

SUBJECTS OF ADMINISTRATIVE AND LEGAL REGULATION OF STATE LANGUAGE POLICY IN UKRAINE

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Abstract. *Its language policy is important for the effective development and functioning of the state and society. Considering the global nature of the tasks that are being solved today, in particular, regarding ensuring the rights to own the official state language and the languages of national minorities, the constant attention to it by both the country's leadership and the international community is understandable. The consequence of this was the creation of a system of governing bodies in the field of language policy, consisting of many state and non-state institutions, which are called to exert powerful influence on language relations in Ukraine.*

The Constitution of Ukraine determined the peculiarities of the legal status of the authorities that are subjects of the state language policy. These include the following institutions: the Parliament of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, the Ministry of Education and Science of Ukraine, the Ministry of Culture of Ukraine, the National Commission for State Language Standards, etc. However, the effectiveness of their activities nowadays is not effective.

This situation is explained in particular by: insufficient modern technologies and appropriate technical support in the system of departments; the lack of clear coordination in the activities of entities that carry out administrative and legal regulation of the state language policy in Ukraine.

At the same time, despite the mentioned shortcomings, the system of institutions of administrative and legal regulation of the state language policy fulfills its main task, namely: it provides equal opportunities for people to communicate in the state and national minority languages. At the same time, priority is given to the preservation and development of the state language, the need to know it at an appropriate level for acquiring Ukrainian citizenship or occupying positions defined by law.

The purpose of the article is a legal analysis of the problems of the exercise of powers by subjects of power in the sphere of administrative and legal regulation of the state language policy of Ukraine.

Keywords: *language policy, subjects of administrative and legal regulation, state language, authorities.*

1. Introduction

The Constitution of Ukraine defines the peculiarities of the legal status of the authorities which are the subjects of the State language policy. In particular, it provides for the procedure of the Verkhovna Rada of Ukraine as the sole legislative body, which at the same time has controlling and organizational powers that should ensure the conditions for the quality formation and effective implementation of the State language policy.

2. Review of the literature

The subjects of power are the subject of scientific research by the following scholars: L.T. Kryvenko, O.F. Frytskyi and others. In addition, the Parliament as a subject of administrative management has been studied by: V.K. Kolpakov, O.V. Kuzmenko, V.O. Shamrai and others. However, this issue still needs to be studied and the mechanisms for its implementation improved.

3. Research purpose

The purpose of the article is to analyze the problems of exercising powers by public authorities in the field of formation and administrative and legal regulation of the State language policy.

4. Results

It should be noted that the diversity of social relations determines a special type of national relations - language relations, the content of which is the legal rights and obligations of their participants in the field of formation and implementation of language policy, use of language as an important element of the functioning of the state, society and nation.

However, the scope of obligations of such legal relations varies. In particular, the obligations of citizens (individuals) primarily consist in nonviolation of the principles of equality defined by Article 24 of the Constitution of Ukraine [1], respect for the languages of national minorities, proficiency in the official state language to the extent established by

law, and compliance with other requirements established by law.

Representatives of public authorities, of course, have a broader scope of obligations than the scope of rights, as the authorities are required to ensure the language rights of citizens, stability and law and order in society, and prevent any violation of the rights of individuals on language grounds. In addition, the law establishes relevant qualification requirements for citizens wishing to hold public office, namely, knowledge of the state language (deputies, president, judges, etc.).

Representatives of national minorities are guaranteed by Ukrainian law the right to use and develop their native language, etc.

Thus, language relations are a type of social relations, the content of which is the ties between their subjects, namely citizens, public authorities, national minorities, etc., arising in the field of preservation, use and dissemination of national languages. It is worth noting that the diversity of subjects of these relations emphasizes the diversity of language relations.

It is worth noting that in the system of administrative regulation of the state language policy, one can distinguish a set of subjects - administrative bodies, whose sphere of action includes organizational measures in various spheres of public life, which is designed to influence subjects of public relations using special means of administrative and legal regulation of their behavior. According to Article 12 of the Law of Ukraine "On the Principles of Domestic and Foreign Policy" of July 1, 2010, No. 2411-VI, "the formation and implementation of both domestic and foreign policy in Ukraine is entrusted to public administration bodies, which are responsible for resolving a particular issue" [2].

As we can see, the bodies that determine the language policy are divided into state bodies of general competence and special management bodies. State bodies of general competence in Ukraine are: The President, the Verkhovna Rada, the Cabinet of Ministers, local state administration bodies and local self-government bodies.

In the area of state language policy, the Parliament of Ukraine exercises the following powers under Article 85 of the Constitution of Ukraine: "determines the main directions of the internal and foreign policy of the state, of which language policy is a component, and approves national programs of national and cultural development; adopts laws and amends the Constitution of Ukraine; approves the State Budget of Ukraine and amends it; gives its consent to be bound by international treaties of Ukraine in the field of language and denounces international treaties of Ukraine; establishes the taxation system and defines the basis of local self-government, as well as implements other

An indicator of the effectiveness of the Verkhovna Rada of Ukraine is the adoption of a large number of regulations. At the same time, Ukrainian researcher N. Kucherska, characterizing the work of the Par-

liament, believes that its "chaotic rulemaking is the result of "biased assessment" of existing legal acts and the lack of a single concept of legislative development, which should be based on social needs and priority areas of development of the state as a political and legal institution" [3, p. 71].

Thus, until recently, the Verkhovna Rada of Ukraine and MPs did not have a clear plan for legislative work, which undoubtedly affected the systematic and effective regulation of public relations and the legal culture of citizens. It was only on June 4, 2015, when the Verkhovna Rada of Ukraine adopted Resolution No. 509-VIII [4] "On the Plan of Legislative Support for Reforms in Ukraine", which provided for the development and adoption of a draft law on amendments to the Law of Ukraine "On the Principles of State Language Policy" in the matter of ensuring the status of the state language and equality of regional or minority languages, a draft law on state support for mechanisms and measures for the development and popularization of the Ukrainian language, as well as Ukrainian-language printed materials, etc. However, it should be noted that this document does not directly address the fundamental issues of language policy implementation, which demonstrates the need for its revision, taking into account the realities of the language situation in Ukraine. Therefore, considering the Verkhovna Rada of Ukraine (hereinafter - VRU) as a subject of language policy, it is necessary to characterize the Verkhovna Rada Committee on Culture and Spirituality.

According to clause 1 of Article 1 of the Law of Ukraine "On Committees of the Verkhovna Rada of Ukraine" of April 4, 1995, No. 116/95-VR, "a committee is a body of the Parliament formed from among the people's deputies for the purpose of drafting legislation and performing control functions" [5]. According to Article 42 of the Law of Ukraine "On Committees of the Verkhovna Rada of Ukraine", the forms of work of the committees are also defined, namely: "committee meetings, holding hearings, organizing events to discuss draft laws, as well as exchange of experience and coverage of the committee's activities (conferences, joint committee meetings, etc.)" [5].

The Verkhovna Rada of Ukraine, by its Resolution "On the List, Quantitative Composition and Subjects of Jurisdiction of the Committees of the Verkhovna Rada of Ukraine of the Eighth Convocation" of December 4, 2014, No. 22-VIII, established the Committee on Culture and Spirituality, which "is responsible for legislative work, as well as the implementation of the control function in the following areas cultural and educational activities (publishing, librarianship, cinematography, folk arts and crafts); artistic activities (professional creative unions, theaters, schools of aesthetic education, concert and touring activities, etc.); protection of historical and cultural heritage (museums, archives, activities of reserves, export, import and return of cultural property); state policy in the field of freedom of conscience and religious organizations; state policy in

the field of development and use of the state language and languages of national minorities in Ukraine; principles of charitable activity" [6].

According to O.V. Lopushanska, "when drafting bills on language issues, attention should also be paid to the accuracy and completeness of the definitions of concepts contained in the acts, their coordination with other categories contained in this document and current regulations; complementarity and consistency of the rules of law, as well as taking into account current social problems, since the main function of legislation is to ensure order and the public good" [7]. In addition, language legislation should reflect aspects of Ukraine's cooperation in the international arena in this area, the basic principles of preserving and developing the language of Ukrainians abroad and the language of Crimean Tatars.

It is worth noting that the public administration system in Ukraine requires fundamental changes and the establishment of its compliance with the rule of law and market relations. Although the Verkhovna Rada of Ukraine is an important subject of administrative regulation of language policy with powers legally defined in this area, despite the large number of draft laws on language issues registered in the Ukrainian parliament, this issue is still not sufficiently regulated, and projects increasingly remain projects.

The main instruments of the President of Ukraine in the field of language policy are the National Council of Ukraine on Television and Radio Broadcasting, which functions as a special regulatory body responsible for the allocation of radio and television frequencies. The second instrument is the National Commission for the Strengthening of Democracy and the Rule of Law, which is directly subordinated to the President and is his advisory body, and was established by Presidential Decree of July 5, 2005. In particular, in 2006, the Commission adopted the "Concept of State Language Policy in Ukraine", which contains, among other things, important statements on the situation in the media, requirements for Ukrainization, etc.

The National Council of Ukraine on Television and Radio Broadcasting is a constitutional, functioning collegial body whose main purpose is primarily to supervise the implementation of the laws of Ukraine in the field of television and radio broadcasting, and to exercise regulatory powers provided for by law. Its activities are based on the principles of independence, objectivity, legality, accessibility to citizens, transparency, taking into account political, cultural, ideological diversity in society, generally accepted international norms and standards in this area, completeness and comprehensive consideration of issues and validity of decisions.

The National Council consists of eight members, of whom four are appointed by the Verkhovna Rada and four are appointed by the President of Ukraine. It is worth noting that the National Council of Ukraine is competent if at least six members are appointed. The powers of the members of the National Council begin

on the day of appointment and last for five years, except as provided by the Law "On the National Council of Ukraine on Television and Radio Broadcasting". The same person may be reappointed as a member of the National Council only once. Special representatives of the National Council are appointed in the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol to ensure the fulfillment of the Council's powers. For organizational, legal, informational, scientific, material and technical support of the National Council on Television and Radio Broadcasting, an apparatus is created, which operates in accordance with the Regulations and Rules of Procedure of the National Council.

The objectives of the National Council are:

- protection against interference in the information space of Ukraine;
- development of Ukrainian broadcasting in the territory of the ATO, as well as in the border areas of the south and in Crimea;
- promotion of effective competition in the market, creation of conditions to prevent restriction or distortion of competition in the television and radio information space;
- promoting the establishment and development of public broadcasting, as well as the transition from analog to digital broadcasting;
- representing and defending the interests of Ukraine in the field of television and radio broadcasting in the international arena.

According to Art. 24 of the Law of Ukraine "On Ensuring the Functioning of the Ukrainian Language as the State Language" of April 25, 2019, No. 2704-VIII, broadcasting is carried out only in the state language in accordance with the procedure for using the language in this area in accordance with the Law of Ukraine "On Media" [8].

The development and approval of standards for the Ukrainian language as the state language is carried out by a specially created body, the National Commission on State Language Standards, whose task is to preserve and develop the state language by setting standards and methods for testing the level of proficiency in it required for acquiring citizenship or holding positions specified by law.

Thus, the Commission is a central government body with a special status, and its activities are determined and coordinated by the Cabinet of Ministers through the Minister who heads this executive body in the field of education and science. The Commission is a collegial body consisting of nine members. The members of the Commission are appointed and dismissed by a decision of the Cabinet of Ministers.

According to Art. 44 of the Law of Ukraine "On Ensuring the Functioning of the Ukrainian Language as the State Language," the Commission has the following powers:

- 1) "develops, taking into account the proposals and conclusions of the Institute of the Ukrainian Language of the National Academy of Sciences of

Ukraine, as well as other scientific and educational institutions, and approves standards of the official state language, namely: Ukrainian terminology; spelling of the Ukrainian language and changes to it; standards of transcription and transliteration" [8];

2) approves the requirements for the levels of proficiency in the Ukrainian language by persons specified by the legislation of Ukraine;

3) approves the requirements for the level of proficiency in the state language of persons seeking to acquire Ukrainian citizenship;

4) approves the procedure for testing the level of proficiency in the state language;

5) submits proposals to the Cabinet of Ministers, in accordance with the procedure established by law, concerning amendments to legislation related to ensuring the requirements and standards of the state language;

6) approves the form of the state certificate;

7) approves the tasks for the exam that demonstrates the level of proficiency in the state language and organizes such exams;

8) issues state certificates and maintains their Register;

9) develop and submit to the Cabinet of Ministers of Ukraine, in accordance with the law, drafts of the Procedure for conducting examinations to test the levels of proficiency in the state language;

10) has other powers defined by the legislation of Ukraine [8].

Decisions of the National Commission on State Language Standards are binding throughout Ukraine and may be appealed in court.

Thus, the National Council of Ukraine on Television and Radio Broadcasting, the National Commission for the Strengthening of Democracy and the Rule of Law, the Committee on Culture and Spirituality, the National Commission on State Language Standards, etc. are special bodies that to some extent influence the formation and implementation of the state language policy in Ukraine.

It is worth noting that with the adoption of the Law "On Ensuring the Functioning of the Ukrainian Language as the State Language", special bodies were introduced in Ukraine to implement language policy. In particular, the position of the Commissioner for the Protection of the State Language was created, who exercises state control over the use of the state language by state authorities and local self-government bodies, institutions, enterprises and organizations, as well as their officials and employees, public associations and political parties, other legal entities, etc. A special Secretariat is established to ensure its activities. Officials

and employees take exams, and state certificates of proficiency in the Ukrainian language are issued on the basis of these exams. These exams are organized by the National Commission on State Language Standards, as mentioned above [9, p. 43].

As we can see, the systemic nature of the state language policy is determined by language legislation and the activities of the authorities in the field of its formation and implementation. The key to the implementation of language legislation is the government body authorized by the state to implement language policy.

For example, in France, this body is the General Directorate for the French Language and French Languages, which coordinates the state language policy and monitors compliance with the provisions of the law and issues warnings to violators, and, together with the Ministry of Justice, draws up resolutions that grant permits to associations in the field of protection of the French language and control over the implementation of legislation, in addition to monitoring the activities of such associations and prepares an annual report for the Parliament on the implementation of the provisions of the language legislation and the status of the French language in international institutions [9, p. 43].

5. Conclusions

As we can see, the state language policy is implemented by legislative and executive authorities; committees on education, mass communication, press, publishing, cinema; public organizations, political parties, associations of scholars, teachers, journalists, writers, research centers, linguistic institutes, academies of science, language culture services, translation services, etc.

The subjects of administrative and legal regulation of language relations are primarily public authorities. As a rule, the scope of duties of the authorities is greater than the scope of their rights, since the state imposes on the authorities the requirement to ensure the language rights of citizens, to ensure stability and law and order in society, and as a result, to prevent violations of the rights and freedoms of citizens on language grounds, etc.

The state declares the national language as the official language for the purpose of unified understanding of its will by the population. After all, without language, it is impossible to operate the bodies and institutions that exercise state power, as well as to create laws that enshrine the system of norms of the existence and functioning of the state.

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