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**BUSINESS STRUCTURES, AS NEW FORMS OF INSTITUTION, IN
CONTEXT OF THE CIVIL SOCIETY DEVELOPMENT**

***Abstract.** The key role of civil society in shaping a democratic state is determined. The essence and structure of civil society institutions are determined. It is proved that in addition to existing institutions, in modern civil society new forms of institution - business structures have been formed. The essence of the definition of the concept "business structure" is characterized and their classification is described. The difference between business structures from traditional enterprises is revealed. It is systematized as a prerequisite for the formation of such structures in a market economy. The factors of influence of business structures on the development of civil society are generalized. It is proved that modern business structures, as powerful integrated systems of self-governing economic entities of various organizational and legal forms operating in a market environment or in a global Internet network (network business structures), have a decisive, positive and negative impact on development of civil society in the state.*

JEL Classification: F01, F02, F23, L26

Introduction.

Civil society is one of the main elements of the establishment of a democratic state [27]. It plays a key role in the management of public affairs, the solution of issues of local importance, the development and implementation of effective public policies in various areas of social life, the establishment of a responsible democratic, social and legal state; solving political, socio-economic and humanitarian problems. [15, p. 109].

A new stage in the development of civil society in Ukraine was the result of the 2014 Ukrainian Revolution of Dignity. The public has shown a powerful influence on social transformations in the state, has become a moving force of transformation and renewal of power in society. The most important tasks of modern Ukrainian society were the formation of a new civil society and the restoration of a powerful economy in the country.

To ensure the fulfillment of these complex tasks, the Presidential Decree №68/2016 "On promoting the development of civil society in Ukraine" consolidates the basic foundations for the formation and development of civil society, which has a broad-based structure of institutions. A special role in these processes is played by business structures, such as the evolutionary form of enterprises, which is the leading link in the Ukrainian economy. Their activity has a decisive influence not only on the further development of the economy, but also on the development of civil society in the state.

Evaluating the place and role of entrepreneurial structures in the context of the development of civil society institutions in Ukraine, clarifying its essential features and characteristics will reveal their influence on the formation and development of civil society in the country. Therefore, an important task under the current conditions is to develop a scientific basis for identifying the priorities of activating the activities of business structures in a civil society.

1. The essence of civil society and its components

The main component, the moving force of all democratic legal states of the world is a developed civil society. By definition [11], civil society can be considered as a self-regulated and self-regulated sphere of public-legal relations in a state formed by free and equal individuals and associations of citizens created by them, which function by forming social capital and control over state authorities, serve as the basis democracy and a determining factor in the development of a state governed by the rule of law.

This category describes the system of public relations in the state, which are formed, developed and stopped between different participants in this process. That is, civil society can not be identified with any one subject of public-legal relations [11] and has a complex, branched structure. The EU government's White Papers treats civil society as "uniting mainly organizations themselves formed or formed under the leadership of non-governmental organizations, professional associations, charitable, initiative, organizations that encourage socially active life at the district and city level, sometimes with the contribution of the local church and its community" [7].

The foundations of modern civil society are institutions of civil society. The Institute of Civil Society is a subjects that, are in the course of its activities form the social relations directed at the establishment of civil society; institutes that unite in their composition the norms of the constitutional and other branches of law that regulate social relations in the corresponding sphere and serve as constituent elements of the multidimensional system of constitutional law of Ukraine; a generic name for all organized and structured expressions of civil society, etc. [11].

In Ukraine, civil society institutes are often referred to as "the public", but it is not worthwhile to identify them, because the public has a broader term than the term "civil society institutions" [18, pp. 38-40].

The classification given in [7] to civil society institutions include: a non-governmental organization (in English NGO); private voluntary organization (in English PMO); public organization; community; intermediary organization of volunteers; extra-budgetary organization; public foundation; local community clubs; trade unions; association of citizens on cultural, genders and religious grounds; charitable organization; social or sports clubs; cooperatives; environmental organization; professional association; academy; private business; legal institutions; consumer organizations; mass-media; voluntary squad; religious organizations; clubs by interests.

According to the current legislation in Ukraine, civil society organizations include: public organizations; religious organizations; charitable organizations; trade unions; unions of trade unions; creative unions; associations; employers' organizations; non-state media; other non-business societies and institutions legalized in accordance with the legislation of Ukraine [23]. In the studies of Smovzhenko T. to the classification of civil society added social movements, political parties, territorial communities, elements of the judicial and law-enforcement system, which are dependent on the public. Also, in a certain aspect, the author refers here elections, referendums and public initiatives, when they serve as means of forming and revealing public opinion and protection group self-organization interests and function as civilian communities [26]. The author also refers to the civil society institutions as formal and informal organizations, namely, industrial and commercial associations and networks. According to Smovzhenko T. [26], civil society is being formed not only institutions, but also a certain type of culture that has been formed in society.

According to Article 1 of the Constitution of Ukraine, which was adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996 [12], Ukraine was recognized as a sovereign and independent, democratic, social, and law-governed state. Formation of a democratic state is the most important direction of development of Ukraine, one of the main tasks of which is the formation of civil society and institutions. For build of a new state, the definition of Ukraine as a democratic, and the necessary objective and subjective prerequisites, factors for the construction of such statehood in the territory of Ukraine [13] and the creation of appropriate business structures are not enough at the level of the Constitution.

2. The essence of the definition of the concept of "business structure"

"For successful activity in the modern dynamic world" and the formation of a democratic society "organizations and the state need to have the fourth or fifth level of development" (technological organization) [30]. At present, Ukraine's economy is basically at the level of the third-fourth technological organization. According to analytical materials to the parliamentary hearings "Strategy of innovation development of Ukraine for 2010-2020", in Ukraine, the enterprises of the III technological organization accounts for 46% of their total, IV - about 50%, V - 3%, and innovation activity does not change the technological organization of the economy, preserving it [10, p. 54].

The transition of Ukraine to a higher level of technological development can only be achieved by an effectively functioning market economy, the leading links of which are competitive enterprises, as business entities. The restructuring of the Ukrainian economy and the formation of a market economy system "led to the formation of new structures that contribute to the formation of market mechanisms of economic activity, the development of economic competition, the growth of production efficiency, the growth of investment and innovation potential" [5, p. 166-170]. Such new structures are business structures.

In general, the term "business structure" is widely used by domestic scientists as a generalizing concept. By definition, one part of the scientists, the term "business structure" is identified with the term "enterprise", while the other part invests in this concept a much broader meaning. In Ukraine, at the legislative level, this concept is not used. In domestic and foreign scientific literature, there are no approaches to the interpretation of this concept. Therefore, it is first necessary to investigate the definition of the concept of "business structure" and define approaches to its interpretation (Fig. 1.).

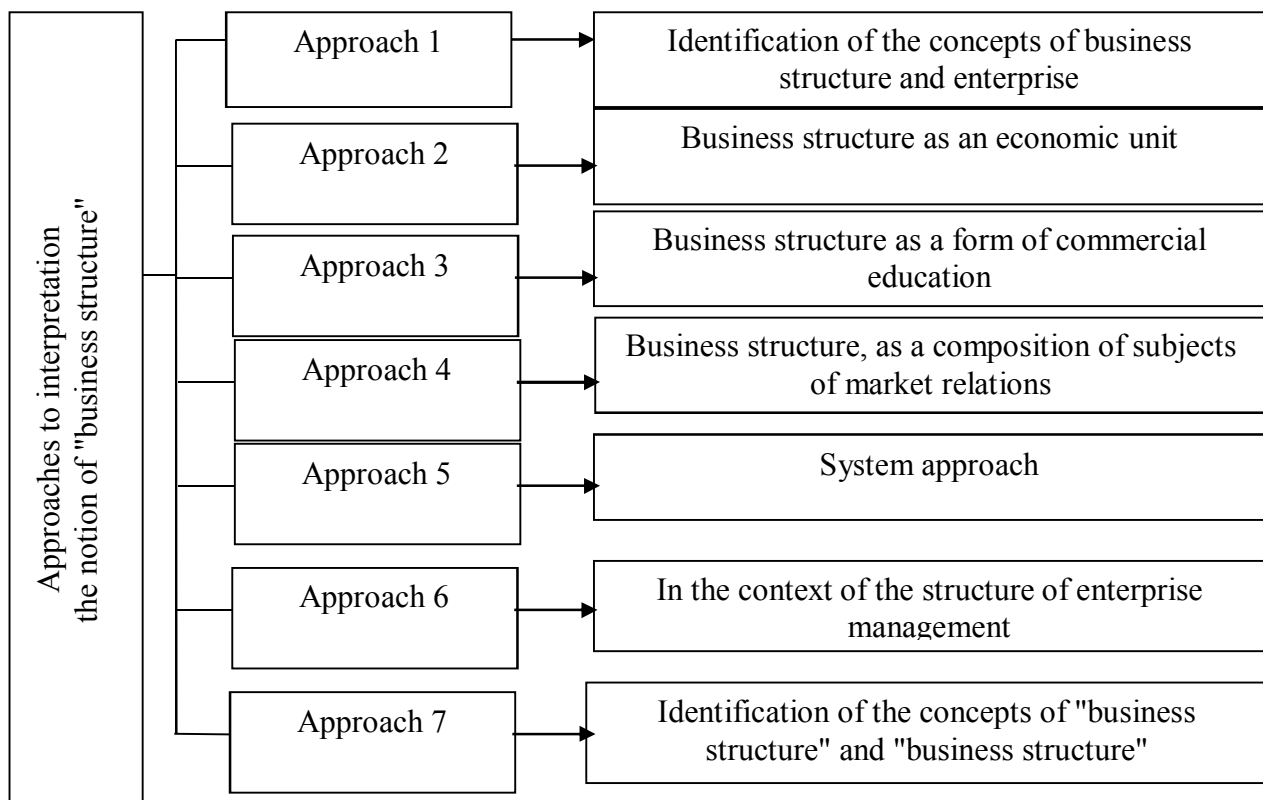


Fig. 1 Approaches to the interpretation of the concept of "business structure"

The first approach. Identification of the concepts of business structure and enterprise.

Most domestic scientists consider that an enterprise, functioning in a market economy as a business entity, and is an business structure [19].

That partly coincides with the classical definition of the enterprise. The enterprise itself is an independent economic subject, which ensures the production of competitive products, implementation of works, services that satisfy needs of consumers and society.

The features of the creation, operation and liquidation of enterprises in Ukraine are enshrined in the Commercial Code of Ukraine, which states that an enterprise is an independent economic subject created by a competent authority of state power or a local self-government body or other subject to satisfy public or private needs through the systematic implementation of industrial, research, trade and other economic activities [6].

The second approach. Business structure as an economic unit.

According to this approach, researchers consider an business structure as an independent economic unit, a main link in the economy. So, by definition, Tkacheva I.E. and Ropotan S.V. a business structure is an independently functioning economic unit whose activities are subject to the laws of entrepreneurship and consists in the constant search for an optimal form of compliance with market requirements at a specific moment in the development of the market [24, p.114-117; 13, 29, p.98]. This approach, as the first approach, identifies the concept of "enterprise" and "business structure", only emphasizing the aspect of their economic independence.

The third approach. Business structure as a form of commercial education.

Business structure, as a form of commercial education, carries out business activity in order to profit. Such activity is legalized. So, by definition, Koshelev V.M. an business structure is a legal form of a commercial entity engaged in entrepreneurship on its own behalf, that is, it derives profits from the results of its activities [33].

This approach, as well as previous approaches, identifies the concept of "enterprise" and "business structure", only focusing on the aspect of their business and registration as a legal entity.

Fourth approach. Business structure, as a composition of subjects of market relations.

According to this approach, a business structure is understood to mean a certain group of subjects of market relations whose purpose is to obtain business income. By definition I.N. Gerchik business structure is a composition of subjects of market relations, which include only those organizational and economic units whose purpose is to generate profit as the final result of activities [32.]. Gershank G.A., Shishkin D.G. clarifies the concept of a business structure, including to such structures only those organizational and economic units whose purpose is to generate profit (business income) as the final result of activity [2, p. 63-69].

This approach is based on the necessity for profit or business income as the main goal of business structures.

Fifth Approach. System approach.

The application of a systematic approach makes it possible to carry out a complex study of a complex object - a business structure, as a single integral system in an inextricable connection with all its constituent elements. Such a structure is a self-financing and self-financed system that should provide cost-effective activity [28].

Krivenko L., Krivenko S. support this idea, considering that business structures should be characterized as a system object that has such properties as integrity, hierarchy, integrability [16, p.51-62]. By definition, Glushich D.A. and Orlova A.V. business structure is a structure whose activity is the rational use of factors of production for the creation of a qualitatively new product, as well as profit, the use of technical progress, which is associated with the emergence of various risks, while responsibility is entirely economically. Foreign researchers distinguish two main approaches to the definition of "business structure":

1. In the context of the structure of enterprise management [14].

According to this approach, the concept of "business structure" is identified by researchers with the organizational structure of the enterprise. This is due to the possibility of double interpretation and understanding of this term inherent in the Ukrainian language: the business structure is the structure of the enterprise.

In our opinion, the identification of these two concepts is inappropriate. It is necessary to distinguish between the terms "business structure" and "enterprise structure" (or "organizational structure of the enterprise"). Thus, Article 64 of the Commercial Code of Ukraine gives a clear definition of the organizational structure of the enterprise, as a composition and the ratio of its internal units (shops, sections, divisions, laboratories and other units) that constitute a single economic object [6]. That is, the organizational structure of an enterprise is its internal structure. Distinguish the general, production and organizational structure of the enterprise. And the business structure is the composition of the subjects of market relations, the purpose of which is to generate profits, and each subject as a part of the business structure has its own internal structure or organizational structure.

2. Identification of the concepts of "entrepreneurial structure" and "business-structure" [14].

It should be noted that in Ukraine, the concept of "entrepreneurship" is often identified with the notion of "business" and is considered synonymous words. According to Varnalia Z.S., entrepreneurship is a special type of business, where the main subject is the entrepreneur, who rationally combines the factors of production on an innovative basis and own responsibility, organizes and directs production for the purpose of obtaining business income "[1]. The essence of entrepreneurship is the formation and implementation of a new idea, which can be implemented in the form of new technologies, goods (works, services) in order to meet the needs of society. In Western countries, entrepreneurship is seen as a particular type of business, based on the search for new opportunities for goods and services based on innovation and the ability to attract resources from a variety of sources [21].

Along with the term "entrepreneurship" is used general economic term "business", which characterizes the scope of the business entity and its economic interests, the case in one or another field of entrepreneurship, when in the presence of a certain risk achieved commercial success is achieved. By definition, the economic vocabulary business (English

business) - is the activity aimed at obtaining profit by creating, manufacturing and marketing of certain products or services or business, employment, entrepreneurship, economic activity, aimed at profit [8, p. 24].

According to the above definitions one can conclude that business is a notion broader than entrepreneurship, and business activity is a part of business. At the same time, business can be entrepreneurial. By definition, the Explanatory Dictionary economist business entrepreneur - a business whose object may be production of products, services, trade, commercial and intermediary activities. All that can satisfy needs of consumers and is offered for the purchase on market, use, consumption, in order to obtain business profits [4, p.81]. The basis of any business is the so-called business structures. Business structures are structures that help create an effective business climate, provide an appropriate level of competitiveness, meet the needs of the population and raise both the economy of the region and the state to the corresponding level [9, p.299-301]. Accordingly, the basis of entrepreneurship are business structures. By definition of I.V. Tyrpak, V.I. Tyrpak, S.A. Zhukov business structure is a group of people whose activities are deliberately coordinated to achieve common goals [20]. The diversity of approaches to the interpretation of the concept of "business structure" is due to the fact that each scientist has his own view on this concept and, accordingly, uses it for certain research purposes.

The essence of a business structure that distinguishes it from a typical enterprise lies in the fact that the main emphasis of the activity of such education is directed at the search and implementation of innovations, constant innovation development and entrepreneurship, which will ensure the stability of profits.

The prerequisites for the formation of such structures in a market economy are:

1. The gradual development of human civilization and the invention of all the better new tools of work, caused by industrial revolutions and the change in technological processes.

2. Change in the views on entrepreneurship from the creative activity of one entrepreneur to the collective work of talented people and the introduction of the concept of "collective entrepreneur", which is caused by an increase in the scope of project activities in the enterprise, which can not be implemented by one person.

3. The need for a constant search for ways to increase the efficiency of activity, competitiveness and sustainable development of modern enterprises in an unstable and dynamic environment, complicated by globalization processes.

Thus, a business structure is the voluntary integration of self-governing economic entities of various organizational and legal forms into a united, integrated, open system that functions in a globalized environment with the aim of developing and commercializing innovative products, which increases the efficiency of activities and accelerates the development of business entities forming a business structure.

Data from the Statistical Yearbook of Ukraine give a generalized picture of the total number of registered enterprises in the country in different years, without distinguishing individual business structures. Because the concept of "business structure" in Ukraine is not legally prescribed, and therefore does not analyze. But, if we consider that the business structures are large and medium enterprises, then we obtain the following data (Table 1):

Table 1. Total number of business structures in the total number of registered enterprises in Ukraine for the period of 2010-2017.

Year	Total registered enterprises	Business structures				Enterprises			
		Large	Medium	Total	%	Small	Micro-	Total	%
2010	2183928	586	21338	21924	1,00	68316	2093688	2162004	90,00
2011	1701620	659	21059	21718	1,27	71083	1608819	1679902	98,73
2012	1600127	698	20550	21248	1,32	68103	1510776	1578879	98,68
2013	1722070	659	19210	19869	1,15	65021	1637180	1702201	98,85
2014	1932161	497	16618	17115	0,88	55159	1859887	1915046	99,12
2015	1974318	423	15510	15933	0,80	47555	1910830	1958385	99,20
2016	1865530	383	14832	15215	0,81	43459	1806856	1850315	99,19
2017	1805059	399	14937	15336	0,84	322920	1466803	1789723	99,16

Source: summarized for [22]

Note that this division is somewhat arbitrary, because not all large and medium enterprises are engaged in entrepreneurship and constant innovation activity, that is, they fully correspond to features inherent in business structures, which distinguishes them from the traditional enterprise. As of 2017, the number of business structures in the country is less than 1%, which is primarily due to the crisis processes in the country's economy.

3. Influence of business structures on the development of civil society.

It has been proved (according to Neeraa Chandok's research) that in emerging societies, new democracies, any organization that can positively influence society's influence on the government can be seen as a component of a emerging civil society [7].

At the same time, any organization can not only have a positive influence on the government and the public. According to Smovzhenko T., in a civil society, virtually any activity of an economic agent (individual citizens, firm, and state) is accompanied by planned and also neglected consequences in making decisions that the author called "external effects" or "negative" and positive externalities "[26]. It follows that any organization may also have a negative influence on the government and the public, especially if it puts the benefits of society and the state at the forefront of enrichment and reception. It is from these positions that the foundations of the shadow economy are formed.

Modern business structures, as powerful integrated systems of self-governing economic entities of various organizational and legal forms operating in a market environment or in a global Internet network (network business structures), have a decisive influence on the development of civil society in the state. Let's consider in greater detail such an influence, which, as stated above, is "external effects". The positive influence or "positive externalities" of modern business structures on civil society and the state can be attributed to:

1. Satisfying the needs of society in new technologies, innovative products, works, services that help improve people's lives and increase the level of comfort. For example, the distribution of mobile communications by leading entrepreneurial structures such as Kyivstar, Lifecell, Vodafon and others allowed people around the clock to communicate around the world and improve communications in the community.

2. Increasing the level of public welfare at the level of an individual city, region, state as a whole. For example, the introduction of online payments through the global MasterCard, Visa, American Express, established by leading US business structures and other structures, accelerates settlement and enables businesses to operate globally.

4. Creation of new jobs and industries, which contributes to reducing unemployment in the state and contributes to reducing the level of conflict in civil society. In Ukraine, for example, such world business entities as McDonalds, Nestle, Danon, Nike and many others have opened their affiliates. These structures are large foreign investors in the country's economy. Thus, McDonalds Ukraine Ltd., since its inauguration in 1997, has invested about \$ 225 million in the development of McDonald's network and infrastructure in Ukraine [17].

5. Formation of a new culture of consumption and communication in society. For example, the invention of the Internet and the creation of social networks (the Youtube social network, established in 2005 by the Google Network Enterprise - the leading US multinational public corporation and other networks) has enabled users to communicate online at any time and anywhere in the world, which accelerated the process and formed a new culture of communication between people in society.

6. Formation of new social values, thoughts and outlooks. Modern business structures, as powerful global integration formations, with significant volumes of resources (including financial ones) promoting their goods and services, have an impact on the formation of new social values.

7. Supporting the public in defending their rights in society through the provision of assistance (including financial) for the creation and development of various political parties, movements, the media, charitable organizations, trade unions and other civic organizations in the country. Through such public organizations, modern business structures, on the one hand, carry out charitable support, and on the other hand, they gradually form their desired public opinion in society. In Ukraine, the support of business structures of political parties and movements is particularly widespread.

To the negative influence or "negative externalities" of modern business structures on civil society and the state should include:

1. Impose not typical or contradictory values, the formation of other traditions and own culture in a civil society that dominates the traditions and culture historically existing in this country. For example, McDonalds, a global business entity operating in Ukraine since 1997 where its production is located, has launched a new type of food in the community together with the opening of a chain of fast food restaurants. Now burgers and other fast food compete with the traditional Ukrainian menu. The same applies to the very popular pizzas in Ukraine. Along with the new for the domestic market products came American and Italian traditions, and, of course, dominated by "American values."

2. Forcing consumers and society to use technologies (products, services) of this particular business structure. For example, the Windows operating system, the developer of which is a world-known business entity - Microsoft Corporation, founded by Bill Gates. The first version of Windows 1.0 was released in 1985. It's already in the sale of Windows 10, which began selling in 2015. During this period, other operating systems were also developed, for example, the operating system "Linux", developed by Novell. But it is not well-known and did not become popular like Windows. Moreover, these two operating systems were incompatible with each other and the consumer had no choice but to choose a more popular Windows operating system which all software was configured for. In 2006, these two competing operating systems signed a cooperation agreement. As a result of the agreement, the shares of Novell rose in price by 16% [25], and Microsoft has eliminated a powerful competitor.

3. Eliminate national producers of similar products and services from the domestic market, occupy a dominant monopoly position at the market, use non-transparent rules of conduct in domestic markets, and carry out measures of unfair competition, which contradicts the current anti monopoly legislation in Ukraine. These measures contribute to the closure of domestic enterprises that are not competitive, increase the unemployment rate in the country, cause mass migration of economically active population abroad and increase the instability of civil society in the country.

4. Affect the government and civil society, demanding economic privileges and tax rebates for a significant positive contribution to the development of civil society, which is the result of entrepreneurial activity in the context of corporate social responsibility of the business.

5. Using production technologies that pollute the environment or use environmentally hazardous raw materials, violating the existing environmental norms and norms in the country, transfer the production of environmentally hazardous products to third world countries. This causes massive environmental protests and strikes that aggressively tune in to civil society. Such strikes may in the future become a moving force for more powerful protests against the government, accusing the government of lobbying for the economic interests of business entities.

6. Integrate with the government of the country, using "shadow schemes" of enrichment, bribery, bribes, etc., for lobbying for their own economic interests of business structures, maintaining a monopoly position on the national market and quickly obtaining extra profits. These measures raise public indignation, increase negative contradictions and increase the instability of civil society in the country and may become the driving force of more powerful protests against the government, his accusations of lobbying for the economic interests of business structures.

7. Integration of several powerful business structures can lead to the formation of a "shadow government" in the country, in the event that civil society and the state will not take timely measures of counteraction, "when the private interests of politicians and civil servants in decision-making prevail over the interests of citizens and society "[26].

Conclusions.

Despite the negative effects ("negative externalities") of the impact of modern business structures on civil society and the state, the number of such structures in Ukraine and the world will increase annually, and their impact on civil society will only intensify.

To date, Ukraine has only few large business structures (less than 1%), which is associated with crisis processes in the country's economy. This is one of the factors why the country is weak in the Doing Business rating. So, if in 2018 Ukraine occupied the 76th place in the rating, then in 2019 it rose to five points to 71 place. The pace of positive changes in business was + 0.94% per year. However, Ukraine is included only in the category of "Easy leading business". According to the rating of 2018, no major Ukrainian business has yet entered the world ranking of 500 most influential business entities - the transnational companies of the world "Fortune Global", which annually publishes the Forbes magazine. The rating includes only those global corporations, whose sales amount is not less than 1 billion dollars. and the value of which stocks is at least \$ 5. per unit, and also available to investors from the US [31]. Leading places are held annually by such powerful global business structures - global enterprises like Wal-Mart Stores Inc. (USA), Royal Dutch Shell (Netherlands), Exxon Mobile Corp. (USA). In the coming years, further development, effective management and integration of large business structures and "the use of different ways of influencing - from informal networks to the threat of reputation of the country in the field of international relations" [26] to civil society and the state will strengthen their dominant position in the relevant world industries.

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