

**ინოვაციური ეკონომიკა
და მართვა**

**INNOVATIVE ECONOMICS
AND MANAGEMENT**

ირინა ვორონენკო,
ე.მ.კ., უ.მ.თ., ეკონომიკური
კიბერნეტიკის კათედრის
დოქტორანტი, უკრაინის
ბიორესურსებისა და
ბუნებათსარგებლობის ეროვნული
უნივერსიტეტი, კიევი, უკრაინა.
irynav@email.ua
orcid.org/0000-0002-1839-7275

ტატიანა ვოლოშინა,
პედ. მ.კ., ინფორმაციული და
დისტანციური ტექნოლოგიების
კათედრის დოცენტი, უკრაინის
ბიორესურსებისა და
ბუნებათსარგებლობის ეროვნული
უნივერსიტეტი, კიევი, უკრაინა.
t-voloshina@nubip.edu.ua
orcid.org/0000-0001-6020-5233

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მარტი, 2019*

IRYNA VORONENKO,
PhD in Economics, Senior Researcher,
Doctoral student, Department of
Economic Cybernetics, National
University of Life and Environmental
Sciences of Ukraine, Kyiv, Ukraine
irynav@email.ua
orcid.org/0000-0002-1839-7275

TETIANA VOLOSHYNA,
Ph.D. in Pedagogical Science,
Assistant of Professor, Department of
Informational and Distant Technologies,
National University of Life and
Environmental Sciences of Ukraine,
Kyiv, Ukraine
t-voloshina@nubip.edu.ua
orcid.org/0000-0001-6020-5233

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**სახელმწიფო რეგულირება: კონცეპტუალური
მიდგომები და თავისებურებები**

**STATE REGULATION: CONCEPTUAL
APPROACHES AND FEATURES**

ანოტაცია. სტატიაში განხილული და განზოგადებულია მეცნიერული მიდგომები სახელმწიფო რეგულირების არსის განსაზღვრისადმი. დადგენილია, რომ სახელმწიფო რეგულირების ცნებასთან ერთად ფართოდ გამოიყენება ცნებები „საჯარო მართვა“ და „სახელმწიფო მართვა“. შედარებითი ანალიზის საფუძველზე გახსნილია ცნებების შინაარსი და მათი ურთიერთკავშირი. კვლევის პროცესში გამოვლენილია ცნება სახელმწიფო რეგულირების ზოგადად მიღებული ინტეროპეტაციისა და ერთიანი გაგების არ არსებობა.

აღნიშნულია, რომ უკრაინაში მონოპოლიების რეგულირება ხორციელდება ეროვნული კომისიების მიერ, რომლებიც წარმოადგენენ აღმასრულებელი ხელისუფლების ცენტრალურ ორგანოებს სპეციალური სტატუსით, მათი შექმნა ან ლიკვიდაცია ხდება უკრაინის პრეზიდენტის მიერ. ევროსაბჭოს ქვეყნებისა და უკრაინის მაგალითზე გამოკვლეულია სარეგულაციო ორგანოების ფუნქციონირების ზოგიერთი თავისებურებები ტელეკომუნიკაციის სფეროში.

გაკეთებულია დასკვნა, ხელისუფლების ორგანოების საერთო რაოდენობა, რომელთა წინაშეც ტელეკომუნიკაციის სფეროში ანგარიშვალდებული იქნება მარეგულირებელი ორგანო, ასევე სახელისუფლებო ორგანო, რომელიც პასუხისმგებელია მისი ბიუჯეტის დამტკიცებაზე, განსხვავდებიან ქვეყნების მიხედვით. ამავე დროს ტელეკომუნიკაციის სფეროში მარეგულირებელი ორგანოების ფინანსირების ძირითად წყაროს ევროსაბჭოს ქვეყნების უმეტესობაში წარმოადგენს შემოსულობები საკუთარი საქმიანობის შედეგებიდან.

საკვანძო სიტყვები: საზოგადოებრივი მართვა, სახელმწიფო მართვა, სახელმწიფო რეგულირება, ეროვნული კომისია, მარეგულირებელი ორგანოები, ტელეკომუნიკაციის სფერო.

ABSTRACT. The article deals with and generalizes scientific approaches to the definition of the essence of state regulation. It has been established that along with the notion of state regulation of widespread use, the concepts of “public administration” and “public administration” became known. Through the comparative analysis, the content of the concepts and their interconnections are revealed. During the study, the lack of a common understanding and commonly accepted interpretation of the concept of state regulation. The main provisions regarding the key principles of the state regulatory policy of Ukraine are presented.

It is noted that the regulation of natural monopolies in Ukraine is carried out by the National Commissions, which are central executive bodies with a special status, which are formed and liquidated by the President of Ukraine. Some features of functioning of the regulatory authorities of the sphere of telecommunications on the example of the countries of the European Community and Ukraine as such are investigated.

It is concluded that the total number of authorities that should be regulated by the regulatory body in the field of telecommunications, which is responsible for the adoption of the budget regulator varies according to EU countries. However, the main source of financing for telecoms regulatory authorities in most EU countries is revenue from their own activities.

Special attention was paid to the study of the functions of regulatory bodies. It is concluded that an important part of the regulatory bodies' activities is the provision of universal services as a social component of the market.

Key words: state regulation, state administration, public administration, national commission, regulatory authorities, sphere of telecommunications

JEL Classification: L51, M38

FORMULATION OF THE PROBLEM.

Formation of an effective mechanism of state regulation is a multifaceted dynamic problem, whose components were tried to consider the thinkers of ancient Rome, Greece, India, China, Egypt, and Shumer in their scientific works. Scientists make assumptions about the inevitability of the presence of signs of state regulation, respectively, and problems and attempts to solve them, since the advent of statehood in general, in particular the founding of the first organized societies [1].

However, to date, despite the millennial history of the study of this problem, native and foreign scientists haven't been able to agree on establishing a unified approach to the definition of the concept of "state regulation", to propose an effective mechanism and criteria for the effectiveness of its functioning, and moreover even agree on its overall appropriateness.

ANALYSIS OF RECENT RESEARCH AND PUBLICATIONS.

The questions of the essence of state regulation were researched in their writings by such scientists as V. Karsekin [29], E. Kubko [26], I. Mikhasyyuk [17], S. Stepanenko [27], D. Stecchenko [19], and others. The lack of a single scientific thought about this problem emphasizes not only the fact of pluralism in determining the essence of the notion of "state regulation," but also the availability of other terms which define the relationship of relations between the state and society, their characteristics, such as: "state intervention," "public administration "," governance"," state regulation "and lack of a common view on the differences between them.

Thus, there is a need in the research of the evolution of the definition of the essence of state regulation on the basis of the method of analysis and synthesis of scientific works of leading scientists in this regard.

PROBLEM STATEMENT.

The lack of a unified scientific thought about the definition of the fundamental theory of state regulation, the study of views of which, makes it a starting point for the study of this evolution. The purpose of the article is to study conceptual approaches to the definition of the essence of state regulation on the basis of different scientific views.

PRESENTATION OF THE MAIN RESEARCH MATERIAL.

The review of scientific publications shows that the first ideas of the science of state regulation in the modern sense were laid by John Mainard Keynes (1883-1946) in the work "General theory of employment, interest and money" (1936), which was written in response to problems caused by general economic crisis of the 1930s, known as the Great Depression [3]. According to J. Keynes, "the state will have to give its leadership influence on the propensity to consume partially through the corresponding tax system, partly by fixing the rate of interest and possibly by other means" [3]. Keynes saw investment resources and interest rates as the most important subject of state regulation, and the main instrument was fiscal policy.

In this case, Keynes in this work analyzes the views of mercantilists (XV-XVII centuries.). Looking at their ideas, he cites another of his predecessors, Alfred Marshall (1842-1942), namely, “if there is something that protectionism can not do, it is the cure for unemployment ... In favor of protectionism, there are certain arguments based on the fact that it can bring some, although unlikely benefits, and these arguments are not so easy to complain ... “. At the same time, he partially agrees with their ideas with the following words: “at the beginning I will present with my own words the fact that I now appear as elements of scientific truth in the study of mercantilism” [3].

Most scientists still argue that the founder of state regulation was Adam Smith (1723-1790 gg.) [35] whose main idea of work, in our opinion, was successfully formulated by Sergei Martynovsky “There is a Smith’s idea of an “invisible hand” that manages the economy and prompts to serve the interests of society contrary to personal intentions. In fact, we are talking about objective economic laws that act contrary to the will and desire of people “[2].

It should be noted that Adam Smith himself in the second volume, “The Study of the Nature and the Causes of the Wealth of Peoples,” also proposed a chapter on the principles of a commercial or mercantilist system, in which, unlike Keynes, he criticizes the ideas proposed by them [4]. The author reflected three main functions that the state must perform, namely the protection of the population.

However, despite the views of these prominent classical scientists on the ideas of mercantilists, the presence of the very fact of studying their views on the essence of state regulation, allows us to agree with the scholars who consider merkantilist as the founders of the science of state regulation in the modern sense.

However, one should recall the opinion of Olga Zborovskaya, which states that “In the first economic concepts, state interference in the economy was explained by the social need, task or purpose pursued by the state” [5]. This approach is typical for the XIII-XVI centuries. and the name of the scientist received from Josef Schumpeter (1883-1950).

In her study, Olga Zborovska refers to Schumpeter’s work “Capitalism, Socialism and Democracy” [6], but in these materials we did not find a place wherever he introduced the term “teleological”, although partly affecting the scientific ideas proposed by the above mercantilist, Smith and Keynes.

However, in the first volume of another well-known work “History of Economic Analysis” Schumpeter included analysis of Greco-Roman economic science, noting that “In ancient Egypt, there was a certain type of planned economy, built around the irrigation system. There were enormous military and bureaucratic organizations and developed legal systems in the Assyrian and Vauling theocracies ... (about 2000 BC). “

Next, in his work, Schumpeter step by step systematically views views on economic processes, which he himself recognizes inextricably linked with the doctrine of public administration, starting with the teachings of the Greco-Roman times to the present (obviously, the modernity of the Schumpeter itself).

At this stage, the “Ideal State” of Plato (427 BC - 347 or 348 BC), “Politics” of Aristotle (384-322 BC) and others are inevitably mentioned, which was introduced to us at junior courses of the institute, and to someone even in school.

In addition, I want to add one paragraph to some of the most famous statements of the ancient sages on this subject, which underline the concern of the bright minds of mankind caused by the elements of the problem of state regulation since ancient times:

“The reason that it is difficult to govern the people is that people are enlightened and there are many who are intelligent in it”, Laozi (VI century - 531 BC);

“When the state is governed by reason, shameful poverty and need; when the state is not governed by reason, then shameful riches and honors “- Confucius (551-479 BC);

“Managing means to foresee, and to foresee means much to know” - Mark Tullius Cicero (106-43 BC).

Research, conducted within the framework of this work, have made it possible to establish that scientists have found elements of regulation even earlier than Shumpeter writes, namely in pre-agrarian society (about 3000 BC) [6]. Thus, in the section “The emergence and development of labor productivity and regulation within the pre-agrarian society,” Alexander Butuk argues that “for such an appropriation era, the most likely characteristic of the herd organ-

ization of the people of the early people and primitive people, when the matriarchal genus has not yet arisen.” In our view, we can assume that there were elements of the so-called “pre-regulation”.

Interestingly, in our opinion, there is an image of the ideal ruler from Volodymyr Monomakh’s “Instruction” (1053-1125 AD), in which he gives instructions on how to manage his subjects, namely, he calls his children diligence; he must look for himself all without relying on others, to learn what you do not know. The wife of the prince should communicate well with the people of her country, do not crawl it, special attention should be paid to “guests”, etc.

However, in our opinion, it is advisable to agree with scientists who do not explore even earlier work, which deals with elements of state regulation. This is due to the fact that they consider state regulation only on one side and are not a complex completed work from the scientific point of view.

With this statement, Schumpeter implicitly agrees “Since the XV century. from the beginning in Italy, and then in other countries, government officials of all kinds and ranks ... began to put on paper their ideas about the rational management of the economy ... “and also he notes” During the XVIII century, created professorial chairs, which in Germany called the departmental science or state science ... “[7]. The main purpose of these sciences was to study the ways of obtaining the greatest income from the state economy, which provided for the division of this doctrine to: the economy or the study of purely economic, practical, technical disciplines, as well as the doctrine of public administration [8].

The French economist Fredrich Bastia (1801-1850) denied any form of intervention, and especially the state in any sphere.

J. Mill (1806-1873), the last representative of the school of classical political economy, distributed the functions to: mandatory and optional, although he opposed the expansion of state functions and supported the restriction of state interference in the economy [9]. Mill shared the state intervention in the economy by species: recommendation that is the submission of recommendations to individuals in the implementation of certain useful for society purposes; legislative that is the control and possibility of prohibiting individuals from engaging in certain activities without permission or restrictions.

In the work entitled “The Study of the Law of Population ...” Thomas Robert Malthus (1766-1834) advocated the position on the possibility of building a society of ideal equality, provided that the state intervenes in the sphere of distribution of social revenues [20].

Ludwig Erhard (1897-1977) believes that the state can intervene in the household only if it needs it, and the government’s task is household and political activity in the framework of its democratic parliamentary competencies and rights [11].

According to the representative of the Neo-Austrian school Ludwig von Mises (1881-1973), the state is an executive apparatus that does not interfere in market activities, the insurance industry, so that the economy can function safely [12].

For clarity, Table 1 provides an evolution of the views of scientists on the role of the state in regulation [3, 10, 30-32].

At the same time, to determine the essence of state regulation, first of all it is necessary to clarify the meaning of the terms «regulation» and «management».

In the dictionary of the Ukrainian language, the term «regulate» is defined as «to organize something, to manage something, subordinating it to the corresponding rules, a certain system» [13], and «to manage» - «direct the activity, work of someone, something; be at the head of someone, something; operate»[14].

The term «state regulation» is an integral part of the management, which ensures the fulfillment of the function of the state administration, which is why, in our opinion, the concept of «public administration» should be considered.

In Table 2, we present the approaches of different researchers to the content of the concept of public administration, public administration and state regulation.

Table 1. Evolution of the views of scientists on the role of the state in regulation

Leading trends	Representatives	Ways of influence and role of the state
Keynesianism	John Maynard Keynes (1883-1946)	The impossibility of self-regulation of the capitalist economy at the macro level and the need for state intervention in economic processes
neo-Keynesian	Evsei Domar (1914-1997) Roy Harrod (1900-1978)	Adjusting playback processes
Neoliberalism	Walter Oiken (1891-1950) A. Muller-Armak (1901-1978)	Facilitating the expansion of the private sector, support for the process of monopolization of property, stabilization of the money supply as the main condition of non-inflationary development
Monetarism	Milton Friedman (1912-2006)	Control over money supply, in particular, measures in the field of monetary regulation
Institutionalism	Charles Sanders Pearce (1839-1914) Thorsten Veblen (1857-1929) John Rogers Commons (1862-1945) Wesley Claire Mitchell (1874-1948)	Management of economic development, namely planning, conflict management
Theory of transformation	Adolf Berley (1895-1971)	Strengthening state interference in economic life, increasing its role in solving social problems
The theory of "industrial society"	John Kenneth Galbraith (1908-2006)	Regulation of state demand through the system of taxes redistribution of national income, promotion of scientific and technological progress, education and defense

Understanding the presence of a certain pluralism in defining the content of the concept of public administration and state regulation, I agree with Finkelstein O.V., who in his work notes «The main difference between government and state regulation is the way of organizing relations between the state and other actors, and in the basis of the choice of regulation or management lies in the specifics of the sphere and the goals of the state that are being realized». We emphasize that «state-of-the-nation», which obviously depends on many internal and external factors, differ at a specific time, including for different markets.

As for Ukraine, according to the provisions of the Law of Ukraine «On the Principles of State Regulatory Policy in the Field of Economic Activity», the regulatory authority is the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, the National Bank of Ukraine, the National Council of Television and Radio Broadcasting of Ukraine, another government body, the central executive authority, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, the local executive authority, the local self-government body, as well as the post the advertent person of any of these bodies, if, in accordance with the law, this person has the power to take regulations alone. Regulatory authorities also include territorial bodies of central executive bodies, state specialized institutions and organizations, non-profit self-governing organizations that manage and manage certain types of compulsory state social insurance, if these bodies, institutions and organizations in accordance with their authority adopt regulatory acts [36]. This document also defines the definition of regulatory activity, which refers to activities aimed at the preparation, adoption, monitoring of the effectiveness and review of regulatory acts, which are carried out by regulators, natural and legal persons, their associations, territorial communities within, in the order and in the manner established by the Constitution of Ukraine, this Law and other normative-legal acts.

The legal, economic and organizational principles of the state regulation of activities of natural monopoly entities in Ukraine, which are carried out with the purpose of ensuring the effective functioning of markets that are in a state of

Table 2. Approaches to the content of the concept of public administration and state regulation

Researcher	The content of the concept
public administration	
D. Keeling [32]	searching for the best way to use resources to achieve the priority goals of government policy
J. Shavrits [33]	The practice and theory field that is key to public administration and focuses on the internal activities of public institutions, in particular in addressing managerial issues such as control, management, planning, organizational provision, information technology provision, personnel management, and performance evaluation.
S. Chernov [34]	organizing and regulating the state's influence on the social life of people in order to organize, preserve or transform it, based on the power that restricts effective public control
governance	
G. Atamanchuk [22]	practical, organizing the influence of the state on the social life of people in order to regulate, preserve or transform, based on its power
V. Averyanov [21]	the activity of the state, based on its management, that is, organizational influence on those spheres and sectors of public life that require a certain state interference through the use of powers of the executive
V. Bakumenko P. Nadolishniy [23]	activity on the implementation of state powers in order to fulfill its organizational and regulatory and service functions in society in general and in certain spheres of his life
S. Lobozyanskaya [15]	administrative action, the implementation of which is carried out by the mechanisms of planning, organization, motivation, regulation and control
V. Martynenko [25]	the process of authoritarian governance through the formation and implementation of a system of state bodies of executive power at all levels of the administrative-territorial division of the country, which uses a set of methods, mechanisms, methods of power influence on society
state regulation	
A. Azrilian [28]	the influence of the state on the activities of economic entities and market conditions in order to ensure normal conditions for the functioning of the market mechanism, the resolution of environmental and social problems
A. Ignatyuk [24]	a set of methods and tools aimed at increasing production volumes, improving the structure of sectoral markets, developing and implementing scientific and technological advances, strengthening the competitiveness of the economy, increasing export potential and effectively addressing social problems
V. Karsekin [29]	a set of forms, methods, means of influencing the economy, covering the economic relations that have developed between subjects and objects of regulation in the process of definition and realization of the purpose
E. Kubko [26]	conditions for the activities of entities and objects in the direction that is desirable for the state and which will be the development of the management system as a whole
I. Myssuk [17]	the complex of state enthusiasm aimed at directing economic entities in the direction necessary to achieve the goals set by state authorities and authorities
C. Mocherny [18]	a complex of main forms and methods of purposeful influence of state institutions and organizations on the development of the social mode of production for its stabilization and adaptation to changing conditions
S. Stepanenko [27]	purposeful activity of the state in creating the legal, economic and social prerequisites necessary for the most effective functioning of the market mechanism and minimization of its negative consequences
D. Stechenko [19]	the state's influence on reproduction processes in the economy by means of appropriate means for orientation of economic entities and individuals to achieve the goals and priorities of public policy of social development

natural monopoly, on the basis of balancing the interests of society, subjects of natural monopolies and consumers of their goods, occupy a special position in this system [37]. According to the Law of Ukraine «On Natural Monopolies», the activities of natural monopoly entities are regulated in the following areas: transportation of oil and oil products by pipelines; transportation of natural and oil gas by pipelines and its distribution; transportation of other substances by pipeline transport; transmission and distribution of electric energy; use of railways, dispatching services, railway stations and other objects of infrastructure providing traffic of general-purpose railway transport; air traffic control; general communication; centralized water supply and drainage; centralized supply of heat energy; specialized services of transport terminals, ports, airports on the list, which is determined by the Cabinet of Ministers of Ukraine, as well as adjacent markets.

It should be noted that the regulation of natural monopolies is carried out by the National Commissions, which are central bodies of executive power with a special status, which are formed and liquidated by the President of Ukraine. These National Commissions include: National Commission for state regulation in the area of communication and information, the National Commission for state regulation in the energy and utilities areas, the National Commission for securities and stock market, the National Commission that performs state regulation in the field of financial services markets, the National Commission, which carries out state regulation in the field of financial services markets.

In turn, each of these National Commissions is guided by a separate set of normative legal documents in which, among other, the purpose of state regulation in this area and the tasks and powers of the regulatory body are defined, the requirements for the procedure for state supervision, the composition and procedure for the appointment of members of the National Commission are formulated, financing, scientific and methodological and informational support of the activities of the National Commission.

Taking into account that at present for most countries the development of the information society is one of the national priorities, and information and communication technologies are a necessary tool of socio-economic progress, one of the main factors of innovation development of the economy [38], we examined some features of functioning regulatory authorities of the sphere of telecommunications on an example of the European Union and Ukraine [39].

Thus, the total number of authorities that has to be reported by the telecommunications regulatory authority varies according to EU countries, in 13 countries the regulatory body is accountable to 1 body, in 6 countries to 2, in 3 countries to 5, in 4 countries to 3, in 5 countries to 1. Among them in 15 countries the regulatory body is accountable to the legislature of the country, 11 to the Sector Ministry, 6 to the public, and 5 to the Government (Fig. 1).

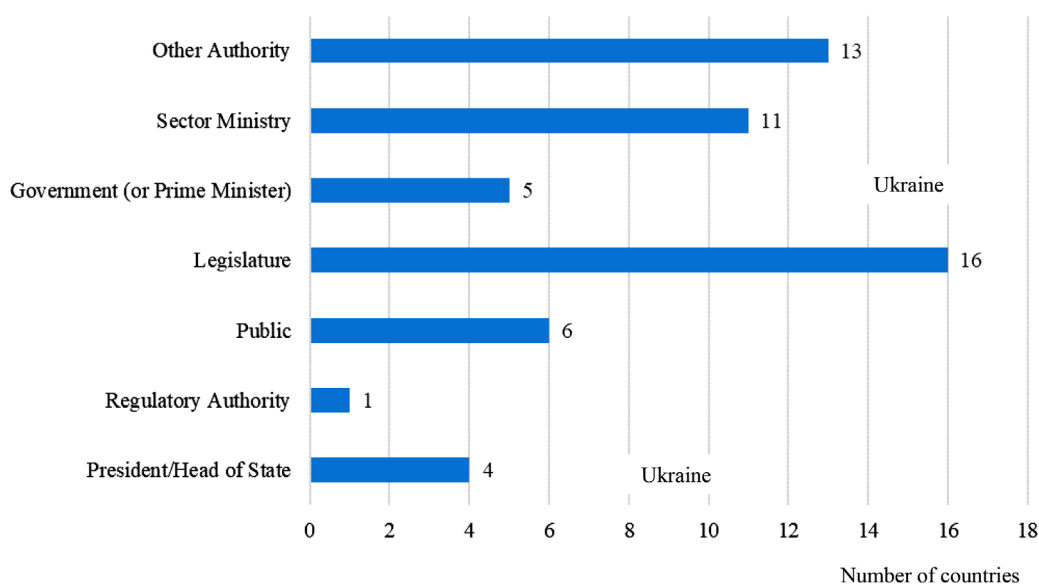


Fig. 1. Name of the authority which has to be notified by the regulatory authority

Regarding the budget of telecommunications recall bodies, it is regulated by the regulator itself in 12 EU countries, in the 12 EU countries the government of this country do the same at one time, in 3 countries it is done by the legislative authority and 3 countries it is done by the sectoral Ministry. The main source of financing for regulators in 18 EU countries is income from their own activities. In total, among 28 EU countries in 12 countries use the state budget to finance the regulatory authority, but only in 7 countries the proceeds from the state budget are more than 50 percent of the budget of the regulatory authority.

Fig. 2 for the sake of clarity is the data on the distribution of powers of state authorities in the field of telecommunications. Therefore, the main functions of regulators in this area are quality of service standards setting, interconnection rates, enforcement of quality of service obligations, spectrum Monitoring and Enforcement, charge of numbering, price regulation, licensing, universal service/access, enforcement of quality of service obligations, broadcasting (sound transmission) and radio frequency allocation and assignment.

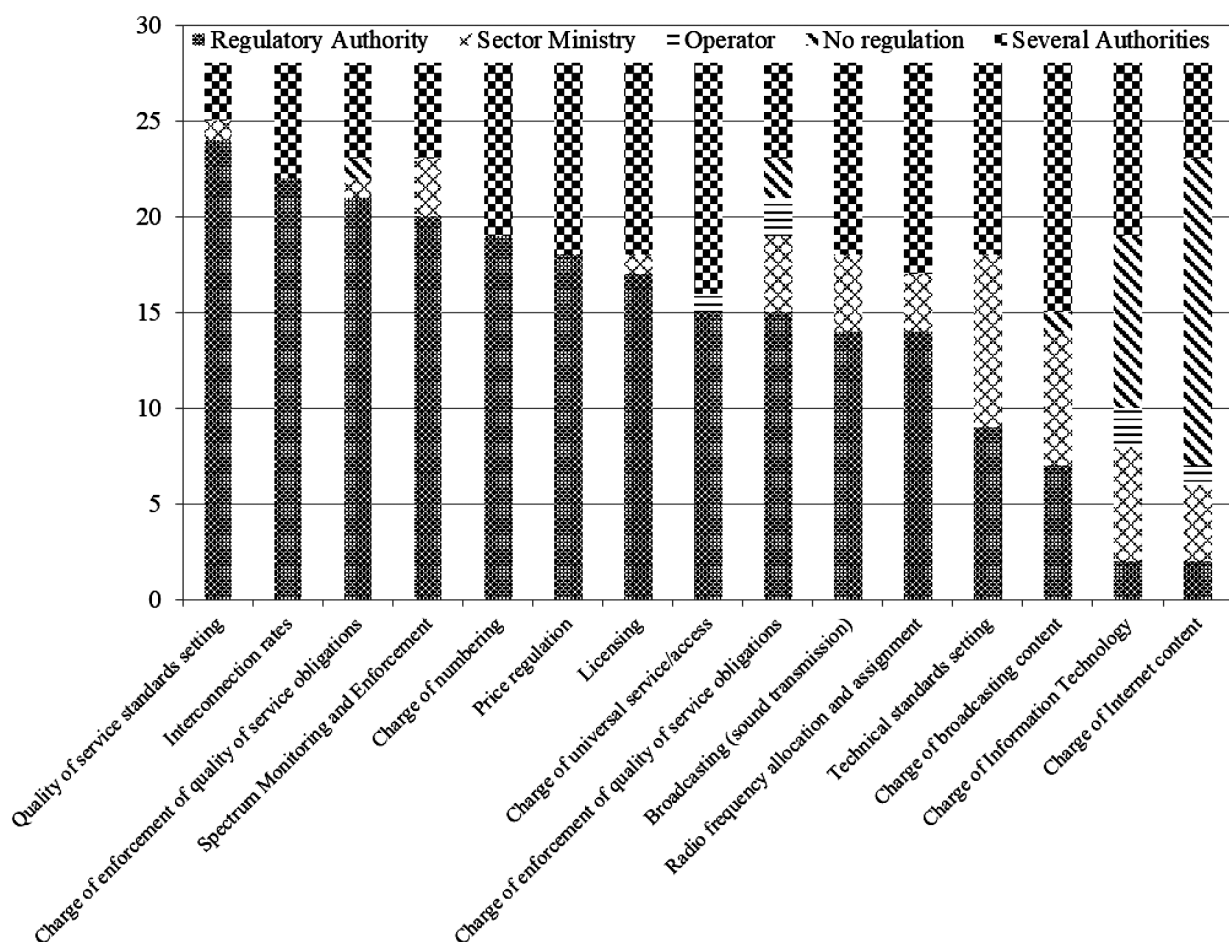


Fig. 2. The division of responsibilities of the authority

An important part of activities of the regulatory bodies is the provision of universal services such as a social component of the market. For that, in the majority of EU countries, a universal service fund was created. Regarding the list of these services, in 23 EU countries they include fixed line public payphone service, in 18 countries – fixed-line public residential services, 11 countries – voice telephony services, 27 countries – Dial-up Internet, 8 countries – broadband Internet, 16 countries – emergency services, 13 countries – services for empirod / elderly, 12 countries – directory services (Figure 3). It should be noted that operators in 17 EU countries provide universal services below cost.

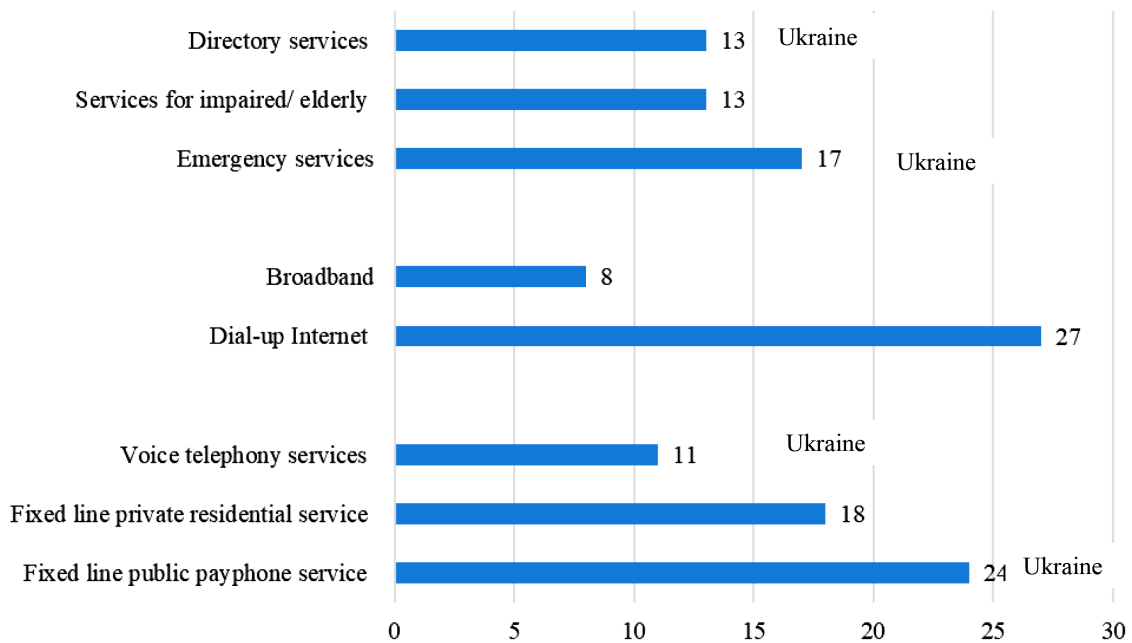


Fig. 3. List of universal services

Obviously, the lack of access to the Internet in the list of universal in Ukraine contradicts the general tendencies.

Therefore, in the article it is reviewed and generalized scientific approaches to the definition of the essence of state regulation, and systematized the evolution of the views of scientists on the role of the state in regulation. It has been shown that “governance”, “public administration”, “state regulation” should not be used as synonyms to each other. Understanding the strain and complexity of the state regulation system, the main provisions concerning the key principles of the state regulatory policy of Ukraine are presented.

Telecommunications, as a natural monopoly, are subject to mandatory regulation in accordance with world experience, unlike other spheres of the economy, whose activities can only be provided by an executive body. A significant part of the regulatory authorities of the EU countries are independent, financed by the results of their own activities, as opposed to the regulatory body of Ukraine financed by the state budget.

An important part of activities of the regulatory bodies is the provision of universal services as a social component of the market. Regarding the list of these services, in 23 EU countries they include fixed line public payphone service, in 18 countries - fixed-line public residential services, 11 countries – voice telephony services, 27 countries-Dial-up Internet, 8 countries – broadband Internet, 16 countries – emergency services, 13 countries – services for empired / elderly, 12 countries – directory services. Therefore, in our opinion, it is necessary to include provision of services of access to the Internet in Ukraine to the list of universal ones. The subject of further research interests will be studying the peculiarities of regulation of telecommunications and information technology in Ukraine.

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