

## MODERN SYSTEM OF LEGAL REGULATION AND PERSONNEL MANAGEMENT IN ENSURING PUBLIC-PRIVATE PARTNERSHIPS: UNDER THE PROFESSIONAL HIGHER EDUCATION DOMAIN

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**Abstract:** The article aims to consider the practices and contemporary trends in the development of human resources by optimizing the mechanisms of public-private partnership in the domain of higher education: legal regulation, improvement of legal provision, updating the state personnel policy in the strategy of continuing education, integrating the use of state and industry resources to create conditions, introduce productive models and structures of cooperation employers and educational institutions of all levels in the practical training of young professionals to meet the staffing needs of the development of economic sectors. Sufficient interaction between the labor market and the education system is realized when the shared interests of all its issues are conjoined, in particular through the orientation of the personnel management of companies towards the preliminary technology in the selection of personnel, as well as the development, together with professional higher education institutions, of in-house corporate training and retraining of personnel.

**Keywords:** Higher education, Legal grounds, Legal principles, Personnel management, Public administration, Public law, Public-private partnership, Public legal relations, Subjects of educational activity.

### 1 Introduction

The history of modern democratic society's development can rightly be viewed through the prism of the story of relations between the state and residents, which have continuously been updated in times of crisis. Modern realities in the context of foreign policy and foreign economic destabilization against the backdrop of the development of the global financial crisis exacerbate the problematic field of cooperation between the state and public institutions and business structures to search for new opportunities for implementing state, legal and social policies aimed at improving the level and quality of life of the population [36].

The strategy and prospects for the country's development determine that innovation-oriented development is a worthy alternative to evolution based on the high quality of labor potential [2]. The labor market, which does not meet modern requirements, becomes a brake on the economy's modernization and technological renewal due to the need for more high-quality human resources capable of providing an innovative development path.

Currently, the primary conditions for market development have been formed – state, public, and private institutions are functioning. However, the emergence of many investors (independent economic entities) necessitated their interaction to solve socially significant problems, especially regarding those spheres of society that determine the country's innovative development. When forming a national innovation system, such a policy should ensure the unification of the efforts of government authorities at all levels, organizations in the scientific and technical sphere, and the business sector in the interests of accelerated use of the achievements of science and technology to implement the country's strategic national priorities [7].

Successful interaction between business, government, and society is becoming an essential condition for the normal functioning of the country's economy [3]. In world practice, to attract business with long-term financing of public infrastructure

and its management, and education [18] has recently begun to be included in this area, public-private partnerships (PPP) are used. Therefore, the need for an in-depth study of social and labor relations in the field of education from the point of view of public-private partnerships, as well as the definition and justification of an effective mechanism for the implementation of public-private partnerships in the context of the transformation of the educational process determine the relevance of the research topic.

### 2 Literature Review

The term "public-private partnership" is in demand in the Law, arose in Great Britain in the 90s of the 20th century, and has a long history. For example, the implementation of many large-scale projects in the construction, reconstruction, and development of state facilities of industrial and socio-cultural significance in foreign countries since the time of the Roman Empire has been carried out precisely according to the concession principle [5].

In world science and practice, there is no single unambiguous definition of public-private partnerships (PPP) and a generally recognized systemic understanding of this mechanism. Different countries use different variations of the exact mechanism, which makes it difficult to formulate a single concept of public-private partnership. The international best practice is constantly refining the idea of PPP. The general regulation of PPP implementation processes at the international level is carried out with the help of advisory documents. Among them are the records of the European Commission on the regional policy of the European Union, "Guidelines for successful public-private partnerships" and "Green paper on public-private partnerships and local legislation on public contracts and concessions," a document of the United Nations Economic Commission in Europe "Guidelines on Public-Private Partnerships for Infrastructure Development" and others. These documents represent a development of the international understanding of PPP, claiming to be international best practice standards.

Public-private partnership, according to Ukrainian legislation, is a cooperation between the state of Ukraine, the Autonomous Republic of Crimea, territorial communities represented by the relevant state bodies and local governments (state partners) and legal entities, except for state and communal enterprises, or individual entrepreneurs (private partners), which is carried out based on an agreement in the manner prescribed by this Law and other legislative acts [4].

On the side of a private partner in an agreement concluded within the framework of a public-private partnership, there may be several persons who, under this Law, may be private partners. Such persons shall be jointly and severally liable for the obligations stipulated by the agreement, which is concluded within the framework of a public-private partnership. Features of participation on the side of a private partner of several persons in tenders for determining a private partner for the implementation of public-private partnerships are determined by the Cabinet of Ministers of Ukraine [4].

An analysis of modern foreign experience in public-private partnerships has shown that each of the G7 countries has its priority sector for their use. Thus, in the USA, such an industry is roads (32 out of 36 projects); in the UK – healthcare (123 out of 352 projects) and education (113 out of 352 projects); in Germany – education (24 out of 56 projects); in Italy, Canada and France – healthcare [37]. In Ukraine, unlike foreign countries, public-private partnership is still forming and developing relevant regulatory, financial, and organizational instruments [6]. However, it should be noted that the traditions of relations between government and business also have deep

roots. Their genesis can be traced to different periods of historical development: the construction of railways, telegraph lines, the development of public utilities, and other infrastructure.

In a general sense, public-private partnerships can be interpreted as any mutually beneficial forms of interaction between the state and business, which in the country, taking into account political, social, and economic features, have intensified throughout the development of the entire national space (i) at the initiative of the state; (ii) in times of crisis for the country [12].

In education, as a sphere of meeting the personnel needs of the development of economic sectors, at present, the resource of public-private partnership is not updated to the extent that it is in demand in the conditions of integration of the state and non-state sectors of personnel training, aimed at the most efficient use of human resources in ensuring strategic interests of both the state and business.

The study of scientific ideas presented in research allows us to assert that in the pedagogical sense, professional training means creating conditions for the practical saturation of the university's educational process with certain content, forms, and methods that adequately reflect certain aspects and levels of professional training [17]. Consequently, the professional training of a future professional at university can act as a factor that contains certain conditions [34] and contributes to the implementation of pedagogical actions, processes, and phenomena in the context of the formation of professional competencies of a future specialist [19]. In this case, the professional training of a future expert in higher education appears as a driving force, a basis in which various opportunities are concentrated for effectively implementing the process of forming professional competencies.

Work with personnel, like other management areas, has its legal framework. They act as a regulator of relations between all categories of workers, are one of the central guarantees of observance of the rights of citizens, provide an opportunity to increase work efficiency, and contribute to the fight against subjectivism and arbitrariness. Sources of law are acts in which the norms of the relevant branch of law are expressed. Types in the following sequence classify them: consultation, ordinance, decree, resolution, code, charter, regulation, decision, or by types of bodies from which normative acts come – state authorities and state administration bodies.

Personnel management is an activity aimed at the effective use of the potential of employees to achieve their goals and is carried out in organizations, institutions, and enterprises [1]. This is a complex impact on individual employees and teams, aimed at providing optimal and most effective conditions for the initiative, creative and conscious work to achieve high final results.

The personnel management mechanism is a complex dynamic process, including personnel formation, application, and stabilization. All components of the personnel management mechanism are determined by changes in the external and internal environment, changes in goals, objectives, and working conditions. Personnel management pursues the following purpose – the formation, development, improvement, and implementation with the most excellent efficiency of the personnel potential of an enterprise or organization, providing the enterprise with interest in work and well-trained employees.

There are several aspects in personnel management: organizational and economic – covers issues related to planning the composition, number of employees, use of working time, and material incentives; technical and technological – reflects the level of development of production, production conditions, technologies, features of the use of equipment; legal – covers issues of compliance with current labor legislation; socio-psychological – covers the problems of psychological and social support for personnel management, the use of socio-psychological techniques and procedures in practical activities; pedagogical – covers the issues of personnel education. Finally,

legal support of the personnel management system is the execution, observance, and application of the norms of laws governing labor relations development and approval of regulatory acts of an organizational, economic, corporate, and administrative nature [15].

Legal regulation of work with personnel is reflected in state [9], administrative, and labor law. Personnel issues are resolved more widely in administrative and labor law than in state law. Depending on the legal force of labor regulations, they are divided into statutes, decrees, and by-laws.

The cardinal political and economic transformations associated with a market economy led to the state's cessation of being the only and leading "supplier" and "consumer" of professional personnel. The new realities demanded, among many priority tasks, including the search for and formation of new forms and mechanisms of interaction between the education sector and the production sector (business), taking into account the interests and capabilities of all interested parties (state, business, society).

The main areas for implementing interaction between the higher education system and employers are improving education content, studying the labor market, staffing the educational process, providing logistical support, attracting additional financial resources, and a quality control system for education.

The rules for the participation of associations of employers in the development and implementation of state policy in the field of higher education fix the procedure for their involvement in the development of state educational standards and state requirements for additional professional educational programs, the formation of lists of areas of training (specialties) of higher education and state accreditation of educational institutions of professional education [13].

### 3 Materials and Methods

This study considers domestic and global trends in the state and public regulation of the effectiveness of the introduction of public-private partnerships in the higher education system. The general theoretical basis of the study is modern approaches to forming a mechanism for introducing public-private partnerships of universities at the regional level. Social policy issues and regions' development occupy a prominent place in domestic science.

The following tasks are solved taking into account the relevance of the research topic:

- To explore and clarify the theoretical and methodological foundations for the formation and development of public-private partnerships in the system of professional training, retraining, and advanced training of personnel;
- Reveal the features of the use of public-private partnership in the system of professional training, retraining, and advanced training of personnel, determine its promising forms;
- To identify the main factors influencing the public-private partnership in the system of professional training, retraining, and advanced training of personnel in the market of educational services at the regional level;
- Analyze the possibilities of using public-private partnerships in the system of professional training, and retraining;
- Training and advanced training of personnel in the context of the development of the labor market and the market of educational services in the region;
- Substantiate the strategy and main directions for the formation of an effective mechanism of public-private partnership in the system of professional training, retraining, and advanced training of personnel and develop indicators for assessing the activities of universities [13].

The object of the study is public-private partnerships in the system of professional training, retraining, and advanced personnel training.

The subject of the study is a set of organizational and economic relations that arise in forming the mechanism of public-private partnership in the system of professional training, retraining, and advanced personnel training.

This work's theoretical and methodological basis was the fundamental works of leading domestic and foreign scientists on the theory and practice of public-private partnerships in educational management [2, 7, 13, 30]. The study explored ideas, concepts, and methodological approaches to the external and internal evaluation of educational activities [18, 34] and university management.

This work is based on the dialectical method, which predetermines the study of objective legal, managerial, and economic laws, patterns, phenomena, and procedures in their constant development and interconnection. In the work process, methods of empirical research were used (observation, comparison, grouping, detailing, generalization, and modeling).

#### 4 Results

Currently, there is a task of practical implementation of the planned strategic goals: the creation, testing, and widespread implementation of specific organizational, institutional, and methodological tools that increase the effectiveness of public-private partnerships in the field of professional higher education. Furthermore, it is to develop cooperation between business and education that structures are being created to coordinate and regulate this process. The main driving force behind this type of cooperation is the mutual interest of the state, higher education, and business in the training of professional personnel in terms of the level of knowledge and professional competencies that meet the challenges of the innovative modern economy [17].

Definitely, the state's leading positions in this cooperation are still occupied by defining its main directions, fixing priority tasks, and corresponding guarantees. It is the state that must create the conditions under which investments in the field of professional higher education would become profitable for business, and targeted state support is also needed for initiatives by both employers and educational institutions aimed at creating mechanisms for public and state management of the higher education system and evaluating its effectiveness.

As for the system of professional higher education regulated by the public sector, the profits of education institutions from cooperation with the business sector are apparent. Moreover, one of the most important indicators of the effectiveness of educational institutions is the proportion of graduates of educational institutions of full-time professional education who were employed within one year after graduation in their specialty (profession) in their total number. Thus, the state fixes as a priority strategic task of education precisely ensuring the demand for graduates, as well as the conformity of the structure and quality of training of specialists with the needs of the labor market.

Among the main reasons for the low level of employment of graduates is the imbalance of supply and demand in the labor market, the low quality of training, as well as the mismatch of graduates' competencies with the requirements of the employer, in addition to various social factors.

An example of a successful partnership between government, business, and the scientific community is the Faraday Society in the UK. They represent an extensive network of organizations, including firms, trade associations, research bureaus, and universities. The main goal of these communities is to ensure the full exchange of the latest scientific and technological information, which will help increase the competitiveness of British industry in world markets and the country's economic prosperity. Government agencies also support Faraday communities: the total annual investment in research is more than 100 million pounds [23]. In addition, more than 1,700 companies have joined the activities of the Faraday Societies,

and the number of teams of scientists involved in specialized research has grown to 381 [24].

Thus, PPP within the framework of the innovative development of the economy can act not only in the form of holding meetings and coordinating the efforts of partners but also in the field of pursuing a clearly defined policy aimed at creating new firms focused on the use of the latest technologies [27], as well as conducting research and development, training business plans, the introduction of inventions and developments. Higher education institutions are generators of new theoretical knowledge. Still, they need the opportunity to practically verify the research results without financial and organizational support from government bodies and private businesses. In turn, governments and companies can only develop competitive products with the latest technologies and qualified personnel. In this case, the symbiosis of resources, efforts, and interests of partners will lead to the development of the economy and improve the quality of life of the population.

The main types of cooperation between governing bodies, business structures, and institutions of higher education can be:

- Research projects, partnership in the publication of the results of scientific discoveries;
- Practical activities in the field of the use of patents and copyrights;
- Transfer of knowledge and technology through the exchange of student and teaching staff between universities and enterprises;
- The creation of subsidiaries of corporations, as well as the formation of new firms as a kind of incubator of new scientific developments and business models [24].

Highly qualified specialists are required for the introduction and development of innovation [22]. The most sought-after specialists among employers are employees of such economic activities as construction, manufacturing, real estate transactions, and the provision of services. At the same time, half of the unemployed registered with the employment service have either complete or basic secondary education. Thus, the labor supply in the market must match employers' perceptions about the necessary needs. In this case, the cooperation of efforts and resources within the framework of PPP of government bodies, private businesses, and higher education institutions could smooth out this situation.

State and municipal governments have a wealth of information both from educational institutions about graduates and primary professions and from private businesses about personnel "hunger" (quantitative and qualitative indicators), which will help become a link for developing strategic priorities for educational policy in the field of higher education. Moreover, private businesses can be passive customers of highly qualified personnel and active participants in the educational process. So, based on state and municipal governments, institutions of higher education, and private businesses, joint seminars, workshops, internships, industrial practices, and master classes for teachers and students can be held.

#### 4.1 Legal Support of the Personnel Management System

The activities of personnel services are directly related to people: hiring or transfer to another job, dismissal. Prevention and prevention of conflict situations are possible only based on a precise regulation of the rights and obligations of all parties to labor relations, which can be achieved through the establishment of legal norms of a local or centralized nature [25]. The legal support of the organization's activities as a whole and the personnel, in particular, is assigned to the head, and other officials, including directors and employees of personnel management services. The legal support of the personnel management system should solve two fundamental tasks: (i) legal regulation of labor relations between employees and

employers [10]; (ii) protection of employees, their rights, and interests arising from labor relations [11]

The primary sources of legal regulation of personnel management include:

- Labor Code;
- Civil Code;
- Laws on collective agreements, population employment, trade unions, the procedure for resolving labor conflicts, etc.

Organizational documents on personnel management include:

- Resolution;
- Governments on the social protection of persons with disabilities;
- Industry-wide guidelines;
- Collective agreement;
- Internal labor regulations of the organization;
- Job descriptions;
- Rules on structural divisions;
- Staffing, etc.

Legal support of the personnel management system includes:

- Observance, application, and enforcement of the norms of legislation in the field of labor relations;
- Development and approval of local regulatory and non-regulatory acts of an organizational, economic, corporate, and administrative nature;
- Changing, canceling, and obsolete normative labor acts issued in the organization.

#### 4.2 Normative and Methodological Support of the Personnel Management System

Regulatory and methodological support of the personnel management system is a set of regulatory legal acts, documents of an organizational, organizational and administrative, methodological, technical, regulatory and technical, economic and techno-economic nature, regulatory and reference materials that define the rules, requirements, norms, methods, characteristics that are used to solve specific problems [26]. Regulatory and methodological support creates the necessary conditions for effectively implementing personnel management issues. The scope of local regulation is constantly expanding, including orders from managers on personnel matters, regulations on subdivisions, organization standards, and job descriptions.

*Groups of regulatory and methodological documents:*

1. Reference documents. They include the standards and norms necessary for solving the problems of organizing and planning labor in material management and production (technological, operational, and technological, route flow charts of management procedures, shift-daily tasks, programs for the production of parts, etc.).
2. Documents of an organizational and organizational-methodological nature. They regulate the functions, tasks, rights, and obligations of departments and individual employees of the personnel management system and contain the rules and methods of work on personnel management.
3. Documents of a technical, economic, and technical-economic nature. They contain requirements, norms, and rules governing standards of all types and categories (sanitary standards, cost estimates for production, business plan, safety standards, standard time standards, etc.).
4. On the basis of standard documents, taking into account the characteristics of a particular organization, personnel management services develop documents for internal use. The primary documents of internal use of the organization: collective agreement; internal labor regulations; job descriptions; regulations on subdivisions; staffing

schedule. Some documents and normative-legal acts of a systematic and organizational-methodical nature regulate the performance of specific functions for personnel management: Recommendations on recruitment, provisions on the formation of a personnel reserve, the settlement of relationships in the team, on incentives and remuneration [28].

#### 4.3 Preliminaring

The central role in ensuring the conditions for the implementation of public-private partnerships in the field of higher education and the creation of a new effective system for providing the performance of state personnel policy, having become a kind of bridge between the state regulation of the labor market, educational institutions and the private sector of the economy, should be played by regional centers for monitoring and ordering specialists formed based on cooperation between state structures and public associations of employers [37].

One cannot ignore the innovations in personnel management, which seep into the philosophy and methodology of personnel management of private companies in form as borrowing from Western practice (foreign terms) and in content – in many ways, as traditional forms of partnership between enterprises and educational institutions [29]. The system of distribution of graduates of educational institutions has given way to programs to promote their employment, and in the language of employers, to preliminaring, in other words, to attract young professionals to private companies.

It is clear that in the short term, this complex method of attracting personnel for business is very laborious because the company receives not a ready-made specialist with existing experience and skills but a newcomer who needs to be trained and supervised. However, if the company has a well-built system of adaptation and training, preliminaring is an excellent way to find loyal young employees who will renew an established team [14].

Preliminaring is a required method of rejuvenating the staff of the customer company by attracting to work, both on a permanent job and on a temporary internship, successful, promising students and graduates of the best educational institutions through participation in the organization of work practice and pieces of training for promising young professionals who can become the key to the success of the company in the future. Consider the effective methods for implementing the preliminaring technology presented in Figure 1.

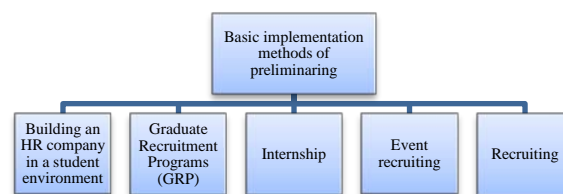


Figure 1 – Preliminaring implementation methods

In the Ukrainian market, preliminaring has been steadily gaining momentum lately. In contrast, in the European and American labor markets, this recruitment technology has long been introduced as a separate task for full-time HR managers of companies. It has been fixed in the vital list of services of leading recruiting agencies [30].

The use of complex preliminaring technology allows companies not only to solve the problems of increasing their innovative potential by attracting young professionals who are easy to adapt to their norms and work standards but also to receive an additional impetus for updating and developing their corporate culture, thereby providing themselves with opportunities and a robust resource foundation for strategic development.

#### 4.4 Professional teachers should carry out the training of qualified specialists

Modern society makes new demands on students. The "knowledgeable graduate" ceased to meet the needs of the community. Today, the market is for a "skillful, creative graduate" with value orientations. The teaching staff, who must be professionals in their field [18], is called upon to solve this problem. But if the level of professionalism of teachers does not meet modern requirements, one can hardly count on a high educational result that meets the needs of society and the state.

The teacher should strive for novelty and non-standard conduct in classes. Thus, to develop in students the skills to independently acquire knowledge, to form the ability to self-organize without imposing one or another stereotype, to allow students to choose the degree of mastering the material themselves [19].

The teacher must have professional competencies [17], i.e., the ability to act successfully based on practical experience, skills, and knowledge in solving professional problems. Key competencies are necessary for any field of human activity and are the key to success in life.

The following professional and pedagogical competencies are distinguished:

- A. Socio-psychological competence is associated with the willingness to solve professional problems, including in the development mode.
- B. Professional and communicative competence determines the degree of success of pedagogical communication and interaction with the subjects of the educational process.
- C. General pedagogical competence includes the psychological and pedagogical readiness to deploy the individual characteristics of the psychology and psychophysiology of the cognitive processes of the individual; knowledge of the basics of pedagogy.
- D. Subject competence in the field of the subject specialty: knowledge in the field of the taught subject and methods of teaching it.
- E. Managerial competence, i.e., the skills to conduct pedagogical analysis, set goals, and plan and organize activities.
- F. Reflective competence, i.e., the ability to see the process and the result of their pedagogical activity.
- G. Information and communication competence is associated with the ability to work with technologies in current conditions.
- H. Competence in the field of innovation, characterizing the teacher as an experimenter.
- I. Creative competence, i.e., the teacher's ability to bring activity to an innovative, research level.

Here are just some of the competencies that a teacher should get. In order for a teacher to master these competencies, he needs to realize the necessity to improve his general human and unique culture [17] and carefully organize scientific and methodological communication for further development and learning.

#### 5 Discussion

Modern realities favor the private sector's interest in cooperation with the state and the education system to replenish the development workforce in various sectors of the economy [32]. Of course, Internet sites are the most effective recruitment tool; however, preliminaring is similar.

Common trends in the personnel management of the business sector indicate an internal growth of interest in cooperation with educational institutions. The only thing left for the public sector is not to miss this sacred moment when all interested parties are ready for dialogue; the administrative apparatus needs to act as an intermediary between the education and labor markets, focusing on reasonable partnership mechanisms and the national interests of the state.

Business is already participating in the creation of business schools and the development of specialized educational programs and methods:

- A. *Graduate Recruitment Programs*. The priority goal is to select the best candidates from promising graduates of educational institutions is achieved through direct competitive tests: (a) selection of students of graduating courses in the declared selection program, (b) participation in an additional corporate training program, assistance in adaptation, etc., c) assessment based on the results of a set of tests and making a hiring decision.
- B. *Internship*. Priority goals: 1) for a young specialist to know the future employer not only from the outside but also directly inside the organization of the work process; 2) for the company to obtain formal and informal indicators to evaluate a potential job applicant by (a) selection of students/graduates for internships, (b) an internship (assistance in adaptation and application of knowledge in practice), (c) assessment based on the results of a set of tests and making a hiring decision [33].
- C. *Event-recruiting*. The priority goal is to select the best candidates from promising graduates of educational institutions is achieved through specially organized events that benefit the company, including creating a compelling image among the student communities: (a) thematic forums, conferences, etc., (b) "Open Days," job fairs, and "Career Days," (c) flash mobs and other volunteer events with the participation of the student movement, etc.
- D. *Recruiting*. The priority goal is to select the best candidates from promising graduates of educational institutions is achieved by posting announcements about available vacancies on the resources of educational institutions: (a) analysis of the portfolio of students posted on the websites of educational institutions, (b) preliminary collection and analysis of resumes according to the formal characteristics of candidates and their placement in the database, (c) an interview of the HP manager with the most suitable candidates.
- E. *Formation of the company's HR brand in the student environment*. The priority goal is to consolidate and promote the company's image among applicants in the student environment by (a) identifying the needs of the target audience (students), (b) forming and developing the company's HP brand, including through affiliate links on the website of educational institutions using the resources of educational institutions and other programs and educational standards of the new generation, in monitoring labor markets and financing grants and nominal scholarships in leading educational institutions. Furthermore, with the participation of partner monitoring centers and ordering specialists, it is necessary to intensify businesses' involvement in financing and business cooperation with the higher education system.

Joint scientific-practical and educational activities benefit each of the parties of the public-private partnership in professional higher education: by activating the resources necessary to ensure a high level and quality of life (financial, logistical, intellectual, etc.).

For Ukraine and other post-Soviet countries, public-private partnership as an independent and standardized direction in the organization of cooperation between the state and business is an innovation introduced by transformational reforms [8]. Now in a country with a transformational economy, research is currently being most intensively conducted on the theory and practice of public-private partnerships. In Ukraine, for the development of scientific, methodological, legal, and organizational support for creating conditions for implementing PPP projects of national and regional significance, a non-entrepreneurial organization was established [23]. Academician of the National Academy of Sciences of Ukraine, V. M. Geets, created the Ukrainian Center for Assistance in the Development of Public-Private Partnerships. The US Agency funds a Public-Private Partnership Development Program for International Development [29].

Institutional conditions and tools for public-private partnerships in Ukraine are currently in the process of formation [21]. The Law of Ukraine "On Public-Private Partnership" was adopted, which fixed a number of the most critical, typical for the European Union, principles in attracting private investors: equality before the Law of partners; prohibition of any discrimination of their rights; harmonization of partners' interests to obtain mutual benefits; the invariance of the contract throughout the entire period of validity; recognition by partners of the rights and obligations provided for by the legislation of Ukraine and determined by the terms of the contract; fair distribution of risks; determination of a private partner on competitive terms [6]. In addition, some regulatory legal acts have been approved related to organizing the implementation of public-private partnerships, identifying, and assessing the risks arising from this and managing risks, providing state support and state guarantees, and obtaining relevant information for the Law implementation.

However, the legislative framework for cooperation between the state and business has yet to become a catalyst for developing public-private partnerships in Ukraine, not only because of its incompleteness but also because of its imperfection [20]. The legal framework on public-private partnership, designed to stimulate the development of cooperation between the state and business, increase the competitiveness of the economy of the country and regions and attract investment in the economy, is imperfect for implementation of the task rooted in the very essence of PPP – the coordination of the interests of partners. Private business has yet to show interest in concluding PPP contracts.

The spheres of application of PPP have yet to be finalized. Discrepancies in legislative acts evidence this, particularly in the Law of Ukraine "On Public-Private Partnership" and the Program of Economic Reforms of Ukraine for 2010–2014 "Prosperous Society, Competitive Economy, Efficient State." Unlike the Law, the Program plans to introduce public-private partnerships in the scientific and technical sphere to develop primary industries [4].

The Law limits the possible forms of PPP. Following the Law, PPP is implemented only contractually and cannot be carried out by creating a legal entity. The Law thus excludes institutional forms of PPP (except for joint activities). As a result, a higher level of interaction between the state and business – integrating public and private capital in implementing partnerships is separate. Meanwhile, collaboration is only possible with the business's strategic interests [13]. A natural alternative to privatization to preserve private entrepreneurial initiatives could be the creation of enterprises with mixed public-private ownership. The state remains the owner, retains the right to control PPP objects, and mutual balancing of market institutions and public authorities is ensured [13]. According to Gerrard, head of British Public-Private Partnerships, a company set up by the UK government to promote PPPs, partnerships are created and operate at the border of the public and private sectors of the economy, being neither nationalized nor privatized. Politically, they represent a third way [15].

Public-private partnership objects that are state or municipal property by the law will not be able to change the owner; the classic version of public-private partnership, namely BOT (*Build – Operate – Transfer*), which is based on "private finance initiative" in the UK, cannot be implemented. There is no provision for reimbursement of all economically justified expenses by the private partner.

There needs to be officially systematized information on the application and implementation of partnership projects between the state and businesses in Ukraine [18]. However, in international practice, monitoring data on developing PPPs in the world countries is carried out. The World Bank provides the most systematic information. According to the World Bank methodology, a project is considered a PPP if the participation of a private partner in its implementation is at least 25%, and an

asset sale project is considered if private owners own at least 5% of the shares.

The use of sound provisions and recommendations on the formation of the institution of public-private partnership will allow to combine and direct the integrated resources and capabilities of the state and business to solve problems in priority areas of structural modernization of the economy [35].

## 6 Conclusion

Thus, public-private partnerships are one of the main instruments for achieving the country's progressive economic development. However, it is already clear that it is only possible to qualitatively implement global infrastructure projects by the state or business.

Therefore, from our point of view, it seems appropriate to update on a full scale the mechanisms of interaction between public and private institutions, primarily those implemented in the field of increasing the country's human resources potential, right now, when all parties to the partnership, through trial and error, have come to realize its necessity. Thus, considering the possibility of interaction between government bodies, private businesses, and institutions of higher professional education, we can draw the following determinations:

1. Institutions of higher professional education have significant human and resource potential for the region's innovative development.
2. The structure of personnel training (profiles and training areas) should correspond to the main sectoral structure of the region's economy.
3. Educational institutions within the framework of PPP acquire mobility in developing new educational programs in specialties and professions in demand in the labor market.
4. The need to stimulate innovation, public initiatives, and focus on creativity.
5. Expansion of social partnership and contractual relations.
6. The main task of the educational policy in the region is to foster a sense of responsibility of the individual for the knowledge gained and to orient human resources towards social activity and mobility in the process of human capital reproduction within the given municipality.

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