

ISSUES OF PUBLIC AND PRIVATE LEGAL REGULATION OF SEPARATE SOCIAL RELATIONS

UDC 340

DOI 10.31733/2078-3566-2022-5-79-86



Yevhen KURINNYI[©]
Dr. of Law, Professor
(Zaporizhzhia National University,
Zaporizhzhia, Ukraine)

FEATURES OF THE BROADCASTING MODEL IN UKRAINE

Євген Курінний. ОСОБЛИВОСТІ МОДЕЛІ ТЕЛЕРАДІОМОВЛЕННЯ В УКРАЇНІ.

Розглянуто питання особливостей моделі телерадіомовлення в Україні. Пропонується власне визначення зазначеної моделі, як узагальненої уяви про типову структуру організації та функціонування телебачення та радіо в нашій державі, що характеризується відповідними системою, структурою, динамікою та контролем з боку держави, а також метою своєї діяльності – повного та своєчасного задоволення суспільних потреб у сфері надання інформаційних послуг новинного, освітньо-пізнавального, виховного, мистецько-культурного, спортивного та розважального характеру.

Наголошується, що для теперішньої України найбільше підходить модель телерадіомовлення, що за своїми ключовими характеристиками схожа з відповідною конструкцією Франції. Основними аргументами на користь цієї пропозиції виступають: висока питома вага суспільного мовника у структурі масмедіа цієї країни, що підтверджує належну якість та популярність його інформаційного контенту серед французьких громадян; негативний досвід домінування донедавна в Україні приватних телеканалів та радіостанцій, функціонування яких переважно гальмувало втілення державної інформаційної політики, надавало пріоритет реалізації бізнесових та політичних інтересів їх власників – представників великого бізнесу (олігархів); об'єктивна необхідність у тривалому перехідному періоді післявоєнної роботи вітчизняного телерадіомовлення, яке краще здійснювати без переваги приватних складових у відповідній моделі.

Констатується, що для реалізації завдань і функцій, досягнення високих стандартів роботи медіа, що запровадженні у розвинутих демократичних країнах, необхідно зважати на ті особливості, які характеризують модель телерадіомовлення в Україні, серед яких головними є: робота в умовах особливого періоду, що настав з 24 лютого 2022 після розширеної збройної агресії РФ, що характеризується наявністю окремих елементів воєнної цензури та згоранням роботи значної частини приватних телеканалів і радіостанцій; домінування у теле- та радіо ефірах інформаційної політики держави контрзаходів інформаційній війні, що здійснюється країною-агресором; пріоритетність новинної складової в інформаційному контенті під час війни, що має бути підсилена патріотично-виховними та інтеграційно-об'єднуючими компонентами впливу на українських громадян; готовність у післявоєнний час до здійснення реформування усього українського інформаційного простору в цілому та його невід'ємної складової – моделі телерадіомовлення зокрема, з обов'язковим усуненням причин допущення помилок у довоєнній інформаційній політиці.

Ключові слова: інформація, модель, телерадіомовлення, медіа, особливий період, реформування.

© Kurinnyi Ye., 2022

ORCID iD: <https://orcid.org/0000-0002-3069-4305>

anastasiaeland@gmail.com

Relevance of the study. The vast majority of people in today's civilization are consumers of information, the number of sources of which is constantly increasing, especially this undeniable fact becomes almost an axiom with the further development of digital technologies, which are implemented with the help of numerous new forms – broadband, mobile 5G or satellite Internet, which impress not only by its speed, as well as the volume and quality of provision of relevant information services.

If elementary rules of information hygiene (primarily critical assessment of relevant sources, their dosage) and self-restraint are not observed, various information flows can not only help to be knowledgeable in the most diverse matters, but also disorient a person, create false ideas about various social trends and facts. , to finally infect with the "virus of political color blindness", which in the end will make it possible to diametrically change the perception of the real color of specific events and for a long time to deprive of the ability to objectively evaluate the actions of the surrounding people and the surrounding world in general.

A particularly critical perception of information should occur when it comes from little-known and unverified sources or generally from the aggressor state, which has been occupying the territory of our country for almost 9 years (of which 10 months were part of a large-scale invasion).

Simultaneously with the expansion of the "hot" war front, the degree of informational aggression of the invader is also increasing, the invisible arrows of which are directed not only at their own internal consumption, but also at the consciousness of Ukrainian citizens, sowing despair, panic, fear in them, sharpening the will to resistance and undermining faith in victory. Such a dangerous hostile influence is carried out by the entire media arsenal, which includes both the capabilities of Internet media resources (especially this applies to various Internet publications, video hosting YouTube and such social networks as: Telegram, Facebook, Instagram, TikTok, etc.), as well as time-tested radio and television.

The multi-vector scheme of media intervention looks quite logical, because it concerns all important sources of information. The stated thesis is confirmed by the results of a survey conducted by the Kyiv International Institute of Sociology in February 2019 regarding the identification of the main sources of information about the situation in Ukraine and the world for Ukrainians. Thus, according to the results of the mentioned study, the Central Ukrainian TV channels remained the top source for the absolute majority of the population – 74 %. Regarding Internet media, 27.5 % called them the main source of information. 23.5 % of Ukrainians received information from social networks. Among our citizens, for whom social networks were the top source of information, 74 % used Facebook, 33.5 % – Instagram, 15 % – VKontakte, 10 % – Odnoklassniki [1].

The full-scale war seriously affected the media landscape of Ukraine. First, the policy of one voice was introduced in the telecast and most news services were united in the telethon "One News". Secondly, in the conditions of the dynamic and often tragic development of the situation, the demand for information has grown wildly. In July, KMIS commissioned OFORA to conduct a sociological study, which showed exactly what changes had taken place in the information basket of Ukrainians. The study proved that the TV as a source of information has lost its leading position to the Internet. In particular, 59 % of respondents include social networks among the top sources of information (and in general, 69 % received information from them in the last 7 days). 43 % consider "Edyny Novyny" to be one of the top sources of information (in general, 57 % watched it). Social networks are appreciated for convenience (36 %), different points of view (24 %), efficiency (20 %), although only 26 % note reliability. In "Yedyny novyny" the reverse indicators are: reliability (68 %), convenience (13 %), different points of view (6 %), efficiency (10 %). About 88 % of respondents use the Internet, in particular, 79 % do it every day or almost every day. Telegram, YouTube, and Facebook are the most popular among social networks. Ukrainians spend 41 % of the total time consuming news on Telegram, 37 % on YouTube, 12 % on Facebook, 6 % on Viber, 62 % prefer short videos; 61 % – a short informative message.

The age difference due to different technical literacy and provision of smartphones remains. In general, 75 % of Ukrainians have a smartphone, but among young people under the age of 30 it is 96 %, and among people aged 60+ - 49 %. In the first group, 87 % count social networks among their top sources of information, and 28 % – "Edyny Novyny", and in the second, these figures are 34 % and 61 %, respectively.

There is also a certain difference in the popularity of social networks among residents of

villages and large cities (49 % and 67 %). The "Edyni Novyni" telethon has the highest level of trust – 57 % (only 6 % do not trust it). 65 % of respondents approve of the policy of one voice on television, 17 % condemn it, while 60 % believe that justified criticism of the government is needed on television.

The sources of information of the aggressor country still attract the attention of 13 % of Ukrainians, but 89 % of them explained this by the fact that they wanted to check how information is presented in the Russian Federation, and only 2 % doubt Ukrainian sources, 16 % of Ukrainians believe that the Russian mass media give an alternative view for the balance, but for 77 % of the information from the Ukrainian mass media is sufficient for the completeness of the picture [2].

According to Art. 34 of the Constitution of Ukraine, everyone is guaranteed the right to freedom of thought and speech, to the free expression of their views and beliefs.

Everyone has the right to freely collect, store, use and disseminate information orally, in writing or in any other way – of his choice.

The exercise of these rights may be limited by law in the interests of national security, territorial integrity or public order in order to prevent riots or crimes, to protect public health, to protect the reputation or rights of others, to prevent the disclosure of information obtained in confidence, or to maintain authority and impartiality of justice.

According to Part 2 of Art. 64 of the Basic Law of Ukraine, in conditions of war or a state of emergency, separate restrictions of rights and freedoms may be established with an indication of the period of validity of these restrictions. These restrictions include, in particular, the one recorded in Art. 34 of the Constitution the right to freedom of thought and speech.

In fact, in the conditions of a special period, there are elements of military censorship regarding access, use (publication) of certain types of information, which is fully justified in view of the need to ensure national security and defense of the state during the war.

Such basic features of military censorship as restriction and control should be extended to all types of media. It is easier to control the so-called traditional means of information – domestic TV channels, radio and printed publications, much more difficult – Internet content (especially due to the absence of relevant legislation).

During a special period, the most demanded information product is news, the more or less complete objectivity and content of which must be provided by official mass media – radio, TV, as well as relevant print media and online publications.

A special role among official media sources in wartime is played by television and radio broadcasting, the constituent elements of which function within a certain model, characterized by such basic features as the form of ownership, sources of financing, the scale of broadcasting, production of own informational and other creative products.

The relations between the organization and the functioning of the specified model (which do not differ in permanence and stability) are mostly regulated by the norms of administrative and information law, which must be taken into account during further study of this issue.

Recent publications review. The scientific works of I. Aristova, G. Blinova, I. Hrytsai, R. Kalyuzhny, V. Negodchenko, K. Primakov, etc. are devoted to the regulation of various relations in the information sphere. However, until recently, the issue of administrative-legal regulation of television and radio broadcasting relations did not have a significant priority in the research of domestic scientists (an exception can be considered the dissertation work of O. Chudnovsky "Administrative-legal regulation in the sphere of television and radio broadcasting of Ukraine" prepared in 2016), however, Ukraine's stay in the conditions of a special period objectively contributes to the further study of the raised problem.

The article's objective is to determine the peculiarities of the broadcasting model in Ukraine.

Discussion. Starting consideration of the issues directly related to the subject of this article, it should be noted that radio and television, given their long broadcasting period (respectively 98 and 71 years in the territory of modern Ukraine), are the most widespread among the so-called traditional mass media (the corresponding printed editions are not taken into account, due to their gradual curtailment of work as a result of their non-competitiveness with numerous cheaper and operational Internet media resources).

Carrying out a small retrospective, several interesting facts can be cited. Ukrainian Radio began broadcasting on November 16, 1924 in Kharkiv. And already in the fall of 1941, during the Second World War, evacuations were made again to Kharkov, and then even further. And despite the fact that the territory of Ukraine was occupied, Ukrainian Radio continued to work.

The day of the broadcast of the first program of "Ukrainian Radio" is celebrated as the Day of Radio, Television and Communications Workers. In 1994, the Decree of the President of Ukraine established it as a professional holiday. In 1951, the Kyiv Television and Radio Center was commissioned at 26 Khreshchatyk Street, from which Ukrainian Radio, Radio Promin and Radio Kultura still broadcast. From 2022, there will also be TV channels: First Channel of Public Broadcasting and Public Culture. On August 24, 1991, Ukrainian Radio broadcast from the Verkhovna Rada of Ukraine, thanks to which radio listeners witnessed the declaration of state independence of Ukraine. Since 1993, Ukrainian Radio became a member of the European Broadcasting Union. In 2017, three channels of Ukrainian Radio became part of Public Broadcasting. This year, "Ukrainian Radio" opened its signal for rebroadcasting to radio stations of any form of ownership, so that radio stations around the world could broadcast the Ukrainian broadcaster's signal. Currently, the coverage of Ukrainian Radio includes 194 FM frequencies and four medium wave transmitters [3].

November 5, 1951 can be considered the birthday of Ukrainian television, but regular broadcasting of TV programs began in 1956. Until the mid-60s of the last century, video recording was not used on television (that is, broadcasting was carried out "live"). In January 1965, the first permanently functioning Ukrainian TV channel (UT-1) was established, and since October 1990, Ukrainian television began to demonstrate the productions of non-state TV channels.

Since the first years of our country's independence, Ukrainian television has chosen the path of commercialization. On January 15, 1992, the first private entertainment TV channel in Ukraine, "Tet-a-Tet" (TET), began broadcasting on Channel 30 in Kyiv. The second private channel and the main competitor of TET in terms of ratings was "ICTV", created in the same year, which by the end of 1992 launched broadcasting in 15 regions and was the first to conduct it at night. In 1993, the TV channel "Ukraine" was created in Donetsk; "1+1" appeared in 1995, "Inter" was broadcast for the first time in 1996, "STB" in 1997, and "Novy Kanal" in 1998. At the beginning of the 2000s, national television was formed. In 2005-2010, the largest Ukrainian media holdings were formed, including "Inter Media Group" (founded in 2005), "StarLight Media" (founded in 2009), "1+1 Media" (founded in 2010), and "Media Group Ukraine" (founded in 2010). The total market's share of the four holdings until recently reached 76.25 %, which represents a monopoly on the Ukrainian television market.

Therefore, more than three-quarters of national television is actually owned by individuals who are interested in lobbying for their own interests, including by involving media resources that belong to them. This threatens the country's information security and reduces the population's chances of receiving unbiased, objective information. The media, especially such popular ones as television (as of 2019, 74 % of Ukrainians received news information from Ukrainian TV channels), form value orientations and worldviews, so there is a possibility of instilling hostile attitudes towards the state and its integrity. Based on this, the decision of the National Security and Defense Council of Ukraine dated February 2, 2021 "On the application of personal special economic and other restrictive measures (sanctions)" was adopted, according to which three channels of the "News" media holding – "NewsOne", "112 Ukraine" and "ZIK" were blocked.

Concerning radio broadcasting, the total market's share of the four holdings mentioned above before the full-scale war was 92.23 %, which allows us to talk about the existence of a monopoly in the Ukrainian radio broadcasting market as well. All radio stations of the mentioned media associations are entertainment and music. In contrast to them, there are quite a few Ukrainian talk radio stations due to the cost (such a radio requires more journalists, editors, presenters, etc.) The most popular talk radio in Ukraine is "Ukrainian Radio", which since 2017 is part of the public broadcaster – Public Joint Stock Company "National Public Television and Radio Company" of Ukraine". It has the widest FM network – it covers about 200 settlements. It includes radio stations "Promin" and "Kultura", as well as the World Radio Broadcasting Service of Ukraine, which speaks for a foreign audience. The largest of the commercial talk stations is "Radio HB", which covers 40 settlements and is owned by the Ukrainian investment company "Dragon Capital". The radio began broadcasting in 2018 on the basis of the Era radio network [4].

The basic legislative act of the field under consideration is the Law of Ukraine "On Television and Radio Broadcasting" No. 3759-XII of December 21, 1993, which, in accordance with the Constitution of Ukraine and the Law of Ukraine "On Information" (hereinafter the Law),

regulates relations arising in the field of television and radio broadcasting on the territory of Ukraine, determines the legal, economic, social, and organizational conditions for their functioning, aimed at the realization of freedom of speech, the rights of citizens to receive complete, reliable and operational information, to open and free discussion of public issues.

The legislation of Ukraine on television and radio broadcasting consists of the Constitution of Ukraine, the Law of Ukraine "On Information", this Law, laws of Ukraine "On Public Television and Radio Broadcasting of Ukraine", "On the National Council of Ukraine on Television and Radio Broadcasting", "On Electronic Communications", international treaties, the binding consent of which has been given by the Verkhovna Rada of Ukraine (Article 3 of this Law).

According to Art. 4 of the Law, the main principles of state policy in the field of television and radio broadcasting are: implementation of protectionism policy regarding the distribution of domestically produced programs and broadcasts; creation of conditions for ensuring the cultural and informational needs of Ukrainian citizens, as well as the needs of ethnic Ukrainians living outside of Ukraine, by means of television and radio broadcasting; establishing effective restrictions on the monopolization of television and radio organizations by industrial-financial, political and other groups or individuals, as well as guaranteeing the protection of television and radio organizations from financial and political pressure from financial and political groups and state and local self-government bodies, etc.

The functions of state management and regulation in the field of television and radio broadcasting (Article 7 of the Law) are carried out by: the Verkhovna Rada of Ukraine, which determines the state policy regarding television and radio broadcasting, the legislative basis for its implementation, guarantees of social and legal protection of workers in this field; The Cabinet of Ministers of Ukraine, which ensures the implementation of state policy regarding television and radio broadcasting, directs and coordinates the activities of ministries and other executive authorities in this area.

According to Art. 7 of the Law on ensuring the formation and implementation of state policy in the field of television and radio broadcasting is entrusted to the central body of executive power (since March 23, 2020 – the Ministry of Culture and Information Policy of Ukraine). The National Council of Ukraine on Television and Radio Broadcasting (hereinafter referred to as the National Council) is the only body for state regulation of activities in the field of television and radio broadcasting, regardless of the method of distribution of television and radio programs and broadcasts.

According to Art. 11 of the Law, the structure of national television and radio broadcasting of Ukraine consists of: communal television and radio organizations, the joint-stock company "National Public Television and Radio Company of Ukraine" (hereinafter – NSTU), the State Television and Radio Company "World Service "Ukrainian Television and Radio Broadcasting", the state enterprise "Parliamentary TV Channel "Rada", private (regardless of the method of distribution of programs), public and other television and radio organizations established in accordance with the requirements of the legislation.

As we can see, the model of Ukrainian television and radio broadcasting is polystructural, that is, it is built according to a mixed principle, which allows the functioning of broadcasters of different forms of ownership – state, communal (self-governing), private.

The mentioned model can be considered a variety of social construction, which is characterized by such basic features as: imagination; typicality; systemicity (set of elements), structurality (internal organization and connections between these elements), dynamism (which determines the variability of structural characteristics and the model as a whole), state control and the purpose of functioning.

Based on the above, the model of television and radio broadcasting in Ukraine can be considered a generalized idea of the typical structure of the organization and functioning of television and radio in our country, which is characterized by the appropriate system, structure, dynamics and control by the state, as well as the goal of its activity – complete and timely satisfaction of public needs in the field of providing information services of a news, educational, cognitive, educational, artistic and cultural, sports and entertainment nature.

The results of familiarization with the practice of radio and television organization in the developed democratic countries of the world show that the relevant mixed model dominates among them, based on which a specific public (community) television and radio company (corporation) functions, in relation to which and other broadcasters the control powers are exercised by the state.

An almost exemplary construction of public broadcasting was introduced in France. Its formation took place through the cooperation of the state and mass media within the framework of a functioning, developed civil society. Public broadcasting in France is carried out by several companies - French television (France Télévisions, hereinafter – FT), French radio and ARTE. In addition to six TV channels, the FT group also includes a number of subsidiary film companies and an advertising production company. Also, FT is a shareholder of five thematic channels (Ma Planète, Planète Thalassa, Gulli, Mezzo and Euronews), and also owns a share of the capital of four French broadcasting companies (France 24, CFI, TV5 Monde, ARTE). The FT's weekly share is about 80 % of the total TV audience. French radio broadcasts through several networks and radio stations – France Inter, France Info, France Musique, France Culture, Radio Bleue, FIP, Le Mouv' and RFI – International French radio covering territories outside France, mainly African countries.

The activities of public and private broadcasting companies are controlled by the Higher Council for Broadcasting (Conseil supérieur de l'audiovisuel). It consists of nine members, three of whom are appointed by the president and three by the heads of both houses of the parliament from prominent figures of broadcasting, culture and academic circles. It is an independent, impartial body, whose members are elected for 5 years without the right to re-election. They cannot have commercial interests in the mass media and are not even allowed to work on television or radio after retirement. One of the council's tasks is to prevent abuse of television as a tool of personal power or commercial interests [5].

In my opinion, the model of television and radio broadcasting, which in its key characteristics is similar to the corresponding structure of France, is most suitable for the current Ukraine. The main arguments in favor of this proposal are: the high specific weight of the public broadcaster in the mass media structure of this country, which confirms the proper quality and popularity of its information content among French citizens; the negative experience of the dominance of private TV channels and radio stations in Ukraine until recently, the functioning of which mainly inhibited the implementation of the state information policy, gave priority to the realization of the business and political interests of their owners – representatives of big business (oligarchs); an objective necessity in the long transition period of the post-war work of the domestic television and radio broadcasting, which is better to be carried out without the advantage of private components in the relevant model.

To implement tasks and functions, to achieve high standards of media work introduced in developed democratic countries, it is necessary to take into account those features that characterize the model of television and radio broadcasting in Ukraine, among which the main ones are: work in the conditions of a special period that began on February 24, 2022 after the extended armed aggression of the Russian Federation, which is characterized by the presence of certain elements of military censorship and the curtailment of the work of a large part of private TV channels and radio stations; the dominance of the state's information policy on countermeasures to the information war carried out by the aggressor country in the TV and radio broadcasts; the priority of the news component in the information content during the war, which should be strengthened by patriotic-educational and integration-unifying components of influence on Ukrainian citizens; readiness in the post-war period to carry out the reform of the entire Ukrainian information space in general and its integral component – the television and radio broadcasting model in particular, with the mandatory elimination of the reasons for making mistakes in the pre-war information policy; taking into account the significant dynamics of the modern development of television and radio broadcasting (the emergence of Internet TV, online radio, improving the quality of digital broadcasting and preventing a private monopoly on the terrestrial version of its distribution); the need to increase the sources of funding for public broadcasting (without increasing the material burden on a significant part of the impoverished post-war Ukrainian population), which will contribute to increasing the material and financial independence of NSTU and improving the quality of its products; the need to expand forms of cooperation between the Ministry of Culture and Information Policy of Ukraine and NSTU, primarily in the field of state procurement and financing of the production of the latest high-quality creative products; determined by the accumulated experience and time, the optimization of the control powers of the relevant National Council in terms of preventing private capital from offshore zones into the sphere of activity of information service providers and the abuse of television and radio broadcasting as a tool of personal power or commercial interests; the need for the gradual introduction of positive foreign experience in the work of domestic media, which should take place with the accelerated formation and development of institutions of civil society

and the rule of law in Ukraine.

Conclusions. On the basis of the above, it can be stated that the current model of television and radio broadcasting in Ukraine objectively needs to be reformed, during which taking into account its features will greatly contribute to preventing the repetition of mistakes that were made in the pre-war period (when there was actually an oligarchic monopoly and the interests of big business dominated over the interests of Ukrainian society and the state). This important step will undoubtedly bring us closer to the EU, but the final guarantees for membership in this union for the Ukrainian people will be the victory suffered and the replacement of the bankrupt oligarchic-corrupt system (mostly modeled by the then national leadership from the relevant schemes of the Russian Federation) with the newest and adapted to modern Ukraine needs a civilizational matrix that will be compatible with the developed democracies of Europe and the world as a whole.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

References

1. Телевізор і соцмережі проти онлайн медіа. Звідки українці отримують інформацію. Опитування. 8 квітня 2019. URL : <https://biz.nv.ua/ukr/markets/kmis-50015277.html>.
2. Інформаційна гігієна під час війни: які зміни відбулися в просторі українців – опитування. 6 жовтня 2022. URL : <https://www.5.ua/suspilstvo/informatsiina-hihiiena-pid-chas-viiny-iaki-zminy-vidbulysia-v-prostori-ukrainsiv-opytuvannia-289439.html>.
3. 98 років в ефірі: 15 фактів з історії «Українського радіо». 18 листопада 2022. URL : <https://stv.detector.media/radio/read/7557/2022-11-18-98-rokiv-v-efiri-15-faktiv-z-istorii-ukrainskogo-radio/>.
4. Масмедії в Україні. Велика українська енциклопедія. URL : https://vue.gov.ua/%D0%9C%D0%B0%D1%81%D0%BC%D0%B5%D0%B4%D1%96%D1%97_%D0%B2_%D0%A3%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D1%96.
5. Як улаштоване суспільне мовлення Франції. 17 липня 2012. URL : <https://stv.detector.media/suspilni-movnyky-svitu/read/1028/2012-07-17-yak-ulashtovane-suspilne-movlennya-frantsii/>.

Submitted 28.11.2022

-
1. Televizor i sotsmerezhi proty onlayn media. Zvidky ukrayintsi otrymuyut' informatsiyu [Television and social networks versus online media]. Where do Ukrainians get information from. Survey. 2019. URL : <https://biz.nv.ua/ukr/markets/kmis-50015277.html>. [in Ukr.].
 2. Informatsiyana hihiyena pid chas viiny: yaki zminy vidbulysya v prostori ukrayintsiiv [Information hygiene during the war: what changes took place in the space of Ukrainians]. Survey. 2022. URL : <https://www.5.ua/suspilstvo/informatsiina-hihiiena-pid-chas-viiny-iaki-zminy-vidbulysia-v-prostori-ukrainsiv-opytuvannia-289439.html>. [in Ukr.].
 3. 98 rokiv v efiri: 15 faktiv z istoriyi "Ukrayins'koho radio" [98 years on the air: 15 facts from the history of "Ukrainian Radio"]. 2022. URL : <https://stv.detector.media/radio/read/7557/2022-11-18-98-rokiv-v-efiri-15-faktiv-z-istorii-ukrainskogo-radio/>. [in Ukr.].
 4. Mass media in Ukraine. Big Ukrainian encyclopedia. URL : https://vue.gov.ua/%D0%9C%D0%B0%D1%81%D0%BC%D0%B5%D0%B4%D1%96%D1%97_%D0%B2_%D0%A3%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D1%96. [in Ukr.].
 5. How French public broadcasting is organized. 2012. URL : <https://stv.detector.media/suspilni-movnyky-svitu/read/1028/2012-07-17-yak-ulashtovane-suspilne-movlennya-frantsii/>. [in Ukr.].

ABSTRACT

The article deals with an actual problem – the peculiarities of the television and radio broadcasting model in Ukraine. Issues of the history of the formation of radio and television in our country, as well as individual issues of legislative regulation of this sphere, were considered. The structural features of the mentioned model are noted, and an own version of its definition is proposed. The relevant structure of the organization and functioning of French broadcasting was analyzed and the possibility of taking into account the experience of this country in the domestic media sphere was emphasized. A list of the main features of the broadcasting model in Ukraine is provided.

It is concluded that in order to implement the tasks and functions, to achieve high standards of media work introduced in developed democratic countries, it is necessary to take into account those features that characterize the model of television and radio broadcasting in Ukraine, among which the main ones are: work in the conditions of a special period that began with February 24, 2022 after the extended armed aggression of the Russian Federation, characterized by the presence of certain elements of military censorship

and the curtailment of the work of a large part of private TV channels and radio stations; the dominance of the state's information policy on countermeasures to the information war carried out by the aggressor country in the TV and radio broadcasts; the priority of the news component in the information content during the war, which should be strengthened by patriotic-educational and integration-unifying components of influence on Ukrainian citizens; readiness in the post-war period to carry out the reform of the entire Ukrainian information space in general and its integral component – the television and radio broadcasting model in particular, with the mandatory elimination of the reasons for making mistakes in the pre-war information policy.

Keywords: information, model, broadcasting, media, special period, reformation.

UDC 340

DOI 10.31733/2078-3566-2022-5-86-91



Borys LOHVYENKO[©]
Dr. of Law, Professor
(Dnipropetrovsk State University
of Internal Affairs, Dnipro, Ukraine)

EUTHANASIA: BETWEEN THE RIGHT AND THE OFFENSE

Борис Логвиненко. ЕВТАНАЗИЯ: МІЖ ПРАВОМ ТА ПРАВОПОРУШЕННЯМ. Проблема легалізації або продовження заборони евтаназії на національному рівні продовжує викликати широкий суспільний резонанс. Вказана проблема носить комплексний характер, адже стосується не лише медичних питань, а й правових та біоетичних. Евтаназія значно збільшує ризики зловживання цим правом щодо пацієнтів, які бажають реалізувати відповідну процедури гідного та осмисленого припинення життя для припинення страждань. Метою статті є розкриття дуалістичної сутності евтаназії – як права особи на гідну смерть, та як кримінально караного правопорушення.

У статті зроблено акцент на сучасних наукових поглядах на евтаназію, що охоплюють три аспекти: 1) негативний – підтримка діючої заборони евтаназії; 2) позитивний – необхідність створення правових інструментів для реалізації права на добровільне припинення власного життя; 3) альтернативний – прихильники якого розглядають можливість заміни евтаназії іншими, більш гуманними з точки зору біоетики процедурами (паліативна допомога, добровільна відмова від лікування тощо). Звернуто увагу на те, що право вільно розпоряджатися власним життям має місце в національному законодавстві. Так, відмова пацієнта від медичного втручання, або від лікування може мати наслідком наближення моменту смерті.

Наголошено на поширенні міжнародної практики подальшої лібералізації та розширення кола держав, що підтримують процедури евтаназії. Акцентовано увагу на тому, що різноманітність процедур і форм евтаназії не дозволяє чітко визначити, яка з них є найбільш прийнятною у правовому аспекті. Водночас, всі такі процедури і форми передбачають одне – право невиліковно хворої або страждаючої від хронічної хвороби людини самостійно визначити, як і коли померти. Зроблено висновок про те, що евтаназія є власним вибором людини і це найголовніше в її усвідомленні, як складової права на життя. Підтримано позицію щодо можливості її легалізації в Україні у майбутньому.

Ключові слова: евтаназія, умисне вбивство, право на життя, право на гідну смерть, вибір.

Relevance of the study. Human rights can be considered as a dynamic category, because the content and scope of such rights is constantly changing, adapting to the realities of today and the civilizational development of society. What was considered unacceptable or forbidden recently is now in the realm of lawful behavior. The legalization of soft drugs, prostitution, euthanasia, surrogate motherhood, crypto-currency operations, pornographic products, same-sex relationships, reassignment and many other things are the norm of proper behavior for the

© Lohvynenko B., 2022

ORCID iD: <https://orcid.org/0000-0003-1894-4889>

bryntyr@gmail.com