

## REGULATORY FRAMEWORK FOR THE INSTITUTIONAL DEVELOPMENT OF RESEARCH UNIVERSITIES IN UKRAINE

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### Sitnicki M. W. Regulatory Framework for the Institutional Development of Research Universities in Ukraine

The article allocates and systematizes the stages of legal support for the institutional formation and development of research universities in Ukraine. For this purpose 40 of normative-legal acts are researched that in different periods formed economic preconditions for regulation of development of research universities in Ukraine. The author's own vision of the stages of development is as follows: the first stage (1991–2007) – «origination» of the main legislative documents regulating relations in the scientific and scientific-technical spheres of the independent and democratic Ukraine; the second stage (2007–2014) – «formation», when the relevant normative legal acts were adopted, legalizing research universities in the institutional environment of Ukraine; unfortunately, between 2014 and 2015, passed the third stage – «decline». The government was forced to abolish the research status of higher education institutions in order to balance the State financial system; from the first half of 2015 began the fourth stage – «revival», characterized by the adoption of a number of important regulations for the entry of the Ukrainian system of education in the market environment of the EU and the world; after accomplishing of the above mentioned tasks there will be the fifth stage – «strategic development» that will ensure the gradual granting of the status of the research university to higher education institutions corresponding to such level. It is substantiated that at the stage of strategic development it is necessary to start formation of the national scientific service centers of research universities of Ukraine on the basis of innovative principles. For this purpose it will be necessary to develop a comprehensive nationwide program of development of the national research universities of Ukraine, which should become the center of creation and commercialization of modern technologies. In this context, there is an urgent need to adopt a new law of Ukraine «On transfer of technologies», which will provide modern opportunities of the civil-legal relations in the formation of an open market of products appeared as a result of intellectual activity.

**Keywords:** research universities, development of research universities, institutional formation, stages of legal support.

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**Sitnicki Maksym W.** – PhD (Economics), Associate Professor, Associate Professor of the Department of Management of Innovation and Investment Activity, Taras Shevchenko National University of Kyiv (60 Volodymyrska Str., Kyiv, 01033, Ukraine)

**E-mail:** maksym.sitnicki@ukr.net

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### Ситницький М. В. Правове забезпечення інституційного

#### становлення та розвитку дослідницьких університетів в Україні

У статті виділено та систематизовано етапи правового забезпечення інституційного становлення та розвитку дослідницьких університетів в Україні. Для цього досліджено 40 нормативно-правових актів, що в різні періоди формували економічні передумови для регуляції розвитку дослідницьких університетів в Україні. Авторське бачення етапів розвитку полягає в такому: перший етап (1991–2007 рр.) – «зародження» основних законодавчих документів, що регулювали відносини в науковій та науково-технічній сферах уже незалежної та демократичної України; другий етап (2007–2014 рр.) – «становлення», коли були прийняті профільні нормативно-правові акти, що легалізували дослідницькі університети в інституційному середовищі України; на жаль, у період 2014–2015 рр. відбувся третій етап – «занапад». Уряд, щоб збалансувати державну фінансову систему, був змушений скасувати дослідницький статус закладам вищої освіти; з першої половини 2015 р. почався четвертий етап – «відродження», що характеризується прийняттям низки важливих нормативно-правових актів для входження української системи освіти в ринкове середовище ЄС та світу; після реалізації зазначених завдань прогнозується настання п'ятого етапу – «стратегічний розвиток», що забезпечить поетапне надання статусу дослідницького університету закладам вищої освіти, які відповідають такому рівню. Обґрунтовано, що на етапі стратегічного розвитку слід розпочати формування національних наукових сервісних центрів дослідницьких університетів України на інноваційних засадах. Для цього необхідно буде розробити комплексну загальнодержавну програму розвитку національних дослідницьких університетів України, що мають стати центром створення та комерціалізації сучасних технологій. У цьому контексті існує гостра необхідність прийняття нового Закону України «Про трансфер технологій», який забезпечить сучасні можливості цивільно-правових відносин у формуванні відкритого ринку продуктів, що виникли в результаті інтелектуальної діяльності.

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### Ситницький М. В. Правовое обеспечение институционального

#### становления и развития исследовательских университетов в Украине

В статье выделены и систематизированы этапы правового обеспечения институционального становления и развития исследовательских университетов в Украине. Для этого исследовано 40 нормативно-правовых актов, которые в разные периоды формировали экономические предпосылки для регуляции развития исследовательских университетов в Украине. Авторское видение этапов развития заключается в следующем: первый этап (1991–2007 гг.) – «зарождение» основных законодательных документов, регулирующих отношения в научной и научно-технической сферах уже независимой и демократической Украины; второй этап (2007–2014 гг.) – «становление», когда были приняты профильные нормативно-правовые акты, легализовавшие исследовательские университеты в институциональной среде Украины; к сожалению, в период 2014–2015 гг. проходил третий этап – «упадок». Правительство, чтобы сбалансировать государственную финансовую систему, было вынуждено отменить исследовательский статус высшим учебным заведениям; с первой половины 2015 г. начался четвертый этап – «возрождение», характеризующийся принятием ряда важных нормативно-правовых актов для вхождения украинской системы образования в рыночную среду ЕС и мира; после реализации указанных задач прогнозируется наступление пятого этапа – «стратегическое развитие», что обеспечит поэтапное предоставление статуса исследовательского университета заведениям высшего образования, соответствующим такому уровню. Обосновано, что на этапе стратегического развития следует начать формирование национальных научных сервисных центров исследовательских университетов Украины на инновационных принципах. Для этого необходимо будет разработать комплексную общегосударственную программу развития национальных исследовательских университетов Украины, которые должны стать центром создания и коммерциализации современных технологий. В этом контексте существует острая необходимость принятия нового Закона Украины «О трансфере технологий», что обеспечит современные возможности гражданско-

**Ключові слова:** дослідницькі університети, розвиток дослідницьких університетів, інституційне становлення, етапи правового забезпечення.

**Табл.: 1. Бібл.: 45.**

**Ситницький Максим Васильович** – кандидат економічних наук, доцент, доцент кафедри менеджменту інноваційної та інвестиційної діяльності, Київський національний університет імені Тараса Шевченка (вул. Володимирська, 60, Київ, 01033, Україна)

**E-mail:** maksym.sitnicki@ukr.net

правовых отношений в формировании открытого рынка продуктов, возникших в результате интеллектуальной деятельности.

**Ключевые слова:** исследовательские университеты, развитие исследовательских университетов, институциональное становление, этапы правового обеспечения.

**Табл.: 1. Библ.: 45.**

**Ситницький Максим Васильевич** – кандидат экономических наук, доцент, доцент кафедры менеджмента инновационной и инвестиционной деятельности, Киевский национальный университет имени Тараса Шевченко (ул. Владимирская, 60, Киев, 01033, Украина)

**E-mail:** maksym.sitnicki@ukr.net

In Ukraine, the development of research universities is one of the key priorities within the country's strategy for innovative development. In light of this, the Ministry of Education and Science of Ukraine takes a number of measures that contribute to the formation of an up-to-date legal and economic framework for the creation, institutionalization, and development of research institutes within the system of higher education. The programme for the revival and strengthening of the fundamental public policy with regard to the development of research universities in Ukraine is being widely debated.

The prerequisites for the development of innovation in higher education institutions arose when Ukraine declared its independence. That period was marked by a pressing need to determine the course of strategic development and to choose an effective model that would help Ukraine to advance its technological development and boost the economic growth. This induced an attempt to influence the transition to an innovative model of development of high-tech and research-intensive industries of the national economy capable to sustain long-term systemic economic effects in the strategic perspective. The primary task consisted in creating the institutional foundations for the development of infrastructure and regulatory framework for an effective implementation of fundamental and applied research and technological innovation by universities and national and regional institutions of the Academy of Science of Ukraine.

D. Lukyanenko, L. Antonyuk, N. Vasilkova, and D. Ilnitsky carried out a comprehensive analysis of competitive models of quality assurance in higher education in the 21<sup>st</sup> century [41]. The study of O. Levchenko, G. Kuzmenko, and I. Tsarenko [43] explores the role of universities in the formation of a country's innovative ecosystem. The researchers have consolidated the best world practices in ensuring effective functioning of national higher education systems and analyzed the tools used and management aspects. O. Levchenko, A. Levchenko, O. Horpinchenko, and I. Tsarenko [44] investigated the impact of higher education on national economic and social development. S. Rudenko, R. Sapenko, O. Bazaluk, and V. Titarenko [45] consider the practical aspects in management of international educational projects between universities of Poland and Ukraine and explore the prospects of the development of Ukrainian and European universities. M. Sitnicki [42], in his previ-

ous work, reconceptualizes the modern practices of strategic management in the development of research universities under the conditions of social, economic, and technological changes and presents an investigation of the leading international experience in this field.

This study is driven by the need to rethink and rationalize the regulatory framework providing institutional support for research universities in Ukraine.

The paper aims to systematize the stages in regulatory provision of institutional development of research universities in Ukraine and sets out the following objectives:

- ✦ analyzing the existing framework regulating the activities of research universities in Ukraine;
- ✦ outlining the development of an up-to-date regulatory framework for an effective institutionalization of research universities in Ukraine.

Naturally, after the collapse of the Soviet Union, Ukraine inherited a legacy of laws regulating research and development, but two important factors hindered the development of an effective national regulatory framework: high centralization of political and economic powers and failure to take into account the national interests of Ukraine as an independent and democratic state. *Table 1* presents the main stages in the institutional formation and the development of research universities in Ukraine.

It is reasonable to describe in detail the suggested stages of legal provision of institutional development of research universities in Ukraine that are presented in *Table 1*.

The first stage in *the period from 1991 to 2007* marks the emergence of fundamental laws regulating the science, research and technical development of independent and democratic Ukraine. It was instigated by the adoption in 1991 of the Law of Ukraine on Investment Activity [1], which launched some core market mechanisms for the functioning of the Ukrainian economy, allowed for the development of international economic cooperation and outlined the prerequisites for the further formation of the national economic system.

The Law of Ukraine on Scientific and Scientific-Technical Activity [2], enacted later in 1991, allowed to regulate the organizational, financial and legal foundations for the development of science and research in Ukraine.

Table 1

## Overview of stages in the development of legal framework regulating the work of research universities in Ukraine

Stage	Regulation
1	2
I Emergence 1991–2007	Law of Ukraine on Investment Activity, No. 1560-XII dated September 18, 1991
	Law of Ukraine on Scientific and Scientific-Technical Activity, No. 1977-XII dated December 13, 1991
	Law of Ukraine on General Principles of Creation and Functioning of Special (Free) Economic Zones, No. 2673-XII dated October 13, 1992
	Law of Ukraine on the Protection of Rights to Inventions and Utility Models, No. 3687-XII dated December 15, 1993
	Law of Ukraine on the Protection of Rights to Industrial Designs, No. 3688-XII dated December 15, 1993
	Law of Ukraine on Copyright and Related Rights, No. 3792-XII dated December 23, 1993
	Law of Ukraine on Scientific and Scientific-Technical Expertise, No. 51/95-VR dated January 10, 1995
	Law of Ukraine on the Functioning of Special Economic Zone 'Yavoriv', No. 402-XIV dated January 15, 1999
	Law of Ukraine on the Special Regime of Innovation Activity of Technological Parks, No. 991-XIV dated July 16, 1999
	Law of Ukraine on the Priority Directions of Development of Science and Technology, No. 2623-III dated July 11, 2001
	Law of Ukraine on Innovation Activity, No. 40-IV dated July 04, 2002
	The Civil Code of Ukraine, No. 435-VI dated January 16, 2003
	The Commercial Code of Ukraine, No. 436-IV dated January 16, 2003
	Law of Ukraine on State Target Programs, No. 1621-IV dated March 18, 2004
Law of Ukraine on State Regulation of Activities in the Sphere of Technology Transfer, No. 143-V dated September 14, 2006	
II Formation 2007–2014	Resolution of the Cabinet of Ministers of Ukraine on Approval of the Charter of the National Technical University of Ukraine 'Kyiv Polytechnic Institute', No. 1332 dated November 21, 2007
	Decree of the President of Ukraine on Measures to Strengthen the Status of the Taras Shevchenko National University of Kyiv, No. 412 dated May 05, 2008
	Law of Ukraine on Science Parks, No. 1563-VI dated June 25, 2009
	Resolution of the Cabinet of Ministers of Ukraine on the Lviv Polytechnic National University, No. 713 dated August 07, 2009
	Resolution of the Cabinet of Ministers of Ukraine on the Taras Shevchenko National University of Kyiv, No. 795 dated July 29, 2009
	Resolution of the Cabinet of Ministers of Ukraine on the Yaroslav the Wise National Law Academy of Ukraine, No. 796 dated July 29, 2009
	Resolution of the Cabinet of Ministers of Ukraine on the Ivan Franko National University of Lviv, No. 797 dated July 29, 2009
	Resolution of the Cabinet of Ministers of Ukraine on Questions of the National University Ostroh Academy, No. 798 dated July 29, 2009
	Resolution of the Cabinet of Ministers of Ukraine on the National University of Kyiv-Mohyla Academy, No. 799 dated July 29, 2009
	Resolution of the Cabinet of Ministers of Ukraine on the National Mining University, No. 1013 dated September 23, 2009
	Resolution of the Cabinet of Ministers of Ukraine on Granting the Status of a Self-Governing (Autonomous) National Research University to Higher Education Institutions, No. 76 dated February 03, 2010
	Resolution of the Cabinet of Ministers of Ukraine on the Approval of the Provision on a Research University, No. 163 dated February 17, 2010
	Resolution of the Cabinet of Ministers of Ukraine on Supplementing the Annex to the Resolution of the Cabinet of Ministers of Ukraine No. 76 dated February 3, 2010, No. 277 dated March 24, 2010
	Resolution of the Cabinet of Ministers of Ukraine on the Approval of the List of Paid Services that May be Provided by Educational Institutions, other Institutions and Educational Institutions with State or Municipal Form of Ownership, No. 796 dated August 27, 2010

ОСБИТА І НАУКА

ЕКОНОМІКА

1	2
	Resolution of the Cabinet of Ministers of Ukraine on the Approval of Priority Areas of Scientific Research and Technological Developments by 2020, No. 942 dated September 7, 2011
	Law of Ukraine on Priority Areas of Innovation Activity in Ukraine, No. 3715-VI dated September 8, 2011
	Resolution of the Cabinet of Ministers of Ukraine on the Establishment of Grants of the Cabinet of Ministers of Ukraine for the Teams of Young Scientists for the Applied Research and Scientific and Technical Developments in the Priority Areas of Science and Technology Development, No. 835 dated August 29, 2012
	Law of Ukraine on Higher Education, No. 1556-VII dated July 01, 2014
III Decline 2014–2015	Resolution of the Cabinet of Ministers of Ukraine on Amendments and Recognition of Some Resolutions of the Cabinet of Ministers of Ukraine, No. 597 dated November 5, 2014
IV Revival 2015 – present	Decree of the Ministry of Social Policy of Ukraine on the Approval of the Procedure for Planning, Financing and Control over the Implementation of Research and Scientific and Technical (Experimental) Developments at the Expense of the State Budget in the Sphere of Social Policy, No. 370 dated April 03, 2015
	Resolution of the Cabinet of Ministers of Ukraine on the Approval of the Regulations on the Procedure for the Realization of the Right for Academic Mobility, No. 579 dated August 12, 2015
	Law of Ukraine on Scientific and Scientific-Technical Activity, No. 848-VIII dated November 26, 2015
	Law of Ukraine on Education, No. 2145-VIII dated May 09, 2017
V Strategic Development	Creation of a Working Group for the development of the Draft Provision on Research University
	Creation of a Working Group for the development of the Draft Program for the Development of Innovation and R&D Activities in Ukraine
	This stage will follow the stage of the revival and development of a new regulatory framework: – adoption of a new provision on Research University; – adoption of a targeted governmental program for the development of innovative research in Ukraine; – adoption of a new law of Ukraine on Technology Transfer.

Source: developed by the author based on [1–40].

At the time, the development of different regions in Ukraine was noticeably uneven. Therefore, in 1992, Ukraine passed a separate Law on General Principles for Creation and Functioning of Special (Free) Economic Zones in order to stimulate economic development, innovation activity and creation of additional jobs in less advantaged regions [3]. The law regulated the setup and liquidation of special (free) economic zones on the territory of Ukraine and provided the legal framework for their effective functioning. The Law defined their status and regulated the principles of interaction between economic entities of such zones with the members of regional councils and executive authorities.

The Law of Ukraine on the Protection of Rights to Inventions and Utility Models [4], adopted in 1993, defined terms and procedures for protecting the rights related to the obtaining of legal protection of inventions (utility models), regulated the procedure for obtaining patents, etc.

In order to regulate the relations arising in connection with the acquisition and exercise of ownership of industrial designs in Ukraine, the Law of Ukraine on the Protection of Rights to Industrial Designs was passed in 1993 [5].

Later in the same year, to protect the personal non-property rights and property rights of the authors and their successors related to the creation and use of works of science, literature and art, Ukraine enacted the Law on

Copyright and Related Rights [6]. The law systematized the glossary for the field of copyright and defined the respective rights, liabilities and the procedure of transferring the property and non-property rights.

In 1995, the government passed the Law on Scientific and Scientific-Technical Expertise [7] that specifies the organizational, legal and financial aspects, as well as the prevailing principles of regulation of public relations in the field of scientific and scientific-technical expertise.

To regulate relations in the area of acquiring and exercising the ownership of the topographies of integrated circuits in Ukraine, the parliament adopted the Law on the Protection of Rights to Integrated Circuits Topography in 1997 [8].

The Law of Ukraine on the Special Economic Zone ‘Yavoriv’ [9], enacted in 1999, marked the beginning of a period of the liberalization of conditions for conducting research and innovation activities in Ukraine. The Law of Ukraine on the Special Regime of Innovation Activity of Technological Parks [10], adopted in the same year, streamlined the principles concerning the economic and legal aspects of the introduction and implementation of the special regime for innovation activities at tech parks.

In 2001, Ukraine passed the Law on Priority Areas for the Development of Science and Technology [11] that determined the organizational and legal foundations for a holistic system of implementation of priority areas of

science and R&D in Ukraine at the time when the country needed an innovation breakthrough to consolidate its position in international markets.

The Law of Ukraine on Innovation Activity [12], enacted in 2002, became a benchmark in systemic regulation of innovation activity in the country. It envisaged major incentives that the state may use to foster innovation, declared equal access to the governmental funding of innovation activities for business entities of all forms of ownership engaged in the development and implementation of innovative projects in the territory of Ukraine. The further adoption of the Civil Code of Ukraine (2003) [13] allowed for normative regulation of personal non-property and property relations (civil relations), which are to be carried out based on the principles of legal equality, free expression of will, and proprietary independence of their participants. This legislative initiative was of great importance for Ukraine, sent a positive message of guaranteeing the equality, fairness and rule of law, and provided an opportunity and effective mechanisms for protecting the rights for intellectual property.

Moreover, the passing of the Commercial Code of Ukraine in 2003 [14] helped regulate social economic relations in the economic system of Ukraine in order to facilitate its alignment with other economic systems. In 2004, the Law of Ukraine on State Target Programs was enacted [15]. It defined the principles for the development, approval and implementation of state-funded target programs that represent a set of interrelated initiatives and measures aimed at solving the most pressing issues in the country.

Following a series of documents regulating civil relations in the field of intellectual property, Ukraine passed the Law on State Regulation of Activities in the Sphere of Technology Transfer in 2006 [16]. The law formalized the opportunities for ensuring the expansion of international scientific and technical cooperation in the sphere of protection of rights of ownership of Ukrainian technologies and /or their constituents in the territory of the states where their use is planned or is being carried out. In fact, the adoption of this document marked the end of the first stage in the development of prerequisites for the formation of an institutional phenomenon that was new for the country – a research university.

The second stage – *Formation – took place in the period from 2007 to 2014*. During the period, Ukraine enacted a series of laws that regulated the status of research universities in the institutional environment.

The stage began with the Resolution of the Cabinet of Ministers of Ukraine on the Approval of the Charter of the National Technical University of Ukraine 'Kyiv Polytechnic Institute', No. 1332 dated November 21, 2007 [17]. In fact, the approved charter stipulates that "... the University is a national self-governing (autonomous) state-owned higher educational institution of a research profile that carries out activities in accordance with this

Charter'. This has legally recognized the research status of the National Technical University of Ukraine 'Kyiv Polytechnic Institute'.

Another important document that followed was the Decree of the President of Ukraine on Measures to Strengthen the Status of the Taras Shevchenko National University of Kyiv, No. 412 dated May 05, 2008 [18]. The President of Ukraine emphasized the importance of international recognition and an outstanding role of the Taras Shevchenko National University of Kyiv in training highly skilled professionals, scholars, shaping the nation's elite, contributing to the development of the Ukrainian nation and building the Ukrainian state. Proceeding from the need to raise the role of the University to a qualitatively new, up-to-date level, the Cabinet of Ministers of Ukraine was commended "... to ensure due implementation of a series of measures needed to transform the Taras Shevchenko National University of Kyiv into the [university of] research type..." [18] and to carry out a number other important missions regarding the University's strategic development.

In fact, from that moment on, the President of Ukraine put forward an idea of creating a powerhouse of scientific development in Ukraine, the national flagship of education and research.

To promote awareness of the purpose and facilitate the creation and running of research facilities in Ukraine, the Law of Ukraine on Science Parks was adopted in 2009 [19]. This Law regulated the efforts aimed at intensifying the processes of development, introduction, and production of innovative products on the local and international markets.

Interestingly, the first university granted the status of self-governed (autonomous) research national higher educational institution was the Lviv Polytechnic National University by the Resolution of the Cabinet of Ministers of Ukraine No. 713 dated July 07, 2009 [20]. The document outlined some important aspects with regard to the development of the University, namely: a two-time increase in pay for its researchers and academic faculty members; provision of additional funding in the State Budget of Ukraine for the professional development of the research and academic staff, postgraduate and doctoral students and training courses for students of the University at leading national and international universities; provision of the University with latest equipment with the view of setting up centers for research and education; autonomous decision-making on the student to teacher ratio, but not less than 5 to 1; prospects for granting the right to award academic and scientific degrees and issue state certificates and diplomas; registration of ownership rights for the use of land by the University and its structural divisions; legal transfer of the property, land, and buildings that had been vacated as a result of the reorganization of the military units of the Armed Forces of Ukraine in order to ensure the development of research

activities of the University; an opportunity to build new training facilities, laboratories, residences for the faculty and dormitories for students, etc.

Following the Lviv Polytechnic, Taras Shevchenko National University of Kyiv was granted the status of a research university with the provision of the same prospects and opportunities by the Resolution of the Cabinet of Ministers of Ukraine No. 795 dated July 29, 2009 [21].

**O**n the same day, the Resolution of the Cabinet of Ministers of Ukraine No. 796 on the Yaroslav the Wise National Law Academy of Ukraine [22] established the Research Institute of Law and granted the Academy the status of a self-governed (autonomous) research national higher educational institution, and the same status was granted by the Resolution of the Cabinet of Ministers of Ukraine No. 797 to the Ivan Franko National University of Lviv [23].

The Resolution of the Cabinet of Ministers of Ukraine on the National University 'Ostroh Academy' [24] granted the University the status of a self-governed (autonomous) research national higher educational institution.

The Resolution of the Cabinet of Ministers of Ukraine on the National University of Kyiv-Mohyla Academy [25] granted the University the status of a self-governed (autonomous) research national higher educational institution.

The Resolution of the Cabinet of Ministers of Ukraine on the National Mining University [26] granted the University the status of a self-governed (autonomous) research national higher educational institution.

The Resolution of the Cabinet of Ministers of Ukraine on Granting the Status of a Self-Governed (Autonomous) Research National University to Higher Educational Institutions [27], No. 76 dated February 3, 2010 granted the status of a self-governed (autonomous) research national university to several higher educational institutions:

- ✦ National Technical University of Ukraine 'Kyiv Polytechnic Institute';
- ✦ National University of Bioresources and Natural Resources of Ukraine;
- ✦ National Technical University 'Kharkiv Polytechnic Institute';
- ✦ V. N. Karazin Kharkiv National University;
- ✦ Kyiv National Economic University named after Vadym Hetman;
- ✦ National Aviation University;
- ✦ Volodymyr Dahl East Ukrainian National University (added to the list by the Resolution of the Cabinet of Ministers of Ukraine No. 277 on Supplementing the Annex to the Resolution of the Cabinet of Ministers of Ukraine dated February 3, 2010 No. 76 [29], dated March 24, 2010.

Having granted the research status to fourteen universities of Ukraine, the Cabinet of Ministers of Ukraine

approved the Resolution on the Research University [28], No. 163 dated February 17, 2010. In fact, the regulation was the first in the normative legal field of Ukraine to consolidate the management principles of a research (innovative) university.

The Resolution of the Cabinet of Ministers of Ukraine on the Approval of the List of Paid Services that May be Provided by Educational Institutions, other Institutions and Educational Institutions with State or Municipal Form of Ownership' [30] was intended for regulating the list of paid services to be provided in the following areas: educational activities; scientific, scientific and technological activity; international cooperation; health care, leisure, recreation, tourism, physical culture and sports; household services; housing and utility services; and other services.

The Resolution of the Cabinet of Ministers of Ukraine on the Approval of Priority Areas of Scientific Research and Technological Developments by 2020 [31] was aimed at defining the fundamental directions for scientific research and innovation activities within the most important aspects of the development of scientific and technological, social, economic, political, and human potential for ensuring Ukraine's competitiveness in the world and promoting sustainable development of the society and the state.

**T**he Law of Ukraine on Priority Areas of Innovation Activity in Ukraine [32] defined a holistic set of priorities in the field of innovation and set legal, organizational and economic principles of their formation and implementation. The law outlined an innovative model for the development of Ukraine's economy by focusing on the priority areas of scientific and technological modernization of production and was aimed at raising the level of competitiveness of Ukrainian products on the domestic and international markets.

The Resolution of the Cabinet of Ministers of Ukraine on the Establishment of Grants of the Cabinet of Ministers of Ukraine to Teams of Young Scientists for Applied Scientific Research and Scientific and Technological Development in the Priority Areas for the Development of Science and Technology [33] gave impetus to promising scientists with innovative mindset to join forces and form networks and creative teams in order to produce better results in the field of research.

The Law of Ukraine on Higher Education [34], adopted on July 01, 2014 declared the principles of autonomy of higher educational institutions, emphasizes the link between education, science and production, and set a priority for the training of highly competitive human capital for high-tech and innovative development of the country.

Regrettably, *years 2014 and 2015 marked the stage of Decline* in the development of research regulatory framework in Ukraine. It stemmed from the difficult economic situation caused by the political factors that have

emerged since the beginning of foreign military aggression against Ukraine. To balance the state's financial system, the government was forced to abolish the previously granted research status of higher educational institutions by the Decree of the Cabinet of Ministers of Ukraine No. 597 on Amendments and Recognition of Some Resolutions of the Cabinet of Ministers of Ukraine, dated November 5, 2014 [35]. The period was tarnished by an obvious uncertainty in the strategic future of research and education in Ukraine, but the Ministry took a number of effective measures that enabled the mechanism to support the institutions of higher education at that time. One specifically effective measure was the introduction of the EU-funded programs aimed to improve the leadership potential of Ukrainian universities and intensify their research activities. The implementation of these programs in Ukraine has helped rethink the strengths and weaknesses of the Ukrainian educational system and to highlight the priority areas for its development.

*Since the beginning of 2015, the fourth stage – Revival – begins.* The period is characterized by the adoption of a number of regulations opening the path for Ukrainian universities to enter the European Education Area and become part of global markets.

In accordance with the Decree of the Ministry of Social Policy of Ukraine on Approval of the Procedure for Planning, Financing and Control over the Implementation of Research and Scientific and Technical (Experimental) Developments at the Expense of the State Budget in the Sphere of Social Policy [36], the procedure for the financing and implementation of research and scientific discoveries was approved. It provided for better regulation and formalization of the process of scientific research and development, which, in fact, has brought Ukraine closer to the international standards.

An exceptionally important step to support Ukrainian researchers in their striving for expressing their opinion and finding their place internationally and thereby raise the prestige of Ukraine, was made by the adoption of the Resolution of the Cabinet of Ministers of Ukraine on the Approval of the Regulations on the Procedure for the Realization of the Right to Academic Mobility [37]. This became a legal guarantee for researchers and educators to exercise their right to academic mobility, which enabled them to safeguard their positions and average pay during the period of participation in academic mobility programs.

The following challenge concerned formalizing science, research and development in Ukraine in accordance with the new up-to-date requirements. To fulfill the task, the Parliament adopted the Law of Ukraine on Scientific and Scientific-Technical Activity, No. 848-VIII dated November 26, 2015 [38]. The Law outlined the latest legal, organizational and financial conditions for the development of research, science and technology in order to meet the pressing needs of the society and the state.

A new Law on Education adopted on September 5, 2017 [39] was passed to foster the country's move towards the European Union and openness to the world. The law set a fundamentally new framework to harmonize the domestic education and research system with the education standards in the European Union.

## CONCLUSIONS

In Ukraine, research is gaining the deserved attention of the policy-makers as they recognize its role in the implementation of strategic aims for the development of the country's potential. Domestic universities are actively developing despite a significant shortage of financial resources. Patriotic-minded people with an innovative type of thinking and skills to create high-quality intellectual products within limited funding and scarce resources represent the major potential. This is evidenced by numerous achievements of Ukrainian scholars at the international level, which has had a positive impact on the formation of the country's global image and helped improve the position of Ukrainian higher education institutions in global ranking systems over the last five years.

To streamline this positive shift, the country should focus on the strategic development and return to the research university model by creating a regulatory framework that would help build up the research capacity of national higher education institutions that have the potential to obtain significant results and contribute to the development of the innovation ecosystem in Ukraine.

Currently, experts are working on the development of a new provision on Research University [40]. To enable this process, the Ministry of Education and Science of Ukraine created a working group that brings together leading professionals in the field of research and education. The universities and the public are given an opportunity to review the draft of this document and submit the proposals and suggestions for its further improvement. When this provision is adopted, Ukraine will again return to the globally-accepted practice of creating and developing research universities that have a potential for ensuring technological competitiveness of the state.

These efforts will activate the fifth stage – Strategic Development – that aims to ensure that institutions of higher education meeting all the necessary requirements are granted a formal status of a research university. Yet, the issues concerning the adoption of an effective target program for the development of innovative research activities in Ukraine remain unsolved and the relevant provisions of the new Law on Technology Transfer that should comply with the global standards of technological development are still under development.

Moreover, the stage of strategic development calls for the formation of innovative national centers for scientific services within research universities of Ukraine. To ensure this, it will be necessary to work out an inclusive national program for the development of national research universities of Ukraine and allocate the sufficient

budget funding. Research universities need to become hubs for the creation and commercialization of modern technologies. In this context, there is an urgent need to adopt the new Law on Technology Transfer that will regulate the relationships concerning the creation of intellectual property in the open market.

**T**his law should regulate the right to freely use the scientific or scientific and technological products and to provide paid services for the maintenance of products commissioned by external customers. Moreover, the right for autonomous distribution of funds should be granted. To ensure these conditions, the procedure for the establishment of institutions of higher education with the status of an innovative research university and the right to commercialize the results of their scientific and research work should be formalized. When these conditions are met and the regulatory framework is created, Ukraine's research universities will enjoy financial autonomy, which will strengthen their potential for ensuring global competitiveness of the country's economy. ■

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## ВИЩА ОСВІТА УКРАЇНИ НА ШЛЯХУ МОДЕРНІЗАЦІЇ

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### Антонюк В. П. Вища освіта України на шляху модернізації

Метою статті є аналіз сучасних тенденцій розвитку та реформування системи вищої освіти України та визначення шляхів її модернізації. Здійснено аналіз динаміки підготовки кадрів у системі вищої освіти, виявлено негативні тенденції зменшення обсягу підготовки фахівців, деформації структури підготовки за освітніми рівнями, зниження якості освіти та її недостатню відповідність потребам сучасної економіки. Проаналізовано причини даних тенденцій, у тому числі погіршення фінансового забезпечення вищої школи. Систематизовано прогресивні зрушення в діяльності вищої школи, які започатковані останніми роками урядом. Обґрунтовано пропозиції щодо напрямків забезпечення подальшого розвитку та модернізації вищої освіти для нагромадження людського капіталу.

**Ключові слова:** підготовка кадрів, вища освіта, людський капітал, фінансування освіти, модернізація вищої освіти.

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**Антонюк Валентина Полікарпівна** – доктор економічних наук, професор, головний науковий співробітник відділу економічних проблем соціальної політики, Інститут економіки промисловості НАН України (вул. Марії Капніст, 2, Київ, 03057, Україна)

**E-mail:** antonukvp@gmail.com

**ORCID:** <http://orcid.org/0000-0003-2100-7343>

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**Антонюк В. П. Высшее образование в Украине на пути модернизации**  
Целью данной статьи является анализ современных тенденций развития и реформирования системы высшего образования Украины и определение путей его модернизации. Изложен анализ динамики подготовки кадров в системе высшего образования, обнаружены негативные тенденции сокращения объема подготовки специалистов, деформации структуры подготовки по образовательным уровням, снижение качества образования и его недостаточное соответствие потребностям экономики. Сделан анализ причин данных тенденций, включая ухудшение финансового обеспечения высшей школы. Системно изложены прогрессивные сдвиги в организации деятельности высшего образования, которые осуществляет в последние годы правительство. Обоснованы предложения по направлениям дальнейшего развития и модернизации высшего образования для накопления человеческого капитала.

**Ключевые слова:** подготовка кадров, высшее образование, человеческий капитал, финансирование образования, модернизация высшего образования.

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**Антонюк Валентина Поликарповна** – доктор экономических наук, профессор, главный научный сотрудник отдела экономических проблем социальной политики, Институт экономики промышленности НАН Украины (ул. Марии Капнист, 2, Киев, 03057, Украина)

**E-mail:** antonukvp@gmail.com

**ORCID:** <http://orcid.org/0000-0003-2100-7343>

### Antoniuk V. P. The Higher Education in Ukraine on its Way Towards Modernization

The article is aimed at analyzing modern tendencies of development and reforming of higher education system of Ukraine and determining ways of its modernization. The analysis of dynamics of personnel training in the system of higher education is described, negative tendencies of reduction in the volumes of specialists training, deformation of the training structure on the educational levels, decrease of quality of education and its insufficient compliance with the needs of the economy are discovered. An analysis of the reasons of these tendencies, including worsening of financial support of higher school, is conducted. The progressive shifts in the organization of higher education activities carried out by the government in recent years are systematically discoursed. Proposals as to directions of further development and modernization of higher education for accumulation of human capital are substantiated.

**Keywords:** personnel training, higher education, human capital, education financing, modernization of higher education.

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**Antoniuk Valentyna P.** – D. Sc. (Economics), Professor, Chief Research Scientist of the Department for Economic Problems of Social Policy, Institute of Industrial Economics of NAS of Ukraine (2 Marii Kapnist Str., Kyiv, 03057, Ukraine)

**E-mail:** antonukvp@gmail.com

**ORCID:** <http://orcid.org/0000-0003-2100-7343>