Features of International Public-Private Partnership in the Field of Higher Education
Dmytro Shvets¹, Serhii Bodnar², Nadiia Khrystynchenko³ and Vladyslav Karelin⁴

Abstract
The purpose of the study is to analyze the features of international public-private partnerships in the field of higher education and, based on their careful study, to propose appropriate areas for improving domestic legislation. Multinational companies, high population mobility, and the problem of refugees’ professional realization contribute to the constant search for interstate cooperation on education. In such conditions, quality education, increasing the competitiveness of higher education at the international level, development of innovations in the field of education and science in Ukraine, constructive cooperation and effective interaction of participants in educational processes are the requirements of our time to achieve a high level of efficiency of educational activities through innovation. The complex of these aspects determines the relevance of the topic. Such methods as analysis, synthesis, deduction, induction, and the logical and legal method were used in the article. The author’s definition of the concept of "international public-private partnership in the field of higher education" was proposed within the framework of the study. The key features of this scientific category were highlighted. The key problems that prevent the normal functioning of international public-private partnership in the field of higher education were outlined, on the basis of which the author’s vision of ways to solve the last problems was proposed. The study presents the author’s approach to a comprehensive understanding of the features of international public-private partnership in the field of higher education and the ways of its improvement at the level of domestic legislation, which can be used in the course of further comprehension of the issues under study.

Keywords: International Cooperation, Public-Private Partnership, Legislation, Higher Education.

INTRODUCTION
The problem of intellectual property protection is coming to the fore in the world now, even despite the significant efforts of the international community on this issue (Malkawi, Ablamskyi, 2020). The development of the information society, which is accompanied by the penetration of digital technologies into all spheres of life and the increasing role of innovations as a factor in the competitiveness of the economy, puts forward new requirements for the effectiveness of the educational system (Krupka, Horyn, 2023). At the same time, modern information ecosystems of educational institutions in Ukraine are in the process of formation and the development of their information ecosystem is affected by the process of digitalization (Loiko et al., 2023, p. 474) in the course of wide application of parallel computing technologies (Romanova et al., 2019, p. 894), neural network control system for multi-connected dynamic objects (Vladov et al., 2022, p. 108) and the use of hybrid neurocontrol (Vladov et al., 2022, p. 222).

In the new socio-cultural conditions, the main tasks of higher education are considered by some domestic scientists to be: compliance with the interests of the state, that is, the formation of students as full-fledged members of society who have learned social experience, values and norms; compliance with the interests of society, that is, the training of specialists of any profile, socially and professionally adapted in conditions of social uncertainty; observance of individual interests, i.e. training of active, proactive and thinking individuals.

¹ Doctor of Law Science, Associate Professor, Rector Odessa State University of Internal Affairs (Odessa, Ukraine). ORCID: https://orcid.org/0000-0002-1999-9956, E-mail: shvets@ukr.net
² PhD in Law, Associate Professor, Vice-Rector for Financial and Economic Work, Vinnytsia Finance and Economics University (Vinnytsia, Ukraine). ORCID: https://orcid.org/0000-0003-3322-6279, E-mail: vfeu@ukr.net
³ Doctor of Law, Professor, Head of the Department of Administrative Law, Intellectual Property and Civil Law Disciplines Kyiv University of Intellectual Property and Law (Kyiv, Ukraine). ORCID: https://orcid.org/0000-0001-7473-7193, E-mail: nikhris@ukr.net
⁴ Doctor of Science in Law, Associate Professor, Professor of the Department of Military Law of the Military Faculty of International Relations and Law Military Institute of Taras Shevchenko National University (Kyiv, Ukraine). ORCID: https://orcid.org/0000-0002-6271-2447, E-mail: vlad.karelin1989@ukr.net
Features of International Public-Private Partnership in the Field of Higher Education

ready for independent cognitive activity, capable of self-development, which allows them to adapt professionally in the labor market (Kharkivska et al., 2022, p. 165). In the light of such tasks, public-private partnership in the field of higher education plays an increasingly important role. The importance of the latter is due to the fact that with its help it is considered possible to attract additional funds for the development of education, reduce the burden on the state budget and improve innovation activity. In this context, it should be noted the statement of T. Hubanova (2019, p. 224) that public-private partnership in the field of education and science in Ukraine should become a tool for the modernization of educational and scientific technologies on the basis of combining the potential of the state with the resources of private business for strengthening of the principles of civil society and reinforcement of the state legal system (Haltsova et al., 2021, p. 254).

PURPOSE AND OBJECTIVES OF THE STUDY

The purpose of the article is to elaborate on the features of international public-private partnership in higher education and to provide recommendations for improving national legislation in this area based on the analysis of these peculiarities.

In order to achieve this goal, the following tasks need to be solved:

to reveal the essence of the concept of international public-private partnership in higher education;
to highlight the key features of public-private partnership in higher education;
to provide recommendations for improving national legislation based on the analysis of the identified features.

MATERIALS AND METHODS

The purpose was achieved and the objectives of the study were fulfilled by selecting and summarizing the sources that analyze certain features of administrative and legal regulation of higher education. For this purpose:

the works of domestic and foreign researchers regarding the essence of international public-private partnership in the field of higher education were studied and analyzed;

b) the sources that characterize certain features of public-private partnership in the field of higher education were analyzed.

This made it possible to:

characterize the essence of international public-private partnership in higher education and its purpose;

consider the specific legal framework, the system of motivation for high academic performance at the expense of funds of international organizations and international charitable foundations and the introduction of elements of entrepreneurial behavior in the activities of higher education institutions as key features of international public-private partnership in the field of higher education.

The following methods were used in the study:

a systematic approach was used to understand the essence and significance of international public-private partnership in the field of higher education;

the logical-legal method was used to identify the features of the international public-private partnership in the field of higher education;

with the help of the forecasting method, promising directions for the improvement of international public-private partnership in the field of higher education were determined.

LITERATURE REVIEW

The generalization of the research has led to the identification of several key aspects that scholars pay special attention to:
In the current practice of international organizations, there is a wide variety of forms of cooperation between international organizations and external actors. There is no single concept or term for such forms of cooperation.

The pedagogy of partnership in modern higher education is based on the model of interaction of participants in educational activities, must meet the established criteria and be characterized by clear parameters, in particular: the ability to create an educational environment that meets the principles of humanity and respect; the ability to establish effective communication within the framework of partnership; the ability of academic staff to create a basis for partnership; ensuring team partnership; application of self-management technologies.

The level of development of the motivational sphere of the student depends on the methods, conditions and means of education in a higher education institution, awareness of one's own goal in obtaining education, subjective and reflective attitude to education, subjective activity and subjective attitude.

The introduction of the entrepreneurial behavior model in the activities of higher education institutions provides for the commercialization of research results, will ensure the growth of their financial results and, accordingly, will ensure sustainable development on a long-term basis.

The study conducted in this article opens up prospects for a more comprehensive understanding of the need to ratify the Global Convention on the Recognition of Higher Education Qualifications in the course of strengthening international cooperation in higher education, exchange of experience and development of international standards in the field, harmonization of Ukrainian higher education standards with international norms, prompt exchange of experience between states and higher education institutions and mutual recognition of qualifications between countries, which facilitates the transfer and recognition of educational achievements.

FINDINGS AND DISCUSSION

The term "public-private partnership" appeared in the United States first in connection with the introduction of co-financing of educational programs from the public and private sectors, and later, in the 1950s, for the same financing of public utilities. However, this term acquired a broader context in the 1960s to refer to the cooperation of public and private sector partners in the process of urban renewal, development of territorial infrastructure and provision of social services (Hedz, 2011).

The term "public-private partnership" is widely used in the world science, while in Ukrainian science the term "public-private partnership" is more common. In highly developed countries, public-private partnerships are most often used in the healthcare and education sectors, which is dictated by the socio-economic policies of the states. In countries with low socio-economic development, the state and business interact in the implementation of construction programs, transport infrastructure, etc. (Domina, 2021). Public-private partnerships are a developed form of implementing investment projects in public (state and municipal) infrastructure that involve a high level of cooperation between the public and private sectors. According to U. Parpan, (2020, p. 214) public-private partnership should be understood as a legally formalized cooperation of public and private partners for a certain period of time, based on the pooling of contributions and risk sharing, in order to solve public problems, which is carried out through the implementation of investment projects of objects in the public interest.

N. Blokker (2016, p. 21) draws attention to the fact that in the current practice of international organizations there is a wide variety of forms of cooperation between international organizations and external actors. There is no single concept or term for such forms of cooperation. Some of them are called partnerships, others have other names. It is argued that the need for international organizations to cooperate with external organizations is likely to remain, so more partnerships can be expected to be established in the future. According to V. V. Cherkasova (2012), international partnership is a voluntary agreement on international cooperation between two or more parties, in which all participants agree to work together to achieve a common goal or perform a specific task and share risks, responsibilities, resources, authority and profits. Among the features of international partnerships are usually the following: reliability, dynamics, efficiency and essence of relations, as well as their duration.
V. V. Derhachova and V. V. Ershad Pur (2022) points out that international partnership is a process of interaction between international entities aimed at expanding sales and obtaining high-quality and affordable resources for the further functioning of the firm and increasing profits. Today, there are many types of international partnerships, but international production partnership and its subtypes, such as leasing, project financing and joint venture, are particularly popular among Ukrainian enterprises.

Some scholars are convinced that ensuring constructive cooperation and effective interaction between participants in the educational process is a requirement of our time. This allows to improve the quality of higher education to achieve a high level of efficiency of educational activities through innovation. According to R. Vynnychuk, O. Terekhovska, H. Babak, V. Vasenko and O. Protas (2022, p. 48), in modern higher education is based on the model of interaction of participants in educational activities, must meet the established criteria and be characterized by clear parameters, in particular: the ability to create an educational environment that meets the principles of humanity and respect; the ability to establish effective communication within the framework of partnerships; the ability of scientific and pedagogical workers to create a basis for partnership; ensuring team partnership; application of self-management technologies.

Thus, international public-private partnership in higher education is a form of cooperation between government agencies and private entities in the field of higher education, which is aimed at jointly solving educational problems and achieving strategic goals in the studied area of public life. This form of partnership can include various types of cooperation, such as joint projects, exchange of experience among students and lecturers, joint research, development of programs and courses of study, as well as exchange of experience and resources.

In view of the above, it is quite fair to say that the purpose of international public-private partnerships is to ensure quality education, increase the competitiveness of higher education at the international level and develop innovations in education and science in Ukraine and the world. Thus, based on the analysis of the above-mentioned international documents, some researchers conclude that the central figure in the educational and upbringing processes is the student as a person. All other participants only contribute to the formation of the personality of the student, purposefully ensure his/her age development, taking into account natural prerequisites, aspirations, inclinations and abilities (Kirdan et al., 2021, p. 684). At the same time, it is obvious that in today's globalized world it is impossible to provide a full range of educational opportunities for individuals solely through appropriate national regulation. Transnational companies, high population mobility, and the problem of professional realization of refugees contribute to the constant search for interstate cooperation on education. And the first feature of this international public-private partnership in higher education is a specific legal framework.

To date, a number of international normative documents in the field of education have been adopted, for example:

the Universal Declaration of Human Rights, Article 26 of which defines the right to higher education as a universal human right;

the International Covenant on Economic, Social and Cultural Rights, which enshrines the right to higher education and obliges states parties to ensure access to it;


Another fundamental international document whose ratification is extremely important for Ukraine is the Global Convention on the Recognition of Higher Education Qualifications. It has been ratified by 21 countries, including Australia, France, Japan, Norway, Sweden, Norway, Sweden, Japan, and the United Kingdom. Ukraine has not ratified it yet. The Global Convention establishes universal principles for the fair, transparent and non-discriminatory recognition of higher education qualifications and qualifications that provide access to higher education and offer opportunities for further study and employment. The Global Convention also promotes the recognition of qualifications, prior learning and periods of study obtained through distance
learning. In addition, it facilitates the recognition of refugee qualifications, even in cases of lack of educational documents Committee on (Education, Science and Innovation, 2023).

Another feature of international public-private partnerships in higher education is a specific system of motivation for high academic performance, creative and scientific achievements of students, formed within the framework of international public-private partnerships at the expense of funds from international organizations and international charitable foundations. Every day, within the framework of this partnership, announcements of grants for foreigners to obtain educational degrees, implement social projects, and personalized scholarships for prominent writers, artists, and scientists appear on websites and social networks around the world. For example, I. Chernova, O. Vdovina, O. Drahomyretska, Yu. Khodykina, O. Medvedieva and S. Hvоздetska (2021, p. 86) note in this context that the level of development of the motivational sphere of an education applicant depends on the methods, conditions and means of education in a higher education institution, awareness of one's own goal in obtaining education, subjective and reflective attitude to education, subjective activity and subjective attitude. The motivational sphere of a person is determined by activity. In order for the activity to become a component of development and self-development, it is important not only to deeply understand the nature of its content, but also to constantly improve the motivational side of the personality.

The third feature is the introduction of elements of entrepreneurial behavior in the activities of higher education institutions in the course of public-private partnerships in higher education. Salun M., Zaslavska K., Berest M., Tsukan O., Kolisnyk M. (2020, p. 261) note that the introduction of the entrepreneurial behavior model in the activities of higher education institutions involves the commercialization of research results, will ensure the growth of their financial results and, accordingly, will ensure sustainable development on a long-term basis.

Thus, based on the analysis of the above-mentioned features, in order to improve the international public-private partnership in the field of higher education, the first step should be the ratification of the Global Convention on the Recognition of Higher Education Qualifications. This is explained by the fact that:

ratification allows strengthening international cooperation in the field of higher education, promoting the exchange of experience and the development of international standards in the researched field;

with its help, it is considered possible to harmonize the standards of higher education of Ukraine with international norms, which contributes to increasing the quality and competitiveness of higher education in our country;

the adoption of this document makes it possible to more quickly exchange experience between states and institutions of higher education, both at the student-student level and at the lecturer-lecturer level, etc.;

promotes mutual recognition of qualifications between countries, which facilitates the transition and recognition of educational achievements.

The next step towards improving international public-private partnerships in higher education should be to improve certain provisions of the Law of Ukraine "On Public-Private Partnerships". It should be noted that this legislative act does not actually mention public-private partnerships at the international level. In view of this, we are convinced that an important step towards solving this problem should be amending the said legal act, which should: first, legislatively establish that one of the key principles of public-private partnership is international cooperation. In particular, it seems necessary to emphasize the importance of such cooperation in the educational sector; secondly, to establish the range of entities responsible for the implementation of public-private partnerships in various areas of public life, including higher education; thirdly, the document should provide for the creation of programs and funds to finance international mobility; fourthly, the law should create transparent and open mechanisms for the selection and implementation of international partners, including open tenders, data, reports, etc.

Taking into account the above amendments to the Law of Ukraine "On Public-Private Partnership", it seems necessary to develop a separate subordinate legal act "On Approval of the Procedure for International Public-Private Cooperation in the Field of Higher Education", which should be adopted by the Ministry of Education and Science of Ukraine. This regulatory act, issued on the basis of the law, in accordance with the law and aimed at its implementation by specifying legislative requirements or establishing primary norms, should consolidate
the procedural aspects of international cooperation in the field of public-private partnership; create a kind of foundation for the functioning of public-private partnership in higher education at the international level; define the rights and obligations of participants in relevant international legal relations, including government institutions and private companies; ensure transparency of public-private partnerships, etc.

CONCLUSION

Thus, public-private partnerships in higher education are playing an increasingly important role at the international level. The importance of the latter is due to the fact that it is seen as possible to attract additional funds for the development of education, reduce the burden on the state budget and improve innovation.

Given the study, international public-private partnerships in higher education should be defined as a form of cooperation between government agencies and private actors in the field of higher education, which is aimed at jointly solving educational problems and achieving strategic goals in the studied area of public life. This form of partnership may include various types of cooperation, such as joint projects, exchange of experience among students and teachers, joint research, development of programs and courses of study, as well as exchange of experience and resources.

In today's globalized world, it is impossible to provide a full range of educational opportunities for individuals solely through appropriate national regulation. Transnational companies, high population mobility, and the problem of professional realization of refugees contribute to the constant search for interstate cooperation on education. And the first feature of this international public-private partnership in higher education is a specific legal framework. Another feature of the international public-private partnership in higher education is a specific system of motivation for high academic performance, creative and scientific achievements of students, formed within the framework of the international public-private partnership at the expense of funds from international organizations and international charitable foundations. The third feature is the introduction of elements of entrepreneurial behavior in the activities of higher education institutions in the course of public-private partnership in the field of higher education.

Thus, based on the analysis of the above features, in order to improve international public-private partnerships in higher education, the first step should be the ratification of the Global Convention on the Recognition of Higher Education Qualifications.

The next step towards improving international public-private partnerships in higher education should be to improve the Law of Ukraine "On Public-Private Partnerships". It should be noted that this legislative act does not actually mention public-private partnerships at the international level.

Taking into account the above amendments to the Law of Ukraine "On Public-Private Partnership", it seems necessary to develop a separate subordinate legal act "On Approval of the Procedure for International Public-Private Cooperation in the Field of Higher Education", which should be adopted by the Ministry of Education and Science of Ukraine.

REFERENCES


