institution) where the one-time academic council is formed, as well as the Ministry of Education and Science of Ukraine and the National Agency for Higher Education Quality Assurance. Thus, the latter public authority, in particular, publishes information on the formation of a one-time academic council, and the Ministry of Education and Science of Ukraine checks the compliance of the composition of the one-time academic council with the requirements of the law (clause 19 of the Procedure for Conferring the Degree of Doctor of Philosophy (The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Conferring the Degree of Doctor of Philosophy and Cancellation of the Decision of a One-time Specialised Academic Council of a Higher Education Institution or Research Institution to Confer the Degree of Doctor of Philosophy", 2022)).

The final stage of obtaining the degree of Doctor of Philosophy is the adoption by the Academic Council of a one-time decision to confer the degree on the applicant, which takes place during the public defence of the dissertation, and the adoption of an administrative act in the form of a Doctor of Philosophy diploma. Despite the fact that the procedure for public defence of a dissertation is determined by the higher education institution (research institution), its general principles are determined at the state level. Thus, the dissertation defence must take place in the form of an open scientific discussion (between the applicant, the chairperson and all members of the dissertation council) and must be accompanied by a video recording of the broadcast. The meeting of the dissertation council is competent if it is attended by the full composition of the dissertation council, which consists of 5 members (clause 14 of the Procedure for Conferring the Degree of Doctor of Philosophy (The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Conferring the Degree of Doctor of Philosophy and Cancellation of the Decision of a One-time Specialised Academic Council of a Higher Education Institution or Research Institution to Confer the Degree of Doctor of Philosophy", 2022)).

The decision to confer or refuse to confer the degree of Doctor of Philosophy is made by a one-time council by open vote. In order to confer the degree of Doctor of Philosophy, such a decision must be supported by at least four members of the dissertation council, and to refuse to confer the degree of Doctor of Philosophy – by two or more members of the dissertation council (clause 14 of the Procedure for Conferring the Degree of Doctor of Philosophy (The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Conferring the Degree of Doctor of Philosophy and Cancellation

of the Decision of a One-time Specialised Academic Council of a Higher Education Institution or Research Institution to Confer the Degree of Doctor of Philosophy", 2022)). The decision is signed by the chairman of the dissertation council and sealed with the seal of the institution, indicating the results of the vote, and submitted to the National Agency for Higher Education Quality Assurance within 5 working days. The European-style Doctor of Philosophy Diploma and its supplement are issued to the applicant not earlier than 15 and not later than 30 calendar days after the issuance of the relevant order of the higher education institution (research institution). The final stage of obtaining the degree of Doctor of Philosophy is not subject to statutory deadlines. However, it permits the participants, namely the applicant for higher education, the higher education institution (research institution) represented by a one-time academic council and the National Agency for Quality Assurance in Higher Education, to be followed.

An additional stage of obtaining the degree of Doctor of Philosophy is the appeal procedure. The peculiarity is that the legislation does not provide for an appeal procedure against the refusal to confer the degree of Doctor of Philosophy, but only the conferral of the degree. Thus, in accordance with clause 40 of the Procedure for Conferring the Degree of Doctor of Philosophy, the National Agency for Higher Education Quality Assurance has the right to cancel the decision of a one-time council to award the degree of Doctor of Philosophy due to violation of the dissertation defence procedure after consideration by the Appeal Commission. Within five working days from the date of the Appeals Committee's decision to cancel the decision of the dissertation council or to uphold the decision of the dissertation council, the person who filed the application for violation of the dissertation defence procedure, the institution and the person whose dissertation was considered under the application shall be notified (The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Conferring the Degree of Doctor of Philosophy and Cancellation of the Decision of a One-time Specialised Academic Council of a Higher Education Institution or Research Institution to Confer the Degree of Doctor of Philosophy", 2022). In other words, the state body responsible for this case is the National Agency for Higher Education Quality Assurance.

Concurrently, in accordance with the Temporary Procedure for Awarding the Degree of Doctor of Philosophy, the conferral of the degree of Doctor of Philosophy was permitted until December 31, 2021. During this period, the applicant was afforded the opportunity to appeal the decision to withhold the degree of Doctor of Philosophy. In accordance with clause 39, the applicant is entitled to appeal the

decision of the council to refuse to confer the degree of Doctor of Philosophy within a period of two months from the date of the dissertation defence. This appeal may be submitted to either the higher education institution (research institution) where the council was formed or to the Ministry of Education and Science of Ukraine (The Resolution of the Cabinet of Ministers of Ukraine "On Conferring the Degree of Doctor of Philosophy", 2019). The procedure for appealing against the award of a doctoral degree is currently the responsibility of the National Agency for Quality Assurance in Higher Education. However, this was not always the case, as the functions in question were previously divided between the higher education institution (research institution) and the Ministry of Education and Science of Ukraine.

In conclusion, the attainment of a Doctor of Philosophy degree is a requisite administrative procedure that enables individuals to obtain the aforementioned degree and culminates in the issuance of an administrative document, namely a diploma. The procedure for obtaining a Doctor of Philosophy degree consists of the following stages: 1) the condition for acquiring the right to obtain the degree of Doctor of Philosophy (completion of the educational programme); 2) the condition for acquiring the right to obtain the degree of Doctor of Philosophy (application by the applicant with a request for the formation of a one-time Academic Council); 3) the adoption by the one-time Academic Council of a decision on the award of the degree to the candidate during a public defence of a dissertation and the adoption of an administrative act; 4) the appeal against the award of the degree of Doctor of Philosophy. The participants in the procedure for obtaining the degree of Doctor of Philosophy are, at almost all stages, a higher education student, a higher education institution (research institution), a one-time academic council, the Ministry of Education and Science of Ukraine, the National Agency for Higher Education Quality Assurance and the Appeals Committee of the National Agency for Higher Education Quality Assurance.

4. Obtaining an Academic Degree

Article 54 of the Law of Ukraine "On Higher Education" stipulates that in Ukraine, persons engaged in scientific, scientific-pedagogical or scientific-technical activities are conferred the following academic titles: senior researcher, associate professor, and professor (The Law of Ukraine "On Higher Education", 2014). This list is exhaustive, and therefore does not imply the existence of additional academic titles. The legal basis for awarding academic titles to research and teaching staff is the Law of Ukraine "On Higher Education" (The Law of Ukraine "On Higher Education", 2014), the Procedure for Conferring

Academic Titles on Research and Academic Staff (The Order of the Ministry of Education and Science of Ukraine "On Approval of the Procedure for Conferring Academic Titles on Research and Academic Staff", 2016), and the Licensing Conditions for Conducting Educational Activities (The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Licensing Conditions for Conducting Educational Activities", 2015).

The acquisition of an academic title is not only a procedure within the field of legal research; it is also an administrative procedure that contributes to the promotion of legal research. This is because it involves the involvement of public authorities in its implementation and ends with the adoption of an administrative act. The rationale for implementing the process of obtaining an academic title is grounded in the legal requirement for higher education institutions to have a sufficient number of qualified scientific, pedagogical, and/or research personnel to obtain a licence to conduct educational activities. Additionally, the licence holder is required to have at least 50% of their employees with an academic degree and/or academic title (The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Licensing Conditions for Conducting Educational Activities", 2015). It illustrates that the attainment of an academic qualification by employees is a crucial prerequisite for the implementation of educational initiatives.

In accordance with the provisions set forth in the Law of Ukraine "On Higher Education" (2014), the academic degrees of professors, associate professors, and senior researchers are bestowed by the academic council of a higher education institution (or academic council of a structural unit). The decisions of the relevant academic councils are approved by the certification board of the central executive body in the field of education and science in accordance with the procedure established by the Cabinet of Ministers of Ukraine. Currently, such a state body is the Ministry of Education and Science of Ukraine, and the procedure is set out in the Procedure for Conferring Academic Titles on Research and Academic Staff (The Order of the Ministry of Education and Science of Ukraine "On Approval of the Procedure for Conferring Academic Titles on Research and Academic Staff", 2016). An examination of this regulatory act reveals the existence of several stages of implementation of the administrative procedure that is required for the attainment of an academic title.

The prerequisites for the procedure of awarding the academic title of professor, associate professor or senior researcher by research and academic staff are that they meet the relevant criteria (conditions). Depending on the level of academic rank, the criteria (conditions) for obtaining it differ, but the

following are common: 1) a scientific degree of Doctor of Philosophy (Candidate of Sciences), Doctor of Sciences; 2) at least five years of scientific work experience; 3) a certificate of language education (at least B2 level) in the languages of the EU countries or qualification documents (higher education diploma, academic degree), and the like; 4) documents on international experience of study, internship or work; 5) publications in journals included in the Scopus or Web of Science scientometric databases (clause 7 of Section II. The Main Criteria for Evaluating the Scientific and Pedagogical or Scientific Activities of Applicants for Academic Titles (The Order of the Ministry of Education and Science of Ukraine "On Approval of the Procedure for Conferring Academic Titles on Research and Academic Staff", 2016)).

The second stage of the procedure for obtaining an academic title is the review of the certification materials. As previously stated, the certification of applicants for academic titles is conducted by the academic councils of higher education institutions at a meeting of the academic council, in accordance with the procedure determined by the higher education institution. In other words, the academic council itself determines the composition of the academic council and the terms and particulars of the review of certification materials. Nevertheless, specific elements pertaining to the attainment of an academic degree are delineated at the regulatory level. Accordingly, the assessment of attestation materials is conducted by the department to which the applicant is assigned, provided that the applicant for the academic title delivers an open lecture to students and receives a favourable evaluation (clauses 4-5 of Section II. Consideration of Attestation Materials (The Order of the Ministry of Education and Science of Ukraine "On Approval of the Procedure for Conferring Academic Titles on Research and Academic Staff", 2016)). The participants in this stage are the candidates for an academic title and the higher education institution (research institution), represented by the Academic Council.

It is noteworthy that the Procedure for Reviewing Attestation Cases for the Conferral of the Academic Ranks of Professor and Associate Professor, which has now lapsed, permitted external examination by scientific and methodological commissions under the Ministry of Education of Ukraine, as determined by the Attestation Board on the attestation cases of those employees lacking a doctoral degree but potentially eligible for the academic title of professor (The Order of the Ministry of Education of Ukraine "On the Procedure for Consideration of Attestation Cases on the Conferral of Academic Titles of Professor and Associate Professor", 1997). In accordance with the extant legislation of Ukraine, individuals lacking a doctoral degree are ineligible for the academic title of

professor. Consequently, this stipulation has become moot.

In accordance with the findings of the review of certification materials, the Academic Council shall decide whether to confer or refuse to confer an academic title by secret voting. A decision of the Academic Council shall be deemed adopted if at least three-quarters of the members of the Academic Council present at the meeting vote in favour of it. Once the Academic Council has resolved to bestow an academic title upon an applicant, the Academic Secretary shall prepare the attestation file within 15 days and transmit it to the Ministry of Education and Science of Ukraine (clause 8 of Section II. Consideration of Attestation Materials (The Order of the Ministry of Education and Science of Ukraine "On Approval of the Procedure for Conferring Academic Titles on Research and Academic Staff", 2016)). This procedure is undertaken to guarantee that only after the certification board of the Ministry of Education and Science of Ukraine has approved the academic council's decision to confer an academic title will the Ministry of Education and Science of Ukraine issue the relevant certificates within a two-month period. This stage represents the culmination of the process for obtaining an academic title, culminating in the issuance of an administrative certificate. The participants in this stage are, accordingly, the applicant for an academic title, the higher education institution (research institution) represented by the Academic Council and the Certification Board of the Ministry of Education and Science of Ukraine.

The appeal process is an optional stage in the acquisition of an academic title. For a period of two months following the decision of the academic council regarding the conferral or refusal of an academic title, the applicant may submit an appeal to the academic council of the higher education institution or the Ministry of Education and Science of Ukraine. In the event that the appeal is received by the academic council of a higher education institution, an appeal commission shall be constituted within that body. In light of the findings of the review, the appeal commission formulates a conclusion, which serves as the foundation for the decision of the academic council to either grant or dismiss the appeal (clause 11 of Section II. Consideration of Attestation Materials (The Order of the Ministry of Education and Science of Ukraine "On Approval of the Procedure for Conferring Academic Titles on Research and Academic Staff", 2016)).

In conclusion, the acquisition of an academic title (senior researcher, associate professor, and professor) is an administrative procedure that contributes to the overall process. This procedure involves the involvement of public authorities and culminates in the issuance of an administrative act in the form of

a certificate. The procedure for obtaining an academic title consists of several stages: 1) prerequisites for a person to acquire the right to be awarded an academic title (fulfilment of the relevant criteria (conditions)); 2) review of the attestation materials by the Academic Council; 3) decision-making by the Academic Council to award or refuse to award an academic title; 4) appeal against the decision to award or refuse to award an academic title. In the majority of instances throughout the process of obtaining an academic qualification, the following parties are involved: the candidate, the higher education institution (which may also be a research institution), the Academic Council, the Appeal Board of the higher education institution (which may also be a research institution), and the Certification Board of the Ministry of Education and Science of Ukraine.

5. Conclusions

The field of juridical research is inextricably linked to that of public administration. The attainment of a doctoral degree, the acquisition of an academic title, and the receipt of a research grant are legal scientific procedures that are simultaneously classified as contributing administrative procedures. These procedures entail stages and deadlines established by law, participants, including public authorities, and the completion of an administrative act (diploma, certificate, etc.). It has been established that economic justification represents a primary criterion for the provision of grant support for the implementation of scientific activities. It is therefore advisable to give particular attention to the training system for grant recipients in terms of economic literacy.

The authors posit that a particular category of persons engaged in legal research activities has a national identity under current legislation and the realities of law enforcement. They also emphasise that young scholars have been legal professionals for a relatively short time and reflect the archetypes of their mentors. It is observed that the duration of their involvement in scientific activities does not permit the assertion that they are autonomous and quantitatively dominant. Furthermore, it is evident that there has been a decline in the overall number of young scientists engaged in legal research, when compared to the total number of subjects involved in this field of study.

Proposed improvements to administrative procedures in scientific activities are to be achieved through a process of substantive adjustment. This will be achieved by: 1) the adoption of the Regulation on the specifics of obtaining a scientific degree in law; 2) the approval of the order on special requirements for candidates for a scientific degree in law; 3) the adoption of the Concept of grant support for legal research activities.

References:

- Yakovlev, I. P. (2016). Forms and methods of public administration in state customs affairs. *Candidate's thesis*. Odesa: National University "Odesa Law Academy".
- National Library of Ukraine named after V.I. Vernadskyi. Available at: http://www.irbisnbuv.gov.ua/cgi-bin/suak/corp.exe?&I21DBN=SLIR&P21DBN=SLIR&S21STN=1&S21REF=10&S21FMT=elib_all&C21COM=S&S21CNR=20&S21P01=0&S21P02=0&S21P03=ID=&S21COLORTERMS=0&S21STR=RES0000011
- The Law of Ukraine "On Administrative Procedure" of February 17, 2022, No.2073-IX. (2022, February 17). (n.d.). zakon.rada.gov.ua. Available at: <https://zakon.rada.gov.ua/laws/show/2073-20#Text>
- Bityak, Yu. P., Matyukhina, N. P., & Kovtun M. S. (2021). *Basics of public administration*. Kharkiv: Pravo. 238 p.
- Galunko, V., Dikhtievskiy, P., Kuzmenko, O., Stetsenko, S. (2018). *Administrative law of Ukraine. Full course*. Kherson: OLDI-PLUS. 446 p.
- The Law of Ukraine "On Higher Education" of July 1, 2014, No. 1556-VII. (2014, July 1). (n.d.). zakon.rada.gov.ua. Available at: <https://zakon.rada.gov.ua/laws/show/1556-18#Text>
- Ilyina, H. (2022). Identity Discourse in the Global World: Ethnicity, Nation, Personality. *Pedagogical innovations: ideas, realities, perspectives*. Available at: [https://doi.org/10.32405/2413-4139-2020-2\(29\)-7-12](https://doi.org/10.32405/2413-4139-2020-2(29)-7-12)
- M. Mason, & C.W. Evers (2010). Comparative Education: Philosophical Issues and Concepts. *International encyclopedia of education*. Pages 257-265. DOI: <https://doi.org/10.1016/B978-0-08-044894-7.01453-6>
- Jan Marschelke (2020). National Identity. *Encyclopedia of the Philosophy of Law and Social Philosophy*, Available at: https://link.springer.com/referenceworkentry/10.1007/978-94-007-6730-0_324-1
- Snegur, M. R. (2023). Representation of National Identity on the Net. *Discourse*. 9(4):99-113. DOI: <https://doi.org/10.32603/2412-8562-2023-9-4-99-113>
- The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Conferring the Degree of Doctor of Philosophy and Cancellation of the Decision of a One-time Specialised Academic Council of a Higher Education Institution or Research Institution to Confer the Degree of Doctor of Philosophy" of January 12, 2022, No. 44. (2022, January 12). (n.d.). zakon.rada.gov.ua. Available at: <https://zakon.rada.gov.ua/laws/show/44-2022-%D0%BF#Text>
- The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Training of Higher Education Applicants for the Degrees of Doctor of Philosophy and Doctor of Science in Higher Education Institutions (Scientific Institutions)" of March 23, 2016, No. 261. (2016, March 23). (n.d.). zakon.rada.gov.ua. Available at: <https://zakon.rada.gov.ua/laws/show/261-2016-%D0%BF#Text>
- The Order of the Ministry of Education and Science of Ukraine "On Approval of the Requirements for Dissertation Design" of January 12, 2017, No. 40. (2017, January 12). (n.d.). zakon.rada.gov.ua. Available at: <https://zakon.rada.gov.ua/laws/show/z0155-17#Text>
- The Resolution of the Cabinet of Ministers of Ukraine "On Conferring the Degree of Doctor of Philosophy" of March 6, 2019, No. 167. (2019, March 6). (n.d.). zakon.rada.gov.ua. Available at: <https://zakon.rada.gov.ua/laws/show/167-2019-%D0%BF#Text>
- The Order of the Ministry of Education and Science of Ukraine "On Approval of the Procedure for Conferring Academic Titles on Research and Academic Staff" of January 14, 2016, No. 13. (2016, January 14). (n.d.). zakon.rada.gov.ua. Available at: <https://zakon.rada.gov.ua/laws/show/z0183-16#Text>
- The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Licensing Conditions for Conducting Educational Activities" of December 30, 2015, No. 1187. (2015, December 30). (n.d.). zakon.rada.gov.ua. Available at: <https://zakon.rada.gov.ua/laws/show/1187-2015-%D0%BF#Text>
- The Order of the Ministry of Education of Ukraine "On the Procedure for Consideration of Attestation Cases on the Conferral of Academic Titles of Professor and Associate Professor" of November 13, 1997, No. 406. (1997, November 13). Expired on March 9, 2016. (n.d.). zakon.rada.gov.ua. Available at: <https://zakon.rada.gov.ua/laws/show/z0616-97#Text>
- The Law of Ukraine "On Scientific and Scientific-Technical Activities" of November 26, 2015, No. 848-VIII. (2015, November 26). (n.d.). zakon.rada.gov.ua. Available at: <https://zakon.rada.gov.ua/laws/show/848-19#Text>
- The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Grant Support of Scientific and Scientific-Technical Activities at the Expense of the State Budget" of August 21, 2019, No. 776. (2019, August 21). (n.d.). zakon.rada.gov.ua. Available at: <https://zakon.rada.gov.ua/laws/show/776-2019-%D0%BF/#Text>
- The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Competitive Selection of Scientific, Scientific and Scientific-Technical Works to be Performed at the Expense of the State Budget" of September 12, 2018, No. 739. (2018, September 12). (n.d.). zakon.rada.gov.ua. Available at: <https://zakon.rada.gov.ua/laws/show/739-2018-%D0%BF#n10>
- The Official website of the Ministry of Finance of Ukraine. Available at: https://mof.gov.ua/uk/news/minfin_na_finansuvannia_nauki_u_2023_rotsi_spryamovano_maizhe_12_mlrd_griven-3825

Received on: 18th of September, 2024

Accepted on: 28th of November, 2024

Published on: 17th of December, 2024