

SEX BUSINESS REGULATION MODELS: WORLD EXPERIENCE

During the last decades, scientific directions focused on the study of key aspects of prostitution, as a unique social phenomenon, are rapidly developing, enriched with new approaches and models aimed at the comprehensive development of the outlined concept. In view of this, the statement that prostitution, as a multidimensional phenomenon, can be considered from polar points of view, that is, cover a wide range of methodologies, becomes logical. The world experience of regulating sex business can be conditionally divided into three main approaches: the concept of complete criminalization (experience of Sweden), the approach of partial criminalization (experience of Israel), the model of decriminalization (experience of Holland) [1, p. 18]. We offer to study in more detail the conceptual features of each of them.

As already noted, the concept of complete decriminalization formed the basis of the Dutch model of regulation of prostitution. A key element of the regime regulating commercial sex within a given country is a clear distinction between forced prostitution/trafficking, which, in accordance with the country's legislative framework, is illegal, and voluntary prostitution, which is fully regulated by the current legal framework. The regulation of sex business is delegated to municipal and regional authorities. The main means of regulation within this approach is the licensing system. In addition, the country's legislative framework provides sex workers with a full range of social support elements inherent in all employed citizens: access to pension programs, health insurance, social security schemes. Important is the right of prostitutes to defend their own honor and dignity within the legal system, which is ensured by the presence of legally valid licenses and employment contracts [3, p. 12].

Nevertheless, it is worth noting that the concept of decriminalization has a certain system of shortcomings, which caused strong criticism among supporters

of the structuralist direction. Thus, critics point out that the Dutch model of regulation of prostitution in practice does not contribute to the reduction of human trafficking and exacerbates the issue of exploitation of representatives of commercial sex, since the legislative framework endangers sex workers from non-European countries, turning them, in fact, into «second-rate and cheap» labor. In addition, a significant disadvantage is the problem of social normalization of sex work, which can lead to negative social and cultural consequences, such as aggravation of the problem of objectification of women and perpetuation of gender inequality [2, p. 204].

In our opinion, the liberalized approach of the Dutch to regulating sex work is a more favorable concept than the approach of the Swedes. Thus, the adherents of the model note that within the framework of this approach there are positive changes, such as: reducing the manifestation of social stigmatization, minimizing the violent and exploitative approach in this direction, providing prostitutes with access to the basic rights of employed citizens – medical and pension provision, social and legal protection, etc.

In contrast to the Dutch model, a diametrically opposite approach is opposed – the Swedish one, characterized by the complete criminalization of the sex industry. Thus, this model is based on the feminist structuralist concept, which, in turn, implies the perception of sex workers not as offenders, but as victims of the industry. In the Swedish approach, prostitution and human trafficking are identical in their meaning, and, therefore, implies a full-scale closure. The Swedish model is positioned as an effective means of overcoming prostitution. Within the framework of the current legislation of the country, considerable funds were allocated for the implementation of public clarification on the illegality of prostitution as a social phenomenon; financing programs to support social workers within the framework of social and medical security; development of criminal provisions aimed at protecting foreigners in the sex industry. Thus, the main advantages of the Swedish model are the criminalization of the purchase of sex, which reduces the threat of exploitation of prostitutes; protects sex workers by involving them in assistance programs, minimizing the possibility of harassment and arrest [1, p. 20].

However, critics of this approach identify a significant number of shortcomings of the model. Thus, it is noted that the orientation towards the law enforcement system in the regulation of prostitution provokes a number of complications, such as difficulties in distinguishing between consensual and non-consensual prostitution [2, p. 207]. In our opinion, the criminalization of sex work can provoke the emergence of hidden elements of prostitution, which will greatly complicate the process of regulating the activities and protecting workers from possible risks. No less significant drawback, in the system of our views, is the spread within the functioning of the model of a stigmatizing view of prostitution as an activity that is exclusively immoral and unacceptable.

A unique model of regulation of prostitution is presented by Israel. This approach is based on the concept of a dichotomized feminist discourse: on the one hand, Israeli law adheres to an abolitionist approach that criminalizes pimps spreading the prostitution sector; on the other hand, prostitution in Israel is mostly practiced openly, with a certain degree of institutional recognition and in a wide zone of tolerance on the part of the authorities [3, p. 11].

Thus, the regulation of prostitution within the framework of the partial decriminalization approach is implemented by criminalizing the purchase of sex services, imposing sanctions on offenders in the form of fines and criminal liability; it is worth noting that the process of selling sexual services is not criminalized. Decriminalization of the sale of sexual services aims to minimize stigmatization of their processes in society aimed at the sex industry. The legislative framework of Israel provides for the introduction of a system of measures aimed at social support for sex workers, such as: free access to health care, legal and legal support, social support, material and financial support for persons seeking to leave the field of commercial sex and engage in other activities. The Israeli system duplicates the Dutch approach – the country strictly regulates the activities of brothels, introducing a system of compulsory licensing, which implies compliance with the standards of normal working conditions [2, p. 218].

Thus, a comprehensive study of the multidimensional complex of consequences of feminist models of regulation introduced in the Netherlands and Sweden, as

the embodiment of diametrically opposed feminist concepts, clearly demonstrates that these legal approaches have a significant system of disadvantages for sex workers. The legal regime proposed by Israel, compiling the basic provisions of both models, seems to offer an optimal approach to solving the stated shortcomings, covering a sufficiently dichotomous system that implies recognition of both the violence and exploitation that sometimes characterize labor relations in the sex industry and the focus on the needs of sex workers and their own choice. Thus, this approach is effective only in theory, since its implementation in practice demonstrates the imperfection of the legal system and requires correction.

REFERENCES

1. Протопопов А.О., Савельева Н.М. Проституція як соціально-педагогічна проблема: монографія. Полтава: ПДПУ, 2008. 120 с.
2. Reinschmidt L. Regulatory approaches towards prostitution in European comparison. *Observatory for Sociopolitical Developments in Europe*. Frankfurt a. M., 2018. 16p.
3. Shamir H. Feminist Approaches to the Regulation of Sex Work: Patterns in Transnational Governance Feminist Law Making. *Cornell International Law Journal*, Tel Aviv, 2019. №. 52. 58 p.

A. Yablunovskyi, O. Khodus, O. Hurko

THE LINGUISTIC FACTOR OF UKRAINIAN NATIONAL IDENTITY: FEATURES OF TRANSFORMATION

The language factor is often one of the key factors in the construction of national identity. An individual's awareness that he speaks the same language with a person who lives a thousand kilometres away from him becomes an important prerequisite for the formation of a common consciousness.

Ernest Gellner considered that the spread of standardized national languages is the main reason for the emergence of modern nations. They replace many local dialects, whose speakers did not understand each other well. Modernization processes require the creation of a standardized communication space, the necessary prerequisite