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PHILOSOPHICAL AND LEGAL ANALYSIS THE CONCEPT OF "ACADEMIC INTEGRITY"

The increase in scientific knowledge in the world requires effective methods and mechanisms to improve educational process and scientific activity, first of all, to protect the intellectual property rights of its participants. There is a problem of understanding the essence of "Academic Integrity" as a specific safety guard in the field of assessing the honesty of scientists and the reliability of the results of their research.

Conduct a philosophical and legal analysis of the main characteristics of the concept of "Academic Integrity". Was used the axiological approach as a way of cognition of philosophical and legal phenomena, as well as: system analysis, pragmatic approach and structural-functional analysis in opening the role, hierarchy and functional manifestations of the phenomenon of "Academic Integrity". Provided the author's definition of the concept of "Academic Integrity": 1) a special methodological procedure that ensures the receipt of specific knowledge and information by the participants of the educational process; 2) a system of special institutional norms and criteria; 3) the process of consolidation of the scientific society through the priority of human freedom in its spiritual determination; 4) the direction of research on various aspects of such activities in the educational process; 5) academic discipline in the course of ethics.

It is concluded that the principles of justice, human-centrism and phenomenon of trust should be considered the basis of "Academic Integrity". Directions for further research in the field of academic virtue are proposed.

Keywords: The Educational Process, Academic Integrity, Human Freedom, Phenomenon of Trust.

In the 21st century, the educational process faced urgent challenges to improve the quality of its results, the creation of effective mechanisms to struggle plagiarism, the observance of copyright and intellectual property rights. All these challenges are due to advances in science and technology, information and communication technologies, information policy and like it.

The problem of academic integrity has a longer exploration in legal sciences. In philosophy, this problem has not been sufficiently studied. In the modern scientific literature in the study of the phenomenon of academic virtue on an interdisciplinary basis are engaged, T. Finikov, A. Artyukhov [1], V. Bakhrushin [2], A. Bryhynets [3], A. Vasiliev, L. Gubersky, M. Zharikova [4], O. Zaplotynska [5], S. Kurbatov, A. Meleshevich, A. Melnichenko [6], M. Yasynok [7] and other researchers.

The purpose of article is a philosophical and legal analysis of the main characteristics of the concept of "Academic Integrity".

A theoretical analysis of this concept requires, first of all, clarification of the content and understanding of the category of "Integrity" in the legal plane.

In 1980, to establish a new international economic order, at the session of the UN General Assembly, the Convention "On contracts for the international sale of goods" was adopted. The fundamental principle in the Convention defines "Integrity" (good faith, conscience),

for example in Art. 7 (1) stipulates that "when interpreting this Convention, it is necessary to take into account its international character and the need to promote the achievement of uniformity in its application and the observance of fairness in international trade" [8].

In the future, the International Institute for the Unification of Private Law (Rome, Italy) (UNIDROIT), in the preparation of uniform rules for private law, the principle of integrity was given a worthy place. In particular, in the UNIDROIT Principles of International Commercial Contracts (2010) in Article 1.7 provides the following definition: "1) Each party must act in accordance with good faith and fair dealing in international trade. 2) The parties may not exclude or limit this duty" [9].

Other articles of UNIDROIT contain a number of provisions that establish the direct or indirect application of the conditions of integrity, and therefore "integrity" can be considered one of the main ideas. For our study, the above provisions from the Convention and the UNIDROIT Principles are important, first of all, in the awareness and observance of copyright and intellectual property rights, as well as for the knowledge of the international system of morality in commerce.

In the Bucharest Declaration on the Moral Values and Principles of Higher Education in the European Region, clause 2.2 defines that such the main moral values of the academic community should be considered: honesty, trust,

fairness, respect, reliability and responsibility. Also in this Declaration (clause 4.1) it is noted that the general ideas for conducting scientific activities should be "intellectual freedom and social responsibility" of the scientist [10].

In Ukraine (in the legal plane), the concept of "Academic Integrity" in paragraph 1-1 of Article 1 of the Law of Ukraine "On Higher Education" and in Article 42 of the Law of Ukraine "On Education" is defined as follows: "Academic integrity is a set of ethical principles and certain the law of the rules that must be followed by participants in the educational process during training, teaching and scientific (creative) activities in order to ensure confidence in the learning outcomes and / or scientific (creative) achievements" [11;12]. Consequently, the analysis of the normative definition makes it possible to understand the "triune" structure of the concept of "Academic Integrity" – these are ethical principles, legal norms and the scope of their application. And also find out what the semantic construct of the legal concept "Academic Integrity" is in the philosophical and legal plane is somewhat "emasculated" and requires additional research for a broader disclosure of the essence of this concept.

Although the problem of "Academic Integrity" is being investigated by representatives of various scientific fields, there is still no single definition of this concept. The above reasoning allows us to conduct a philosophical and legal analysis of the main characteristics of the concept of "Academic Integrity" in the aspects: justice, human-centrism and the phenomenon of trust.

For the "starting criterion" of the observance of the principle of justice in the field of "Academic Integrity" for a scientist, the following algorithm should be defined: "a scientist must act, first of all, proceeding from the general interests of science and only then from personal interests" [13]. The primarily of the determination of this criterion in the just activity of a scientist is priy due to the fact that public institutions do not keep pace with the rapid pace of development of science and technology, information and communication technologies and politics. Therefore, only the conscience of a scientist is the authority that primarily determines the degree of his personal responsibility from participation in the educational process, incl. in providing an answer to the question: did he act out of the general interests of science and only then out of personal interests?

The application of this criterion to other participants in the educational process also takes place, but with certain clarifications. For example, a student is also obliged to subordinate his activities in the educational process to the general interests of this process, and only then act in the interests of personal ones, within the specified process.

Actually, justice, as a moral quality, is expressed in the social behavior of a person. "Human justice", says G. Kelsen, is the justice of her social behavior, and the fairness of her social behavior lies in the fact that it conforms to such a norm that constitutes the value of justice and is fair in this sense" [14].

For our study, the views of the famous lawyer G. Radbruch are also interesting, who defined the following characteristic features of justice: justice as a virtue (subjective justice) and justice as a characteristic of relations between people (objective justice) justice in proportion to positive law (legality, justice of judges) and justice as a pre-legal and supra-legal idea (justice of legislators)

equalizing justice (justice of private law) and distributive justice (justice of public law) [15].

It is also worth noting that one and the same person, as a subject of the educational process (in the legal dimension), can simultaneously have different social roles (different scope of legal personality, duty). For example, a scientist, as a researcher, subordinates his scientific activity to the "process of obtaining new knowledge", and as a citizen he can have the following social statuses: teacher, head of a scientific institution, expert, and like it. Actually, each of these social statuses (roles) has specific philosophical and legal dimensions, but for all of them the output criterion of observance of the principle of justice in the field of "Academic Integrity" can be applied.

Another of the criteria for the law enforcement of the principle of justice in "Academic Integrity" is appropriate to consider the norm of criminal law in relation to "illegal benefit", the definition of which is given in the footnote to Article 364-1 of the Criminal Code of Ukraine: illegal benefit should be understood as money or other property, benefits, services, intangible assets, any other benefits of an intangible or non-monetary nature that are offered, promised, provided or received without a legal basis.

Exploring "Academic Integrity" in the ethical space, we can also present it as a system that has a certain legal order. The peculiarity of this legal order is that it is a positive legal order. That is, such a legal order that carries a certain obligation, in which a certain moral system corresponds to the measure.

However, as noted by the well-known jurist G. Kelsen, "when passing a moral" sentence to the formation of a positive legal order, evaluating it as bad or good, fair or unjust, one should realize that this scale is relative and another assessment is not excluded – based on other moral systems. And when we, measuring the rule of law by the yardstick of one moral system, define it as unjust, then, measured by the yardstick of any other moral system, it can receive an assessment of the just" [14]. Therefore, having identified the appropriate criteria for the components of the ideas of justice, it will be possible to further generalize the criteria of the principle of human-centrism in which the "Academic Integrity" of the participants in the educational process will be observed.

In our opinion, the Kantian ideologeme "cognition, practice and aesthetics of the ability of judge" can be considered the fundamental idea of the principle of human-centrism (humanity). Since each of these forms of human life is focused on its own ideal (the ideal form of cognition is truth, practical is good, aesthetic is beauty), they are taken in unity, which provides an opportunity to measure a person's humanity by the degree of involvement in these ideals.

As E. Ryabenko points out, "according to the philosophical principles of the human-centered approach, the subject of the educational process is, first of all, a person who strives for self-realization and self-improvement" [16]. Elsewhere, he points out: "the application of the principle of human-centrism in the management of higher education is aimed at: the formation of a free and responsible personality; the formation of ideological attitudes, views, values of a universal human nature; providing conditions for the free self-determination of each person in the worldview space for him to accept her own values in the form of life goals, leading motives and interests, aspirations, needs, principles, etc".

Such approaches to understanding the problem will be the best incentives to create conditions under which full observance of the principle of human-centrism in the field of "Academic Integrity" is possible.

In the Ukrainian language, the word "trust" is associated with the root "faith", and means "attitude towards someone that arises on the basis of belief in someone else's righteousness, honesty, sincerity, etc." [17]. That is, to trust is to believe in "something", "to be reliable", which in its meaning corresponds to the concept of religious faith recorded by the Apostle Paul: "Faith is the fulfillment of the expected and confidence in the invisible" (Epistle to the Hebrews of the Holy Apostle Paul 11: 1). We can assume that the phenomenon of trust in academic integrity has the following structure in the minds of a scientist or other participant in the educational process: cognition of the meaning of life in science; adoption of a form of observance of the interests of a common cause dedication for the sake of the authority of science.

Thus, we cognize the phenomenon of trust, first of all, through the awareness of our own meaning of life, and in the educational process, in particular. As V. Frankl correctly points out, "in a period of abundance society, most people have enough means to live, but most people do not know at all what they live for" [18]. So, the problem of finding the meaning of life is a multifaceted and multivariate process (system, hierarchy). Accordingly, the intentions about the meaning of life in the educational process is not always a person is "covered" in words, and this leads to the experience of wordless acts of "immersion in the meaning of existence" in a specific process (field of knowledge, sphere of scientific interests, etc.). We "enjoy" sensations, experiences, immersion and involvement in other dimensions, information spheres, energetic experience (it's like "floating in the Platon's world of ideas").

On the adoption of the form of observing the interests of the common cause, as a specific facet of academic integrity, that here one should proceed from the following positions: a scientist (or anyone else who is the bearer of academic integrity), having formed his meaning of life in the educational process, conscientiously "leads" the strong-willed component to ensure the taken measure of the interests of the common cause. For example, the active position of a scientist in the educational process can be defined in the formula: awareness of the common interests and the nature of their actions, with a prudent foresight of socially beneficial consequences and the desire for their occurrence.

"Delayed satisfaction" (this is how the third element of the phenomenon of trust can be metaphorically defined) is selflessness for the sake of the authority of science. Actually, the mental and psycho-emotional "searches" of the scientist in the educational process, first of all, characterize selflessness, sacrifice for the sake of increasing knowledge (information field). This selflessness – is the result of the process of human activity, can be defined as the satisfaction of curiosity about the world of the unknown. The criterion for the quality of satisfaction of curiosity "about the world of the unknown" can be considered the awarding of an educational qualification degree and academic title. "Not science is in you, but you are in science" – this is a formula for the dedication of a scientist for the sake of the authority of science.

The conducted research makes it possible to formulate the following definition of the concept of "Academic Integrity": a) a special methodological procedure that ensures the receipt of specific knowledge and information by the participants of the educational process; b) a system of special institutional norms and criteria; c) the process of consolidation of the scientific society through the priority of human freedom in its spiritual determination; d) the direction of research on various aspects of such activities in the educational process; e) academic discipline in the course of ethics.

Taking into account the above essential aspects of the concept, preliminary conclusions was drawn that the principles of justice, human-centrism and the phenomenon of trust should be considered the basis of "Academic Integrity". However, the theoretical content of these principles requires further research.

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ФІЛОСОФСЬКО-ПРАВОВИЙ АНАЛІЗ ПОНЯТТЯ "АКАДЕМІЧНА ДОБРОЧЕСНІСТЬ"

Примноження наукового знання у світі потребує дієвих способів та механізмів удосконалення освітнього процесу та наукової діяльності, насамперед задля захисту прав інтелектуальної власності її учасників. Існує проблема розуміння сутності "академічної доброчесності" як специфічного запобіжника у сфері оцінювання чесності науковців та достовірності результатів їхніх досліджень. Мета – провести філософсько-правовий аналіз засадничих характеристик поняття "академічна доброчесність".

Використано аксіологічний підхід як засіб пізнання філософсько-правових явищ, а також: системний аналіз, прагматичний підхід та структурно-функціональний аналіз для розкриття ролі, ієрархічності та в разі функціональних проявів феномену "академічна доброчесність".

Надано авторське визначення поняття "академічна доброчесність": а) спеціальна методологічна процедура, яка забезпечує отримання специфічних знань та інформації учасниками освітнього процесу; б) система особливих інституціональних норм та критеріїв; в) процес консолідації наукового суспільства через пріоритет свободи людини в її духовній детермінації; г) напрям досліджень різноманітних аспектів такої діяльності в освітньому процесі; д) академічна дисципліна в курсі етики.

Зроблено висновки, що основою "академічної доброчесності" необхідно вважати принципи справедливості, людиноцентризму та феномен довіри. Запропоновано напрями подальших досліджень у сфері академічної доброчесності.

Ключові слова: освітній процес, учасники освітнього процесу, академічна доброчесність, свобода людини, феномен довіри.