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# СОЦИАЛЬНЫЕ И ГУМАНИТАРНЫЕ НАУКИ

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## HINDU SCULPTURES FOUND IN SOUTHERN VIETNAM, FROM THE 1<sup>ST</sup> TO THE 9<sup>TH</sup> CENTURIES: A CASE STUDY

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**Abstract.** This paper examines the process of cultural and religious contact of the Funan people from the 1st to the 7th centuries. Religion has influenced the spiritual and spiritual life of the Funan people. The discovery of Hindu statues in southern Vietnam shows that the process of cultural exchange and confluence between Indian culture and countries in Southeast Asia has become a mainstream trend from the 1st to the 7th centuries. The statues of Hindu gods Brahma, Shiva and Vishnu show the influence of Indian styles of art on the styles of sculpture of the Funan people. The statues are characterized by their complex and detailed carving, as well as their use of symbolism to represent the gods. The statues are also notable for their use of local materials, such as stone and bronze. The statues of Hindu gods found in Funan provide evidence of the close cultural ties between India and Southeast Asia during the first seven centuries AD. Those factors have shown that there are both similarities and differences in the aesthetic thinking and expressive methods of Hindu sculpture in the region.

*Key word: Hindu, Sculpture, Southern Vietnam*

### 1. Introduction:

According to the documents, the first queen of Funan was Lieu Diep, meaning Soma = Moon. On the Funan inscription found in the Go Thap relic, Dong Thap province, Vietnam, it was recorded as follows: Prasat Pram Lieu Diep – Kaundinya is Soma-Kaundinya, so Lieu Diep may be Soma (Moon). She was a young and healthy queen with a conquering potential. She was considered the chieftain of a matriarchal tribe. Other documents state that the first king of Funan was Kaundinya, a man who came from India or the Malay Peninsula [Phan Huy Le, 2004, P. 231]. After a divine arrow pierced the boat of Queen Lieu Diep, she surrendered to Kaundinya and then married him, becoming the king of Funan. Kaundinya, also known as Hon Dien, divided his sons into seven villages. However, after some time, one of his sons, Hon Ban Huong, asserted his power and annexed the villages [Phan Huy Le, 2004, P.231].

The Funan state went through a process of formation and development from the 1st to the 7th centuries. During this period, Funan consolidated and developed its power within the country as well as expanded its relations with neighboring countries. In terms of territory, Funan conquered a large area of land and became a powerful state, attacking 10 kingdoms in the Mekong River basin. Its territory extended from present-day southern Vietnam to northern Malaysia and the lower Mekong region. The location of the Funan Kingdom in Southeast Asia and Asia is quite special. From before the Common Era, the land south of the Indochina Peninsula has been the early home of many large waves of migration, of many ethnic groups belonging to different cultures in Asia and South Asia [Phan Huy Le, 2004, P.312]. According to the research of P. Pelliot, Funan was a vast empire, including southern Vietnam, Cambodia, the Mekong River Valley, and part of the Malay Peninsula [P.Pelliot, 1903, P.248]. G. Coedes believes that the territory of this country extended northward, as far as Nha Trang-

Khanh Hoa, Viet Nam, where the Vo Canh stele was found [G.Coedes, 1931, P. 12]. During the process of building and developing the country, Funan established a wide range of influence in the southern Indochina Peninsula. "The location of the Funan Kingdom in Southeast Asia and Asia is quite special. From before the Common Era, the land south of the Indochina Peninsula has been the early home of many large waves of migration, of many ethnic groups belonging to different cultures in Asia and South Asia [Phan An, 2004, P. 312].

According to the evidence, Kaundinya is considered by some scientists to be the founding king of Funan and also the first sign of the invasion of Indian culture into Funan [Phan Huy Le, 2004, 232]. In the royal family of Funan, in addition to Hoan Dien in the time of the formation of the primitive state, there were also two Indian kings who followed Brahmanism, Tianzhu Chien Dan and Kieu Tran Nhu. Brahmanism, Hinduism, and Buddhism played a dominant role in the spiritual life of the Funan people. The political institution was reformed according to the Indian model [Phan Huy Le, 2004, P. 234]. Therefore, Funan established a very popular religious system in the lives of its residents. Research has shown that: In terms of spiritual culture, the people of Funan worshiped multiple gods, the belief in worshipping stones, and worshipping fire. The influence of Indian culture is evident in the fact that the people of Funan both worshiped Hinduism and Buddhism. "Both Hinduism and Buddhism were propagated here. The monk Nghia Tinh came to Funan around 671–695 and recorded: "The people of that country worship the gods, but Buddhism is also popular." This shows that the religions from India have officially existed on the territory of Funan from a very early time" [Duong Thi Ngoc Minh, 2017, P. 55]. In Funan, Hinduism dominated the upper class, while Buddhism dominated the spiritual life of the common people. "During the period when Indian civilization was shining, Buddhism

and Hinduism were important tools and forces that transferred its achievements to Southeast Asia, an important region on the East-West trade route. The Mekong Delta, or more precisely, the Mekong Delta, which is considered a part of the Funan kingdom, was not outside of this context.

## 2. METHODOLOGY

"The article surveyed the artifacts found in the excavated sites in southern Vietnam. Through field trips and analysis of artifacts that existed in the period from the 1st to the 7th centuries, it shows the religious element of Hinduism according to some documents "Hinduism and Buddhism were introduced to the Mekong Delta in the early centuries AD [Duong Thi Ngoc Minh, 2017, P. 56]." According to the monk Nghia Tinh, who came to Funan around 671-695, "The people of that country worship the gods, but Buddhism is also popular." Hinduism was revered and dominated spiritually by the royal court and the nobility." The presence of Hindu artifacts found in the monuments and museums in the southern region of Vietnam and in the provinces of Cambodia today shows that the influence of Hinduism has spread widely in the lives of the people in the region. The method of analysis, field survey, and analysis of the style of creation and aesthetic expression of the stone statues shows that the flow of religion was very strong in the heart of the Funan society from the 1st to the 7th centuries.

## 3. RESULTS AND DISCUSSION

### 3.1 Spiritual and religious life of the people of Funan

In terms of spiritual culture, the people of Funan worshiped multiple gods, the belief in worshiping stones, and worshiping fire. The influence of Indian culture is evident in the fact that the people of Funan both worshiped Hinduism and Buddhism. According to some documents, Hinduism and Buddhism entered the Mekong Delta region of Vietnam in the early centuries AD. During this time, foreign religions began to seek to assimilate local deities. Brahmin priests were a class of people who made a living by performing sacrifices at weddings, pregnancies, births, funerals, initiation ceremonies, sowing ceremonies, and exorcisms. They integrated into the community's beliefs.

The gods that were imported from India and worshipped by the people of Funan: Krishna, the god of the forest, Buddha Shakyamuni, and a few totem animals such as Fish (Matsya), Turtle (Kurma), Boar (Varaha) also became Vishnu's avatars. In addition, Vishnu is also worshipped in the form of Lion Man (Narasimha), Horse Fighter (Kalkin), Dwarf (Vamana), Priest Parasurama, Rama, and Balarama (Krishna's brother). The monkey Hanuman, a familiar god to farmers in the past, became the loyal servant and companion of Rama. The giant snake Naga, who carries the earth rolled up its body to make Vishnu's bed on the water. This snake is also the belt of Shiva and the weapon of both Ganesha, the elephant-headed god, son of Shiva. Shiva is the lord of some demigods and demons, some of whom are the gods of some villages. The bull Nandin was worshipped in South India in the Neolithic period, and has appeared on many seals in the

Indus Valley Civilization, without a rider, now becoming the mount of Shiva and at the same time a manifestation of Shiva [Vo Si Khai, 2004].

During the Funan period, the culture of India was deeply absorbed, from the organization of culture to the life of society. In this period, Brahmanism and Buddhism were worshipped by the kings of Funan. However, Buddhism in Funan society only existed and developed among the poor. At that time, Hinduism was revered and dominated spiritually by the royal court and the nobility [Duong Thi Ngoc Minh, 2017, P. 56]. According to Chinese records, King Jayavarman of Funan sent two Funanese monks who were fluent in Sanskrit to China to translate Buddhist sutras at the invitation of Chinese officials. Over time, Buddhism and Hinduism began to influence each other, as evidenced by a number of Buddhist statues that bear the characteristics of Hindu gods. All of these gods were found at sites in the Mekong Delta region of Vietnam. The remaining traces of Buddhism through statues and the belongings of monks show that Buddhism had a deep and profound presence in the spiritual and religious beliefs of the people of Funan.

### 3.2 Hindu statues

The process of the introduction of Hinduism to Funan was demonstrated by the development of a system of temples and statues of gods. This showed that the people of Funan, especially the nobility, were very interested in the development of Hinduism in this land. A testament to this is the fact that statues of Brahma, Shiva, Vishnu, Linga, Yoni and other male and female gods were found all over southern Vietnam and Cambodia. The process of the introduction of Hinduism to Funan was demonstrated by the development of a system of temples and statues of gods. This showed that the people of Funan, especially the nobility, were very interested in the development of Hinduism in this land. A testament to this is the fact that statues of Brahma, Shiva, Vishnu, Linga, Yoni and other male and female gods were found all over southern Vietnam and Cambodia. Hindu statues made of stone and bronze are found in most provinces of Vietnam, mainly Vishnu in Oc Eo, Chau Doc, Ba The mountain in An Giang province, Giong Xoai, Nui Sap, Da Noi province of Kien Giang, Tra Vinh province, My Tho city, Tien Giang province, Tay Ninh province, Dong Nai province. Hari-Hara statues, Brahma statues, Surya statues are found in Ba The mountain in An Giang province, Dong Thap Muoi, Dong Thap province, Tay Ninh province. The Shiva statue found in Sam Mountain, An Giang province, Can Tho city. The Lakshmi statue found in Soc Trang province. The statue of the goddess Uma defeating the buffalo demon found in Vinh Long province, Lam Dong province, the Vishnu statues found in Bay Lieu Hill, Sao Hill, Long An province, Bien Hoa city, Dong Nai province... can be called the Funan style; other statues from the 7th to 10th centuries can be classified into 10 different styles. The art of Hindu statues must always follow special traditions in terms of posture, clothing, and even techniques and materials. The body shape and the choice of posture do not change much, but the clothing

and jewelry have undergone many changes, allowing for the distinction of different styles. This issue has been studied quite a bit by Jean Boisselier, Pierre Dupont and a number of other authors [J. Boisselier, 1955; P. Dupont, 1955; Lam Quang Thuy Nhien, 1993, Vo Si Khai, 2004, P. 59].

### 3.2.1 The Vishnu statue

According to research, there are about 52 artifacts and fragments related to the god Vishnu found in the Mekong Delta. Of these, 19 are intact and quite complete. A number of Vishnu statues have been discovered and are currently stored in museums in the southern region of Vietnam. For example, four Vishnu statues were found in Nhon Nghia, Can Tho City, and are currently stored in the Can Tho Museum, with the following inventory numbers: (685/IIN.246), (639/IIN.210+683/IIN.244), (684/IIN.245), and (686/IIN.247). The statue of Vishnu was found at Go Mieu, Trang Bang, Tay Ninh Province, Vietnam, and is currently stored at the Tay Ninh Museum, with the inventory number (91GM.101). The statue is dated to the 5th century AD.

A statue of Vishnu was found at the Oc Eo archaeological site in An Giang Province, Vietnam, and is currently stored at the History Museum, with the inventory number BTL.S. 5528/4733. The statue is dated to the 6th-7th centuries AD. Two statues of Vishnu were found at archaeological sites in Long An Province, Vietnam, and are currently stored at the Ho Chi Minh City History Museum, with the inventory numbers BTL.S/33391 and BTL.S.5525/2905. During the excavation, researchers found many traces of a Vishnu temple, including large stone statues of Vishnu as large as life-size, found in 1977 in the middle of the Dong Nai River at a depth of 20 meters in Bien Hoa City (Dong Nai), Vietnam. The statue is standing, with four hands holding a pyramidal headdress. The sampot is simply wrapped and folded into a fan-shaped pattern in front and back. The hair is tied into small buds that are revealed under the headdress on the forehead, and it falls down the back. The face is serene, with a gentle smile. The statue is in the Phnom Da style, which is dated to the 6th-7th centuries AD. This style was influenced by Greek art and is considered to be the pinnacle of Funan sculpture [Vo Si Khai, 2004, P.59]. The Vishnu temple was found at the Linh Son Temple archaeological site in Vong The, An Giang Province, Vietnam. In addition, researchers also discovered a giant stone statue of Vishnu lying on a seven-headed naga serpent at the site in January 1912. The statue is similar to Vishnu reliefs found in North India, and it is also similar to a large stone Vishnu statue of the My Son E1 style (8th century) found in My Son, Quang Nam Province. A Dvarapala (guardian statue) was also found at the Go Doan temple in Binh Ta (Long An Province) in 1987. This is a small, round-faced, cheerful, and gentle statue, which is different from the guardian statues in India, Champa and Angkor, which are usually depicted as large, muscular, and fierce [Vo Si Khai, 2004, P.59].

According to Doan Nhu Huong and his colleagues, in 1991, at Go Temple (Ho Chi Minh City),

a site belonging to the Oc Eo culture "found two terracotta heads, red brick color, statues almost intact, sunken nose, wide nostrils, double eyelids, tail eyes not slanting, lips slightly thick, chin not sharp, chubby cheeks and a bright smile. In general, the face is benevolent, with a scarf on the head, a type of scarf with a small knot in the middle, in Indo-Perique style [Doan Nhu Huong, 2004, P.59].

### 3.2.1 The Shiva statue

Shiva is one of the three most important gods in Hinduism, along with Vishnu and Brahma. He is considered to be a god with full supreme power, Shiva has the characteristics of the god who created the world (Srstikara), the god who protects (Sthitikara) and the god who destroys (Samharaka). Shiva is originally seated in the Yoga pose, surrounded by many animals, cross-legged, on a pedestal, next to the deer. Shiva represents the Linga-yoni village, which is very common in India and Southeast Asia, including the southern region of Vietnam from the 1st to the 7th centuries, many of which have been found: The Shiva linga statue was found at the Canh Den archaeological site, Kien Giang Province. A broken Shiva statue was discovered at Hoi Long Temple, Kien Hao, Rach Gia, in the Oc Eo field, An Giang Province. The Shiva statue is depicted in a half-male, half-female form. The Shiva statue found in Ba The, An Giang Province, features a characteristic jatamukuta style, including a high bun of hair represented as a helmet. The statue at Go Don is carved from rough sandstone, and is currently housed at the Long An Museum. In general, Shiva statues are not common in southern Vietnam. Excavations have shown that the number of Shiva statues is less common than other gods [Dang Van Thang, 2017, P.96].

The Shiva statues found in Funan, Vietnam, are one of the most important cultural heritages of this ancient civilization. These statues are made of sandstone and date from the 1th to 7th centuries. Shiva is one of the most important gods in Hinduism, and he was widely worshipped in Funan.

The Shiva statues found in Funan are typically large, measuring from 1 to 2 meters in height. These statues are very finely carved and have many decorative details. Shiva statues are often found in Hindu temples and are worshipped as a guardian deity.

The Shiva statues found in Funan are a testament to the cultural exchange between India and Southeast Asia. These statues are also a symbol of the power and authority of the Funan state.

**3.2.3. Linga –Yoni:** Linga and Yoni statues are symbols of the gods Shiva and Shakti, two important gods in Hinduism. Linga is a stone pillar representing the god Shiva, while Yoni is a stone shape representing Shakti. Linga and Yoni statues are often found in Hindu temples and are worshiped as symbols of creation and rebirth. The statues are found and spread throughout the Mekong Delta region of Vietnam.

Linga and Yoni statues found in Funan, Vietnam, date from the 7th to the 9th centuries. These statues are made of sandstone and are very finely carved. Linga statues are typically cylindrical, while Yoni statues are

typically oval. The statues often have decorative motifs such as floral patterns, writing, and Hindu symbols.

During excavations, researchers have discovered more than 78 artifacts related to Linga and Yoni, which are an important part of the Funan cultural heritage. These include the Linga Anak Ta Pwn Mukh (MBB4270, found at Ba The, Oc Eo, An Giang Province; Linga Son To Tu (ADM 1, N06), found at Bai Nui, Son To Tu, An Giang Province; Linga Go Cay Trom (BTLS.5957/4296, found at Go Cay Trom, Oc Eo, An Giang Province; Linga Phuoc Co Tu (ADM 1, No 105), found at Phuoc Co Tu, Bay Nui, An Giang Province; Linga Vat Crat (ADM 1, No 106, found at Hoc Son, Ha Tien, Kien Giang Province; Linga Go Cao Su, found at Go Cay Su, Long An Province; Linga (BTLA Da.64), found at Long An Province; Nhan Nghia (703/IIN.255), found in Nhan Nghia, Can Tho; Ekamukha Linga (GD.89/LA.93 Đa.13), found in Phuoc Ly commune, Can Giuoc district, Long An province; Ekamukha Linga (BTLS.5521/2194), found in Ham Ninh commune, Dong Binh district, Tay Ninh province; Linga Nen Chua (NC83.NC1), found in Tan Hoi commune, Nen Chua district, Kien Giang province; Linga Go Thap (BTĐT), found in Go Thap, Thap Muoi district, Dong Thap province; Linga Chua Cay He, found in Chua Cay He temple, Tieu Can town, Tra Vinh province,...

This statue is a testament to the cultural exchange between India and Southeast Asia. The Linga and Yoni statues are also a symbol of creation and rebirth, a source of hope and strength for the people of Funan.

3.2.4. The God Ganesha: Ganesha statues are one of the most common statues found in Funan, Vietnam. These statues are made of sandstone and date from the 7th to the 9th centuries. Ganesha is a Hindu god, often depicted as a man with an elephant head and a human body. He is the god of wisdom, learning, and the arts.

Ganesha statues found in Funan are typically small, measuring from 10 to 20 centimeters in height. These statues are very finely carved and have many decorative details. Ganesha statues are often found in Hindu temples and are worshiped as a guardian deity.

Excavations have found sandstone Ganesha statues at Oc Eo, An Giang, Vietnam. This statue dates back to the 7th century. Sandstone Ganesha statues have also been found at Ba The, An Giang, Vietnam. This statue dates back to the 8th century. Sandstone Ganesha statues have also been found at Chau Doc, An Giang, Vietnam. This statue dates back to the 9th century.

Ganesha statues are also a symbol of wisdom, learning, and the arts, and a source of hope and strength for the people of Funan.

3.2.5 The system of female goddesses: It can be said that the process of developing and absorbing external religious systems, including Hinduism, has been formed in the lives of the people of southern Vietnam and Cambodia. This process, the life, geography, traditions of each region create a different cultural system: the architectural system, costumes, customs, practices, and sculpture have different elements. Oc Eo was a major religious center and

spread to several neighboring countries, and the reception of that orthodox thought had changes to be in line with local psychology and culture. It is noteworthy that the system of Hindu god statues, found in some archaeological sites in the Mekong Delta and Cambodia in the 11th-12th centuries, showed similarities and differences in the style of expression. According to research and historical records, a number of objects have been discovered, such as statues of Ganesha, male gods, and Vishnu. In particular, a system of female goddess statues has been found, including: Statue of the Goddess No. 87 LA93GP (around the 10th-11th centuries), discovered in 1987 at Go Phat, Duc Lap Ha commune, Duc Hoa district, Long An province, currently kept at Long An Museum. The goddess statue No. 98LA01ĐH07 (around the 10th-11th centuries), discovered in 1998 at the airport - historical site of the Duc Hoa intersection, Duc Hoa district, Long An province, currently kept at the Long An Museum. The goddess statue No. BTTG1484 (around the 10th-11th centuries), discovered in 1992 at the Buu Thap Pagoda, Tan Hoi commune, Cai Lay district, Tien Giang province, currently kept at the Tien Giang Museum. The goddess statue, No. BTLS 5566/MBB2825, kc.41,9 (around the 10th-11th centuries), discovered at Giong Dong Dien, Binh Phu village, Binh Khanh commune, Tra Vinh province, currently kept at the National History Museum in Ho Chi Minh City. The goddess statue, No. BTLS 5591/MBB2263, kc. 41,3 (around the 10th-11th centuries), discovered in Tra Vinh province, currently kept at the National History Museum in Ho Chi Minh City.

The goddess statue, No. BTMT195 (7th-8th centuries), discovered in Trach Quang village, Quy Duc district, An Giang province, currently kept at the Ho Chi Minh City Fine Arts Museum.

The goddess statue, No. BTLS 5591 (around the 10th-11th centuries), discovered at Vat An, Tra Vinh province, currently kept at the National History Museum in Ho Chi Minh City.

The goddess statue, No. BTLS5566 (around the 10th-11th centuries), discovered at Giong Dong Dien, Binh Phu village, Tra Vinh province, currently kept at the National History Museum in Ho Chi Minh City. The goddess statue, No. BTL 5561 (around the 10th-11th centuries), discovered at Luong Sa, Tra Vinh province. The goddess statue, No. BTLA 5495 (11th century), discovered at Thanh Hoa, Hau Giang province, currently kept at the National History Museum of Ho Chi Minh City. The statue, No. BTLS 5594 (12th century), discovered at Ha Tien, Kien Giang province.

### 3.2.6 The Surya statue

**In Hinduism, the image of Surya is revered as a tangible embodiment of the Sun God, which the people of Funan in particular and Hindus in general can worship every day.** Moreover, Surya is also an embodiment of Shiva and Vishnu. This is why the statue is portrayed in a pure and elegant way. Surya, code BTLS5527. Surya is an important god in Hinduism, believed to be the embodiment of the sun.

He is worshipped by the people of Funan, an ancient kingdom in Southeast Asia, as well as by Hindus around the world. It is believed that Surya brings light, vitality and prosperity to the world.

The people of Funan built many temples and monuments to honor Surya. These works are a testament to the importance of this god to them. The people of Funan believe that Surya will protect them from evil and bring them a happy and prosperous life.

Surya is an important god in Hinduism and is worshipped by the people of Funan as well as Hindus around the world. He is a symbol of light, vitality and prosperity.

The statue was found in Ba The, An Giang, Vietnam. It is made of sandstone and dates from the 7th century. The statue is about 1.2 meters tall and depicts Surya standing. He is wearing armor and a crown. He has four arms, two of which hold a bow and arrow, and the other two are blessing the world.

The Surya statue is an important work of art of the Funan culture. It is a testament to the cultural exchange between India and Southeast Asia. The statue is also a symbol of the prosperity and strength of the Funan kingdom.

The Surya statue is a beautiful and intricate sandstone sculpture found in Ba The, An Giang, Vietnam. It dates back to the 7th century and is considered one of the most important sculptures of the Funan culture.

The statue depicts Surya, the Hindu god of the sun. Surya is depicted as a muscular man standing upright. He wears a tall crown and has a garland around his head. Surya has four arms, two of which hold a bow and arrow, and the other two are blessing the world.

The Surya statue is carved very delicately and vividly. The details on the statue are very clear and sharp. The statue depicts the majestic and majestic beauty of the sun god. The Surya statue is a valuable work of art and an important cultural heritage of Vietnam. The statue has been exhibited at the Vietnam History Museum and is one of the works that many tourists love to visit when visiting Hanoi.

### **3.3 Hindu sculptures in Vietnam's Funan have many similarities with Hindu sculptures in other countries in the region, such as Thailand, Cambodia, Laos, Myanmar, and Champa.**

The statues are all made of stone and are large in size. The statues all depict Hindu gods, such as Shiva, Vishnu, and Brahma. The statues are all decorated with intricate patterns and designs. The statues are all placed in Hindu temples. However, there are also some differences between Hindu sculptures in Vietnam's Funan and Hindu sculptures in other countries in the region. These differences include: Hindu sculptures in Vietnam's Funan often have a different artistic style, which reflects the distinct Vietnamese cultural identity. Hindu sculptures in Vietnam's Funan are often smaller in size than Hindu sculptures in other countries in the region. Hindu sculptures in Vietnam's Funan are often placed in smaller temples than Hindu temples in other

countries in the region. Overall, Hindu sculptures in Vietnam's Funan are a priceless cultural heritage that reflects the distinct Vietnamese cultural identity. These statues are a testament to the cultural exchange between India and Southeast Asia, and they are also a valuable resource for researchers of Vietnamese history and culture.

#### **Conclude:**

Hindu art in Vietnam's Funan is a priceless cultural heritage that reflects the distinct Vietnamese cultural identity. These statues are a testament to the cultural exchange between India and Southeast Asia, and they are also a valuable resource for researchers of Vietnamese history and culture.

The role of Hindu art in Vietnam's Funan: Hindu art in Vietnam's Funan played an important role in the spiritual life of the people. The statues were worshipped in temples, which were places where people came to pray and seek peace. Hindu art also contributed to the beauty and majesty of the temples, which were a symbol of the power and authority of the state.

The meaning of Hindu art in Vietnam's Funan: Hindu art in Vietnam's Funan is a testament to the cultural exchange between India and Southeast Asia. The statues clearly show Indian cultural elements, but they also have distinctive Vietnamese features. This shows the Vietnamese people's acceptance and creativity in the process of cultural exchange with India. Hindu art in Vietnam's Funan is also a valuable resource for researchers of Vietnamese history and culture. The statues help us to understand more about the spiritual life, beliefs, architecture, and art of the ancient Vietnamese people. Hindu art in Vietnam's Funan is a priceless cultural heritage that contributes to the richness and diversity of Vietnamese culture.

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## PLANNING STUDENT ACTIVITY IN EDUCATION

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## ПЛАНИРОВАНИЕ ДЕЯТЕЛЬНОСТИ СТУДЕНТОВ В ОБРАЗОВАНИИ

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**Abstract:** The article deals with the planning of activities to ensure the professional development of students in education.

The era of the fourth industrial revolution in which we live requires knowledge, skills, and competencies. The role of education in the development of people with strong competencies is great. Today's student is a specialist of the near future. The requirements of the new era confront everyone, including students, with problems such as how to build their own business, and how to shape and develop their knowledge and skills. Identifying and developing creative potential while shaping student personality is also important. How do our students organize their educational activities?

The purpose of the study is to determine the impact of activity planning on ensuring the professional development of students in education. In this research, the opinions of university students were examined, and certain results were obtained based on the collected data. The research was carried out by the method of quantitative approach with a descriptive design.

The article is written to help students solve problems while organizing their activities.

**Аннотация:** В статье говорится о планировании мероприятий по обеспечению профессионального развития обучающихся в сфере образования.

Эпоха четвертой промышленной революции, в которой мы живем, требует от людей навыков и компетенций, а также знаний. Велика роль образования в подготовке людей с сильными компетенциями. Учащийся сегодня – это специалист ближайшего будущего. Требования новой эпохи ставят перед каждым человеком, в том числе и перед учащимся, такие проблемы, как построение собственной работы, формирование и развитие своих знаний и умений. Выявление и развитие творческого потенциала в формировании личности школьника также является важным вопросом. Как наши студенты организуют свою учебную деятельность?

Цель исследования - определить влияние планирования деятельности на обеспечение профессионального развития обучающихся в сфере образования. В проведенном с этой целью исследовании было изучено мнение студентов вузов и на основе собранных данных сделаны определенные выводы. Исследование проводилось с использованием описательно-количественного метода.

Статья написана для того, чтобы помочь студентам решить проблемы в организации своей деятельности.

*Keywords: planning in education, student, time, activity, professional development, successful outcome*

*Ключевые слова: планирование в образовании, студент, время, деятельность, профессиональное развитие, успешный результат*

### Introduction

Education plays a key role in the development of scientific and technical progress all over the world. Education should prepare specialists who can manage the future, who should be able to predict events with the help of imagination, thinking, and intuition, and who should be able to foresee the way to solve problems and solve them. Therefore, education should train the man of the future, and also the man who, as the former president of the United States, John F. Kennedy, said, "...people who wish for what never was...".

In the Law of the Republic of Azerbaijan "On Education" the cultivation of personality with high values is in the foreground. The main purpose of education:

"- To educate citizens and personalities who understand their responsibility before the state of Azerbaijan, respect the national traditions and principles of democracy, human rights, and freedoms, are loyal to the ideas of patriotism and Azerbaijaniism, think independently and creatively;

- to prepare specialists who protect and develop national, moral, and universal values, who have a broad outlook, who are able to evaluate initiatives and innovations, who acquire theoretical and practical knowledge, and who are modern-minded and competitive;

- to ensure the assimilation of systematized knowledge, skills, and habits and to constantly increase

the qualification, to prepare the students for social life and effective labor activity" [2].

Today, the development in the field of technology and science and the demands arising from this development make it necessary to make innovations in education as well as in other fields. Developing countries in particular need a high level of manpower to follow this development and reach the level of developed countries. Education is one of the most important factors in increasing human power according to the requirements of the time. Knowing that well-educated human resources are very important in the development of every country, countries make great efforts to improve the quality of education.

Efforts made for the development of education are focused on teacher education, which plays an important role in the education of future people. Today, a student in higher schools, who is the teacher of the near future must develop himself before starting his professional activities in the face of rapidly changing and developing conditions, realizing the responsibility of developing a comprehensive personality. Today's student, who will play an important role in developing the personality of the future, must constantly seek to increase his intellectual and cultural level, research, study, increase knowledge and skills, and be able to integrate.

The approval of the document "Azerbaijan 2030: National Priorities for Socio-Economic Development" [4] by order of the President of the Republic of Azerbaijan Ilham Aliyev serves to ensure the sustainable development of the strong state of Azerbaijan. One of the five strategic priorities of the document is defined under the title "Competitive human capital and modern innovation space".

Due to revolutionary technological changes in the world economy, international competition has increased significantly in recent years. In order to be ready for the increasing competition in the world, the priority of our country is to train highly competitive individuals who stand out with their skills in the labor market and to make human capital. The chapters "Education in Accordance with the Requirements of the Twenty-first Century", and "Formation of a Creative and Innovative Society" of "Azerbaijan 2030: National Priorities for Socio-Economic Development" [4] show that the role of education in the development of Society is important.

But can our education today educate the people of the future? Are the students studying the pedagogical subjects in higher pedagogic schools, in other words, are the teachers of the near future ready to educate the people of the future? What problems do they face in their educational activities?

In the midst of the fourth industrial revolution, which we are currently experiencing, various public-private platforms are being created and projects are being implemented to foster the necessary skills in people. At the meeting of the World Economic Forum in 2020, education was widely discussed, and it was decided to create an innovative platform that involves the introduction of re-specialization in training in order

to improve skills and competencies in education in the next 10 years. The goal of the new platform called "Reskilling Revolution Platform" is to provide one billion people in the world with new skills and competencies based on retraining by 2030 [7].

The threat of the coronavirus, which has shaken the whole world, has accelerated the renovation revolution even more. In order to improve the quality of education in all educational institutions, including higher educational institutions, various pieces of training, webinars, etc. were organized. Students and teachers should participate in the daily learning process and should engage in reading in order to improve their knowledge and skills, participate in various projects, solve daily household concerns, learn to use modern technical tools, etc. Of course, as a result of such activity, we will ensure our professional development by acquiring certain skills and competencies. On the other hand, if we consider that the formation of the person of the future depends on the professionalism of our students studying today, then we face other questions. But are we able to sufficiently participate in various events and projects that will be useful for our professional development? Are we able to develop our educational activities sufficiently? - and so on. On the other hand, technological transformation has brought new approaches to education. Problems related to vital situations that arose during this period were solved by the human factor of high-quality competence.

Thus, the demands of the time confront us with various questions. In order to find answers to these questions, I conducted a survey among students. The research was conducted in March 2021.

#### **Purpose**

The purpose of the research is to determine the impact of activity planning on the professional development of students in education. The opinions of the students of the higher pedagogical school were studied in this research and a certain result was obtained based on the collected data. The research was carried out using a descriptive quantitative method.

#### **Problem**

Research question: How do students ensure their professional development in education?

A survey was conducted among 130 students for the purpose of research. 19 male and 111 female students participated in the survey. A questionnaire with three questions was given to students.

**Question 1:** Are you able to perform the tasks provided by the syllabus on time?

- 1) I can hardly perform it
- 2) I partially perform
- 3) I perform to a certain extent
- 4) I fully perform

**Question 2:** Do you participate in educational projects?

- 1) I do not have enough time
- 2) I attend occasionally
- 3) I try to find time for participation
- 4) I always attend

**Question 3:** Do you participate in the social life of your university?

1) I do not have enough time

2) I participate occasionally

3) I participate when I have time

4) I always attend

The survey results are listed in the table.

№	Responses  Questions	1	2	3	4
		Number of students by number (in %)	Number of students by number (in %)	Number of students by number (in %)	Number of students by number (in %)
1	Are you able to perform the tasks provided by the syllabus on time?	10 (7,7%)	71 (54,7%)	30 (23%)	19 (14,6%)
2	Do you participate in educational projects?	39 (30%)	54 (41,6%)	25 (19,2%)	12 (9,2%)
3	Do you participate in the social life of your university?	27 (20,8%)	53 (40,8%)	34 (26,1%)	16 (12,3%)

As a result of the survey, it was determined that 7.7% of students could not complete the tasks given on the syllabus on time. 30% of them could not participate in educational projects, and 20.8% could not participate in the social life of the university in which they studied. A total of 14.5% of students complete the tasks given on the syllabus on time; 9.2% of students find time to participate in educational projects and 12.3% of students find time to participate in the social life of university. Therefore, students face difficulties in developing their professionalism. Students noted that there are several reasons for this. They emphasized that the main reason was that they did not properly plan their work related to educational activities.

### Conclusion and Recommendations

We prepare students for a profession that they did not know about during their studies in higher schools, and that they have never practiced. They must understand the ideas that they hear in the learning process and learn to come up with new, creative ideas. Our classes should satisfy their needs and reveal their possibilities. How they accept and understand the ideas that they hear and see and how they come up with creative ideas shows the level of professionalism of our students in the future. In the training process, it is necessary to allocate time for them to think and participate in discussions. This must be taken into account when planning the lesson, otherwise what the students hear and see will not matter. So, it is necessary to plan using modern strategies. If the teacher does this, the student will try to develop himself to be active and look for ways to do this. When the student becomes active, he will discover that he does not know much more, which will lead him to a purposeful, planned activity.

### What is planning?

Planning is the process of goal formation. Planning is the concretization of means, methods, and measures to achieve the goal. The result of planning is a plan, a concrete model of action. Before making a plan, a forecast must be made (this is also called foresight). Long-term forecasting is the science of foresight and forms the basis of social planning.

However, the rapid and synergistic development of the world today prevents us from making realistic predictions.

The essence of planning is that strategic goals and tasks are defined, strategic and operational decisions are made, methods of achieving goals, duration, resources (material, financial, labor, etc. resources), and executive and responsible persons are determined. The planning process should create a connection between the current state of the enterprise and the future (desired) state, and give concrete answers to questions such as "what to do when to do it, and who should do it" [3].

We concluded that students should properly plan their time to ensure their professional development in education. Every work must be done on time. Effective use of time is the best way to achieve the goal. It is impossible to become a quality teacher, doctor, engineer, etc., or a person of the future, without enriching the activity.

The writer, futurist Alvin Toffler pointed out that the functions that education will perform in the management of the near future have changed and interpreted the concept of illiterate in the era of the fourth industrial revolution as follows: "The illiterate of the 21st century will not be those who cannot read and write, but those who cannot learn, unlearn, and relearn" [6].

### Proposals

In this context, training that will be useful for the professional development of our students should be organized, methodical materials should be prepared, and they should be involved in various research publications. On the other hand, each student should be able to independently control his activity and this should be reportable.

Our students can plan their educational activities while taking the following into account:

- Define your learning goals
- Make a plan for each job you start learning
- What I want to learn
- Determine your time

- Make dreams to increase your interest, encourage yourself to think
- Plan special learning activities
- Adapt your plan to your needs
- Prepare the strategy, determine what you want to do, and how you want to do it
- Research the problem, read books, and watch video clips, in other words, create a database
- Review your plan to be effective
- What is important to you
- Choose what is important and start working
- You may encounter failure - be patient, confident, strong-willed, and persevere
- Hard work, diligence - finally you are walking towards your goal.

### Conclusion

Planning is the deliberate preparation of work to be done in advance. The planning of work is a social need that people are not born with but formed during education.

The student should determine his educational goal. What should I study in class, what can I study after class, and which job is more important or which job is more important? He should think, decide, and set the time. Strategic planning is important to manage time. A student with action planning is more sophisticated and reliable in solving tasks. By preparing a plan, it is possible to rationally determine how to achieve the targeted goals and reach the goal.

Maye Musk, the mother of Elon Musk, the second richest man in the world, writes about her experience of success: "You have to make a plan to successfully get out of the twists and turns in life. If you do not want to

be disappointed, you need to plan. If a plan is not working, the plan needs to be changed. This is a requirement of life."

In all areas of our lives, including education, we can achieve successful results by planning every task to be done. Proper planning of activities in education is the most effective way to achieve the goal.

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## THE STUDENT-CENTERED SYLLABUS AS A TOOL OF FACULTY/STUDENT COMMUNICATION IN RUSSIAN HIGHER EDUCATION

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**Abstract.** The article is devoted to the role of the syllabus in accelerating the transition of Russian higher education to a student-centered or learning-centered paradigm by increasing the efficiency of communication between faculty and students. A brief overview is provided of Russian research that examines the role and functions of the syllabus in Russian higher education institutions. Having described the essence of the concept of the syllabus, the authors present the draft of an English syllabus for academic purposes and the results of its piloting. The study seeks to answer the following question: can the syllabus make communication with teachers more open and transparent and provide students with necessary information about the course? The purpose of this study is to determine the effectiveness of the syllabus as a document for informing students about the course. An anonymous student survey served as the main research method for the work in addition to content analysis. The following tasks were solved within this research: determination of the degree of students' satisfaction with the course and the level of compliance of the course with students' needs as well as improvement of the text of the

syllabus. The results of the survey confirmed the hypothesis that, unlike the course program of an academic discipline, the syllabus, with several key features, contributes to ensuring that communication between teachers and students is more open and transparent, as well as defining responsibility and rules of interaction between participants of the educational process. The presented study was conducted among first-year students of the Faculty of Liberal Arts and Sciences of St. Petersburg State University.

*Keywords: syllabus, course program, functions of a syllabus, student-centered syllabus, learning-centered syllabus, English for Academic Purposes (EAP), transparency of faculty/student communication, Russian Higher Education.*

## Introduction

There has been a paradigm shift in educational and cognitive research from seeing students as passive recipients of the educational process towards seeing them as active participants who process knowledge and construct their own understanding [9, 21]. Learning outcomes, although designed and formulated by teachers, are primarily determined by what students do and not teachers. Teachers cannot learn for students; students must bear this responsibility for themselves. Although slightly lagging behind western colleagues, the academic community of Russian higher education (HE) has recently started discussing the transition to a student-centered and learning-centered paradigm of HE by increasing the efficiency of communication between faculty and students, delegating to students the responsibility for mastering academic disciplines and taking an active role in the educational process. According to Gitman, the progressive part of the academic community of Russian HE teachers strives for openness and transparency in the educational process as well as communication between teachers and students, which implies, primarily, the student fully understanding the educational goals of the academic discipline [4]. This understanding, in turn, allows students to create their own individual learning strategies and to take responsibility for their learning outcomes or, at least, to share this responsibility with the faculty. This is especially relevant for such a discipline as foreign languages because foreign languages need to be mastered, which implies the active use of meta-thinking [8].

We contend that learning-centered syllabi can be an effective tool in achieving transparency and openness in faculty/student communication in Russian HE. Furthermore, we believe that syllabi can acquire more important functions than those commonly acknowledged by administration, teachers, and students in Russian universities.

The notion of a syllabus has aroused a keen interest of Russian researchers who offer their vision of its structure and various sections in articles [4; 5; 10]. A number of authors have highlighted some functions of the syllabus, for example, syllabus as a means of organizing students' independent work [5; 15; 18], syllabus in the context of distance education [14], syllabus as a tool for managing students' learning activities [7] or syllabus as a tool for engaging students in research [3]. A number of articles examine syllabi in foreign languages [17] and in other academic disciplines [3; 4; 10]. However, to date, the functions of a syllabus have not been thoroughly analysed in

Russian language literature which views syllabi from singular perspectives.

A primary goal of the present work is to study the functional multiplicities of a syllabus and to contribute to the changing perception of its role in educating students. We will start by clarifying the concept of a syllabus in higher education in and outside of Russia, and then we will move to exploring the multiple uses of a syllabus in Russian universities. The university course syllabus "English for Academic Purposes" will be scrutinised and the results of its piloting among 1<sup>st</sup> year students at the Faculty of Liberal Arts and Sciences of St Petersburg State University will be presented and discussed.

### 1.1 "Syllabus" as a Concept: Establishing Common Ground

The role that syllabi play in HE as an instrument to get students and faculty on the same page was appreciated in western universities long ago. The idea of a learning-centered syllabus dates back to the 1980s when Rubin emphasized the need for faculty to become more explicit in their syllabi construction as a learning tool: "The syllabus is a small place to start bringing students and faculty members back together" [13, 56]. Rubin outlined a number of crucially important questions that syllabi should address to help students learn effectively: Why should a student want to take this course? How does it make a difference as part of the program? Where does it lead, intellectually and practically? Why are parts of the course organized and presented in such a manner? What is the purpose of the assignments? Will students be required to describe, discuss, analyse, provide evidence, criticize, defend, compare, apply? If students are expected to present a project before the class, are the criteria for an excellent presentation made clear? What will the tests assess? Why have certain books been chosen? What is their relative importance in the course and in the discipline? We agree with Rubin's proposition that when syllabi explicitly answer the abovementioned questions, students become more prepared to engage in the learning process, and ultimately better learners.

According to Eberly, syllabi have 3 major functions in HE: administrative, course development and interpersonal [1, 57]. On the administrative side, syllabi offer clear public course descriptions and help to determine course equivalency when students transfer to a different institution and participate in academic exchange. The dimension of course development implies that syllabi review initiates curriculum development and evaluation over time, thus leading to curriculum revision and enhancement. On the interpersonal level, syllabi outline the responsibilities

of the faculty and students while also serving as a contract that codifies classroom practices and norms. Syllabi are often compared to a contract that regulates student-teacher interactions and, therefore, needs to be unambiguous and comprehensible for all parties involved.

Grunert [6] emphasized the importance of establishing a framework for learning and believed that a syllabus should serve a wide variety of functions that support students' learning. According to her, a syllabus establishes student-instructor dialogue and helps to set the tone for the course. Demonstrating an openness to student questions and concerns often begins with a syllabus. A syllabus makes it possible to explicitly present how assessment criteria and standards for both work performed, as well as results, are aligned with course goals. In addition to basic information concerning course logistics, syllabi should define student/teacher responsibilities. If students have a clear message of what they are expected to accomplish, they will be more likely to respect the deadlines and be appropriately prepared for classes. Grunert argues that students may not know what it means to take an active role in their learning and teachers should clearly describe their expectations for student initiative in their syllabi. There is also an opportunity to describe what students can expect from their teacher: a content expert, formal authority, agent of socialization, facilitator, role model, experienced learner, resource consultant, coach and counselor. A well-written syllabus offers a detailed description of all available learning resources, the role of technology, effective learner strategies and material that supports learning outside the classroom. Grunert also referred to the metaphor of a "learning contract" when describing the function of syllabi to define mutual faculty/student obligations, using the term "a learning-centered syllabus".

Essentially, the traditional syllabus outlines key structural elements of a course, such as course content, course prerequisites, reading list, grading policy, deadlines, and basic rules. Syllabi that present this customary information are often called traditional or content focused, and knowledge based. In his work "Death to the Syllabus!", Singham [16] criticized traditional syllabi for being authoritative and rule-driven to the detriment of student learning. Palmer et al. [12, 11] supported learning focused syllabi as a learning tool. According to Palmer et al. [12], learning focused syllabi are characterized by a focus on student success and by an inviting, approachable, and motivating tone so that when students read a learning-focused syllabus, they should have significantly more positive perceptions of the document itself, the course described, and the teacher.

The terminological corpus for education in English and Russian contains significant differences due to the very different HE systems and the history of their evolution. While the concept of learning-centered syllabi has been widely discussed in western academia, in Russia the concept of syllabus was introduced around the time when Russia joined the Bologna process in 2003. The English term "syllabus"

corresponds to the Russian term "program" (программа) which in the context of Russian HE means a detailed description of an academic discipline as part of the larger university curriculum. A typical university course description has predictable and mundane sections, often in an expected order. Unfortunately, course descriptions are more often duplicated than constructed. They are passed from one generation of faculty to the next with the established format and adhere to the institutional tradition and requirements as well as national educational standards. The traditional Russian "program" is an internal document written in formal academic language, often heavy with disciplinary jargon. This document includes, as a rule, a description of learning conditions, methodological principles, principles for selecting learning content and organizing the learning process, a list of competencies to be developed, course goals and objectives, exam dates, due dates, and materials used in the course. It falls under traditional content focused syllabi that primarily carry out an administrative function.

As Gitman accurately states, university course descriptions are used only on "our side of the table" [4, 44], they are limited to faculty and administrative resource of an institution and fails to be the means of faculty/student communication or interaction. Formally, course descriptions have always been available to students, however, they were never the target audience.

The English term "syllabus" has been borrowed into the Russian language education jargon as a calque (силлабус), and this document has been introduced at the leading and most internationalised Russian universities that are willing to innovate and experiment. Thus, the borrowed term "syllabus" emerged to define the document, which should become an innovative tool for faculty/student communication. There are currently no official guidelines for creating the syllabus, only recommendations and suggested templates [10] which have been generated in the era of internationalization of Russian HE that is characterised by increasing academic mobility and a growing number of foreign students in Russian universities. According to the existing guidelines, the syllabus must be written in a language that is understandable to students who are new to the discipline. It also should not be too lengthy, that is, contain only sufficient and necessary information for the student on a maximum of 3-4 pages. Thus, the syllabus is gradually acquiring the status of an official document, establishing formal and informal rules for the study of the discipline, as well as communication between the teacher and the student, and most importantly, contributing to the division of responsibility between all participants in the educational process. Being free from the limitations of the traditional course description, the syllabus as a communication tool has great potential to make faculty/student communication and interaction more open and transparent.

Russian HE needs syllabi as a tool for faculty/student communication, and more importantly

it needs the learning-centered and the student-centered syllabus which can make communication between the parties involved more accessible as well as positively affect student motivation and establish a framework for learning.

### **1.2 “English for Academic Purposes”: moving from a traditional course description towards a learning-centered and student-centered syllabus**

As a first step, the current English university course description for 1<sup>st</sup> year SPSU students was examined. It should be noted that the traditional course description for the university course in English has existed for more than 10 years and has primarily served administrative functions. As part of a university self-evaluation process 3 years ago, syllabus analysis was recommended to implement the syllabus function of course development. However, course content became central to syllabus redesign, and syllabus reconstruction was limited to its content and assessment. As a result of syllabus revision, traditional general English was replaced by the “English for Academic Purposes” (EAP) course which needed to coincide with the Russian HE agenda of internationalization. Simultaneously, the revised EAP course description no longer resembled a traditional topic-based course outline with a heavy focus on knowledge, but also included skills and competences required for academic mobility and enabling students to be educated through English in and outside Russia. We do not question the importance of syllabus content; however, the issues related to faculty/student communication and interaction remained overlooked. The revised EAP course description was still missing the interpersonal function and failed to create the framework for learning. As a result of the critical analysis and evaluation of the current EAP course description, the lack of transparency and openness of communication between faculty and students was identified and the idea of designing an EAP syllabus emerged. The analysis has helped to identify what information students need about the EAP course and what would help them become active learners and take responsibility for learning outcomes.

The next step in this study was to identify ways of transforming the traditional EAP course description into a student-centered and learning-centered syllabus. The authors of this paper drafted the EAP syllabus to be piloted in the following stages of this study. As the drafted EAP syllabus becomes the focus of this study, we will briefly describe here its overall structure and will illustrate sections which never existed in the traditional course description, thus emphasizing what is still relatively new for the syllabus design practice in Russian HE.

The EAP syllabus included the EAP course description, its role and place in the Faculty’s curriculum, skills and competences to be developed, course requirements and responsibilities, grading policy, description of classroom practices and procedures, course assignments, assessment criteria for course assignments and for performance assessment, course content and course materials as well as

resources. The text of the EAP syllabus was intentionally written in comprehensible language for 1<sup>st</sup> year students to understand and, more importantly, for students to become the document’s target audience.

The EAP syllabus starts by stating that this course is designed to help undergraduate students read and write academic essays in order to participate in the academic discussions that constitute SPSU’s intellectual community. It clearly states that writing is a process of forming and refining ideas and prose. Therefore, students need to be prepared to write multiple drafts of essays so as to practice and develop their academic writing skills. It is also explicitly stated in the EAP syllabus that students should be prepared to write significantly in class (personal writing and writing that is shared with peers and teachers); bring drafts of their assignments to sessions for their peers and teachers to read and respond to; outside the classroom they will need to do a great deal of reading too. The course description attempts to shape students’ expectations of the course that is aimed at helping them become more experienced readers in English and prepared for great amounts of college reading. They are encouraged to become “deep readers”, who focus on meaning (as opposed to “surface readers”, who focus only on facts and information) and who interact with the text by asking questions, expressing disagreements, linking the text with other readings or personal experience. Students are warned that language development – grammar and vocabulary work – is a support process and it is needs-based as well as student-driven to allow for a student-centered approach and the required flexibility of the syllabus. Thus, language development comes into the focus of self-study with teacher guidance and scaffolding. The EAP course also offers an opportunity to improve students’ soft skills such as collaborative learning, teamwork, leadership skills and research competencies.

The EAP syllabus lists the skills and abilities which the course helps students to develop: critical thinking and reading skills; academic and creative writing; reflection and self-reflection; an ability to differentiate facts from opinions, to evaluate sources reliably, to identify and build a line of argument, to express their own views/opinions and support them, to evaluate various kinds of evidence and to structure written discourse. Besides, this course is supposed to facilitate their becoming efficient readers and writers in English and becoming more confident in public speaking and discussions in English. Special attention is given to helping students avoid plagiarism while also engaging the ideas of others in their own writing, developing the larger notion of academic integrity.

The EAP syllabus explains in detail the code of behavior in the course requirements section and it addresses attendance, collaboration in pairs and small group work, feedback/peer review, weekly readings, deadlines and due dates, engagement and responsibility in class, adherence to SPSU academic integrity policies.

The Course Grading Policy is also explained in the EAP syllabus. Even though it is graded pass-fail,

students also receive a grade according to the ECTS system adopted in SPSU. Throughout the semester, students receive points for their engagement, accomplishments, and task completion that are summed up with a score for the Portfolio which combines their written assignments and in-class tasks and tests they complete throughout each term and the academic year.

Speaking assignments are also part of the EAP course and are aimed at developing students' public speaking as well as developing their spoken academic discourse. The criteria for assessing students' success in both individual and interactive speaking assignments are provided in the text of the syllabus to direct students' effort at the key parameters. For example, while preparing for an individual speaking assignment,

students should focus on their planning and organization, pronunciation, and intonation, signposting language, establishing a rapport with the audience, managing attention span, and describing visual data or supporting evidence. Whenever students get ready for an interactive speaking assignment, they need to work on a different range of skills: turn-taking, asking questions and responding to questions, linking their contributions to what other students previously contributed, taking a back role or a leading role in a discussion and behave in line with the culture of academic argumentation.

The EAP syllabus offers a content overview and lists all academic genres included into the course portfolio (see table 1).

Table 1.

**EAP course content Source: [Compiled by the authors].**

NN	Fall Semester	Spring Semester	Score
<b>Portfolio of graded written assignments</b>			
1	Communicating online (Letter of Enquiry)	Visual data description	10
2	Motivation letter/personal statement (700 words or 1 page)	Compare and contrast essay (2 pages)	10
3	Personal narrative (2 pages)	Summary-response essay (2 pages)	10
4	Problem-solution essay (2 pages)	Argumentative essay (3 pages)	10
5	Speaking assignment (presentation)	Speaking assignment (participating or leading a discussion or a debate)	10
6	Creative task	Creative task	10
7	In-class responses to the weekly reading tasks & assignments		15+15
8	Engagement and responsibility		10
<b>Total:</b>			<b>100</b>

As can be seen in Table 1, each course unit is dedicated to a particular academic essay genre which culminates with a written assignment, as part of students' portfolios. The weight of the assignment is manifested through the number of allocated points in accordance with the suggested grading policy.

The EAP syllabus course content section differs from the traditional course description in the level of detail with which each written assignment has been presented. Let us take a closer look at an argumentative essay as a sample. As Table 2 illustrates, students are provided a detailed prompt in addition to assessment criteria. The prompt demonstrates that students have

the freedom to choose the issue they deem controversial. We believe that by giving students the responsibility for selecting the content of their essay makes the EAP syllabus student centered. Student choice is seen in the problem-solution essay, summary-response essay as well as in their compare-contrast essays. Each academic essay genre has certain genre conventions and, therefore, text organization and structure are offered in the prompt as well as the genre-specific assessment criteria that serves as clues and hints for where students should direct their efforts, thus making our ESP syllabus an effective learning tool.



Table 2.

**A fragment of EAP syllabus course content section Source: [Compiled by the authors].**

<b>Argumentative essay</b>
<p><b>Prompt:</b> <i>Think of an issue that causes controversy and about which you have a strong personal point of view and/or position. Choose something you really care about and/or feel strong about. The purpose of your argumentative essay is to convince the reader of your ideas by making clear strong arguments for them. You will need to explain why your argument is better in some way than some opposing arguments and demonstrate the skill of refutation. Your argumentative essay (3 pages minimum) should have the following structure:</i></p> <ul style="list-style-type: none"> <li>• <i>An introductory paragraph that introduces topic and the necessary background information, leading your readers to the thesis statement</i></li> <li>• <i>2-3 body paragraphs that build the argument by explaining each point or reason and giving clear evidence to convince the reader that the point or reason is valid</i></li> <li>• <i>1-2 body paragraphs which raise a counterargument and a refutation that explains the counterargument's weaknesses and tells why your argument is more valid</i></li> <li>• <i>A concluding paragraph that restates the thesis and ends with a suggestion, prediction, or call to action.</i></li> </ul> <p><b>Maximum score: 10 points</b></p> <p><b>Criteria for assessment written assignments:</b></p> <ul style="list-style-type: none"> <li>✓ Use of evidence (showing reliable and strong evidence, convincingly and clearly presented/described) (2 points)</li> <li>✓ Insights, Seeing Patterns and Connections (Telling: building an argument; the line of argument is clear and strong (2 points)</li> <li>✓ The text is well-structured and coherent (2 points)</li> <li>✓ Vocabulary/grammar resource (range and appropriacy) (2 points)</li> <li>✓ Revision and self-editing (2 points)</li> </ul>

The EAP syllabus contains a section on frequently used classroom activities and techniques to inform students about variety of classroom practices and, hopefully, to enthuse and motivate them with the interactive and stimulating nature of the educational process.

The resources and materials section concludes the four-page document. It is very different from the traditional course description as it was written for students and was presented to them at the very first class. The presentation of the EAP syllabus was followed by a question-and-answer session to respond to questions and address articulated concerns. As a result, the ESP syllabus has helped to establish rapport and made teacher/student communication more of a two-way process. By discussing the course requirements and the suggested norms as well as attitudes, a common ground was established to ensure shared values and responsibilities for the learning outcomes.

**Materials and Methods**

This study aims to test the hypothesis about the role of the syllabus in Russian higher education and seeks to answer the research question: can the syllabus make the communication with faculty more open and transparent and provide students with the necessary information about the course.

The purpose of this study was to determine the effectiveness of the syllabus as a document that informs students about the course. The objectives of this study were to determine student satisfaction with the EAP syllabus and the level of relevance of the course to

student needs, as well as to further improve the text of the syllabus.

Main objectives of the work included the following: enhance the textual content of the newly designed EAP syllabus in regard to faculty/student communication, which was created after analyzing the English university course description for first year students; pilot the newly created syllabus among first year students; analyse students' evaluations of the new syllabus and make conclusions regarding areas that require additional improvement to further enhance communication between parties involved via the student-centered syllabus.

The first phase of the study was to work on the actual text of the EAP syllabus, a draft of which was created by the authors of this article and then became the basis for critical analysis and discussion in a group of English teachers.

The second stage of the research consisted of piloting a peer-approved draft of the EAP syllabus. The target audience was 1st year SPSU students. Under the terms of the piloting, the text of the EAP syllabus was provided to all 1st year students at the beginning of the academic year 2020/21 with the previously mentioned question-and-answer session as well as discussion.

The third stage of the study consisted of developing and administering an anonymous survey of the target group, conducted by the authors of the paper using the online platform SurveyMonkey. The questionnaire consisted of 5 closed questions (yes/no/difficult to answer) aimed at determining whether the text of the syllabus, in general, and individual sections was understandable and useful to

respondents. An additional 5 questions were open-ended and were aimed at identifying sections and/or wording that caused difficulty in understanding and interpreting, and therefore needed to be edited further.

The final stage consisted of the collected data analysis and interpretation.

Among 112 1st year students, 60 participated in the survey. The faculty of 8 English language teachers took part in the survey. In addition, data from annual student surveys (traditionally conducted by the IT

service at the end of each academic year) was also used in this study. We believe that the data from each survey enhances our ability to test the hypothesis about the role of the syllabus in Russian higher education and seeks to answer the research question.

**Results**

Analysis of the results of the survey showed that the number of students receiving course information in the 2020-2021 academic year nearly doubled compared to the 2019-2020 academic year.

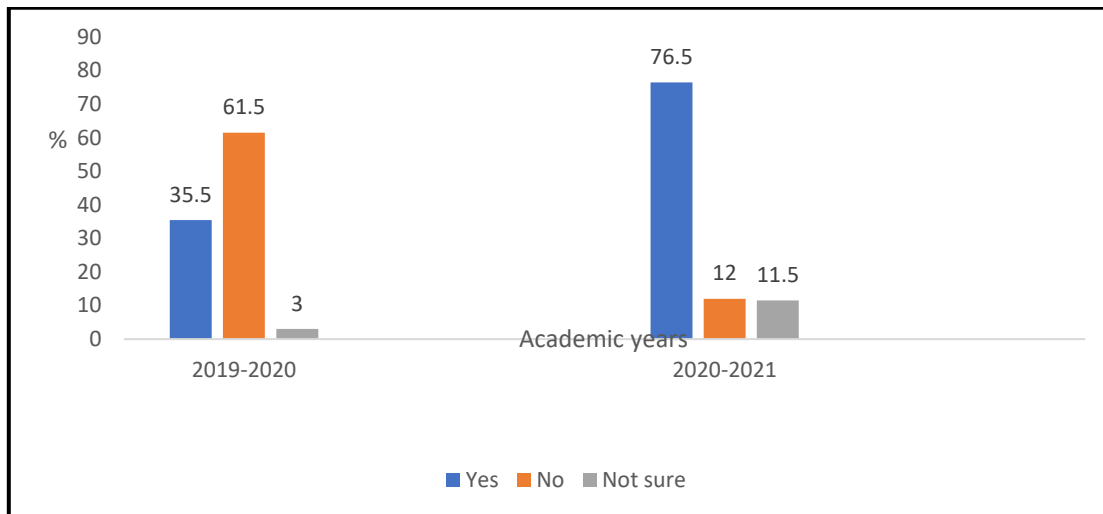


Fig. 1. Was a syllabus provided? Compiled by the authors.

The importance of a syllabus in informing students of course content was substantiated by 92% of respondents. It also strongly supports the notion that the

syllabus should be distributed at the beginning of the course to provide the necessary information.

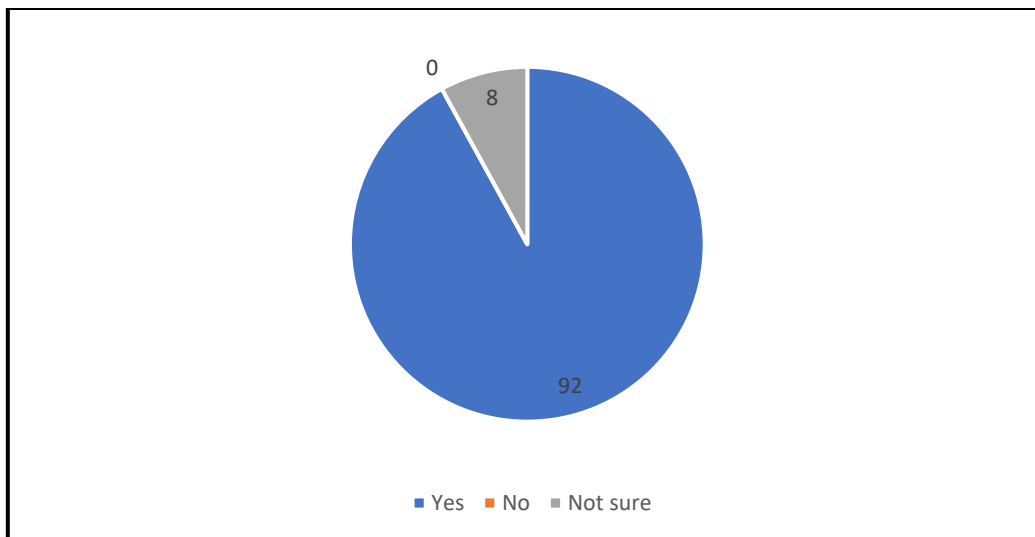


Fig. 2. Should a syllabus provide information about the course? Compiled by the authors.

All respondents - students and language instructors - indicated that the syllabus made their interaction clear and transparent.

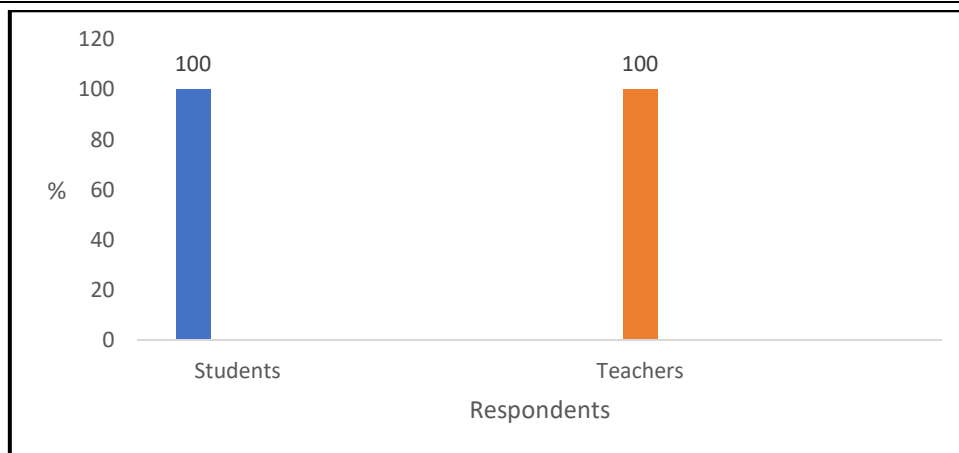


Fig.3. Does a syllabus make communication transparent? Compiled by the authors.

92% of students surveyed mentioned the relevance of the course to their needs compared to 75 % in 2019/20. The degree of student satisfaction with the course increased among respondents by 14%, from

78% in 2019/20 to 92% in 2020/21. 95% of students reported that their expectations about the course were met compared to 70% in 2019/20 academic year.

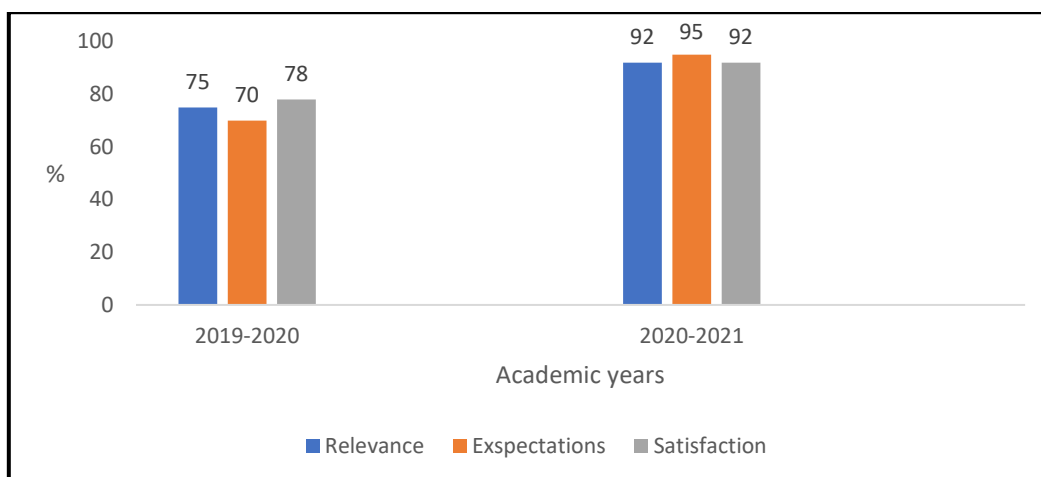


Fig.4. Level of course relevance, students' expectations and satisfaction. Compiled by the authors.

The "evaluation system" section, according to respondents, needs refinement. It is important to note that students of the surveyed groups had different levels of proficiency in English as a foreign language (EFL). Therefore, they indicated different needs. B1 level students noted the need for "more active vocabulary acquisition", "study of grammar", "speaking practice on everyday topics". B2 level students noted the need to develop "skills in working with different types of texts (literary, philosophical, social)", "techniques to generate ideas for writing texts", "increasing the number of creative assignments".

Among the most useful sections of the syllabus the respondents noted "course content", "list of texts/literature used", "course goals and objectives", "written assignment" and the "grading system".

Part of the respondents (17%) expressed the desire that criteria for evaluation of course assignments should be included in the text of the syllabus (section of course content). Thus, the phrase "Assessment criteria are contained in the assignment form" (Table 2) will be replaced by a list of assessment criteria.

### Discussion

While the multiple functions that syllabi serve are widely discussed in the literature on student-centered learning internationally [1], the construction of syllabi and their evaluation have received little attention in Russian HE. Compared to the large-scale syllabus analysis by Eberly et al., which looked at 145 syllabi of one area of study (General Education) in one university (Oakland university), our study is limited to the analysis of just one EAP course description. Therefore, conclusions can be made, but the scope of our study should be kept in mind in order to avoid overgeneralizations. The analysis of the traditional EAP course description highlighted the well-established concept of syllabi serving as course outlines and addressed what was missing from the traditional EAP course description. Our examination revealed that the traditional EAP course descriptions are primarily related to administrative issues and predominantly focused on course development. The traditional course description did not have a single section related to the interpersonal domain. Even though we found no evidence of its ability to guide faculty/student

interactions, the document adhered fully to national and institutional requirements. Thus, the idea of creating and introducing a student-centered syllabus as a separate document emerged. Instead of radical revision and reconstruction of the traditional course description, we suggest introducing syllabi in addition to the existing well-established form of course description and using it as a tool for faculty/student communication. We also argue that the student-centered syllabi should become the responsibility of teachers and eventually a common practice in Russian universities. We contend that the effort university teachers invest into the syllabus is likely to positively impact the value students place on the syllabus as a learning tool. Furthermore, we believe that introducing student-centered syllabi in Russian universities will address the currently missing interpersonal dimension and will promote excellence in teaching and learning across Russian HE. This innovative syllabus should reflect the institutional mission and tradition, departmental approach and philosophy, but primarily it should reflect the individual teacher's goals, values and attitudes – all made available to students on the first day of the course in an accessible manner.

However, it must be restated that within the scope of this study we have not investigated all that occurs in the classroom, only the information contained in the traditional EAP course description. There may be other ways of communicating information and conveying expectations to students. In the absence of such a document, university teachers could have explained and discussed all the responsibilities, requirements and norms in an interactive way, however, the importance of a written syllabus and its presentation during the first class cannot be overestimated. Information shared informally, compared to that which is documented in written form, increases the risk for miscommunication. We agree that the student-centered syllabus needs to be affixed on paper to function as a contract that outlines faculty/student interaction. It needs to be explicit and clear to all parties involved. An incomplete syllabus, or the lack of one, is too ambiguous and might prove to be problematic when disputes arise with students over assignments or assessment. Creating a complete and detailed syllabus is likely to ensure consistency and confidence that accurate information has been conveyed to students.

From our analysis, the traditional EAP course description was content focused and did not transcend the topicalized course outline. In addition to the outline, classroom practices that promote active learning and interactive collaboration should be clearly described to promote a more learning-centered classroom. Learning what students value in the syllabus might further contribute to its development into a real learning tool. Therefore, this study is an initial attempt to investigate how various elements of the syllabus reflect the interpersonal dimension and to establish a framework for learning, rather than teaching. Although the study is limited to one sample in one subject area which was piloted among a modest size of the target group of students and teachers, we propose that the student-

centered syllabus can serve as a valuable educational tool, and a contract, defining the expectations and responsibilities for both students and faculty. Traditional course description analysis proved fruitful for re-evaluation and development of faculty/student communication at the departmental level for each academic unit in a Russian university. Future research might explore the relationship between various elements of syllabi and students' academic success, as well as determining those sections and/components that are most valued by students and by faculty.

The notion of openness and transparency of Russian universities was investigated in a large-scale study [2] which aimed to identify achieved successes, existing gaps, and possible prospects of implementing the principle of transparency by Russian universities. It examined the transparency of information in the educational process from the perspective of legal requirements and interests of applicants and university students. The analysis consisted of reflecting on information regarding the activities of HE institutions as presented on their websites and related network services. The research was driven by Russian universities' desire to climb up the world university ratings and to improve their scores for openness and transparency.

Even though, this article reflects only some aspects of the transparency of faculty/student communication, we argue that student-centered syllabi will make their contribution to making faculty/student communication more open and transparent, and it will eventually lead to greater student satisfaction. Well-written student-centered syllabi should provide students with key information on educational activities and classroom practices, codify the norms and values of the classroom climate and, without any doubt, positively impact the level of openness of the educational institution. That is why introducing the student-centered syllabi may contribute to the implementation of university transparency principle at a greater level.

### Conclusion

We would like to conclude by suggesting that the evolving role of syllabi in Russian HE needs to be further investigated. Both qualitative and quantitative data is required to guide the reform process of making HE in Russia more learning focused and student oriented. The results of this small-scale study suggest that not just syllabi need to be introduced into Russian universities but the syllabus which is both student-centered and learning-centered. Students in our study appreciated the piloted syllabus as an informative and useful document and viewed the university teacher as a caring and supportive individual integral to the learning process. In practical terms, this study offers support and guidance to those who intend to create and implement syllabi in their teaching in order to establish open and transparent communication with students. Since traditional course descriptions in Russian universities are primarily focused on the administrative and course development functions, and are authoritarian and content focused, there is a need for a tool which instead

can establish effective faculty/student communication and interaction creating the climate for meaningful engagement in the course.

The results of the study confirmed our hypothesis that the syllabus can improve the effectiveness of communication between teachers and students, making the educational process for students more open and transparent, provided that this document contains the necessary information for students about the course. In contrast to the traditional course description, the syllabus should be compiled by the teacher specifically for students in a comprehensible language and offer a framework for learning. Well-written syllabus defines the rights of students during the course, as well as the rights of the teacher in the organization of the learning process and serves as a learning contract. The syllabus also shapes student expectations, provides tips and advice for the best learning outcomes and insights, thus motivating students to share the responsibility for the results of their learning activities and develop a more conscientious approach to mastering the discipline, contributing to one of the most important pedagogical tasks of the academic community of university teachers.

To conclude, it is proposed to introduce student-centered syllabi into Russian HE and make them an integral part of the program design process. This may also require faculty professional development including student-centered and learning-focused pedagogy together with syllabus design competencies and skills.

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## ОСОБЕННОСТИ ВИЗУАЛЬНЫХ СТИЛЕЙ В ГЕЙМ-ДИЗАЙНЕ (НА ПРИМЕРЕ ДИЗАЙНА МОБИЛЬНЫХ ИГР)

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«Altenia Game»

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**Summary:** This article addresses the current issue of choosing visual styles in the process of developing mobile games. It focuses on the multifaceted process of selecting a visual style, which depends on various factors, user requests, the author's idea, storyline, narrative, and many other components. Special attention is given to the role of visual style as a means of conveying the values and concept of the project, as well as its impact on the emotional and psychological state of users. The role of design, ergonomics, and composition, which are key components in the development of mobile games aimed at the end user, is analyzed.

**Аннотация:** В данной статье рассматривается актуальная проблема выбора визуальных стилей в процессе разработке мобильных игр. Акцентируется внимание на многоаспектности процесса выбора визуального стиля, который зависит от различных факторов, запроса пользователя, авторской идеи, сюжетной линии, повествования и многих других составляющих. Особое внимание уделяется роли визуального стиля как средства передачи ценностей и концепции проекта, а также его влиянию на эмоциональное и психологическое состояние пользователей. Анализируется роль дизайна, эргономики и композиции, которые являются ключевыми компонентами в разработке мобильных игр, ориентированных на конечного пользователя.

*Key words: visual style, game design, mobile game development, color palette, design composition, user engagement, emotional perception of gameplay.*

*Ключевые слова: визуальный стиль, гейм-дизайн, разработка мобильных игр, цветовая палитра, композиция в дизайне, вовлечение пользователя, эмоциональное восприятие игрового процесса.*

В эпоху популяризации мобильных игр и нарастающего интереса мобильных разработчиков к ним, вопросы выбора визуальных стилей для реализации игрового проекта приобретают прикладное значение. Выбор визуального стиля происходит на основании комплекса факторов, начиная от авторской задумки разработчика и заканчивая сюжетной линией, повествованием и многими другими составляющими. Ввиду интенсивного развития современного дизайна мобильных игр видится необходимым систематизировать и раскрыть опыт формирования визуальных стилей в гейм-дизайне и оценить степень и характер их влияния на пользователя (игрока).

Визуальный стиль игры, как человеческое лицо, является главным инструментом, позволяющим сообщить игрокам ценности проекта и его концепцию. Именно поэтому игровые студии тратят большую часть своего бюджета на создание эстетически привлекательного и запоминающегося дизайна. Визуальный стиль игры создают игровые художники, которые отвечают за создание персонажей, визуальных эффектов, окружения, пользовательского интерфейса и анимаций, что позволяет выдержать единую картину мобильной игры и гармонично объединить стилевые составляющие в «работающий» продукт.

Визуальная графика в играх занимает важное значение в удержании пользователей и

обеспечении прибыльности проекта. Кроме того, например, в мобильных играх, которые способствуют расслаблению игроков, как показывает опыт предыдущих исследований, визуальная часть особенно важна, так как она влияет на эмоциональное и психологическое состояние игрока, позволяет стимулировать осуществление определенных действий [8]. При создании эстетически привлекательной и выдержанной в рамках стиля графики для мобильной игры необходимо учитывать ряд базовых факторов – цветовую палитру, правила композиции, стиль рисования.

Как отмечает W.M. De Andrade, в мобильных играх наиболее значимыми компонентами становятся именно дизайн и эргономика, первично сфокусированные на конечном пользователе [7]. Соглашаясь с тезисами, содержащимися в исследовании автора, подчеркнем, что разработка дизайна, действительно, первично формируется исходя из потребностей и особенностей целевых потребителей, имеющих тенденций и предпочтений на рынке мобильных игр.

Дополнительным фактором, обосновывающим особенности проектирования в гейм-дизайне и реализации комплекса визуального стиля и эргономики является специфика непосредственно игрового проекта, что диктуется игровой деятельностью и необходимостью вовлечения и

погружения пользователя во внутриигровые процессы.

Достаточно примечательными в контексте заявленных суждений видятся труды Н.Ю. Казаковой [2-4], которая многогранно раскрыла связь между дизайном, функциями высшей нервной деятельности человека и применяемыми в гейм-дизайне художественно-технологическими приемами. В одном из исследований автора также встречается позиция о том, что первичной задачей в деятельности гейм-дизайнера становится задача привлечения пользователя, формирования максимально положительного и насыщенного опыта взаимодействия с внутриигровыми процессами [4]. Схожий ряд принципов автор предлагает и для решения задач разработки персонажа в контексте гейм-дизайна, в чем Н.Ю. Казакова выделяет особое значение проработанности биографии, внешних черт, применения художественно-экспрессивных средств и др. В комплексе учет особенностей цвета, восприятия и сюжета, как замечает автор, позволяет достичь желаемого результата, индикатором которого является «заданное» чувственное восприятие персонажа. При этом, любые недоработки способны оказать системное влияние на качество исполнения игрового проекта, его гейм-дизайн, как итог, привести к противоречивому результату [2]. В другом исследовании Н.Ю. Казаковой выделяется явная связь между улучшением аппаратной части современных устройств и трансформацией гейм-дизайна [3]. Интерпретируя обозначенные тезисы в работах Н.Ю. Казаковой, заметим, что в рамках разработки мобильных игр и их гейм-дизайна необходимо учитывать систему нюансов, придерживаться единого визуального стиля и при этом сохранять фокус на конечного потребителя, его цели, ценности, специфику самого проекта и аппаратные ограничения. На наш взгляд, ключевым (но не единственным) фактором при этом становится именно визуальный стиль.

Визуальный стиль отвечает за следующие функции в игре:

1. Визуальная ясность. Ясность – это четкое сообщение игроку о том, что происходит в игровом процессе, например, знание того, куда нужно идти, где игрок находится в данный момент, кто его союзник, а кто враг, сколько у него здоровья, а также многие другие параметры. Все обозначенное – примеры критической информации, которая должна быть быстро понята и усвоена игроками. Без ясности в рисунке игроку будет легко потерять чувство игрового процесса, его такт, назначение игровых заданий.

2. Удовлетворение от геймплея. Удовлетворение означает предоставление игрой четкой и оперативной обратной связи на действие игрока. Сюда можно отнести такие реакции, как немедленный переход после нажатия кнопки, хорошую анимацию в случае успеха и плохую анимацию в случае проигрыша. Каждое игровое

действие должно быть отзывчивым и приносить пользователям удовольствие от участия в игровом процессе. Поэтому художнику необходимо контролировать, что игра понятна и в нее приятно играть.

3. Индивидуальный стиль. Каждая игра обладает своим оригинальным художественным стилем. Цветовая палитра, дизайн персонажей, окружающая среда – каждый тип художественного элемента должен вызывать определенные эмоции.

4. Визуальная иерархия. В мобильных играх, зачастую, выделяются сотни изображений, которые способны конфликтовать с друг другом, нарушая баланс. Поэтому необходимо установить правильную визуальную иерархию, которая позволяет выделять главные объекты на экране. Здесь гейм-дизайнеру важно работать с цветом, что позволит сделать иерархию более понятной для конечного пользователя, ориентируясь на контраст для создания областей, на которых должен сконцентрироваться пользователь.

Так как пользователь основную информацию в ходе игрового процесса получает через зрение, выбор цветов для предметов приобретает первичное значение. Цвет в первую очередь оказывает воздействие на подсознание игрока, влияя на его настроение и общее самочувствие [5; 8]. Важное преимущество цвета заключается в том, что он способен создать определенную ассоциацию. Например, день у пользователя ассоциируется со светом, для этого времени суток он ожидает увидеть белые, желтые, зеленые и голубые цвета. Ночь ассоциируется с темнотой, поэтому стоит использовать синие и черные цвета. Именно такие ассоциации учитываются разработчиком в процессе работы над игровым проектом.

Благодаря трудам многих исследователей, изучающих теорию цвета, стало возможным создавать гармоничные иллюстрации для игр, ввиду осознания структуры работы цвета. Например, исследователь Йоханнес Иттен в своей книге «Искусство цвета» пишет о том, что людям свойственно давать субъективную оценку каждому цвету, к которому они испытывают симпатию или антипатию. Сочетание же различных цветов заставляют человека испытать определенные эмоции. Это обусловлено расположением цветов на «цветовом круге» [1]. «Цветовой круг» - важный элемент, который должен применять любой игровой художник при создании иллюстраций. Цвета делятся на две категории: «хроматические» и «ахроматические». Ахроматические цвета – это белый, черный, серые цвета и оттенки этих цветов. Хроматические – желтый, синий, красные цвета и их оттенки. Если смешать эти цвета первого уровня, то можно получить цвета второго уровня – оранжевый, зеленый и фиолетовый. При смешивании хроматических цветов первого и второго уровня можно получить цвета третьего уровня (рисунок 1).

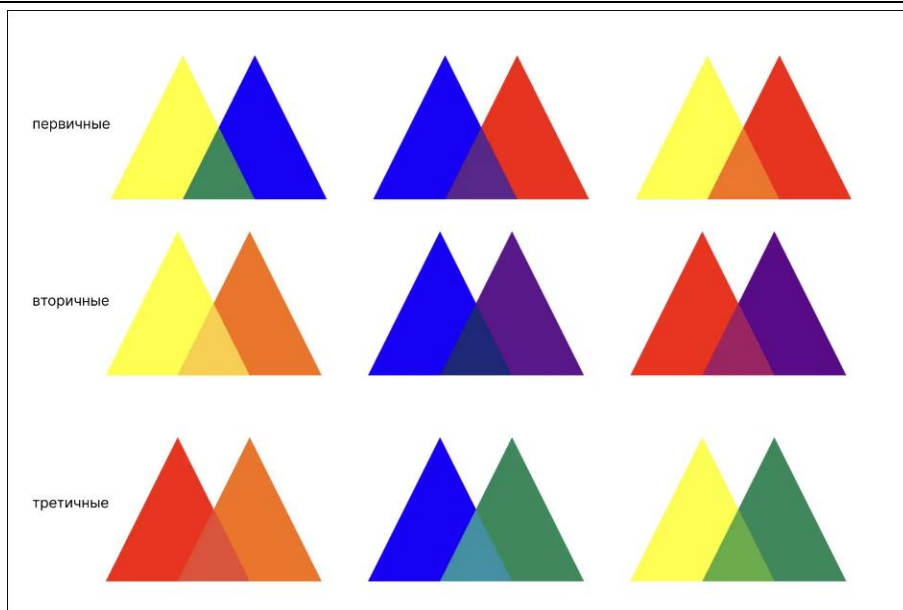


Рисунок 1. Хроматические цвета по И.Иттену [1]

Получившиеся 12 цветов И. Иттен расположил внутри круга. Основные цвета находятся в середине круга, рядом с ними – вторичные, затем – третичные (рисунок 2). Согласно его теории, существуют «аналогичные» сочетания, цвета, которые соседствуют друг с другом, они вызывают у человека спокойствие и чувство гармонии. «Комплементарные» цвета, которые расположены напротив друг друга, наоборот, вызывают у зрителя противоречивые эмоции. Знание основ цветовой

теории позволяет значительно улучшить качество графического дизайна в играх. Цветовой круг позволяет художникам сбалансировать цветовую палитру, подчеркнуть внимание на важных игровых элементах, создать градиенты и плавные переходы между цветами. Также цветовой круг И. Иттена полезно применяется при создании персонажей, чтобы подчеркнуть стиль и характер, не нарушая общий баланс с игровым процессом [2].



Рисунок 2. Цветовой круг И.Иттена [1]

Другой ученый, американский психолог Роберт Плутчик, также подчеркивал влияние цвета на эмоциональное состояние зрителя. Согласно его теории, каждый цвет можно соотнести с определенной эмоцией. Исследователь расположил базовые эмоции на цветовом круге: радость – желтый, удивление – розовый, доверие – светло-

зеленый, отвращение – сине-зеленый, страх – синий, гнев – красный, печаль – фиолетовый, ожидание – оранжевый (рисунок 3). Эмоции расположенные напротив уравновешивают друг друга. В самом центре располагаются базовые эмоции, затем идут вторичные и третичные [9]. С точки зрения игрового художника эти цвета



применяются для передачи эмоциональных состояний, позволяют придавать определенное настроение сцене. Однако ассоциации, связанные с цветами, имеют разные культурные и индивидуальные вариации, поэтому не могут быть

единственной опорой для выбора игровой цветовой палитры – в этом случае важно учитывать культурные (национальные) особенности восприятия цвета [6].

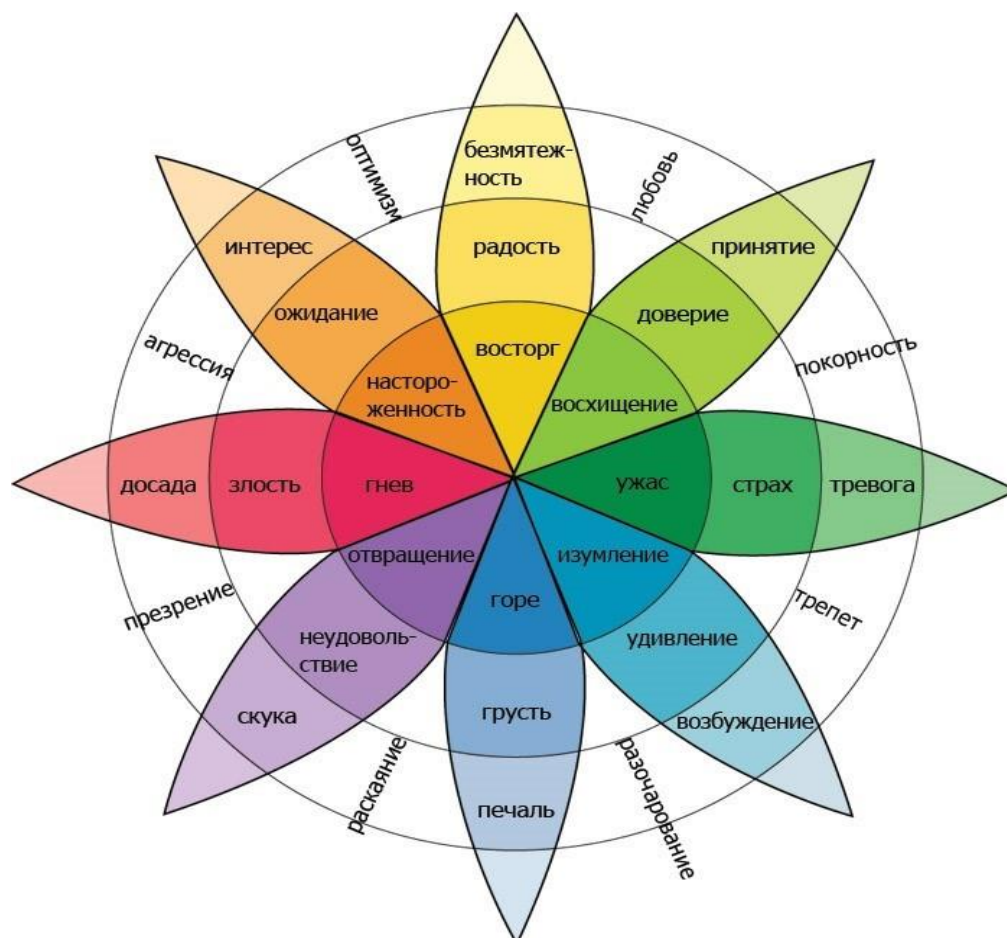


Рисунок 3. Цветовое «Колесо эмоций» Роберта Плутчика [9]

Фокусируясь на задаче разработки расслабляющих игр, отметим, что в них лучше всего использовать мягкие и нежные цвета, пастельные оттенки [8]. Красный цвет в играх стоит использовать с особой осторожностью, так как его обилие может привести к переутомлению пользователя. Зеленые и желтые цвета помогут художнику создать баланс в графике, так как они ассоциируются с природой и спокойствием. Цветовые комбинации должны быть гармоничны с друг другом, создавая уравновешенные и приятный визуальный опыт. Также стоит избегать резких цветовых контрастов, которые способны вызвать напряжение у игрока.

Ранее нами затрагивалось место эргономики в гейм-дизайне; одним из компонентов достижения эргономики, как проявления эффективного дизайна, удобного и интуитивного расположения интерфейса, является композиция – важнейший организующий элемент в игровой графике, придающий произведению единство и целостность. В игровом дизайне существуют несколько видов композиций, отвечающих за расположение и организацию элементов в пространстве:

1. Центральная композиция, при которой основной объект находится в центре экрана. Используется, чтобы привлечь внимание к определенному предмету.

2. Диагональная композиция, при которой игровые элементы расположены вдоль диагональных линий. Используется для создания динамики в игре.

3. Симметричная композиция, в которой все игровые элементы располагаются симметрично центральной оси. Используется для того, чтобы создать гармоничную и устойчивую сцену в игре.

4. Ассиметричная композиция, построенная на том, что элементы располагаются не симметрично, а вдоль центральной оси. Используется для того, чтобы создать интересный вид, привлекающий внимание игрока.

5. Панорамная композиция, включающая в себя широкие углы обзора для передачи большого масштаба игры.

Другим не менее значимым фактором успешного гейм-дизайна является графика. Уникальная графика становится главным преимуществом любого игрового проекта.

«Красивая» картинка не только привлекает внимание игроков, но также передает атмосферу игры и улучшает пользовательский опыт, формируя приятные ощущения от внутриигрового процесса. Важно четко разделять 3-д и 2-д графику.

Так, подчеркнем, что к наиболее распространенным стилям 2-д графики в расслабляющих мобильных играх можно отнести:

Плоский дизайн (рисунок 4). Данный вид графики соединяет в себе минимализм, простоту и четкие линии. Художники, работающие в этом стиле, избегают сложных теней и градиентов, используя чистые цвета и формы. Плоский дизайн делает интерфейс чистым и упрощенным, обеспечивая выражение определенного настроения.

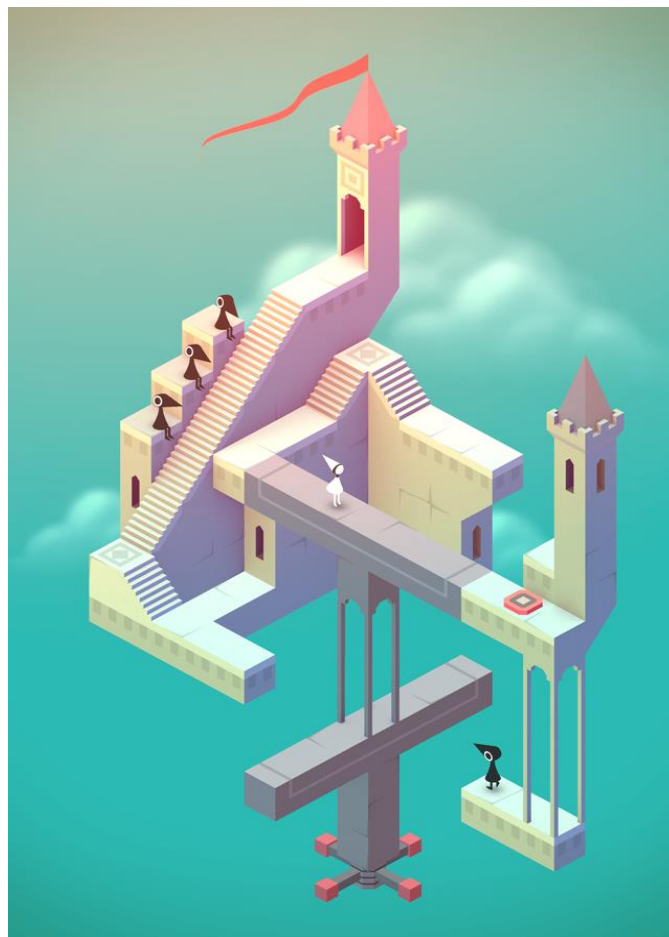


Рисунок 4. Пример «плоского дизайна». Иллюстрация из игры «Monument Valley».

Плоский дизайн позволяет уменьшить визуальный шум и сосредоточить внимание игрока на важных элементах геймплея, при этом легко адаптируется к разным экранам и устройствам, что добавляет преимущество в сравнении с другими игровыми стилями. Также данный стиль позволяет быстро разрабатывать красивые и плавные анимации. Художнику для работы с обозначенным видом графики необходимо работать с композицией и теорией цвета. Начинаящим игровым художникам, как показывает практика,

сложно работать с плоским дизайном, так как их работа получается «простой», что негативно сказывается на визуальном интересе у пользователя.

Векторная графика. Изображения, выполненные в векторном стиле, имеют четкие очертания и могут изменяться в размерах без потери качества, поскольку для их создания используются математические вычисления, в отличие от растровой графики, которая использует пиксели (рисунок 5).

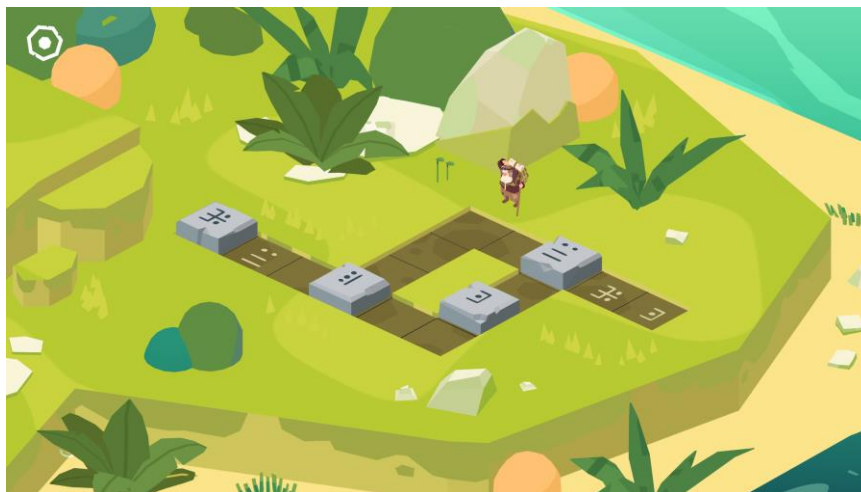


Рисунок 5. Пример векторной графики. Иллюстрация из игры «Down in Bermuda»

Векторные иллюстрации занимают меньше памяти, чем растровые изображения, что положительно сказывается на производительности игры. Изображения создаются с помощью геометрических объектов, которые позволяют замаскировать графические недостатки и шероховатости. Векторная графика позволяет быстро создавать дизайн уровней и персонажей. Однако, для эффективного применения векторной графики необходимо обладать четкими

представлениями о стилистике, чтобы объединить предметы разных цветов и форм одной стилизацией.

Геометрический дизайн Один из самых простых видов графики. Художник, используя геометрические формы, узоры, линии создавая среду, где игрок управляет одной из фигур и использует ее, чтобы преодолевать препятствия, уворачиваться или атаковать другие фигуры (рисунок 6).



Рисунок 6. Пример геометрического дизайна. Иллюстрация из игры «circlO-Physics Platformer»

Благодаря четким элементам художникам проще привлекать внимание игрока к необходимым объектам, поскольку повторяющиеся фигуры и узоры придают картинке визуальное единство. При создании игры в данном стиле необходимо соблюдать точные геометрические композиции и сдерживать равновесие между простотой и интересом графики [Филиппова].

Пиксель-арт. Стиль в графическом дизайне, в котором изображения создаются при помощи маленьких квадратных пикселей (рисунок 7). Он используется художниками для создания проектов в ретро-стиле, так как этот стиль занимает особое место в игровой индустрии и имеет свои уникальные преимущества.



Рисунок 7. Пример стиля пиксель-арт. Иллюстрация из игры «Stardew Valley»

Изображения, созданные в стиле пиксель-арт, занимают меньше места в памяти устройств, чем другие изображения в других стилях. Пиксель арт отличается особой простотой, изображения легко создавать и редактировать с помощью специальных инструментов. Однако создание пиксель-арта требует учета всего изображения (итога, пропорций), поскольку пиксель представляет собой лишь отдельный элемент изображения.

Также дополнительную сложность создает ограниченная палитра цветов, что отчасти затрудняет достижение необходимого визуального эффекта.

Анимационный стиль. Популярный графический стиль, который также используется в мультфильмах и анимационных произведениях искусства (рисунок 8).



Рисунок 8. Пример анимационного стиля. Иллюстрация из игры «The Smurfs - Educational Games»

В данном виде графике художники используют яркие и насыщенные цвета, при этом, элементы в анимационной графике могут быть искажены или преувеличены для создания эффекта «веселья».

Монохромный стиль. Художественный стиль, в основе которого лежит использование одного цвета

(рисунок 9). Например, если базовым цветом выбран синий, то в монохромном стиле будут использоваться разные оттенки этого цвета, от самого темного до самого светлого для создания разных элементов в дизайне.



Рисунок 9. Пример монохромного стиля. Иллюстрация из игры «Linea: An Innerlight Game»

С помощью ограниченной цветовой палитры художники создают уникальные эстетические образы, передают с помощью светлых и темных оттенков настроение в игровом процессе. Темные цвета в игре, как правило, используются для предупреждения об опасности, белые символизируют безопасные зоны, в которых

пользователь снижает концентрацию с игровых действий.

Стиль «дудл-арт». Дудл-арт отличается своей уникальной рисовкой среди других стилей игрового искусства. Он отличается быстрым, свободным и порой грубым рисунком, сопровождающийся абстрактными изображениями.

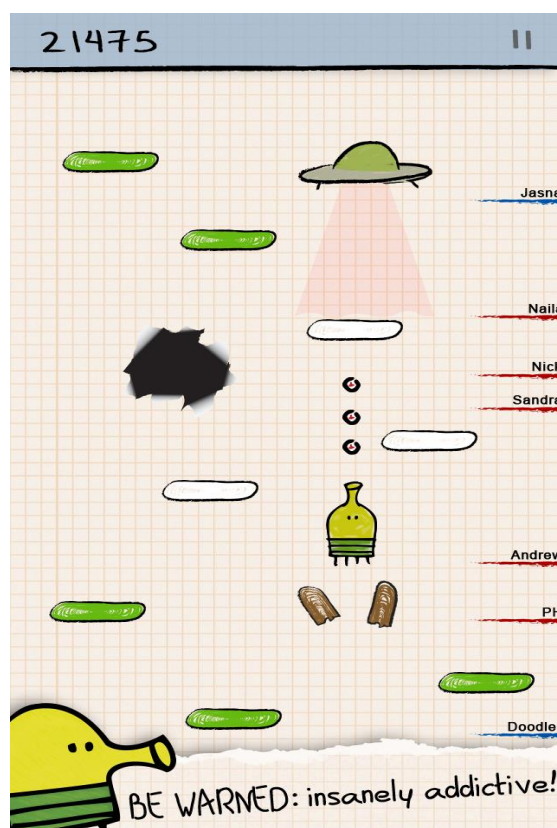


Рисунок 10. Пример стиля «дудл-арт». Иллюстрация из игры «Doodle Jump»

Художники, работающие в стиле «дудл-арт», не ограничивают себя строгими правилами и стремятся передать в рисунке прежде всего смысл, а не эстетику. В данном стиле отсутствует жесткая иерархия предметов, линии и формы могут быть

несовершенными, что добавляет рисунку уникальный характер.

«Kawaii» стиль.

«Kawaii» – японское слово, которое переводится как «милый» или «очаровательный».

Стиль активно используется в мобильных играх при создании милых персонажей и красочных элементов дизайна. Для этого стиля характерно

использование ярких цветов, а также искаженных форм, которые призваны вызвать у игрока чувство умиления (рисунок 11).



Рисунок 11. Пример стиля «kawaii». Иллюстрация из игры «My Dear Farm»

Однако данный стиль, как правило, не используется художниками, работающими над игрой с серьезной тематикой, так как часто ассоциируется с детскими играми.

На основе проведенного теоретического анализа современных визуальных стилей в мобильных играх и обобщения вопросов создания гармоничных стилей, выделены конкретные 2-д стили в гейм-дизайне мобильных игр и раскрыты их общие особенности.

Результаты анализа позволяют подчеркнуть, что создание эффективного визуального дизайна для игры требует первичной ориентированности на пользователя. Дополнительными факторами являются факторы гармоничного использования цветов, исключения конфликтов между цветами, акцента на важных деталях. Можно резюмировать, что для создания «нужного» настроения в игре необходимо учитывать психологические основы цвета, а также особенности его восприятия в конкретной культуре и нации. Разработчикам и гейм-дизайнерам необходимо выбрать уникальный стиль игры, который будет отвечать основной идее и запросам аудитории, что позволит проекту выделиться среди множества других. Эстетически привлекательный и обеспечивающий заложенные цели мобильной игры визуальный стиль становится фактором вовлечения пользователя во внутриигровые процессы.

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## ФОРМИРОВАНИЕ ГОСУДАРСТВА-ЦИВИЛИЗАЦИИ «РОССИЯ».2

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### FORMATION OF THE STATE-CIVILIZATION RUSSIA.2

**Аннотация.** Недавно в основополагающие политические документы страны было введено понятие государство-цивилизация. В работе обсуждаются процессы формирования Славянской ортодоксальной цивилизации и её особенности.

**Abstract.** Now the concept of state-civilization has been introduced into the fundamental political documents of the country. The paper discusses the processes of formation of the Slavic Orthodox civilization and its features.

*Ключевые слова: рефлексивные установки сознания; импринтинг; эгоизм; цивилизационная матрица.*

*Keywords: reflexive attitudes of consciousness; imprinting; egoism; civilizations matrix.*

#### О диктатуре пролетариата

Только с XIX века всякое историческое событие стали понимать как результат и продолжение предшествующих событий, появилось понятие «исторический процесс». Выяснилось, что в развитии общества есть железная логика, которая четко определяет будущее. Кривую развития можно прочерчивать, всю предшествующую историю можно переосмыслить. Популярности термина «исторический процесс» чрезвычайно способствовали романы В. Скотта, которые строились на этом понятии.

Всякий динамический процесс определяется какими-либо ведущими факторами. Поэтому сразу встал вопрос, что является важнейшим фактором в историческом процессе? Гегель предложил считать важнейшим политический фактор. Маркс выдвинул экономический фактор: развитие общества определяется уровнем производительных сил и производственных отношений. Идея плодотворная. В течение 100 лет активно использовалась при осмыслении происходящего и для руководства к действию. Однако новейшая история выдвинула новый важнейший фактор, определяющий состояние всего общества – *культурный*. Действия человека в существенной мере зависят от набора базовых понятий и представлений, жестко зафиксированных в его голове, от общих принципов его восприятия жизни, от уровня его эгоистичности [1,2].

Важнейшее понятие марксизма — диктатура пролетариата в ходе революционных процессов. В начале XX века у теоретиков марксизма возник вопрос: кто может быть носителем диктатуры в крестьянской России? Последовали три ответа.

Троцкий. В деле революции приоритет за пролетариями, а мелкие буржуа - крестьяне противоборствующая сторона. Предстоит постоянная борьба с ними, что приводит к перманентной революции.

Бухарин. Ведущая революционная сила в народе — крестьянство.

Ленин, Сталин на VIII съезде партии выступили за союз рабочего класса с трудовым крестьянством.

Итог. В 1920 году Красная армия насчитывала 5,5 млн. бойцов, а совокупная Белая армия - 0,5 млн. бойцов. То есть союз состоялся, и главная движущая сила революции — крестьянство в солдатских шинелях. Почему так произошло?

#### Проблемы эгоизма

Первейшая задача человеческой жизни – самосохранение, выживание. Каждый человек волнуется о собственном благополучии независимо от возраста и пола, что есть проявление эгоизма. Важны степень этого беспокойства и его последствия. Человек зависит от взаимоотношений со своими соседями и возникают разные варианты эгоизма.

Принцип рационального эгоизма - *живёшь для себя, но не мешаешь жить другим*, что существенно уменьшает количество угроз для твоей жизни. Для этого приходится учитывать интересы других людей и организовывать свою жизнь в потоке общих интересов, выдвигать их на первый план в своей деятельности. Возникает система коллективизма.

Принцип иррационального эгоизма - *живёшь для себя и не мешаешь жить своим*, т. е. вводится процедура деления на своих и чужих. Интересы чужих не учитываются и игнорируются. Возникает система жесткого индивидуализма. Деление на «свой-чужой» человек может делать относительно окружающих его людей, а его семья - относительно ближайших соседей, каждая организация - относительно других организаций, каждая страна - относительно других стран. Такой подход порождает высокомерие, чувство превосходства над своими соседями, позволяет организовывать их жесткую эксплуатацию, приводит к многочисленным конфликтам. Синонимами

понятий коллективизм и индивидуализм являются понятия «справедливость» и «выгода» [3].

С момента своего рождения человек в режиме импринтинга [4] предельно четко на всю жизнь запоминает свои первые восприятия элементов окружающей его действительности. Важно то, что ребенок видит, слышит и чувствует с первых моментов своей жизни. В памяти фиксируются объекты, ощущения и последовательности действий. Эти первичные восприятия - основа понимания мира, основа поведения и действий человека, образуют множество конкретных элементов информации — подсознание человека. На следующем этапе жизни элементы этого множества будут активно использоваться как непререкаемые истины — так и только так, и порождать образцы поведения. Каждая из жестко зафиксированных в голове последовательностей действий при своей реализации переходит в рефлекс, когда за одним действием четко следует другое. Например, многие из нас несут в себе установку «бойся черной кошки, перебегающей дорогу» и реальное появление кошки вызывает неприятное чувство, а это уже рефлекс. Таким образом, подсознание человека включает множество непререкаемых истин и множество рефлексивных установок сознания, т. е. инструкций, исполнение которых порождает конкретные результаты. В режиме импринтинга у человека формируется набор первичных понятий, связанных с реальной жизнью, а затем приобретаются навыки суждения относительно этих понятий.

Инстинкт самосохранения у человека возникает сразу при его рождении и постепенно развивается. В итоге взрослый человек в силу разных обстоятельств на уровне подсознания склоняется в большей степени либо в сторону личной выгоды и иррациональному эгоизму, либо в сторону справедливости и рациональному эгоизму. Эгоистическая реакция человека проявляется автоматически как рефлексивная установка сознания. Отметим, что разногласия между коллективистами и индивидуалистами носят принципиальный характер и представляют собой конфликт рефлексов.

В человеческих сообществах могут преобладать люди с эгоизмом того или иного типа, с коллективистским или индивидуалистическим восприятием жизни. Это разделяет сообщества на две принципиально разные категории. Ещё в конфуцианской философии древнего Китая ввели следующие определения. Если в общей организации жизни сообщества главенствует принцип справедливости, имеем *век устройства*, а если главенствует личная выгода, то это *век смуты* [5, с.63]. Исторический опыт показывает, что оба состояния человеческого сообщества *век устройства* и *век смуты* неустойчивы и склонны к саморазрушению. Периодически происходит переход из одного состояния в другое в режиме колебаний «маятника» или сообщество вообще

исчезает. Показателен опыт Китая, где такие переходы происходили многократно [6]. Существование *века устройства* в огромной степени зависит от позиции правящей элиты. Она контролирует распределение материальных благ, и прежде всего в её среде может возобладавать искушение к личной выгоде, что затем распространится на всё сообщество и переведет его в *век смуты*. Тотальная погоня за прибылью в *век смуты* приводила, в конце концов, к очень высокому уровню социальной несправедливости в обществе, его ослаблению, восстанию обиженных. Доведенное до крайнего упадка сообщество либо поглощалось соседями, либо в силу определенных обстоятельств меняло уклад жизни, поднимало уровень сплоченности людей и переходило в *век устройства*. Для Китая таким обстоятельством часто выступала необходимость строительства крупных ирригационных сооружений. Обстоятельством породившим империю Чингисхана было то, что в силу климатических изменений на большой территории пустыни, примыкающей к степи, возникли новые качественные пастбища. Освоение этих просторов требовало единения среди кочевников.

История человечества начиналась с первобытно - общинной формы существования людей, системы общинного землепользования, что порождало коллективистское восприятие жизни людей, рациональный эгоизм, элементы альтруизма, стремление к социальной справедливости. Наиболее успешно развитие человечества проходило в областях с благодатным климатом вблизи Средиземного моря. Высокая урожайность на этих землях повышала ценность отдельных её участков, и они превращались в собственность людей их обрабатывающих. Со временем росла плотность населения и стали формироваться правовые нормы эксплуатации земли. Массовый переход к частной собственности на землю привел на этих территориях к социальному расслоению людей, разрушению первичной<sup>48</sup> общины, к преобладанию индивидуалистического восприятия жизни у людей, иррациональному эгоизму в их среде и появлению сильной правящей власти в сообществах. В стороне от этих процессов находилась Восточно-Европейская равнина с достаточно суровым климатом в зоне рискованного земледелия. К началу IX века на этих землях обитали сотни первобытных племен, находящихся на различных ступенях исторического развития. Их природное коллективистское восприятие жизни существенно усилило крещение Руси в 988 году. Исходным нравственным понятием в процессе зарождения ортодоксальной христианской церкви было *сострадание*: сострадание ко всякой живой душе, сострадание к человеческой беде. Конкретная забота о сирых и убогих, вызванная состраданием, говорит о высоком уровне сплоченности людей.



Кроме того, появление сильной правящей власти у восточных славян произошло не стандартным путем, не через внутренние междоусобицы, а в результате приглашения викингов в качестве наёмников для организации внешней торговли с азиатским рынком такими товарами как меха, воск, мед. По всей Европе торговые караваны могли безопасно перемещаться между отдельными регионами только в сопровождении крупных военных конвоев. В обязанности князя входили защита границ, ведение международной торговли, взимание дани с подвластных земель, причем, «одна треть сборов на государственные нужды и «кормление» дружины, остальное предмет внешней торговли».

Постепенно все земли Руси стали вотчиной рода Рюрика. С течением времени семья Рюриковичей разрослась, и началось ослабление её внутренних связей. Ослабевало взаимоуважение, повиновение младших старшим, появляются споры между линиями родства. Власть и народ в определенной мере существовали раздельно. Князья были поглощены собственными родовыми спорами, не занимались установлением прочного порядка вещей. Для преодоления беспорядков и усобиц в самом княжеском роде нужно было упразднить родовые отношения, перейти к государственному, чтобы старший в роде князь являлся государем относительно младших, а они подчинялись его власти как подданные [7, с.186]. Процесс такого перехода затянулся до XVI века. Первым носителем титула «царь» стал Иван Грозный, которому жесткой системой управления пришлось доказывать, что он единоличный и полноправный самодержец. Изменение структуры власти в стране затронуло интересы всего общества, вызывало у многих обиженных негативное восприятие и породило память об Иване Грозном, как о страшном злодее. Впоследствии все происходившие на Руси коренные изменения уклада жизни, вызванные объективными обстоятельствами, также оставляли не добрую память о вождях и руководителях этих изменений, так как проведенные ими преобразования всегда были необходимыми, но болезненными для людей.

По ходу происходивших исторических процессов вплоть до начала XX столетия в крестьянской среде устойчиво сохранялось общинное землепользование, которое с древнейших времён является эффективным инструментом формирования коллективистского восприятия жизни людей. В результате в царской России сложилась двойственная система нравственности отдельно у крестьянства и правящих сословий, что ярко проявилось в бурных идеологических спорах между славянофилами и западниками в XIX веке.

#### Новый век устройства

Именно преобладание коллективистского восприятия жизни у российских крестьян и сделало их главными авторами Великой Октябрьской Социалистической Революции с её идеями о

всеобщей справедливости. В результате революции в России произошел переход в *век устройства* с четкой организацией управления жизнью страны в направлении социальной справедливости и полной отмены приоритета личной выгоды. Далее пошел стандартный процесс разложения - партийное руководство в СССР в своей массе устремилось к повышению личного благополучия, не обеспечивало устойчивого развития общества и, в конце концов, объявило о переходе страны к рыночным отношениям. Для сообщества с тысячелетним опытом коллективистского восприятия жизни произошел резкий переход в *век смуты*, но на активную погоню за личной собственностью переключилась только часть населения. Страна конкретно разделилась на западников и славянофилов. После неудачных попыток слиться с индивидуалистическим Западом, после произошедших разрушений и обнищания людей, начался процесс возврата к *веку устройства* и восстановления суверенитета страны. Процесс существенно ускорился после государственного переворота на Украине и начала специальной военной операции. Эти события активизировали стремление большинства стран однополярного мира выйти из под агрессивного доминирования США и в международных отношениях перейти к принципу рационального эгоизма — живёшь для себя, но не мешаешь жить другим. Россия оказалась лидером этого движения.

При организации нового варианта *века устройства* приходится учитывать прежние ошибки. Причиной катастрофы СССР явилась идеологическая установка — жизнь человека должна обеспечиваться только через общественный труд, никакой личной трудовой инициативы, так как она ведет к социальному расслоению людей. Например, в моём родном городе с населением около 50 тыс. человек из трёх огромных стад коров, принадлежащих горожанам, в 1957 году сразу вырезали два стада под лозунг властей — теперь будем пить молоко колхозных коров. Изменили правила распределения травяных покосов на селе, и коровы частников остались без сена. А в 1963 году нельзя было опаздывать в студенческую столовую, велик риск остаться без чахлой котлетки. Наступило полное торжество канонов идеологии над здравым смыслом. В результате таких провалов в обеспечении населения страны коммунистическое движение было существенно скомпрометировано в глазах людей, вопросы личной выгоды стали выходить на первое место, в обществе усилилось движение в сторону *века смуты*, которое вскоре и победило.

В новом варианте *века устройства* традиционное коллективистское восприятие жизни должно быть дополнено определенным простором для личной деловой активности людей. Правильные пропорции между социальной справедливостью и личной выгодой - вечная проблема человечества. Базовые отрасли промышленности и обеспечение безопасности

государства должны оставаться под жестким контролем государства, а сфера действия личной деловой активности должна четко определяться законом. Переход к такому смешанному состоянию - очень сложный процесс, и потребуются много времени для его реализации, но это и будет новая идеология России.

Процесс мировой глобализации в XX веке стал превращать всё население планеты в единое сообщество с чрезвычайно высокой взаимной зависимостью экономик разных стран. Надёжно устойчивым существование всякого сообщества может быть только при полном соблюдении принципа рационального эгоизма — не мешать жить другим. В настоящее время миром правит иррациональный эгоизм под руководством США, но деструктивные позиции Запада ослабевают, формируется сообщество государств, которые стремятся выйти из-под агрессивного доминирования США, перейти к принципам рационального эгоизма.

На текущий момент российская «пятая колонна» - это убеждённые сторонники приоритета личной выгоды на фоне сторонников социальной справедливости. Таковыми их сформировали собственные семьи и другие жизненные обстоятельства. Сам факт существования Запада даёт моральную поддержку их личным индивидуалистическим устремлениям, и поэтому они преклоняются перед Западом. Идеологическое противостояние индивидуалистической Западной цивилизации и коллективистской Славянской ортодоксальной цивилизации перешло на уровень гибридной войны, которая неизбежно приведет к новому укладу жизни на планете Земля.

#### Цивилизационная матрица

Человеческая цивилизация — это крупное сообщество людей, у которых совпадают наиболее важные, базовые рефлексивные установки сознания, определяющие общий стиль их поведения. Набор базовых правил восприятия жизни и поведения в сообществах принято обозначать термином *цивилизационная матрица*. Формируются матрицы в результате длительного исторического развития общества. Так, племенной уклад жизни восточных славян в IX веке был мирным путем совмещен с системой государственного управления через приглашение викингов для организации внешней торговли. Внутри племен действовало изначальное коллективистское восприятие жизни, которое существенно усилило крещение Руси в IX веке. Затем монгольское нашествие присоединило русские княжества к улусу Джучи и в течение 240 лет Русь являлась окраинной провинцией Орды. Для многих поколений восточных славян это дало практику жизни в рамках хорошо организованного сильного государства. Люди высоко оценили такую форму организации общества и свой выход из вассальной зависимости стали видеть через созидание собственного сильного государства. Вспомним деяния Преподобного Сергия

Радонежского. Стремление объединиться в государство-семью постепенно укреплялось в подсознании восточных славян, и привело их к чрезвычайной сплоченности, что ярко проявилось, например, в момент изгнания польских захватчиков из Москвы в 1612 году. По ходу всех этих событий, вплоть до начала XX столетия, в крестьянской России сохранялось общинное землепользование, активно формирующее в обществе коллективистское восприятие жизни людей.

Всё это и привело Россию к цивилизационной матрице коллективистской направленности. В основу восприятия жизни общественной легли рефлексивные внутри семейной жизни: высокий уровень дружелюбия между людьми, стремление улаживать внутренние конфликты, уважение к старшим, ответственность за младших. Предпочтение общинным интересам при принятии решений, осознание себя членами Отечества — единого государства-семьи. В отличие от мира индивидуалистов действует иерархическое само восприятие человека, он понимает себя относительно окружающих людей по принципу «старше-младше» в своей социальной группе. Силу свою люди ощущают через сплоченность, для решения серьезной задачи сходятся в товарищества во главе с предводителем, которому все подчиняются. Рассмотрим, как это проявляется, например, в ходе современной политической борьбы. Для коллективиста главное это выбрать предводителя с желательной для себя политической программой и поддержать его на выборах. Индивидуалист обязательно должен публично выразить свою личную точку зрения, и поэтому отправляется на митинги с соответствующим плакатом.

Очень важны рефлексивные установки стратегии поведения людей, преобладающие в сообществах. У восточных славян это прежде всего стремление улаживать семейные и внутригрупповые конфликты - основа внутренней и внешней политики России [3]. В странах Запада это активная агрессия, направленная на захват материальных благ. Еврейскому народу инструкция из Ветхого Завета — обязательный отпор всем врагам: «Око за око, зуб за зуб».

У южных славянских племен сложилась особая судьба, им приходилось постоянно приспосабливаться к меняющейся исторической ситуации. В итоге в народе выработались не бойцовские качества, а другое правило жизни: главное — удачно приспособиться к внешним обстоятельствам. Эта установка перешла в разряд рефлексивного элемента сознания, и достаточно явно проявляет себя на бытовом уровне у большинства малороссов и в политике нынешней Украины - приспособленчество.

С древних времен территория Белоруссии со своими болотами и лесами оказалась «перевалочным пунктом» для её соседей, часто воевавших между собой. Белорусы же старались с непрошеными гостями не сражаться и добиваться

мира малыми жертвами, обширные болота и леса обеспечивали надёжные укрытия для людей и это сохраняло их спокойствие. Такое поведение со временем выработало особый рефлексивный элемент сознания. Он обозначается термином *памяркоვნась*, его смысл – спокойствие на грани безразличия. Отсюда и общая репутация у белорусов – спокойные, доброжелательные люди.

У индивидуалиста четкое понимание окружающего мира — всё через приоритет личной выгоды, а перед коллективистом многоплановая действительность, и он постоянно наполнен сомнениями о происходящем вокруг него. Коллективист - личность, склонная к сомнениям, неоднократно отмечал Захар Прилепин.

У католиков и протестантов на первое место вышли не вопросы нравственного общения людей, а материальные интересы. Это религии агрессивных индивидуалистов, для них Бог - просто надежда на получение бессмертия для собственной души, корыстный интерес и всё. Волки в овечьей шкуре. Ортодоксальное христианство внесло в массовое сознание людей идею создания справедливого мира, и православная Россия дает примеры реализации этой идеи.

С самого начала появления людей каждый человек ищет баланс между рациональным и иррациональным эгоизмом внутри себя, а человеческие сообщества постоянно балансируют между двумя крайностями — социальной справедливостью и приоритетом личной выгоды, что и наполняет содержанием всю историю человечества. В настоящее время в рамках уже всей планеты пошел процесс перехода от *века смуты к веку устроения*.

#### **Конфликт цивилизаций**

Базовые разногласия между коллективистами и индивидуалистами носят принципиальный характер и представляют собой конфликт рефлексов, конфликт стратегий поведения людей, преобладающих в сообществах. У восточных славян это прежде всего стремление улаживать семейные и внутригрупповые конфликты — основа внутренней и внешней политики России. В странах Запада это активная агрессия, направленная на захват материальных благ, постоянное ужесточение правил конкурентной борьбы, переход к фашизму. Исходная идея фашизма очень проста – физическое уничтожение конкурентов допустимо. Кто сильнее – тот и прав, пусть проигравший плачет – базовый принцип жизни

любого сообщества индивидуалистов, усвоенный на уровне рефлекса.

Когда коллективисты общаются с представителями индивидуалистического Запада, то видят не их стремление всё и вся присвоить себе, а своё собственное отражение и пытаются говорить с ними на человеческом языке. В результате коллективистов подводит их дружелюбие, направленное в сторону агрессоров, так как Запад воспринимает их дружелюбие как проявление слабости. По их пониманию правильное поведение народов — обоюдная грызня.

Современная Россия неожиданно для себя увидела, что идеи фашизма и нацизма опять захлестнули Европу, звучат требования захватить Россию и поделить на кусочки её природные ресурсы. Но это естественное желание мира индивидуалистов. Естественная реакция мира коллективистов — перейти к максимальной сплоченности и в очередной раз пресечь агрессию Запада.

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Candidate of Legal Sciences, Associate Professor,  
Professor of the Russian Academy of Natural Sciences**PROBLEMS AND CHALLENGES OF REGULATION OF ANONYMOUS FINTECH**

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**Abstract. ACTUALITY.** In the modern world, fintech as an innovative phenomenon is one of the most pressing topics, including in jurisprudence. Questions about the regulation of fintech, both in general and its types, occupy a serious part of modern legal research, both academic and practical.

**ARTICLE PURPOSE.** The research goal is to describe the phenomenon of anonymous fintech and analyze exactly what differences exist in the area of regulation of anonymous fintech and other types of fintech.

**RESEARCH METHODS.** To develop the concept, the study primarily used a qualitative documentary analysis methodology. A significant part of the documents on fintech regulation is presented in the form of recommendations and expert opinions from representatives of organizations such as the World Bank, the International Monetary Fund, the Basel Committee and others.

These recommendations are not of the same nature as other documents relating to the financial regulation of the same organizations, and therefore they cannot be considered legislation, even soft law. At the same time, due to significant uncertainty in approaches to fintech regulation, their impact is significant.

At the local level, the variety of sources is even greater. Depending on the financial system of a particular state, they may consist of recommendations, policy documents and letters, legislative acts (general and specific), case law, etc.

Thus, the study explores primary and secondary materials. Since primary documents related to fintech are still controversial on some issues, the main resources selected for this study are based on the idea of technocracy.

Secondary materials are collected to better understand the current situation in fintech regulation, problems, positions and contradictions that may exist in practice. The study also reviews the literature on financial technology regulation.

**AUTHOR 'S RESULTS.** The study aims to analyze existing approaches to the legal assessment of fintech and ways to regulate it as a technology. The study is based on the hypothesis of the need to abandon a fractional multilateral approach to understanding what fintech is and what types it can be divided into. Instead, the author proposes to turn to the classic system of differentiating the characteristics of technology into technological and non-technological, which is the basis for the legal recommendations of UNCITRAL. Based on this, the author proposes to divide fintech into two large categories, each of which requires its own system of legal regulation. Thus, according to the author, a completely new classification of fintech can be formed based on the characteristics of the degree of data identifiability, on which, in turn, the ability of the regulator to assess the compliance of fintech with the current law will depend.

**RESULTS ' PRACTICAL IMPORTANCE.** The proposed system of classification of fintech will allow us to move away from the main problem of modern legal regulation of this area - namely, from fragmented regulation based on the resolution of specific conflicts and cases.

The classification will also allow the regulator to proactively assess the possibility of regulatory intervention to require compliance with the law. At the stage of formation of the legal regulation system, it will be possible to determine the extent of the required legislative reform and its depth, as well as the necessary legal instruments.

*Keywords : fintech, law, legal regulation, data law, fintech law, financial law.*

**Introduction**

Fintech is a range of different innovative technologies such as blockchain, artificial intelligence, cryptocurrency, etc. This diversity makes it difficult to harmonize government policies in the field of fintech, find a balance between these technologies in fintech and innovation markets, ensure sustainable development of the financial sector and promote the economy. Fintech, described as disruptive and innovative, is changing and redesigning the financial sector in completely unpredictable ways.

Some scholars highlight the following reasons for the popularity of fintech compared to traditional banking services:

1. because the regulation of bank credit services has become stricter since the global financial crisis of 2008,
2. since this makes it difficult for MSMEs to access credit, especially in rural areas,

3. due to the banking policy of KYC and AML,
4. due to the difference in regulation of banking services and fintech,
5. and due to differences in costs, fees and penalties,
6. since banking financial services are less flexible or inflexible to social needs and avoid technological developments and advancements,
7. because fintech is open to customization.

The wide range of risks, benefits and effects associated with the development of fintech is the reason why discussions about it continue. They are also the reasons why the issue of fintech regulation remains somewhat unclear, with different proposals being made by various government bodies, experts and academics around the world.

At the same time, understanding financial technologies, their scope and implications remains an open question for both scholars and practitioners. The

study shows that there may be different approaches to legal, expert and academic understandings.

Fintech, as noted by S. Omarova, “changes our understanding of finance: it gradually rebuilds our collective understanding of the financial system in the normative-neutral terms of applied computer science,” and that is why it undermines the financial regulatory system (Omarova, 2019). This is a negative effect of the development of fintech associated with risks, which must be taken into account and resolved by regulators globally.

All of this creates a paradox. Legal scholars generally understand fintech as a technology, as they typically define it in terms of the goals and objectives of the IT sector and take an approach common among IT developers. Thus, they focus on the “technical” risks and problems that they see and understand through the law. And less often they turn to the risks emanating from its financial side.

The debate about fintech regulatory issues is extremely broad and varied, with the issues assessed sometimes being very different and varying depending on the specific fintech service or technology. That is why recommendations for solving these problems are contradictory. Criticism of the existing regulatory framework in the field of financial technologies is quite high. This may create the perception that harmonized regulation is not possible and balance is unattainable. And makes the picture of fintech regulation uncertain. At a time when fintech products and services are so popular but the market is still emerging, when fintech is the main interest of investors, such uncertainty is the main reason for both the fear and the research interest it generates. All this explains the research focus of the dissertation and the attempt to find a balance not only in the regulation of financial technology but also in research views and opinions.

#### **Literature review**

This section briefly presents the current literature on the legal regulation of financial technologies, including the latest approaches and issues highlighted in this area. A more detailed discussion of the subject matter will be included in subsequent chapters of this text.

The study found that the literature on fintech regulation can be divided into two large parts: literature on fintech, its theories (concept, history, relationship with other phenomena) (Arner et al., 2016; Arner et al., 2017; Brummer, Yadav, 2019; Omarova, 2019) and literature on fintech regulation (Didenko, 2018; Arner et al., 2017; Omarova, 2020; Faccia et al., 2020). In the second case, the term “fintech” is often not used by the authors at all, which causes certain difficulties when searching by keywords.

After conducting the analysis, we were able to identify the following main trends. First, a significant part of the research read is devoted to answering the question of what fintech is, what technologies it includes, and what (in a general sense) impact it has on the financial sector (Omarova, 2019, Omarova, 2020). Such studies use the term “fintech” and, as a rule, do not distinguish specific types of products and services.

These studies can be classified as “financial technology theory” studies.

Next, it is necessary to mention national studies of specific fintech markets and the features of national regulation within a particular country. Such studies are localized to a specific local market, often contain elements of interdisciplinary analysis, and may focus on specific types of fintech (for example, cryptocurrency in China), fintech in a specific country or region (fintech in Africa), as well as aspects of the specific market affected by fintech (e.g. access to credit for women in Indonesia) (Wang et al., 2022; Didenko, 2017; Eltweri, 2020; Suryono et al., 2021).

The third group, the most difficult to generalize and analyze, is research devoted to the regulation of fintech and the analysis of specific practical experience (Lerner, Tufano, 2011; Dniprov et al., 2019; Faccia et al., 2020). The obstacle here is the fact that the regulator rarely uses the term “fintech”, preferring the names of its specific types. It is even more difficult to study and analyze court cases in which the term “fintech” is not used at all. That is, unless a court case becomes the object of media interest, it is extremely difficult to detect. And, of course, the volume of work on analyzing the experience of national regulation of certain types of fintech does not allow for their full-text analysis.

It should also be noted that the attention of scientists to fintech goes along with the development and evolution of fintech. There are many studies that provide quantitative research on fintech and its legal issues. There are even research papers devoted to a number of articles on this topic published in leading journals in finance, accounting, law and management. Some authors emphasize that their total number exceeds 6000 (Lu et al., 2020). This analysis is based on the snowball method and keyword evaluation, so the numbers cannot be absolute. However, one preliminary remark should be made here - most scientific works are focused on the national market, therefore the number of scientific works relating to financial technologies and international regulation is extremely small and is mainly represented by the works of Omarova, Yadav and some experts of the international market, financial organizations (Omarova, 2020 ; Brummer, Yadav, 2019; Arner et al., 2017). But there are no specific studies on the problem of anonymous fintech, rather than individual types.

#### **Purpose and Objectives of the Study**

The purpose of the study is to substantiate theoretical and methodological principles, as well as methodological techniques and practical recommendations that reveal prospects for the development of a regulatory approach to anonymous fintech.

The need to achieve this goal required solving the following tasks:

- propose a conceptual approach to fintech, its characteristics, definition and types,
- substantiate the methodological basis of fintech regulatory systems in the era of digital transformation,

- assess the existing legal framework in the field of financial technologies,
- propose regulatory methods and legal regulation methods for assessing and predicting risks associated with fintech,
- develop a model of anonymous fintech within the existing concept of fintech as a subject,
- propose a strategy for the development of the regulatory framework on this topic.

## II. Research Methodology

To develop the concept, the study primarily used a qualitative documentary analysis methodology. At the same time, the features of fintech regulation of the research object affect this method in the following way.

Firstly, a significant part of the documents on fintech regulation is presented in the form of recommendations and expert opinions from representatives of organizations such as the World Bank, the International Monetary Fund, the Basel Committee and others.

These recommendations are not of the same nature as other documents relating to the financial regulation of the same organizations, and therefore they cannot be considered legislation, even soft law. At the same time, due to significant uncertainty in approaches to fintech regulation, their impact is significant.

At the local level, the variety of sources is even greater. Depending on the financial system of a particular state, they may consist of recommendations, policy documents and letters, legislative acts (general and specific), case law, etc.

Thus, the study explores primary and secondary materials. Since primary documents related to fintech are still controversial on some issues, the main resources selected for this study are based on the idea of technocracy. Thus, the materials studied primarily include documents from the Financial Stability Board, the Basel Committee on Banking Supervision (BCBS), the International Organization of Securities Commissioners (IOSCO), the World Bank, as well as documents from the International Monetary Fund (IMF), as well as acts of EU bodies, etc. The body of legal materials is formed from national legislation in the field of financial technologies and recommendations of institutions implementing regulatory policies in national markets.

Secondary materials are collected to better understand the current situation in fintech regulation, problems, positions and contradictions that may exist in practice. The study analyzes the literature on financial technology regulation. Much of the fintech literature is interdisciplinary, which the analysis shows is a core feature of fintech research in general.

Given the uncertainty and imbalance in the field, the analysis of sources within the study often proceeded from the specific to the general or along the principle of "concentrated circles." The essence of this analysis was to compare scientific research on fintech in relation to a specific state, with a parallel highlighting of the features of fintech regulation in the same state. It should be noted here that the analysis of fintech regulation is carried out using the same system, which is due to the

peculiarities of regulation of both fintech itself and lawyers.

The materials analyzed also include government reports, official reports issued by national supervisory boards at the national level, expert articles and opinions, scientific studies and publications related to the topic, policy documents, reports and opinions of fintech industry professionals and legal entities, statistics, collected from banks and other related organizations.

As for case law, there are no precedents that could be understood as case law in the classical sense. Empirical evidence on fintech is based on case studies, some of which include court decisions or legal documents issued by specific regulatory authorities on fintech entities and activities.

### 2.1. Research stages.

At the preparation stage, theoretical sources were studied, which made it possible to substantiate the research value of the problem being studied. Then the task was set to develop a scientific and theoretical basis for the proposed research, highlight the main directions and achievements, as well as contradictions. Further work was aimed at comparing theoretical provisions with regulations and regulatory legal policies, as well as with trends in the development of fintech in the market.

In 2019-2023, the results of the study were tested during successive presentations of the results at various scientific conferences and special thematic events, including in Hong Kong SAR and Macau SAR.

### 3. Results \_ of the study.

The definition of fintech as a phenomenon exists exclusively in the works of scientists, in advisory documents and regulatory policy studies, and is completely absent from legislation. Turning to the analysis of the law on fintech, we can see that it does not know such a term, preferring to it specific names of services or technologies collected under the general concept of "fintech". We can find the term "fintech" in explanatory letters, in speeches by representatives of financial authorities and legislators, but not in the text of regulations. That is, fintech as a technical complex or principle, such as artificial intelligence or cloud technologies, is absent from the law.

Our extensive research into the concept of fintech, where we included a significant number of scientific works, as well as documents from national and international financial institutions and organizations, shows the presence of two established approaches to defining fintech and three approaches to understanding its content.

Analysis shows that they can be divided into academic approach and practical approach. The first is overwhelmingly found in the works of fintech researchers and consists of an attempt to describe fintech as a phenomenon and provide a list of characteristics characterizing it.

The first approach is a first in the truest sense since it was first applied in 1972 (Arner et al., 2017). The definition itself contains two components (Hockett, Omarova, 2022). One of them is knowledge in the field

of finance and banking (“banking expertise”) or what is now called “fin”, and the second is scientific/computing inventions of the time or “tech”. As will be seen later, the formula has not changed, and modern definitions also consist of these parts. Most researchers we know describe fintech as an acronym for a financial function embodied in a technology product.

In 2003, the phenomenon of interest to us was most often called “financial innovation”, to separate it from other types of “innovation objects” (Lerner, Trufano, 2011). Financial innovation has been described as an innovation that “creates and then popularizes new financial instruments, as well as new financial technologies, institutions, and markets” (Lerner, Trufano, 2011) Thus, science has developed a classic approach to the descriptive definition of fintech.

The second approach to defining fintech can be called casual or “definition of scope”, in which the authors, instead of characteristics, prefer to provide a list of those phenomena that they perceive as components of the concept of fintech. This approach is characteristic of documents, letters, recommendations and expert studies of financial institutions. A description of this type of fintech can be found in the World Bank's 2014 report, Development of E-commerce, Mobile Commerce and Payments Sector in Vietnam, where fintech is defined as a concept that “refers to the non-traditional financial technology sector, covering payments, lending, and a range of business models that more closely integrate finance with real sector business models such as e-commerce.”

In the 2022 Global Financial Stability Report of the International Monetary Fund, fintech is defined as:

1. Digital banks (neobanks),
2. For a long time existing fintech companies,
3. Decentralized finance (DeFi).

The main documents on FinTech released by the IMF are relevant to the activities and position of the World Bank, and by comparing the difference, it can be concluded that the three areas are FinTech according to the objectives of the IMF and the World Bank in the current situation. At the same time, the question arises about the evolution of the term. Changing meaning is normal, or at least it has been in fintech since 1972, but these changes are happening too quickly. The scope of definitions provided by the IMF appears to be consistent with its sectoral interests. Since the IMF is the source of international financial policy that determines the direction of local markets, it may cause some volatile fluctuations and have a devastating impact on the financial technology industry.

We found similar examples in dozens of documents on fintech, published by both the IMF and the World Bank, and other organizations, from international ones, like the Basel Committee, to national ones. Moreover, the newer the chronological definitions of fintech are, the more they prefer a list as a definition, and in some cases these lists are more technological than legal in content.

That is, fintech is an umbrella term that covers innovative financial solutions provided by IT and, in addition, is often used by start-ups that are providers of

these services, it also includes existing financial service providers such as banks and insurance companies (Brummer, Yadav, 2019). This definition allows, along with the previous ones, to identify three other approaches to the definition of fintech - these are positional approaches that allow us to understand exactly what angle the researcher adheres to, what kind of sector he considers the fintech sector.

Fintech as a term is used to describe the following three areas:

1. to describe the application of information technology in finance as a complex area of technological development (wang et al., 2021),

2. as a synonym for the terms "startups" or "innovative financial business models" (Anand, Mantrala, 2019),

3. when authors describe digital services and products in the territory of the financial market (Werbach, 2018).

Thus, according to K. Leong, fintech can include “any innovative ideas that improve financial service processes by offering technological solutions in accordance with various business situations” (Leong, 2018). It is a popular term that describes the “broad universe of financial services enabled by innovative technologies.”

That is, as we see, there is no understanding of what fintech is, and the lack of a unified concept is not the main problem. Fintech is a so-called “emerging market”, the progress of which does not stop for a second, and research from 2014 is of little use in 2024. But there are still three directions in the literature and practice for understanding fintech - as a technology, as services and products, as business models - and each of these areas has its own separate trends and approaches.

When analyzing the theory and practice of fintech regulation, one can immediately note an interesting fact - despite the presence of a huge number of scientific and practical works on how to build legal policy in this area, the number and pace of research on the topic is not decreasing, but, on the contrary, is only increasing. Of course, the main reason is that fintech is an emerging and constantly transforming market, which in turn leads to the emergence and existence of a number of problems that are important for the regulator.

The first, as we said above, is the problem of defining both what fintech is and its main features that make it possible to distinguish between fintech and non-fintech technologies, and the services and products included in the list of objects of regulation. For example, there is no definite answer to what is considered fintech within big tech, for example, when the largest messenger or social network introduces a service in the P 2 P payment format (Arner et al., 2017). The “fintech as a service” approach suggests focusing on the financial function and separating it from the rest of the technological system, while “fintech as a business model” (the latter we saw with the preventive ban on the Libra cryptocurrency from Facebook before the launch of the project) focuses on the activities of the entire legal entity, which is going to be responsible for

the operating system and provide the product (service) to the consumer on the market.

All this leads to the fact that statistics and forecasts regarding fintech and the fintech sector in the financial services market are characterized by critical contradictions. As researchers, for example, S. Omarova, note, real statistics and data on the activities of a particular service belong only to their providers, and the regulator is not able to collect it due to the lack of both a collection mechanism and an idea of what exactly should be included in reporting (Omarova, 2019). The construction of the technological structure of each specific fintech service differs from another, even if it is similar in function, and the process of obtaining data, as well as the data itself and its composition, can vary significantly.

This, in turn, influences the assessment of the risk that fintech poses to the financial market. Since economic theory is based on the presumption of the relationship between the positive and negative sides of any phenomenon, all the positive aspects of fintech - increasing the financial inclusion of the population, the growth of technological development of the state and the market, the speed and accessibility of transactions, etc. - are disadvantages from a legal perspective (Rajput 2013). They lead to a decrease in the level of combating money laundering and the financing of terrorism, an increase in the amount of personal data when it is impossible to guarantee the quality of their protection, a decrease in the traceability of money transfers and a critical increase in the mass of such transfers, consistent destabilization of the market, and so on. Predictive ability and assessment of cause and effect are also significantly reduced - according to the results of an analysis carried out by JP Morgan, price surges in the oil and petroleum products market in 2023 were caused not by situations in the global trade market, as many analysts believed, but by robotic traders based on artificial intelligence, whose actions were much ahead of the actions of human traders, and the logic of actions was determined by AI -algorithm. Such an effect, like an intervention, is difficult to preventively evaluate and analyze.

Thus, we build recommendations for fintech regulation in the area of uncertainty - and this conclusion should by no means be ignored. This uncertainty, both factual due to the intensively emerging innovation sector, and analytical, arising due to the lack of uniform data and assessment criteria, essentially calls into question the effectiveness and consistency of recommendations regarding the construction of a regulatory system for fintech. Apparently, this is also one of the factors due to which general theoretical recommendations to the regulator and legislator, and their practical implementation in specific regulatory policies at the local level, differ so much.

At the same time, we can say that the theory of regulation of fintech, that is, systems, approaches and specific methods, have developed at the national level. We can distinguish two main areas of regulation: this is the one that existed before fintech and where it should

be integrated (Ranchordas, 2014), and the one that is formed specifically for it, that is, special law and law enforcement practice.

Considering the features of building a system for regulating fintech (as well as regulating technological innovations in general), we see that fintech changes the financial market, destroys it - that is, leads to fundamental changes in the existing relations of market participants. Experts in regulation theory, such as E. Mik (Mik, 2017 ) or C. Twigg - Flesner (Twigg-Fleishner, 2017), as well as experts from international organizations, point out that to build effective regulation, it is necessary, first of all, to understand what exactly needs to be regulated. Moreover, both the technological component of services and products and their interaction with the existing regulatory system, at the intersection of which it arises and functions.

Fintech, as its name suggests, is formed at the intersection of financial and technological law; and, if the first is standardized and is a long-established legal industry, then the second is formed in the same way as the fintech sector (Fan, 2018). At the same time, the formation of technology law is influenced not only by fintech, but also by other technologies - cloud, artificial intelligence, big data, etc.

Therefore, there are two approaches to how researchers see the regulatory system of fintech. We can call them a technocratic fragmented approach, focused on local changes in national law, the main goal of which is to support innovation and develop the national fintech market (Fan, 2018; Cai, 2018), and a holistic approach, which aims to merge the fintech market and the financial market in a new a system of financial law, with the possibility of standardization at the level of international legal acts or, at least, within the framework of international "soft law" (Omarova, 2020).

In the first case, or rather, the recommendations made by representatives of this point of view constitute what is now called "legal regulation of fintech." Within the framework of the technocratic approach, it is customary to distinguish, at least in research works, several types of systems, methods and techniques of regulation, but practical analysis shows that they are combined with each other depending on which financial regulatory system prevails in a particular state.

Therefore, we believe that it is the system of financial law and financial regulation, including the system of regulatory bodies, that is the starting point that, at least now, determines the further choice of regulatory methods for fintech. Actually, even the choice between the form in which the fintech law should be formed - in the form of detailed regulations or a declarative norm-principle, in our opinion, is determined by which financial regulatory system prevails.

Therefore, legal norms related to fintech can be divided into three groups:

1. those that specifically regulate the fintech sector,



2. those that focus on the more general use of new technologies in the provision of any financial services,

3. those that form the basis of digital law.

This is the classification as suggested by Ehrentraud et al., can be illustrated by a hierarchy in which fintech is the top of the technology pyramid, and not the base (as some definitions of fintech might suggest) (Ehrentraud et al., 2020). This classification fully reveals the problems that the regulator will face when building a system, indicating what exactly is worth considering (Ranchordas, 2014).

Let us recall that chronologically, digital law or technology law arose much earlier than the term “digitalization” appeared. Thus, the cornerstone of fintech regulation is the regulation of cybersecurity and combating computer crime, information law and its derivative – the law on the protection of personal data. Next, within the framework of continuity of law-making, mention should be made of the activities of UNCITRAL, its recommendations, conventions and model laws in this area: Recommendations to Governments and International Organizations Concerning the Legal Meaning of Computer Records from 1985 as the earliest, then the UNCITRAL Model Law on Electronic trade and the UNCITRAL Model Law on Electronic Signatures, the United Nations Convention on the Use of Electronic Communications in International Contracts, the UNCITRAL Model Law on Electronic Transferable Records, others.

The next important regulatory step is technology legislation. We refuse to recognize fintech as a technology, and our opinion indirectly confirms that NIST adheres to a similar position. Technology is the practical implementation of a scientific concept; technology has attributes, a system and a method, that is, something that fintech does not have. Thus, in R. Volti’s study “Society and Technological Change,” technology is defined as “a system created by people that is organized in such a way and uses knowledge in such a way as to produce objects and methods to achieve specific goals” (Volti, 2005). Here we would like to separately note the word “methods”, which include both theoretical and practical ways of translating a scientific concept into reality.

Based on our research, we believe the following:

1) technology is the result of scientific and technical activity expressed in objective form;

2) technology can serve as the technological basis for certain practical activities in the civil or military sphere (unified technology).

Fintech cannot serve as a technological basis, since it is itself based on technologies and their combinations, and the variety of these combinations is increasing from year to year. Therefore, the second stage of legal regulation, which influences the regulatory policy regarding fintech, is specific digital law, the law that regulates “precursor” technologies. There are a number of international instruments and recommendations, such as the working documents and recommendations of UNCITRAL Working Group IV on the law of electronic commerce, cloud technologies,

electronic transferable records. Or national law, which is built in accordance with the technological market of a particular state, such as the law of e-commerce of the PRC, laws on cryptocurrencies, etc. It is worth noting that this legal field also applies to developing ones and regulations in this area arise and are changing at the same time as the fintech sector. This phenomenon in itself complicates the issues of fintech regulation and building regulatory policy.

Accordingly, targeted regulation of fintech represents the top of the regulatory pyramid. This is what Twigg-Flesner talks about in her article on technology regulation: deciding on reform and its depth requires not just understanding exactly what to regulate, but how it interacts with what is already regulated (Twigg - Flesner, 2017).

And here fintech faces a serious regulatory dilemma as a phenomenon that exists simultaneously in technology and financial law. Since financial law, as already mentioned, is not just a much more developed industry, but also an older one, with history, customs and traditions, standardized and integrated into the legal systems of countries and international law, there is a high probability of conflicts between it and fintech law.

At the moment, we can build the following map of the legal regulation of fintech:

1. Legal regulatory regimes, which are divided into

1.1. Regime based on the rule of law

1.2. A regime based on the principle of law.

2. Legal systems of financial regulation, namely

2.1. Institutional system

2.2. Sectoral system

2.3. Functional system

2.4. The “two peaks” system.

Regime and systems determine how the system of legal regulation of finance is structured in a particular country (Makina, 2019). In many cases, such systems are unchanged, although there are examples of transitions at the will of the legislator, but their success is questionable. As our research shows, despite the existence of regulatory regimes and systems, in relation to fintech, the regulator can only determine the depth of regulatory intervention and then use regulatory methods of response. We identify four of them:

1. Ban,

2. "Watching and Waiting"

3. "Testing and Analysis"

4. Individual permission.

Each of these methods predominates in one or another regulatory system, however, in relation to fintech, many states prefer not to choose one universal method, but to apply each of them depending on the service or product that is presented on the market, both a specific one and a specific group. For example, the PRC uses a ban method for all cryptocurrencies, and a “watch and wait” method for other services and products before moving on to regulation (Muganyi et al., 2022). Sometimes the process takes considerable time. At the same time, in Hong Kong SAR, which, like Singapore, is also dominated by sectoral regulation, the

main methods are the “test and analyze” method, including within the framework of innovation hubs, regulatory sandboxes and incubators, and the individual resolution method (Fan, 2018).

All this together builds a rather complex regulatory system, regardless of what components the regulator of a particular sector and market uses to form it. However, no matter what system the regulation of fintech takes in practice, each of the regulators pursues three constant goals, highlighted, among other things, by such organizations as the IMF and the World Bank.

Thus we are faced with the problem of choice and accessibility. What exactly should be preferred among the goals and how exactly to act in order to get the desired result. At the same time, we have to act in the process of innovative restructuring. Since we are talking about technological solutions in the financial sector, it is impossible to postpone the regulatory reaction or be content with just a ban.

If we consider such destructive technologies as artificial intelligence embodied in products, it is obvious that limiting the breadth of application in the form of a regulatory ban is possible only if there is a material embodiment, that is, a product. For example, in the form of robotics, when technology is embodied in a material object combined with software. A robot operating on the basis of artificial intelligence may be prohibited from entering the market, withdrawn from civilian circulation, and not allowed for sale. Technological products and services that are of a virtual nature can only be partially limited, and such limitation, technological as well as the products themselves, has an extremely high cost (Pilkington, 2016).

Anonymous services, distributed services, services on a public blockchain are difficult to restrict (Pfitzmann, Köhntopp, 2001), and the more autonomous and anonymous the technology, the less human will is manifested in it, the less power the regulator has (Craswell, 2009). Law regulates human behavior in society; this is presumed in any rule of law. Autonomous technologies, algorithmic technologies, artificial intelligence technologies represent the embodiment of the concept of delegation - when an individual transfers a cognitive function to a technological solution. In traditional financial services, even highly digitalized ones, there are two necessary elements that reduce autonomy: the standards of traditional financial services, the rules of law that we can call procedural, and the representatives of the financial institution who provide these services (Llewellyn, 1999). Therefore, the traditional financial sector is manageable, since the regulator has the ability to influence the legal behavior of the institution directly - influencing the individuals representing it.

In the case of fintech, the regulator often (according to some data in some national markets - up to 36% of cases) interacts with developers who create a fintech service as software, but do not provide services in the traditional sense (Dorffleitner et al., 2017). The service is delegated – both the cognitive function to artificial intelligence and the financial function – to the fintech algorithm. That is why neobanks, which

essentially provide financial services that are outwardly similar to the services of traditional banks, are classified by all experts without exception as fintech services. The procedure, its order, access to it is not carried out by a person, eliminating the intermediary; fintech leaves the client alone with the technology, due to which many researchers talk about fintech as a “subject-to-subject” financial sector without an intermediary in the form of financial institutions and organizations.

Moreover, according to a number of forecasts regarding future market trends, fintech is interested in reducing the human factor. This reduces the cost of the services themselves, speeds up the process and, at the same time, reduces the level of individualization of errors and violations. Where the person performing the function may make a unique violation, technology is more predictable and controllable. But, as some authors say, not for the regulator.

Accordingly, the question arises of how to regulate what the regulator has to deal with in the anonymous fintech market. There are numerous recommendations, both scientific, theoretical, and practical, including those based on the analysis of already built regulatory systems (Auer, 2019). However, we believe that they inherit the shortcomings of the system for defining fintech, which ultimately leads to some inefficiency and even casualness of the regulatory system, that is, ultimately, to the individualization of the consideration of legal relations.

We can divide all recommendations into those based on the classification of fintech by the type of services provided and by type of belonging to a particular sector of activity. The latter, as a rule, is associated with licensing and the sectoral (traditional) system of financial regulation in the state (Macao SAR as an example).

The visibility of such regulation is given by the process of obtaining a license - regardless of who provides the service, if it is of a financial nature, activities in this area must be officially approved. Typically, in the case of fintech, this is done through the organization of a regulatory sandbox or even an innovation hub (Bromberg et al., 2017). Transnational activities can be verified through registration on a licensing platform if there are multilateral agreements between the states participating in such a platform (for example, Singapore is the initiator of this approach).

However, what looked like a solution to the regulatory problem in 2014-2015 suddenly faced serious challenges with the emergence of multifunctional platforms with complex internal integration. If previously an organization providing several types of fintech services or products went through the testing and licensing procedure for each of them, then in the case of a multifunctional fintech this is no longer so simple. First of all, difficulties arise where products or services have characteristics that allow them to be classified simultaneously as several types of objects of legal relations (for example, they have the properties of goods and currencies or securities at the same time, as is the case with the

products Ethereum, Gram, Libra ). Institutional or sectoral financial regulatory systems are not ready for this and a situation of regulatory conflict arises, in which different regulatory authorities impose mutually exclusive requirements on the same object.

Similar types of fintech services could be classified as bigtech, but in practice such a distinction does not play a role. All that matters is what product or service is being presented on the market, but in the case of multifunctional services, this is extremely difficult to determine. At the same time, almost nowhere have we come across examples of disputes about the jurisdiction of regulatory bodies regarding the object of regulation, apparently because traditional law does not allow such disputes even in theory, regardless of the legal system and legal family. Even where the fintech service provider applied to the court for clarification, he did not receive one, since the court is not ready to approach the resolution of the conflict from the position of the paradox of fintech. And this reveals the very destructive property of innovation that marketers and economists talk about (Awrey et al., 2013).

Even more difficult for regulation are fintech services built on the principle of free customization, usually on a public blockchain. Blockchain is essentially an infrastructure-as-a-service concept, giving users the ability to build applications on top of it that can be consumed by just a few parties, even two users, including the developer. Anonymity, autonomy and decentralization, as modern trends in fintech, pose the greatest challenge to the ability of the regulator to intervene in the process and correct it in accordance with the law and current regulations (Dorfleitner et al., 2023). This, in turn, calls into question the issue of regulatory standardization of fintech by analogy with banking.

And here the researchers propose to move from a regulatory model to a self-regulatory model, since the latter allows requirements for legal compliance to be built into technology. This concept is the most free method of using regtech.

In some works of both supporters of the technocratic approach and the holistic approach, there is a statement that corresponds to our conclusions regarding the depth of possible regulation. The authors argue that the law cannot influence or regulate another system without interacting with that system, and that failure to do so constitutes a regulatory trilemma (Brummer, Yadav, 2019).

In order to establish the most effective regulatory system, taking into account the patterns identified in the Trilemma, it is necessary to understand how elements of self-regulation exist within the system. When scientists turn to the issue of regtech as a tool for fintech regulation, they nevertheless ignore the “black box” problem, that is, the problem of understanding exactly how self-regulation is implemented in a technological service (Arner et al., 2017).

Self-regulation and self-government of fintech is possible only by integrating this capability into an algorithm, that is, software through code and other highly specialized capabilities. An example of the latter

is consensus, namely operational closure, or the self-sufficient rationality of the system. However, we must understand that it is impossible to force developers to limit the cognitive autonomy of services (like robo - investing on AI), or the extent to which a system is open to influence from other systems, in particular, to mutual integration (like Bitcoin).

In doing so, the regulator must take into account the functionality or mode of operation of a particular service, because they determine the sequence with which the code controls the service (Dorfleitner et al., 2023). When creating a regulatory standard, the regulator needs to consider two things:

1. regulatory capacity, examining whether law can influence the service, whether there are any opportunities through which law can influence that system, and whether there is openness or willingness within that system to be influenced by legal regulation;
2. whether there is a need for regulatory intervention in the internal governance structure of fintech and consideration of the role of law in this system.

The problem with regulating anonymous fintech is that the code, which in other cases only determines how the software and, accordingly, the service functions, in the case of certain types of fintech creates objects of financial law, such as currencies, securities, goods, etc. And all this is created online, autonomously from the material world, only through code generation. And in such cases, the code becomes the same regulator, a subject without subjective embodiment, which determines exactly how and in what order the service will function. Cognitive autonomy, sometimes close to the autonomy of artificial intelligence and even exceeding it, is based on mathematical rules, creating a paradox that has a material value and a completely intangible object of law and legal relations in one.

Almost all studies, with rare, literally isolated exceptions, when forming recommendations for building regulation of fintech, proceed from the fact that intervention in the code is possible and the system can be changed in accordance with the requirements of the regulator. However, modern, closed, autonomous and anonymous fintech services are almost completely closed from such interference, since this guarantees the safety and uninterrupted operation of financial transactions within the service. The operating rules of fintech services built on these principles do not require human will for the operating rules to come into force; moreover, from the moment of launch, in relation to a number of such services, a person becomes only a user, but not a participant in the functioning of the technology.

The idea that code is a regulator was stated in the work of Lawrence Lessig long before the emergence of fintech. Lessig pointed out that it is a big mistake to consider cyberspace or Internet systems to be ungovernable and unable to be so, or unregulated and unable to be regulated, because cyberspace is regulated through the codes on which it is based (Lessig, 1999). Although this statement was made before the era of autonomy and virtualization, it could not be more

applicable to fintech. This is the conclusion that we came to during the study - the main risk and feature of fintech is that the architecture of the financial sector is now determined by the developer, those who launch the service and, in some cases (but not necessarily) support its functionality.

This raises the question of the possibility of regulating fintech in general and the full implementation of this opportunity. As we were able to establish, in the end, one way or another, but in the presence of a legislative norm in the case of fintech, the regulator is still faced with the need to individualize enforcement to a much higher degree than in the case of traditional financial services. The reason, as is already clear, is the inability to influence the real regulator - the code and its component in the technology, and sometimes the degree of impossibility can be absolute.

A number of researchers reject a regulatory ban as an example of regulation, rightly pointing out that in this case the legislator loses the ability to manage the processes occurring within the sector (Brummer, 2011). Considering that fintech is a technological phenomenon, the ability to ban is determined by the ability to implement it at the technical level, that is, the technical development of the market of a particular country. Because, as the authors point out, some countries are more successful in applying regulatory prohibition than others (Lu et al., 2019), but this argument is heard constantly, for example in relation to the Budapest Convention. However, the regulatory ban itself does not prohibit anything; it only brings fintech into the "gray sector" and leaves the system and its users without protection, and the regulator without the ability to influence innovation capture. It is he who poses the greatest challenge to the financial market and financial regulation, since, uncontrolled, it forms it according to the laws of free economic development and according to individual demand in the local financial services market.

A different initiative is put forward by supporters of a holistic approach to fintech regulation. They base their theories on a general understanding of fintech as part of the financial world and law, arguing that the main risk and harm (sometimes I use this term) fintech brings specifically to the sector of financial services and financial relations. Fintech is destroying the centuries-old order of the financial world, which is why the main attention of supporters of a holistic approach is focused on trying to minimize this effect. Thus, Omarova, like all supporters of the holistic approach among researchers, she changes the order of goals that the regulator must achieve when building a regulatory system (Omarova, 2020). First of all, she sees the main goal as achieving financial stability by regulatory methods (that is, developing a stabilizing regulatory approach and regulatory system), the second is the development of the market, and only the third. – support for innovative technologies and innovative development (Omarova, 2020).

## Conclusions

1. Approaches to defining the concept of fintech in law are divided into three groups (academic, expert-financial and regulatory), each of which, in turn, contains two construction models. These models include a descriptive model and a service volume model. It has been established that, regardless of the model, none of the concepts can reliably distinguish fintech services from traditional financial services. There is no single legal approach to the concept of fintech, its main features, the scope of services and products that make up fintech as an object of legal regulation.

2. For the first time, the concept of anonymous fintech has been highlighted, which, in turn, allows us to divide all fintech into anonymous and non-anonymous. This approach allows us to avoid too broad an interpretation and create a more comprehensive regulatory model. The analysis highlights the main features of anonymous fintech and the main challenges for legislators and regulators, in particular, the reduced (to the point of complete impossibility) function of regulatory intervention in the activities of fintech providers, which directly affects the system of legal regulation of the fintech industry.

3. Through the prism of the above, existing regulatory recommendations were analyzed in order to determine the possibility of their application to regulate anonymous fintech. For this purpose, two model approaches to the construction of legal regulation systems were identified, within each of which the system components and methods of response of the legislator and regulator to the development of the fintech market within the country were shown.

4. Based on what was stated for the first time in fintech research, it was concluded that systems and methods of regulatory response are not independent regulatory approaches, but a set of regulatory tools that are chosen by the legislator or regulator based on the structure of fintech. market and financial regulation model in the country. At the same time, one way or another, in each of the studied examples, the regulator ultimately reduces the entire regulatory system to the conflict resolution of specific cases in relation to a specific fintech service. This makes enforcement of the law difficult. It has been established that the legislator does not consider the problem of anonymous fintech services due to its invisibility, and the analyzed approaches themselves demonstrate serious problems of applicability of the law for anonymous fintech services.

5. Based on the above, the legal problems that the regulator faces in one way or another when interacting with anonymous fintechs were highlighted. The main gaps are described, including those related to the conflict between financial law and data law.

6. Particular attention is paid to the relationship between data protection law and financial law requirements. There are differences between the description of the implementation of the law in the contractual documents of fintech services and how this system is built into the fintech service and its

technology. The construction of the technology, rather than the documentation of its compliance with the law, should be taken as the basis for assessing the ability to comply with AML/KYC policies, data law policies, other legal requirements, and whether the emerging legal framework is effective.

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