

MODERN METHODS AND METHODOLOGICAL FOUNDATIONS OF THE STUDY OF THE ADMINISTRATIVE AND LEGAL FOUNDATIONS OF THE ACTIVITY OF PUBLIC ASSOCIATIONS IN UKRAINE

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An analysis of the concept of research methodology was carried out, both in the general legal sense, and in the study of the administrative and legal bases of the activity of public associations, and research methods of the specified issue were established. Attention is paid to fundamental philosophical means of knowledge, as well as special methods and technologies of research of a specific phenomenon. A description is given of: worldview dialectical method, which provides a study of the activities of public associations in relation with other institutions of civil society, as well as with state bodies, both of Ukraine and foreign countries; formal and logical methods of analysis and synthesis, induction and deduction; the system method, within the framework of which it became possible to provide proposals for streamlining the norms of legislation that regulates the provision of public safety, building a system of organizing public associations according to the content and type of their activities; the sociological method, which is an integral part of the study of the administrative and legal foundations of the activity of public associations; method of comparative analysis and synthesis; modeling method, which stands out for its modernity, novelty, and originality, compared to other methods of cognition. It is emphasized the need to use a wide range of research methods, which allows to make it full-fledged, new and interesting for learning. Along with the application of a significant number of research

methods, a reasonable approach to their selection must be maintained.

Keywords: public associations, state, methodology, research methods, general scientific research methods, special research methods.

Formulation of the problem

Russia's war against Ukraine, despite the negative consequences, restarted the legal mechanisms of activity of both state bodies and organizations, as well as public associations, created the need for their constant interaction, moreover, made them interconnected and interdependent. Therefore, the methods of researching the administrative and legal foundations of the activities of public associations must meet the requirements of modern times.

Analysis of recent research and publications

The question of the fundamentals of the methodology and methods of scientific research is discussed in detail and explained in the scientific studies of V. I. Tyurina and I. V. Vashchenko. The scientific works of S. D. Husarev and O. D. Tikhomirov are devoted to general and special research methods. The systematic research method was highlighted by N. Nyzhnyk, V. Knyazev, I. Nadolny, and V. Bakumenko. Also V. M. Knyazev, I. F. Nadolny, V. D. Bakumenko analyzed the application of the worldview method in the study of public administration issues. The scientific works of O. M. Bandurka are devoted to the methods

of researching management activities in law enforcement agencies. A. B. Nemchenko, I. V. Niraz studied the methodology of the system approach in managing the organization. Petrovsky P. M. - methodology of scientific research in the field of public administration. Tokar M. laid out his own vision of the methodological foundations of the study of the functioning of public organizations of Ukraine.

Previously unsolved parts of the overall problem

Public associations are the driving force for improving legislation, becoming direct participants in its formation. In order to fully investigate the administrative and legal basis of the activity of public associations in Ukraine, it is necessary to decide on the methods that will be used in such a study. First of all, it is worth establishing what research methodology and methods are in a general theoretical sense, which general scientific research methods can be applied in the specified topic, as well as which special research methods will most fully reveal the important issues of this field.

Thus, the **purpose of the research** is to establish the methods that can be used in the study of the administrative and legal foundations of the activity of public associations in Ukraine.

Presenting main material

The full-scale war in the Russian Federation against Ukraine led to the introduction of radical changes in the activities of state bodies, local self-government bodies and public associations. The role of public associations in solving both household issues and problems of national significance has grown significantly. The latest views on public associations began to emerge with the beginning of the invasion of the aggressor state on the territory of Ukraine in 2014. Today, we can indisputably state the fact that public associations are an effective means of solving specific problems caused by both military actions and socio-economic factors. In addition, it should not be forgotten that public associations play a significant role in the educational and cultural development of regions and the country as a whole. Such associations are a driving force for improving legislation,

becoming direct participants in its formation. In order to fully investigate the administrative and legal basis of the activity of public associations in Ukraine, it is necessary to decide on the methods that will be used in such a study. First of all, it is worth establishing what research methodology and methods are in a general theoretical sense, which general scientific research methods can be applied in the specified topic, as well as which special research methods will most fully reveal the important issues of this field.

The methodology of a certain science is a set of specific research methods, principles, and techniques that form an important essential content basis of this science and are used in the process of further knowledge of that segment of objective reality that is the subject of its research.

The methodology of scientific research is a set of methods, principles and techniques used by the researcher to learn about the subject of research in terms of their certain relationship and subordination.

Moreover, the methodology of scientific research can be represented by those methods, principles and techniques of cognition that have already been created by science and have acquired practical use in the cognitive activity of various spheres of objective reality. Such scientific research can contain scientific novelty and have practical significance, if the specified toolkit is used to learn little-studied or not at all researched processes and phenomena and the results of which are of interest to science and (or) practice. [1, p. 87-89].

It is the methods of specific scientific research that meet the conditions of modernity, develop and change. The methodology of scientific research acquires specifics, depending on the chosen topic, as well as tools, directions, set goals and tasks, etc.

As for the methods of researching the administrative and legal foundations of the activities of public associations in Ukraine, it is important to use both generally accepted methods that have already been tested by scientists, as well as those that adequately correspond to the current development of legislation, science, and society. Otherwise, the research will lose its relevance.

Thus, the worldview dialectical method provides a study of the activities of public associations in relation with other institutions of civil society, as well as with state bodies, both of Ukraine and foreign countries. Its use is based on the epistemological possibilities of the laws and categories of dialectics. This method makes it possible to reveal the internal source of the development of the system of public associations. It becomes possible to follow the dynamics of the process of evolution and development of public associations, especially with regard to wartime and its impact on the activities of such bodies. This method directs us to search for patterns of such development, determines the quantitative and qualitative changes that occur, and reveals the connections between them. The law of negation: provides an opportunity to predict the direction of development of the system of public associations: from simple to complex, from one to another, etc. It is important to emphasize the need to apply such dialectic categories as «form» and «content» (when studying the content of legal relations in which public associations enter, clarifying the concept, content and purpose of public associations as a legal entity, organization public associations according to the content and type of their activity and their qualification criteria, etc.), «phenomenon» and «essence» (when studying the essence of public associations, the administrative and legal status of public associations as voluntary public formations, clarifying the concept, the content and purpose of public associations as a legal entity, etc.), «system» and «element» (when determining the system of principles for the creation and operation of public associations, establishing the statutory and other normative legal acts of public associations, researching the organizational, legal, material, technical, financial and information support of the activities of public associations associations, «general» and «special» (when characterizing the general concept of «public associations», and a separate place of public organizations and citizens in their system, etc. Therefore, the application of the dialectical method provides clarification of the genesis of public associations, their constant development and interrelationships both among themselves and with other subjects of civil society, as well as with state bodies and or-

ganizations, which ultimately makes it possible to characterize their current state of development, identify new trends and determine further prospects in this field [2, p. 88].

Formal and logical methods of analysis and synthesis, induction and deduction. Analysis (Greek analysis – decomposition, disassembly, dismemberment) is an imaginary division of the researched object as a certain integrity into its constituent parts with the aim of identifying the properties of the object and the relations between the objects. This is a logical research method aimed at dismembering a certain whole into constituent parts, each of which becomes a separate subject of knowledge. Synthesis (Greek synthesis – connection, assembly) is an imaginary (thinking) connection of parts of a certain whole, dismembered in the process of analysis, establishment of interaction and necessary connections between parts of the whole, accordingly, synthesis is inseparable from analysis. Induction (lat. *inductio* - deduction) is the movement of reasoning from the singular to the partial, from the partial to the general; a type of inference in which a conclusion is drawn based on the generalization of observed facts; probable, plausible conclusion. Deduction (lat. *deductio* - deduction) 1) the movement of reasoning from the general to the singular; 2) a type of inference, when a conclusion is reached by deriving one statement from others according to certain rules of derivation [3]. These methods make it possible to reveal the meaning of the concept of «public associations», «public formations», «public organizations», to establish their relationship, to determine the purpose of public associations as a subject of law. The specified methods will become the main ones in solving practical problems of the activity of public associations, related to the organization of their work, the mechanisms of applying the norms of legislation regulating their activities, will allow to single out the most effective from a practical point of view and under the conditions of an unfolding full-scale war in Ukraine, types of public associations.

The system method is widely used in the science of administrative law. Our study is no exception. V.L. Fedorenko points out that the essence of this method in legal science is that the studied phenomenon is considered as a certain

system that is included in the system of a wider order and performs certain functions in it, connected with it by various connections. The scientist defines this method as a universal tool of cognitive activity, indispensable in the study of complex dynamic values [4, p. 137–138]. Within the framework of the system method, it becomes possible to provide proposals for streamlining the norms of legislation that regulate the activities of public associations, building a system of organizing public associations according to the content and type of their activities. Ideally, this method is understood as a mechanism for researching a certain object as a system of elements that publicly interact with each other on the basis of usual parameters, but without violating the principles of system integrity, structurality, multiplicity and hierarchy. As for this study, it is proposed to use new models of interaction between state institutions and society, to optimize the identified features of public associations in the context of modern conditions of Ukrainian state formation, including associations representing citizens of national minorities, as well as to specify the ways of state development assistance public associations in the direction of civil society evolution.

The sociological method is an integral part of the study of the administrative and legal foundations of the activity of public associations, and in its composition it is possible to note the importance of gathering information, both through the analysis of documents and the collection of statistical data, as a result of sociological research. The study of the socio-psychological mechanisms of the action of legal norms contributes to the identification of problems and factors that negatively affect the implementation of these norms and helps to build such a model of legislation, to create such conditions under which legal prescriptions will be maximally observed. It is very difficult to create such an ideal model in practice, but the efforts and resources of the state must be directed towards it, because the efforts spent on creating legislation that is not followed in the future will be completely useless. Regulatory and legal support for the activities of public associations must meet the requirements of modernity, the study of socio-economic, socio-psychological phenomena in society is the basis for the con-

struction of a legal norm. Recommendations and proposals for improving legislation in the field of public safety should be based on sociological research. Another direction of sociological research is the study of the effectiveness of legal norms, in the process of which the sufficiency or inadequacy of the legal means chosen to achieve the set social goals is revealed. The above is convincing that sociological points permeate all the main areas of legal research. Moreover, socio-economic relations are objectively primary, determining in relation to law, therefore sociological factors play a leading role in the theoretical development of legal-reality [5, p. 440].

The war in Ukraine provoked not only the activity of the public position in our society, but also became the driving force for the formation of high-quality interaction with international public organizations, built real mechanisms for such interaction. Ukraine not only borrows the experience of foreign countries in this field, but also becomes an example of high self-organization of citizens and organizations in the step-by-step solution of issues of various directions in order to achieve a common goal. According to the author of the study, civil society is considered when its public associations perform an intermediary function in the state: between state bodies and citizens directly.

To analyze and optimize the state policy system in the field of supporting the development of public associations in Ukraine, the method of comparative analysis and synthesis comes in handy. With the help of analysis, it becomes possible to specify and separate the studied phenomena, thanks to which to give them a clear assessment. Taking into account the specificity of our research, such a method will be appropriate when establishing the organization of public associations according to the content and type of their activity, identifying the reasons and conditions for the activation and construction of civil society, the modernization of the legislation of Ukraine on public associations and the possibility of using foreign experience and other. However, it should be borne in mind that such a synthesis is used by science to analyze each individual element of the studied phenomenon, as well as to establish relationships between them. Whereas these elements

are extremely interconnected and inseparable a priori. As a result, they are synthesized, that is, they analyze the relationship and interactions with other elements. At the same time, the method of analysis and synthesis is essentially similar to another type of scientific knowledge, which also comes from the general scientific group - the method of analogy [6, p. 45]. As a result of comparing certain categories and legal phenomena, we can formulate and improve specific areas of activity of public associations, solve issues of an organizational nature, material and legal, financial, technical support, etc.

One of the methods that must be applied in the study of the administrative and legal basis of the activity of public associations in Ukraine is the modeling method, which is distinguished by its modernity, novelty, and uniqueness compared to other methods of knowledge. It should be noted that earlier the concept of modeling was associated with construction and was used in European languages to denote a certain model or prototype. The term «model» of Latin origin (*modulus* - measure, sample, norm) in the literature is defined as a material or imaginary analogue of some object (subject, phenomenon or process), which preserves the essential features of the object and is able to replace it during study, research or reproduction. The modeled object is called a prototype or original. The model of a phenomenon or process reproduces its course, successive change of state, stages of development. A model is always an artificially created object that gives an idealized idea of the object - the original [7, p. 5].

A characteristic feature of this method is creative novelty, reproduction of new properties of the object under study in a promising design or a new model. The practical value of the modeling method is difficult to overestimate, as it allows, based on the analysis of the situation (political, socio-economic, state of legislation, etc.), using a cause-and-effect relationship, to model and present the result on a specific issue of the researched area [8, 94]. This provides an opportunity to further propose an algorithm of actions to solve such a problem, to construct positive and negative consequences. This method comes in handy when developing proposals for improving specific issues of regulatory and legal support for the activities

of public associations in Ukraine. In addition, having modeled the mechanisms of introducing the proposed changes into the practical activities of public associations, it is possible to predict the consequences of such changes. Also, this method will be useful in the study of international experience in the field of activities of public associations, taking as a model (sample) a certain developed democratic state, we can formulate our own vision of transferring its successful experience to Ukraine, while taking into account influencing factors (social and economic, the educational and cultural state of the state's development, as well as the main factor at the moment - the war in Ukraine).

Conclusions

The war against Ukraine, despite the negative consequences, restarted the legal mechanisms of activity of both state bodies and organizations, as well as public associations, created the need for their constant interaction, moreover, made them interconnected and interdependent. The author of the study believes that considerable attention should be paid to the application of the sociological method in the study of the administrative and legal foundations of the activity of public associations in Ukraine. Since it is this method that allows you to find out the socio-economic, socio-psychological state in society, which directly affects the activities of public associations: their formation, organization, further development. Currently, public associations act not only as mediators between state bodies and the people, they are a driving force for international cooperation, attracting investments, and material support from foreign countries. They draw attention to the most painful problems of the current Ukraine, which is under martial law.

Given such conditions, the economy should still work and develop, and entrepreneurs and individual citizens should self-organize and interact. Along with the application of a significant number of research methods, we must maintain a reasonable approach to their selection, apply only those methods that are determined by the subject of research, reveal its essence, lead to specific results, and have a practical direction.

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