

ახალგაზრდობის სამოქალაქო ჩართულობის სახელმწიფო რეგულირების მექანიზმების ევოლუცია უკრაინაში

EVOLUTION OF GOVERNMENT REGULATION MECHANISM FOR THE YOUTH CIVIC ENGAGEMENT IN UKRAINE

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უკრაინის პრეზიდენტთან არსებული სახელმწიფო მართვის ეროვნული აკადემიის სახელმწიფო მართვის დეპარტამენტის რეგიონალური ინსტიტუტის მაძიებელი

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Abstract

The article provides insight into the structure of the government regulation mechanism for the youth civic engagement.

It has been established that legislative and regulatory legal acts, which form a constituent part of this mechanism, could be divided into three large sets. The first set consists of the legal acts regulating the external impact factors of the youth civic engagement.

It has been demonstrated that the second set of laws within the government regulation mechanism for the youth civic engagement regulates educational and awareness-raising aspects of establishing civic awareness in young people. The article introduces the chronology of the adoption of the key legal regulations in the area of the youth patriotic upbringing.

The component of the government regulation mechanism for the youth civic engagement, which accounts for creating opportunities to implement the youth initiative, consists of statutory provisions for the legal support of the youth participation in social and political life.

Furthermore, the article establishes the main policy documents that form an integral part of the government regulation mechanism for the youth civic engagement. The chronology of the adoption of the most essential legal regulations in the area of the youth patriotic upbringing has been reviewed.

It has been determined that regulatory acts on national-patriotic education of young people comprise the most extensive component of government regulation mechanism for the youth civic engagement. However, a significant number of regulatory legal acts on different aspects of establishment, development and implementation of the youth civic engagement contains contradictory provisions. This attests to the fact that a comprehensive approach to the solution of these issues has yet to be developed.

Keywords: youth civic engagement, state youth policy, government regulation mechanisms.

ანოტაცია

სტატიაში განხილულია ახალგაზრდობის სამოქალაქო აქტივობის სახელმწიფო რეგულირების სამართლებრივი მექანიზმის სტრუქტურა.

განსაზღვრულია, რომ საკანონდებლო და ნორმატიულ - სამართლებრივი აქტები, რომლებიც წარმოადგენენ მოცემული მექანიზმის შემადგენლებს, წარმოქმნიან სამ მსხვილ ბლოკს. პირველს მიეკუთვნებიან ისინი, რომლებიც ეხებიან ახალგაზრდობის სამოქალაქო აქტივობაზე ზემოქმედების გარე ფაქტორებს.

დასაბუთებულია, რომ ახალგაზრდობის სამოქალაქო აქტივობის სახელმწიფო რეგულირების შემდეგი ბლოკი ახდენს ახალგაზრდობის მოქალაქეობრიობის სასწავლო - აღმზრდელობითი

ასპექტების ფორმირების რეგლამენტირებას.

ახალგაზრდობის სამოქალაქო აქტივობის სახელმწიფო რეგულირების სამართლებრივი მექანიზმის შემადგენელს, რომელიც პასუხისმგებელია ახალგაზრდობის ინიციატივის რეალიზაციის შესაძლებლობებზე, მიეკუთვნება ახალგაზრდობის საზოგადოებრივ - პოლიტიკურ ცხოვრებაში მონაწილეობის უზრუნველყოფის საკანონმდებლო ნორმები.

განსახილველია სტრატეგიული დოკუმენტები, რომლებიც წარმოადგენენ ახალგაზრდობის სამოქალაქო აქტივობის სახელმწიფო რეგულირების მექანიზმის ძირითად მდგენელებს. განხილულია ახალგაზრდობის პატრიოტული აღზრდის სფეროში ძირითადი ნორმატიულ - სამართლებრივი აქტების მიღების ქრონოლოგია.

დადგენილია, რომ ახალგაზრდობის სამოქალაქო აქტივობის სახელმწიფო რეგულირების მექანიზმის ძირითად შემადგენელს წარმოადგენენ ნორმატიული აქტები, რომლებიც ახდენენ ახალგაზრდობის ეროვნულ - პატრიოტული აღზრდის რეგლამენტირებას. გამოვლენილია, რომ ნორმატიულ - სამართლებრივი აქტების რაოდენობა, რომელთა საშუალებითაც ხდება ახალგაზრდობის სამოქალაქო აქტივობის განვითარება და რეალიზაცია, მოიცავენ ნორმებს, არაა ერთმანეთთან შეთანხმებული, რაც მეტყველებს აღნიშნული საკითხის გადაწყვეტისადმი კომპლექსური მიდგომის არსებობაზე.

საკვანძო სიტყვები: ახალგაზრდობის სამოქალაქო აქტივობა, ახალგაზრდული ინიციატივები, ახალგაზრდობის მონაწილეობა საზოგადოებრივ - პოლიტიკურ ცხოვრებაში.

Statement of the problem and its relation to the important scientific and practical tasks. In times of transition to a whole new level, Ukrainian society needs a dynamic generation of young people that can live and work in a budding democracy, taking on the ever-increasing political, economic, and civic responsibilities for themselves and their country.

Governmental impact on the youth civic engagement establishment and development involves introducing a set of administrative, organizational, socioeconomic and other measures as part of effective implementation of the state youth policy. Government regulation process of the youth civic engagement could be explored through a range of mechanisms (legal, organizational, motivational, informational and analytical, etc.). Each of them has its own characteristics, including relevant methods and tools for making influence.

Legal mechanism, which provides a regulatory framework for the establishment and development of the youth civic engagement, is especially important among the above-mentioned government regulation mechanisms.

Analysis of the latest studies and publications initiating the solution of this problem. Analysis of the scientific studies and publications suggests modern-day interest to the research of the youth civic engagement problem.

For example, the fundamental nature of civic activity has been extensively elaborated in the works of such Ukrainian philosophers, sociologists, politologists, educators, psychologists as V. Andrushchenko, M. Boryshevskiy, A. Husieva, A. Karas', L. Kyiashko, A. Kolodiy, S. Choliy, K. Chorna, and others. Problems of the youth civic engagement development from the government regulation perspective are represented in the studies of such

state youth policy and regulation researchers as Ye. Bordin, M. Holovaty, V. Holoven'ko, and others.

Nevertheless, despite the foreign and national academic achievements, there is still a range of issues directly related to the legal groundwork for government regulation of the youth civic engagement, which remain insufficiently studied and in need of additional research.

The purpose of this article is to study the evolution of the main components of the government regulation mechanism for the youth civic engagement in Ukraine.

Key information. Proper fulfillment of the youth social capacity demands the definition of the legal groundwork, tasks, areas and methods necessary to foster civic awareness in young people. This constitutes the government regulation mechanism for the youth civic engagement.

This research defines legal mechanism as “a set of laws and regulations aimed at displaying the interactive, cause-and-effect relations as well as legally defining methods, tools and procedures for interaction between different system elements, including those between government / state authorities and society and citizens [5, p. 61]”.

Implementation of the international legal standards concerning youth affairs into Ukrainian legislation promotes further prioritization of law as well as protection of human rights and freedoms. Thus, the Constitution of Ukraine [2], which defines a set of constitutional civil rights and duties, is the key element of the government regulation mechanism for the youth civic engagement in Ukraine. The nation's fundamental law outlines the essential functioning rules for the state institutions and civil society. The rules clearly state civic engagement to be an integral part of the constitutional system.

Ukrainian government and society pay close attention to the problems of promoting the youth civic engagement. It is supported by an extensive number of laws and regulations that could be provisionally divided into three large sets relating to external civic engagement impact factors, establishment aspects of the youth civic awareness and creation of opportunities for the youth initiative implementation. We will explore some of the main above-mentioned factors.

The conceptual groundwork for the establishment and development of the youth civic engagement was laid by the Declaration “On the General Fundamentals of the State Youth Policy in Ukraine” adopted by the Verkhovna Rada (Supreme Council) of Ukraine in December, 1992. One of the key principles regarding the state youth policy defined by the Declaration is further encouragement of the youth initiative and involvement in all social spheres. Among the main state youth policy tasks, proclaimed by the Declaration, are [4, p. 46-49]:

Creating necessary conditions to strengthen legal and material obligations in order to guarantee the exercise of civil rights and freedoms of young people, functioning of youth organizations to ensure the proper social evolution and development of the youth;

Helping young people fulfill their creative potential and initiatives, actively engaging young men and women into participation in the national and cultural revival of the Ukrainian nation, shaping up its consciousness, establishing its traditions and unique ethnic features;

Engaging young people to actively participate in the economic development of Ukraine.

One of the main purposes of the state youth policy in Ukraine is establishing a sense of national pride, patriotism, readiness to protect the sovereignty of Ukraine.

Some of the constitutional rights of the youth (the right to work and conduct business activities, the right to education, shelter, cultural and physical development, the right to unite in youth civil organizations, and so on) have found their further development in the Law of Ukraine “On Fostering Youth Socialization and Development in Ukraine” [4, p. 67-76]. Moreover, the Law places responsibility on the government to create opportunities for the youth self-development and self-fulfilment. It also defines the competence of the executive and local authorities in the field of social evolution and development of the youth.

Different aspects of the youth civic engagement development are presented in the following policy documents:

“Comprehensive Measures of the Cabinet of Ministers of Ukraine on the Implementation of State Youth Policy in Ukraine” (“Youth of Ukraine”) [4, p. 259-269] that outlined, among other factors, such purposes of the youth policy as “fostering intellectual... development of the youth, establishing... patriotic feelings; creating favorable conditions for social advancement”;

“State Support Programme for the Youth for the Period 2004–2008” [9], which stated “fostering the youth initiative and involvement in all social spheres, their active participation in establishing and implementing state policy regarding the youth social problems solution” as one of its main tasks;

State Target Social Programme “Youth of Ukraine” for the period 2009-2015 [11] that was aimed at “creating an extensive support system for the youth civic engagement, focusing on self-identification and personal fulfillment as well as establishing a necessary legal, liberal and economic bases, and providing social guarantees”. Moreover, the best solution, according to the Programme, is further collaboration between governmental and local authorities, and civil and charity organizations. This would encourage the expansion of the youth civic engagement and patriotic consciousness as well as help foster moral and ethical principles for the full and harmonious development of young people.

Another set of laws within the government regulation mechanism for the youth civic engagement regulates educational aspects of establishing civic awareness in young people. Some of its most significant laws are:

Law of Ukraine “On Education” [23] that defines the main objectives for the national policy in the area of education.

Law of Ukraine “On Non-Formal Education” [24] that provides insight into the key areas, subjects and structures of the educational process of non-formal educational institutions. According to this Law, the main tasks of the non-formal education are: upbringing of a Ukrainian citizen, unobstructed development of personality as well as of their social and civil background; fostering in trainees, pupils and students respect for the Constitution of Ukraine, human and civil rights and freedoms, proper self-esteem, awareness of the legal liability for their actions; fostering patriotic feelings, love for Ukraine, respect for folk customs, traditions, national values of Ukrainian people as well as those of other nations and peoples, etc. in trainees, pupils and students.

Law of Ukraine “On Higher Education” [6] that establishes the main legal, organizational and financial principles of the higher education system as well as stipulates the impact mechanisms for students to be able to solve educational and everyday issues, protect students’ rights and interests and take part in the administration of the higher educational institutions.

One of the essential problems of the national educational system is the absence of the comprehensive system of education, physical, moral and intellectual development and socialization of children and youth. This problem is mentioned, among others, in the National Strategy for the Development of Education in Ukraine for the period until 2021. According to the Strategy [22], the fundamental principles of the effective national education system are: universal, multicultural and civil val-

ues, support of physical, moral, intellectual, and cultural development of children, formation of a socially mature, creative personality, a citizen of Ukraine and of the world, the youth preparation for the conscious choice of their life goals and activities.

Furthermore, some of the issues of fostering civic awareness in young people have been reflected in the Decrees of the President of Ukraine: “On Immediate Measures to Ensure Functionality and Development of Education in Ukraine”, “On Additional Measures to Increase Education Quality in Ukraine”, “On Measures to Ensure the Priority Development of Education in Ukraine” [16]. They focus on the necessity to process and ensure the implementation of measures concerning “in-depth improvement of the educational work with children, students ... inspired by traditions and customs of the Ukrainian people, study of their historical and cultural heritage, and development of the patriotic consciousness in the younger generation as well as readiness to perform their civil and constitutional obligations”.

Moreover, it should be noted that national governmental administrative practice pays special attention to the determination of the conceptual provisions for patriotic upbringing, which has been substantiated by the documents referred to below:

O. Didenko, the Ukrainian researcher of the youth patriotic education problems, introduces the chronology of the adoption of the legal regulations in this area [1]. He points out that the Decree of the President of Ukraine “On Measures to Foster Spirituality, Protect Morality, and Promote Healthy Lifestyle of Citizens” [19] was one of the first legislative acts on patriotic education. It served as a basis for the “National Programme for Patriotic Education, Healthy Lifestyle, Spiritual Development and Moral Values of Society” [13] approved by the Resolution № 1697 of the Cabinet of Ministers of Ukraine dated September 15, 1999. The Programme specified a range of measures aimed at physical and intellectual training of the youth, including designing a competition game “Kotyhoroshko” for the students (introduction of the Ukrainian traditions to young people, promotion of the healthy lifestyle).

According to the Order of the President of Ukraine “On Measures of Further Improvement of the Youth Patriotic Education System” № 173/2001-pp [17], during the establishment of the State Budget of Ukraine, local executive authorities and local government institutions were recommended to actively participate in the youth patriotic education affairs, engaging different funding sources, besides budget funds, permitted by the law.

In order to support the work of civic Cossack organizations that pay significant attention to the youth education in line with national traditions, the President of Ukraine issued the Decree “On National Programme for the Revival and Development of Ukrainian Cossack-

hood in 2002-2005”. The Programme set forth a range of measures to be taken to promote military and patriotic education of young people, including activities in the area of education and upbringing, creation, revival, restoration and protection of conservation areas and objects, etc. [21 A patriotic, military and sports game “Sokil” (“Dzhura”) was designed for children and young people in accordance with the Programme tasks].

Resolution by the Verkhovna Rada of Ukraine “On Measures Taken by the Cabinet of Ministers of Ukraine to Protect National Interests by Raising Nationally Aware and Patriotic Younger Generation and Providing Adequate Conditions for Their Development” [15] focuses on the absence of the executive authorities’ consistent actions aimed at creating social, economic and organizational conditions and guarantees in the areas of the youth patriotic education and social advancement.

The issues of the youth patriotic education were considered in the Decrees of the President of Ukraine “On Additional Measures to Improve Care for Defenders of Ukraine, Their Legal and Social Protection, and Improvement of Military-Patriotic Education” (Decree of the President of Ukraine № 157/2002 dated February 21, 2002 [7]), and “On Measures to Assist the Development of the Plast (Scout) Movement in Ukraine” № 279/2008 dated March 28, 2008 [20].

The “State Standard for General Basic and Secondary Education” approved by Resolution № 1392 of the Cabinet of Ministers of Ukraine dated November 11, 2011 [10] points out that “teaching history subjects leads to cultivation of patriotic traits in the actively competent citizens committed to humanitarian and democratic values”.

The need to implement the modern-day youth policy and national development strategy, to improve educational work aimed at further development of humanitarian and social spheres, and to motivate the youth to loyally serve the Ukrainian people by ensuring their constitutional rights and freedoms, led to the adoption of the Programme for Patriotic Education of the Students in the Educational Institutions of Ukraine, approved in October, 2013 by the Joint Order of the Ministry of Education and Science of Ukraine, Ministry of Defense of Ukraine, and Ministry of Internal Affairs of Ukraine [25].

In order to carry out the Programme and develop infrastructure for the national-patriotic work with the youth, the Ministry for Youth and Sports has elaborated and approved Resolution on Center for Patriotic Education of the Youth [14] – non-formal educational establishment, which focuses on full and harmonious personality development of the trainees (pupils, students); fostering patriotic feelings, spirituality, and national awareness; providing favorable conditions for personal fulfillment; organizing healthcare promotion and constructive leisure time for young people.

One of the most noteworthy regulatory acts, ad-

opted in recent years, is the Decree of the President of Ukraine №334 of June 12, 2015 “On Measures to Improve National-Patriotic Education of Children and Youth” [18] aimed at ensuring consistent cooperation between government authorities and general public on issues of national-patriotic education of children and youth, using the examples of heroic struggle of the Ukrainian people for their independence, sovereignty, and territorial integrity of Ukraine, defending the democratic choice of Ukraine, consolidating actions of the government authorities and patriotically-minded non-governmental associations in the field of determining appropriate strategies for reaching out to children and young people.

The component of the government regulation mechanism for the youth civic engagement, which accounts for creating opportunities to implement the youth initiative consists of several statutory provisions for the legal support of the youth participation in social and political life, such as: Laws of Ukraine “On Civic Associations” (up until 2013 – Law of Ukraine “On Associations of Citizens”) and “On Youth and Children’s Public Organizations”, that specify organizational and legal aspects of creation and operation of the associations of young people as well as governmental guarantees to support their efforts, and Law of Ukraine “On Volunteering Activity”.

Certain possibilities for implementation of civic engagement have by all means been created by Decree of the President of Ukraine “On Ensuring Public Participation in Devising and Implementing State Policy” of July 31, 2004, Resolution of the CMU № 1378 “Issues of Ensuring Public Participation in Devising and Implementing State Policy” of October 15, 2004, and Resolution of the CMU № 996 “On Ensuring Public Participation in Devising and Implementing State Policy” of November 03, 2010 [8]. The latter determines the procedure for public consultations on the issues of devising and implementing state policy, for example, it puts forward a standard provision concerning organization of a public council affiliated with the central local executive authority.

The issues of performance of the advisory and consultative agencies in the area of youth policy are considered in the Decrees of the President of Ukraine “On National Council on Youth Policy” № 1129/95 of December 03, 1995, “On National Council on Youth Establishment and Development” № 924/2009 of November 12, 2009, and Resolution of the Cabinet of Ministers of Ukraine “On Establishing the Youth Council” № 673 of June 20, 2012.

Nevertheless, only one nationwide All-Ukrainian Student Council, operating under the Ministry of Education and Science of Ukraine exists at present. It was established by the Resolution approved by Order № 1260 of the Ministry of Education and Science of Ukraine dated September 03, 2013.

It should be noted that a range of concepts has been elaborated over the independence years of Ukraine

to ensure comprehensive approach to the problems of promoting the youth civic engagement. Among them are:

Concept of the National Education System (1996), elaborated and approved by the All-Ukrainian Pedagogical Society named after H. Vashchenko, International Educational Fund named after Yaroslav the Wise, World Association of Professional Teachers, All-Ukrainian Charitable Foundation for Revival of the Knighthood Education named after P. Sahaidachny, Association of Kyiv School Principals, and a number renowned Ukrainian scholars;

Concept of Civic Education for Children and Youth (2000), elaborated by the team of scientists guided by O. Sukhomlynska and approved by the Resolution of the Presidium of the Academy of Pedagogical Sciences;

Concept of Civic Education in Secondary Schools in Ukraine (2001), elaborated by the group of Ukrainian scholars and educators as part of the Project “Education for Democracy in Ukraine” with support from the USA government and the European Union;

Concept of Preliminary Military Training and Military-Patriotic Education of the Youth (2002);

Draft Concept of the Nationwide Programme for Promoting Youth Participation for the Period until 2015, which entailed creating basis for establishing socially active life views in young people, providing opportunities for the youth participation in devising and implementing state policy at all levels;

Concept of National Education for Students (2009), approved by Decision of the Collegium of the Ministry of Education and Science of Ukraine. It defines eight main areas for the national educational activities. Among the top-priority areas are: national-patriotic upbringing that should establish national awareness and responsibility for the fate of Ukraine, and public legal area that deals with developing political and legal culture of people;

Concept of National-Patriotic Education (2009) as part of the State Target Programme “Youth of Ukraine” for the period 2009-2015, approved by Joint Order of the Ministry of Ukraine for Family, Youth and Sports, Ministry of Defense, Ministry of Culture, and Ministry of Education [12]. It is aimed at upbringing young people as patriots for their country, prepared to contribute all their efforts into building a sovereign, democratic, law-governed and social welfare state, to show national dignity, and to know and defend their civil rights in a civilized way, to perform their duties, to promote common social peace and harmony, to be competitive, to successfully establish themselves as citizens, family people, professionals, representatives of the Ukrainian national culture.

Concept of the Nationwide Target Programme for Patriotic Education of Citizens for 2013-2017, approved by the Decision of the Collegium of the Ministry of Education and Science, of Youth and Sports of Ukraine № 6/1-21 of May 31, 2012 [28], laid the foundation for

understanding of patriotism as the fundamental social, cultural, spiritually-evoking resource that could substantially stimulate the rise of social, productive, and creative capacity of the population.

Concept of Civic Education and Upbringing in Ukraine (2012), elaborated according to the Protocol Resolution of the Working Group on Information Policy and Civic Education of the Coordination Council on Development of Civil Society under the President of Ukraine in order to implement state policy on establishing favorable environment for developing civil society in Ukraine, achieving European standards for ensuring and protecting human and civil rights and freedoms.

According to the Concept's preamble, "the development of democratic civic awareness in children and young people does not take into account any economic and political realities of modern life. Moreover, insufficient attention is paid to the formation of such civic culture components as personal responsibility and civic courage. Their absence may cause the lack of interest to the appropriate democratic knowledge on the part of young people with developing personalities as well as reluctance to serve as dynamic visionaries for their own life and the nation's fate. Citizens need to know their rights and obligations, they need to be sure of their capability to influence changes in society, comply with the law, think critically and independently, respect the rights of other people, and be tolerant [3]".

However, none of the concepts has received further elaboration or transformation into specific legal and regulatory documents, programmes and measures due to the introduction of changes in the vector of the country's development and, as a consequence, changes in the education and youth policy. The reason for that was the difference of the ruling elites' opinions on ideology, patriotism, and the course of fostering the youth civic engagement.

At the moment, the following policy documents are among the most important components of government regulation mechanism for the youth civic engagement:

Strategy for the State Youth Policy Development for the Period Up to 2020, approved by Decree of the

President of Ukraine № 532/2013 of September 27, 2013 [29]. According to the Strategy, one of the priorities for the state youth policy is "advancing the youth participation in social and political life by: the youth involvement in devising and implementing state youth policy; the youth employment at the public and local government authorities; promotion of the youth participation in the development of civil society".

Strategy for National-Patriotic Education of Children and Youth for 2016 – 2020, approved by Decree of the President of Ukraine №580/2015 of October 13, 2015. The Strategy emphasizes that "national-patriotic education of children and youth should become one of the top priorities for the state and society efforts to raise their young citizens as personalities with high moral standards, admiration for the Ukrainian traditions and spiritual values, appropriate expertise, knowledge and skills, ability to fulfill their potential in the modern society, adherence to the European values, readiness to carry out their obligations for protection of their Motherland, independence and territorial integrity of Ukraine [27]. It is also noted that civil-patriotic, military-patriotic, and moral and intellectual areas should become the fundamental components of the national-patriotic education.

National Strategy for Development of Civil Society in Ukraine for 2016 – 2020 [26] aimed at providing additional opportunities to exercise and protect human and civil rights and freedoms, complying with matters of public concern by using different forms of democratic participation, public initiative and self-organization.

Conclusion of the research and aspects of the further examination in this area. In conclusion, it should be noted that regulatory acts on national-patriotic education of young people comprise the most extensive component of government regulation mechanism for the youth civic engagement. However, a significant number of regulatory legal acts on different aspects of establishment, development and implementation of the youth civic engagement contain contradictory provisions. This attests to the fact that a certain system and comprehensive approach to the solution of these issues have yet to be developed.

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