

ТЕОРІЯ ТА ФІЛОСОФІЯ ПРАВА. ІСТОРІЯ ПРАВА ТА ДЕРЖАВИ

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THEORETICAL-LEGAL ASPECTS OF THE FORMATION KNOWLEDGE SOCIETY

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Summary. *The author describes his understanding of certain content aspects building an information society and a knowledge society. The generalization of the provisions of the outstanding Ukrainian and foreign scholars concerning the modernization of education in the information society (society of knowledge), both in the world in general and in Ukraine in particular. The study found that direct collaboration between the university environment, science and production in developed countries really leads to an innovative breakthrough. It is determined that the successful advancement of Ukraine in the civilizational space, connected with the informatization of society, the formation of knowledge at society.*

Keywords: *knowledge, industrial society, sovereignty, information, innovation, science, reform, law, management, technology*

Introduction.

For the current conditions in the world, it is common that capital and labour, as the basis of an industrial society, give way to information and knowledge. The task of building an innovative economy, a society of knowledge (the information society («The Third Wave» according to O. Toffler, «technicist» civilization according to K. Jaspers) is being actualized.

Nowadays, our country is actively discussing the question of the ability of society to create and become a source of profit and using knowledge, information for economic development. It is they who dominate society, become the most important factors of economic development. It is important to understand the importance of education in constructing a knowledge-based economy. In our opinion, higher education is crucial for

the formation of intellectual potential, which is a factor in the production and using of knowledge, as well as for the development of continuous education, which needs enhancing the knowledge and skills of the individual.

It is the information and knowledge that become dominant in the life of the society, as well as the main products of public production. Information technology and the role of information technologies in social and economic relations are growing rapidly, a global information space is created that ensures effective informational interaction of people, their access to global information resources.

Analysis of recent researches and publications.

The revolution of information and, consequently, the emergence of the information society and its next phase, a knowledge society, were the subject of intensive scientific discussions, which is clearly reflected in a large number of works on pedagogy, sociology, psychology, philosophy and law. First of all, I would like to highlight the scientific achievements of such scholars as I. Aris-tova, V. Bebik, V. Danylyan, A. Baranova, O. Dzoban, L. Gubersky, R. Kalyuzhny, B. Kormich, M. Mikhalchenko, E. Prushkovskaya, V. Pylypchuk, V. Politsansky, V. Lipkan, I. Sopilko, V. Tsimbalyuk, V. Yarochkin and others. In particular, Sakun A. in the work «Educational process in the parameters of the society of knowledge» has determined that the fundamental foundations of the concept of knowledge society «are education and training of personnel, innovations and technologies, information infrastructure and economic and institutional regime (environment) that promotes innovation» (Sakun, 2013: 175).

V. Pylypchuk emphasizes that the current state to development of society seems to allow to consider the information society (information society, digital society, electronic society) as a stage of transition to a new perspective state of its socio economic and scientific and technological development to the society of knowledge (knowledge society) the higher the degree of development of the information society, enriched with the spiritual and intellectual potential of humanity (Pylypchuk, 2017: 8).

At the same time, a number of issues considered in these works are not sufficiently covered in the scientific literature. In particular, they include an analysis of the inclusion of the innovative management of the learning environment in the object of innovation, as well as the transfer of research institutes (NIIs) of the National Academy of Sciences of Ukraine (NANU) to the corresponding higher educational institutions.

Purpose. To analyze the ways and means of transition to the information society, innovative economy, to the modern knowledge society.

Methods.

The following methods were used in the article: dialectic – to study the complex of educational and social phenomena and processes in development and interconnection; the unity of the historical and logical to determine the peculiarities of the origin and regularities of the development of the information society and society of knowledge, as well as the evolution of educational paradigms; a comparative method by which the analysis experience of a number of developed countries and other methods has been carried out. The main methodological method of scientific work was the gen-

eralization of the positions of prominent Ukrainian and foreign scholars dealing with the modernization of education in the information society (society of knowledge), both in the world in general and in Ukraine in particular.

Results.

At a new stage in history, the role of education in public life is redefined. An analysis of the education system in Ukraine has revealed a number of significant problems, and above all, the lack of complex, the systematicity of the reforms of education on the one hand, and the ineffective management of this process, on the other. One of the most important problems of native education is the quality of education, which today does not meet the requirements of society. Existing administrative structures and management methods do not allow higher education institutions to make massive changes and implement reforms and innovative technologies.

Today, it is widely known that knowledge has become a subject of colossal economic, political and cultural interests so much that it can serve to determine the qualitative state of society whose outlines are only beginning to appear in front of us (To Knowledge Societies, 2005: 7).

The entry of humanity into the information society and the knowledge society, N.I. Gendina writes, makes qualitatively new requirements to the education system. These requirements resulted in the need to change the education paradigm. The model of «supportive learning», based on fixed, sustainable ways and methods, which are aimed at teaching to fiddle with already existing situations, is already unacceptable for modern society, where constant

changes and the growing pace of life have become the distinctive features (Towards Knowledge Societies, 2005).

The concept of a «knowledge society» has a relatively small history, the beginning of which dates back to the second half of the 20th century the beginning of the 21st century. For the first time, term «knowledge society» was introduced into scientific circulation by American political scientist R. Lane in 1966 (Lane, 1966), who considered the influence of scientific knowledge on public policy and management.

In the literature, it is noted that the rapid growth of means and the speed of information exchange opens up boundless opportunities for education, access practically to the whole potential of knowledge accumulated by mankind. Realizing these opportunities, a person transforms education from the preparation for life – into a way of life. Learning during life becomes a means of protecting the individual against the unpredictability of the modern world.

From the above, it follows that the successful promotion of Ukraine in the civilizational space is certainly connected with the informatization of society, the formation of a society of knowledge. The relevance and importance of this goal cannot be overestimated. Moreover, its achievement becomes the only possible alternative for the survival, self-preservation of the nation as such.

By the criterion of innovative development countries of the world may be (of course, to a certain extent, conditionally) divided into two groups. The first group will be countries that sell innovative products, high-tech products. As a rule, these are countries with high welfare of citizens. The source of their economic growth is, mainly, new technologies, the production of knowledge

(the country of the so-called «golden billion»). Let us call them full-fledged states. Flows of able-bodied and talented migrants are arriving to such countries for employment, etc.

Countries that are lagging behind the full-fledged states in technological development and who do not aspire, do not know how to ensure such development – we refer to the second group. The budget of such states is formed, basically, due to the sale of raw materials. Most often, it is crude oil, raw (not processed) agricultural products. The inability, unwillingness to manage the development of the economy in the right direction (to organize innovative production) is caused not so much by objective circumstances (high variability in revenues from the sale of resources in the world market, a decrease in the competitiveness of other sectors of the economy), but subjective ones.

This is, firstly, the absence (with the existing method of organizing the economy) of true motivation, and therefore the real need for the development of the innovation sector. It does not help that the existing method of organizing economic management allows (at the expense of raw materials) to maintain a certain, albeit stable, standard of living. Over time, non-primary sectors of the economy, without receiving long-term investments, are suppressed. An excess of unemployed population is formed, the needs of which can be covered by subsidies from raw exports, external borrowing. If they are not enough, internal effective demand is squeezed, if it is enough, incomes go to investing in the production of imported goods, as domestic production degrades. This is accompanied by a rapid increase in external borrowing. There is an outflow of «brains», hands – able-bodied part of

the population, leaving the country for employment in developed countries, etc. Ultimately, this kind of organization of economic management will inevitably lead to stagnation.

Secondly, in the developing countries with raw material resources (in particular, in authoritarian ones) – the opaque distribution of raw materials revenues, a high level of corruption in power; huge funds are deduced to offshore, are spent on luxury and consumer goods. Let us call this kind of country a pseudo-state. These countries serve the so-called raw material appendage role for the states of the first group.

Sovereignty and territorial integrity of pseudo-states are purely formal and these, as a rule, puppet formations are doomed to their ever-increasing absorption by full-fledged states, and, ultimately, to disappearance. In pseudo-states, there is not a high, and most often low or very low, standard of living of the main part of the population, and in some countries, it is even critical. This is accompanied by high mortality of the population, its extinction. There is «brain and hands» drain, i.e. able-bodied part of the population is leaving the country for employment in developed countries, etc.

In the light of the above, Ukraine's rising leeway in the field of innovation as compared to highly developed countries (with all the above-mentioned negative consequences) should be considered as the most important nation-wide problem. This problem causes not only deep economic, but also political consequences, being a threat to the sovereignty and national security of the state. In view of the above, studies that discuss ways and means of transition to an information society, an innovative economy, are up-to-date.

Analysis of practice, political and legal decisions and scientific literature shows that as the main means of transition to the information society most frequently science, the development of science is called. Much less often one talks about education. However, very few people talk about the combined effect of these factors as components of this transition. That is, science and education are considered separately from each other. Some officials – «reformers» and even scientists are engaged in education, and completely different ones are engaged into reform in science. At the same time, it seems that the former do not even suspect about the existence of the latter. Vice versa (with few exceptions though). At the same time, both science and education, in our deep belief, are the parties of a single process, the process of innovative development.

As for the reforms in science, many see and connect the further development of science mainly with the increase in its budget financing. However, only by financing of the «walls», that is, by financing scientific institutions (rather than scientific results), the problem of transition to the knowledge society will certainly not be solved. It is very «trendy» to insist on necessity of creating new innovative structures – technology parks, technology cities, business incubators and alike. However, practice shows that when it is just a tribute to fashion, when the creation of such structures is caused by initiatives «from above» (and often the creation of such structures turns into another loophole for «money laundering», the misappropriation of budget funds) – nothing good for innovative development ever occurs.

Ideas are expressed (and these are the exceptions mentioned above) about the inclusion in the object of innova-

tion management of the educational environment, as well as the transfer of scientific research institutes (SRI) of the National Academy of Sciences of Ukraine (NASU) to the relevant higher educational institutions.

Concerning the inclusion in the object of innovation management of the educational environment. It turned out that direct cooperation between the university environment, science and production in developed countries really leads to an innovative breakthrough. An example would be the Silicon Valley. But this can happen only on condition of their diffusion interaction, mutually beneficial cooperation for each of the parties, introduction of their economic responsibility. It is the diffusion interaction (and not the parallel functioning of each component) that can ensure the fastest achievement of the highest-level goals, i.e. the transition to a knowledge society, an innovative economy. Thus, it was this kind of interaction of the above-named components that enabled the USA to create the world's first university industrial park, which then outgrew its borders and became the most productive scientific and technological zone in the world – the so-called Silicon Valley.

Something similar (in any case, by external traits) was attempted to be created in Kyiv, Ukraine. The Bionic Hill Innovation Park officially launched a free university, which functioned in a test mode. His goal was to form the Eastern European platform for the development of high-tech business in the Ukrainian capital. For this, in the Svyatoshinsky district of Kyiv, on the 147 hectares of the territory of the former military unit, it was planned to build a modern scientific camp in which the leading Ukrainian and international companies in the field of IT, biotechnology and energy efficiency should work.

The Bionic Hill project ended in failure. A new innovative project has begun –UNIT. City, but not on the public-private partnership ground, but on a private basis.

The analysis of proposals, activities (tasks, assignments) that are planned and realized in this area by official authorities (legislative, executive), relevant ministries, shows that practically all proposals and tasks are connected with the extensive, quantitative development of science or education as a self-sufficient goal. And this, when this or that sphere of activity and the industry ceases to react to the goals of the external system, but focuses exclusively on self-preservation and expansion, building up itself is what is called bureaucracy. We introduce an axiom that is a precondition for constructing an appropriate theory: if the legal provision of the education system is not aimed at the continuous updating of curricula, does not require ensuring their full compliance with the last trends of science and technology, does not introduce a constant monitoring of this compliance, then it can be argued that the education system is not innovative, and this legal provision, like the education sector, is bureaucratic.

It can be shown that as a result of autonomous (parallel, self-sufficient) functioning of both education and production, as well as science, all spheres of activity lose. And this is what is typical of today's state of affairs in Ukraine. Reports of non-required research results (RRR), dissertations – are getting with dust on the shelves, slowly being destroyed by time. And the resources spent for their conduct (human, financial, etc.) are simply wasted. As for education. If it does not «feed on» scientific achievements, it also becomes practically useless. The same applies to production.

Without new ideas of constant improvement, it is in decline. In turn, science, not having a permanent relationship with production, can begin to engage in research so-called pseudo-problem («not yet» problems, «no longer» problems and «never» problems). This is a job for oneself, not for the consumer. It seems to be lost. As a result, all three systems are getting bureaucratized.

Acting according to the laws of the bureaucracy, the ministries «switch» to the implementation of secondary functions related to their own self-preservation and expansion. Hence, optimistic overvaluations of their significance, «cementing» the status quo, demands the constant expansion of their staff and the like. As a result of such (bureaucratic) management, its object remains alone with its problems. In this case, even if this object (objects) comes (come) into decay, the parasitic governing body of it (them), as a rule, can continue to thrive. Our studies of documentary and financial flows, distribution of competences, analysis of decisions, allow us to prove and assert that ministries in Ukraine (as well as in some other former Soviet republics) are not simply useless for the most part, but also constitute a rather serious danger for the state.

This danger lies in sufficiently large budgetary financing (which, incidentally, all the addressees constantly complain about) the content of the apparatus, departmental automobile parks with expensive foreign cars, drivers; departmental clinics, special pensions, etc. And all this is at the expense of the taxpayers. And most importantly, the state budget funds are often used by the leadership of ministries for personal enrichment (the so-called «laundering» of state funds) themselves and those who control the department. To illustrate that the problems in education ex-

ist on their own, and the management of the industry is also carried out «in itself», we will analyze, from the positions of the introduced criteria, the Law of Ukraine on Higher Education of 01.07.2014 («On Higher Education», 2014). Does this Law include new provisions aimed at ensuring the innovativeness of training programs?

The analysis of the Law in question shows that the main new provisions of this law include, in particular, provisions on university autonomy, the allocation of higher education institutions with more independence in the financial, economic and organizational spheres of activity. The autonomy of a higher educational institution is stated in art. 46 of the Final and Transitional Provisions of the Law dated 01.07.2014 No. 1556-VII is its self-sufficiency, independence and responsibility in making decisions regarding the development of academic freedoms, the organization of scientific research, the educational process, internal management, economic and other activities, independent selection and placement of personnel within the limits provided by this Law.

The universities are given the right to independently develop and implement educational and scientific programs, new specializations. They can also manage their own revenues, open bank accounts, take loans, and place their own income from their educational, scientific and educational activities on the accounts of state-owned banks. It is envisaged that the universities report on their financial activity not to officials, but to the public on their websites. In addition, universities that have the status of national and research, received the priority right to financing from the state budget. Student self-government, elections of the leadership of universities are legalized. But the main goal, the

purpose of teaching at the current stage of economic development is its focus on changes – ensuring the creation of an information society, a knowledge society.

Conclusions and prospects.

Without going into detail about the problem of bureaucratization and corruption in power (this is certainly the topic), we note that the problems common for the central economy government in Ukraine are mirrored in the leadership of education and science, i.e. the ministry with the same name. In fact, no one practically demands from educational institutions to have full compliance of educational information with the latest scientific achievements.

In the process of the formation of a «knowledge society», functioning educational systems should be filled with new content; Education is intensively integrated into transnational and global contexts. Let us remind the previously formulated axiom that if the legal provision of the education system is not aimed at the continuous updating of the curricula, does not require ensuring their full compliance with the «last trend» of science and technology, does not introduce a constant monitoring of this compliance, the education system is not innovative, and this provision, like the educational sector, is bureaucratic. It is necessary to unite in a single complex legal, political and public institutions of the state on the priority development of a knowledge-based society whose main goal should be to ensure the high quality and safety of life of all Ukrainian citizens.

References

1. Lane, R. (1966). The decline of politics and ideology in a knowledgeable society. American sociological rev. N.Y., 31, 5.

2. Pylypchuk, V. (2017). The formation and development of the information society in Ukraine: peculiarities, problems, legal regulation. Theoretical and legal foundations of the formation and development of the information society: materials of the scientific and practical conference. Regular: V.M., Furazhev & S.Yu., Petryayev. Kyiv: National Technical University of Ukraine «Igor Sikorsky Kiev Polytechnic Institute» View «Polytechnic», 7–12.
3. Sakun, A.V. (2013). Educational process in the parameters of the «knowledge society». Bulletin of the DonNUET, 2 (58), 167–176.
4. The Law of Ukraine «On Higher Education» 01.07.2014 № 1556-VII. Information from the Verkhovna Rada (VVR), 7, 38.
5. To Knowledge Societies: UNESCO World Report (2005). Paris, UNESCO, 239. Available at: <http://unesdoc.unesco.org/images/0014/001418/141843r.pdf>
6. Towards Knowledge Societies: UNESCO World Report (2005). Paris, UNESCO, 239. Available at: <http://unesdoc.unesco.org/images/0014/001418/141843r.pdf>

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Анотація. У статті викладено авторське розуміння окремих змістових аспектів побудови інформаційного суспільства та суспільства знань. Здійснено узагальнення положень видатних українських та зарубіжних науковців, що стосувалися питань модернізації освіти в інформаційному суспільстві (суспільстві знань), як у світі загалом, так і в Україні зокрема.

За результатами дослідження встановлено, що пряма співпраця між університетським середовищем, наукою та виробництвом у розвинених країнах дійсно веде до інноваційного прориву. Визначено, що успішне просування України в цивілізаційному просторі, безумовно, пов'язане з інформатизацією суспільства, формуванням суспільства знань.

Ключові слова: знання, індустріальне суспільство, суверенітет, інформація, інновації, наука, реформи, право, управління, технології