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## **PROBLEMS OF INSTITUTIONALIZATION OF OWNERSHIP RELATIONS IN THE INTELLECTUAL SERVICES FIELD**

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Intellectual services are a specific object of relations of ownership. Their peculiarities stipulate particular problems of their institutionalization. Firstly, this object is intangible. Therefore, relations of appropriation and alienation regarding an intellectual service differ from tangible objects in some features. The first feature is absence of physical control of an owner over the service. Possession of the service assumes a form of attainability of certain knowledge, which constitutes the intellectual service content. This fact results in a conclusion on multi-levelness of possession of the intellectual service, which, to some extent, depends on the ability of a customer to study. The second one is usage of the intellectual service, which is characterized by implementation of obtained knowledge in the economic practice of the customer. It can assume the following forms: partial implementation; improper implementation (distortion in the process of application of the service content); refusal of implementation. The third one is disposal of the intellectual service on the part of the customer, since selling the service to the third party is restricted because of many factors. For instance, the necessity of keeping a commercial secret (the service is based on confidential information of the customer), irrelevance of the intellectual service (e.g., it is grounded on requirements of a law that lost its validity).

Secondly, intellectual services are investment intellectual commodities, usage of which in production and innovation activities provides gaining income and other benefits in the future. Transformation of knowledge and information in an investment intellectual commodity is carried out in the process of assumability of forms of intellectual services as objects of demand and supply in the market of intellectual resources.

Thirdly, intellectual services as investment intellectual commodities are objects of investments of business entities. These entities consider special knowledge and information as a leading resource of the productive activity aimed at formation of the new value. Consequently, spending funds for obtaining intellectual services, an entrepreneur invests in business intellectual resources.

Fourthly, expenses of the entrepreneur for intellectual services are intellectual investment. Such expenses are contributions to knowledge and information being the content of a commercialized intellectual product, which becomes an intellectual commodity and an object of investment resources market.

Consequently, intellectual services should be considered as an investment resource. The contribution of the services in production or innovative processes provides growth of the value and gaining income. Relations of ownership of intellectual services are concerned with appropriation and alienation of intellectual services being investment goods and objects of buying and selling in the knowledge market, which encompasses a segment such as the intellectual services market. Some peculiarities of the content and way of realization are inherent to partial eligibilities regarding intellectual services. These peculiarities are stipulated by intangibility, dependence on the ability of a customer to obtain knowledge and to implement them in the economic practice. An agreement between a customer and a performer on rendering a certain type of the services is the main source of ownership of intellectual services. Contractual regulation of ownership relations regarding intellectual services is directed towards determination of rights, obligations, and responsibilities of parties concerning production, exchanges, and implementation of this investment intellectual resource.

Institutionalization of these relations, such as establishment, change, and development of formal and informal, basic and complementary norms, which regulate behavior and interrelations of economic agents, are one of important terms of realization of their investment and innovative role.

In Ukraine, institutionalization of intellectual services is characterized by particular institutional inertia. The first group of features of the inertia is duality and inconsistency of attitude of customers to the payment of intellectual services. On the one hand, there are insight on fairness, general accessibility, and the free-of-charge basis of knowledge inherited from the command system and fixed in consciousness. On the other hand, there is understanding optionality of obtaining intellectual services of an appropriate quality level with the use of incentives such as a bribe, relationships, intermediation, etc. There is a paradoxical situation, when a human considers a payment for intellectual services as the violation of his lawful rights to free obtaining knowledge, but he is willing to participate in different schemes of illegal payments, thinking this will be a guarantee of their accessibility and quality.

The second group of features is a cost-based rather than an investment approach to defining expenses for intellectual services. It is a considerable obstacle for their institutionalization as the most important component of knowledge economy. It also restricts investment resources of their development. The low estimate of the

investment role of intellectual services in providing economic growth and the increase of a welfare level, which is made by a human, the firms, and the government, stipulates: a) attitude of the population to payments for services as to non-refundable costs, which restrict current and future consumption and will be hardly compensated; b) lack of orientation of firms towards accumulation of intellectual capital; c) the government does not attach prior significance to development of the intellectual services field; reduction of expenses of the state budget for education, health protection, and culture in 2016 is a confirmation of the previous statement.

In general, the formal institutionalization of intellectual services in Ukraine is not systematic. This leads to institutional vacuum related to lack or insufficient development of formal institutions, which provide efficiency of the servicing activity as well as formal norms, which regulate this activity. The institutional vacuum is filled with informal norms, which can block actions of formal norms.

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## **THE MINISTRY OF JUSTICE AS A SUBJECT OF ADMINISTRATION OF LEGAL REFORMATION PROCESSES IN UKRAINE**

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Modern civilizational development of Ukraine requires carrying out administrative and legal reformation of all the public administration subjects.

Many scientists such as lawyers, sociologists, political scientists, economists, etc. permanently focus on analysis of the reformation processes. Nevertheless, it is worth mentioning that a majority of the done researches conclude that: the administrative reform in Ukraine has just begun; there are no strategic orienteers; there are no precisely determined scopes of future structural and functional reorganizations; the best world managerial models are insufficiently engaged (namely, the reformation does not conform to principles of *good governance*).

Imperfectness of scientific substantiation, legal regulation, and practical application of the administrative regulation in different periods have led to arising of some law enforcement collisions, confusions of a reformation concepts with other institutions of the law-creative activity, indefiniteness of a goal and tasks. All these factors finally led to inadequate unclear reformation results.