

V.I. VERNADSKY TAURIDA NATIONAL UNIVERSITY

**DEVELOPMENT OF MECHANISMS OF GOOD
GOVERNANCE IN UKRAINE**

Collective monograph

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Reviewers:

*Dr Henryk Stepień, Associate prof. of the Faculty of Social and Technical Sciences, Rector's representative for Development of Cuiavian University in Wloclawek (Republic of Poland);
Mgr Ilona Wilińska, Chief Promotion Specialist of Promotion Department of Cuiavian University in Wloclawek (Republic of Poland).*

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ESSENCE AND CONCEPTUAL FOUNDATIONS OF GOOD GOVERNANCE: THEORETICAL GENERALIZATION

Karlova V. V.

INTRODUCTION

Ukraine's choice of the path of European integration as one that meets its aspirations to become part of the most developed countries of the world naturally leads to the need to focus on the implementation of the European model of state governance. In connection with this, there is a need for an understanding of the management model inherent in the European Union countries and the adaptation of a national model of public administration to it. This allows us to consider allocation and prediction of possible ways of transformation of the national model of state governance¹.

It should be noted that since the second half of the 20th century, in the leading countries of the world, the transformation of state governance systems gradually took place; scientists, specialists developed new concepts, introduced new models and innovative mechanisms (competitive, organizational, structural, complex, etc.), which met certain conditions of social development. At the end of the twentieth century the concept emerges – "governance", the basis of which is the change in the nature of social relations – the transition from predominantly subject-object relations in power-public interaction to the subject-subjective, partnership relations, which reflects the relationship is not vertical subordination, but the horizontal coordination of various social actors. "Naturally, within the executive branch or within the executive vertical, the subject-object relations must exist, but the interaction between executive authorities and civil society institutions, executive bodies and representative institutions, the relations between different organizations within the civil society must be built on new principles"². Active

¹ Бакуменко В.Д. Завдання науки державного управління в Україні в контексті суспільних трансформацій. Аналітика і влада. 2012. № 6. С. 72-78. URL: http://nbuv.gov.ua/UJRN/avlad_2012_6_14

² Солових В.П. "Good Governance" як одна із сучасних моделей державного управління. Науковий вісн. Академії муніцип. упр. Серія "Управління". 2010. № 1. С. 112–120. URL: http://nbuv.gov.ua/j-pdf/Nvamu_upravl_2010_1_17.pdf

engagement of the public and the emergence of new investors in the management process have contributed to the transformation of the state administration system into public governance system.

The Encyclopedia of Governance states that the term "governance" can be used mainly to describe changes in the nature and role of the state as a result of state / public sector reforms in 1980–1990. It is believed that the relevant reforms led to the transition from hierarchically constructed bureaucratic systems to the use of market, quasi-market and network methods in public administration, in particular in the area of providing public services. In such an interpretation, governance actually means that the state is increasingly dependent on other organizations in the realization of its intentions, policy-making and the establishment of governance models³.

"Governance" is a broader category than "management." "This concept is initially filled with democratic content, as evidenced by various options for using this term: "democratic governance», "new governance», "good governance», "perfect governance», "ethical and transparent governance», "effective governance», "networking" governance". In this regard, V. Bakumenko states that "governance" in the theory of public administration is presented today by different concepts of "Governance": "Good Governance" (perfect, good or proper governance), "Responsive Governance" (responsible governance) and "Democratic Governance" (democratic Governance). "Governance" is based on: the greater attention of the state to the interests of civil society; expanding the participation of its subjects in public administration (citizens, public organizations, business structures); openness to public control; the principles of self-organization and inter-organizational networks, for which characterized interdependence, exchange of resources, rules of the game and a weak dependence on the state⁴.

The main tools for implementing the principles of the concept of "Governance" are aimed at: decentralization of state authority system; partnership with business structures, interaction with the public on the provision of services with the involvement of non-state resources; participation of citizens in the process of policy development and its implementation, transition from "guardian state" to "partner state" and

³ Bevir M. Encyclopedia of governance. L., 2007. Vol. 1–2. 1232 p. (Sage reference publication)

⁴ Бакуменко В.Д., Попов С.А. Парадигма інноваційного розвитку суспільства: сучасні концепції реформування публічного управління. Ефективність державного управління. 2015. Вип. 43. С. 24.

others. In the modern sense, the concept of "good governance" in the format of the principles of the European Strategy for Innovation and Good Democracy Governance at the local level has become widespread⁵.

According to the scholars Yu. Sharov and I. Chykarenko, good governance is a management activity in the system of public authority relations that meets the requirements of an open, democratic and just society and regulates the relationship between official institutions (state power) and non-governmental circles (business, public); the process of combining power and responsibility in a society that influences the definition of public policy and decisions on public life⁶.

1. The place of good governance in the theory and practice of modern management activities

It should be noted that the very term "good governance" originated in 1997 within the framework of the United Nations Development Program. The sources of this concept in many respects were the concepts of New Public Management (the concept of new public management) and Networked Government (the concept of political networks, which is a special culture of consensus in the system of state and non-governmental institutions that interact in defined areas of policy based on resource dependence in order to reach agreement on a problem that everyone is interested in). Exploring the emergence of the concept of "good governance", V. Korzhenko notes that the classic (bureaucratic) management model (Old Public Management), whose founder was Max Weber and the theory of new public management (New Public Management), created the basis for the emergence of Good Governance⁷.

This concept differs from classic administration, according to which the only source of political decisions is political leadership, and from the new public management with its emphasis on a trade agreement, where each participant seeks to maximize his profit. Instead, it is able to more effectively meet social needs and make socially important decisions.

⁵ Куйбіда В.С. Досвід впровадження стандартів доброго врядування на місцевому рівні в Україні та інших європейських країнах : зб. наук.-аналіт. та навч.-методич. матеріалів, норм.-правов. актів з питань впровадження стандартів доброго врядування на місцевому рівні. Київ : ТОВ "Поліграфічний Центр "Крамар", 2010. 258 с.

⁶ Шаров Ю.П., Чикаренко І.А. Європейські стандарти публічного управління: проєкція на муніципальний рівень. Державне управління та місцеве самоврядування: зб. наук. пр. Вип. 1 (4). Дніпропетровськ : ДРІДУ НАДУ. 2010. С. 295–304.

⁷ Корженко В.В. Становлення концепції Governance у процесі формування сучасного європейського адміністративного простору. Вісн. НАДУ. 2011. № 2. С. 12.

D. Krasilnikova, O. Sivintseva and O. Troitskaya believe that the new concept of good governance does not replace previous management models, but includes them in the new context of equal partnership relations⁸.

The concept of good governance arose as a result of integration processes and was associated with the loss of the state's status as a monopoly subject to the development and implementation of policies and strategies, and the involvement of strategic players (other than public authorities) involved in this process, primarily public and business.

In European countries, "good governance" is perceived as a public value that all member states of the Council of Europe want to achieve in order to ensure the well-being of their citizens. In a broad sense, this term means transparent, democratic, accountable, effective and accountable governance at the national, regional and local levels.

Thus, good governance is directly linked to the stable development of a democratic society and all its institutions.

The basic principles of governance within the concept of good governance are: effectiveness and efficiency of public management activities; social justice; the rule of law and right; lack of discrimination against minorities; separation of powers, democracy; election and variability of senior officials; accountability of executive power institutions, responsibility to society; political pluralism and transparency; partisipativeness; media independence, etc.

The introduction of a system of good governance in the country promotes the creation of a single social space, where strategic players of society (government, the public, business) interact on the basis of a common corporate interest: partnerships (participation), utility (interest-based), accountability (stakeholder dialogue), independence (relative independence), voluntariness. Sometimes the notion of good governance is equated with the notion of result-oriented management.

At the theoretical level, good governance is a collaborative environment for many stakeholders, including, in particular, specific users of public services and the general public in the wider context. At the practical level, good governance is defined as the sum of direct partnership

⁸ Красильников Д.Г., Сивинцева О.В., Троицкая Е.А. Современные западные управленческие модели: синтез New Public Management и Good. *Ars Administrandi*. 2014. № 2. С. 45–62. URL: http://arsadministrandi.com/article/Krasilnikov_Sivinceva_Troickaya_2014_2.pdf

relationships between the community, the public and private sectors in the planning and management of joint affairs.

Good governance is a mechanism for ensuring the functioning of society as a holistic self-regulated system, a way of realizing public authority, which achieves: compliance of public policy with the needs of social development; real participation of citizens in the development and implementation of public policy; pooling the potential of all three sectors (government, business, and the public); constant control of various segments of society for the activities of public authority.

The main emphasis in the concept of good governance (as opposed to traditional management) is on the orientation towards the formation of socio-political networks, where, on the basis of resource integration, the matrix interaction of state and non-state institutions in areas of common interest is implemented in order to reconcile problems that arise during joint activities and everyday life.

The brief meaning of the concept of good governance can be defined as co-management (to cover public needs) and co-control. That is, good governance is a special type of governance, the content of which is reflected in the formula "governance without government" (giving public institutions more freedom in coordinating their activities with the least interference of central government).

Qualitative development has received the concept of good governance at the local level, turning to the concept of Good Urban Governance, which was first announced at the 2nd HABITAT Conference in June 1996 in Istanbul. Thus, in particular, the conference determined that "good urban governance" is the integration of direct relations between citizens, the public and private sectors, planning and management of the city's common affairs. This is a continuous process, and through which contradictions or different interests must be taken into account, joint actions are organized. These relationships include both official institutions and informal arrangements and social capital of citizens.

"Principles of effective democratic governance" and "good governance" are an innovative tool for the development of local and regional democracy, which includes the 12 principles of "good governance", approved by the European Strategy for Innovation and Good Governance at the local level, on which the principles of governance are built on different administrative and territorial levels in European countries.

At the same time, the principles of good governance of the United Nations Development Program define the basic principles of the organization of "good local governance": local democracy and decentralization; strategic vision; transparency; responsibility; consensus orientation; efficiency and effectiveness; accountability to the community.

The concept of good governance is reflected in the materials of international organizations such as the UN and OECD. The basic characteristics of good governance, according to the materials of the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), include participation, consensus-based orientation, accountability, transparency, speed of response, non-discrimination (inclusiveness) and the rule of law⁹.

The concept of good governance has become the basis of administrative reforms in many countries of the world, in particular the European Union, and has become an effective response to the crisis of the bureaucratic model of governance.

The World Bank uses the concept of good governance when lending to Third World countries. And today, in the context of the Europeanization of public administration and the introduction of management (market-oriented) approaches and tools into its implementation, the concept of good governance has taken its place among the theories and practices of modern management activity.

The concept of proper (good, effective) governance is characterized by: citizen participation in management; the rule of law; transparency of control system; sensitivity to the needs of citizens; consent orientation; justice; effectiveness and efficiency; accountability of the public; strategic vision of prospects, thus envisaging the implementation of public administration on a democratic basis of governance. It relates to the question of how society can organize itself in order to guarantee equality of opportunity and social and economic justice for all citizens¹⁰.

The concept of good governance is constantly evolving and has recently become widespread. Good governance means care for the welfare of society and includes accountability, transparency, participation, openness and the force of law, and also means sustainable development

⁹ Кухарева Г.П. Належне урядування як шлях до становлення дієвої системи публічного управління в Україні. Теорія та практика державного управління. 2015. Вип. 3. С. 76–83. URL: http://nbuv.gov.ua/UJRN/Tpdu_2015_3_15

¹⁰ Козлов К. І. Політична модернізація: імплементація принципів Good Governance. Теорія та практика державного управління. 2010. № 4. С. 135–140. URL: http://nbuv.gov.ua/j-pdf/Tpdu_2010_4_22.pdf

management, which is associated with the following indicators (principles).

1. Participation as the cornerstone of the concept. Participation of both men and women is foreseen. It can be direct and indirect – through established institutions or representatives. Participation must be informed and organized. This means freedom of association and expression of will, as well as organized civil society. This requires the enforcement of the law and the full protection of human rights, especially minorities. It also requires the independence of the courts and public order authorities.

2. Transparency. This principle means that decisions are made and implemented in a manner consistent with established rules and regulations, and information is freely available to those affected by the decision and its implementation.

3. Sensitivity. Good governance requires that institutions and processes try to serve all stakeholders in a reasonable time and fall into the concept of a combination of response and capacity.

4. Targeting consensus. There are many actors and points of view in society. Good governance requires the consideration of different interests to achieve broad consensus in a society that is of greatest interest. It also requires a broad perspective on the actions needed to implement and achieve sustainable human development.

5. Equality and Inclusiveness. The welfare of society depends on the assertion that all of its members feel themselves part of the whole and do not feel separated from the path of its development. This requires the involvement of all groups of the society in the implementation of the state policy, but especially the most vulnerable ones.

6. Efficiency and effectiveness. Good governance means that all processes and institutions produce results that are relevant to the needs of society, for the best use of resources. The concept of effectiveness also covers the reasonable use of natural resources and the protection of the environment.

7. Accountability. This is a key requirement for good governance. Not only state institutions, but the private sector and public organizations should be accountable to the public. Accountability varies depending on decisions and actions on the internal and external to the organization or institution. In general, an organization or institution is accountable to those

affected by the decision or action. Accountability can not be achieved without transparency and the rule of law.

8. Competition. Means the use of competition to achieve the price of money in the supply of services. Of course, services provided by the public sector are more expensive than those provided by the private sector. Competition means selecting suppliers through an open contest.

These indicators (principles) can be grouped into several groups: legitimacy and voting rights (participation and consensus); strategic line (strategic vision); effectiveness (feedback and efficiency); responsibility (responsibility and transparency); justice (equality and force of law)¹¹.

Good governance is characterized by a predictable, open and conscious policy. This can be ensured by a transparent, accountable and competent administration respecting the fundamental human rights and values of democratic institutions and an effective institutional framework for ensuring accountability and transparency.

Within this model, the attitude towards the provision of public services is changing, with the beneficiaries of the two stakeholders: citizen and user. An integral element of service delivery is the marketing tools that take into account consumer expectations and the tools of joint production by the state, business and society¹² It is believed that good governance exists when three goals are achieved. First, there must be high quality laws and their effective implementation. Secondly, an opportunity for any citizen to realize his human potential. Third, effective productivity and lack of waste in any sector of the economy.

In 1992, the World Bank's "Governance and Development" document identified that good governance was the main instrument for building and establishing an environment that accelerated solid and fair development and could be a significant complement to strengthening economic policy.

The 2002 Human Development Report, prepared by the United Nations Development Program¹³ highlights several factors for establishing good governance. From the point of view of human development, proper governance is identical to democratic governance, which means:

¹¹ Красильников Д.Г., Сивинцева О.В., Троицкая Е.А. Современные западные управленческие модели: синтез New Public Management и Good. *Ars Administrandi*. 2014. № 2. С. 45–62. URL: http://arsadministrandi.com/article/Krasilnikov_Sivinceva_Troickaya_2014_2.pdf

¹² Там само.

¹³ Human Development Report 2002: Deeping democracy in a fragmented world // United Nations Development Programme (UNDP). N.-Y.: Oxford University Press. 2002. Available at: URL: http://hdr.undp.org/sites/default/files/reports/263/hdr_2002_en_complete.pdf

- respect for human rights and fundamental freedoms, giving citizens the right to live in a decent manner;
- recognition that the people can make decisions that are mandatory for consideration;
- recognition of the existence of private and public spheres of life and decision-making;
- taking into account the fact that the needs of future generations are reflected in modern politics.
- recognition that economic and social policies are aimed at overcoming poverty and taking into account human choices.

It should be noted that good governance implies the introduction of computerization of government processes and the transition to digital operations, which is conditioned by an increase in the amount of information in the modern globalized world.

To date, few countries have approached the model of good governance. Researchers from such countries allocate the USA, Germany, the Great Britain and the countries of Benelux. The liberal democratic states of Europe and America became the most successful in embodying the concept, where, according to L. Novak-Kalyaeva, "state institutions have developed standards of governance that are to meet the needs of a modern society and every citizen on the basis of observance and protection of human rights"¹⁴.

At the same time, researchers draw attention to the shortcomings of the concept, among which distinguish:

- the need for additional time and resources to ensure the participation of citizens in the process of adoption and implementation of decisions;
- dissatisfaction of certain groups of the population adopted for the sake of common good decisions;
- availability of a large number of technical aspects of access to information and ensuring its openness;
- the need to provide an appropriate institutional context for the implementation of the concept, including mature civil society, the commercial sector, professional and responsible bureaucracy¹⁵.

¹⁴ Новак-Каляева Л. М. Сучасні тенденції до конвергенції в концепціях державного управління. Вісн. НАДУ. 2013. № 1. С. 39.

¹⁵ Красильников Д.Г., Сивинцева О.В., Троицкая Е.А. Современные западные управленческие модели: синтез New Public Management и Good. Ars Administrandi. 2014. № 2. С. 45–62. URL: http://arsadministrandi.com/article/Krasilnikov_Sivinceva_Troickaya_2014_2.pdf

Much attention when implementing the concept of good governance should be given to the historical and cultural context of the development of the state and its institutions. O.Kozhemyakina emphasizes that there are many critics of the concept of good governance, who see the popularization of its methods, the intention of Western leaders "to build democracy around the world in violation of cultural and ethnic traditions, norms of ethics and morality, in the averaging of citizens' thinking and oppression of ideological minorities existing in order to create a free trade zone and to take into account the interests of the ruling countries of the region"¹⁶

Despite the drawbacks, the concept has many adherents. Former United Nations Secretary General Kofi Annan emphasized that good governance is the single most important factor in poverty alleviation and development¹⁷.

According to V. Solovyov, the concept of good governance is today "the most heuristic model of state governance in a developed democracy"¹⁸. He points out that, unlike other models, this model naturally focuses on the interaction of state and social institutes in the process of developing and implementing common solutions.

Good governance is in line with the highest development of the socio-economic system, characterizing socially oriented governance and defining governance on a developed democratic basis, without taking into account national archetype, – noted O. Amosov and N. Gavkolov¹⁹.

The use of the principles of good governance in the work of the authorities today is an urgent need, as it opens the way for the real ability of the authorities to ensure proper response to the needs of citizens and to increase citizens' confidence in the authorities and officials²⁰.

¹⁶ Кожемякина Е. Право на "good governance" как новый элемент гражданских прав в странах переходного периода. URL: <https://rauresearch.wordpress.com/2012/02/1>

¹⁷ Human Development Report 2002: Deeping democracy in a fragmented world // United Nations Development Programme (UNDP). N.-Y. : Oxford University Press. 2002. Available at: URL: http://hdr.undp.org/sites/default/files/reports/263/hdr_2002_en_complete.pdf

¹⁸ Солових В.П. "Good Governance" як одна із сучасних моделей державного управління. Науковий вісн. Академії муніцип. упр. Серія "Управління". 2010. № 1. С. 112–120. URL: http://nbuv.gov.ua/j-pdf/Nvamu_upravl_2010_1_17.pdf

¹⁹ Амосов О.Ю., Гавкалова Н.Л. Моделі публічного адміністрування (архетипова парадигма). Публічне управління: теорія та практика. Спец. випуск. 2013. С. 6–13. URL: http://nbuv.gov.ua/j-pdf/Pubupr_spets.vip._3.pdf

²⁰ Козлов К.І. Політична модернізація: імплементація принципів Good Governance. Теорія та практика державного управління. 2010. № 4. С. 135–140. URL: http://nbuv.gov.ua/j-pdf/Trpdu_2010_4_22.pdf

Other authors, such as A. Yeghazaryan, believe that an ideal model of public administration can be formed from elements of two concepts – new public management and good governance²¹.

The elements of good governance are called: participation, rule of law, transparency, responsibility, consensual orientation, justice. The key principles built within this concept of public administration include predictability, decentralization and subsidiarity. Such principles include the ethical behavior of all major players in society, the development, recognition and adherence of certain standards in the public sphere, as well as transparent policy, accountability and accountability of government to society.

According to A. Kolodiy, good governance is a subcategory of the concept of governance and is represented in the form of orders from the United Nations, the World Bank, respectable European institutions to act democratically, fairly, transparently, within the limits and on the basis of the law. Good governance concerns transitional, post-totalitarian, post-communist countries with unstable democratic rules, including Ukraine²².

This concept declares a special commitment to such qualities of the state authority system as trust, accountability, responsibility and is intended to provide an ethical and practical justification for a more dialogic and democratic style of public administration. It is based on a network, not a hierarchical way of building and functioning of government.

2. Features of the implementation of public administration on the basis of good governance

"Good governance" as a model of public administration is based on the distribution and management of the resource potential of the cooperation of all public institutions (state, private, public) through mutually beneficial partnerships and consensus in achieving the stated goals and is based on the following principles: public participation, transparency, accountability, rule of law, efficiency and equity.

"Good Governance" establishes the availability and openness of power, enhances the role of civil society in the process of formation and

²¹ Стіозар'ян А.Г. Особливості мережевого врядування у сфері публічної політики та управління. Ефективність державного управління. 2015. Вип. 44 (1). С. 118–124. URL: http://nbuv.gov.ua/UJRN/efdu_2015_44%281%29_16

²² Колодій А. Концепція публічного (нового) врядування в її застосуванні до демократичних і перехідних систем. Науковий вісник. 2010. Вип.10. «Демократичне врядування». URL: <http://www.lvivacademy.com/visnik10/fail/Kolodij.pdf>

implementation of public policy, and thus contributes to improving the quality of managerial decisions and creating conditions for a lasting and equitable socio-economic development. Within “Good Governance”, public administration is conceived in terms of "interaction", "complicity", "cooperation".

In the process of implementing public administration on the principles of governance an integral component of network management is the stable structure of the interaction of all stakeholders in a particular sphere or formed to solve a particular political problem that coordinates the activities of political institutions based on trust, interdependence, resource sharing and the legitimacy of the authorities. Of particular importance are political and management networks in the field of public policy, public administration and the provision of public services as a set of relatively stable links between non-hierarchical and interdependent nature, which combines a large number of different actors that share resources, realizing that co-operation facilitates the achievement of common goals and objectives. Modern public management demonstrates overcoming the boundaries of formally established relationships through the definition of interdependencies between hierarchies and networks. So, in order to achieve the effectiveness of governance, bureaucratic structures are increasingly beginning to operate through network structures, forming new political ties. Examples include: interagency cooperation; inter-organizational, inter-sectoral program management structures; public-private partnership " ²³. The network model of a coalition of interest groups, which is built on the basis of the growing influence of interest groups on state policy, is most prevalent in democratic states. In this regard, it is necessary to emphasize the impact of public interests and social networks on the development and adoption of managerial decisions. Individual interests are included in the social process at the expense of various kinds of crowdsourcing technologies, which allow forming channels for communicating interests and projects to those who make political decisions. Networks related to regulation sub-systems arise in response to the transfer of a number of functions to self-organized groups. This concerns the assessment of the quality of products and services, accreditation, licenses, etc. Grant and contractual arrangements arise when a state transfers services to non-profit organizations and businesses on the

²³ Публічна політика : навч. посіб. / авт. кол. : С. О. Телешун, С. В. Ситник, І. В. Рейтерович та ін. / за заг. ред. С. О. Телешуна, д-ра політ. наук, проф. Київ : НАДУ, 2016. 340 с.

basis of contracts and grants. The functions of the platforms are performed by state and non-state funds²⁴.

Relative to the new type of management networks, there is state-private partnership. This type of network governance can be defined as strategic alliances between the state, business and the nonprofit sector, in which risk and power are distributed among partner organizations. An example of the platform here is technological platforms that combine the state, business, politicians, civil society, the scientific community, economic and industrial clusters to address strategic tasks of the public (road construction, housing and communal services, ecology, etc.)²⁵. In the conditions of the information society, which dictate the need to ensure the openness and accessibility of the institutions of power for civil society institutions, good governance attaches great importance to the informatization of government processes and the transition to digital transactions. One of the important mechanisms for ensuring the openness of the public authorities to the public is the introduction of principles of accountability, involving citizens in public administration and ensuring their access to public information.

Good governance is a mechanism for ensuring the functioning of society as a holistic self-regulated system, a way of realizing public authority, which achieves: compliance of public policy with the needs of social development; real participation of citizens in making and implementation of public policy; pooling the potential of all three sectors (government, business, and the public); accountability of power to society, constant control of various segments of society in the activities of public authority. It should be noted that the concept of good governance has become the basis for administrative reforms in many countries of the world, in particular the European Union, where it is actively developed and implemented in practice and characterized by the multi-level nature of interaction between different levels of institutional building and the involvement of the state in interaction between representatives of business structures and civil society.

In Ukraine, which is trying to get closer to the best European standards in the field of public administration, it is necessary to create the

²⁴ Стіозар'ян А. Г. Особливості мережевого врядування у сфері публічної політики та управління. Ефективність державного управління. 2015. Вип. 44 (1). С. 118–124. URL: http://nbuv.gov.ua/UJRN/efdu_2015_44%281%29_16

²⁵ Там само.

right conditions for the implementation of the principles, mechanisms and instruments of good governance in administrative and management practice.

State governance in Ukraine needs serious, qualitative transformations and should be built on the principles of democracy, legitimacy, and, most importantly, transparency. The desire of public authorities to achieve transparency and openness in the realization of their functions, attempts to become more understandable for civil society, is the beginning of its movement towards public administration, which is characteristic of countries with a high level of economic and social development. "With the necessary expansion of democracy, decentralization of power, state governance is reformed in public, with its characteristic features of broad engagement of the public, service purpose and transparency"²⁶.

Modern public administration is based on the latest management mechanisms and technologies, the most important of which are social partnership, dispersed management, e-governance, analytical and expert-consulting activities. The partnership provides for a clear regulation of relations between public authorities and their partners, directions of cooperation with economic entities, public organizations, etc. At the same time, it is important not only how the state can allocate funds among economic entities and public organizations through contests, but also their participation in this process, which increases the responsibility for public affairs.

Dispersed management is one of the hallmarks of multi-line management and is widely used in the EU. Its essence lies in the transfer of elements of public authority, first of all, in the provision of services, specifically for the established institutions, organizations and centers. This is considered a method of not only decentralization but also decoconcentration of public administration.

World practice offers various technologies of public administration, many of which are already applied in Ukraine. When selecting them, it is important to take into account national characteristics, the stage of development of society and the tasks facing the public authorities.

²⁶ Петровський П.М. Проблема розуміння в контексті розвитку публічного управління в Україні. Проблеми розвитку публічного управління в Україні : матер. наук.практ. конф. за міжнар. уч. (6–7 квітня 2017 р., м. Львів) / за наук. ред. чл.кор. НАН України В. С. Загорського, доц. А. В. Ліпенцева. Львів : ЛРІДУ НАДУ, 2017. С. 6.

Proceeding from the above, in the national science of public administration there should be a gradual reorientation of the consideration of state administration, local self-government and civil society to their systemic understanding in the context of the development of public administration. The transformation of state administration into public administration on the principles of good governance determines the directions and content of the following institutional changes in the socio-economic system of Ukraine.

CONCLUSIONS

In the conditions of modern transformations – political, economic, sociocultural, the mission and tasks of the state, structure, functions and technology of public administration, the content of the activities of public structures change significantly. The constantly growing dependence of the state on other social actors leads to the fact that successful formation and implementation of state policy became practically impossible without the participation of business and civil society. Changes in the public sphere simultaneously lead to an increase in the role of state and non-state actors in the development of managerial decisions and, accordingly, transform the system of their relations in the direction of cooperation. Despite the fact that quite often the state retains the position of the dominant actor, it is no longer able to effectively carry out its functions through the mechanisms of power of coercion and increasingly refers to management methods based on communicative interaction with civil society. All this pushes scientists, specialists to look for new approaches to the implementation of public administration, to develop concepts, in accordance with the realities of social transformations.

Good governance has arisen as a result of integration processes and is associated with the loss of state status as a monopoly subject to developing and implementing policies and strategies, and involving in this process additional strategic players (other than public authorities), primarily public and business.

"Good governance" as a model of public administration is based on the distribution and management of the resource potential of the cooperation of all public institutions (public, private, public) through mutually beneficial partnerships and consensus in achieving the stated

goals and is based on the following principles: public participation, transparency, accountability, rule of law, efficiency and equity.

The existing system of state governance in Ukraine cope with the current challenges and trends of social development in the best way that leads to the search for a new management model that responds quickly and adequately to changes in the world and society.

State governance in Ukraine needs serious qualitative transformations and should be based on the principles of democracy, legitimacy, openness and accountability to citizens. With the strengthening of democratic processes, state administration is reformed in public, with its characteristic features of widespread involvement of civil society, business structures to make managerial decisions, service delivery of public services, and transparency.

Ukraine's choice of the path of European integration as a desire to become part of the most developed countries of the world leads to the need to focus on the implementation of a modern, effective European model of public administration – good governance, based on the allocation and management of the resource potential of cooperation of all public institutions (state, private, public) through mutually beneficial partnerships and consensus in achieving the stated goals and based on such principles as: public participation, transparency, accountability, rule of law, efficiency and justice.

Increasing access to public service updates the issue of application e-government technologies in public administration.

One of the priority directions of development of public administration in Ukraine at the present stage should be deepening public-private partnership as an equal and mutually beneficial cooperation between the state, territorial communities, civil society institutions and private structures within the framework of projects aimed at solving important social problems.

SUMMARY

The essence and conceptual foundations of proper governance, its place in the theory and practice of modern management activity are considered. The process of transformation of state administration into public management on the principles of good governance in accordance with the newest realities of social development is analyzed.

"Good governance" as a model of public administration is based on the distribution and management of the resource potential of the cooperation of all public institutions (public, private, public) through mutually beneficial partnerships and consensus in achieving the stated goals and is based on the following principles: public participation, transparency, accountability, rule of law, efficiency and equity. It is substantiated that good governance is based on: greater attention of the state to the interests of civil society; expanding the participation of its subjects in public administration (citizens, public organizations, business structures); openness to public control; principles of self-organization and inter-organizational networks, for which interdependence, exchange of resources, rules of the game and a weak dependence on the state are characteristic. The peculiarities of the implementation of public administration on the basis of good governance are considered. Attention is drawn to the specifics of this process in Ukraine.

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Information about the author:

Karlova V. V.,

Doctor of Science in Public Administration, Docent,
Professor of the Department of Public Policy and Political Analytics,
National Academy for Public Administration
under the President of Ukraine,
20, Antona Tsedika str., Kyiv, 03057, Ukraine

INSTITUTIONALIZATION OF CIVIL SOCIETY IN INDEPENDENT UKRAINE

Honiukova L. V.

INTRODUCTION

The modern democratic state is based on a developed system of social institutions. And this is a certain paradox, because these institutions destroy the traditional, state-controlled hierarchy. A sign of the present days is the struggle between hierarchies and networks, between horizontal and vertical management structures. Society develops more rapidly than public administration under conditions of transformation, and the old hierarchical organization is no longer keep pace with developing of science, innovation, economics, and changes in society as a whole. To help the hierarchical management vertical comes the networking of public associations, although cooperation is not always smooth. Developed social networks in modern democratic states are united in civil society.

In Ukraine, we are witnessing strong protest moods against the old hierarchical administration system. The Revolution on Granite, the Orange Revolution, the Revolution of Dignity is a testimony to this fact. But modern civil society is determined not only by protests, but mostly by creative potential. What determines the development and potential of civil society in Ukraine?

1. Imperatives of the development of civil society

The history of self-government in Ukraine dates back to the times of Kievan Rus and forms part of the state-building processes. Ukrainian historian M.Kostomarov describing the role of the "Viche" (Chamber) in the system of governance of the state noted that the Viche adopted a decision on management, conducted agreements with the lords of other lands, declared war, made peace, lead the army for protection of the country, determined the trade law and the quality of the coin, established

rules and laws, according to which Viche was a legislative power, and at the same time – a judicial one, especially in cases involving civil rights¹.

According to R.Lashchenko, in addition to the functions of the legislative and judicial branches of power, the Viche was endowed with controlling functions, in particular, the people's assemblies could "judge, banish and punish the secondary powers that were established by the princes, and sometimes the princes themselves"². The facts presented by B. Bernadsky give us reason to believe that the Viche was the prototype of Ukrainian parliamentarism³.

In the fourteenth century, Magdeburg Law was spread on Ukrainian lands and had an impact on the further development of local self-government in Ukraine. Magdeburg Law gave the city community the opportunity to exercise local government based on the experience of the German city of Magdeburg. For this reason, in a number of documents it was called the German or Saxon law. The essence of Magdeburg Law was that the urban population was exempted from the jurisdiction of the central state administration (feudal lords, military commanders and governors), and cities were able to self-government with their own local authorities⁴.

The Ukrainian Cossack-Hetman state got its proper place among the European states in the XVII century. The Cossack state had its own council, which consisted of general officers, colonels and elected deputies. Hetman was the head of the state. The Sejm met three times a year, and gathered the heads, deputies and ambassadors from the Zaporozhian army. The strict control over the Hetmans' funds that was envisaged. The democratic principles of governance were introduced to all classes of society, and especially to the Cossacks, as well as to the cities.

The Constitution of P. Orlik, which was concluded in 1710, was the ultimate manifestation of the progressive liberalism.

During the nineteenth and twentieth centuries, Ukrainian society has passed 3 important stages: imperial, revolutionary and Soviet. And mostly, the public initiative either opposed the state, or acted as a substitute for

¹ Костомаров М. Исторические монографии. Исследования. Т. VII, ч II. Северорусские народоправства во времена удельно-вечевого уклада (история Новгорода, Пскова и Вятки) / Н.И.Костомаров. СПб, 1886. – С. 34.

² Лашченко р. Лекції по історії українського права / р. Лашченко. – К.: Україна – Ч. 1.: Княжа доба. – Ч. 2: Литовсько-польська доба. – 1998. – С. 106.

³ Імперативи формування громадянського суспільства в умовах модернізації державного управління в Україні: головні виміри та виклики: кол. монографія / Л.В. Гонюкова, Є.І. Таран, В.Л. Голуб, та ін. – Київ: Національна академія державного управління при Президентові України, 2017. – С. 10-11.

⁴ Грицяк І. Місцеве самоврядування України в історії та сучасності // Вісник УАДУ. – С. 1996. – № 1. – С. 57.

state institutions, when they were in a state of insolvency. This explains the strong protest attitude of Ukrainians and the non-acceptance (at the mental level) of the authorities, given that for many centuries it was foreign.

Civil society is formed "from the bottom", spontaneously, as a result of emancipation of individuals, turning them into free citizens-owners who have a sense of dignity and are ready to assume economic and political responsibility for their actions.

The language of every nation reflects its life. Exploratory analysis of words explains the mentality, mood and aspiration of the people. Realization of language imperatives was not always easy and dynamic, since the old political culture is inertial and actively supported by its carriers. The categorical language imperatives as a cultural-genetic code of Ukraine were actively dubbed by slogans from our contemporaries, like the lines of poetry of Taras Shevchenko. But not that Shevchenko's lines that young Ukrainians teach as a homework or only on the occasion of the Shevchenko days, but the ones that are cited consciously "in a terrible hour of fierce, in a good day of liberty and in a miserable moment", as Andriy Malyshko wrote in his poetry "Taras Shevchenko"⁵.

Today, the use of Russian terms remains a problem for Ukraine, which is the result of centuries of Russian domination in Ukraine. So, a lot of our executives call government as «pravitel'stvo», although the etymology of these concepts is different. The Ukrainian phraseological dictionary gives an explanation of the word "ryadyty" – to judge, manage, direct. (Zaporozhtsy are now the first lords in Ukraine: I appointed them as a colonels; they will judge and rule them in the Cossack customs of the entire Ukraine (P. Kulish); ≤Pan: ≥ I will judge you. Marusia, I told you – do not dare to give up, as I will judge and decide: I am a ruler here (M. Kostomarov)⁶.

Another interpretation of the word gives "Yurinkor Inter" in the article "Inheritance for the princely era of Kievan Rus-Ukraine". "The term "ryadyty" (in the cited Greeks' treaty with Russia -"ryadyty") means the right to divide property or manage inheritance. Also, the concept of "ryad" was used as a contract of the prince with the people or with his wife. The

⁵ Імперативи формування громадянського суспільства в умовах модернізації державного управління в Україні: головні виміри та виклики: кол. монографія / Л.В. Гонюкова, Є.І. Таран, В.Л. Голуб, та ін. – Київ: Національна академія державного управління при Президентові України, 2017. – С. 52.

⁶ Український фразеологічний словник. – [Електронний ресурс]. – Режим доступу : http://getword.ru/ukr/slovari.php?word=%D1%81%D1%83%D0%B4%D0%B8%D1%82%D0%B8+%D1%96+%D1%80%D1%8F%D0%B4%D0%B8%D1%82%D0%B8&table=uk_fraz

distribution of the inheritance was carried out only among a narrow circle of those heirs who had the right to inherit in the custom of their ancestors"⁷.

"Ryad" in ancient Russia is a traditional treaty of "free people" with the prince, – wrote the Russian emigrated historian V. Pashuto⁸. In addition, one of the layers of the population during the early Middle Ages (Kievan Rus) was rank-and-file people – a personally dependent population in Ancient Russia. From the "Rus Truth" known princes and boyars R. The term "rank" interpreted in different ways (from "to put up" – to enter into an agreement, "run" – to supervise the work, "ryadovoy" – ordinary). Most likely, R. – people who were hired by princes or boyars to work for contract, according to their social status, were approached as smerds and semi-dependent slaves⁹.

In the dictionary of Ivan Franko under the letter "r" we can find the interpretation of the word "ryad" which means "uryad", "government" [XII] – "government", "self-government"¹⁰.

Consequently, we can conclude that the word "government" comes from the Old Rus' (please do not confuse with Russia) word "ryad", which means agreement, agreement, contract. And this means that the social agreement was the basis of the management of ancient Ukraine-Rus', where one of the institutes of such governance was the Chamber. And only later, theoretically, the idea of a social agreement was developed by T. Hobbes, J. Locke, J.-J. Russo. When we use the term "government", we understand that these are people who govern the state in accordance with a social contract, which testifies to the democratic spirit of the Ukrainian people and the desire to build their existence on a democratic basis.

The formation of a full-fledged civil society in Ukraine should be ensured by legal and political conditions. Political parties are the mechanism of political participation of citizens. Political parties represent the interests of different segments of the population and are an institution of civil society if they are not in power. The presence of political parties in society proves its high development and the presence of civilian culture.

⁷ Спадкування за княжої доби Київської Русі-України. – [Електронний ресурс]. – Режим доступу : http://yuricom.com/ua/yuridichniy_visnyk_ukrayiny/overview/?id=1268.

⁸ Пашуто В. Т. Русь. Прибалтика. Папство. Избранные статьи. – М.: Русский фонд содействия образованию и науке, 2011. – С.60-64.

⁹ Вілкул Т.Л. Рядовичі. – [Електронний ресурс]. – Режим доступу: <http://www.history.org.ua/?termin=Riadovychi> (останній перегляд: 24.11.2017)

¹⁰ Словничок з творів Івана Франка. – [Електронний ресурс]. – Режим доступу: <https://zbruc.eu/node/26112>

For the establishment of civil society in Ukraine, freedom of speech is a crucial imperative, as the human right to freely express their thoughts and views in oral and written form. Freedom of speech is a tool to ensure awareness and support of a high level of competence of public authorities.

The establishment and the exercise of state power based on the principle of national sovereignty, which is realized through free, fair and democratic elections. The essence of it is the formation of state and local government as a defining feature of a democratic, rule-of-law state that ensures the free existence of a civil society. Officials are elected on the basis of democratic procedures. Due to the elections, the composition of representative bodies is formed and the change of election positions in state bodies is carried out, where, in accordance with their official duties, each person makes managerial decisions for social development. The referendum is intended for direct decision-making on the most important issues of public life by direct expression of the will of citizens during a popular vote. In modern democratic countries referendums are one of the most important forms of exercising popular sovereignty and an instrument of civil society. Referendum helps to decide on the accession of Spain to NATO, the UK – to the EU, Switzerland – to the UN. The constitution of Denmark, Estonia, Lithuania, Poland, Turkey, and France was also shaped thanks to the referendum. Elections and referendums are an effective instrument for realizing the right of national sovereignty only when the civil society culture is at a sufficiently high level.

2. Institutionalization of civil society in modern Ukraine

The regulation of the activities of individual components of civil society was being ensured, in particular, by the Laws of Ukraine "On Citizens' Associations", "On Social Dialogue in Ukraine", "On Local Self-Government in Ukraine", "On Information", "On Trade Unions, their Rights and guaranties of activities", "On Youth and Children's Public Organizations", "On Employers' Organizations", "On the Bodies of Self-Organization of the Population", "On Professional Creative Workers and Creative Unions", "On Charity and Charitable Organizations", "On Volunteers", "On Freedom of Conscience and Religious Organizations", "On Social Services", "On the Principles of State Regulatory Policy in the Field of Economic Activity", "On Access to Public Information", "On Free Legal Aid".

The adoption of the Law of Ukraine "On Ukrainian and Local Referendums" in 1991 contributed to the democratic transformation in Ukraine, which permitted a state referendum on the confirmation of the Declaration of Independence of Ukraine adopted by the Verkhovna Rada of Ukraine on August 24, 1991¹¹. The referendum took place on December 1, 1991 and was marked by almost unanimous support of the citizens of Ukraine for its independence. These changes took place under the pressure of a newborn civil society, whose manifestation was massive actions of the People's Movement and the Revolution on Granite.

The young state was required to legalize public and political organizations that actively influenced its creation. In 1992, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Citizens' Associations", dated June 16, 1992, No. 2460-XII, which was in force until 2013¹². The law introduced civil society organizations and political parties in the legal field, outlined their rights and responsibilities, which contributed to their establishment. Let's remind that before 1991 one-party system prevailed, and civic organizations were created only on the initiative of the Communist Party. Further reduction of the political system of Ukraine to democratic standards required changes in the legal status of both public associations and political parties. The state had to work out rules for interaction with civil society.

An important stage in the development of the legal field of civil society was the adoption of the Constitution of Ukraine on June 28, 1996 (changed on December 8, 2004, in terms of the division of powers between the branches of power). The Constitution provided broad guarantees of human rights and freedoms regardless of origin, property status, sex, race, language, religion, political or other beliefs (Sections 10, 11). At the same time, it restricted the activities of state bodies, which complies with the principles of a law-governed state and leaves room for public initiative. Article 15 of the Constitution states that "public life in Ukraine is based on the principles of political, economic and ideological diversity". It guaranteed freedom of political activity, if it is not prohibited by the Constitution and laws of Ukraine. Together with Art. 34 and 35, which guarantee citizens the right to freedom of thought and speech, as well as

¹¹ Закон України «Про всеукраїнський та місцеві референдуми» 1991 р. – [Електронний ресурс]. – Режим доступу : <https://zakon.rada.gov.ua/laws/show/1286-12>

¹² Закон України «Про об'єднання громадян». – [Електронний ресурс]. – Режим доступу : <http://zakon0.rada.gov.ua/laws/show/2460-12>

the freedom of world outlook and religion, this article is the constitutional basis for the formation of a pluralistic society¹³.

At the same time, in the second half of the 1990's issues of institutionalization of civil society have not been adequately reflected in government decisions and actions of the President of Ukraine. "However, under the influence of the current trend of strengthening cooperation with public associations during election campaigns in 1998, the government, in pursuance of the relevant decree of the President of Ukraine, made a decision on the formation of subdivisions on internal affairs within the structure of local executive bodies"¹⁴. One of the tasks of such divisions was the implementation of interaction with political parties and public organizations, in particular, for the development of civil society. This specific electoral technology has contributed to the creation of an institutional framework for government policy to promote civil society development¹⁵.

In the Message of the President of Ukraine Leonid Kuchma to the Verkhovna Rada of Ukraine named "European Choice. Conceptual bases of the strategy of economic and social development of Ukraine for 2002–2011" "only in section V" Institutional transformation", were mentioned the implementation of a policy of deep democratization of economic processes, the establishment of full-fledged institutions of market economics and civil society¹⁶.

In the wake of massive public protests from the early 2000's, the government's attention to the development of civil society has gradually intensified. The ruling elite sought to demonstrate the openness of power to the domestic and international community, trying to disguise the partial collapse of democratic processes through the strengthening of the presidential influence. At the same time, there was a development of public associations. There were authoritative expert-analytical centers that actively lobbied for changes in the legislation in order to get the ability to influence state policy. Thus, by the beginning of XXI, the institutio-

¹³ Конституція України. – [Електронний ресурс]. – Режим доступу : <http://zakon2.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>

¹⁴ Про утворення підрозділів місцевих органів виконавчої влади з питань внутрішньої політики : постанова Кабінету Міністрів України, 30 жовт. 1998 р. № 1715. – [Електронний ресурс]. – Режим доступу: <http://zakon2.rada.gov.ua/laws/show/1715-98-%D0%BF>.

¹⁵ Андрійчук Т. Урядові рішення як складова розвитку громадянського суспільства. – [Електронний ресурс]. – Режим доступу: http://www.ipiend.gov.ua/uploads/nz/nz_66/andriichuk_uriadovi.pdf

¹⁶ Послання Президента України Леоніда Кучми до Верховної Ради України «Європейський вибір. Концептуальні засади стратегії економічного та соціального розвитку України на 2002-2011 роки». – [Електронний ресурс]. – Режим доступу : <http://zakon2.rada.gov.ua/laws/show/en/n0001100-02/page>

nalization of civil society was fragmentary, focused on the formation of the institutional foundations of civil society.

The Government's Program "Reforms for Welfare"(2000) mentioned the development of civil society as a priority three times, and mentioned public opinion when making government decisions¹⁷. The next Government Program "Openness, Efficiency, Effectiveness" (2003) focused on ensuring transparency of decision-making, in particular by involving civil society institutions in preparing decisions and analyzing their implementation¹⁸. In 2004, before the presidential election, the Government's Program of Action named "Consistency. Efficiency. Responsibility" specified the task of cooperation with civil society institutes, in particular, regarding the creation of organizational and legal conditions for the participation of the public in the process of formation and implementation of state policy¹⁹. The mechanism of consultation with the public has also been improved. Following a long public discussion, the Cabinet of Ministers of Ukraine (hereinafter – CMU) adopted the Resolution No. 1378 of October 15, 2004, which approved the Procedure for conducting public consultations on issues related to the formation and implementation of state policy and the Model Regulations on the Public Council at the central, local executive bodies power²⁰. For the first time, a legal act obliged the executive authorities to consult with the public on a wide range of socially important issues. The public councils under the executive authorities were created from representatives of civic organizations, trade unions, and mass media. But in practice it seemed more prosaic – everything was done to keep decisions unfulfilled, and to have public councils under control. Thus, in 2005, public councils were transformed into public boards with heads of executive bodies. In 2006, this decision was canceled, and in 2009 the new provision on public councils was approved, and it was not the last one. In 2010, the government approved a new Model Statement on Public Councils that

¹⁷ Про Програму діяльності Кабінету Міністрів України : постанова Кабінету Міністрів України, 23 берез. 2000 р. № 550 [Електронний ресурс]. – Режим доступу : <http://zakon2.rada.gov.ua/laws/show/550-2000-%D0%BF>

¹⁸ Програма діяльності Кабінету Міністрів України «Відкритість, дієвість, результативність», 17 берез. 2003 р. [Електронний ресурс]. – Режим доступу : <http://zakon2.rada.gov.ua/laws/show/n0001120-03>

¹⁹ Програма діяльності Кабінету Міністрів України «Послідовність. Ефективність. Відповідальність» від 12 берез. 2004 р. [Електронний ресурс]. – Режим доступу : <http://zakon2.rada.gov.ua/laws/show/n0002120-04>

²⁰ Деякі питання щодо забезпечення участі громадськості у формуванні та реалізації державної політики : постанова Кабінету Міністрів України, 15 жовт. 2004 р. № 1378 [Електронний ресурс]. – Режим доступу : <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1378-2004-%EF>

contained two innovations. Firstly, the procedure for the election of members of public councils during the meeting of all willing representatives of civil society institutions was established. Secondly, the expert functions of the councils have been considerably strengthened, in particular, with regard to the submission of proposals for the preparation of draft legal acts, the conduct of public anti-corruption expertise and the public examination of the activities of executive authorities, etc. According to T.Andreichuk, the combination of the public councils' expert functions and the mechanism for their formation, open to all interested persons, contained a significant contradiction and prevented the proper work of these advisory bodies²¹.

In 2005, the Cabinet of Ministers approved the Procedure for Involvement of Representatives of Civic Organizations to monitor changes in prices and tariffs for goods and services sold to the population and salary levels of employees of the branches of the economy²². In the same year, the Presidential Decree "On the Development of Social Dialogue in Ukraine" came out but lost its power in 2011.

The new stage for the state policy in promoting the development of civil society was the approval of "The Concept for the promotion of civil society by the executive authorities" by the Cabinet of Ministers of Ukraine in 2007. The purpose of this Concept is to create favorable conditions for the further development of civil society and the consolidation of democracy in Ukraine," the Law says²³. It also provided for the improvement of the regulatory framework for the development of civil society, the activities of civil society institutions, and the access of citizens to information; development and implementation of an effective mechanism for establishing communication between executive authorities and civil society institutions. In order to raise the civic culture of society and active civic stance, it was planned to broaden the involvement of citizens in the formation and implementation of state policy. Particular attention was paid to the development of the volunteer movement, philanthropy and patronage. By

²¹ Андрійчук Т. Урядові рішення як складова розвитку громадянського суспільства. – [Електронний ресурс]. – Режим доступу : http://www.ipiend.gov.ua/uploads/nz/nz_66/andriichuk_uriadovi.pdf.

²² Порядок залучення представників громадських організацій до спостережень за зміною цін і тарифів на товари та послуги, що реалізуються населенню, і рівнів заробітної плати працівників галузей економіки Постанова КМУ від 15 січня 2005 р. N 39. – [Електронний ресурс]. – Режим доступу : <http://zakon3.rada.gov.ua/laws/show/39-2005-%D0%BF>

²³ Про схвалення Концепції сприяння органами виконавчої влади розвитку громадянського суспільства : розпорядження Кабінету Міністрів України, 21 лист. 2007 р. № 1035. – [Електронний ресурс]. – Режим доступу : <http://zakon1.rada.gov.ua/laws/show/1035-2007-%D1%80>.

adopting the Concept, the government sought to demonstrate openness to dialogue with civil society institutions, taking into account the experience of democratic construction of European countries such as Great Britain, Denmark, Croatia, Czech Republic, Estonia, Hungary, etc. It was even an attempt to introduce presidential hearings in addition to parliamentary and public ones, but it only happened once.

Scientists and political scientists point out that during 2008–2011 the main directions of the Concept were not implemented in practice. The development of draft laws on important issues of the functioning of civil society institutions ("On Public Organizations", "On Charity and Charitable Organizations", "On the Volunteer Movement") was constantly postponed; therefore they were submitted to parliament by the deputies. Only a few draft laws could be considered as the government's contribution to the improvement of the legislation, in particular "On Amendments to Some Laws of Ukraine on Public Participation in the Formation and Implementation of State Policy, Resolution of Local Issues" (2009), "On Administrative Services" (2011). In 2008, the Presidential Decree "Issues of the National Council on the Interaction of State Authorities and Local Self-Government Bodies" came into force, but lost its power in 2010.

The definition of the procedure for promoting the public examination of the activities of the executive authorities in 2008²⁴ and the establishment of a unified procedure by the executive authorities to contest programs (projects, events) of civil society institutions to provide them with budget support is one of the achievements in the policy of supporting the development of civil society²⁵.

Adoption of the Resolution of the Cabinet of Ministers of Ukraine of November 3, 2010, No. 996 "On Ensuring Public Participation in the Formation and Implementation of State Policies" was aimed to help all interested civil society institutions to participate in the elaboration and implementation of state policy through the creation of public councils under executive power. Public councils received the right: to give proposals to regulatory and legal acts and the content of the work of

²⁴ Постанова від 5 листопада 2008 р. N 976 Київ. Про затвердження Порядку сприяння проведенню громадської експертизи діяльності органів виконавчої влади. Із змінами, внесеними згідно з Постановами КМ N 1103 (1103-2009-п) від 14.10.2009 N 234. – [Електронний ресурс]. – Режим доступу : <http://zakon2.rada.gov.ua/laws/show/976-2008-%D0%BF>

²⁵ Про затвердження Порядку проведення конкурсу з визначення програм (проектів, заходів), розроблених інститутами громадянського суспільства, для виконання (реалізації) яких надається фінансова підтримка : постанова Кабінету Міністрів України, 12 жовт. 2011 р. № 1049. – [Електронний ресурс]. – Режим доступу : <http://zakon2.rada.gov.ua/laws/show/1049-2011-%D0%BF>

officials; to conduct public anti-corruption expertise of normative legal acts and to demand that officials carry out anti-corruption legislation; to conduct a public examination of the activity of the authority; to exercise public control, taking into account the authorities' suggestions and comments to the public; help the authority work more efficiently in the interests of citizens. It should be noted that the first experience of the formation and operation of public councils showed that the institutes of civil society themselves were unprepared for self-organization. They work not systematically, not familiar enough with modern methods of policy analysis, monitoring of social processes, public control, anti-corruption expertise, etc²⁶. At the same time, the level of mutual trust between the authorities, business and civil society institutions remained low, which led to alienation instead of solidary responsibility for the state of social development.

Thus, the beginning of the 21st century was marked by the search for effective communications between the authorities and the community and their introduction into the legal field of the state. Adoption of the Verkhovna Rada of Ukraine on January 13, 2011, the Law of Ukraine "On Access to Public Information" was the next step in the institutional development of civil society. The law has regulated the access of individuals and legal entities to information. Article 1 clearly defined and consolidated the notion of "public information", according to which public information is the information that was received or documented by any means and on any medium that was received or created during the execution by the subjects of the authorities of their duties, provided by the current legislation, or which is in the possession of the subjects of power authorities, other administrators of public information, determined by this Law. The law also identified ways to access public information through the systematic and prompt disclosure of information on official websites, through the media or in any other way, providing information on information requests. The consequence of the adoption of the Law was a gradual increase in the openness of the authorities, a significant increase in the volume of open access information, and the obligation of key information managers to publish and provide accurate and complete information on their activities and decisions made, systematically keep

²⁶ Інформаційно-комунікаційні особливості взаємодії органів місцевого самоврядування з громадою: регіональний аспект. Аналітична записка. – [Електронний ресурс]. – Режим доступу : – <http://www.niss.gov.ua/articles/978/>

records of documents and requests for information that are located in their possession²⁷.

The following Strategy of the state policy of promoting the development of civil society in Ukraine was approved by the Decree of the President of Ukraine dated March 24, 2012, No. 212/2012. It was aimed at introducing public control over the activities of the authorities, ensuring independent activity of civil society institutions, strengthening their influence on making publicly important decisions, creating conditions for ensuring wide representation of citizens' interests in state authorities and local self-government bodies, holding regular consultations with the public from important issues of the life of society and the state²⁸.

In 2011–2012, in pursuance of the provisions of a number of laws of Ukraine, government decisions were taken on the procedures for public discussion of specific issues of state and local policy, in particular, city planning documents, decisions that may affect the state of the environment, issues of assignment to legal entities, property rights assigned to them, names (pseudonyms) of individuals, jubilee and holiday dates, names and dates of historical events. However, the said acts do not have a single approach to the procedure for conducting the discussion and they are weakly correlated with the procedure for conducting public consultations, approved by the Cabinet of Ministers on November 3, 2010, No. 996, which made it impossible to conduct them. In 2012–2013, the task of amending the resolutions on issues of holding public consultations and facilitating the public examination of the activities of executive authorities, as foreseen by the Action Plan for the implementation of the "Open Government Partnership" Initiative, was not fulfilled²⁹.

In 2013, the Law of Ukraine "On Public Associations" was approved in a new version³⁰. The new law improved the legislation in this area, making the implementation of the constitutional right to freedom of association more accessible and orderly and consolidating a fundamentally new procedure for the registration of public associations, which is

²⁷ Закон України «Про доступ до публічної інформації». – [Електронний ресурс]. – Режим доступу : <http://zakon2.rada.gov.ua/laws/show/2939-17>

²⁸ Указ Президента України від 24 березня 2012 року № 212/2012 Про Стратегію державної політики сприяння розвитку громадянського суспільства в Україні та першочергові заходи щодо її реалізації. – [Електронний ресурс]. – Режим доступу : <http://zakon0.rada.gov.ua/laws/show/212/2012>

²⁹ Інформаційно-комунікаційні особливості взаємодії органів місцевого самоврядування з громадою: регіональний аспект. Аналітична записка. – [Електронний ресурс]. – Режим доступу : <http://www.niss.gov.ua/articles/978/>

³⁰ Закон України «Про громадські об'єднання» Відомості Верховної Ради України (ВВР), 2013, № 1, ст.1. – [Електронний ресурс]. – Режим доступу : <http://zakon3.rada.gov.ua/laws/show/4572-17>

distinguished by its democratic nature. "The new law has shifted the ice in the area of post-soviet legal regulation of the activities of citizens' associations and, despite some gaps, substantially improved the legislation in this area, making the implementation of the constitutional right to freedom of association more accessible, orderly and multifaceted"³¹.

Despite the large number of normative documents that should have contributed to the development of civil society in Ukraine, the imperfections and contradictions of the current legislation created artificial barriers for the development of civil society institutions. The mechanisms of public participation in the formation and implementation of public policy are not implemented properly and are not implemented properly, due to the lack of knowledge, indifference, despondency of citizens, and, in part, not the desire of officials. Bodies of executive power and local self-government, in turn, instead of establishing an effective dialogue with society, create its visibility. The activities of civil society institutions themselves were characterized by insufficient level of their institutional, financial and personnel capacity. Scientists and political scientists have stated the low level of socially significant voluntary activity of Ukrainian citizens by 2013.

At a critical moment in 2013, when there was a real danger of curtailing democratic processes, and in 2014, when the Russian Federation attacked Ukraine, all of us suddenly saw that we have active citizens who are gathering together in civil society.

In the annual analysis of democratic processes in Central and Eastern Europe and the Eurasian Nations in Transit 2016, held by Freedom House, Ukraine ranked 18th out of 29 new democracies. The rating is based on seven indicators: the electoral process, the development of civil society, media freedom, the level of democracy of the central government, the level of democracy of local governance, the independence and functioning of the justice system, and the level of corruption. According to these indicators, Ukraine's biggest problems are corruption and justice (score 6 out of 7 points); the best situation is with the development of civil society (2.25 points out of 7, which corresponds to the European level). It is civil society that plays the most prominent role in promoting democratic reforms in Ukraine³² and has become an imperative for democratic development.

³¹Оновлена свобода об'єднань//Закон і бізнес. – [Електронний ресурс]. – Режим доступу : http://zib.com.ua/ua/9851-noviy_zakon_pro_gromadski_obednannya_n_4572-vi_analiz_polozh.html

³² Nations in Transit 2016 [Електронний ресурс] / Freedom House. – Режим доступу : <https://freedomhouse.org/report/nations-transit/nations-transit-2016>

Among the commitments made within the framework of the implementation of the "Open Government Partnership" Initiative in Ukraine during the 2014–2015 period there are certain changes. It is worth noting the introduction of the mechanism of electronic petitions, the creation of a pilot version of the Single State Administration Services Portal, the provision of access to information in the form of open data, the launch of the web portal of income declarations, property and expenses of civil servants. According to the World Justice Project Index 2015, Ukraine ranked 43th among 102 countries (while in the Eastern European and Central Asian countries, Ukraine ranked 4th, yielding to Georgia, Bosnia and Herzegovina and Macedonia). The issue of institutionalization of civic initiatives and various forms of social self-organization does not lose its relevance. Thus, in July 2016, a government resolution was adopted "On Approval of the Procedure for maintaining the Register of Non-Profit Institutions and Organizations, Inclusion of Unprofitable Enterprises, Institutions and Organizations in the Register and Exceptions from the Register", which led to the re-registration of the statutes of all non-profit organizations. On October 6, 2016, the Laws of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improvement of State Registration of Rights to Real Estate and Protection of Ownership Rights" and "On Amendments to the Tax Code" were sent to the creation of favorable conditions for the functioning of CSOs. Ukraine on clarification of certain provisions on the taxation of non-profit organizations», thus solving a number of problems regarding the preservation of non-profit status by religious organizations. In addition, positive legal changes were made to legal entities and individuals who provide charitable assistance. Thus, in October 2016, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Amendments to Some Laws of Ukraine Concerning the Creation of Favorable Conditions for the Implementation of Charitable Telecommunication Communications", which abolishes the charge for compulsory state pension insurance for the provision of charity text messages.

Thus, in February 2017, the launch of the services of the Ministry of Justice in the service "The Uniform State Administration of Administrative Services" was presented. In the same month, the Ministry and the International Renaissance Foundation jointly launched the On-Line Justice House. However, this option is still open only for metropolitan users.

According to media reports, the authorities will promise to be fully registered by public organizations through "online justice houses" by the end of 2017. Enhancing the interaction of state authorities and CSOs in countering the informational and propaganda component of the RF hybrid aggression against Ukraine promotes the enactment of the Decree of the President of Ukraine from February 25, 2017 Decision of the National Security and Defense Council of Ukraine dated December 29, 2016 "On the Doctrine of Information Security of Ukraine". The Action Plan for the Implementation of the "Open Government" Partnership Initiative in 2018–2020, which in particular provides for the creation of an online platform for interaction between executive authorities and civil society institutes³³. The further institutionalization of civil society, in particular within the Open Government Initiative, is due to the emergence of e-democracy, the essence of which is the use of digital technologies to strengthen democratic processes in the conditions of the existence of representative democracy. The purpose of e-democracy is to create the foundation for human participation and citizen in making state decisions, strengthening influence on the formation and implementation of state policy, solving local issues, strengthening prose the e-democracy is an instrument for protecting a person and a citizen of their interests and defining the forms of cooperation with the state through e-government technologies. The effectiveness of e-democracy depends on the willingness of citizens, civil society institutions to participate in state governance, in state-building processes, as well as the readiness of public authorities to open up and reform. Innovative is also a flexible democracy, which creates a new form of democracy in which various "hard" barriers are constantly changing. Decision making moves from the vertical system to the horizontal. Every citizen can join the decision-making process using Internet technologies, if desired.

Already in the early 90's of the last century, the young Ukrainian state focused its efforts on the development of domestic volunteering within the framework of the newly established state network of centers for social services for young people. The experience of the functioning of the first volunteer groups has demonstrated the social demand of such activities because of its social significance, urgency, ability to effectively solve

³³ Про затвердження плану дій із впровадження Ініціативи "Партнерство "Відкритий Уряд" у 2018–2020 р. – [Електронний ресурс]. – Режим доступу : <https://www.kmu.gov.ua/ua/npas/pro-zatverdzhennya-planu-dij-iz-vprovadzhennya-iniciativi-partnerstvo-vidkritij-uryad-u-20182020-rokah>

human, social and environmental problems, unlimited means of proceeding, etc. This led to the emergence of non-governmental Ukrainian organizations, providing a gradual shift of the center of gravity of domestic volunteering towards civil society. Volunteering during the treason of the President of Ukraine and Russian aggression was the basis for the formation of a modern army and a new administrative apparatus. Recent sociological surveys show a significant strengthening of the position of volunteering in Ukrainian society, which manifests itself primarily at the highest level of Ukrainians' trust in volunteer organizations among all public institutions³⁴.

For modern Ukrainian society, a reappraisal of all socially important moral principles and values is required, which requires a corresponding scientific analysis of spiritual processes that are different from those prevailing in the country under the pressure of Soviet ideology. This is a reappraisal of the structure of national consciousness inherent in the Ukrainian people. After all, its formation took place in the conditions of a rather long absence of a national state. However, there are certain grounds for the unity of the value conservatism of Ukrainians with modernization aspirations, since the integrative model of the value coordinates of Ukrainians proves the authenticity of their western orientation (freedom, individualism, tolerance). The problem is the gradual introduction of transitional steps from the form of community that emerged from communist times to the modern model of solidarity of Ukrainians.

Formation of civil society in any state is impossible without functioning in its system of education of effective areas of civic education, education of democratic values in individuals, realization of their knowledge of human rights. Against the background of social transformations in the education system, an important role is played by the formation of a citizen, his civic culture, education in the legal, social and political fields. The institutionalization process is not only the formation of a legislative field and the creation of institutional structures, but also new rules and conditions of life.

According to O.Petroe, the civic effectiveness of public administration is decisively determined by the state and level of development of social dialogue. In a market economy, social dialogue serves as a blend of efforts for the development of social relations and an efficient and competitive

³⁴ Довіра соціальним інститутам, грудень 2018 р. – [Електронний ресурс]. – Режим доступу : <https://www.kiis.com.ua/?lang=ukr&cat=reports&id=817&page=2>

economy. Analyzing the existing domestic system of social dialogue, it should be noted that during the years of independence, social dialogue has gained significant political recognition, official legal and organizational design. But Ukraine is significantly inferior to the EU countries in terms of social standards, human development and living standards. Also, Ukraine lags behind the level of competitiveness of the national economy, which, in aggregate, puts forward the task of improving the domestic system of social dialogue.

The institutionalization of civil society has a significant influence on the formation of a new system of factors of progressive social development, the emergence of new actors – leaders whose influence will not be system (group, clans), financial or administrative resources, but knowledge, new horizontal and vertical communications, skills to identify and achieve social goals, responding to public expectations and strategic goals of the development of a modern state.

CONCLUSIONS

At the present stage of development of society and the state, we can observe a crisis of a paternalistic model of state-public relations with a clear tendency of strengthening of public influence in the system of public administration. In fact, it referred to the institutionalization of a new level of interactive relationships between institutions and subjects of the public sphere – government and civil society.

An important task for the establishment and development of a young Ukrainian state as a democratic is to revive the public as an institution that legitimizes and controls the government. It is necessary to revive the distinction and balance between the state and civil society, to protect civil society, to create conditions for its development. The pre-institutionalization of civil society has a certain type of political and managerial culture.

The historical tradition of state formation, which has also been reflected in the Ukrainian language, indicates the culture of civil society in Ukraine. The will and aspiration of Ukrainians to an independent democratic legal state, manifested in the People's Movement of 1980–1990 and the Revolution on Granite became a powerful imperative for the formation of civil society. They gave impetus to the institutionalization of civil society in modern Ukraine.

Institutionalization is a process of streamlining and formalizing social ties and relationships. In practice, this involves the creation of a social institution as a stable, normatively-secured form of social interaction of people. The effectiveness of civil society organizations depends on how the state and society can create the conditions for their development. The positive dynamics of the increase in the number of NGOs, the expansion of spheres and their activities, and the capacity for organizational development are important indicators of the development of civil society in Ukraine. The state legalized not only the activities of various public associations but also created a legal framework for their participation in the formation and implementation of public policy. Although the problem of institutionalization of socio-political associations in the process of forming state policy remains an important area of research.

The process of institutionalization of civil society should result in the formation of new institutionalized practices, rules, norms of behavior and forms of communicative interaction between civil society, state, and business. The activities of civic organizations create a powerful third sector that supports social stability. A strong and healthy democracy is a long-term result of this activity.

In fact, a new environment for developing collective opinion in the public sphere is being formed, the institutionalization of new forms of relations between state and non-state institutions, and the legal and organizational mechanisms for such communications are being developed.

SUMMARY

The article examines the process of institutionalization of civil society in Ukraine. The prerequisites for the formation of civil society are revealed. It is shown that active civic participation characterizes Ukrainian state-building from the early Middle Ages. The following imperatives of the formation of civil society as political participation, language, cultural traditions are pointed out. The process of forming a legal field for the establishment and development of civil society by the Ukrainian state is revealed. The institutionalization of civil society contributes to the provision of freedom of speech, and the election of power, the development of information technology, and civic education. To become an active citizen, it is necessary for a person to acquire knowledge based on the system of political values and ideas in which a person can believe and which are orientations in the political environment and can allow a person to adapt and influence the formation and implementation of public policy.

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Information about the author:

Honiukova L. V.,

Doctor of Science in Public Administration, Professor,
Head of the Department of Social Development
and Public-Power Relations,
National Academy for Public Administration
under the President of Ukraine,
20, Antona Tsedika str., Kyiv, 03057, Ukraine

DEVELOPMENT OF INTERACTION MECHANISMS BETWEEN SOCIETY AND AUTHORITIES AS THE BASIS OF GOOD GOVERNANCE IN UKRAINE

Kravchenko S. O.

INTRODUCTION

The state as authority institute isn't a self-sufficient formation with autonomous existence. It is being produced by society development on certain stage. The state exists in society which keeps mentioned institute. In this context the state is interpreted as a mechanism of society self-government and an instrument of society problem-solving¹. In society-to-state ratio the society is a primary and more global formation, therefore the state as a part of society has to carry out social mission, including through governing activity. In our opinion, this social mission is to forecast and provide society problem-solving and to prevent occurrence of such problems, if it is possible, to serve to citizens effectively, and to provide formulation and implementation of society development strategy.

The fundamental factor for state institutions to carry out social mission is interaction with society. Therefore, the attention to problems of such interaction is objective entirely because it corresponds to modern global trend consisting in transition from traditional government administration to good governance. An occurrence of good governance model was caused by the set of social processes such as increasing and significant development of non-governmental organizations' sector, crisis in citizens' trust to authority institutions, decreasing of citizens' participation in official democratic procedures and so on. But it is worthy to pay special attention to the trend to complicating of society development processes and problems with which state authorities deal. According to the law of necessary variety, it is necessary for creating the government administration system capable to govern effectively by certain spheres,

¹ Управління суспільним розвитком: словн.-довід. / за заг. ред. А.М. Михненка, В.Д. Бакуменка. Київ: Вид-во НАДУ, 2006. С. 42; Бакуменко В.Д., Дзвінчук Д.І., Поважний О.С. Державне управління: курс лекцій. Івано-Франківськ: Місто НВ, 2011. С. 23–24.

fields, and kinds of society activity that variety of such system wouldn't be less than these spheres, fields, and kinds of activity².

The variety of society groups and strata, and relations between them on all levels, and interaction intensity has increased significantly in recent decades, and many global problems have arisen. As a result of mentioned processes it became more and more hard for the state authorities to make and implement policy effectively, leaning on own limited forces only. In many countries governments became aware gradually that they don't possess the necessary variety for making quality state decisions according to social reality without involvement of the intellectual and informational potential of society³. Moreover, interaction with citizens allows executing made decisions better because people become participants of the process. Probably, the beginning of such participation was made in ecological sphere where the public had started to intervene actively in authority decisions. In this relation it is necessary to mention adoption in 1998, June 25 the famous Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (widespread abbreviated title is the Aarhus Convention). Thus, the rights and mechanisms of public participation in making authority decisions concerning ecology were recognized on the international level.

In Ukraine poor development of the civil society institutions, and insufficient efficiency of the interaction mechanisms between authorities and society result in many cases to ignoring citizens' interests by state authorities, to low quality of public services, to red tape in questions solving of the society life. In sum, it lowers the society trust in authority, and decreases social effectiveness of the government administration, and aggravates the socio-political situation. In particular, one of the main causes of mass anti-government actions with revolutionary direction in 2004 and 2014 was the absence of sufficient possibilities for citizens to influence really on authority decisions by official way.

Taking this into account, the National Strategy for Promotion to Civil Society Development in Ukraine on 2016–2020 defines, in particular, the

² Державне управління: основи теорії, історія і практика: навч. посібник / за заг. ред. П.І. Надолішнього, В.Д. Бакуменка. Одеса: ОРІДУ НАДУ, 2009. С. 75.

³ Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 20–21; Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1 (дата звернення: 5.06.2019). Р. 19–20.

following strategic directions: providing for effective procedures of public participation while formulation and implementation the state and regional policy, and solving the questions of local significance; stimulating the participation of civil society organizations in socio-economic development of Ukraine⁴. Thus, it is important for state authorities to introduce to their practical activity the instruments of effective cooperation with citizens and society institutions on all levels of government.

1. Theoretical Framework for Interaction between Society and Authorities

According to the Encyclopedia of Public Administration, the good governance is the system of values, policies and institutions by mean of which society governs by own social, political and economic affairs through interaction within and between government, civil society and private sector⁵. It is worth to mention that according to the regularity of communication, any social system, including the state or other organization, isn't isolated from environment and related to it by set of communications which are to be considered in processes of the state governing and decision making⁶. Therefore, some mechanisms of interaction between society and authorities exist always, even in totalitarian states. But these mechanisms may be efficient or inefficient from viewpoint of real citizens' influence on state authorities' decisions. Hence, the good governance model emphasizes on efficiency of given mechanisms.

Efficient functioning and developing the mechanisms of interaction between society and authorities require, first of all, clear understanding the essence of such interaction. According to the Great Explanatory Dictionary of Contemporary Ukrainian, an interaction means interrelation between subjects in action, and also coordinated action between someone or something, mutual influence of bodies or parts causing the change of their move conditions⁷. From viewpoint of philosophy, an interaction is interpreted as philosophy category reflecting special type of relation

⁴ Про сприяння розвитку громадянського суспільства в Україні: Указ Президента України від 26 лютого 2016 р. № 68/2016 / Президент України. *Урядовий кур'єр*. 2 березня 2016 р.

⁵ Енциклопедія державного управління: у 8 Т. / наук.-ред. колегія: Ю.В. Ковбасюк (голова) та ін. Київ: НАДУ, 2011. Т.7: Державне управління в умовах глобальної та європейської інтеграції. 2011. С. 465.

⁶ Державне управління: підручник: у 2 Т. / ред. колегія: Ю.В. Ковбасюк (голова), К.О. Ващенко (заст. голови), Ю.П. Сурмін (заст. голови) та ін. Київ: Дніпропетровськ: НАДУ, 2012. Т. 1. С. 41.

⁷ Великий тлумачний словник сучасної української мови / голов. ред. В.Т. Буссел. Київ: Ірпінь: ВТФ "Перун", 2005. С. 125.

between objects in which every object acts (influences) on other objects causing changes of them, and, in turn, other objects act (influence) on this object changing its conditions. Philosophy claims that all human activity in real world and our existence in whole and feeling of its reality (non-illusiveness) are based on different interactions⁸. In the Encyclopedia of Public Administration the notion of governing interaction is given as participation of the governing subjects in joint activity in process of achievement the necessary goals for society. It is emphasized that the governing interaction is tied closely to the social interaction which is broader kind of social communications. In the process of social interaction a mutual influence and conditionality of separate social phenomena occur, and as a result they are changed and supplemented by each other, and an integrated social system is formed⁹.

Proceeding from shown definitions, an interaction between state institutions and society has at least two key characteristics. First, the state not only produces governing influences, implements them, monitors the society changes caused by these influences, and corrects influences if needed. Interaction means that the state doesn't remain "the Firm Sphinx" but is changed under feedback influence from society in the value basis of state, authority system, processes and methods of governing etc. Only in this case the government administration remains adequate to social transformations and, accordingly, capable to realize own social mission in new conditions. Second, interaction means that state and non-state institutions act jointly and in coordination. Thereupon it is expediently to appeal to such new scientific field as the synergetics in government administration. This field learns so called synergetic effects which arise as a result of interaction between different governing institutions of society. I.Pysmennyi emphasizes that arising of synergetic effects in the triad "society – state – person", i.e., providing for transferring this triad to the new qualitative level of development, may be only under conditions of state support of the self-organization forces in civil society and natural (non-violent) directing these forces to achievement the significant social goals in accordance with society expectations and individual needs¹⁰.

⁸ Філософський енциклопедичний словник / гол. редкол. В.І. Шинкарук. Київ: Абрис, 2002. С. 77–78.

⁹ Енциклопедія державного управління: у 8 т. / наук.-ред. колегія: Ю.В. Ковбасюк (голова) та ін. Київ: НАДУ, 2011. Т.2: Методологія державного управління. 2011. С. 99.

¹⁰ Письменний І.В. Формування та реалізація синергетичного потенціалу публічного управління в умовах суспільних трансформацій: автореф. дис. ... д-ра наук з держ. упр.: спец. 25.00.01. Київ, 2013. С. 12.

On the contrary, mentioned synergetic effects disappear if the state, business, civil society organizations, and the wide public don't cooperate with each other. In this case it is practically impossible to execute any great-scale projects for society development, to conduct social reforms etc. Hence, the problem of interrelations and feedback adjustment from society to authority institutions acquires special urgency in the present Ukrainian conditions. Successful solving of this problem requires change of the population mentality at whole from passive paternalistic position to active civic position in relations with the state. However, citizens have to perform responsible activity within legislation rather than anarchical actions outside of legal field.

The mechanisms of interaction between society and authorities could be divided according to outlined levels of the citizens' participation in government administration. In particular, the famous S.Arnstein's Ladder of Citizen Participation supposes 8 such levels: Manipulation; Therapy; Informing; Consultation; Placation; Partnership; Delegated Power; Citizen Control¹¹. Citizens' interaction with authority institutions is executed in this model on the following levels:

- Informing – one-way providing for citizens by some data on the state authorities' activity without possibility of feedback;
- Consultation – collection of citizens' opinions about decisions and actions of the state authorities;
- Placation – providing for citizens the right of consultative voice in decision-making by state authorities;
- Partnership – joint decision-making by state authorities and citizens through negotiations and achievement of compromises;
- Citizen Control – granting to citizens the powers to check and correct decisions and actions of state authorities within certain limits.

M.Gramberger proposes the simpler model including 3 levels of citizens' participation in decision-making by state authorities¹².

1. Information – one-way relationship in which authority structures produce and provide information for using by citizens. This activity covers both delivering access to information on citizens' demands and active measures of state authorities to spread information among the wide public.

¹¹ Arnstein S.R. A Ladder of Citizen Participation. *Journal of the American Planning Association*. 1969. Vol. 35. № 4. P. 216–224. URL: <http://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.html> (дата звернення: 5.06.2019).

¹² Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 17–18.

2. Consultation – two-way relationship in which citizens give their opinions and viewpoints to the state authorities on questions determined by these authorities. The state bodies determine themes of consultations, and make lists of questions, and manage the process of citizens' invitation to obtain their judgments.

3. Active participation – active involvement of citizens to formulating the content of state authorities' decisions and processes of their making. This activity recognizes the equal rights of citizens in relations with state bodies during problems formulating, alternatives offering for problem-solving, and dialogue building, although the responsibility for final decisions remains with authorities. However, the state bodies create mechanisms to guarantee, to some extent, including in final decisions the statements developed jointly with citizens.

Comparison of described models allows to make the following conclusions. The information level is common for both models. The partnership level from S.Arnstein's model corresponds to the active participation level from M.Gramberger's model. The levels of consultation and placation from the first model in aggregate correspond to the consultation level from the second model. The additional level in the S.Arnstein's model is the citizen control. Proceeding from these conclusions, the mechanisms of interaction between society and authorities are expedient to divide, in general, into 4 groups according to such levels of citizens' participation: information; consultation; partnership; citizen control. In the next part we will consider these 4 groups of the interaction mechanisms between society and authorities in Ukraine.

2. Present Conditions of Interaction Mechanisms between Society and Authorities in Ukraine

First group of the interaction mechanisms between society and authorities covers **mechanisms of information delivery for citizens** on the state authorities' activity. These mechanisms include appropriate legislation, institutional mechanisms and technological tools.

The basic legislative mechanism for citizens' information is the **special law** with title, as a rule, "On Access to Information" or "On Freedom of Information". This law establishes and describes in detail the citizens' rights to obtain information which the state institutions

possess¹³. It aims to provide legal basis for implementation of the transparency principle in state authorities' activity. Based on expert opinions, the transparency of state authorities' activity is delivery for citizens a full, objective, precise, and clear information (besides complete and narrow set of exceptions determined officially) about activity of these authorities and officials¹⁴. Therefore, the Law on Access to Information establishes that the open access to documents held by state authorities is a rule, and security is an exception.

From the UNDP viewpoint, efficient Law on Access to Information has to contain the elements shown in the Table 1.

Table 1

The elements of efficient Law on Access to Information*

The element of law	Description
Presumption of openness	Citizens have the right on access to information without explanation of request causes, but the state authorities have to give reasons of refusal in information delivery, to report on what information they possess, to spread the wide massive of materials on one's own initiative, to arrange and structure information
Clearly defined and limited set of exceptions	The list of secret information has to be defined clearly by law. Such exceptions have to concern a information content rather than its type, and any application of information limitations must be checked on more harm for society interests than information disclosure
Mechanisms of access to information	Conditions of requests, the list of limitations on access to information, and the maximal terms of answers, and the rules of information delivery, including payment for it, obligations of state authorities to explain causes of the information refusal etc.
Effective control mechanism	Presence of the special control institutions, besides courts, performing supervision for observance of Law on Access to Information, namely, ombudsman or information commissioner

* Source: UNDP and the right to information: Seminar report. Oslo: Oslo governance centre, 2006. 22 p. URL: http://www.undp.org/oslocentre/flagship/access_information.html

¹³ Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1 (дата звернення: 5.06.2019). Р. 28; Доступ до інформації та електронне урядування / авт.-упоряд. М.С. Демкова, М.В. Фігель. Київ: Факт, 2004. С. 25.

¹⁴ Ібрагімова І.М. Прозорість влади: основи забезпечення інформаційної взаємодії державних органів з громадськістю (презентаційні схеми). Київ: ПРООН, 2002. С. 5.

In Ukrainian practice, appropriate matters are regulated by the Law on Access to Public Information determining that such information is open besides the cases established by law¹⁵. The public information is defined as information represented and documented by any means and on any mediums, and this information was obtained or created by public authority subjects on performing of their duties according to law, or this information is held by public authority subjects and other information administrators determined in law.

The Law on Access to Public Information determines rules and procedures to perform the right of citizens on access to such information. In particular, Article 19 of the Law establishes that the requesters (physical or legal persons) have a right to ask information from the administrators (public authority subjects or other public organizations) without explanation of request causes, irrespective of whether information concerns the requesters personally. Unlike, the administrators are obligated:

- to state the motivated causes of refusal in information delivery, and the procedure of appeal against refusal (Article 22 of the Law);

- to publish on what kinds of information they hold (Article 15 of the Law);

- to register the documents which they possess in special system, and, if needed, to check correctness and objectivity of information delivered, and to refresh information published (Articles 14 and 15 of the Law);

- to publish a wide range of information, in particular on own websites if those exist (Article 15 of the Law).

Article 20 of the Ukrainian Law on Information separates open information and information with limited access according to the access procedure¹⁶. Any information belongs to open information except what is referred to information with limited access. The last is divided into confidential, secret, and limited service information. In compliance with Article 20 of this Law the confidential information is information about physical person, and which is limited in access by physical or legal person, excepting public authority subjects. E.g., the Ukrainian Law on Defense of Personal Data regulates legal relations concerning defense and processing

¹⁵ Про доступ до публічної інформації: Закон України від 13 січня 2011 р. № 2939-VI / Верховна Рада України. *Голос України*. 9 лютого 2011 р.

¹⁶ Про інформацію: Закон України від 2 жовтня 1992 р. № 2657-XII / Верховна Рада України. *Голос України*. 13 листопада 1992 р.

of personal data¹⁷. Such data are defined as data or data collection about the physical person who is identified or may be concretely identified (Article 2 of the Law). Personal data may be referred to the confidential information by law or by appropriate person. Personal data aren't confidential information if these data concern to performing an official powers by person who holds a post related to execution of functions of the state or local government (Article 5 of the Law).

Article 8 of the Ukrainian Law on Access to Public Information refers to the secret information an information for which disclosure may do harm for person, society, and state, in particular, an information containing state, professional, banking, investigation and other secret provided by law. E.g., in accordance with the Ukrainian Law on State Secret this secret is a kind of secret information including data in spheres of defense, economy, science and technology, foreign relations, state security, and law order protection for which disclosure may do harm for national security of Ukraine, and these data are recognized as state secret in the order established by the Law and are subjected to the state protection (Article 1 of the Law)¹⁸. Information is referred to the state secret by motivated decisions of the state experts of secret questions at their own initiative or at requests of executives of appropriate state authorities or local bodies, enterprises, institutions, organizations, or citizens (Article 10 of the Law). Based on decisions of state experts the Security Service of Ukraine forms and approves by order the Set of Data composing State Secret.

According to Article 9 of the Law on Access to Public Information, the following information may belong to limited service information:

- it is contained in documents held by power subjects, and these documents concern internal official correspondence, reports, and recommendations, if they are related to development of direction of the institution activity, or to performance of control and supervising functions of the state authorities, or to decision-making process before public discussion;

- it is collected in process of operative-search activity, and counterintelligence activity, or in the national defense sphere, if it not fell into the state secret.

¹⁷ Про захист персональних даних: Закон України від 1 червня 2010 р. № 2297-VI / Верховна Рада України. *Голос України*. 16 вересня 2010 р.

¹⁸ Про державну таємницю: Закон України від 21 січня 1994 р. № 3855-XII / Верховна Рада України. *Голос України*. 10 березня 1994 р.

Article 6 of the Law on Access to Public Information establishes that access limitation is possible under the set of following conditions:

- only for interests of national security, territorial integrity, or public order for the purpose of prevention of excitements or crimes, for society health protection, for defense of reputation or rights of other persons, for disclosure prevention of information confidentially obtained, or for support of justice authority and impartiality;

- information disclosure may do much harm for mentioned interests;

- harm because of disclosure of such information prevail over society interest on its obtaining.

It's important that access limitation is applied to information rather than document. If some document contains information with limited access then information with unlimited access is provided for the public.

The Law establishes that information request may be personal or collective. It may be submitted in oral, written, or other form at the requester choice (by mail, fax, phone, or email) (Article 19 of the Law). The information administrator has to answer to information request not later than 5 working days from day of request receiving. If request concerns delivery a large volume of information or demands information search in significant amount of data then information administrator can extend the term of request consideration until 20 working days (Article 20 of the Law). Information for request is free of charge. If request satisfaction is related to making documents' copies in amount of more than 10 pages the requester is obligated to refund copying and printing (Article 21 of the Law). The information administrator has a right to reject request satisfaction if information requested belongs to information with limited access, or if legal demands aren't observed to information request (Article 22 of the Law). Appeals against decisions, actions, or inactions of information administrators may be submitted to executives of administrators, to high authorities or courts (Article 23 of the Law).

Implementation of the citizens' right on access to information demands the **institutional mechanisms**. These mechanisms include, at first, the special communicative departments in state bodies performing such groups of tasks: communications with media; information delivery to citizens; analytical processing of information for its publishing; information services for public servants; making and coordinating of the

information policy in state bodies¹⁹. In line with Article 14 of the Law on Access to Public Information every information administrator is obligated to have a special structural department or to appoint responsible officials for providing access of citizens to information and for its publishing. E.g., in the Secretary of the Cabinet of Ministers of Ukraine such department is the Office for Providing Access to Public Information, in the Ministry of Education and Science of Ukraine – the Office of Information Policy and Communications, in the Ministry of Economic Development and Trade of Ukraine – the Department for development of information and communication technologies, document flow and electronic services, in the State Administration of Kyiv City – the Office of Providing for Information and Access to Public Information, etc.

The important institutional mechanism is also the independent institute performing supervision for activity/inactivity of state authorities concerning observance of the Law on Access to Information. As a rule, such institute is ombudsman (e.g. Australia, Belgium, Iceland, Netherlands, New Zealand, etc.) or information commissioner (e.g. UK, Ireland, Canada, Hungary, etc.) which are appointed by parliament and accountable to him²⁰. In Ukraine the first variant is chosen in line with the Law on Commissioner of the Verkhovna Rada of Ukraine for Human Rights²¹. Article 14 of the Law establishes that the Ukrainian Ombudsman performs parliamentary supervision for observance of the right on access to public information.

Citizens' informing demands using of the **special technological tools** divided in practice in accordance with **two approaches to information delivery**. The first approach supposes providing access to information by state authorities in response to citizens' requests²². Using of Internet is most expedient because it has become accessible for the most of citizens. In majority of countries, including Ukraine, all state authority institutions have own websites which are united in the general government portal.

¹⁹ Доступ до інформації та електронне урядування / авт.-упоряд. М.С. Демкова, М.В. Фігель. Київ: Факт, 2004. С. 62.

²⁰ Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 33–34; Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1 (дата звернення: 5.06.2019). Р. 34–35.

²¹ Про Уповноваженого Верховної Ради України з прав людини: Закон України від 23 грудня 1997 р. № 776/97-ВР / Верховна Рада України. *Голос України*. 20 січня 1998 р.

²² Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1 (дата звернення: 5.06.2019). Р. 32.

These websites are divided into sections and subsections for simplification of information search, and they also include the mechanisms of application of concrete information requests from citizens and answers for these requests. In particular, websites of Ukrainian ministries include the special section "Access to Public Information". This section contains the official procedure of requests submission on public information and answers making to those in appropriate ministry, and request form and other necessary data. Examples of such section may be obtained at the following links: <http://www.minagro.gov.ua/dostup-do-publichnoi-informacii>; <https://mon.gov.ua/ua/ministerstvo/gromadskosti/dostup-do-publichnoyi-informaciyi>; <http://mtu.gov.ua/content/publiczna-informaciya.html>; etc.

Moreover, special websites or portals are opened on which information concentrates about important state problems or directions of governmental activity. The examples are Ukrainian websites "Implementing reforms" (<http://reforms.in.ua>), "Civil Society and Authority" (<http://civic.kmu.gov.ua>), "Decentralization" (<http://decentralization.gov.ua>), United State Portal of Administrative Services (<http://my.gov.ua>), etc.

The very wide array of information products is published on websites of state bodies. Generalization of appropriate international practice is reflected, e.g., in the Draft Model Law of the Subject of Russian Federation "On Implementation of the Citizens' Right on Participation in Governing by State Affairs in the Subject of Russian Federation". This draft law supposes the obligation of state authorities to publish on own official websites the following information about their activity²³:

- all legal and normative acts of the state authorities in force, and official explanatory notes and appendixes to these acts, and also drafts of legal and normative acts;
- rules of procedures (administrative regulations) of state authorities and subordinate organizations;
- lists of information resources which they possess, and also lists of services for citizens and organizations;
- news about official measures organized by state bodies and subordinate organizations, about made decisions on these measures and their implementation;

²³ Акрамовская А.Г., Веприкова Е.Б., Савва М.В. Модельные законы субъекта Российской Федерации "О реализации права граждан на участие в управлении делами государства в субъекте Российской Федерации" и "О государственных гарантиях права населения на осуществление местного самоуправления в муниципальных образованиях субъекта Российской Федерации" с комментариями. Москва: Гриф и К, 2007. С. 14-15.

- texts of official statements and speeches of the top officials of state bodies;
- targeted and other programs in which state authorities are developers, customers or executors, and data about performing of these programs;
- analytical notes, reports, and reviews about state authorities' activity;
- statistical data and forecasts on dynamics of society spheres development in line with competence of state authorities;
- information about citizens' entering to the public service, and lists of available vacancies, and qualification demands for nominees on these vacancies, and conditions and results of appropriate contests;
- information about interaction between state bodies and subordinate organizations, and other state and local bodies, and nongovernmental organizations, political parties, trade unions, and other organizations, including international institutions;
- data about executives of state authorities, and their structural departments and offices, territorial bodies, and subordinate organizations;
- information about state authorities' structure, tasks and functions of their structural departments, postal addresses, communication phones, and other requisites;
- phones, address requisites, and data about activity procedures of the departments on public relation.

According to Article 15 of the Law on Access to Public Information, the information administrator must publish:

- information on organization structure, mission, functions, powers, main tasks, directions of activity, and financial resources;
- adopted legal and normative acts, and individual acts (except intra-organizational), and draft decisions for discussion, and legal and normative basis of administrator's activity;
- list and conditions of services delivery by administrator, and forms and samples of documents with rules of their filling;
- procedure of creating and filing a request on information, and appealing against decisions, actions, or inactions of administrator;
- information on mechanisms or procedures by which the public can represent own interests or influence in other way on realization of administrator's powers;

- plans of holding and agendas of open meetings;
- information on places where necessary forms are provided for physical or legal persons;
- general rules of institution working, and rules of internal procedure;
- reports, including about meeting requests on information;
- information about institution's address, its requisite elements, website, officials, their phones, email addresses etc.;
- other information according to the Law.

The information administrators are also obligated to deliver public information in the Open Data format on requests, and to publish and to refresh such information on the United State Portal of Open Data and on own websites (Article 10-1 of the Law). The Cabinet of Ministers of Ukraine approved the Regulations on datasets subjected to publish in the Open Data format²⁴. These Regulations determine the list of mentioned data, demands on their format and structure, and the interval and the procedure of their publishing. The Government also approved the Procedure of maintenance of the United State Portal of Open Data²⁵.

The second approach to information delivery for citizens consists in active informing by state authorities at own initiative²⁶. Such active informing is executed directly or indirectly by means of channels which, accordingly, authority-controlled or independent of these authorities. Mechanisms of direct spreading of information, first, consist in preparation and allocation of the information products at appropriate themes in media. It concerns especially TV considering a popularity of this media and its potential influence on audience. In particular, Ukrainian public TV channel "УА:Перший" has the TV program "The government on communications with citizens" aimed at informing an audience about activity of state executive bodies. The guests of this TV program are ministers, heads of services, inspections, and other state agencies²⁷. Parliamentary TV channel "Рада" covers parliamentary sessions, activity of parliamentary fractions

²⁴ Про затвердження Положення про набори даних, які підлягають оприлюдненню у формі відкритих даних: постановва Кабінету Міністрів України від 21 жовтня 2015 р. № 835 / Кабінет Міністрів України. *Урядовий кур'єр*. 24 жовтня 2015 р.

²⁵ Деякі питання оприлюднення публічної інформації у формі відкритих даних: постановва Кабінету Міністрів України від 30 листопада 2016 р. № 867 / Кабінет Міністрів України. *Урядовий кур'єр*. 19 грудня 2016 р.

²⁶ Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1 (дата звернення: 5.06.2019). Р. 33.

²⁷ УА:Перший. Уряд на зв'язку з громадянами. URL: http://1tv.com.ua/programs/na_zviazku (дата звернення: 5.06.2019).

and deputy groups, and work of committees of the Verkhovna Rada of Ukraine, etc.²⁸.

The one more means consists in execution of special measures such as exhibitions, seminars or contests, and also in allocation of the advertising materials in public places for citizens' informing in different formats. In particular, websites of state authority bodies contain special sections in which announcements of events, messages on different measures, and notifications are represented, e.g., <http://moz.gov.ua/pres-centr>, <http://www.minagro.gov.ua/uk/pressroom>, https://kyivcity.gov.ua/dlya_zmi, etc. The mechanism of sending messages to citizens by e-mail is also worthy. These messages can be subscribed via websites²⁹. Such subscription can be made on websites of state executive bodies of Ukraine, e.g., <http://sae.gov.ua/uk/newsletter/subscriptions>, <http://adm.dp.gov.ua/ua/timeline?type=posts>, <http://www.dei.gov.ua/posts>, etc.

As for mechanisms of indirect information delivery experts note the media mediation and the cooperation with nongovernmental organizations³⁰. The first mechanism supposes publishing the state authorities' activity in different media (TV, radio, the press, Internet publications) by means of press releases, press conferences, interviews, publicist materials, etc. But state bodies don't control form and content of the final materials therefore the adjusting of close cooperation with media is needed. These materials may be published on websites of state authority bodies, e.g., http://mon.gov.ua/ua/news?&type=posts&category_id=7&category=usivnovivniinterview, <http://moz.gov.ua/pres-centr>, http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=134337&cat_id=32887, etc.

Efficient mechanism of information delivery for citizens is the cooperation with nongovernmental organizations specializing in significant problems and directions of society development (human rights, ecology, corruption prevention, health, education, etc.). Such organizations can both spread the official information independently and execute the joint

²⁸ Державне підприємство "Парламентський телеканал "Рада". URL: <http://tv.rada.gov.ua> (дата звернення: 5.06.2019).

²⁹ Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 57–58, 75–77; Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1 (дата звернення: 5.06.2019). Р. 46, 84; IAP2's Public Participation Toolbox. URL: <http://icma.org/documents/iap2-public-participation-toolbox> (дата звернення: 5.06.2019).

³⁰ Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 58–59.

information campaigns with state authorities. Departments for public relations are responsible for such cooperation in Ukrainian state authority bodies.

Second group covers **consultation mechanisms between state authorities and citizens in processes of decision-making**. The **legislative mechanisms** for such consultation include a set of legal statements in following directions.

1. Government-initiated referenda designed in constitutions of many countries. E.g., the holding of referendum is obligatory in Switzerland for many questions, including changes to constitution.

2. Citizens' right to direct appeals, including petitions, individually or in group with demands, offers, and complaints to the state authorities obligated to consider these appeals and to answer reasonably in line with law.

3. Taking consultations to procedures of decision-making by state authorities, and citizens can put a questions and defense own interests in these procedures.

4. Special consultations with some social groups if decisions of the state authorities concern the interests of such groups (e.g., aboriginals in Canada or New Zealand).

Article 15 of the Constitution of Ukraine determines that citizens have a right to take part in national and local referenda³¹. Articles 72-74 of the Constitution suppose that national referendum is being assigned by the Verkhovna Rada of Ukraine or the President of Ukraine according to their constitutional powers. The questions on territorial changes of Ukraine are being solved by national referendum exclusively. But national referendum isn't allowed for draft laws on taxes, budget, and amnesty. In line with Article 156 of the Constitution the draft law on making changes to its part I, III, and XIII is being approved by national referendum assigned by the President of Ukraine. Article 143 of the Constitution declares that territorial communities of villages, settlements, and cities provide for performance of local referenda and implementation of their results directly or through local bodies created by communities.

Article 1 of the Ukrainian Law on Appeals of Citizens establishes their right to appeal with notices, complaints and offers to the state authorities, local bodies, and officials according to their functional duties concerning their statutory activity, with statements or petitions concerning

³¹ Конституція України. URL: <http://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80> (дата звернення: 5.06.2019).

realization of citizens' socio-economic, political, and personal rights and legal interests, and with complaints on violations of these rights and interests³². The appeal may be submitted individually or in group (Article 5 of the Law). Appeals properly made and submitted have to be accepted and considered as obligatory (Article 7 of the Law). State authorities and local bodies, and officials are obliged to consider appeals and to inform their authors about results of consideration (Articles 14-16 of the Law). The special form of collective appeal of citizens is electronic petition to the President of Ukraine, to the Verkhovna Rada of Ukraine, to the Cabinet of Ministers of Ukraine, or to local body, and such petition is being submitted and considered in line with Article 23-1 of the Law.

The Resolution of the Cabinet of Ministers of Ukraine, 2010, November 3, № 996 determines the Procedure of consultations with the public on making and implementing of the state policy³³. According to this document executive power bodies compose annually the preliminary plan of consultations with the public concerning drafts of legal and normative acts. Civil society institutions and public councils can initiate consultations on matters not included to the preliminary plan. If the offer concerning consultations on some matter is submitted not less than from three civil society institutions such consultations are obligatory. Mentioned Procedure supposes that the results of consultations with the public are being considered by executive power bodies in making final decisions or in further activity. The Procedure determines also the set of directions in which consultations with the public are obligatory, from constitutional rights, freedoms, and duties of citizens to performing regulative activity in some sphere.

Institutional mechanisms of consultations suppose execution of them between state bodies and nongovernmental organizations. Based on publications, the main kinds of such mechanisms may be outlined as follows³⁴:

– including some representatives of nongovernmental organizations to collective boards which created in state bodies;

³² Про звернення громадян: Закон України від 2 жовтня 1996 р. № 393/96-ВР / Верховна Рада України. *Голос України*. 22 жовтня 1996 р.

³³ Про забезпечення участі громадськості у формуванні та реалізації державної політики: постанова Кабінету Міністрів України від 3 листопада 2010 р. № 996 / Кабінет Міністрів України. *Урядовий кур'єр*. 11 листопада 2010 р.

³⁴ Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 37, 65; Реформа государственного управления: Институционализация консультаций между институтами власти и неправительственными организациями в странах СНГ. Условия, формы, практика / глав. ред. С. Сироткин. Братислава: ПРООН, 2002. С. 42-45.

- organizing of working groups for designing of draft decisions with participation of representatives of nongovernmental organizations;
- multilateral meetings with representatives from non-governmental organizations in format of seminars, round tables, workshops etc.;
- tripartite consultations between representatives of state authorities, business, and trade unions;
- creating the permanent consultative bodies (commissions, councils, committees, etc.) under state authorities with participation of representatives of nongovernmental organizations.

The main institutional mechanism of consultations between state bodies and the public in Ukraine is an activity of public councils. These are created in line with the Typical regulations on public council under a ministry, other central executive body, the Council of Ministers of Crimean Autonomous Republic, a state administration of region and district, a state administration of Kyiv city and Sevastopol city, a state administration of district in Kyiv city and Sevastopol city, approved by the Resolution of the Cabinet of Ministers of Ukraine, 2010, November 3, № 996³⁵. Public councils are temporary consultative-advisory bodies with such main tasks:

- promoting in realization of citizens' constitutional right on participation in governing by state affairs;
- performing public control over activity of state executive bodies;
- promoting in taking a public opinion to consideration by these bodies in making and implementing of state policy.

Membership of public council may consists of representatives of civil society institutions executing their activity in sphere related to activity of appropriate body, if charters (regulations) of these institutions determine appropriate goals and tasks. Membership of public council is being formed by constituent assembly through a rating vote for persons who are presented at assembly and are nominated by civil society institutions. Decisions of public council are recommendatory and obligatory for consideration by power body.

Based on Articles 14, 22 of the Ukrainian Law on Central State Executive Bodies the collegiums are created for preparing recommendations on fulfilling tasks of these executive bodies³⁶. These

³⁵ Про забезпечення участі громадськості у формуванні та реалізації державної політики: постанова Кабінету Міністрів України від 3 листопада 2010 р. № 996 / Кабінет Міністрів України. *Урядовий кур'єр*. 11 листопада 2010 р.

³⁶ Про центральні органи виконавчої влади: Закон України від 17 березня 2011 р. № 3166-VI / Верховна Рада України. *Голос України*. 9 квітня 2011 р.

collegiums are consultative-advisory bodies consisting of, among others, representatives of scientific and educational institutions, public associations, and other persons. The collegiums work in line with the Typical regulations approved by the Cabinet of Ministers of Ukraine. Others permanent or temporary consultative, advisory, and subsidiary bodies may be created in central state executive bodies for considering scientific recommendations and for professional consultations on significant matters of executive bodies with participation of representatives of nongovernmental organizations.

Article 39 of the Ukrainian Law on Local State Administrations establishes that heads of administrations create consultative, advisory, and other subsidiary bodies, services and commissions for assistance in executing powers by administrations³⁷. Representatives of nongovernmental organizations participate in such bodies frequently. E.g., a majority of consultative, advisory, and other subsidiary bodies under the state administration of Kyiv city includes many representatives of the public³⁸.

Article 9 of the Ukrainian Law on Social Dialogue in Ukraine determines institutional mechanisms of such dialogue between representatives of workers, employers, state executive bodies, and local bodies on making and implementing of state social and economic policy, regulating of labor, social, and economic relations³⁹. In particular, the National tripartite socio-economic council and territorial tripartite socio-economic councils are created for maintaining a social dialogue. Branch (inter-branch) tripartite or bipartite socio-economic councils and other tripartite bodies (committees, commissions, etc.) of social dialogue may be created at the initiative of parts.

Special **technological tools** of consultations are divided according to two general approaches. The first approach supposes the feedback obtaining from citizens by means of the public opinion studies with using the set of following widespread techniques⁴⁰.

³⁷ Про місцеві державні адміністрації: Закон України від 9 квітня 1999 р. № 586-XIV / Верховна Рада України. *Голос України*. 12 травня 1999 р.

³⁸ Перелік діючих при виконавчому органі Київської міської ради (Київській міській державній адміністрації) та її структурних підрозділах консультативних, дорадчих та інших допоміжних органів. URL: http://dsk.kyivcity.gov.ua/files/2019/3/6/KDO_2019.pdf (дата звернення: 5.06.2019).

³⁹ Про соціальний діалог в Україні: Закон України від 23 грудня 2010 р. № 2862-VI / Верховна Рада України. *Голос України*. 18 січня 2011 р.

⁴⁰ Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1 (дата звернення: 5.06.2019). P. 28, 84; Nicholson L. Civic Participation in Public Policy-Making: A Literature Review. Edinburgh: Scottish Executive Social Research, 2005. URL: <http://www.webarchive.org.uk/wayback/archive/20180519014538/http://www.gov.scot/Publications/2005/08/11>

1. Collecting and analyzing of offers, demands and complaints contained in written and electronic appeals, including petitions, of citizens. These offers may contain useful governance ideas, and demands and complaints point out necessary changes in governmental policy.

2. Publishing draft decisions by state authorities with offering for citizens to give recommendations and notices during defined period. At the present time state authorities allocate messages on official websites about publishing of these drafts, start of consultation, means and terms of sending written or electronic comments.

3. Using of FAQ lists formed by means of special computer programs. FAQ list helps for state authorities to determine widespread needs of citizens more clearly and to handle these needs in decision-making.

4. Focus groups supposing the group formation from 6 to 10 citizens by random way with criterion of residence or the target social stratum for the short time, perhaps, for 1-2 hours. Participants are provided for information on some problem, and then asked for their opinions personally or in group.

5. Public opinion polls demanding to form the statistically valid representation of population, as a rule, from 1 to 2 thousands of citizens in line with special technique. The list of questions is proposed to respondents according to structured questionnaire been developed and tested previously on the small audience. Such polls are executed not only by personal contacts but also by mailing, phone or via Internet. Collected answers are processed statistically and considered in decision-making of state authorities.

The Resolution of the Cabinet of Ministers of Ukraine, 2010, November 3, № 996, calls the feedback obtaining from citizens as studying a public opinion (indirect form of consultations). The Resolution supposes following tools of this studying:

- conducting sociologic researches and observations (polls, questioning, content analysis of information papers, focus groups, etc.);
- establishing phone hotlines, and monitoring comments, responses, interviews, and other materials in printed and electronic media;
- publishing draft decisions by state executive bodies with offering for citizens to give written offers and notices to defined postal address during established period (not less than 15 calendar days);

142601/26031 (дата звернення: 5.06.2019). P. 28; Caddy J. Promise and problems of e-democracy: challenges of online citizen engagement. Paris: OECD, 2003. URL: http://read.oecd-ilibrary.org/governance/promise-and-problems-of-e-democracy_9789264019492-en#page1 (дата звернення: 5.06.2019). P. 56-57; IAP2's Public Participation Toolbox. URL: <http://icma.org/documents/iap2-public-participation-toolbox> (дата звернення: 5.06.2019).

– processing and generalizing offers and notices expressed in appeals of citizens.

Moreover, the Resolution separates electronic consultations with public as special direction. Procedure of electronic consultations supposes that state executive body publishes an information message about electronic consultations, and a draft document under discussion on own official website and on the governmental website "Civil Society and Authority". Participants of electronic consultations give offers and notices in written form to email address specified in information message about consultations, and through special services if these exist on official websites of state executive bodies and on the governmental website "Civil Society and Authority". Term of electronic consultations is being determined by state executive bodies, and it must be not less than 15 calendar days.

In line with Article 23-1 of the Ukrainian Law on Appeals of Citizens an electronic petition to the President of Ukraine, to the Verkhovna Rada of Ukraine, and to the Cabinet of Ministers of Ukraine is being considered if not less than 25000 signatures are collected on support of such petition during no more than three months starting from the day of its publishing. Demands to quantity of citizens' signatures on support of electronic petition to local body and term of signatures collecting are being determined by charter of territorial community. The President of Ukraine, the Verkhovna Rada of Ukraine, and the Cabinet of Ministers of Ukraine adopted special procedures of considering electronic petitions to these state institutions.

The second approach supposes the conducting of active consultations between state authorities and citizens by way of open public discussions with use of following widespread tools⁴¹.

1. Public hearings supposing the immediate meetings between representatives of state authorities and large groups of citizens for discussion of the draft decisions and activity results of power structures. Citizens hear prepared information from the authority representatives, and ask them, and make offers on these meetings. Special organization

⁴¹ Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1 (дата звернення: 5.06.2019). P. 84; Caddy J. Promise and problems of e-democracy: challenges of online citizen engagement. Paris: OECD, 2003. URL: http://read.oecd-ilibrary.org/governance/promise-and-problems-of-e-democracy_9789264019492-en#page1 (дата звернення: 5.06.2019). P. 53, 58; IAP2's Public Participation Toolbox. URL: <http://icma.org/documents/iap2-public-participation-toolbox> (дата звернення: 5.06.2019); United Nations E-Government Survey 2016: E-government in Support of Sustainable Development / direct. by J. Zhu. New York: United Nations, 2016. URL: <http://publicadministration.un.org/egovkb/en-us/reports/un-e-government-survey-2016> (дата звернення: 5.06.2019). P. 66-68.

committees form the final documents submitted to the state authorities for consideration in decision-making, and these documents are published also in media and on official websites.

2. Execution of the creative communication measures such as conferences, seminars, round tables, workshops and other similar meetings between representatives of state authorities, and invited groups of citizens, and representatives of nongovernmental organizations. The officials make presentations within every such measure, and open discussion follows then. The participants elaborate common approaches and offers on this basis concerning solving of some problem.

3. Public receptions providing the regular opportunity for citizens to speak with responsible officials directly in certain time on preliminary registration. Citizens can express notices and offers to officials concerning the state authorities' activity.

4. Citizens' panels supposing creation of the permanent groups of citizens with their consent on the basis of valid representation from all population or target audience, e.g. youth. These groups advise the state authorities permanently through giving own opinions concerning different problems via mailing, phone, or Internet. The quantity of panels' members varies, as a rule, from 750 to 2000 persons, and their membership is updated periodically to expand citizens' representation.

5. Online consultations through discussion forums, blogs, and social networks such as Facebook and Twitter.

The Resolution of the Cabinet of Ministers of Ukraine, 2010, November 3, № 996 establishes that the open public discussions are conducted through organizing and executing such public measures:

– conferences, fora, public hearings, round tables, assemblies, and meetings with public;

– Internet-conferences and video conferences.

Special protocols are being kept during these public measures, and oral offers and notices are being fixed in these protocols. Information about public measures (conferences, fora, public hearings, etc.) is being published as a rule on official website of state executive body in the section "Consultations with Public", e.g.: <http://menr.gov.ua/timeline/Konsultacii-z-gromadskisty.html>; <http://www.vin.gov.ua/gromada/konsultatsii-z-hromadskistiu>; <http://zhmerynka-rda.gov.ua/index.php/konsultatsii-z-hrom/anonsy-konsultatsii-2>; etc.

State executive body must conduct the open public discussion by such procedure:

- to develop a plan of measures for organizing and executing discussion (if needed);
- to provide for representation of social groups, economic subjects, civil society institutions, local bodies, and other interested parts;
- to publish an information about discussion on official website of state executive body or in other acceptable way if appropriate technical possibility misses;
- to collect and analyze an information about public assessment of decision proposed by state executive body;
- to form expert propositions on alternative decisions;
- to provide for considering the results of discussion in final decision;
- to analyze and publish the results of discussion on official website of state executive body or in other acceptable way if appropriate technical possibility misses.

Article 22 of the Ukrainian Law on Appeals of Citizens determines that executives and other officials of state government bodies and local bodies are obliged to receive citizens personally. The reception is made regularly in defined days and hours, in convenient time for citizens at place of their work and residence. Reception schedules are being published for citizens. All citizens' appeals expressed on personal reception are being recorded and considered by mentioned authority bodies. In practice the officials of authority bodies receive citizens according to schedules published on official websites with specifying addresses, contact phones, days and hours of reception. Examples of such schedules may be obtained at the following links: <http://mon.gov.ua/ua/ministerstvo/gromadskosti/grafik-osobistogo-prijomu-gromadyan>; <http://www.oblrada.pl.ua/index.php/oblrada/10741-provedennja-osobistogo-prijomu-gromadjan>; <http://izmail-rda.odessa.gov.ua/info/zvernennya-gromadyan>; etc.

Third group includes **partnership mechanisms between state authorities and citizens in processes of decision-making**. They represent a "new boundary" both for government and citizens.

The **legislative mechanisms** for such partnership include some legal statements, namely, citizen-initiated referenda and popular legislative initiatives concerning draft laws and constitutional changes

(e.g., Switzerland)⁴². The Constitution of Ukraine suppose a possibility to proclaim national referendum at popular initiative on demand of not less than three million Ukrainian citizens having a right to vote on condition that signatures for referendum appointment are collected not less than in two third of regions, and one hundred thousand signatures are obtained minimally in every region. The Ukrainian Law on Local Self-Government in Ukraine determines possible forms of citizens' active participation in local decision-making⁴³. In particular, Article 7 of the Law proclaims that local referendum is a form of solving any questions of local significance by territorial community through direct will. Decisions made in local referendum are obligatory for implementation in relevant area. General meeting of citizens at place of residence is another form of their active participation (Article 8 of the Law). Decisions made on such meetings are considered by local bodies in their activity. According to Article 9 of the Law the members of territorial community have a right to initiate (on procedure of local initiative) considering of any question in competence of local self-government in local council. Local initiative is obligatory for consideration on open session of the council with the participation of community members representing the initiative.

The **lobbying activity** could be also considered as specific mechanism of active public participation in decision-making by state authorities. Proceeding from politological approach⁴⁴, this activity may be defined as systematic and purposeful influence on the state and local authorities from private persons and organized society groups, including by means of specially employed professionals or organizations, aimed at making (non-making) decisions by these authorities in favor of mentioned persons and groups with using of legal methods. These methods are divided more often on direct and indirect ones⁴⁵. Direct lobbying supposes immediate contacts

⁴² Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1 (дата звернення: 5.06.2019). Р. 42; Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 38.

⁴³ Про місцеве самоврядування в Україні: Закон України від 21 травня 1997 р. № 280/97-ВР / Верховна Рада України. *Голос України*. 12 червня 1997 р.

⁴⁴ Гричина Н.А. Лоббизм як інститут сучасної демократії: автореф. дис. ... канд. політ. наук: спец. 23.00.02. Київ, 2009. С. 5; Любимов А.П. Лоббизм как конституционно-правовой институт. Москва: Ин-т гос-ва и права РАН, 1998. С. 18; Толстых П.А. GR. Практикум по лоббизму в России. Москва: Альпина Бизнес Букс, 2007. С. 20-22.

⁴⁵ Базілевич Д., Нестерович В., Федоренко В. Інститут лобювання в Україні та за кордоном: походження, проблеми, перспективи розвитку: наук.-інформ. видання. Київ: ФОП Москаленко О.М., 2015. С. 13; Нестерович В.Ф. Види впливу громадськості на прийняття нормативно-правових актів. *Вісник Луганського державного університету внутрішніх справ імені Е.О. Дідоренка*. 2014. Вип. 1. С. 34-41.

("face to face") between representatives of interest groups and state authorities aimed at achievement of necessary decisions for lobbyists. Indirect lobbying supposes active influence on the decision-making process through mobilization of public opinion in favor of (or against) some political positions.

The active and laborious work is executed in Ukraine concerning the special legal regulation of lobbying with wide involvement of public to the law-designing activity during 2009-2015. Many draft laws were being elaborated on this base. The last project is the Draft Law on Providing for Transparency and Legitimacy of Communications with Authority Subjects, 2017, September 20, № 7129⁴⁶. This Draft Law is being processed at the present time in parliamentary committees.

The lobbying in Ukraine as a society phenomenon is being characterized by following main peculiarities:

- existing in the latent form as so called "quasi-lobbying";
- explicit politicization;
- misunderstanding the lobbying essence by both political elite and society as a whole;
- functioning as significant part of decision-making process by authority bodies;
- belonging to limited groups, and close link with corruption.

Some **technological tools** of active public participation are intended to involve ordinary citizens who don't belong to interest groups or lobby, and to provide for the widest representation of population in governance processes. These tools are divided on techniques of involvement of small groups and the wide public⁴⁷.

The consensus conference is noted, first of all, among methods of involvement of small groups (USA, Denmark, Norway, etc.). Such method supposes that the group consisting of 10-15 ordinary citizens is formed through random selection, and these citizens aren't experts in problem considered. They ask experts and discuss the problem among themselves during several days. The citizens' group is the main operating subject on

⁴⁶ Про забезпечення прозорості та законності комунікації з суб'єктами владних повноважень: проект Закону України від 20 вересня 2017 р. № 7129. URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=62573 (дата звернення: 5.06.2019).

⁴⁷ Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1 (дата звернення: 5.06.2019). Р. 51, 84; Гремберггер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 64.

conference, i.e., this subject determines key aspects of discussion, formulates questions for experts, selects them from invited specialists, and elaborates viewpoints on problem independently. Conference operation is supported by the special mediator. In sum, the citizens' group represents agreed viewpoints on solving the problem (consensus) at press conference. These viewpoints are provided as the final report for responsible officials and published in media.

The citizens' jury is very similar to prior method (Germany, USA, UK, etc.). Such jury consisting of 10-25 persons is selected among ordinary citizens by means of wide informing to population. These citizens ask experts and discuss the problem among themselves during 2-3 days at support of the special mediator. Survey of experts is executed similarly to the open court session. In sum, the jury presents conclusions and recommendations on the problem solving. These results are provided as the final report for responsible officials and published in media.

First of all, the citizens' fora are referred to main methods of the wide public involvement (UK, Australia, Norway, etc.). This method may suppose single or serial meetings for discussion of certain problems with participation of large groups of citizens and representatives of nongovernmental organizations aimed at joint elaboration of the policy alternatives and the draft decisions. These projects are provided then for the state authorities, perhaps, for top state officials immediately. Citizens' forum may also become permanent.

The widest involvement of citizens to making policy decisions can be achieved through the dialogue process uniting several approaches (Australia, Canada, New Zealand, etc.). At first, the set of open creative communication measures is held around the country (seminars, round tables, workshops, etc.) in which thousands of citizens participate in general. Then, the nation-wide (regional) conference (forum, etc.) is organized with participation of representatives of state authorities, interested groups, experts, and ordinary citizens. The draft policy decisions are elaborated on this wide-scale measure on the basis of ideas and offers developed during local measures. Formed projects may be completed again by means of additional open seminars, round tables, etc., and the final documents are provided then for the state authorities.

Single examples of using mentioned methods are known at the local level in Ukraine but mass implementation of those doesn't occur yet.

The Conception of E-government Development in Ukraine proclaims a necessity of developing the electronic tools "open budget" and "public budget"⁴⁸. In particular, the "open budget" is being implemented for today more than in 1500 cities around the world. This tool supposes open decision-making process in which every inhabitant of settlement solves via voting the way of spending some part of local budget. Implementation of the "public budget" was also started in Ukraine from middle 2015, at first in Chernihiv, Cherkasy, and Poltava⁴⁹. This tool was spread in many cities of Ukraine. The platform for performing the "public budget" in Melitopol city is a typical example of such tool – <http://melitopol-online.gov.ua>.

Fourth group includes **mechanisms of citizens' control over state authorities' activity**. Based on the control understanding as a governance function, the following definition could be made⁵⁰. Citizens' control is the public subjects' activity consisting in identification of the nonconformities of state authorities' activity with legislative statements, expected state policy results, standards of public services etc., and influence on these authorities for elimination of such nonconformities and their causes.

The **legislative mechanisms** for citizens' control include the legal statements establishing appropriate citizens' rights, principles and techniques. On some scientists' opinion, the matters of citizens' control are expedient to solve in Ukraine in the special law on public control in which the forms and the means of such control must be determined⁵¹. Appropriate draft laws exist in Ukraine. E.g., the Draft Law on Civil Control over Activity of Authority Bodies, Officials, and Service Persons, 2018, August 7, № 9013 is being processed at the present time in parliamentary committees⁵². At the same time, the special law on citizens' control isn't adopted in Ukraine but legal statements on appropriate matters are contained in set of laws.

⁴⁸ Про схвалення Концепції розвитку електронного урядування в Україні: розпорядження Кабінету Міністрів України від 20 вересня 2017 р. № 649-р / Кабінет Міністрів України. *Урядовий кур'єр*. 27 вересня 2017 р.

⁴⁹ Кравченко Т.А. Інноваційні інструменти реалізації громадянами права на участь у місцевому самоврядуванні в Україні. *Публічне адміністрування: теорія та практика*. 2015. Вип. 2. URL: http://nbuv.gov.ua/UJRN/Patp_2015_2_22 (дата звернення: 5.06.2019).

⁵⁰ Державне управління: підручник: у 2 Т. / ред. колегія: Ю.В. Ковбасюк (голова), К.О. Ващенко (заст. голови), Ю.П. Сурмін (заст. голови) та ін. Київ: Дніпропетровськ: НАДУ, 2012. Т.1. С. 443; Енциклопедія державного управління: у 8 Т. / наук.-ред. колегія: Ю.В. Ковбасюк (голова) та ін. Київ: НАДУ, 2011. Т. 2: Методологія державного управління. 2011. С. 255.

⁵¹ Невмержицький Є.В. Корупція як соціально-політичний феномен: автореф. дис. ... д-ра політ. наук: спец. 23.00.02. Київ, 2009. С. 26.

⁵² Про громадянський контроль за діяльністю органів влади, їх посадових і службових осіб: проект Закону України від 7 серпня 2018 р. № 9013. URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=64506 (дата звернення: 5.06.2019).

In particular, in line with Article 21 of the Ukrainian Law on Corruption Prevention, public associations, their members, or empowered representatives have a right to exercise a public control over laws execution in corruption prevention with using legally allowed forms of control⁵³. Article 17 of the Ukrainian Law on Access to Public Information suppose that public control for information administrators to provide access to public information is being exercised by local councils' deputies, nongovernmental organizations, public councils, and citizens personally through appropriate public hearings, public expertise, etc. According to Article 9 of the Ukrainian Law on Public Procurements, customers and participants of procurement procedures, and empowered government body in procurement sphere have to assist in public involvement to exercising a control in this sphere⁵⁴. Other laws might be mentioned also in this relation.

As for **technological tools** the following important techniques of citizens' control are noted⁵⁵.

1. Public monitoring, namely, effectiveness and productivity assessment of activity of state or local body, or state institution etc. Such monitoring is performed by public subjects by means of collecting and analyzing of open information about mentioned activity during certain period.

2. Public expertise, i.e., justified assessment of adopted legislative act, its draft, other decision, or action of the state body, the local body, or the state institution, etc. concerning certain problems of importance for society or great interest for the public. Such expertise is performed by independent group of citizens (public experts).

3. Public audit consisting in assessment performed by public subjects concerning the correspondence between publicly accepted obligations by officials (statements in media, pre-election promises, obligations fixed in documents, etc.) and performance of these obligations.

4. Public investigation, i.e., making research of facts and circumstances related to activity of the state body, the local body, or the

⁵³ Про запобігання корупції: Закон України від 14 жовтня 2014 р. № 1700-VII / Верховна Рада України. *Голос України*. 25 жовтня 2014 р.

⁵⁴ Про публічні закупівлі: Закон України від 25 грудня 2015 р. № 922-VIII / Верховна Рада України. *Голос України*. 18 лютого 2016 р.

⁵⁵ Механізми взаємодії суспільства та влади: підручник / авт. кол.: А.М. Михненко (кер. авт. кол.), С.О. Кравченко, В.Ф. Мартиненко та ін. Київ: НАДУ, 2013. С. 160–164.

state institution, etc. causing violation of rights and legal interests of citizens.

Public expertise is the only technique implemented officially among described above in Ukraine. Other mentioned techniques of citizens' control are used occasionally in some spheres with assistance of public authorities. E.g., Article 9 of the Ukrainian Law on Public Procurements establishes that a public control over procurements is being provided, among other, through free access to analyzing and monitoring of information allocated in electronic system of procurements.

At the same time, public expertise is institutionalized in many laws and subordinate legislation. In this relation the main legal act is the Procedure of Assistance in Exercising of Public Expertise of Activity of State Executive Bodies, approved by the Resolution of the Cabinet of Ministers of Ukraine, 2008, November 5, № 976⁵⁶. According to this document, public expertise is a part of democratic governance mechanism. It suppose that civil society institutions and public councils perform assessment of activity of state executive bodies and effectiveness of their decisions, prepare recommendations on solving significant society problems for consideration by state executive bodies.

3. Problems and Prospects of Development of Interaction Mechanisms between Society and Authorities in Ukraine

Analysis made in previous paragraph shows that various interaction mechanisms between society and authorities are created in Ukraine, and these mechanisms are workable enough in practice. But the set of serious problems may be marked in appropriate sphere.

First, the set of systematic violations of the citizens' right on access to information is ascertained in the Annual Report of Commissioner of the Verkhovna Rada of Ukraine for Human Rights 2018⁵⁷, namely:

– access limitation to information without "three-fold test" as the only cause for such limitation;

⁵⁶ Про затвердження Порядку сприяння проведенню громадської експертизи діяльності органів виконавчої влади: постанова Кабінету Міністрів України від 5 листопада 2008 р. № 976 / Кабінет Міністрів України. *Урядовий кур'єр*. 14 листопада 2008 р.

⁵⁷ Щорічна доповідь Уповноваженого Верховної Ради України з прав людини про стан додержання та захисту прав і свобод людини і громадянина в Україні за 2018 рік / голова роб. групи Л.Л. Денісова. Київ: ВПЦ "Київський університет", 2018. URL: <http://www.ombudsman.gov.ua/files/Dopovidi/Report-2019.pdf> (дата звернення: 5.06.2019). С. 75-76.

- refusal in information delivery concerning administering by budget funds and state or communal property, in particular, concerning alienation of ground areas, buildings, and personal estate, etc.;
- incomplete information delivery with access limitation to another part of information;
- referring to absence of the goal of information request or offering to obtain requested information in the office of information administrator;
- answering not in the essence of request;
- refusal in information delivery about activity of state and communal organizations while such organizations are administrators of information on using budget funds and important matters for society.

Moreover, according to Article 9 of the Law on Access to Public Information, the list of data belonging to limited service information is being composed by state and local bodies. It means that wide range of information may be referred to limited service information, and such information is being closed for citizens at the discretion of public authority bodies.

In this relation the necessity follows to form complete and legally determined list of data which may be referred to limited service information, or to exclude such kind of information with limited access from legislation. In the case of continuation the notion of limited service information the unified procedure of "three-fold test" is expedient to introduce by special governmental act for checking legitimacy of appropriate access limitations. The "three-fold test" includes three conditions, namely, presence of the lawful interests in favor of which administrator can limit access to information, and much harm for these interests in the case of information disclosure, and advantage of the harm over society interest in access to information⁵⁸.

Based on conclusions of the Annual Report of Commissioner of the Verkhovna Rada of Ukraine for Human Rights 2018, public authority bodies, especially at the local level, is needed to harmonize own official websites with Articles 10-1 and 15 of the Law on Access to Public Information as for publishing information and open data. It will reduce a quantity of information requests and, accordingly, an amount of work and

⁵⁸ Головенко р.Б., Котляр Д.М., Слизьконіс Д.М. Доступ до публічної інформації: посібник із застосування "трискладового тесту" / за заг. ред. Д.М. Котляра. Київ: ЦПСА, 2014. С. 23.

expenditure for processing these requests⁵⁹. It is also worthy to pay special attention to significant development of public authorities' cooperation with nongovernmental organizations in information delivery for citizens.

As for consultation between state authorities and citizens the serious problem consists in absence of legal and normative mechanisms for performance of national referendum and local referenda. For a long time the Ukrainian Law on National Ukrainian Referendum and Local Referenda was determining appropriate mechanisms, but it was repealed by the Ukrainian Law on National Ukrainian Referendum of 2012⁶⁰. In turn, the last legal act was recognized as unconstitutional and became invalid by appropriate Decision of the Constitutional Court of Ukraine in 2018⁶¹. Thus, it is necessary to elaborate and adopt the new laws on National Ukrainian Referendum and on Local Referenda based on best international practice.

The Annual Report of Commissioner of the Verkhovna Rada of Ukraine for Human Rights 2018 marks the following typical violations of the citizens' right on appeals:

- non-acting of public authority bodies for solving questions brought up in appeals;
- breaking terms of written answers or non-answering to appeals;
- breaking the legislative demand forbidding to direct citizens' complaints to those authorities or officials whose actions or decisions are complained.

Mentioned violations are caused by non-regulation at the legislative level of some procedural matters of considering citizens' appeals. The other question is non-regulation of the matters of appeals submission of public associations as legal persons⁶². Now appropriate procedures are approved

⁵⁹ Щорічна доповідь Уповноваженого Верховної Ради України з прав людини про стан додержання та захисту прав і свобод людини і громадянина в Україні за 2018 рік / голова роб. групи Л.Л. Денісова. Київ: ВПЦ "Київський університет", 2018. URL: <http://www.ombudsman.gov.ua/files/Dopovidi/Report-2019.pdf> (дата звернення: 5.06.2019). С. 79.

⁶⁰ Про всеукраїнський та місцеві референдуми: Закон України від 3 липня 1991 р. № 1286-ХІІ / Верховна Рада України. *Голос України*. 26 липня 1991 р. (закон втратив чинність); Про всеукраїнський референдум: Закон України від 6 листопада 2012 р. № 5475-VI / Верховна Рада України. *Голос України*. 28 листопада 2012 р. (закон визнано неконституційним).

⁶¹ Рішення Конституційного Суду України у справі за конституційним поданням 57 народних депутатів України щодо відповідності Конституції України (конституційності) Закону України "Про всеукраїнський референдум" від 26 квітня 2018 р. № 4-р/2018. *Офіційний вісник України*. 2018. № 41. С. 77.

⁶² Щорічна доповідь Уповноваженого Верховної Ради України з прав людини про стан додержання та захисту прав і свобод людини і громадянина в Україні за 2018 рік / голова роб. групи Л.Л. Денісова. Київ: ВПЦ "Київський університет", 2018. URL: <http://www.ombudsman.gov.ua/files/Dopovidi/Report-2019.pdf> (дата звернення: 5.06.2019). С. 73.

by each governmental body separately but general detailed rules are absent. Therefore the unified procedure of considering citizens' appeals is useful to be introduced by special governmental act to determine clearly rules, steps, terms, consideration results, citizens' actions in cases of dissatisfaction, etc. Moreover, the right of legal persons on appealing to the public authority bodies and officials is expedient to be established in the Ukrainian Law on Appeals of Citizens.

According to the Conception of E-government Development in Ukraine the institute of e-appeals and e-petitions is needed to develop⁶³. In this relation the unified procedure of considering citizens' appeals above proposed has to contain the special rules of and handling, including demands on answering to these appeals, on content of answers, etc. The Ukrainian Law on Appeals of Citizens is expedient also to be detailed in part of format, means and demands for e-appeals submission. The example of such detailing is the Draft Law on Making Changes to the Ukrainian Law on Appeals of Citizens (as for Considering Electronic and Phone Appeals), 2017, October 12, № 7201⁶⁴.

A range of authority subjects is expedient to be expanded concerning e-petitions, and all state executive bodies must be included to this range. Taking into account significant peculiarities of e-petitions the special procedure of their considering is expedient to be introduced by governmental act. It's meaningful especially at the local level because it will promote prompt responding of local state bodies to society challenges and public initiatives.

The main problems of public councils' activity under Ukrainian state executive bodies are marked by researchers⁶⁵: disadvantages in forming the membership of these councils causing their activity as a tool for advancing limited groups' interests; lack of efficient procedure of councils' participation and inclusion of their constructive propositions in decision-making by executive bodies. For solving these problems, first, the influence of state executive body on forming the membership of public council has to be reduced significantly. Therefore the initiative group for

⁶³ Про схвалення Концепції розвитку електронного урядування в Україні: розпорядження Кабінету Міністрів України від 20 вересня 2017 р. № 649-р / Кабінет Міністрів України. *Урядовий кур'єр*. 27 вересня 2017 р.

⁶⁴ Про внесення змін до Закону України "Про звернення громадян" (щодо розгляду телефонних та електронних звернень): проект Закону України від 12 жовтня 2017 р. № 7201. URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=62724 (дата звернення: 5.06.2019).

⁶⁵ Механізми взаємодії суспільства та влади: підручник / авт. кол.: А.М. Михненко (кер. авт. кол.), С.О. Кравченко, В.Ф. Мартиненко та ін. Київ: НАДУ, 2013. С. 183.

preparing the constituent assembly of public council must include representatives of civil society institutions exclusively without executive officials. Secondly, the Typical regulations on public council under a ministry, other central executive body, the Council of Ministers of Crimean Autonomous Republic, a state administration of region and district, a state administration of Kyiv city and Sevastopol city, a state administration of district in Kyiv city and Sevastopol city have to be supplemented with clear and detailed procedure for public council's participation in considering and correcting drafts of legal and normative acts, obligatory taking efficient propositions of council into account, agreeing of positions between council's members and officials.

As for electronic consultations the problem consists in using only passive mechanisms of collecting offers and notices via e-mailboxes or web-forms for comments. Taking into account the best foreign practice it's necessary to provide for methods of active online consultations through discussion forums, blogs, and social networks by making changes to the Resolution of the Cabinet of Ministers of Ukraine, 2010, November 3, № 996. Moreover, it's useful for executive bodies, first of all at the local level, to introduce the citizens' panels as an effective tool of consultations with large groups of population being used in many European countries.

The set of problems concerns partnership mechanisms because this level of interaction between society and authorities is generally undeveloped in Ukraine. In particular, the problem is absence of legal and normative mechanisms for both referendum at popular initiative and popular legislative initiative. Possibilities for such activities of citizens exist in legislation but without performance mechanisms. In this relation the Draft Law on making changes to the Ukrainian Law on Appeals of Citizens (as for Citizens' Appeals with Electronic Proposal of Draft Law via Official Website of the President of Ukraine), 2015, September 16, № 3109 is worth to mention⁶⁶. This Draft Law offers a framework for submission by any citizen the legislative electronic proposal to the President of Ukraine, and he must consider such initiative if not less than 100000 signatures are collected on its support. If the President of Ukraine supports mentioned proposal also, he introduces appropriate draft law to

⁶⁶ Про внесення змін до Закону України “Про звернення громадян” (щодо звернення громадян з електронною пропозицією законопроекту через офіційний веб-сайт Президента України): проект Закону України від 16 вересня 2015 р. № 3109. URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=56486 (дата звернення: 5.06.2019).

the Verkhovna Rada of Ukraine. The Draft Law above described has a set of disadvantages but it is expedient to be adopted after improvement. The performance mechanisms of referendum at popular initiative are also important to be included while elaborating the new laws on National Ukrainian Referendum and on Local Referenda.

The next problem is that the lobbying as substantial mechanism of partnership between society and authorities isn't regulated as the legal institute till now in Ukraine. Thus, its subjects, objects, legal forms, methods, and procedures aren't determined in law. This situation causes the necessity of legal institutionalization of the lobbying through adopting the special law. This law has to fix the lobbying institute, to interpret clearly appropriate society phenomenon, and to regulate the lobbying activity with sufficient degree of detailing.

Non-using technological tools of active participation of ordinary citizens in decision-making by state authorities may be considered as one more problem in Ukraine. Proceeding from international experience, such active participation is an important factor of building citizens' trust to authority institutions, and it allows solving society problems more effectively, first of all, in territorial communities or other similar units. Therefore at least some tools of active participation may be recommended for starting to be used in Ukraine, in particular, the citizens' jury at the local level and the dialogue process at the sub-regional level.

As for citizens' control over state authorities' activity the problem is absence of comprehensive legal basis and, in this relation, the narrow range of institutionalized effective techniques limited with the public expertise. Thus, based on scientists' opinion it may be recommended to adopt the special law on citizens' control in which organization and performance of such control have to be determined. The set of techniques conventional in foreign practice must be established in this law, in particular, the public monitoring, the public audit, the public investigation. Special attention is worth to be paid for public investigation, including journalistic investigation, because of its informal spreading in domestic practice.

CONCLUSIONS

Contemporary interaction mechanisms between society and authorities implement such basic principles of good governance as openness,

transparency, public participation, consensus orientation, and accountability. This interaction, on the one hand, increases the citizens' trust to authority institutions, and, on the other hand, improves effectiveness of solving the society problems due to involvement of forces and intellectual potential of the public.

In the present article the mechanisms of interaction between society and authorities are divided into such 4 groups:

- mechanisms of information delivery for citizens;
- consultation mechanisms between state authorities and citizens in processes of decision-making;
- partnership mechanisms between state authorities and citizens in processes of decision-making;
- mechanisms of citizens' control over state authorities' activity.

Every group of mechanisms is represented in Ukrainian legislation and practice to some degree. In particular, partnership mechanisms between state authorities and citizens, and mechanisms of citizens' control over state authorities' activity are less developed than the others. Therefore, the first attention is expedient to be paid for developing mechanisms of active participation of wide public in decision-making by authorities, especially at the local and sub-regional level and also for developing strong legislative base and effective tools of public control over authorities.

As a whole, the understanding settles in Ukraine at the present time that the best results in advanced society development may be achieved under implementation of the partnership ideology between society and authorities⁶⁷. Productivity of such partnership depends on both state institutions' efforts and citizens' ability to cooperate with power structures for solving the society problems. Thus, development of the civil society and formation of the modern model of interaction between society and authorities are important interrelated priorities of the Ukrainian state building in long-term prospect.

SUMMARY

The article deals with interaction mechanisms between society and authorities in the context of forming the good governance in Ukraine. Proceeding from scientific conclusions, these mechanisms are divided into 4 groups according to such levels of citizens' participation: information;

⁶⁷ Теоретичні та методологічні проблеми розробки і реалізації управлінських стратегій: монографія / за заг. ред. В.М. Князева. Київ: НАДУ, 2008. С. 27, 31–32.

consultation; partnership; citizen control. Appropriate legislation, institutional mechanisms and technological tools have been considered for every mentioned group from viewpoint of conventional foreign practice and Ukrainian practice. Problems and prospects of development of interaction mechanisms between society and authorities in Ukraine are marked on the basis of analysis performed. E.g., the main problem concerning citizens' access to information is that wide range of information may be referred to limited service information, and such information is being closed for citizens at the discretion of public authority bodies. In this relation the necessity follows to form complete and legally determined list of data which may be referred to limited service information, or to exclude such kind of information with limited access from legislation. As for consultation between state authorities and citizens the serious problem consists in absence of legal and normative mechanisms for performance of national referendum and local referenda. Thus, it is necessary to elaborate and adopt the new laws on National Ukrainian Referendum and on Local Referenda based on best international practice. As for electronic consultations the problem consists in using only passive mechanisms of collecting offers and notices via e-mailboxes or web-forms for comments. Taking into account the best foreign practice it's necessary to provide for methods of active online consultations through discussion forums, blogs, and social networks. The article concludes that partnership mechanisms between state authorities and citizens, and mechanisms of citizens' control over state authorities' activity are less developed than the others in Ukraine. Therefore, the first attention is expedient to be paid for developing mechanisms of active participation of wide public in decision-making by authorities, especially at the local and sub-regional level and also for developing strong legislative base and effective tools of public control over authorities. In general, the article emphasizes on formation of the modern model of interaction between society and authorities as important priority of the Ukrainian state building in long-term prospect.

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Information about the author:

Kravchenko S. O.,

Doctor of Science in Public Administration, Docent,
Head of the Public Governance and Administration Department,
Taurida National V. I. Vernadsky University,
33, John McCain str., Kyiv, 01042, Ukraine

REFORM OF THE PUBLIC ADMINISTRATION SYSTEM IN UKRAINE AT THE TERRITORIAL LEVEL IN THE CONTEXT OF DECENTRALIZATION

Shpachuk V. V.

INTRODUCTION

Recently, decentralization of power has become increasingly widespread in the world. Among the reasons for this trend are the following:

– decentralization is accepted as a means of providing various autonomy and autonomy to different ethnic and regional groups and control over their own affairs. The idea is that if different ethnic and regional minorities have some autonomy, some ability to determine their own local affairs regarding education, culture and economic development, they will feel more secure and more willing to accept authority and legitimacy;

– decentralization of power is taken as a means of separating power between a large number of different political parties. Parties and groups that cannot get control of the central government can win the opportunity to exercise power in the lower level administration. This increases their confidence and commitment to the political system, the feeling of citizens that the system is fair;

– democracy swept around the world as the core value and basis of governance. And decentralization is seen as a fundamental democratic principle. This is not enough for people to simply be able to choose their national leaders in periodic, free and fair elections. In moderate countries, good democracy requires that people be able to choose their local leaders and representatives, and that these local authorities will have some real power to respond to people's needs. This tendency did not pass Ukraine and, as a result, today Ukraine is implementing a reform of decentralization of power. This process was wave-like in the period since Ukraine became independent, but the most significant activity it has gained since April 2014, when the Cabinet of Ministers of Ukraine approved the "Concept of Reform of Local Self-Government and Territorial

Organization of Power". This Concept envisages the definition of the directions, mechanisms and timing of the formation of effective local self-government and territorial organization of power for creating and maintaining a healthy living environment for citizens, providing high-quality and accessible public services, establishing institutions of direct democracy, and meeting the interests of citizens in all spheres of life in the respective territory, coordination of interests of the state and territorial communities.

During 2014–2015, the Supreme Council, the Cabinet of Ministers of Ukraine, in support of the decentralization reform, developed and adopted a number of legislative and regulatory documents, namely: Laws of Ukraine "On Cooperation of Territorial Communities", "On the Voluntary Association of Territorial Communities", "On Local Elections", "On the Principles of State Regional Policy", "On Ratification of the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of the local self-government body", "On Introduction Amendments to certain legislative acts of Ukraine regarding extension of powers of local self-government bodies and optimization of administrative services provision", Resolution of the Cabinet of Ministers of Ukraine "On approval of the State Strategy for Regional Development for the period up to 2020", Order of the Cabinet of Ministers of Ukraine "On Approval of the Plan of Measures to Implement the Concept of Reform local self-government and territorial organization of power in Ukraine" and others.

The result of this decentralization reform in Ukraine should be the formation of a new democratic model of governance focused on strengthening the role of territorial communities, which will enable them to gain a significant amount of power and control over their own affairs. At the same time, when implementing the decentralization reform, it must be taken into account that it has not only advantages over the centralized system, but also its shortcomings which, in the current political unstable situation in Ukraine, the economic and social crisis, external aggression, decentralization, can provoke further negative trends in development of the state and society.

1. The directions of decentralization reform in Ukraine

1.1 Theoretical and methodological aspects of the reform of decentralization of state power

The idea and attempts at decentralization are not new to society and in the 16-th century they were actively considered by scholars and active citizens as a counterweight to the state monopoly and attempts were made to find new forms of public administration, including through decentralization of the state system. The last revitalization of the issue of decentralization, as one of the forms of democracy, has gained another significant spread and relevance among most European countries at the end of the last century and continues to this day. The globalization processes in the world that triggered political and economic crises and challenges prompted the society to revise the principles and principles of public administration to achieve a high level of social development of the state, since centralized management proved to be unable to carry out all functions of the state on the issues of vital activity of the population and unable to reach the quality and efficiency effectively all, even important areas of human activity. The main reasons that caused the global trend of countries' inclination to decentralize and revitalize the global community towards decentralization are as follows:

– firstly, the central governments of countries with the existing centralization of powers and resources were not able to provide a qualitative and rapid solution to the problems of territories, the uniform development of all territories and the provision of quality services throughout the country. Especially suffered from this territory, far from major cities and important administrative centers. Decentralization is accepted as a means of providing various autonomy and autonomy to different ethnic and regional groups and control over their own affairs. The idea is that if different ethnic and regional minorities have some autonomy, some ability to determine their own local affairs regarding education, culture and economic development, they will feel more secure and more willing to accept authority and legitimacy;

– secondly, the activation of the movement and the expansion of the geography of civil society in the world. Decentralization, as one of the forms of democracy, promotes the development of civil society and allows

active involvement of the population of the country to solve their own problems and needs while preserving the state and its main institutions;

– thirdly, not always transparent decision-making mechanisms at the central level, which led to an increase in corruption risks.

Among the main achievements of decentralization are the following:

1) allows, first and foremost, local governments to assume new and wider powers in order to provide a greater variety of types of public services provided, as well as a variety of ways of providing them in such a way that they can more accurately reflect distinct sets of priorities for different regions the state;

2) ensures the efficiency and effectiveness of the management of the response to the needs of recipients (consumers) of public services;

3) contributes to reducing the costs of ensuring control over the provision of public services by reducing distances, both geographic and bureaucratic, between those directly providing public services and the management unit;

4) guarantees that resources allocated for the provision of public services will be distributed more proportionally and reasonably among all regions;

5) brings public administration closer to the object and the main source of public authority – the people;

6) promotes the strengthening of democratic procedures in the state and the protection of human rights and freedoms;

7) promotes the development of civil society and local communities;

8) contributes to reducing corruption risks and increasing the transparency of the use of all resources.

Decentralization of state power is a complex process, which involves a systematic solution to a large number of complex issues and problems, not only solving the problem of changing the principles of governance, but also changing the outlook of civil servants and the public in this regard. Confirmation of the complexity and ambiguity of the decentralization process itself can be demonstrated by its versatility. So, for today we have such a classification of decentralization:

depending on the spheres of influence and subjects decentralization happens:

– territorial – the creation of public administration bodies, which carry out the government in the administrative-territorial units

independently and independently from the state authorities, being outside their hierarchical system and subordination (local and regional authorities);

– functional – recognition of independent and independent specialized organizations (different unions) by the authorities of power, delegating them the right to carry out a certain amount of tasks of a public character, in particular, with regard to the government and the fulfillment of the corresponding functions in the areas of public life determined by the legislation and in accordance with the established order;

– subject matter – professional self-government as a system of managerial relations between all representatives of a particular profession, implemented by a defined law by a representative organization under the supervision of state authorities¹.

depending on functionality decentralization happens:

– administrative – at which local authorities are accountable to the central authorities;

– political – in which local authorities are endowed with such powers and responsibilities that make them formally independent of the state;

– budget – connected with the transfer to places of the resources necessary for the implementation of the transferred power and responsibility;

– market – provides the transfer of functions of public institutions to the private sector, including planning and administration².

depending on the division of competences and powers decentralization happens:

– vertical – means a clear definition of the decision-making process by governing bodies of different levels. The principal issues of vertical decentralization are: the depth of hierarchical decentralization; the scope and scope of the powers of the lower authorities (all entities that have the right to exercise public functions) and the organization of the system of supervision and control over the activities of these bodies. At the same time, it is important to understand that it is not only about public administration bodies, but also about other subjects (professional associations, business structures).

¹ Децентралізація публічної влади: досвід європейських країн та перспективи України / Бориславська О.М., Заверуха І.Б., Школик А.М. та ін. Київ: Софія, 2012. 212 с.

² Трофимова И.Н. Трансформация отношений центральной и местной власти в процессе децентрализации управления (опыт европейских стран). URL: http://ars-administrandi.com/article/Trofimova_2011_2.pdf.

– horizontal – means the distribution and definition of the functions and competences of all other elements of the structure of the public administration bodies, in addition to the governing body³.

Among the main forms of transfer of authority from the central to the local level, one can distinguish the following:

– devolution is a form in which the transfer of responsibility, authority, resources and sources of income to local authorities takes place, resulting in local authorities becoming autonomous and completely independent;

– deconcentration is a form where the transfer of power and responsibility from the central government to a different level of government takes place, while the hierarchical subordination of local authorities to the central government and decentralized ministries is maintained;

– delegation is a form in which the transfer of power and responsibility to local governments takes place, and this is not always the case with local units of central government, while retaining their vertical subordination and partial transfer of responsibility to subnational levels;

– divestiture is a form of transfer of planning functions, administrative authority and / or other functions to volunteer private or public organizations, with simultaneous deregulation or partial privatization⁴.

The introduction of decentralization is a long and complicated process, which involves the implementation of a series of successive stages with the corresponding phases inside, the failure to comply with the general logic which leads to a loss of balance of public power, and under it means an organization through which the distribution of power load from the central to the lower levels occurs without causing damage to public and public interests. This process involves the following steps:

– the first stage – the doctrinal separation of powers on the vertical levels of public power with the simultaneous establishment of competences. This stage consists of two phases: the formal definition and the immediate establishment of a list of authorities and their volume at each level of public authority.

³ Гурне Б. Державне управління / пер. з франц. В.Шовкуна. Київ: Основи, 1994. 165 с.

⁴ Децентралізація та ефективне місцеве самоврядування: навчальний посібник для посадовців місцевих та регіональних органів влади та фахівців з розвитку місцевого самоврядування. Київ: ПРООН/МПВСР, 2007. 269 с.

– the second stage – the legislative consolidation of the results of the first stage. The first phase of the stage of regulatory consolidation is the introduction of amendments and additions to existing laws, the development of new legislative acts, the second – the consolidation of decentralization of public authority at the constitutional level, and the third – bringing in conformity with the Constitution and relevant laws of the whole set of by-laws.

– the third stage – the decentralization of public authority – the establishment of a mechanism for monitoring the proper implementation of the decentralization process. It has two phases: the establishment of constitutional control and the expansion of the jurisdiction of courts of general jurisdiction with the introduction of the system of administrative justice inclusive⁵.

At the same time, in order to achieve greater efficiency of decentralization, even through its phased implementation, it is primarily necessary to do this in those regions that demonstrate sufficient readiness to assume the respective responsibilities of providing the state ambassador by introducing transparent rules for the transfer of authority from place to place. Such a transfer involves:

– the presence in the region of a real acting entity that is capable of assuming full responsibility for the implementation of additional powers granted to it;

– availability of a variety of resources (managerial, organizational, intellectual, personnel, information, etc.) in the acting regional entity that are essential for the accomplishment of tasks;

– the availability of transparent mechanisms, toolkitary and the use of authority schemes, etc.

Given that the key to minimizing the risks that accompany decentralization is the systematic, sequential, and gradual state policy on decentralization of power, the scrupulousness exercised on the basis of well-balanced and verified public-law decisions, the next step in the study of the theoretical basis for the decentralization of state power should be studying the issue of ensuring a stable and effective functioning of the public administration system after decentralization, since successful transfer of authority does not mean thematic success and effectiveness of the management process on the basis of already implemented decentralization.

⁵ Колишко Р.А. Децентралізація публічної влади в унітарній державі: автореф. дис. на здобуття наук. ступеня канд. юрид. наук: спец. 12.00.01. Київ, 2003. 14 с.

One of the most important aspects of the success and effectiveness of the management process on the basis of decentralization already made is the correctness of choosing the balance of relations between the territory and the center, the division of powers between the state and local levels of state power. For this purpose, a scheme is proposed for the division of powers between state and local levels of state power, based on a scientific idea according to which the state should be the general subject of the definition of "rules of the game" and setting standards for the whole society, while local self-government performs better functions local (tactical) management of the development of the territorial community and is able to respond more effectively and quickly to challenges (Table 1).

Table 1

**Scheme of division of powers between state
and local levels of government**

Criteria	State level	Local level
Directions of the state politics	Determination of strategic priorities for the development of society Developing a legislative framework, defining "rules of the game" Implementation of investment and innovation policy tools Establishment of national social standards and other standards of development of society	Stimulation of economic development of the region, support of entrepreneurship Defining the goals and priorities of the region's development, which should be consistent with national goals Stimulating competition Local adjustment of economic imbalances
Tools state-owned regulation	State level of the budget system Legislative base Public investment Government Procurement State enterprises National Tax System	Local level budget system Decision making for specific territorial communities that do not contradict the national one legislation
Monetary system	Management of a part of budget funds that have been transferred to the state budget Public Debt Management Managing revenues from government enterprises	Management of a part of mobilized budget funds that can not be transferred to the state budget Carrying out local borrowing Financial Management of Utilities

Built by the author on the basis of ⁶

⁶ Braun von J. Does decentralization serve the poor? / J. von Braun, U. Grote (eds) // Managing fiscal decentralization. – London : Routledge, 2002. URL: www.imf.org/external/pubs/ft/seminar/2000/fiscal/vonbraun.pdf.

It is in the case of the aforementioned, phased and systematic introduction of decentralization of power that we can achieve the desired result from the process of decentralization of power, which will be as follows:

- more complete provision of the needs of the inhabitants of territorial communities in public goods, because in the provision of public goods by the central authorities the interests of an individual are lost among a large population;

- faster, in comparison with the state central government and local authorities, the response to changing needs of the inhabitants of the territorial communities;

- more effective participation of citizens in the decision of local issues, public responsibility and public control;

- development of competitive principles between local and regional self-government bodies;

- creation of a "mechanism for balancing power over different levels of government"⁷;

- transparency, publicity and simplification of procedures for making power decisions;

- the possibility of strategic planning, contributing to the socio-economic development of administrative-territorial units;

- improving the performance of functions and tasks through their transfer at local and regional levels, which better know the local situation (saving budget resources while increasing the quality of providing public goods to the population);

- development and introduction of innovations through the possibility of non-standard approaches to solving local problems;

- the development of democratic foundations in society, the rise of political culture among the population leads to an increase in the share of voluntary payment of taxes and fees;

- correct determination of the priority of spending budget resources, etc.

⁷ Дроздовська О.С. Теоретичні засади фінансової децентралізації. Фінанси України. 2008. № 8. С. 19–25.

1.2 Regulation of decentralization of state power in international law

Considering the importance and attention to the issue of decentralization in the world is paid quite a lot of attention, as it is one of the fundamental principles of the existence and development of democracy in any country. This led to the development of many international, interstate and regional documents on this issue. The United Nations, the World Bank, the European Union, whose bodies have adopted a number of important internationally recognized instruments, have been ratified and implemented by democratic countries of the world, as well as others. The main international instruments that reflect the foundations and mechanisms of decentralization are the following: international legal standards and principles of the Strategy for Sustainable Development, United Nations Program, European Charter of Local Self-Government, OECD Experience, Fiscal Transparency Guide, Code of Good Practice on Transparency the fiscal system of the IMF. Let's dwell in more detail on some of them.

The United Nations has developed an international concept of "good governance", reflected in the UN Program "Governance and Sustainable Human Development", aimed at improving the efficiency of the implementation of tasks at the local level and ensuring opportunities for citizen participation in local decision-making processes provided for Participation of citizens in democratic processes. The UN Program outlines the following basic principles of "good governance":

- Participation – All men and women should have direct or indirect (through legitimate intermediary institutions representing their interests) the right to vote in the decision-making process. Such broad participation is based on freedom of association and speech;
- The legality of the legal framework should be clear and applied impartially, in particular with regard to human rights laws;
- Transparency – direct access to information;
- Sensitivity – institutions and processes serve all stakeholders;
- Focus on consensus – good governance is an intermediary between different interest groups in order to reach a broad consensus;
- Equality – all men and women have the same opportunities to improve or maintain their well-being;
- Efficiency and effectiveness – processes and institutions produce results according to the needs of the most rational use of resources;

- Accountability – government, private sector and civil society decision makers are accountable to the public as well as to institutional interest groups;

- Strategic vision – Leaders and the public have a broad and long-term perspective of good governance and human potential development⁸.

The key document governing the basic principles of decentralization is the European Charter of Local Self-Government (adopted in October 1985) (the "Charter"). Allocated in the Charter are fundamental to the formation of a European (democratic) model of power at subnational territorial levels. The most important among them are the following:

1. Recognition of local self-government in national legislation and, if possible, in the constitution (Article 2).

2. The reality of local self-government, which finds its expression in the emphasis on the essential (and not arbitrarily determined by the state) amount of public affairs, regulation and management, which are authorized to carry out local self-government bodies (Article 3).

3. Legitimacy of local self-government as an opportunity of the relevant authorities to regulate and manage local affairs – exclusively within the law of the state (Article 3).

4. Determination of the nature of local government as a public authority, which, on the one hand, acts in the interests of the local population (territorial community) (Article 3), and on the other hand – is derived from sovereign state power, since the main powers and functions of local self-government are determined a constitution or law (Part 1, Article 4).

5. The attribution to the subjects of the implementation of local self-government as territorial communities and local self-government bodies – subject to the choice of representative bodies of local self-government by secret ballot on the basis of direct, equal, universal suffrage (Article 3).

6. Autonomy of local self-government as a power that has the right to independently resolve all issues that fall within its competence (Part 2 of Article 4).

7. Subsidiarity (optimal decentralization and real control of the territory), which involves, firstly, the implementation of municipal functions by the territorial levels of government that have the closest contact with the citizen, and secondly, taking into account the scope and

⁸ Кохалик Х. «Добре врядування»: принципи та ознаки. Ефективність державного управління. 2012. Вип. 33. С. 50–57.

nature of the tasks and requirements for achieving efficiency and economy with the division of powers between the territorial levels of power (Part 3 of Article 4).

8. The powers of local self-government, the inalienability and inviolability of its powers – the powers of local self-government should be complete and exclusive. They can not be canceled or limited, unless provided by law (Part 4, Article 4).

9. Adaptation of the exercise of local government powers (local and national interests) (Part 5, Article 4).

10. Participation of local self-government in solving all socially important issues that, although not within its competence, affect its rights and interests (Article 6, Article 4).

11. The integrity and inviolability of the territory of the local self-government bodies – the change of the territorial boundaries of the self-governing units needs to be agreed with the respective territorial communities (Article 5).

12. Independence of local self-government bodies in determining their own internal administrative structures, taking into account local needs and the need for effective management (Part 1, Article 6).

13. Creation of proper conditions for service and career growth of municipal servants, which will allow to attract highly qualified personnel to work in local self-government bodies (Part 2 of Article 6).

14. Establishment of limits and volumes of administrative supervision of local self-government in accordance with the following circumstances: first, forms and grounds – supervision may be carried out only in accordance with procedures and in cases stipulated by the constitution or laws; and secondly, the purpose – supervision is only aimed at ensuring compliance with the law and constitutional principles; and thirdly, the coherence of the measures of the controlling bodies with those interests which they are intended to protect in the process of administrative supervision (Article 8).

15. Guaranteeing the right of local self-government bodies to own financial resources.

16. Guaranteeing the right of local self-government bodies to freedom of association and cooperation with local self-government bodies of foreign states (Article 10).

17. Legal protection of local self-government – the right of local self-government bodies to use remedies to ensure the free exercise of their powers and respect for the principles of local self-government (Article 11)⁹.

Another document regulating decentralization, organization and activities of local self-government is the World Declaration of Local Self-Government, adopted on September 26, 1985 in Rio de Janeiro by the World Alliance of Local Self-Government at the XXVII International Congress. The Declaration states that the principle of local self-government should be defined in the constitution or the basic law on the government structures of the country¹⁰. The declaration consists of a preamble and 11 articles. The preamble formulated the essential features of local self-government that qualifies as an integral part of the national structure and the level of government closest to the citizens, which is best for creating the conditions for building a harmonious community to which citizens would feel and be responsible for their belonging. The basic principles of local self-government are defined: the will of the people is the basis of government power; effective participation of all elements of society properly in the preparation and implementation of national plans and programs of social and economic development; strengthening local government through more effective and democratic policies; Decentralized decision-making, which reduces the center's overload, as well as improves and accelerates government actions.

The main part of the document reveals the constitutional basis of local self-government, in particular: local self-government is the right and the responsibility of local authorities to regulate and conduct public affairs under personal responsibility and in the interests of the population. The competence of local self-government bodies, which includes taking into account the existing order in each state, includes: the right to act on its own initiative, the ability to identify the initiative and make decisions independently, adapting the implementation of laws to local conditions, rationally and efficiently sharing the right to make decisions with other levels of government on the ground. The concept of local self-government bodies is defined by the free fulfillment of their functions, the guarantee of social security, clear statutory registration of functions and types of their activities aimed at the free use of local

⁹ Європейська хартія місцевого самоврядування. URL: http://zakon.rada.gov.ua/laws/show/994_036.

¹⁰ Баймуратов М.О. Міжнародні зв'язки і стандарти в системі місцевого самоврядування України. Муніципальне право України: підручник. Київ: Юрінком Інтер, 2001. С. 315–348.

government funds within their powers, self-regulation of taxes, granting of subsidies based on the principle of denial inappropriate interference with local government policies. Local self-government bodies can create their own associations, use legal means to protect their autonomy within the boundaries of laws that define their functions and protect their interests¹¹.

In June 2002, 113 Recommendations of the Congress of Local and Regional Authorities of Europe "On Relations between Public, Local Council and Executive Power in Local Democracy" was adopted. Recommendation 113 sets out the basic principles that govern the relationship between the public, the local council and the executive branch in local democracy:

- direct representative local democracy – in all member states of the Council of Europe, local democracy is based on the fact that the local community is represented by the councils whose members are directly elected by the people;

- citizen participation – for the proper functioning of local democracy, it is important that the links between local authorities, elected representatives and the public be strengthened;

- the relationship between the councils and the executive branch.

Later (in 2005), the Permanent Conference of Local and Regional Authorities of Europe adopted Recommendation 182 "On Public Participation in Local Matters and Elections"¹². One of the great achievements of this document is the notion that the right of citizens to participate in public administration is a key element of any democracy, and active participation is a sign of the viability of democracy.

Thus, according to the main international, intergovernmental and regional documents, the issue of decentralization of state power is considered one of the most important in the process of further democratization in the countries of the world. This process is continuous and new entrants are constantly connected to it, and the worked out principles, mechanisms and procedures for decentralization of state power are further elaborated and refined.

¹¹ Петришина М.О., Петришин О.О. Міжнародно-правові стандарти у сфері місцевого самоврядування. Харків: Право, 2016. 44 с.

¹² Серьогіна Т. В. Адміністративно-територіальна реформа як складова децентралізації влади в Естонській Республіці. Public administration aspects. 2015. № 4. С. 36–44.

1.3. Practical steps in the reform of decentralization of state power in Ukraine

The formation of the legal basis for the decentralization of state power in Ukraine began with the time Ukraine became independent, and for the whole time this process has undergone a number of essential stages, which have their own peculiarities:

Stage 1 – 1992–1997 – characterized by the foundation of the basis and the formation of the principles of the reform of local self-government;

Stage 2 – 1998–1999 – characterized by the first attempts to implement the administrative-territorial reform in Ukraine, which has not yet come to its logical end;

Stage 3 – 1999–2005 – characterized by the absence of any actions aimed at the extension of administrative-territorial reform;

Stage 4 – 2005–2009 – is characterized by the implementation of another attempt to introduce administrative-territorial reform in Ukraine, which also has not come to its logical end;

Stage 5 – 2009–2013 – is characterized by increased centralization of state power in Ukraine;

Stage 6 – 2014 – Present – is characteristic of the launch of decentralization reform and administrative reform.

That is, we have a situation where the need for decentralization of state power in Ukraine has long been formed, and the activation or decline of activity on the introduction of decentralization in Ukraine during the time since Ukraine became independent was the result of the preferences and wishes of the country's political elite for the time and political will and wishes of the president. As a result, there is often a duplication of powers of public authorities of different levels, which creates inconsistencies in the competence of local governments and local authorities, the impossibility of full separation of powers between local authorities and executive authorities. This, in turn, reduces the efficiency of the work of local self-government bodies, makes them, to a certain extent, an appendage of executive power on the ground, provokes excessive administrative centralization and the expansion of the administrative apparatus of executive power in the field.

Another aspect of the ineffective organization of executive power in Ukraine at the regional and local levels is based on the presence of two centers of public authority in the region and district. Both oblast (rayon)

local state administrations and regional (rayon) councils consider themselves as priority territorial institutions of power¹³, which objectively causes the competition to compete for these bodies and, as a result, objectively leads to conflict situations in solving issues of socio-economic and cultural development of territories. Also, the lack of a clear division of powers between local state administrations and local self-government bodies is often the result of misuse of regional (district) local state administrations when they affect local self-government bodies in making decisions on socio-economic and cultural development of territories in order to protect certain political and corporate interests, or when decisions taken by them actually do not take into account the interests of the population, do not contribute to solving social issues. tial economic development areas. The peculiarity of the Ukrainian model of local government organization is that local executive authorities are created and act not for the purpose of exercising control and oversight functions regarding the legitimacy of local self-government (as in Western European countries), but they assume the main authority to manage the respective territories. In fact, public authority at this level is realized through a system of political and economic dual power: there are appointed local government bodies, which are formed from the center of the head of state administrations, and elected by the communities. This leads to difficulties in differentiating powers between executive authorities and local self-government. The most effective solution to the above and a number of other problems of the development of local self-government can be realized in the complex – by reforming the system of local public power, the content of which should be further decentralization¹⁴.

In April 2014, the Cabinet of Ministers of Ukraine approved the Concept for the Reform of Local Self-Government and Territorial Organization of Power in Ukraine (hereinafter referred to as the Concept), the main idea of which is decentralization of power in the country, the significant expansion of the powers of territorial communities, change of the management system at the regional and district levels on a basis, defined and implemented by the European Charter of Local Self-

¹³ Чернопиский П.Б. Конституційна реформа і конституційний процес: до питання співвідношення. Закарпатські правові читання: Матеріали ІХ Міжнародної науково-практичної конференції (20-22 квітня 2017 р. м. Ужгород) / за заг. ред. В.І. Смоланки, О.Я. Рогача, Я.В. Лазура. Ужгород: ТОВ “РІК-У”, 2017. Т. 1. С. 109–112.

¹⁴ Децентралізація публічної влади: досвід європейських країн та перспективи України / Бориславська О.М., Заверуха І.Б., Школик А.М. та ін. Київ: Софія, 2012. 212 с.

Government. The concept defined the purpose, ways and direction of reforming the system of local self-government and territorial organization of power.

According to the foundations that underlie the general provisions and principles of the European Charter of Local Self-Government, the reform of countries towards decentralization should be carried out in the following areas:

- introduction of a three-tier system of the administrative-territorial organization of Ukraine – the region, district, the community with the general nature of local self-government;

- transfer of functions of executive power from local administrations to executive bodies of councils of the corresponding level;

- distribution of powers between local governments on the principle of subsidiarity and the provision of communities with the widest possible range of powers;

- clear provision of powers of local self-government bodies with the necessary financial resources, including through their participation in national taxes;

- the elimination of state administrations and the creation of state offices with only supervisory, supervisory and coordination functions, but not executive functions¹⁵.

The said Concept within the framework of the implementation of the European Charter of Local Self-Government sets forth the following basic requirements for reforming the system of local self-government:

- the basis of the new system of local self-government should be the united territorial communities, which are formed according to a legally determined procedure with their own bodies of self-government, including executive bodies of councils. Residents who are united by permanent residence within the limits of a village, settlement, city, which are not an independent administrative-territorial unit, form the bodies of self-organization of the population that are included in the system of local self-government bodies of the respective territorial community, which is an independent administrative-territorial unit;

- absence on the territory of a territorial community (administrative-territorial unit) of other territorial communities (administrative-territorial units of the same level); definition of clear boundaries of each territorial

¹⁵ Європейська хартія місцевого самоврядування. URL: http://zakon.rada.gov.ua/laws/show/994_036.

community (administrative-territorial units of the same level); widespread jurisdiction of local self-government bodies in the territories of the respective administrative-territorial units;

- formation by regional and district councils, as bodies of regional government, own executive bodies;

- definition of full and exhaustive compulsory powers of local self-government bodies of the basic, district and oblast levels with the obligatory application of the principle of subsidiarity;

- the formation of powers of local executive bodies is carried out after the determination of powers at each level of local self-government;

- powers to bodies of local self-government are transferred by the state, if representative bodies of local self-government and executive bodies subordinated to them are created at the appropriate level;

- in the process of transferring powers to the bodies of local self-government, the state takes into account their ability to exercise these powers; adequate level of financial provision of powers of local self-government bodies is provided;

- legislative definition of standards of services (administrative and social), provided at each level of local self-government; establishment of indicators and criteria for evaluating the quality of these services;

- an effective and procedurally determined system of control by local authorities is ensured for the implementation of the Constitution of the local self-government bodies and the laws of Ukraine;

- a legally defined clear system of control over the activities of local self-government bodies is created by the inhabitants of territorial communities and their associations¹⁶.

To achieve the best effect and the most significant results from the decentralization of state power and the reform of the administrative-territorial system in Ukraine can be achieved by combining several important elements of the functional and organizational-legal provision of these reforms. It is precisely the use of the best international practices and the achievements of the foreign experience of decentralization of local self-government in Ukraine as the main direction of constitutional reform and the prerequisites for further European integration should help to obtain the

¹⁶ Концепція реформування місцевого самоврядування та територіальної організації влади в Україні: схвалена розпорядженням Кабінету Міністрів України від 1.04.2014 р. № 333-р. URL: <http://zakon4.rada.gov.ua>.

best results. Particularly in this field, attention should be paid to the follow-up and implementation of the following actions:

- continue to implement budget decentralization, which will enable to accumulate more financial revenues at the local level and thus more effectively solve socio-economic problems of the community, minimizing subsidies and subventions from the State Budget of Ukraine (elements of the French model of organization of local self-government activities);

- to stimulate the unification of territorial communities unable to cover their own needs at the expense of local budgets (consolidation of administrative-territorial units). Such an initiative is already being implemented, but it has no logical conclusion, since the activity of local governments is extremely low (elements of the Swedish and Italian models of administrative reform);

- to stimulate the unification of resources of territorial communities for solving common socio-economic problems of development of territories without borrowing subventions or subsidies from the state budget. It envisages widespread implementation of relations of cooperation in financial, material, administrative and other resources of local self-government bodies to create and ensure the implementation of joint programs financed from local budgets under predetermined conditions (elements of the French model of organization of local self-government);

- to intensify local initiatives of local self-government bodies for the development of the economy of territories, in particular by involving municipal enterprises in participation in economic activity, but solely on the basis of competitive struggle with the private sector. In this way, you can achieve an increase in direct revenues to local budgets in the form of profits of such enterprises;

- creation of prerequisites for increasing the legal force of normative acts adopted by local self-government bodies, thereby expanding their capabilities in the field of local rule-making. Such changes will make it possible to respond more quickly to changes in socio-economic and public-political nature at the level of individual territories without the involvement of central authorities (elements of American and British models of organization of local self-government);

- creation of a vertical control over the activities of local self-government bodies, defining essential criteria for the activities of such institutions: compliance with the laws of Ukraine; targeted use of local

budgets; preventing separatist sentiment; prevention of the provision of unlawful preferences by local governments to economic entities¹⁷.

A separate important issue that is being addressed in the process of decentralization of state power by EU institutions to improve the existing governance system is to increase the activity and increase the efficiency of civil society, to better involve civil society in the processes of policy-making and policy-making at the level of individual countries and institutions of the European The union In this regard, activities in this area should be based on such principles and in compliance with the following requirements and principles:

- openness – involves active communication with the public in relation to the tasks and responsibilities of various authorities and state institutions, as well as decisions taken by them;

- participation – involves the perception of citizens and their organizations not as passive objects (or subjects) of policy and administrative decisions, but as direct, active and interested parties who have the right to participate widely in the process of making administrative decisions at all stages of policy – from the initial stages and throughout the cycle of policy and management;

- accountability based on the principles of the right of Europeans to "good governance", in addition to the traditional types of responsibility (political and administrative), also implies a duty to respond to the needs of citizens. This requires a clear division of responsibilities, not only between decision-makers and institutions, but also between them and civil society institutions. It also implies a higher level of responsibility on both sides;

- efficiency: state policy, legislative and regulatory systems must meet real social needs, have clear goals and be taken into account in assessing their expected impact and previous experience. Political and managerial decisions must be made in a timely manner and include a degree of flexibility in their implementation in order to take into account local conditions or specific features of the management sphere;

- coherence – requires not only political leadership, but also greater consistency between the various instruments, policy mechanisms and different strategies for influencing one and the same reality¹⁸.

¹⁷ Хорт І.В. Використання закордонного досвіду децентралізації місцевого самоврядування в Україні як основного напрямку конституційної реформи та передумов для подальшої євроінтеграції. / Децентралізація в Україні: законодавчі новації та суспільні сподівання. Київ: Інститут законодавства Верховної Ради України, 2015. С. 255–261.

In the conditions of decentralization and reformation of local democracy, local self-government faces new challenges and challenges, the solution of which involves an effective and rapid response both at the organizational and regulatory levels. Among the main ones we distinguish the following:

- solving the problem of economic insolvency of the overwhelming majority of territorial communities and local self-government bodies regarding the implementation of their own and delegated authority (economic factor);

- solving the problem of resource insufficiency in the budgets of territorial communities development for investment in infrastructure (resource factor);

- effective overcoming of the crisis of communal infrastructure, threatening wear of heat, water and sewage, water supply networks and housing stock, which determines the occurrence of man-made disasters (infrastructure factor);

- the need for a "competent revolution" due to the lack of a clear division of powers between levels, bodies and officials of local self-government, resulting in duplication of powers, competing competence and a number of principles for the emergence of competency disputes between the named actors at different levels (competence factor);

- overcoming the lack of faith and alienation of local governments from the population and their corporatisation, closure and lack of transparency of activities, ineffective utilization of communal property, land resources, corruption, paternalism in relations with the population (communicative and subjective factor);

- overcoming the crisis in the personnel policy of local self-government, the system of training, retraining, training of officials, local government officials, local councils deputies (staffing factor);

- overcoming the underdevelopment of the independent social sector of social initiatives and social economy for the production of social, cultural, residential, informational and other services for the population; creation of proper conditions for the use of the resource potential of this sector in local development (the factor of undeveloped infrastructure of the territorial community itself);

¹⁸ Пилипишин В.П. Вплив процесів інтеграції на національні системи державного управління. URL: <http://archive.nbu.gov.ua/e-journals/FP/2011-/11pvpdu.pdf>.

– effective development of forms of direct democracy, overcoming their underdevelopment and the lack of skills of direct participation in decision-making on local issues (the factor of the deficit of participatory democracy);

– overcoming the social disintegration of territorial communities and the inability of residents to take joint action to protect their rights and defend their interests in cooperation with local self-government bodies and local executive authorities and achieve common goals of community development (motivational factor);

– overcoming a complex demographic situation in most territorial communities and worsening the quantitative and qualitative parameters of human resources through their optimization (demographic factor).

The result of this decentralization reform in Ukraine should be the formation of a new democratic model of governance focused on strengthening the role of territorial communities, which will enable them to gain a significant amount of power and control over their own affairs.

2. Reforming the budget system of Ukraine in terms of decentralization of power

Within the framework of decentralization, the reform of inter-budgetary relations, changes in budgetary regulation and the budget system takes place. The role of the budget in the state is determined primarily by the level of provision of financial resources, the needs of economic and social development of society, which is carried out on the basis of distribution and redistribution of gross domestic product. At the same time, the budget serves as an important means of solving problems envisaged by the state's economic policy. Possibilities of using the budget as an economic tool for influencing social and economic development of society are caused by a number of factors, among which the following are the key ones:

– the budget as an objective economic category reflects distributive relations that directly affect the economic interests of all subjects of society: the state, economic entities and the population. It is the distributive relationship and the intensity of their target orientation that actively influences the development of social production, contributes to the growth of its efficiency.

– the budget as an economic category is closely linked to the entire field of commodity-money relations. The movement of funds and goods,

the formation and use of financial resources, pricing, the formation of consumption and accumulation funds – all this is economic relations, which in one way or another are reflected in the budget. Hence the adequate effect of it on social production, since the budget affects it not isolated from other economic categories, and simultaneously and simultaneously with them.

– the budget is closely connected with the whole sphere of commodity-money relations, at the same time, occupies a special place in this sphere. The budget is an integral part of the economic policy of the state, which reflects the economic relations between the subjects of society, and acts as an important means that actively influences social and economic development of society, on all aspects of social relations. The budget concentrates the economic potential of society, is an effective means of growth and improvement of social production¹⁹.

– the budget reflects the results of one of the main functions of the state – the management of the economy, which is an interconnected system of administrative and economic methods, with which the state deliberately determines the process of expanded reproduction. All large-scale economic events in the society occur with the direct use of the budget.

Reforming the budgetary system of Ukraine in the part of decentralization of power should take place taking into account such important principles as stability, justice and stimulation of entrepreneurial activity among citizens, as well as stimulation of investment and innovation activity. To test the hypothesis of the effect of scale. Successful budget decentralization involves the following steps:

1. Establishing, in accordance with the provisions of the Concept of Reforming Local Self-Government and Territorial Organization of Power, their territorial basis of activities.

2. The division of powers between local governments to transfer them to the authorities close to the population.

3. Distinction of powers between local governments and executive authorities: the main powers of local state administrations are transferred to local self-government bodies, and the executive authorities only leave control.

4. Determination of the need for financial resources and implementation of measures aimed at filling local budgets.

¹⁹ Коваленко Д.І. Фінанси, гроші та кредит: навч. посібник / Д.І. Коваленко, В.В. Венгер. К.: Центр учбової літератури, 2013. 578 с.

5. Introduction of accountability of local governments to voters and the state for the effectiveness of its activities²⁰.

The key areas of fiscal decentralization, which are determined by the need to address shortcomings and address the problems of the current model of intergovernmental fiscal relations, include the following:

1. Reducing the quality of public services due to insufficient financial support of local self-government bodies for carrying out delegated authorities and a tendency to decrease its volume in recent years. In order to ensure the stable execution of powers delegated by the state, the share of its own resources from the realization of self-government powers imposed on them by the legislation is sent annually.

2. Low level of financial-resource base of local self-government bodies for realization of their own powers. In Ukraine, the share of expenditures of local budgets on the exercise of their own authority is the smallest among the countries of Europe. If in the structure of expenditures of local budgets expenditures on own authority in Poland make up 26.6%, Latvia – 34.2%, Slovakia – 31.6%, then in Ukraine the same indicator is only 9.2%.

3. Reducing the level of budgetary provision for the maintenance and development of local infrastructure. This indicator is 448 UAH per capita in Ukraine. and is the lowest among European countries. There is uncertainty about the prospects for modernization of fixed assets of local self-government (with the current system of financial support of local self-government, the update will last more than 58 years).

4. Growth of local budget deficits due to poor central budget planning and the resulting deterioration in the quality of public services provided by local government bodies. In particular, in 2017, 472 out of 692 local budgets (over 68%) having direct intergovernmental fiscal relations with the state budget did not fulfill the calculations of the Ministry of Finance of Ukraine, and the volume of local government debt amounts to more than UAH 9.8 bn.

5. Limitation of the ability of local self-government bodies to dispose of their funds through blocking them in the system of the State Treasury Service of Ukraine.

6. The absence of a valid system of social standards and norms of the algorithm for the clear definition of the value of a public service and,

²⁰ Кузькін Є.Ю. Вплив децентралізації на розвиток регіонів. Наукові праці НДФІ. 2016. № 3 (76).

accordingly, a lack of financing of their provision at the level of local self-government. As a result, budget institutions have some problems with logistics, with skilled personnel, the size and conditions of remuneration which are worse than in the private sector of the economy.

7. The lack of opportunities for local authorities to attract cheap financial resources from foreign creditors, as the mechanisms for obtaining local borrowing and providing local guarantees are strongly bureaucratized by law. For example, the right to participate in such operations for settlements with a population of up to 300 thousand people is limited, and decisions on the approval of conditions and amounts for the implementation of local borrowings and the provision of local guarantees are taken by profile ministries and services on the basis of subjective criteria)²¹.

Modern reform of the budget system should be carried out according to the following principles:

1. In the budget process:

– inventory and assessment of budget funds as the basis for budget formation and definition of long-term goals of fiscal policy;

– introduction into the budget process of the system of economic and financial forecasting, development, implementation and evaluation of the implementation of medium and long-term fiscal policies, ensuring long-term budget balancing, prioritizing and optimal correlation of current and investment expenditures, own and borrowed funds;

– improvement of the depth and accuracy of budget planning, reducing the number of revisions of budget parameters, ensuring the timeliness of current settlements and repayment of accrued debts that arose earlier;

– distribution of budgets of current and capital costs, development and compliance with investment process standards, application of the formalized methodology for selecting and evaluating the effectiveness of investment projects, criteria for their financing from budget funds;

– improvement of the treasury system of budget maintenance in order to ensure the efficiency of management of budget resources, increase their liquidity, record budget commitments, consolidate extrabudgetary funds, ensure transparency and targeted use of budget and extrabudgetary funds;

²¹ Лондар Л.П. Напрями реалізації політики децентралізації в умовах розширення прав місцевих органів влади і забезпечення їх фінансової та бюджетної самостійності / Л.П. Лондар // Серія «Економіка». 2015. № 61.

- ensuring transparency of the budget process for legislative bodies, local self-government, population, investors, creditors of the country;

- creation of a system of training and retraining, training of employees of financial institutions in order to improve the efficiency of financial management at the state and local levels, development and introduction of modern management methods, including through the use of technical assistance and advisory services.

2. In the field of intergovernmental fiscal relations:

- ordering the budgetary system and ensuring the balance of budget commitments and sources of state and local budget revenues;

- a clear separation of expenditures of state and local budgets on a long-term basis, using common criteria and approaches;

- reduction of obligations of local budgets not provided with sources of financing;

- the long-term differentiation of sources of income formation of budgets of different levels, as well as the establishment of uniform norms of deductions from national and local taxes to the budgets;

- creation of an objective and transparent system of distribution of financial assistance to local budgets on the basis of estimates of tax capacity and regulatory expenditures of local budgets;

- monitoring and assessing the state of local budgets, creating incentives for local governments to improve the efficiency of local financial management.

3. In the field of management of budget expenditures:

- formation and use of criteria for spending budget funds and assessing the effectiveness of these costs, conducting regular surveys and audit of budget expenditures;

- certification and standardization of public services, the introduction of formalized methods for assessing their full value, taking into account financing at the expense of budgets, as well as the quality and accessibility of public services;

- ensuring the optimal level of independence of budgetary institutions, creating incentives for their effective use of budget funds;

- restructuring of budget institutions and state enterprises, expansion and stimulation of access to the market of public services of other legal entities;

- reduction of budget subsidies provided to the branches of the economy, including housing and communal services;
- transition to targeted social assistance to low-income citizens in the form of cash compensation;
- development of the system of state procurement and procurement on a competitive basis in order to meet state needs;
- increase of efficiency of budget investments in infrastructure necessary for maintenance of state needs;
- limitation of participation of state authorities and local self-government in commercial activities²².

3. Development of mechanisms of realization of social policy of the state at the local level

The decentralization of power implemented in Ukraine, aimed at increasing the role of local and regional authorities and government. It is they who are able to perform most of their tasks and social policy effectively, as this process can take into account the various specific socio-economic features, cultural and historical traditions of the region and the locality. This makes social policy more flexible, dynamic, more adequate to the needs of social practice, social life. Decentralization in social policy will not only not reduce the effectiveness of its implementation, but will also strengthen it as a coherent system that allows each entity, an element of its structure, to focus on a particular vertical or horizontal level in solving its tasks.

The basis for a new philosophy of implementing social policy in its centralized and decentralized dimension should be the weighted, gradual but decisive shift of such a policy from one-dimensional and monotonous to multidimensional and diverse. Social policy reflects the social being, the processes of social development, which in themselves are multifaceted, multidimensional. Consequently, social policy, implemented on scientific principles, should be multidimensional and multi-level, with various directions, social measures, which differ both in terms of content and form of implementation.

The reform of social policy involves the creation of conditions for enrichment as a social being, especially in its regional dimension, as well

²² Реформування бюджетної системи України на інноваційних засадах : монографія / колектив авторів [заг. редакція Ф. О. Ярошенка]. – К. : Міністерство фінансів України, 2010. 544 с.

as the content and directions of the implementation of social policy, the combination in the process of its implementation of centralized and decentralized principles. Any simplification of social policy, any of its association, reduction to one-dimensionality, monotony, impoverishes the social policy of the state, deprives it of alternative development as an important basis for its stability. At the same time, the multifaceted social policy involves the formation and implementation of its general principles, a unified philosophy on a nationwide scale.

The new philosophy of centralizing social policy should not be based on the resuscitation of centralism of the past decades, not on restoration of the structure of centralization of the Soviet times, but on the reformation of the content and forms of such centralization on the basis of a dialectical combination of state administration and regional self-government in implementing social policy, optimal interconnection of regulation and self-regulation in the development of processes of social life²³.

In view of the fact that centralized management is an instrument of the state's implementation of social policy, it should be based on management activity, which excludes the sole, unilateral adoption of other state decisions in the sphere of social development, at the same time, only at the highest level of the state, a mechanical increase in structure managerial hierarchy of the number of required levels.

The new philosophy of centralized management as a means of implementing social policy should be based on a system of varieties of managerial decisions in the field of social being, adopted by various actors of social policy at all levels of the management hierarchy, including lower ones; it should be based on the full independence of such entities, which is a prerequisite for the processes of differentiation of social policy, an organic combination of centralized and decentralized principles in its implementation.

It is possible to achieve the best results in the implementation of social policy only if further decentralization of state power, the refusal of cross-cutting and comprehensive centralization is possible. As a subject of social policy, the state itself should define and develop only the general philosophy of social policy, the basic principles of such a policy, as well as strategic directions of activity of regions for regulating the processes of social life. In addition, the state is assigned a coordination function, which

²³ Харченко А.М. Соціальна проблема глобалізації – бідність: шляхи її подолання. Трансформація глобальної економіки. 2012. № 1 (5). С. 7–12.

is to determine the main priorities among the most radical and global problems of social development of the state.

At the same time, the subject of implementation of social policy at the local level of the state becomes a region, which is assigned the task of implementing the social policy of the state. It is useful for regions to become free creative self-organization and self-regulation of local social potential. An indispensable factor in the optimization of centralized principles in social policy carried out by central authorities should be the final overcoming of command and administrative elements in the realization of its tasks, creation of conditions for the full functioning of self-regulatory processes of development of social being²⁴.

The result of this process should be the output of central government agencies for a comprehensive analysis of trends that have an impact on the development and functioning of the region, to foresee both positive and negative factors that have an impact on the social development of the region.

The new concept of centralized management as a mechanism, instrument for implementing social policy should proceed from the need to consider the region not only as an object but as an active subject of social activity with a high level of self-regulation of local social and economic potential. This implies high flexibility in the process of such centralization, the independence of regional policy actors in solving the tasks in the sphere of social life, their constant readiness for social innovations²⁵.

The main task of the centralized management should be, first of all, to ensure conditions for a full-fledged free social activity of various subjects of social policy, first of all personality, in establishing a mechanism for the free expression and realization of the will of people living in these regions in the sphere of economic, social relations, their creative amateur action. Such centralization should include the creation of conditions for the consolidation of a growing diversity of variants of life in society, excluding any form of administrative regulation, petty regulation of behavior and activities.

The state as the coordinating subject of social policy, focusing on the key, most global and fundamental problems of regulation of social processes, in particular, on the implementation (and financial support) of national social programs, the provision of social guarantees established by

²⁴ Герасименко Г.В. Концепція соціальної держави: еволюція наукових поглядів і сучасні виклики. Вісник ХНУ. Серія «Економічні науки». 2012. № 3. Т. 1. С. 202–205.

²⁵ Харченко А.М. Соціальна проблема глобалізації – бідність: шляхи її подолання. Трансформація глобальної економіки. 2012. № 1 (5). С. 7–12.

law, the main functions related to implementation multifaceted, concrete tasks of social policy, should be transferred to local and regional authorities²⁶.

This is due to the fact that most social development issues need to be addressed at the local, regional level, and therefore implementation of the basic, everyday tasks of social policy should be directed at this level. The socioeconomic feasibility of decentralization determines the need for local government bodies to implement the main components of social programs, namely:

- creation of conditions for strengthening of social security of a person, his social protection;
- realization of human health;
- development of education and culture, etc.

At the same time, the process of decentralization of social policy should establish an adequate financial and economic base, fiscal policy that would allow local authorities to ensure the implementation of social programs with an appropriate amount of financial resources. At the same time, the state should control the financial autonomy of local authorities and regions in order to ensure the development of the social sphere.

Thus, the main task, the guideline and priority of the process of implementing the social policy of the state in terms of its centralized and decentralized principles is the decentralization of public administration by transferring the main regulatory functions of public administration from top to bottom to the regional, local level through their redistribution. At the same time, the implementation of social policy is incompatible with excessive centralization, rigidity and excessive decentralization. Extremists inevitably lead to the loss of dynamism in social policy, and therefore a sense of measure between centralism and decentralization in its implementation is necessary.

CONCLUSIONS

At the current stage of Ukraine's development, the decentralization of state power is not so much and not only a requirement of time or commitments made by Ukraine under the European Charter of Local Self-Government and other documents, as the desire of the domestic community to introduce qualitative changes that would correspond to

²⁶ Семів Л.К., Семів р.А. Економічні аспекти функціонування місцевого самоврядування. Регіональна політика України: наукові основи, методи, механізми. 1998. Ч. I. С. 223–228.

further democratic development. States, allowed to carry out systemic reforms of central bodies of state power and local self-government, would help to overcome widespread corruption in the country, the formation of a functioning civil society and its involvement in the formation and implementation of state policy.

The implementation of the reform of state power involves the implementation of a wide range of complex and diverse democratic measures, redistribution and division of powers and responsibilities between state authorities and local self-government bodies, transferring from the state to a wider range of functions and resources, financial and material, etc., to the bodies of local self-government.

The international and European experience in particular shows that an efficient decentralized system of territorial organization of public administration and governance is an integral part of a modern democratic, rule-of-law state. The institutional basis of such a system is the ability of local self-government and the participation of citizens in management at the regional level, as a result – balanced regional development.

SUMMARY

The section is devoted to the definition of theoretical and methodological aspects of the reform of decentralization of state power, the reasons that led to the spread of the decentralization process in the world and Ukraine, the main achievements of decentralization. The author carried out the classification of decentralization in view of its main features, the main forms of transfer of authority from the central to the local level are allocated. Given the fact that the introduction of decentralization is a long and complicated process, a number of successive stages of this process are identified with the corresponding phases inside, the failure to comply with general logic leads to a loss of balance of public authority.

One of the most important aspects of the success and effectiveness of the management process on the basis of decentralization already made is the correctness of choosing the balance of relations between the territory and the center, the division of powers between the state and local levels of state power. For this purpose, the author proposed a scheme of distribution of powers between state and local levels of state power.

Separately, the issue of regulating the decentralization of state power in international law is considered. It is established that the main

international instruments that reflect the principles and mechanisms of decentralization are: international standards and principles of the Strategy for Sustainable Development, United Nations Program, European Charter of Local Self-Government, OECD experience, Fiscal Transparency Guide, Code of Good Practice on the transparency of the IMF's fiscal system. The principles of decentralization, which are fundamental for the formation of the European (democratic) model of power at the subnational territorial levels, are highlighted.

The analysis of practical steps of the decentralization of state power in Ukraine is presented, the stage of this process has been staged since Ukraine became independent until the present. There are a number of key measures and actions to be taken to get the best effect and the most significant results from the decentralization of state power and the reform of the administrative-territorial system in Ukraine.

The issue of reforming the budget system of Ukraine in the part of decentralization of power is paid attention. It is determined: key directions of implementation of budget decentralization, in order to eliminate the shortcomings and solve the problems of the current model of intergovernmental fiscal relations; the principles upon which modern budget system reform is to be implemented. The issue of development of mechanisms for realization of social policy of the state at the local level is considered, because the decentralization of power implemented in Ukraine is aimed at increasing the role of local and regional authorities and administrations that are able to effectively carry out most tasks and social policy on the ground.

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Information about the author:

Shpachuk V. V.,

Doctor of Science in Public Administration, Docent,
Professor of the Public Governance and Administration Department,
Taurida National V. I. Vernadsky University,
33, John McCain str., Kyiv, 01042, Ukraine

STATE POLICY OF DEVELOPMENT OF INDUSTRY IN UKRAINE: TERRITORIAL ASPECTS

Hornyk V. G.

INTRODUCTION

In Ukraine, the regional industrial policy is in the stage of formation, it is necessary to take into account the rich experience of the countries of the European Union in its implementation. Thus, the main directions of the regional policy of the European community, which included industrial policy directions at the regional level, were set out in February 1987 in the report of the European Commission. The regions were defined as backward, depressed and borderline. Deprived are considered to be regions that have a traditionally low standard of living compared with the bulk of the country's regions. Typically, for such regions characterized by long stagnation, low efficiency of economic activity, non-diversified industry structure of industry, underdeveloped social sphere. Depressed regions are fundamentally different from the backward ones because, in the absence of current socio-economic indicators in the past, these regions belonged to developed regions of the country. As a rule, they have a fairly high level of production and technical potential, a significant part of industrial production in the structure of the economy, skilled personnel. But for various reasons (due to lower demand for basic products or reduced competitiveness, exhaustion of minerals), such regions have lost their former economic value. At the same time, the duration and depth of regional depression is determined by the composition of those industries, the crisis in which became the main cause of the spread of depression throughout the region's economy. According to this feature, depressive regions can be divided into old-industrial, agro-industrial and mining. As a rule, the cause of the formation of depressed regions is the transformation of the country's economy within the transitional phase. Old industrial regions suffer, as a rule, from the severance of economic ties, the reduction of state orders for defense products, and imbalances in prices. Typically, the old industrial regions are characterized by a set of common features in different countries. Extractive depressive regions arise, as a rule, in local

mining and forestry zones located in sparsely populated areas of the state. The dominant problem of this group of depressed regions is the lack of opportunities for the creation of alternative productions, the need to maintain the functioning of the infrastructure, and the organization of the resettlement of the surplus population.

The notion of "border region" implies that its territory is significantly affected by the state border. In the new border regions there is a need to change the configuration of transport and engineering communications, reorientation of the economy, changes in the regime of nature use, etc. The development of foreign economic relations of the border regions should compensate for their remoteness from the economic centers of the state, but, on the other hand, this should not create problems for intra-regional interregional economic ties.

According to this classification, in the current regional policy of the European Union countries are distinguished the main directions of implementation of industrial policy, in each direction developed international programs that address the circle of common problems for a certain category of regions. And they already have so-called "growth poles" and "poles of development", which are formed on the basis of dynamic branches of production (machine-building, chemical, electrotechnical industry, etc.). Economic entities operating in such industries have a dynamic impact on the environment, that is, they increase the demand for products of passive industries (light industry, agriculture, etc.) and cause the formation of poles of development in this territory. Similar "poles" in different territories tend to one another, and therefore between them gradually established economic ties, that is, there are areas of development. In turn, development zones are united through communications and create a complex system of mutually beneficial economic structures that can go beyond the country. As we see, the modern regional industrial policy of the EU countries is directly integrated with the innovation and science and technology policy, based on the common principles of economic growth on an innovative basis.

1. State regional industrial-innovation policy and territorial aspects of industrial restructuring

Ukraine's regional industrial policy is mainly aimed at mitigating the disparities in regional development. That is, the desire (mainly at the

legislative level) to develop and implement a set of measures to eliminate the unevenness of territorial development, especially in depressed and backward regions. And only at the conceptual level it is proclaimed that regional industrial policy should be adapted to the conditions of a post-industrial society.

Recently, regional policy has gradually adapted to the conditions of the post-industrial society. The development of the regions implies shifting the emphasis in the industrial-innovation policy to the regional level. Important steps in this process are the forecasting and programming of regional industry development. Creation in the region of an industrial complex of an innovative type, the structure of which would correspond to the resource potential of the state and the needs of the market, requires the forecasting and programming of industrial development, which becomes the main means of influencing the state administration to increase the manageability of the regional economic system. Promoting industrial development in the region is a promising development and application of combined methods: the principle of resource approach, extrapolation methods, regression and correlation models, normative forecasting of expert assessments, etc. Using European experience, in order to solve specific problems at the regional level, it is necessary to develop and adopt regional programs that cover several priority directions of industrial and innovation development.

Given the international experience of market reforms, the reform of the Ukrainian economy during the last decade was controversial. Basically, the foundation of a market economy has been formed, a critical mass of market transformations has been accumulated, and a mechanism for market self-regulation of the economy has been launched.

At the same time, in the last decade, measures to reform the economy have been inadequate, but largely inconsistent. This hampered the achievement of the expected results in the development of a highly effective, socially oriented economy¹.

The social conditions prevailing in transition countries dictate the need for a more courageous active policy of industrial restructuring at the local level.

In Ukraine, there is an excessive centralization of the policy of industrial restructuring. In fact, the restructuring of the industry takes place at the local

¹ Бодров В.Г. Трансформація економічних систем: концепції, моделі, механізми регулювання та управління. Навч. Посібник. – К. : Видавництво УДАУ, 2002, – 101 с.

level. It is here that people lose their jobs and then are forced to seek new employment opportunities. Basically, at this level there is a side effect of "localization" and "delocalization". Services should be provided locally and practically fully dependent on conditions created by local authorities. New enterprises and entrepreneurs are also formed at the local level. Therefore, growing interest in examining the role of local conditions and policies of local authorities in the context of restructuring is quite natural.

In Ukraine there is a significant number of mono-industrial cities. In terms of industrial restructuring, these territories create a number of very difficult problems compared to other areas with a diversified economic structure and cover many manufacturing sectors. This is due to the fact that in the latter case, the effect of restructuring and reduction of production in some industries can be offset by growth in others, and people who have lost their jobs can often find employment in the same area (ideally within the range of public transport in the area).

In mono-industrial cities, a local enterprise (in some cases the only large enterprise or association) not only produces a lion's share of production, but also often provides the bulk of services to the local population, including the organization of work for kindergartens, health care institutions, primary schools, provision housing, etc. In many such cities, the enterprise actually forms the city, and the local authorities themselves often provide a very modest set of services and, accordingly, poorly funded. In good times, under favorable economic conditions, such a mechanism can work very successfully, but in times of economic turmoil and in conditions of collapse in demand for their main products, the situation is unlikely to be sustainable. If the city-making enterprise takes restructuring measures, then employees can get rid of not only their work but also access to all other services provided by the enterprise. On the other hand, if such an enterprise is not rebuilt and will continue to provide the population with all the necessary services, then it will require large subsidies. Authorities in such a region are often prepared to accept this provision because they consider that the enterprises concerned are "too big to fail." In similar circumstances, the launch of the restructuring process requires synchronous reforms at once in several areas:

- the transfer of functions of local public services to local authorities (this reduces the cost of restructuring, which is significant for the company itself and, possibly, for the local population);

– the reform of the local government financing system so that the financing of these services does not depend on the taxes of a local large enterprise but provided on the basis of taxes collected at the national level or at least at a wider regional level;

– a policy aimed at supporting alternative business in these areas (cities); Such a policy may include, in particular, measures for infrastructure development, as well as legislative consolidation of forms of state regulation and entrepreneurship support, including the use of subsidies and subventions; state and local orders; providing loans and guarantees by state and regional authorities; assistance in the development of financial and industrial groups; financial support of regional financial institutions².

– the policy of facilitating the retraining of employees, aimed at ensuring their employment opportunities in new specialties;

– policies aimed at increasing the degree of labor mobility (in some mono-cities, such a policy may be the only viable long-term solution).

Here it is worth noting that some of these strategies involve enormous costs and in the short term may not be feasible. In addition, reforming funding mechanisms is a very complicated process, and it may take a long time to implement it effectively, especially in such a large country with heterogeneous conditions like Ukraine. On the other hand, the continuation of the practice of subsidizing non-prospective enterprises is also a costly business, since it leads to diversion of resources from more productive activities that could be developed at the expense of subsidized funds to artificial barriers to the creation of new enterprises in those or other sectors and sends the business community extremely harmful signals that economic insecurity can be tolerated, especially in single-sector cities.

In some cases, mono-cities are part of a larger region with a reasonable degree of diversification of the economy, which has prospects for the development of new activities. In such cases, when developing a proper policy for mono-cities, support can take into account the specifics of the relevant regional context, since problems that may seem insurmountable and related to excessive expenditures at the city's own level may be more likely to be solved within a larger territorial unit.

In the process of restructuring the industry at the local level, social costs are typical. These costs are related to unemployment, which, in the

² Державне регулювання економіки: Навч. посібник. – С.М. Чистов, А.Є. Никифоров, Т.Ф. Куценко та ін. – К. : КНЕУ, 2000. – 316 с.

case of a sufficiently dynamic economic development and the creation of a sufficient number of new jobs, should only be temporary.

In practice, in many transition countries, there is a completely different situation characterized by high unemployment, and these levels persist for a long time. In addition, empirical data on labor market behavior in countries with economies in transition show that many new businesses find their employees among individuals already employed in the private or public sector, and those who have lost their jobs as a result of restructuring often replenish an army of stagnant unemployment.

Implementation of public administration of the employment process at the present stage of development of the country is a qualitative indicator of the effectiveness of the state social and economic policy. The level of public administration in the employment process is directly determined by the state of the economy in which Ukraine is now. Among the problems in the labor market, the structure of employment and its efficiency remained difficult, which was directly related to the situation in different sectors of the economy, illegal labor migration and shadow employment. The inefficient employment structure reflects a model of economic development based on cheap labor. Therefore, the current state of the Ukrainian economy requires public authorities to develop a particularly well-balanced employment policy, since only positive changes in the structure of employment, in particular, the free movement of labor, leading to structural changes, could ensure the country's exit from the crisis and the transition to economic growth.

The main task of public administration in the process of employment of the population today is to reorient the course of solving social problems to the expansion of the labor market, which requires a clear organization of assistance in providing or seeking employment for all who wish to work. And only a comprehensive solution to these problems can lead to their successful solution. The new Law of Ukraine "On Employment of the Population"³ contains norms, which allow to bring Ukrainian public employment policy closer to European standards. The entire content of the public administration activities in implementing the employment policy should reflect the entire spectrum of active and passive measures of the state in the labor market and apply the most effective methods and methods of public administration taking into account the specifics of a particular region.

³ Закон України «Про зайнятість населення» [Електронний ресурс] / – Режим доступу: <http://zakon3.rada.gov.ua/laws/show/5067-17>

An important task of public authorities is the formation of a state employment policy, the essence of which manifests itself when it takes on the nature of managerial action that can solve the existing problems of society and the state. It is precisely the policy of employment that determines the system of priorities for state intervention in the economy and the social sphere of the country, which allows a reasonable distinction to be drawn between the objectives of public administration and the means of achieving them. But each stage of society's development corresponds to a certain concept of employment, because it highlights the processes of functioning of society⁴. Consequently, the concept of employment is not something unchanged, and its priorities, directions of development and other aspects can change, leaving, however, the unchanging socio-economic essence of employment. The achievement of the maximum possible employment is based on the current state of the economy in which Ukraine is now. There will be this goal until a full-scale systemic transformation takes place in Ukraine and no stable civilized market relations are established.

Only a modern approach to employment in public policy and, at the regional and local level, provides the right direction for solving all complex issues of employment.

The main functions of public administration bodies in implementing the policy of employment of the population are: definition of the purpose and tasks of the state management of employment of the population; strategy formation, current and long-term employment programs; coordination of interests of all subjects of public administration by the employment process; stimulating the processes of social and economic development for solving employment problems; monitoring and analysis of employment policy outcomes; control over the execution of specified tasks⁵. An important condition for the realization of these functions is the effective operation of all the institutions, which are defined as the subjects of the implementation of the employment policy, the development of scientifically based forecasting of processes taking place in the labor market.

⁴ Корецька С. Державна політика на ринку праці / С. Корецька // Вісн. НАДУ. – 2004. – № 4. – С. 291–296.

⁵ Гнибіденко І.Ф. Нові теоретико-методологічні аспекти дослідження властивостей та функцій сфери зайнятості / І.Ф. Гнибіденко // Проблеми науки. – 2005. – № 2. – С. 5.

In modern conditions, the Ukrainian state begins to evaluate in a new way the essence of the problem and its tasks, which stem from the general state of its socio-economic development. One of the essential features of the latest paradigm in managing the employment process of the population is its acquisition of a systemic character, which corresponds to those changes occurring at the level of objects of management⁶. In particular, the system approach involves the designation of governance models at their national, regional, and local levels. Since employment of the population is a multifaceted, complex problem, then all the structures of public administration can not be isolated from it. The stated position is based on the fact that they are in one way or another involved in the development and implementation of the national employment policy, the State and regional employment programs.

The implementation of a policy of employment by public authorities based on a systematic approach should be based on the following four principles:

- subordination to the requirements of the development of society, economy;
- priority measures that ensure socio-political stability in society;
- creation of economic conditions for a decent level of welfare of people;
- elimination or minimization of inequality in obtaining and preserving work, living standards, arising from the causes of disability, family circumstances and others.

The priority direction of improving public employment management is a profound analysis of the employment status, which should be considered not as a purely social phenomenon, which causes interest only in terms of unemployment, its professional aspects, but to be significantly deeper, since the structural crisis of the economy is also a crisis of the structure of employment, prevailing in the national economy of the country⁷. Under the conditions of long-term crisis reduction of production against the backdrop of progressive inflation processes, the problem of analysis and forecasting of employment of the population appears to the public authorities as an important condition for the effective development

⁶ Фірсова С.Г. Управління зайнятістю: системний підхід / С.Г. Фірсова // Формування ринкових відносин в Україні. – 2006. – № 12. – С. 162.

⁷ Вдовіна Г.О. Аналіз ринку праці: пропозиція та попит на неї / Г.О. Вдовіна. – Л. : Вид. ЛНУ імені Івана Франка, 2011. – 145 с.

of a well-founded integrated system of measures for solving employment problems. It enables to identify the nature and trends of ongoing processes and timely intervene when necessary to correct them.

At the state level, national employment policy priorities, state employment programs, legislative and regulatory frameworks should be developed. At the regional level, the strategy for implementing the employment policy is determined taking into account the specifics and features of regional development, location and territorial organization of production. At the sectoral and production levels, the employment policy is associated with specific production and economic tasks.

In a market economy, when the right to work is realized not through social guarantees, but through personal initiative, the problem of employment becomes especially acute, especially young people. Almost half of the unemployed in the world are young people aged 15 to 24 years old. It is only a quarter of the total population of working age, the probability of unemployment for young people is three times higher than for adults.

This problem is relevant for Ukraine as well.

The main factors influencing employment and inclusion of young people in work activity are personal potential and self-esteem, motives and value orientations, the degree of professional self-determination, level and quality of education, place of residence, degree of awareness, availability of work biography, social security and activities of the State Employment Service and etc.

According to the results of the surveys, almost 70% of school graduates are focused on studying at higher educational institutions, which is the result of the lack of a systematic approach to the formation of a conscious choice of professions required in the labor market. Unfortunately, enterprises and organizations practically do not engage in vocational guidance in general education schools, do not pay attention to these issues and the media. To date, the professional training of many young professionals who have graduated from higher education institutions practically does not meet the requirements of modern employers.

According to psychologists, after six months of job search begins the most dangerous phase of unemployment. For the phase, there are signs of destructive changes in personality, and in the future helplessness and

reconciliation with the situation. A person begins to get used to inactivity, loses professionalism and acquired skills.

Ukraine is still in a state of economic crisis, characterized by a significant decline in living standards, a decline in domestic production, which leads to unemployment. Especially in depressed regions.

Youth unemployment today is not only a problem for such regions of Ukraine, but has reached a global level and needs immediate resolution both in our country and in other countries; therefore, to overcome it is necessary to study both good and negative experience of other countries; joint efforts need to be implemented. from the governments of all countries and international organizations.

Negative consequences of such a situation on the global youth labor market, provided that the situation is not fully resolved, is difficult to predict.

State regulation of the youth segment of the labor market is still too complicated, does not always correspond to the realities of modern life, requires some adjustments and changes. The huge legal and regulatory array of youth sphere is not completely systematized, it requires some improvement and a more attentive attitude towards its formation.

Thus, a considerable number of issues of legal, economic, organizational, social nature that arise during the formation and functioning of the mechanism of the regional labor market have not yet been considered.

The mentioned problem is the subject of attention of research structures that analyze the problems of integration of young people in modern economic relations, consider the practice of state support for young people's economic activity. Legally stipulated obligations of the state to provide the able-bodied youth of the first workplace for a period of not less than two years, which is enshrined in Art. 197 Code of Labor Laws⁸ and Art. 7 of the Law of Ukraine "On Promotion of Social Formation and Development of Youth in Ukraine"⁹. The effect of these norms extends primarily to young people who have completed or stopped studying in general, vocational, educational and higher education

⁸ Кодекс законів про працю України [Електронний ресурс] – Режим доступу до ресурсу: www.rada.gov.ua

⁹ Закон України «Про сприяння соціальному становленню та розвитку молоді в Україні» [Електронний ресурс] – Режим доступу до ресурсу: www.rada.gov.ua

institutions, completed their professional training and retraining, and also retired from a regular military or alternative (non-military) service.

For legal provision of the practical implementation of the state youth policy, considerable work was done on the creation of a legislative and regulatory framework. The foundations of the state youth policy in the independent Ukraine were laid down in the Declaration "On the General Principles of the State Youth Policy in Ukraine" (December 15, 1992) and the Law of Ukraine "On Promotion of the Social Formation and Development of Youth in Ukraine" (February 5, 1993).

The Declaration "On the General Principles of the State Youth Policy in Ukraine" defined the place of the state youth policy in the activities of the state, its main tasks and principles of implementation. It was called the age of the citizens of Ukraine, which is subject to state youth policy: initially it was limited to 15–28 years, and in 1999 the Supreme Council of Ukraine lowered the lower threshold, defining it by 14 years¹⁰.

The Law of Ukraine "On Promotion of Social Inclusion and Development of Youth in Ukraine" regulates the issue of providing youth employment, creating youth labor centers, youth business centers, business incubators in Ukraine for the implementation of youth training programs for youth entrepreneurship.

The experience of countries with a developed market economy shows that the extent of state intervention in the labor market system is significant. The special policy of employment in the specified group of countries is measures for the employment of young people who are not trained. The state encourages employers to hire a given category by providing them with special guarantees, subsidies, tax breaks, etc.

This policy contains legal regulation in this area of government activity, the main aspects are enshrined in the laws. One of the forms of this mechanism is the creation of a network of state-owned specialized institutions, as well as financial support of the relevant youth organizations.

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¹⁰ Про загальні засади державної молодіжної політики в Україні: Декларація від 15 груд. 1992 р. № 2859-ХІІ [Електронний ресурс] – Режим доступу до ресурсу: www.rada.gov.ua

above main features of the situation mean that social restructuring costs are likely to be very high for those who are losing their jobs at companies undergoing restructuring. Therefore, it is important to consider ways to reduce these costs and the extent to which they create barriers that can slow down or block restructuring in practice. If we talk about reducing costs, then it is necessary to create a system of social insurance that would provide for people who have lost their jobs, at least defined basic minimum income, and such financial support should be supplemented by measures under the so-called active labor market policy. Such a policy implies addressing measures for the professional retraining of unemployed persons who have lost their jobs at specific enterprises, the unemployed who belong to the most vulnerable groups of the population. Although the performance indicators of such policies in many countries are very heterogeneous, some data indicate that such schemes yielded good results in Poland and Hungary, making it possible for those involved in such programs to find decent long-term work.

Consequently, active labor market policies can be effective if they are well-planned and supported by other strategies to support the development of local businesses. Such strategies are also more important from the political point of view because workers who are struggling as a result of restructuring are convinced of the desire and willingness of the state to give them a helping hand, and this should help the state to enlist the support of the workers even in a very tight policy. No less useful are the various forms of social dialogue with the participation of trade unions at the enterprise level, or tripartite negotiations between trade unions by employers' representatives and the government at the national level. Each participant – a state, a trade union and the directorate of an enterprise – is given a definite role in ensuring successful restructuring.

Much attention should also be paid to overcoming barriers to the professional and geographical mobility of the workforce. Ukraine has concerns about the protection of workers moving to new places on wages and working conditions, as well as, in some cases, on the age distribution of workers remaining in the enterprise undergoing restructuring.

Employers often do not pay close attention to labor force adaptation, perhaps because they simply assume the existence of an appropriate policy aimed at providing support and assistance to employees. The situation on the external labor market is often used as a threat to push internal

transformations into one or another enterprise. Geographic mobility is considered to be the most suitable option for most skilled and highly paid workers, but for most others it is unlikely to be an attractive or realistic way out. At the same time, large enterprises can often organize internally branded professional retraining to improve internal flexibility, and measures in this direction may include providing employees with a choice of work at another company or another company in the same group.

In Ukraine, the restructuring process is moving slowly within sectoral plans. Market forecasts on which such plans should be based may not be entirely reasonable, and the experience gained so far shows that employment and production volumes are not changing fast enough to increase productivity, product quality and sales revenue. Consequently, the progress made is insufficient for the most successful enterprises to become truly competitive and viable, and there are certain fears that the main market signals may not even stimulate "potentially healthy" enterprises to the most effective restructuring (under the "potentially healthy" enterprises are understood, capable of providing long-term profitability).

Summarizing the successful restructuring experience in some regions, cities and regions, and somewhat schematically, it can be argued that the restructuring problem is reduced, on the one hand, to the organization of a managed process of closure of unprofitable enterprises and industries in specific cities and regions, and on the other hand – to search alternative, economically viable activities that could provide sustainable employment and source of income for the local population. And here the active role of the state involves creating incentives both for enterprises in the process of restructuring and for new enterprises appearing on the local market. In addition, the strengthening of the regulatory function of the state should be directed to deepening the market transformation of the economy, creating the necessary regulatory and legislative framework and infrastructure, training personnel able to work for qualitatively new conditions, overcoming the previously tolerated deformations¹¹.

One can conclude that an effective solution to the problem of youth employment will give an impetus to the development of the domestic economy through the development of small business. It will contribute to the formation of Ukraine as a stable, developed country.

¹¹ Державне регулювання економіки: Навч. посібник. – С.М. Чистов, А.Є. Никифоров, Т.Ф. Куценко та ін. – К. : КНЕУ, 2000. – 316 с.

2. State policy for promoting business environment and mechanisms for regulating entrepreneurial activity

Insufficient depth of branch specialization, significant structural disproportions, unevenness and contradictory territorial distribution of small enterprises significantly affect the overall level of development of small business in the country. In this regard, the actual state of small business does not correspond to the economy, its production, scientific and technical, labor potential (taking into account the small share of small enterprises in the total employment and production volumes). Such inadequacies require a thorough study of this problem, a comprehensive objective assessment of the real level of development of small business.

There is a natural question – how to improve the efficiency of small business in Ukraine? We are convinced that state policy should contribute to the improvement of the business environment in which small businesses operate. Priority we consider the following tasks:

- liberalization of entrepreneurial activity in Ukraine and minimization of the regulatory role of the state. After all, the entrepreneur, as a rule, can only do what he is allowed to, and not vice versa – when you can do everything but unauthorized;

- ensuring a transparent and consistent regulatory environment through the implementation of the regulatory policy law and expanding the scope of the "conflict of interest" principle. It's not so scary to business that the law is imperfect. Much worse is the fact that it has a double interpretation, which is used by those who check the company, and is constantly changing;

- achievement of the balance of the system of taxes and social payments through review and reduction of tax privileges and the unification of all social funds into one; completion and adoption of the Tax Code;

- creation of an effective system of public administration through the provision of information openness of the authorities;

- provision of guarantees for the protection of property rights through the improvement of legislation in this area and the creation of out-of-court mechanisms for the protection of property rights – control over the activities of the authorities and public institutions from the public.

Consequently, the formation of prerequisites for the competitiveness of enterprises requires the creation of conditions for reducing the costs of

functioning of the mechanisms of economic coordination. In the national economy, the increase of the degree of competitiveness of market structures by reducing administrative barriers is of particular importance. However, the development of release mechanisms should be made taking into account the peculiarities of the institutional structure of the national economy.

In our view, the expansion of state regulation is one of the main obstacles to the effective development of market relations in Ukraine. Created state institutional administrative barriers distract the resources necessary for the full development of business. The effect of institutional barriers in practice is expressed in increasing the level of transaction costs, both medium and aggregate, in the economy. The development of market relations in a transition economy leads to the emergence and development of the transaction sector¹². According to their interpretation to the transactional sector are industries whose main function is to ensure redistribution of resources and products with the lowest average transaction costs. Indeed, due to administrative barriers and constraints, average transaction costs in Ukraine remain at an unacceptably high level, limiting the volume and number of transactions, resulting in an increase in the marginal costs of enterprises exposed to them.

Thus, today's system of state support for entrepreneurship is characterized, on the one hand, by a large number of legislative and normative acts declaring support for small businesses, and, on the other, by the lack of mechanisms for such support. The legislation regulating the activities of small enterprises is controversial. Failure by the state to assume obligations creates uncertainty in the future, leads to a decrease in business activity of the population, stimulates the development of shadow business.

The analysis of the dynamics of laws, decrees and regulations that are adopted and issued in the country shows that the active phase of the formation of a normative base in Ukraine was completed after the peak of normative activity of central authorities in 1998–1999. However, the increased number of normative acts adopted after 2001, does not allow to conclude that stabilization of the normative field in the country.

Since a qualitative normative act implies the same understanding by all subjects of regulation, it is possible to determine the quality of a law or

¹² Інститут конкурентного суспільства. Міжнародний індекс прав власності. Режим доступу: <http://www.ics.org.ua/ua/news.php?id=236&start=0>

by-law act by how its provisions and norms are clearly interpreted. According to the survey, there has been an increase in the number of enterprises that believed that the interpretation of normative acts by state authorities over the last three years has improved overall. Nevertheless, far from all managers of enterprises believe that civil servants correctly interpret the regulations governing business. Most managers of enterprises are dissatisfied with the interpretation of normative acts by employees of the tax administration and customs¹³. An arbitrary interpretation of normative acts is not limited to executive bodies. Only 30% of company managers believed that local authorities in their area clearly and steadfastly adhere to all laws and regulations of central authorities. Even less – 20% – believed that local authorities ensure equal conditions for doing business.

As you know, inconsistent interpretation of normative acts and unofficial payments to resolve misunderstandings are signs of corruption. Based on the Corruption Perceptions Index. At the same time, the change in the index does not indicate a decrease in the level of corruption in Ukraine in 2019, but on the contrary increase.

Corruption in state and municipal authorities remains a serious problem, which is one of the factors behind the creation of unequal economic conditions, that is, the creation of competitive advantages for some business entities and institutional barriers to entrepreneurial activity for others. The expansion of corruption is due to the fact that, unlike the romantic expectations of the formation of a US or European type of market economy in the post-Soviet area, it has developed a mercantilist economy characteristic of the Latin American countries, whose main features are high differentiation of incomes and high levels of corruption.

In addition, state and municipal officials may have a significant impact on the change in financial flows and issue permits for engaging in those or other types of economic activity, which is an objective basis for rent-seeking behavior and appropriation of administrative rent.

As the research shows, corruption and the accompanying factors – the instability of legislation and political instability – are the main problems in the relationship between business and government in Ukraine. Therefore, the improvement of the relationship between business and government is possible only after eliminating the cause of corruption in the country.

¹³ Кобиляцький Л.С. Формування системи управління конкурентоспроможністю підприємства / Л.С. Кобиляцький, Ю.С. Чишевський // Наукові праці МАУП. – 2009. – Вип. 10: «Управління конкурентоспроможністю в умовах глобалізації». – С. 94–97.

In fact, as a result of crushing licensed types of entrepreneurial activities and exceeding the authority of officials, their number exceeds 500¹⁴.

In Ukraine, the main law in the field of licensing is the Law of Ukraine "On Licensing Certain Types of Economic Activity", which defines the legal basis for licensing 59 types of economic activity.

For the implementation of activities about 40% of enterprises each year need licenses. Most often, enterprises received licenses for trade in alcoholic beverages (16% of licensed enterprises), tobacco trade (11%) and construction (12%). More than half of licensed enterprises were inclined to assess the current licensing procedures as complex and very complex¹⁵.

The most problematic aspects in the process of obtaining licenses are the large number of required documents (55% of the respondents who stated difficulties), long terms for reviewing the application for a license (35%), frequent changes in procedure and lack of clarity of the requirements (23% of respondents). About half (45%) of enterprises that received licenses paid state agencies for services in preparing documents for obtaining a license. At the same time, two thirds of the companies that paid for these services complained about their high cost. The issuance of each fifth license was accompanied by unofficial payments¹⁶.

Negative influence on the development of entrepreneurship is also carried out, as well, the lack of common requirements for the certification and standardization of products, goods and services. Adopted in 2001, the Laws of Ukraine "On Confirmation of Conformity" and "On Standardization", the purpose of which was to approximate the sphere of technical regulation of Ukraine to the EU, is still not fully implemented.

The biggest complaints of enterprises caused the need to obtain several certificates of conformity. One third of the respondents who passed the procedure had to certify both components and finished products. One in five companies that undergo compulsory certification complained about unofficial payments and a large number of required documents¹⁶.

The reform in the sphere of standards affects the interests of every fifth enterprise of Ukraine, but enterprises do not actively participate in its

¹⁴ Дубовик О.В. Управління маркетинговими дослідженнями у процесі формування конкурентних переваг: [монографія] / О.В. Дубовик. – Л.: ЛБІ НБУ, 2005. – 230 с.

¹⁵ Кобиляцький Л.С. Формування системи управління конкурентоспроможністю підприємства / Л.С. Кобиляцький, Ю.С. Чишевський // Наукові праці МАУП. – 2009. – Вип. 10: «Управління конкурентоспроможністю в умовах глобалізації». – С. 94–97.

¹⁶ Кобиляцький Л.С. Формування системи управління конкурентоспроможністю підприємства / Л.С. Кобиляцький, Ю.С. Чишевський // Наукові праці МАУП. – 2009. – Вип. 10: «Управління конкурентоспроможністю в умовах глобалізації». – С. 94–97.

implementation. According to sociological surveys, 92% of enterprises whose products are subject to standardization are in no hurry to submit their proposals for the development of state standards. Among the reasons for this passivity, the authors point out the lack of interest of state bodies in involving companies in the development of standards, a small number of industry associations and simply frustration of enterprises in the effectiveness of any action in this direction¹⁷. Each fifth enterprise independently developed technical conditions. For this category of companies, the longest and most expensive was the registration of technical specifications. Every tenth enterprise that applied standards or registered technical specifications indicated the need for unofficial payments¹⁸.

The current system of granting permits in the sphere of economic activity in Ukraine covers all enterprises and remains one of the main regulatory obstacles for the development of entrepreneurship. 64% of companies who received dosages rated the procedures for obtaining permits as complicated and rather complicated¹⁹. The licensing system of Ukraine is characterized by the total coverage of enterprises, the complexity of procedures, their duration and the high cost of permits. The analysis of the current legislation, the experience of other countries and the expert conclusions of the relevant state bodies show that the creation of a normally functioning system of permits in Ukraine can only be based on significant reforms, which should be directed to:

- optimization of the number of permits;
- creation of transparent and qualitative permitting procedures;
- reduction of the number of bodies involved in the process of issuing a single permit;
- settlement of issues related to official payments in the process of obtaining permits;
- optimization and adaptation to EU legislation and WTO standards, sanitary-epidemiological, veterinary and sanitary rules, fire safety rules, building codes and other regulatory documents.

¹⁷ Інститут конкурентного суспільства. Міжнародний індекс прав власності. Режим доступу: <http://www.ics.org.ua/ua/news.php?id=236&start=0>

¹⁸ Кобиляцький Л.С. Формування системи управління конкурентоспроможністю підприємства / Л.С. Кобиляцький, Ю.С. Чишевський // Наукові праці МАУП. – 2009. – Вип. 10: «Управління конкурентоспроможністю в умовах глобалізації». – С. 94–97.

¹⁹ Кобиляцький Л.С. Формування системи управління конкурентоспроможністю підприємства / Л.С. Кобиляцький, Ю.С. Чишевський // Наукові праці МАУП. – 2009. – Вип. 10: «Управління конкурентоспроможністю в умовах глобалізації». – С. 94–97.

In addition to the statutory regulations, there are artificially created barriers due to discretionary regulation at the level of subordinate acts of ministries and departments, as well as the opportunistic behavior of individual officials. Thus, for the release of a business entity on the market, various agencies overstate the requirements for violations of which impose penalties, which are often directed to the maintenance of controlling bodies. Even public organizations, in particular consumer protection organizations, today raise the issue of legislative consolidation of control and punishment functions, which is the prerogative of the state.

Another important obstacle to business development in Ukraine remains the existing system of inspections. The main features of the system of inspections in Ukraine are mass character, high cost and ineffective detection and prevention of violations²⁰.

Each fifth verified company admitted that it had made unofficial payments to inspectors. Often, unofficial payments were received by employees of the Ministry of Internal Affairs, the bodies of fire supervision, the sanitary-epidemiological service and the tax administration.

Two thirds of entrepreneurs consider adopting a law that would regulate the conduct of inspections, in the most effective way to reduce their number. Thus, more than 30% of entrepreneurs believe that reducing the number of inspections will help the transition of the enterprise to the simplified taxation system. Business associations may also be affected by the situation if they take on the role of entrepreneurs expressing their interests and will participate more actively in shaping the regulatory framework.

Important to solve the problem of reducing administrative barriers is the question of the composition and "comparative bargaining power" of parties interested in reducing them. Paradoxically, the struggle against administrative barriers created by state and municipal authorities is mainly carried out by the same state, represented by the Antimonopoly Committee.

Worldwide practice shows that business associations can successfully represent the interests of small and medium-sized enterprises, acting as intermediaries in the dialogue between business and government.

²⁰ Кобиляцький Л.С. Формування системи управління конкурентоспроможністю підприємства / Л.С. Кобиляцький, Ю.С. Чишевський // Наукові праці МАУП. – 2009. – Вип. 10: «Управління конкурентоспроможністю в умовах глобалізації». – С. 94–97.

Unfortunately, the role of business associations in this process is insignificant.

Despite the unfavorable influence of the authorities, which most Ukrainian companies feel, only a small part of them are trying to defend their interests by association in the association. Almost 80% of enterprises that are not members of business associations do not believe that such membership will benefit them.

Thus, in today's globalized world, each country trying to find its place in the system of international division of labor and securing certain competitive advantages determines the policy of promoting the development of a small economy as an integral part of the overall development strategy of the state. However, the establishment of national systems for promoting small business in the world took place much later than in the United States. In Western Europe, the state institutional formalization of the sphere of a small economy, as a management system, falls in the middle of the 60-s of the last century. All national small business support systems have their own peculiarities, which are related to the historical aspects of the formation of market relations in one or another country. They, in turn, directly depend on the social, political, cultural, religious and mental situation in each particular country.

State regulation of entrepreneurship is an actual problem at the present stage of development of the Ukrainian economy. The influence of the state is significant, on the one hand, and on the other hand, it is not sufficiently effective. Therefore, the need to determine effective state regulation for entrepreneurial activity should identify such issues as: ensuring the effective functioning and profit making, as well as creating prerequisites for balanced growth of the country's economy.

The regulation of entrepreneurial activity in Ukraine is due to the goals of economic policy aimed at the effective and sustainable development of the state and its regions, as well as to ensure the constant growth of economic indicators that characterize the level of welfare and quality of life of the country's population.

Ukraine as an independent, independent state guarantees today equal rights for all entrepreneurs and creates equal opportunities for functioning, access to material, technical, financial, labor, informational, natural and other resources, subject to the execution of works and supplies for state needs. Bodies of state administration build their relations with

entrepreneurs, using: a tax and financially lending system that sets tax rates and interest on government loans; tax privileges; prices and pricing rules; targeted grants; exchange rate; the size of economic sanctions; state property and a system of reserves, licenses, concessions, leasing, social, economic and other norms and norms; scientific, technical, social, state and regional programs; contracts for works and supplies for state needs²¹. State regulation is a set of forms and methods of purposeful influence of state institutions and organizations on the development of the social mode of production with the aim of stabilization and adaptation to changing conditions²². State regulation of entrepreneurial activity is carried out on the following principles:

- Long-term;
- Stability;
- Protection of interests.

Relationships between entrepreneurship and the state should be developed in two main directions:

– firstly, by means of state regulation of the entrepreneurial economy through special measures developed in state programs of entrepreneurship support, and measures contained in national programs of economic and social development of the country;

– secondly, through the interaction of the state and entrepreneurship, which is the economic cooperation of power and business structures on the basis of the unity of the goals of stabilizing economic growth in Ukraine²³.

The main method used by the state for the management of business regulation is regulatory acts that regulate entrepreneurial activity.

The creation of effective and favorable conditions through state administration of entrepreneurial activity in Ukraine is one of the priorities for state policy at present. However, the means of business management currently used in Ukraine do not have the proper effect, and even on the contrary, cause difficulties in the work of enterprises.

A feasible and effective state intervention in entrepreneurial activity will provide an opportunity not only to make entrepreneurial activity effective and profitable, but also bring it to a new level of development.

²¹ Комарницький І.М. Організаційно-економічні механізми розвитку підприємництва / І.М. Комарницький. – Л., 2000. – 226 с.

²² Дідківська Л.І., Головка Л.С. Державне регулювання економіки. – К., 2002

²³ Данилейчук р. Б. Основні напрями вдосконалення державного регулювання процесів інтеграції у галузі підприємництва / р. Б. Данилейчук // Інноваційна економіка . – 2005. – № 6. – С. 221.

Consequently, the formation of prerequisites for the competitiveness of the national economy Ukraine needs to create conditions for reducing the costs of functioning of economic coordination mechanisms. In the national economy, the increase of the degree of competitiveness of market structures by reducing administrative barriers is of particular importance. However, the development of release mechanisms should be made taking into account the peculiarities of the institutional structure of the national economy.

CONCLUSIONS

Recently, regional policy has gradually adapted to the conditions of the post-industrial society. The development of the regions implies shifting the emphasis in the industrial-innovation policy to the regional level. Important steps in this process are the forecasting and programming of regional industry development. Creation in the region of an industrial complex of an innovative type, the structure of which would correspond to the resource potential of the state and the needs of the market, requires the forecasting and programming of industrial development, which becomes the main means of influencing the state administration to increase the manageability of the regional economic system.

In Ukraine there is a significant number of mono-industrial cities. In terms of industrial restructuring, these territories create a number of very difficult problems compared to other areas with a diversified economic structure and cover many manufacturing sectors. This is due to the fact that in the latter case, the effect of restructuring and reduction of production in some industries can be offset by growth in others, and people who have lost their jobs can often find employment in the same area (ideally within the range of public transport in the area).

Summarizing the experience of restructuring in certain regions, cities and regions, and somewhat schematically, it can be argued that the problem of restructuring is reduced, on the one hand, to the organization of a controlled process of closure of unprofitable enterprises and industries in specific cities and regions, and on the other hand – to find alternative economically viable activities that could provide sustainable employment and source of income for the local population. And here the active role of the state involves creating incentives both for enterprises in the process of restructuring and for new enterprises appearing on the local market. In addition, the strengthening of the regulatory function of the state should be

directed to deepening the market transformation of the economy, creating the necessary regulatory and legislative framework and infrastructure, preparing frames capable of working for qualitatively new conditions, overcoming the previously tolerated deformations. In the process of restructuring the industry at the local level, social costs are typical. These costs are related to unemployment, which, in the case of a sufficiently dynamic economic development and the creation of a sufficient number of new jobs, should only be temporary.

Only a modern approach to the problem of employment in state policy at the regional and local levels provides the right direction for solving all complex issues of employment, especially among young people who really strive to work together with the implementation of an effective youth policy of the state aimed at getting young people aged 15–24 years of work with sufficient working conditions will improve the situation of youth unemployment and increase the level of it.

The level of public administration in the employment process is directly determined by the state of the economy in which Ukraine is now. Among the problems in the labor market, the structure of employment and its efficiency remained difficult, which was directly related to the situation in different sectors of the economy, illegal labor migration and shadow employment. The inefficient employment structure reflects a model of economic development based on cheap labor. Therefore, the current state of the Ukrainian economy requires public authorities to develop a particularly well-balanced employment policy, since only positive changes in the structure of employment, in particular, the free movement of labor, leading to structural changes, could ensure the country's exit from the crisis and the transition to economic growth.

To improve the efficiency of small business in Ukraine, public policy should help improve the business environment in which small businesses work.

The main method used by the state for the management of business regulation is regulatory acts that regulate entrepreneurial activity.

The creation of effective and favorable conditions through state administration of entrepreneurial activity in Ukraine is one of the priorities for state policy at present. However, the means of business management currently used in Ukraine do not have the proper effect, and even on the contrary, cause difficulties in the work of enterprises.

SUMMARY

Complex development of the regions is determined by many factors, among which the administrative and regulatory influence is exercised by the authorities and bodies of local self-government. The article examines the effectiveness of such influence, which is determined, first of all, by the size of competence, the clarity of structuring and the division of powers of the central and regional levels of state executive power, on the one hand, local government and local self-government bodies – on the other.

The main factors influencing employment and inclusion of youth in work activity are highlighted. The problems of integration of young people in modern economic relations, the practice of state support of youth economic activity are analyzed. The place of the state youth policy in the activity of the state, its main tasks and principles of implementation are determined. Proposed measures to reduce the unemployment rate among young people aged 15 to 24 years, improve the situation of youth employment.

The prerequisites for the competitiveness of the national economy of Ukraine have been formed, which requires the creation of conditions for reducing the costs of functioning of economic coordination mechanisms. The development of national systems for promoting small business development in the world is explored.

State regulation of entrepreneurship is an actual problem at the present stage of development of the Ukrainian economy. The influence of the state is significant, on the one hand, and on the other hand, it is not sufficiently effective. Therefore, the need to determine effective state regulation for entrepreneurial activity should identify such issues as: ensuring the effective functioning and profit making, as well as creating prerequisites for balanced growth of the country's economy.

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Information about the author:

Hornyk V. G.,

Doctor of Science in Public Administration, Docent,
Director of the Educational and Research Institute of Management,
Economy and Ecology,
V. I. Vernadsky Taurida National University,
33, John McCain str., Kyiv, 01042, Ukraine

IMPROVEMENT OF THE SYSTEM OF INSTITUTIONAL PROVISION OF PUBLIC ADMINISTRATION IN THE FIELD OF PUBLIC-PRIVATE PARTNERSHIP IN UKRAINE

Simak S. V.

INTRODUCTION

At the current stage of development, the main problem of institutional provision of state policy in Ukraine in the field of public-private partnership is the lack of formation of a system of institutions that should ensure effective coordination and interaction of all actors for the implementation of the tasks of state policy in this area.

It should be noted that at present in Ukraine in the field of public-private partnership there is no clear distribution of powers, the responsibilities of different branches of power at the central level, the hierarchical levels of executive power and local self-government are not clearly defined.

Looking at Ukraine's place in key international ratings, we can see that such indicators as ease of doing business, economic freedoms, tax burden, which depend on investment attraction and economic success of the country, unfortunately remain low. Some of the most well-known international ratings that reflect the economic positions of Ukraine in comparison with other countries, "The Worldwide Governance Indicators (WGI) project" of the World Bank¹ and "Legatum Prosperity Index"² are indicative. You can see the current position of Ukraine and track trends compared to previous years according to the "Legatum Prosperity Index" rating.

From the point of view of our research, the "Governance Matters" (Quality of Public Administration) indicator is of interest – a global study and its ranking of countries around the world in terms of quality and efficiency of public administration. By this indicator, Ukraine ranks 120th out of 142 countries that have fallen into this rating. This indicator is a reflection of Ukraine in the world and one of the criteria for assessing the effectiveness of the state and its institutions. On my opinion the analysis of

¹ The Worldwide Governance Indicators (WGI) project». Retrieved from <http://info.worldbank.org/governance/wgi/>.

² Legatum Prosperity Index 2015 Retrieved from <http://www.prosperity.com/#!/ranking>.

world rankings is another proof of the need to improve public institutions and public administration in the field of public-private partnership in particular.

In order to determine the current state and further ways to improve the institutional environment, it is necessary to turn to the existing legal framework and, first of all, to the Law of Ukraine "The public-private partnership"³, which gives the functions of control over the implementation of contracts concluded in the framework of public-private partnership, the central an executive body authorized by the Government of Ukraine, other state bodies and bodies of local self-government, and their officials in accordance with their authority in accordance with the procedure established by law.

According to Article 1 of the Law of Ukraine "On the Cabinet of Ministers of Ukraine", the Government of Ukraine, as the supreme body in the system of executive bodies, carries out executive power directly and through ministries, other central executive authorities, the Government of the Autonomous Republic of Crimea and local state administrations, directs, coordinates and controls the activities of these bodies. The main tasks of the Government of Ukraine are to ensure equal conditions for the development of all forms of ownership; management of objects of state property. In accordance with Article 20 of the said law, the Government of Ukraine: ensures the conduct of state economic policy; carries out, in accordance with the law of management of objects of state property, delegates in the manner established by law separate powers concerning the management of the said objects to the ministries, other central executive authorities, local state administrations and relevant economic entities; promotes the development of entrepreneurship on the basis of equality before the law of all forms of ownership and social orientation of the national economy; ensures the development and implementation of programs for structural adjustment of national economy branches and innovation development; ensures the conduct of state industrial policy, identifies priority industries requiring accelerated development.

Taking into account that one of the key mechanisms for implementing the policy of modernizing the Ukrainian economy, solving important socio-economic problems is public-private partnership, it can be argued that the Government of Ukraine is an authorized public administration

³ Закон України від 01.07.2010 р. № 2404-УІ «Про державно-приватне партнерство» [Електронний ресурс]. – Режим доступу: <http://www.president.gov.ua/documents/12134.html>.

entity that takes conceptual decisions regarding cooperation between government and business structures on a contractual basis. As a confirmation of this conclusion, one can refer to Article 13 of the Law of Ukraine "The Public-Private Partnership", according to which the decision on the implementation of the public-private partnership on state-owned objects, the conduct of the contest and the approval of the results of the competition for the definition of a private partner shall be adopted by the Government of Ukraine or an authorized body.

1. Current status of implementation of the state policy on public-private partnerships

The economic crisis and its consequences require urgent decisions to balance social and economic development, attract investment, increase productivity and create new jobs. In such circumstances, the ability to implement long-term projects in strategic areas of the country is significantly reduced, but large-scale tasks remain on the agenda. This circumstance requires the search and introduction of new opportunities and ways of cooperation between public authorities, businesses and civil society institutions. In today's conditions of reforming the Ukrainian economy, a public-private partnership is an important catalyst for the activity of creating various partner structures in the socio-economic sphere.

The practical experience of public administration in public-private partnership accumulated in Ukraine is not sufficient. The governing bodies have not put in place effective mechanisms for effective interaction with civil society institutes. There is no opportunity to exercise control over the implementation of public-private partnership projects by civil society institutions. Thus, the improvement of public policy in the field of public-private partnership is extremely necessary, and therefore research on the development of mechanisms for state regulation of interaction within the framework of public-private partnership is relevant.

Investments are one of the most important elements of economic and social development of the country. At the same time, the efficiency of investments is determined by the results of the economic activity of investment industries. It is the technical level, the ability to absorb innovation, organization of production, development of entrepreneurship determine the main impact on the investment cycle, payback and return on investment resources. A well-known fact is that there is a significant

difference between the goals of the state and business in the implementation of investment activities. Business, especially in a competitive environment, ultimately aims to make a profit. In turn, the generally accepted and priority task of a social state is the maximum growth of social welfare. However, the practical realization and the ultimate achievement of such a goal remains a controversial issue.

Public investment has a significant impact on the results of economic development, ensuring competitiveness in the long run, namely in the form of expenditures on the development of industrial infrastructure (electricity supply, water supply and drainage systems, transport and others) and social infrastructure – science, education and health. Gradually comes the understanding that through the combination of state assets with investment, management and other resources of the private sector can at the expense of synergetic effect to achieve the increase of efficiency and use of the potential that is at the disposal of society. An investment partnership between the state and the private sector, based on a combination of elements of opposing theories, comes to the forefront.

The limited nature of government spending is confirmed by many studies on determining the optimal share of budget expenditures in GDP and the impact of this indicator on the rate of economic development. Thus, the Russian scientist V. Yakunin proved that increasing public spending to a certain extent positively influences economic growth, but after its excess begins to deter it. He concludes that the highest rates of economic growth in almost all countries of the world were provided when the level of government spending was low and declined as it rises.

Providing stable dynamics and qualitative parameters of economic growth of the state depends on the developed modern infrastructure, which will meet the requirements of transition to a post-industrial society. The production of products and services that are capable of meeting market demand and the growth of the country's competitiveness by reducing the cost of goods and services and improving quality will be the result of the existence of such a perfect infrastructure.

Traditionally, the function of financing investment in infrastructure in Ukraine belonged to the state. The economic rationale for state financing was that such an infrastructure is a prerequisite for the formation of a qualitatively new investment and innovation model of Ukraine's economic development.

Due to the updated infrastructure, competition is stimulated and, as noted above, conditions are created for the production of quality goods and the provision of services that will be competitive in international markets. At the same time, there are a number of unresolved issues and problems, such as: lacking the necessary budgetary funds necessary for the expansion and modernization of infrastructure facilities, low efficiency in the design and distribution of budget investments, ensuring the targeted use of public investment, the dispersion of the priorities of state investment, institutional inability of the authorities to effectively manage investment projects. All these factors confirm the thesis of the need to review the functions of state bodies in the implementation of infrastructure projects. In particular, it should be emphasized that the following factors hinder the full utilization of opportunities to increase the investment potential of the country's economy: stretching and diverting investment budget resources, targeting investment potential for current consumption, unsystematic and inefficient use of depreciation charges.

The Law of Ukraine "The Public-Private Partnership" defines the powers of the central executive authority, which implements the state policy in the field of public-private partnership: organization of verification of implementation of contracts concluded within the framework of public-private partnership; preparation of proposals for ensuring the formation and implementation of state policy in the field of public-private partnership; monitoring of the effectiveness of the activity of executive authorities and local self-government bodies in the field of public-private partnership; development of the concept and projects of state target programs to promote the expansion of public-private partnership, taking measures for their implementation; promotion of the protection of the legitimate rights and interests of public and private partners in the process of implementing public-private partnerships; assistance in pre-trial settlement of disputes between public and private partners; monitoring, summarizing and publicizing the results of the public-private partnership implementation in the established order, including the assessment and monitoring of the overall level of risks of the state partner in the contracts concluded within the framework of the public-private partnership; monitoring compliance with the requirements of legislation in the field of public-private partnership, including during conducting tenders for the definition of a private partner; conducting

informative and explanatory and consulting work within its powers; participation in organization of training and professional development of specialists in the field of public-private partnership; keeping records of contracts concluded within the framework of public-private partnership; submission of claims for termination of contracts concluded in the framework of public-private partnership, objects of which are state-owned objects, in case of violations by private partners of the terms of such contracts; implementation of other powers stipulated by law.

According to the Decree of the President of Ukraine⁴, the Ministry of Economic Development and Trade of Ukraine has been designated by the specially authorized public-private partnership body. In addition to the Ministry of Economic Development and Trade, which acts as the main regulator and is responsible for the development of public-private partnerships, there are still a number of government agencies and agencies related to this area: the State Agency for Investment and National Projects (in the process the Ministry of Infrastructure of Ukraine, the Ministry of Energy and Coal Industry of Ukraine, the Ministry of Education and Science, Youth and Sport of Ukraine, the Ministry of Health of Ukraine, the Agency of EURO 2012, Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine State Property Fund of Ukraine (in the area of privatization and state property management) sector bodies (e.g. State Agency of Ukraine roads, Seaports Administration).

On the basis of Article 13 of the Law of Ukraine "The Public-Private Partnership", local self-government bodies are also authorized persons in the field of public-private partnership, local councils decide on the implementation of public-private partnership on communal property objects, conducting a competition for identification private partner and approval of their results. The conclusion of an agreement within the framework of public-private partnership is carried out by the body that has made a decision on the implementation of public-private partnership, that is, an authorized local self-government body, and control over the implementation of such agreements is carried out by local self-government bodies and their officials in accordance with their powers in accordance with the procedure established by law.

⁴ Про Міністерство економічного розвитку і торгівлі України: Указ Президента України від 31 травня 2011 р. № 634/2011 (зі змінами) // Офіційний вісник України. – 2011. – № 41. – стор. 20. – Ст. 1666.

According to the author, at the legislative level it is necessary to oblige local self-government bodies to coordinate their activities in the field of implementation of public-private partnership projects, which provide for state support, with the relevant central executive authorities.

The analysis of the current situation of the institutional environment in public administration through public-private partnerships allows us to conclude that there are too many government agencies and almost complete lack of interagency coordination. In some cases, the definition of a public partner in the initial stage and at the stage of implementation of public-private partnership projects is complicated by the fact that separate powers and functions of state and local governments in the management of state property and assets are regulated by various normative and legal acts.

It is necessary to emphasize the significant role in support and implementation of public-private partnership projects by representatives of international organizations and programs implemented by them, such as the "Public-Private Partnership Development Program – P3DP"⁵ implemented by FHI 360 with the financial support of the US Agency International Development (USAID).

The mentioned Program works in close contact with the municipal authorities and the Ministry of Economic Development and Trade of Ukraine in four directions:

1. Improvement of the judicial system for public-private partnership. The program carries out legal analysis, participates in political discussions, contributes to the drafting of bills and advocates reforms that promote the development of public-private partnerships at the national level.

2. Supporting the activities of the National Authorized Public-Private Partnership. The National Authorized Public-Private Partnership Authority provides support to local authorities, regions and central executive bodies that implement public-private partnerships. The program builds its institutional capacity, develops instruments for monitoring public-private partnerships, and provides strategic guidance.

3. Teaching and improving information support. The program holds workshops and conferences on public-private partnerships for government officials, public sector representatives, non-governmental organizations and the general public. In addition, support is provided for strategic communications for public-private partnerships.

⁵ Програма розвитку державно-приватного партнерства – P3DP.- [Електронний ресурс]. – Режим доступу: <http://ppp-ukraine.org/en/>.

4. Development of pilot projects of public-private partnership. The program serves as an advisor on the preparation and support of pilot projects of public-private partnership throughout Ukraine provides support and advice at all stages of the development of the public-private partnership process, from conception to contract conclusion. The program has a strong reputation as a neutral mediator between the government, the private sector, non-governmental organizations and the public, which will undoubtedly help achieve concrete results.

The analysis shows that the institutional capacity of public authorities and the private sector to implement public-private partnerships is extremely low. The current situation is characterized by a low level of interpersonal trust, citizens' confidence in state authorities, public and political organizations, the lack of formation of the ideology of partnership in society, underestimation by public authorities and local self-government experts of public-private partnership projects, lack of awareness of society in the benefits and risks of implementing mechanisms public-private partnership, insufficient staffing of central authorities and local self-government ing experts in the field of public-private partnership, insufficient financing of the real economy⁶.

Taking into account the state and problems of institutional provision of public administration in the field of public-private partnership, the author proposes to analyze the world experience of the development of institutions.

Often, countries resort to the creation of specialized bodies and organizations to carry out activities in the field of public-private partnership only at those points, which makes it clear that there is no specialized, clear authority in other government bodies, that is, attempts are made to correct the existing shortcomings and failures of the state authorities in the implementation. Public-private partnership projects.

It should be noted that the functions of mechanisms for the implementation of public – private partnerships do not necessarily have to be entirely assigned to specialized structures. Thus in Great Britain the tasks in this area were solved for a long time. The technical support for such interaction was provided by the Treasury working group, while the United Kingdom Partnership was entrusted with providing support for the

⁶ Концепція розвитку державно-приватного партнерства в Україні 2012-2017 роки – [Електронний ресурс] – Режим доступу: <http://ppp-ukraine.org/wp-content/uploads/2015/03/PPP-Development-Concept-2012-2017.pdf>.

practical implementation of the project. With regard to the effectiveness of such public authorities in the field of implementation of mechanisms of public-private partnership, researchers note the dependence on the jurisdiction of such bodies and their places in the system of executive bodies of power in general. In their view, for countries with parliamentary systems of governance, the optimal model is the subordination of similar bodies to finance ministries or treasuries.

American researchers⁷ are proposing to divide the special governing bodies in the field of public-private partnerships into three main categories:

1. A consultative body or organization, which mainly carries out research and expert evaluations of a potential public-private partnership project, as well as advises the relevant state authority that makes a final decision on the possible implementation of such a project;

2. A body or organization that carries out the entire market of public-private partnerships at all stages of project implementation: from the above-mentioned research and evaluation of projects, the provision of recommendations and consultations on the implementation of such a project, promotion of the development of the market of public-private partnerships, and, often, before attracting financial resources;

3. The so-called "center of excellence", which does not provide special services in the implementation of the project in the framework of public-private partnerships, but, nevertheless, generalizes and disseminates relevant research, information and best practices. Such organizations can be a definite milestone in the creation of a body and organization that implements public-private partnership mechanisms in countries that are planning large-scale projects with the involvement of private partners to implement them in the infrastructure area and provide services.

From the point of view of the availability and status of a special government body of the state, the following public-private partnership models are proposed: a model with one special public-private partnership management body; a model with several special bodies of the state (state-public) management of public-private partnership at the level of central government; a model with the absence of special specialized bodies of state (state-public) management of public-private partnership.

⁷ Farrugia C., Reynolds T., Orr R.J. Public-Private Partnership Agencies: A Global Perspective / Collaboratory for Research on Global Projects / Working Paper № 39. – Stanford (CA, USA), 2008. – 43 p. Retrieved from http://www.nawc.org/uploads/documents-and-publications/documents/document_02445830-0b21-4f61-8b65-bad5f5989467.pdf.

In countries that are referred to a model with one special public-private partnership management body, it is envisaged to create a structure at the central government level with a special profile body of the state (state-public) public-private partnership management. Depending on the country, the status of special bodies may differ, and in some cases, such bodies are created at the regional level.

The third model includes countries in which there are no special profile state and public-public governance bodies in the area of public-private partnerships. According to the author, first of all, it is necessary to allocate Spain and Austria – two countries of the European Union, which do not have similar bodies.

In Spain, the relevant government bodies exist only at the regional level, but it should be noted that the Spanish Center for the Development of Experience and Knowledge in the Public-Private Partnership «Centro Español de excelencia y conocimiento de la colaboración público privada»⁸ has been successfully operating at the state level.

Experts in this area note that in Spain, the implementation of public-private partnership projects at the initial stage was facilitated through a multi-level structure in the territorial administration that is well suited for implementing such types of relations between the state and business. Authorities in the regions have the right independently (independently) to carry out projects, including public-private partnership projects. This enabled the projects of public-private partnership to be maximally adapted to the specific needs of the local community and create the preconditions for the development of interregional projects controlled by the central government.

There is currently no Austrian body as a public authority whose competence is to promote the development and financing of public-private partnership projects, as well as special profile legal acts that directly regulate public-private partnership relations. The legal regulation of interaction within the framework of public-private partnership projects is carried out by the general norms of the Austrian civil law⁹.

It should be noted that in Austria more often projects in the framework of public-private partnerships are implemented with the participation of local self-government bodies.

⁸ Centro Español de excelencia y conocimiento de la colaboración público privada» Retrieved from <http://www.cecopp.com>.

⁹ Elsner B. Austria // PPP in Europe. – London: CMS Legal Services EEIG, 2010. – 154 p. – Pp. 5–8.

At the federal level, the public sector in public-private partnership contracts is represented by the State Corporation "Joint Stock Company for the financing of highways and highways"¹⁰, which provides for the implementation of the design, financing, construction, maintenance and maintenance of highways, and the collection of fees for use them.

2. Ways of improving the system of institutional support for governance in 3P

The study of the feasibility of partnership in the implementation of socio-economic projects and programs is a prerequisite for the organization of mutually beneficial cooperation between state and business structures. In turn, according to the author, the feasibility of partnerships should be considered in terms of the benefits and interests of each side of the public-private partnership.

The analysis of researches of domestic scientists and the current state of economic development allows to distinguish the following advantages: possibility of better exploitation of the asset by dividing the state asset with the customers of another partner. That is, other users are able to use some state assets. Thanks to a public-private partnership, private suppliers with expertise in asset management will help the public partner identify the best ways to use and distribute government assets to third-party users; the ability of the state to use the innovations of a private partner. Through public-private partnerships, the government is able to take advantage of the opportunities offered by the private sector's innovations. Once the state has clearly explained the required service kits and the desired results in which it needs, a private partner to address these goals and innovative approaches will be introduced; the possibility of an optimal distribution of responsibilities among public and private partners. Public-private partnership projects share responsibilities between the public and private partners in accordance with the competencies of each partner. In practice, a private partner is better provided with equipment for the construction, use of assets, for solving operational issues. That is, the private partner is responsible for the stages of design, construction and operation. In turn, the state partner is responsible for defining clear requirements for the desired results and services. In other words, the key competence of the state is the

¹⁰ Erlach P. Public Private Partnerships in Austria (Approaches on PPP in City and Regional Logistics in Austria) // Retrieved from http://www.bestufs.net/download/Workshops/BESTUFS_I/Malaga_Sep02/BESTUFS_Malaga_Sep02_Dorner_Econsult_2.pdf. – 15.11.2002. – 12 p.

construction of state policy and goals, the definition of public needs; risks are redistributed among the participants in the public-private partnership. The distinction between public-private partnerships from ordinary public procurement, in which all risks are borne by the state, is the possibility of placing part of the risks on the implementation of public-private partnership projects on a private basis. This circumstance, according to researchers of public-private partnership, is a key factor in ensuring the successful implementation of public-private partnership projects and improving the efficiency and quality of resource use. But, it does not mean the transfer of the entire risk of a public partner to a private one, due to the fact that the state partner does not control them all. For example, the state should be responsible for political risks, and the private party should be responsible for the quality of construction. That is, the main rule is the following: the public or private partner must bear the risks with which he will be able to handle the best; Due to the transfer of the design, construction, maintenance and operation stages to a single private partner (or consortium), a full optimal life cycle of cost formation is provided. For this reason, the private partner will have a favorable situation with the opportunity to optimize the costs of designing to save on construction, operation or maintenance. Under conditions when conventional government deliveries with design, construction, maintenance and operation are carried out by various enterprises, this is not possible.

The above analysis allows us to conclude that, in specific countries, the institutional structures of state or public-government bodies in a public-private partnership reflect the priority objectives of these states in this area.

Organs of state or public-government management of public-private partnership at low levels of decentralization, as a rule, are subject to the relevant state body of state power. And with a fairly high level of decentralization, the governing body, as a rule, is institutionalized in the form of a private or public-private corporation. In such cases, public-state bodies of public-private partnership are often established and operate. One of the main functions of such bodies is the accumulation of all information on the experience of implementing public-private partnership projects.

When a number of state or public-government bodies in the country operate in the field of public-private partnerships, there is usually a central body with coordination functions, such as coordinating the activities of the entities involved in the process of implementing public-private partnership

projects in different areas of activity and in various government- public relations. In addition, such a central body forms the formation of a system of basic principles, mechanisms and priorities of state policy in the field of public-private partnership. To date, no country in which a public or public-state public-private partnership has been established, did not initiate reverse processes, that is, did not attempt to abandon similar governance mechanisms for public-private partnerships.

In the opinion of the author, when considering the issue of improving the system of institutional provision of public administration in the field of public-private partnership, one must pay attention to one more party, namely civil society.

It is extremely necessary to build and develop a public accountability system for public-private partnership projects, since the community itself is the ultimate consumer of services (goods). At the legislative level, it is necessary to consolidate the responsibility of public administration bodies to ensure public awareness of the value, benefits and risks of implementing public-private partnership projects in comparison with public procurement or privatization. The institutional mechanisms for using public opinion polling systems on public-private partnership projects should be clearly defined.

In the context of the above-mentioned, according to the author, "The National Strategy for the Advancement of Civil Society in Ukraine for 2016–2020" is very timely, approved by the Decree of the President of Ukraine dated February 26, 2016 No. 68/2016. According to which, one of the strategic directions of creating favorable conditions for inter-sectoral cooperation is expanding the scope of public-private partnership with the participation of civil society organizations.

Consequently, the study leads to the conclusion that in order to improve the system of institutional provision of public administration in the field of public-private partnership, consideration should be given to the formation of a favorable institutional environment for the development of partnership, in general.

It is necessary, first of all, to start with the creation of a special national body responsible for streamlining and regulating relations in the field of public-private partnership. With the advent of such a body, it will be possible to clearly define the powers of state bodies (communities and local governments) involved in the preparation and implementation of

public-private partnership projects at all stages at the central, regional and local levels.

According to the author, taking into account international experience and the current situation in Ukraine, it is necessary to speak about the creation at the level of the Government of the National Agency (State Agency, National Center) of public-private partnership. It is this subordination that will enable us to solve the problem of duplication of functions in the design and implementation of projects and will create conditions for productive cooperation with sectoral ministries and other central authorities.

An urgent task of such an institution should be the development of a mechanism for coordinating the activities and interaction of central executive authorities in implementing public-private partnership projects at the state level, as provided by the normative and legal acts of the Cabinet of Ministers of Ukraine.

At the stage of establishing such an agency it is imperative to foresee the participation of civil society institutions, academics and experts in the work of the Agency. Such cooperation will be the key to effective and socially oriented activities of the Agency at the stage of preparation and implementation of public-private partnership projects at the state and local levels. In the context of this, one of the main tasks of the Agency is to develop mechanisms for interaction with civil society organizations in order to engage the community on a permanent basis to discuss evaluate and monitor the implementation of public-private partnership projects.

Another step towards creating an effective central authority in the field of public-private partnership should be the creation of the Public Council (Board) under the Agency, which will include representatives of other central authorities, as well as representatives of civil society, local self-government, scientific and expert environment, business, etc. It is the Public Council that should become a guarantor of transparent public-private partnership policy.

The main functions of the National Public-Private Partnership Agency will be: creation of a strategy (formation of strategic directions, development of a program) for the development of public-private partnership in Ukraine; legal and organizational support for the development of public-private partnership in Ukraine; methodical and consultative support of projects, which envisages the creation of a single

register of public-private partnership contracts at the central and local levels in the regions and sectors concerned; analysis of the efficiency of public funds use and the effectiveness of public-private partnership projects; monitoring of processes and monitoring of implementation of public-private partnership projects and financial obligations; creating an effective mechanism for selecting a private partner and concluding public-private partnership agreements, standardizing these processes; information provision of the community (society) regarding the advantages and risks of implementing public-private partnership projects in comparison with other types of cooperation between the state and business (public procurement, privatization, etc.); promotion of public-private partnerships (for example, involving all process participants and consumers at the design stage and monitoring the quality of services); development of methodical guides, recommendation standards, templates of documents on compilation of tender and contract documentation.

Particular attention deserves, according to the author, the improvement of the system of institutional provision of public administration in the field of public-private partnership at the level of local self-government bodies. First of all, it is about strengthening their functions in the field of public-private partnership. Regulatory and regulatory regulation of the interaction between the Agency and local self-government bodies should provide for the right of local authorities, within the limits of their powers and the current legislation, to make a decision on the appropriateness of realization of public-private partnership projects.

It is necessary to provide for the possibility of realization of projects of public-private partnership at the local level with the use of financial resources of regional budgets and budgets of cities, which are responsible for the construction, operation and maintenance of large infrastructure objects. The only exception, in which local governments are obliged to coordinate with the Agency, is the realization of projects that involve receiving state aid.

In addition, according to the author, it is extremely necessary to formulate public-private partnership agreements that will enable public authorities more effectively to regulate the mechanisms of interaction between public and private partners. Appendix A presents the typical structure of the Public-Private Partnership Agreement.

Confirmation of the author's conclusions regarding the necessity of direct involvement of civil society representatives in the implementation and realization of public-private partnership projects is based on the findings and recommendations provided by the FHI 360, under the financial support of the United States Agency for International Development, under the Public-Private Partnership – P3DP Program. Development (USAID) in the "Concept of Public-Private Partnership Development in Ukraine 2012–2017". In particular, it is about activating development institutes in the public-private partnership management system in Ukraine.

According to the author, the idea of the necessity of cooperation of the state with international development institutes and the formation of national development institutes, the activity of which should be oriented towards the achievement of the priorities of innovation of the economy using modern approaches in risk management, deserves attention.

Implementation of development institutions should be carried out in compliance with the requirements of financial stability, diversification of resources and reduction of investment risks, exclusion of administrative influence and risks of corruption. Financial, consulting and information support of public-private partnership projects emphasizes the need for development of financial development institutions such as universal and specialized development banks, export-import banks, state venture and leasing companies, innovation funds, regional development agencies, etc. It is also proposed to foresee the creation of a special venture joint (public-private) project (created for the purpose of implementing a specific project) of the enterprise.

Promote the development of entrepreneurship infrastructure in the framework of public-private partnership, raising the skills of civil servants, introducing public-private partnership issues into academic training programs for public administration and local government nonfinancial development institutions, namely industrial parks, business incubators, research centers, technology transfer centers, energy saving and others.

Thus, it is obvious that the inadequacy of public-private partnership institutes hamper the practical implementation of projects, while the development of public-private partnerships in Ukraine requires serious adjustments in national legislation, the starting point for which should be the creation of a National Agency (State Agency, National center) of the

public-private partnership, which will allow the most effective use of all the advantages of such a partnership in the current conditions of socio-political and economic the country's development.

CONCLUSIONS

The conceptual model of improvement of the institutional support system of public administration in the field of public-private partnership is developed, taking into account the peculiarities of the interaction of civil society, state authorities and private partners, with the purpose of determining the institutional mechanisms for applying the system of public opinion polling on projects and developing a system of accountability to the public. The justification of the design of this model is supplemented by the mechanisms of public administration in the field of public-private partnership, in which all system elements, which are based on principles, methods and tools of management, co-ordinate. Such a design is aimed at realization of the following tasks: coordination of interests of the state administration bodies and increase of efficiency of interagency coordination; introduction of a clear division of powers between the various branches of power at the central level, hierarchical levels of executive power and local self-government, executive bodies and local self-government bodies at the local level.

The expediency of creating at the level of the Government of Ukraine a special national body – the State Agency (National Center) on public-private partnership responsible for the regulation and regulation of relations in this area. It is this subordination that will enable us to solve the problem of duplication of functions in the design and implementation of projects and will create conditions for productive cooperation with sectoral ministries and other central authorities. An urgent task of such an institution should be the development of a mechanism for coordinating the activities and interaction of central executive authorities in implementing public-private partnership projects, as stipulated by normative and legal acts.

The main functions of the State Agency on Public-Private Partnership established, the main of which are the following: creation of a partnership development strategy; methodical and consultative support of projects, which provides for the creation of a single register of contracts at the central and local levels in the regions and sectors concerned; analysis of project efficiency and use of public funds; creation of an effective

mechanism for selection of a private partner and conclusion of contracts, standardization of these processes; development of reference standards for the preparation of tender and contract documentation etc.

The rationale for creating a new structure is complemented by mechanisms of public participation through the creation of a Public Council (Board) under the Agency, which should include representatives of other central authorities, civil society representatives, local authorities, scientific and expert environment, business, etc. It is the Public Council that will become a guarantor of transparent public-private partnership policy, a guarantee of effective and socially oriented Agency activity at the stage of preparation and implementation of projects. In the context of this, one of the Agency's main tasks should be to develop mechanisms for interaction with civil society organizations in order to engage the community on a permanent basis before discussing, examining and monitoring the implementation of public-private partnership projects.

SUMMARY

The basic scheme of interaction within the framework of public-private partnership projects is developed, which allows to take into account the features of the interconnections of its various elements: community, business and government bodies. The purpose of the scheme is to introduce effective mechanisms for effective interaction with civil society institutions on the basis of public-private partnerships to ensure the successful implementation of projects.

In order to further develop the institutional instruments of public-private partnership in terms of the basic principles of civil society, the following practical recommendations to public authorities were proposed: to provide for participation on the part of a public partner of several persons (state, local governments) in the person of authorized bodies and enterprises; ensure the regulation of the relationship is a public-private partnership agreement with its key points; definition of a system of state bodies that implements a certain set of functions in a public-private partnership, with a clear division of powers and key principles in coordinating their activities; to provide an opportunity to exercise control functions in relation to the implementation of public-private partnership projects on the part of partners: authorized state bodies, entrepreneurs and civil society institutions.

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Information about the author:

Simak S. V.,

Doctor of Science in Public Administration, Docent,
Professor of the Taurida National V. I. Vernadsky University,
33, John McCain str., Kyiv, 01042, Ukraine

ETHICAL CONDUCT AS THE PRINCIPLE AND THE MEANS OF GOOD GOVERNANCE IMPLEMENTATION: UKRAINIAN CONTEXT

Vasylevska T. E.

INTRODUCTION

In terms of fundamental social change, the search and establishment of the fundamental bases of existence of the state, operation of the public administration institutions, and forming a space of dialogue and trust between government and citizens are particularly urgent. Ukrainian state is experiencing a period of significant transformation and seeks to build an updated model of public administration activity whereby the national bureaucracy will serve the people of Ukraine and every citizen properly, respond to social challenges adequately, and provide high-quality public administration services.

The concept of governance places a new emphasis on power-management relations. “Since governance is the process of decision-making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision”, state the Guidelines entitled *What is Good Governance?*, developed by the United Nations Economic and Social Commission for Asia and the Pacific¹.

These days, the concept of Good Governance have become increasingly popular in democratic countries. It provides for:

- building the public administration based on democratic principles of power separation, democracy, election and rotation of senior officials, accountability of executive institutions, rule of law, political pluralism and freedom of expression;
- efficiency of public administration as achievement of the set goals within the shortest possible period and with reasonable minimum consumption of public resources.

¹What is good governance? / United Nations Economic and Social Commission for Asia and the Pacific. URL: <http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp>. (дата звернення: 10.07.2019).

As the OECD Deputy Secretary General Mari Kiviniemi notes, "Good governance and effective functioning of the public administration system are essential for building and maintaining trust to the government, as well as developing the required structural reforms to improve living standards in community"².

Thus, the Overview, prepared by the Office of the High Commissioner for Human Rights (UN Human Rights) states that "there is no single and exhaustive definition of "good governance", nor is there a delimitation of its scope, that commands universal acceptance.... Depending on the context and the overriding objective sought, good governance has been said at various times to encompass: full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance"³.

Construction of a new paradigm of "state – community" interaction requires special attention to moral and professional ethical components of public service. In this regard, the following aspects appear significant:

- moral values and professional and ethical principles professed and implemented at the level of the state, public service, organizations and individuals representing it,
- ethical behavior practiced by public servants, i.e. their implementation of professional and ethical standards in profession.

UN has identified 8 major characteristics of good governance, namely involvement, rule of law, transparency, responsiveness, commitment to consistency, fairness and openness, efficiency and performance, as well as accountability. All these characteristics have moral connotations.

Conceptual principles of good governance are embedded in the theory and practice of EU countries and reflected in EU Charter of Fundamental Rights.

The Council of Europe supports the implementation of Good Democratic Governance at local level and goes further in specifying its basic elements. Thus, the Declaration on a Council of Europe Strategy for

² Принципи державного управління / SIGMA, OECD, 2017. URL: http://www.center.gov.ua/component/k2/item/download/1059_3e518a4c7deb0237f31734179e9b17e0 (дата звернення: 10.07.2019).

³ Good Governance and Human Rights. URL: <http://www.ohchr.org/en/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx>. (дата звернення: 10.07.2019).

Innovation and Good Governance at Local Level defines 12 principles of Good Democratic Governance at local level: Fair Conduct of Elections, Representation and Participation; responsiveness; Efficiency and Effectiveness; Openness and Transparency; Rule of Law; Ethical Conduct; Competence and Capacity; Innovation and Openness to Change; Sustainability and Long-term Orientation; Sound Financial Management; Human rights, Cultural Diversity and Social Cohesion; Accountability⁴.

Thus, most importantly, Ethical Conduct is highlighted as a separate basic principle of good governance.

According to the SIGMA-developed Principles of Public Administration (November 2014), one of the key requirements put forward to the public administration is that "the civil service is clearly defined and observed in practice in a way that there were the existing policy and legal framework and institutional structure for professional civil service". And this also implies, according to principle 7, the establishment of measures on compliance with ethics, prevention of corruption and ensuring the discipline in the civil service⁵.

Good Governance strategy is based on the clear moral values and legal principles and, in turn, its ability is supported by ethical means. It means that ethical component plays the role of:

- basic semantic element of good governance;
- means and tools of such governance introduction.

In the context of social transformation, which is now occurring in Ukraine, the focus on implementation of good governance (including the ethical behavior) should become the guide for reforms in public administration and local government.

1. Ethical behavior as a principle of good governance in public service activities in Ukraine

As mentioned above, ethical behavior, above all, is a principle of good governance.

The principles of good governance are the fundamental ideas, guiding principles forming the basis of good governance and revealing its essence.

⁴ 15th Conference of European Ministers responsible for local and regional government (Valencia, 15–16 October 2007) – Valencia Declaration. URL: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d47c5. (дата звернення: 10.07.2019).

⁵ Гонціж Я. Державне управління в контексті європейської інтеграції / ГО «Лабораторія законодавчих ініціатив». Київ: Б.В., 2015. С. 25.

The principles contain the most generalized expression of moral requirements, set the direction, priorities forming the basis for good governance and which certainly should guide the public officials in their work.

Highlighting the ethical conduct as a principle indicates that it appears *integrated into a coherent system of good governance* and radically affects all its other components. Certainly, without observance of the ethical principle such as impartiality (including the political impartiality) in the activities of public officials, it is impossible to conduct fair elections; representation, involvement and accountability largely depend on the openness to dialogue and responsibility of the executive authorities; the feedback and sensitivity are implemented well when the officials realize their mission and social functions; openness and transparency demonstrate the willingness of the authorities to honest interaction with the public; efficiency and effectiveness, sound financial management work best when the goal is to serve the people and every citizen; the rule of law, focus on human rights are rooted in respect for the moral dignity; competence and capability are able to form the standards of bureaucracy professionalism only when combined with professional and ethical requirements; social cohesion is based on solidarity, mutual aid and trust as moral phenomena; taking into account the cultural diversity requires expression of tolerance; innovation and openness to change are determined by the desire to best respond to the community requests. And below are just some of the ethical dimensions of the good governance principles.

In my opinion, ethical component, also providing for ethical behavior of all the actors to the interactions, are *a profound value component, the basis for building good governance ideology*. It's no coincidence that designation of this type of governance as Good Governance refers us to its moral meaning.

In this context, it should be a balanced value-normative model of public service and public servant, relevant to the good governance goals.

Identification and clear articulation of the public service mission is the basis for building the entire system of public service and public servants' ethics; a factor of asserting the moral relations between government and citizens.

Professional purpose (mission) of civil servants in democratic countries is to serve their people and every citizen, and the mission of the

local self-government officials is to serve the local community and each of its representatives. A lack of this requirement in legal documents leads to misbalancing the value field of public service activity because it deprives the same of the central idea, the semantic foundation of the profession.

The Law of Ukraine on Civil Service defines that public, professional, politically impartial, effective, citizen-oriented civil service operates in the interests of the state and society.⁶ This approach, in my view, provokes semantic conflict of a civil servant in a situation where s/he needs to choose between the interests of the state and society. (In our analysis, we will focus more on the ethical principles of conduct of civil servants, since the common principles of service in local government will be subject to the same approaches as the government).

The General Rules of Ethical Conduct for Civil Servants and Local Self-Government Officials, clearly and with “democratic content” set forth the mission of service in the executive and local authorities; they focus not only on the service “focus” on citizens in general, but also the need to protect and promote the rights, freedoms and legitimate interests of each person and citizen. Therefore, they define that “the main goal of the civil servants and local self-government officials is to serve the people of Ukraine and local community, as well as to protect and promote the rights, freedoms and legitimate interests of a man and a citizen”⁷.

It is important what the civil officials believe to be the main purpose of their profession. In accordance with the survey conducted by the Democratic Initiatives Fund named after Ilko Kucheriv from 14 August to 7 September 2018, the civil officials call the following main purposes of their civil service: serving the people of Ukraine – 41.8%, protection and promotion of human rights and freedoms – 16.4%, ensuring a high level of social and economic development of the country – 15.7%, public welfare – 10.4%, timely and precise enforcement of resolutions passed by the state authorities – 9.7%, as well as serving the state – 6%.⁸ It means that civil servants have a diversity of views on their professional goals, and in this setting, the so-called bureaucratic governance values are predominating for a number of officials.

⁶ Про державну службу: Закон України від 22.01.2016. / Верховна Рада України. *Відом. Верховної Ради України*. № 4/2016. С. 60, Ст. 43.

⁷ Загальні правила етичної поведінки державних службовців та посадових осіб місцевого самоврядування. *Офіційний вісник України* від 27.09.2016. № 74/2016. С. 51, Ст. 2493.

⁸ Опитування державних службовців: Оцінка стану дотримання прав людини / ПРООН, Україна. URL: http://www.ua.undp.org/content/ukraine/uk/home/library/democratic_governance/civil-servants-survey-on-human-rights.html. (дата звернення: 10.07.2019).

Let's note that a specific feature of axiological sphere of modern public service is a focus on the complementarity of values:

- democratic, aimed at defending the democracy, i.e. to serve the public good, protection of human rights, citizenship, social justice, equality etc.;

- bureaucratic, aimed at rationality and proper fulfillment of duties, i.e. responsibility, professionalism, loyalty, diligence, accuracy etc.⁹.

If bureaucratic culture is a tool for the "top-down" deployment of a completed and initialed truth, the culture of democracy should be likened to a kind of... a device summing up the signals of thousands of rational sensors¹⁰. For a long time, there have been significant differences between bureaucratic and democratic culture in society.

The spread of bureaucratic values at the civil service of Ukraine is indicated by the answers of official respondents gave to a question about the principles of civil service, which are the most important for them as for civil servants (the respondent(s) could choose up to three options). So for 61.9% of the respondents, it is competent, objective and impartial performance of their official duties, as well as a continuous improvement of the civil servant's professional competence. The duty of a civil servant to act only on the basis, within the powers and in the manner envisaged by the Constitution and laws of Ukraine was called by 50.7% as one of the main principle. These guidelines reflect the focus of the Civil service of Ukraine on bureaucratic values. Instead, the democratic values, such as the priority of human rights and fundamental freedoms in accordance with the Constitution of Ukraine, as well as the dedication and faithful service to the people of Ukraine were called as the most important aspects by 46.3% and 28.4% employees, respectively. 29.9%, respondents consider the principle of integrity to be an important principle of civil service¹¹.

It should be noted that the focus of Ukrainian authorities not on service to people but on serving to the state or private interests led to the loss of understand the needs of the public, the community, and their individual social strata by governmental institutions, and partly to a lack of effective public service mechanisms.

⁹ Василевська Т. Е. Особистісні виміри етики державного службовця : монографія. Київ : НАДУ, 2008. С. 64.

¹⁰ Соловьев Э. Ю. Прошлое толкует нас : (Очерки по истории философии и культуры). Москва: Политиздат, 1991. С. 430.

¹¹ Опитування державних службовців: Оцінка стану дотримання прав людини / ПРООН, Україна. URL: http://www.ua.undp.org/content/ukraine/uk/home/library/democratic_governance/civil-servants-survey-on-human-rights.html. (дата звернення: 10.07.2019).

Currently, public administration and local government are doomed to stagnation, unless they "keep abreast" of public purposes, practice not only bureaucratic, but also democratic values in interactions with society, or attempt not to neglect the democratic methods in internal professional environment.

Identification of value foundations of public administration provides content and meaningfulness to public administration relations.

The behavior model of public administration representatives is largely shaped and maintained by traditions of relations between the people and authorities, their current practice of interaction, common understanding of the relationship between the individual, society and state, and determined by historical factors forming the deputies and the bureaucracy in various countries. For a meaningful reform of the public administration in general and public service in particular, it is important to know and take into account the social and national sections of their axiological sphere. Public administration institutions in Ukraine form an integral part of Ukrainian society and are influenced by its attitudes, spiritual guidelines and customs.

In turn, the values supported and implemented in public administration relations affect social axiological space, modify, enhance or distort it. In this context, the challenge (including the moral one) remains an issue of asserting one's own specificity in the context of globalization, universalization and unification trends.

This phenomenon is stressed by F. Fukuyama, repeating the Western analysts' opinion about the so-called "isomorphic mimicry", i.e. copying the external attributes of the government in developed countries, accompanied by the inability to replicate their results, as one of the biggest challenges for the state apparatus of developing countries¹². The researcher warns to fear the foreigners who bring the gifts of institutions. Foreigners rarely have sufficient knowledge of local temperament to understand what the design of a capable and robust state should be. The institutions are best created by the indigenous social actors able to use foreign experience and practice, who know well the constraints and opportunities arising from their history and traditions. Fukuyama's idea that nation-building needs to be supported by a parallel process of national construction is very important to understand the axiological basis of good governance in Ukraine and implement the principle of ethical behavior in public service

¹² Фукуяма Ф. Політичний порядок і політичний занепад. Від промислової революції до глобалізації демократії. Київ: Наш формат, 2019. С. 67.

activities. It adds moral component to the general norms and culture, common to all and reinforcing the legitimacy of the state¹³.

Ethical behavior of public servants as a principle of good governance, in turn, is based on certain values and principles.

The values of the democratically oriented civil service are human life, freedom and dignity, respect for it, justice, unity, solidarity, love of the native country etc. According to the aforementioned survey, the civil officials of Ukraine respect the same values as most citizens. Thus, the Top 5 basic values of civil servants included freedom (it was reported by 91.0% of public servants), fairness (84.3%), dignity (83.6%), security (80.6%) and equality (74.6%). The interviewed civil officials assigned the lowest rating to the value of wealth. Only slightly more than a third of the national poll respondent indicated it as the primary value¹⁴. The overall picture of the moral values of civil servants as subjects of good governance is rather attractive. However, questions about the sincerity of responses (confidence in the survey anonymity, lack of self-censorship, adequate self-esteem) and willingness to not only declare, but, most importantly, to implement the declared values remains open.

Regarding the principles of constructing the model of good conduct for civil officials, the ethical behavior of civil servants is based on the principles of public service, defined by the Law of Ukraine on Civil Service, as well as general requirements for the conduct of these persons, stipulated by the Law of Ukraine on Corruption Prevention¹⁵. Thus, the Law of Ukraine on Civil Service highlights the following principles: 1) the rule of law, 2) legality, 3) professional, 4) patriotism, 5) honesty, 6) efficiency, 7) equal access to public service, 8) political impartiality, 9) transparency, 10) stability¹⁶.

Summarizing the detailed analysis made earlier¹⁷, let me briefly mention that, in my opinion, when determining the principles of civil service, the legislators ignored such important principles as the principle of

¹³ Ibid. С. 321.

¹⁴ Опитування державних службовців: Оцінка стану дотримання прав людини / ПРООН, Україна. URL: http://www.ua.undp.org/content/ukraine/uk/home/library/democratic_governance/civil-servants-survey-on-human-rights.html. (дата звернення: 10.07.2019).

¹⁵ Загальні правила етичної поведінки державних службовців та посадових осіб місцевого самоврядування. *Офіційний вісник України* від 27.09.2016. № 74/2016. С. 51, Ст. 2493.

¹⁶ Про державну службу: Закон України від 22.01.2016. / Верховна Рада України. *Відом. Верховної Ради України*. № 4/2016. С. 60, Ст. 43.

¹⁷ Василевська Т. Цінності та принципи державної служби: етичні виміри. *Розвиток публічного управління в Україні: теоретичні, методологічні та практичні аспекти* : монографія / кол. авт. Горник В.Г., Кравченко С. О., Бакуменко В.Д. та ін.; за ред. Горника В.Г., Кравченка С. О. Київ: УкрСІЧ, 2018. С. 136–150.

democracy, humanity, impartiality (the Law provides for only one type of it, i.e. political impartiality), openness, tolerance, responsibility, and accountability. Lawmakers ignored the reflection of such an important principle as justice in the current Law of Ukraine on Civil Service. However, quite important principles of public administration activities, such as the principle of impartiality, accountability, meritocratic construction, equal access to civil service and, ultimately, the fairness, is a specific description of the principle of justice. Therefore, in my view, it is highly important to include the principle of fairness in the basic principles of civil service. Instead, only one of the manifestations of the principles of justice and the rule of law, i.e. ensuring equal access to the civil service, is fixed (in our opinion, unreasonably) as a principle. Also we should not isolate the principle of civil service such as stability, since it is an organizational consequence of the principle of political impartiality and so on.

If these principles are not stressed in the constructed model of activity and proper conduct of servants, it is very likely that they will be used in the actual practice of civil service.

2. Ethical behavior as a means of implementing good governance in Ukraine

Ethical behavior of public officials is not only a principle, but also the means of implementing the good governance. The tools of ethics allow achieving the results not reached by the other forms of social regulation, i.e. rights and traditions.

As for traditions, they preserve certain values, settings, and action algorithms, partly complicating and sometimes hindering the innovation processes in society. For example, in the system of public service of Ukraine the traditions of the priority of accountability to the state, not the people, absolute subjugation to immediate supervisors' decisions, leveling the personality, understanding public administration as the place to achieve wealth and personal privileges etc. are still tenacious.

Regulation of good governance actors is both a legal and a moral challenge. Morality, just like the law, declare the *need* to observe the behavior standards, but this need is completely different from the *coercion*. Forced morality devalues it as reasonable self-devotion and self-limitation. As A. Fernhem and P. Haven note, the people united by common ethical values, moral consensus and trust do not need a detailed contractual and

legal regulation of their relations¹⁸. In turn, *mixing* significantly different ways of control and regulation in the public service can lead either to "totalitarian" instructions, when the law would assume the functions of morality, or to anarchy in actions of public officials, in the case of moral regulation priority and neglect of the legal one.

Public officials sometimes find themselves in fairly complex situations of conflict between the requirements of law and morality, since legal provisions are not always consistent with moral demands. In these circumstances, it is difficult for the official to demonstrate with its behavior both commitment to laws and respect for moral principles, so s/he faces an ambiguous moral choice. Important factors in resolving such dilemmas are moral maturity and readiness of the bureaucracy representatives to such a choice.

The law is unable to regulate *all* aspects of the bureaucracy; legal mechanisms not supported by ethical guidelines may lose their effectiveness. Further, a number of violations are purely moral by nature, since they are not prohibited by law, but undermine public confidence in the government (vacation at luxury resorts, use of expensive housing, cars, the cost of which does not correspond to the welfare of citizens, public communication with dubious personalities not related to business, etc.). In the field of interpersonal professional communication, the law is unable to stand in the way of rudeness, arrogance, flattery, aplomb etc.

The scope of law is confined to evaluation of committed actions, while the morality evaluates both actions and thoughts of people. Thus, the moral (and professional ethics) guidelines for public service have a much broader influence than the legal rules. However, the ethical regulation should work not because the laws do not work or do not exist; it has its own peculiarities in arranging the public relations.

In this situation of the destruction of tradition and expression of the conservative nature of law, moral factors become the particularly important regulators of public administration relations.

Replacement external control (exercised through laws, codes, rules and standards of conduct, which can be avoided actually) with self-control provides for an automatic following of moral guidelines and a psychological ban on actions infringing the professional and ethical standards. Self-monitoring can be carried out both at the level of

¹⁸ Фернхем А. Хейвен П. Личность и социальное поведение; пер. с англ. Н. Мальгиной. Санкт-Петербург: Питер, 2001. С. 53, 55.

compliance, and the level of validation and internal recognition of standards. However, the proper moral self-regulation in professional life begins when a person does not merely *follow* the ethical rules, but also *acknowledges* and *internally recognizes* the mission of his/her profession and the rules serving its best possible implementation. The personal professional and ethical self-regulation can be supported by a belief in the moral maturity of a public servant, creating the opportunities for his/her full-fledged professional realization.

Still, to maintain high standards of the profession, it is important to distinguish and differentiate and search for the balanced ratio of areas of moral and legal regulation.

In my opinion, the realm of ethical regulation of public service in Ukraine has either been ignore or considered according to the "residual" principle, and now they cherish the hope that the established formal behavior standards will work automatically.

Since the beginning of the country's public administration reform, some progress has been made in the civil service reform. Specifically, the achievements in reforming the civil service and human resource management according to the experts is the introduction of the new Law on Civil Service, improved competitive selection for civil service; introduction of annual assessment of civil servants' performance; launch of the Civil service Applicants' Evaluation Center; protection of public servants against unlawful dismissal; strengthening the institutional capacity of the National Agency of Ukraine on Civil Service and staff management services; commencement of the reform of professional training of civil servants. All factors will certainly contribute to maintaining a healthy moral climate both in state sector and in society generally.

Regulation of the issue of ethics of civil servants is seen as a reform achievement. Ethical principles of Ukrainian public service, in addition to being outlined in the Laws of Ukraine on Civil Service and on Corruption Prevention have been clarified in the Order of the National Agency of Ukraine on Civil Service on the General Rules of Ethical Conduct for Civil Servants and Local Self-Government Officials, approved on August 5, 2016, which currently serve as the Code of Conduct for public servants in Ukraine.

It is worth mentioning that the rules, especially the ethical rules, "cover a wide range of actions as "standing orders", and though they

always mean a threat of sanctions, they are intended to achieve harmony without the need to resort to coercive sanctions for every action within their jurisdiction. They prescribe the actions to be taken under certain circumstances or context....our assessment of actions, their value, integrity, and acceptability, also depends on the context"¹⁹.

As F. Fukuyama notes, the best bureaucracy have the autonomy and use their own estimates to make decisions, taking the risks and innovations. The worst bureaucracies mechanically follow the detailed rules written by others. Ordinary citizens sometimes go crazy from officials unable to express common sense, insisting on thoughtless following of the rules²⁰.

Therefore, an important step in formation of good governance is not only compliance with norms and rules by officers, but also encouraging them to consider the ethical guidelines in the context of values.

I support the skepticism about the possibility of "implementing" the *moral* standards of conduct through legal means, since an act carried out under pressure loses its moral dimension. Concerns related to the legal consolidation of professional and ethical standards are related to the fact that legal regimentation narrows the field of ethical regulation; legislative confirmation hinders rapid response to changes in social and professional life; when there is a number of ethical violations, it is difficult to identify a clear legal guilt; in the law, which shall cover all areas of public service, it is difficult to take into account its peculiarities in various executive bodies; it is impossible to describe all possible violations of ethics in public service and carry out continuous monitoring of employees. Further, the outward directive intervention in the delicate sphere of personal moral values and principles is too rough, straightforward and may demonstrate disregard for the right to privacy and freedom of conscience of employees. Tight requirements may obstruct the leadership aspirations of managers.

I am convinced that, although often the codes of conduct in the system of public service usually represent the regulations, they become truly effective when they are understood philosophically, form a part of the man's personal world, enshrined internally and implemented in practice, that is acquire the nature of moral regulators. Otherwise, they function as

¹⁹ Стоун Д. Парадокс політики : Мистецтво ухвалення політичних рішень. Київ : Вид-чий дім «Альтернативи», 2000. С. 222.

²⁰ Фукуяма Ф. Політичний порядок і політичний занепад. Від промислової революції до глобалізації демократії. Київ: Наш формат, 2019. С.527.

external coercion; their implementation is associated with the danger of legalization of the forced "improvement" and violation of moral autonomy of the individual.

Currently, one of the significant indicators of good governance is compliance with the principle of integrity. The researchers are talking about the integrity of processes and organizations. Integrity is also an essential moral and ethical characteristic of the public servant's personality. The term of "integrity" is now used extensively to describe the requirements for public servants of Ukraine. The applicable Law of Ukraine on Civil Service considers integrity as one of the civil service principles.

In SIGMA report about the basic measures of implementing the Public Administration Principles covering the data for 2017 and key events until mid-May 2018, the value of the indicator for Ukraine for the key requirement of "civil servants' integrity" reaches only 2 points on a scale from 0 to 5. This indicator measures how laws, state policy and organizational structures promote integrity in the public sector, whether these measures are applied in practice, and takes into account the level of corruption perception in the civil service by the public²¹.

Regarding the legal framework and organization of the public sector integrity, the experts put high scores to the completeness of legislative framework and implementation of policy on the public sector integrity, whereas the availability of comprehensive policy and action plan on public sector integrity was rated very low. As for the public sector integrity in practice and its public perception, the perception of bribery in the public sector by business was rated at 2 points out of 4 possible, and the use of investigation in practice and bribery in the public sector in the eyes of citizens received 0 points. Therefore, the total score by the indicator of "civil servants' integrity" is 10 points out of 24 possible²².

Certain conclusions on the integrity of national civil servants can be drawn by looking at the ratings, in which our country participates. So, in 2018 Ukraine, ranked 120th among 180 countries in the global Corruption Perception Index (CPI), and 81st out of 137 countries according to the Global Competitiveness Index (GCI) in 2017–2018.

²¹ Звіт про базові вимірювання: Принципи державного управління. Україна червень 2018 року / SIGMA . URL: <https://rpr.org.ua/news/sigma-otsynyla-derzhavne-upravlinnya-v-ukrajini/> (дата звернення: 10.07.2019).

²² Звіт про базові вимірювання: Принципи державного управління. Україна червень 2018 року / SIGMA . URL: <https://rpr.org.ua/news/sigma-otsynyla-derzhavne-upravlinnya-v-ukrajini/> (дата звернення: 10.07.2019).

Apparently, ethical behavior in these documents is considered only in the context of integrity, which in turn is understood in the anti-corruption perspective only. This suggests a certain admiration of reformers at legal and institutional support measures for ethical climate in civil service.

The principle of Ethical Conduct is understood in the anti-corruption context and in Declaration on a Council of Europe Strategy for Innovation and Good Governance at Local Level, defining it as “to ensure that the public interest is put before private ones” and its content is revealed as:

- The public good is placed before individual interests.
- There are effective measures to prevent and combat all forms of corruption.
- Conflicts of interest are declared in a timely manner and persons involved must abstain from taking part in relevant decisions²³.

However, in addition to the fact that individual integrity describes that in the context of public service, the individual is considered virtuous (and integral), if s/he performs his/her duties honestly, competently and in full, integrity also means that the person has values in which s/he believes and what s/he stands for.²⁴ However, ethical conduct cannot be limited to these perspectives only.

Good governance requires continuous *combination* and *relationship* between *institutional* and *moral* means of its support.

So far, in the course of implementation of ethical principles, it was attempted to implement the so-called *structural approach* (compliance) in Ukraine, based on the generally accepted norms of obedience, compliance with the laws and development of codes of conduct as laws or regulations, an effective system of audit, control and various incentives for officials. However, in my opinion, a regulatory approach (integrity), focused on nurturing the bureaucracy, understanding its mission of the profession, proper professional socialization, awareness of employees about the values and professional ethical standards, promotion, trust in personal integrity, accountability and integrity of officials has a greater management capacity in our country.

I think that to introduce the ethical conduct, Ukrainian public service requires not only the introduction of a structural approach, but also an increasing focus on managerial potential of the regulatory approach.

²³ 15th Conference of European Ministers responsible for local and regional government (Valencia, 15-16 October 2007) – Valencia Declaration. URL: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d47c5. (дата звернення: 10.07.2019).

²⁴ Виховання доброчесності та боротьба з корупцією в оборонному секторі : зб. прикл. (компендіум) позит. досвіду : пер. з англ. / Тодор Тагарєв та ін. ; ред. Тодор Тагарєв. Київ; Женева : б. в., 2010. С. 200.

To make the moral support mechanisms for ethical conduct work as a principle and tool of implementing the good governance, it is required to:

- increased attention to the personal component of public service, cultivating respect for the personality of both the citizen and the servant;
- selection and promotion of staff, taking into account not only professional and ethical, but also a moral component of professionalism;
- emphasis on moral grounds of the code of conduct for a public servant;
- introduction of a number of tools, activating the internalization of ethical attitudes profession (expansion of the scope of freedom and personal responsibility of bureaucracy representatives etc.);
- increased attention to the professional and ethical training of public servants,
- formation of organizational culture, with the tightly integrated ethical values and standards of conduct for public servants;
- activation of reputational monitoring mechanisms and compliance with ethical standards in the course of professional activity;
- support of establishment of public servants' associations, the operations of which would be focused on the formation of authority of a professional group of public servants;
- establishment of an expert advisory network on the ethics of public servants;
- an extensive educational campaign among the public about the basic ethical requirements and standards of conduct of the authorities with the aim of establishing the relations of mutual respect and strengthening the importance of public control in maintaining ethical behavior of public servants.

I should point out to a significant role played by professional socialization in professional ethics support, in the course of which the value orientations of professionals are formed; they acquire the knowledge, abilities, skills of professional activities, and develop their professional competence. Professional and ethical training is a part of the entry into the profession, professionalism development and a factor supporting the professional ethics.

In this context, it is appropriate to:

- increase attention to studying the problems of professional ethics in the process of vocational training (introduction of professional ethics

courses in the regulatory part of vocational training programs, increase in the number of hours to study this discipline)

- the lectures, seminars, training, creation of online platforms to discuss the issues of professional ethics in the course of professional re-training and professional development;

- regular monitoring of ethical issues of professional life;

- sharing the best practices in support of integrity in the context of professional activity;

- studying the experience of the other countries in implementation of professional and ethical standards of conduct;

- facilitating the establishment of research centers on the issues of professional ethics, which would provide scientific analytical and teaching methodological advice on ethical issues of the profession.

In terms of new social and governance challenges facing Ukraine, the factor of a successful professional and ethical education is a close contact with relevant practical professional challenges. Therefore, the result of professional and ethical training has become not only gaining knowledge of professional ethics, but also:

- acquisition of skills in "ethical review" of decisions made,

- learning the professional ethical interaction techniques

- development of the algorithms of conduct in typical situations faced by a professional;

- forming the ability to address the non-standard issues of moral nature arising in the course of professional life;

- development of ethical sensitivity to professional and social issues.

CONCLUSIONS

Highlighting the ethical conduct of public servants as the principle indicates that it appears integrated into a coherent system of good governance and radically affects all other elements. The ethical component is an underlying value component, the basis for building the good governance ideology. On the other hand, it is important to develop a balanced value-regulatory model of public service and public servants appropriate to the good governance goals.

A lack of clarity in definition of the civil (public) service mission may provoke semantic conflicts for public servants. For a meaningful reform of public administration and public service, it is particularly important to

know and take into account the social and national sections of their axiological sphere. In the current environment, the civil servants in Ukraine have a diversity of views on their professional purpose, and among these settings, a rather strong position is occupied by the so-called bureaucratic values of public administration. The system of public service principles highlighted in the laws of Ukraine needs the further development and a more thorough detection of basic principles for ethical conduct of public servants.

The ethical conduct of public servants is not only a principle, but also the means of good governance implementation. Moral factors become a particularly important regulator of public administration relations in the present situation of the tradition destruction and expression of the conservative nature of law. To maintain the high standards of the profession, it is important to search for the best ratio of areas of moral and legal regulation. In Ukraine, the realm of ethical regulation of public service was either ignored, or considered according to the “residual” principle, or the hope that the established formal standards of conduct will work automatically was cherished. Currently, the regulation of the issue on the ethics of public servants’ conduct can be considered as one of the achievements in formation of good governance.

When implementing the ethical conduct, Ukrainian public service requires not only implementation of a structural approach, but also an increased attention to the management capacity of the regulatory approach, focus on nurturing the bureaucracy, understanding of its profession mission, proper professional socialization, awareness of values and professional ethical conduct of the servant, promotion, confidence in the personal integrity, accountability and integrity of officials. To make the moral support mechanisms for ethical conduct as a principle and means of implementing the good governance work, it is required to solve a series of management problems.

SUMMARY

The article considers the ethical behavior as the principle and means of implementing the good governance in the value-regulatory system and practice of Ukrainian public service. Highlighting the ethical conduct of public officials as a principle indicates its integration into a coherent system of good governance and the principal role in building the good

governance ideology. It is noted that an effective reform requires taking into account the social and national axiological sections of the public service. Some problems arising when building the value-regulatory system of public service in Ukraine are highlighted. We consider the ethical behavior of public servants as a means of implementing good governance and stress the need to find the best ratio of areas of the moral and legal regulation of public service. The urgency of applying a structural approach to supporting the ethical principles of the public service in Ukraine is stressed. A number of management tasks, the implementation of which will stimulate the moral support mechanisms for a proper conduct in public service is defined.

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Information about the author:

Vasylevska T. E.,

Doctor of Science in Public Administration, Professor,
Professor of the Public Administration and Public Service Department,
National Academy for Public Administration
under the President of Ukraine,
20, Antona Tsedika str., Kyiv, 03057, Ukraine

**PECULARITIES OF THE MECHANISMS
OF GOOD GOVERNANCE
IN THE SOCIAL AND HUMANITARIAN SPHERE
OF TRANSFORMATIONAL SOCIETIES**

Parubchak I. O.

INTRODUCTION

The State socio-humanitarian policy should be performed mainly in two directions: socio-economic and political. The first should cover basic spheres of human life-education, professional training and work, everyday life, leisure, everything that promotes its most important vital needs. Regarding the second, it is associated with the formation of public positions, the activity of people, their value orientations and sustainable moral norms. In such circumstances, it may be averred that the state socio-humanitarian policy would be directed on the one hand, on the reproduction of the workforce, and on the other-in civil socialization.

The goal of the State socio-humanitarian policy should be to ensure true equality of rights, and social security perspectives, solving various socio-political and economic problems. The State socio-humanitarian policy for decades is in a systemic crisis, which is caused not only by reflection of many problems of socio-economic development of society but also the strategic errors in area management. As the realities show, the political elites who are in power, changing one another, evade serious functional transformations in this area.

One of the reasons for inhibition of change-is the lack of skilled personnel, capable to change management, first of all young professionals in this field, as experts and population noticed. Before the general reform of such meaningful area of society, it is necessary to consider very carefully not only the organizational structure of subordination, but also socio-psychological aspects of these changes. The responsibility for achieving declared in the programmatic documents of a certain purpose, undoubtedly, rests on Governments, at the same time, only to establish an effective mechanism of cooperation between public institutions and civil

society organizations, broad public participation and population interest are the key to achieving national goals.

Prospects for successful resolution of most problems are related to the ability of government to establish cooperation with the public. Defining public participation in the decision-making processes of state power is an important topical factor, especially in the context of a growing role and initiatives of civil society representatives. At this, the task of the authorities is to formulate and propose a clear vision of the goals, strategies and objectives of the area, to gain support of interested groups and to build an agreement between these groups.

Nowadays, the activity of public authorities in the field of social-humanitarian policy requires a profound scientific comprehension. There is a need of deep analysis of the current stage of the State socio-humanitarian policy, to assess its effectiveness, perspectives of social and political orientation in general and to implement practical steps in solving problems. The principle of social orientation means directivity of State policy to priority satisfaction of social, humanitarian needs of citizens.

The problem of competence and professionalism of personnel is very important at all stages of social-humanitarian policy development that possess the necessary preparation of the management process of development and implementation of socio-humanitarian policy issues and its activities. However, there are no specific principles on which the State socio-humanitarian policy should be based on. Analysis of the performance of State youth programs and measures is indicative of the principles of State socio-humanitarian policy at the stages of the policy implementation.

An incomplete formation of the main principles of the State socio-humanitarian policy does not promote the process of developing and implementing modern socio-humanitarian policy of all levels. Also not quite comprehensively the content and structure of the mechanism of public administration and socio-humanitarian policy have been substantiated today. As far as the mechanism of public administration is a system designed to achieve the set goals, which has a defined structure, set of legal norms, methods, means, tools of state influence on the object of management, in the sphere of socio-humanitarian policy it is necessary to form mutually reinforcing mechanisms of realization.

1. Modern Stage of Government in the Social and Humanitarian Sphere

The current state conditioned to fragmentation and inconsistency in carrying out of conversion of the industry, the absence of a general economically reasonable concept of its transformation, leading to the need of developing a theoretical basis and practical recommendations on reforming this system. Herewith, the management set narrowed to the principles of centralization, mobilization and administration, which adversely affected its material and technical resources and HR potential. The weak point is its declarativeness, lack of real mechanisms to transform the industry, which is caused by ignoring the processes of economic and legal regulation.

The practice of countries with a more successful reform showed that the key to success is attracting a wide range of representatives of public organizations to the decision making process. Under the conditions of foundation formation of the market economy and the status of general economic destabilization the activity of the heads of organizations and institutions at all levels is complicated, as they have to control unprecedented for the Western practice and unmanageable positions or situations¹. Specialists in the implementation of socio-humanitarian policy should be able to make decisions under conditions of the highest risk and uncertainty, a special promptness, self-determination and responsibility are required here.

In such circumstances, the managers for social and humanitarian policy implementation are obliged to possess such entrepreneurial skills as in particular, skill to quickly orient themselves in the changing market situation, redistribute resources in the most advantageous spheres of application, to be leaders. As officials in this field should introduce the values of a democratic, legal, social state in society, they must possess professional skills based on modern special knowledge, analytical abilities and mastery of the use of means and methods of modern management, in particular in the social and humanitarian sphere as well as strategic thinking, personal qualities and beliefs necessary for the adoption and successful implementation of managerial decisions and provision of administrative services.

¹ Pike, A. (2011), Handbook of local and regional development, in: Pike, A., Rodriguez-Pose, A. and Tomaney, J. (Eds.), Taylor & Francis Group, London and New York: Routledge, 642 p.

Though the socio-humanitarian policy of transformational societies has acquired some traits which are typical for the countries of Western democracy, however, it does not fully meet the citizens' vital needs, there is also no conditions for adequate choice and implementation of the priorities of this policy. Quite often, the issues of social and humanitarian problems became super-winning political slogan and allowed politicians to accumulate their own political capital, held mostly on the pure populism.

The conceptual principles of the State socio-humanitarian policy should be: scientific, comprehensiveness; realism, absence of populism, taking into account the ethnonational, socio-economic peculiarities, sufficient legal resource, staffing and information support. An acceptable model of this socio-humanitarian policy should combine the aspects of integrity and diversity with a certain displacement of emphasis on local authorities and local self-government bodies Decentralization will not only reduce the effectiveness of programs of social and humanitarian policy, but, on the contrary, will increase it, which makes it possible for the specific local actors to implement their functions more efficient.

The coordinating role of the State should be focused on radical and global issues of regulation and financing of National and regional programs, as well as on the providing of social guarantees. Dynamism in the implementation of objectives of the State social and humanitarian policy must be provided with an optimal ratio of centralized and decentralized components². The State socio-humanitarian policy is the peculiar mechanism by which the State, as well as the political parties, associations, organizations; social institutions contribute to the satisfaction of the interests, requests and needs of community members. In the sphere of socio-humanitarian policy the complex of complementary mechanisms of the State socio-humanitarian policy is suggested: legal, organizational, financial and information support.

The main in the complex of complementary mechanisms of the State socio-humanitarian policy should be legal ones. They influence organizational mechanisms in order to resource the implementation of legislation and regulatory – legal acts and information mechanisms with the purpose to perform legally fixed coverage of information in the mass media concerning decisions which were made. Organizational mechanisms

² Kozlov, K., (2008), Social interaction between government bodies and non-governmental organizations, in Theory and practice of public administration: Collection of scientific papers, Vol. 2 (21), pp. 323–329, Kharkiv Regional Institute of Public Administration "Magister" Publishing House, Kharkiv.

of the State socio-humanitarian policy consist of system of specific government agencies, services that ensure the direct implementation of such policy, they engage with information mechanisms to illuminate in them activities related to organizational enforcement of decisions adopted at the legal level.

Organizational level is also undergoing the legal decision initiative at the legal level. Financial mechanisms for the providing of the State socio-humanitarian policy consist to ensure by financial resources an implementation of all planned programs which are adopted at the legislative and normative legal level, as well as organizational resources for fully effective implementation at organizational level. Information mechanisms affect all the rest, because the society should be aware of the presence of the rights enshrined in it and guarantees at the legislative and normative-legal level, to know the proper resource support of the implementation of programs and activities at organizational level and be informed of the financial support of programmes, projects and safeguards in current legislation.

Public administration is a complex system that is designed to achieve goals, which has a defined structure, set of legal norms, methods, tools of State influence on the object of management and directed for realization of the relevant policy, it gives an opportunity to determine the main directions of managerial influences while realization of reforming in sector³. Management efficiency is determined by the level of rational organization of managed system and management process. Improving the efficiency of the control system requires the search for the best organizational forms, methods, technologies according to the established criteria for assessing of results.

The following criteria of a rational organization of the system and its constituent elements can be: managerial work and management process itself, level of managerial staff qualification. There is a number of issues In the context of this problems, that will cause a huge number of problems, if not examine and resolve them on time. Firstly, it is necessary to pay attention to the question of professional suitability of future specialists, and to notice not only the professional skills, but also the ethical and moral qualities of personality, primarily due to participation in the activities of public organizations.

³ Schneider, F., Buehn A., Montenegro, C. (2010), Shadow economies all over the world. New estimates for 162 countries from 1999 to 2007, The World Bank, Policy Research Working Paper, 5356, 52 p.

Considering a number of problems that caused by certain objective and subjective reasons, the main among which is the lack of socio-economic development of the State and inappropriate management of institutions of all levels of State authorities should pay more attention to the culture of healthy lifestyles of social self-realization and employment. Public organizations that were formed on the basis of populations' disaffection of authorities' failure to achieve positive changes in the sphere have become mediation structures between the population and the authorities. They should ensure society's awareness, control of the public, access to the operational monitoring of the situation, adjustment of socio-economic policy if necessary⁴. Due to the joint work of representatives of population and local self-government the effective innovative model of providing quality services to population is formed.

The joint work principles became a common goal, participation in decision-making, joint responsibility, and control of representatives of the population. At the same time, the important factor of democratization of the transformational society is the reform of the public administration system in various sectors which develop in parallel and has mutual influence. Public organizations are elements of the "third Sector", which is defined as the sphere independent from the state and market, they work on the principle of non-profitability, the purpose of their activities is to promote and protect interests and needs of citizens.

The main spheres of public organizations' activities are education, social and cultural issues. Compared to the growth rate of international non-governmental organizations, it should be noted that the circle of international non-governmental organizations is being actively expanding. Factors that cause lower growth rates and intensification of public organizations in this area, compared with others, are significant dependence of Ukrainian organizations from international and foreign donor support, which causes a specific orientation in activities of non-governmental organizations and weak public administration reform, in particular, insufficient involvement of non-governmental organizations in the development of public policy in this area making individual decisions.

It should also be noted that non-governmental organizations that have chosen law as a sphere of activity, improvement of State policy, protection

⁴ Lopushinsky, I., (2013), Features of political socialization in the management processes of the democratic transformation of society, in *Public Administration: Theory and Practice: Collection of scientific papers of the Association of Doctors of Science in Public Administration*, Vol. 3 (15), pp. 81–87.

of interests of citizens when making decisions by the authorities are quite often involved in lobbying the interests of citizens. Such tendencies show a coordination of activity and uniting efforts of public organizations with different experience of interaction with public authorities. The main purpose of the public organization in particular is to protect the interests of citizens in drafting legislative acts and regulatory legal documents in various spheres of State policy, through active cooperation with public authorities, foreign non-governmental organizations, and international donor agencies.

An activity and interaction of public organizations is growing in recent years, there is seen an increasing interest in attracting managerial decisions different spheres of State policy and their implementation from the side of government authorities⁵. The efficiency in cooperation between legislative and executive branches of the authorities is confirmed, community organizations in the process of developing, discussing and adopting legislative decisions. For further promotion of the reform of the public administration it is necessary to improve the legislative framework for public organizations.

The international community defines the degree of democratization in individual societies also on the basis of public participation indirectly through non-governmental organizations in State administration. This is visible from the analysis of the activities of public youth organizations and associations to attract and disseminate their positive experience. For the formation of a civil society in a state that should be based on a human's personalized concept, it is necessary to conduct an effective work, as there is a prevalence of individualistic conception of a human in society.

Any managed system unites the subject and the object, between which various managerial information circulates. An interaction, as well as direct connection and feedback are made through it. Management as a process means continuous analysis of information and solutions of numerous interrelated tasks. In addition, this sphere is likely the nature of the functioning, which in turn makes its own adjustments. Public organizations provide the possibility of access of the whole society to the processes of development, adoption and implementation of decisions by the authorities. It is exactly the participation of the public's in the discussion and decision-making processes makes the actions of the government transparent, Increases

⁵ Methodology for Assessing Social and Economic Performance in JESSICA, Final report, (2013), European Investment Bank, retrieved from http://www.eib.org/attachments/documents/jessica_assessing_socio_economic_performance_en.pdf

the responsibility of politicians and officials to citizens, prevents corruption, promotes effective state management and increases the possibility of improving the political and socio-economic condition of society.

Such actions are most significantly and effectively at the level of local self-government. The actions of public organizations are an example of effective cooperation between authorities, territorial management and population and, it is the main condition for the success of reforms and forms a new technology of public administration based on the principles intersectoral cooperation. The theory of control is based on a systemic approach, according to which the society is represented by many dynamical systems of varying complexity⁶. Knowledge of features and properties of the system is of principal importance in management practice. It is very important for the organization of the system and its components, organization and implementation of the management process, developing, adopting and implementing solutions, planning system activities; in determining the kind and type of management.

The systematic approach to solving the problems of population means involvement of education, culture, social security and especially youth policy. An essential value has an Increase the efficiency and effectiveness of participation of public organizations in decision-making concerning the provision of state services, has the form and mechanisms of public participation. The definition of mechanisms and methodology of public participation in the processes of government decision-making at the local level is an important challenge the state authorities, especially in the context of a growing role and initiatives of civil society representatives.

The effective tool for the development of public participation in the development and decision-making bodies of public administration and local self-government should be considered application of the comprehensive methodology for the inclusion of the named forms at all stages of the management process at the municipal level that will enhance the efficiency, responsibility and openness of the authorities 'actions. Thus, according to the needs of the territorial community, especially at the local government level, should involve representatives of youth public organizations in the development of to adopt, implement and assess the effectiveness of managerial decisions, which will help to achieve equitable access and high quality of these services.

⁶ Schmidt, E. and Coren, J. (2013). *The NewDigital Age: Reshaping the Future of People, Nations and Business*, London, UK: John Murray, 337 p.

2. Peculiarities of Mechanisms for Governance in Transformational Societies

Before proceeding to the issue of management of the system of social-humanitarian policy implementation it is worth paying attention to its first stage namely the development of socio-humanitarian policy, which contains two main aspects: justification that is the estimated supply of the necessary resources of goals, directions, tasks and activities. It is almost always repeating the following error: the social and humanitarian policy is not enough to develop necessary resources. There is an entire number of normative acts, however, they are not always capable for practical implementation; realism that is orientation of social-humanitarian policy not on all questions or problems at the same time but the most important among them in a certain period of public life.

Following the development and adoption of the relevant legal act on social and humanitarian policy issues, the implementation phase of which also contains two basic principles: specification of socio-humanitarian policy in the mechanisms of socio-economic programs and planning; the socio-humanitarian policy must not be declarative, and ensure achievement of certain results in a certain period of time⁷. The management team must be composed of professionals who are familiar with both the theory and management consulting practices. One of the main reasons for teamwork is that all subdivisions of the modern organ of social and humanitarian policy are so closely interrelated that using different managerial styles will simply not be effective. No less important reason-the versatility and complexity of solved problems, their combined nature. Combining in one person competence, possession of economic, legal, psychological, sociological and managerial knowledge at their current scope-a very rare phenomenon.

Therefore, the modern social and humanitarian policy implementation manager should draw on the experience and intellect of its colleagues, responsible for different areas and aspects of activities. Team work can only be effective with the mutual desire of all subjects of the process. The second success factor is the proper selection of the team, which is based on the laid "principle of addition", that is, team formation, given the strengths and weaknesses of the leader. The leader is usually well aware of his qualities and when creating a team must pick up people who are able to

⁷ Alonso, S., Keane, J., Merkel, W., (2011), *The Future of Representative Democracy*, 328 p. Cambridge University Press.

compensate his certain weaknesses. It is very important to set acceptable methods for Joint (command) work which will satisfy everyone. The team members should comprehensively discuss their work, analyze common actions, and it requires collective dedication, openness and maturity.

Management in any area or sector of social activities, and in the sphere of socio-humanitarian policy, In particular, is inextricably linked with people who perform various managerial functions. That's why the work in the field of management is called managerial and the persons who implement it are called the managerial staff. In general, management work is understood as a specific kind of human activity, which appeared in the process of distribution and cooperation of public labor. This separation is objectively indispensable for the development of not only organizational Social production, but also of society as a whole.

In comparison with other types of labour activities, management work in the social and humanitarian policy Management system has certain features, results and used means. The analysis of the authorities ' activity of all levels demonstrates that the specificity of tasks, which are solved in the system of management of social-humanitarian policy basically, defines mental and creative nature of management work in which the setting of goals, development of methods and techniques of its achievement, as well as organization of joint activities to improve the work on issues of social and humanitarian policy are the main meaning and content of the work of the persons, which are enrolled to the management staff.

Concerning the definition of the term which is proposed: "social and humanitarian policy implementation Manager", in the modern sense, he is a leader, who holds a permanent post in one of the areas of management of social and humanitarian policy and endowed by the relevant powers regarding on the decision-making on a particular issue of this field. Consequently, the manager of the youth policy implementation is the representative of the government agency, who provides managerial activities and solves managerial tasks. It can be affirmed that managers are key leaders in the organizations and services of the departments and departments of Social services.

However, not all managers on implementation of socio-humanitarian policy play the same role in one or another constituent organization, because the tasks and functions that the different managers solve are not

identical⁸. In modern ruling structures, the following types of distribution of managers' activities for social and humanitarian policy should be highlighted: functional; structural (vertically and horizontally); technological and professionally qualified.

The functional classification of managerial work of the managers for social and humanitarian policy implementation should be based on the formation of employees of structural subdivisions which perform the same functions of management such as scheduling, organization, and control. According to this, some managerial staff of social and humanitarian policy departments specialize in planning, others are guiding their efforts to implement the developed measures, and still others are focused on controlling the progress of the management (department), rating this activity in general.

Structural horizontal distribution of management work of the managers of social and humanitarian work is formed based on the characteristics of performance. Because of the diversity of functional responsibilities that influence the division of managerial labour, it is always specific for each of the socio-humanitarian policy units in particular, therefore each of subsection, depending on the direction of its activities, should build its work based on the circumstances that has developed. The vertical division of managerial labour in social and humanitarian policy is built mainly on separation; those are three degrees or levels of control: higher, intermediate and lower one. The highest level employs no more than 2–5% of all management staff, which should form the purpose of the departments and the industry, develop strategic plans, and carry out its adaptation to various kinds of changes and provide for its connection, both with the external environment and society.

Technological and professional-qualifying level of management activities of social-humanitarian policy workers should take into account types and complexity of the work they are doing. According to these criteria, three categories of management workers can be identified in the unit of the Social and Humanitarian policy Department: managers, professionals and employees. If we consider their work from the view of the management process technology, the task of heads of structural units boils down to decision-making and organization of their practical

⁸ Lukysha, R. (2015), Improving of State Regional Policy Mechanism at Risks` Conditions International Journal of Advanced Studies, Vol. 5, No. 2, pp. 36-44, retrieved from <http://journals.org/index.php/ijas/article/view/6968>

implementation, requiring an extended set of skills and knowledge of analytical, prognostic and coordinating activities⁹. At the same time they need skills and knowledge of organizational and ensuring functions.

The latter involves the focus of the leader to create and effectively implement mechanisms of normative and legal, economic, financial, information and other types of functioning of the units he manages. The activity of the manager at the present stage cannot fully correspond to only the first level of competence. The head of socio-humanitarian policy of the second pillar of competence should already focus on formation of personal attitude to those processes which are held in social and humanitarian policy. While solving the problems it should be approached creatively, applying fundamentally new methods of solving them. And the highest should be considered the manager of the third level of competence, this is when his activities begin to dominate factors such as personal standards, values and moral standards.

Experts, in turn, undertake studying the problem and develop options of its solution. Employees are engaged, mainly, in information providing of the process of managing in the power structure, depending on the direction of its work. Namely, the activity of these employees is determined by the performance of appropriate functional duties (analytical, distribution, service). The middle or regional level is the most numerous level of social and humanitarian policy management, this level includes managers on the implementation of socio-humanitarian policy in the regions, responsible for the activities of (main) department, coordination of employees' activities in the sub-departments of the main administration of social-humanitarian policy.

Typical positions of managers on implementation of social and humanitarian policy of mid-level management should be: Typical positions of managers on implementation of social and humanitarian policy of mid-level management should be: head of department, head of subdivision, manager on direction of providing certain services. A head of the middle level of socio-humanitarian policy develops programs and projects which are to be implemented by both -management personnel and civil society organizations working in this direction. To the lower or technological level of management belong the managers of district level, who have in their subordinate mainly

⁹ Gorzelak, G., Zawalicska, K., (2013), *European Territories: From Cooperation to Integration*, Warsaw: Scholar, 320 p.

the main and leading specialists of different categories, who should carry out daily activities necessary for ensuring an effective work.

The manager performs two specific duties, which none of the other employees of the organization have. The first duty of the manager is to create from the resources available to him a real organizational and production unity and the second obligation is that in every decision and action, taking into account the requirements of the current moment, the manager of social and humanitarian policy should be always aware of the status and perspectives of the socio-humanitarian policy development at his management level.

It should be noted that at each of the possible levels of social and humanitarian policy (higher, middle and lower) degree of display of basic groups of skills is different. Exceptions make up only communication skills to work with the environment, which is necessary, practically the same for managers of social and humanitarian policies at each level of management by an organization or institution that emphasizes their special significance. A bit differently the practical and technical skills are considered. Thus, the managers for implementing social and humanitarian policies of the lower level should be well prepared practically, because their responsibilities include teaching, directing, and encouraging performers to improve their work.

Manager for the implementation of social and humanitarian policy of the middle level needs both – practical and conceptual skills. Managers of the higher level of social and humanitarian policy are valued not so much for practical skills but more for conceptual and good understanding of human nature. If earlier in the conditions of the centralized administrative-command system, all the instructions were made from «top" and there was no right to object, then in our times there are creative approaches of the head to solve the problematic issues. Obtaining positive shifts in the management of social-humanitarian policy issues requires the managers to have three basic skills and abilities.

These are practical skills, namely skills to possess special knowledge, have conceptual skills that contain three following components: the perspective or strategic planning; formation of relations within the organization; corporative rules of conduct of the organization

in society¹⁰. Finally, the last most important skill is communication skills that are the ability to work effectively with people and among people, to objectively assess the character of people and their motivation, efficiently manage the staff.

All the questions outlined require a speedy solution, but they do not exhaust the entire list of aspects and problems that exist in the modern transformational society. All this should be taken into account in the transition to a qualitatively new level which modern reality requires. It is necessary to constantly work on raising the skills of management's staff and employees of local departments, to involve them in the educational and lectures work in specialized and constantly active thematic seminars. It is necessary to continue and improve the practice of conducting workshops to exchange experience between municipal and district departments that are engaged in the implementation of State socio-humanitarian policy in their territories.

This would ensure a live contact and feedback between the members of the social and humanitarian policies of the middle and lower levels, and also would increase the responsibility of the heads of subordinate structures and the respective departments for keeping an administrative discipline, the quality of documents execution and amount of work. A complex analysis of the condition of implementation of socio-humanitarian policy by structural units should be systematically done and forming a methodical base on the questions of specified activities on the basis of generalized materials.

CONCLUSIONS

Transformational processes that are observed and will continue to unfold require improvement and further in-depth research to the sector's management. Among the topical problems of branch management, it is necessary to highlight the study of the laws and dynamics of changes in conditions and factors, against the background of imperfect elements of market relations, the growth of negative trends in the state of the level and quality of health of the population. It is necessary to take into account the close relationship between demographic and socio-economic indicators

¹⁰ Russkin, V. (2008), Political socialization of the personality: peculiarities of the perception of political information, in Scientific Papers of the Black Sea State University named after Petro Mohyla. Series: Politics, at http://nbuv.gov.ua/j-pdf/Npchdupol_2008_79_66_8.pdf

which has a direct relationship with the socio-humanitarian policy of the state, the dependence of public health from insufficient funding level.

The problem of establishment and evaluation of cause-effect relations between the level of public health and socio-economic conditions has not been solved yet. Introduction of the Fundamentals of science management implies implementation of a number of obligatory conditions: availability of highly organized system and components of its subsystems reliability and timeliness of information flows, adequacy of financing and material and technical base; redistributing functions at a broader delegation of rights and responsibilities to lower levels of governance.

The State socio-humanitarian policy should consider two levels:

updated objectives and benchmarks in realization and self-realization and perspectives that are calculated for a longer term. Implementation of this policy should be proceeded taking into account the specifics, needs of certain categories, age groups, regional conditions and other peculiarities. It gives an opportunity to consider needs in complex in the context of realization and self-realization, define directions of activity of State authorities and local governments to enforce rights and warranties. Henceforward, there is a necessity to analyze the gradual formation of the State socio-humanitarian policy, determining the activity effectiveness of public services, in its social and political orientation in general and to develop practical steps in resolving painful problems.

The growing number of public organizations, the diversity of their actions, and strengthening the role of different social processes testify the active development of civil society. Therefore, the development of mechanisms for dynamic analysis, estimation and forecasting of the population state, in connection with the variables of socio-economic factors, new approaches to reforming problems should become the basis for making effective decisions at all levels of management for their conceptual substantiation. It is necessary to develop new approaches to improve the forms and methods of industry management at all levels of the hierarchical structure.

SUMMARY

The article deals with the peculiarities of the mechanisms of proper governance in the social and humanitarian sphere of transformational societies. It is important to form an effective state socio-humanitarian

policy, which should be based on the appropriate organizational-legal base. By summarizing the theory and practice of public administration of social and humanitarian policy, we offer additions to the main implementation directions of the State socio-humanitarian policy. We provide methodical recommendations for the meaningful formation and interaction of the main complex of mechanisms of implementation, those are: legal, financial, organizational and information support. The article emphasizes on the basis of complementarity of these types of mechanisms it is possible to achieve positive results in realization of State socio-humanitarian policy.

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Information about the author:

Parubchak I. O.,

Stepan Gzhytskyi National University
of Veterinary Medicine and Biotechnologies Lviv,
Faculty of Economics and Management,
Department of Public Administration,
50, Pekarska str., Lviv, 79010, Ukraine

PUBLIC PARTICIPATION IN THE PRODUCE OF TERRITORIAL DEVELOPMENT STRATEGIES IN UKRAINE

Yevmieshkina O. L.

INTRODUCTION

Public participation is the important process in strategic management on local level. According to Miroslav Olchak involvement of the public in the process of strategic management organized properly is obvious need. It cannot plan goals and activities for many years for the local community without this community.

Now in Ukraine there is not fully implemented the principle of good governance. To improve the participation of citizens in the formation of strategic directions of territorial development in Ukraine has been approved The Concept of Reforming Local Self-Government and Territorial Organization of Power in Ukraine.

The Concept of Reforming Local Self-Government and Territorial Organization of Power in Ukraine (April 1, 2014)¹, the development of participatory democracy and its legislative framework are foreseen. One of the principles is the principle proclaimed “openness, transparency and public participation”. The expected results of the reform: creation “favorable legal conditions for maximally involving the population in making managerial decisions, and the development of forms of direct democracy”. Reform tasks:

- Maximum involvement of the population;
- promoting the development of forms of direct democracy;
- introduction of effective participatory mechanisms; introduction of effective mechanisms of public participation in the development of important management decisions by local government bodies, in particular on the definition of the strategy of the development of the territorial community;

¹ Про схвалення Концепції реформування місцевого самоврядування та територіальної організації влади в Україні: розпорядження КМУ від 1 квіт. 2014 р. № 333–р. URL: <http://zakon0.rada.gov.ua/laws/show/333-2014-p>.

– providing general meeting of citizens at the place of residence the right to initiate extraordinary reporting of local government officials to the territorial community;

– formation of consultative and advisory bodies at local self-government bodies for conducting public consultations, assistance in conducting public examination of draft decisions and decisions taken by local self-government bodies; provision of the right of territorial communities to a local referendum.

Agree with the opinion of D.Dvinchuk, Ukraine must move towards a full-fledged democracy-based participation on the local level, to be guided by the principles of the European Committee for Local and Regional Democracy of the Council of Europe, namely:

– Citizen participation is a key element in ensuring the legitimacy of a decision of local self-government bodies;

– Only close interaction with citizens helps the authorities to develop the best ways to improve and improve the quality of their work;

– Citizen participation is essential to the development of a sense of citizenship, membership of a particular community².

Modern strategic planning of territorial development system suggests public as a subject of formation of the policy of territorial development. The public as subject of strategic planning territorial development system participates in the formation of the policy of territorial development and promotes its effective implementation. Active social position improves the process public-political organization life of society in the direction to public development "man for the state". Therefore, the question deserves special attention equal conditions for the public participation in strategic planning process on territorial level. The state creates conditions for public activity by improve mechanisms of involving citizens and public associations in the development of state policy. This is the main principle of good governance. The system of local self-government is coherent and effective when established constant engagement of authorities and the public. Based on the relevance and importance of the study of public participation in the produce of territorial development strategies in Ukraine the goal of article is generalization Public participation as a principle of good governance and development Prospects of public participation in the produce of territorial development strategies in Ukraine.

² Дзвінчук Д. Механізми демократії участі: суть та особливості застосування на місцевому рівні. URL: <http://www.kbuara.kharkov.ua/e-book/tpdu/2016-1/doc/1/02.pdf>

1. Public participation as a principle of good governance

Public participation is a process by which Parliament, the Provincial Legislatures and Municipalities consult with the people, especially interested or affected individuals, organisations and government entities, before making decisions³.

Participation men and women is key component of good governance. Participation may be straight and indirectly through legitimized intermediary institutions and representatives. Representative democracy is not only taking into account needs the most vulnerable sectors of society when making decisions. Participation must be informed and organized. This means freedom of unions and expression of views and organized civil society⁴.

According to V. Solovykh, L. Rodionova and G. Karoteeva, Public participation principle is that the interests of all segments of the population must be represented in the political process through public participation. It must be consider in preparing local development strategies. The authors give such key arguments feasibility of public participation:

- The results of the planned activities should serve the entire local community;
- Public engagement enables the development of plans and strategies for development, taking into account the interests of all groups of the community, and not just supporters of the dominant political force;
- The rejection of the public grows simultaneously with the feeling that decisions are imposed from above;
- The rejection of the public decreases simultaneously with the growing public perception of co-authorship, co-executor of the decisions made;
- preparation and discussion of the draft plan in working groups with the participation of the public is the perfect way to pre-test, model, and predict possible outcomes;
- Public participation can reveal unsuccessful offers and something that cannot be realized, and to gain support and acceptance of approved projects and plans, etc⁵.

³ Elaine Pypers, Justin Bassuday. Public Participation in Local Government. Briefing Paper 421. December 2016. <http://www.cplo.org.za/wp-content/uploads/2016/02/BP-421-Public-Participation-In-Local-Government-December-2016.pdf>

⁴ Що є належне урядування? <http://www.unescap.org/huset/gg/governance.htm>

⁵ Солових В., Радіонова Л., Каротєєва Г. Громадська участь як один з базових елементів партисипативної демократії. URL: <http://eprints.kname.edu.ua/40092/1/111-115.pdf>

Among the forms of broad public participation in the management process Miroslav, Olchak⁶ offers the forms:

– will provide an opportunity to submit decisions, but the final decision is made by the authorities;

– Direct involvement of the local community in decision-making.

Tammy Robertson and Colleen Lepik proposes eight guiding principles for public engagement:

1. *Careful Planning and Preparation.* Through adequate and inclusive planning, the City will ensure that the design, organization, and process serve both a clearly defined purpose and the needs of the participants.

2. *Inclusion and Demographic Diversity.* The City will equitably incorporate diverse people, voices, ideas, and information to lay the groundwork for quality outcomes and legitimacy. Geographic, technological, social, financial, ethnic, cultural, and linguistic factors will be considered in the design of the participatory process.

3. *Collaboration and Shared Purpose.* The City will support and encourage participants, government and community institutions, and others to work together to advance the common good.

4. *Openness and Learning.* The City will help all involved listen to each other, explore ideas unconstrained by predetermined outcomes, and learn and apply information in ways that generate new options. The City will also evaluate public engagement activities for effectiveness.

5. *Commitment and Accountability.* All citizens, stakeholders, Council, City Administration and staff share the responsibility for providing a high quality of life for this community. The City is a responsible steward of public funds and is accountable for wisely choosing the means and extent of engagement and holding itself and others accountable for achieving optimal performance.

6. *Transparency and Trust.* The City will be clear and open about the process and provide a public record of the organizers, sponsors, outcomes, and range of views and ideas expressed.

7. *Impact and Action.* The City will ensure each participatory effort has real potential to make a difference and that participants are aware of that potential. Adequate time will be allocated to engagement activities to ensure a level playing field of understanding exists to ground dialogue and decision-making.

⁶ Ольчак М. Партисипативне стратегічне планування в органах місцевого самоврядування. Посібник для об'єднаних територіальних громад. Варшава, 2017. 107 р.

8. *Sustained Engagement and Participatory Culture*. The City will promote a culture of participation with programs and institutions that support ongoing quality public engagement⁷.

In article “Public Participation Guide: Introduction to Public Participation” discusses the different forms that public participation might take depending on the potential for public influence on a decision. These forms include:

- informing the public by providing information to help them understand the issues, options, and solutions;
- consulting with the public to obtain their feedback on alternatives or decisions;
- involving the public to ensure their concerns are considered throughout the decision process, particularly in the development of decision criteria and options;
- collaborating with the public to develop decision criteria and alternatives and identify the preferred solution;
- empowering the public by placing final decision-making authority in their hands⁸.

The main functions of the subjects of public participation written out by E. Afonin⁹:

- Influence on subjects of making state-management decisions;
- Effective solution of issues relevant to society;
- Public association and its activation in the context of solving state administration problems. A special role is played by the implementation of an information function that is provided: diagnosing problems and needs of the public; Identification of possible alternatives for making strategic decisions; assessment of the effects of various alternative solutions.

The importance of public participation has been recognized in many Council of Europe documents. A large number it relate to issues at the local level. Recommendations (CM/Rec, 2001) Committee of Ministers to Participating countries on the participation of citizens in local public life was one tool in this sphere. Includes recommendations to governments of participating countries to pursue policies contributed to public participation in local public life, and to give the opportunity for local authorities to apply

⁷ Tammy Robertson, Colleen Lepik. City of Kamloops. Public Engagement Handbook. December 2013. 37 p.

⁸ Public Participation Guide: Introduction to Public Participation <https://www.epa.gov/international-cooperation/public-participation-guide-introduction-public-participation>

⁹ Афонін Е.А., Гонюкова Л.В., Войтович Р.В. Громадська участь у творенні та здійсненні державної політики. Київ. 2006. 160 с.

various instruments of participation in the national regulatory framework¹⁰. The right to participate in local government affairs was introduced by the Additional Protocol to the European Charter of Local Self-Government. The protocol defines the right to participate in the local authorities activities, defines the means of its practical implementation and defines the authorities and territories to which the Protocol applies. Article 1 provides for the introduction of legally binding safeguards on the right to participate in local self-government: «The participating countries should ensure that every citizen in their jurisdiction has the right to participate in the activities of local authorities»¹¹.

Ukraine has legal and regulatory grounds for broad public involvement. According to the article 143 of The Constitution of Ukraine, the territorial communities of villages, towns, and cities directly or through the local government bodies that they have formed... approve programs of socio-economic and cultural development and control their execution. In the article 27 of Law of Ukraine «About self-government in Ukraine» (21.05.1997. № 280) to the authority of the executive bodies of village, settlement, city councils belong: ... ensuring balanced economic and social development of the respective territory.

The part two of article 38 of The Constitution of Ukraine and Law of Ukraine "About public service" give opportunity participation of citizens in public policy realization by realization of the right to be admitted to the civil service to any authority. Citizens enjoy equal access to public service and to service in self-government authorities also. The right of citizens to participate in the administration of state affairs is based on the principle of equality of access.

In part one article 13 of Law of Ukraine "On self-government in Ukraine" is guaranteed right of territorial communities to hold public hearings. It provide for meetings of deputies of the relevant council and local self-government officials with members of the territorial community. During the public hearings, themes and suggestions can be discussed on

¹⁰ Рада Європи: Комітет Міністрів, Рекомендація CM/Rec (2001)19 країнам-учасникам щодо участі громадян у місцевому громадському житті, доступно за посиланням: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2721001&SecMode=1&DocId=234770&Usage=2>

¹¹ Рада Європи, Додатковий протокол до Європейської хартії місцевого самоврядування про право участі у справах органів місцевої влади, CETS 207 – Місцеве самоврядування (Протокол), 16.11.2009 р., доступно за посиланням: <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482a>.

questions of local importance in the bodies of local self-government competencies.

Constitutional right of citizens of Ukraine on freedom of association in public organizations approved in Law of Ukraine "On associations of citizens". Registered associations of citizens according to article 20 of Law of Ukraine "On associations of citizens" have the right:

- represent and protect their legitimate interests and legitimate interests of their members in government and public organizations;
- take part in the political activity, hold mass events (meetings, rallies, demonstrations, etc.);
- to receive from the state authorities and self-government authorities information for realization goals and objectives;
- make suggestions to the authorities etc.

Law of Ukraine "On association of citizens" (art. 3) provides for a purpose creation of a public organization satisfaction and protection of their legitimate social, economic, creative, age, national-cultural, sporting and other common interests. The legislation of Ukraine also provides guarantees for the activities of public organizations and their ability to influence the activities of government bodies. According to Law of Ukraine "On association of citizens" public organizations is a subject of adoption, the implementation of government decisions. The law formalizes the conditions for introduction of control by civic organizations for the activity of the authorities. However, the mechanism for the implementation of control functions is not written out in this Law.

For involvement of citizens to the policymaking and policy realization Government of Ukraine introduces public consultations of the most important questions for society. "Procedure for conducting public consultations on the issues of formation and implementation of state policy" (Cabinet of Ministers of Ukraine, 15 October 2004. № 1378) definite the way and the main forms of citizen participation in public administration in state affairs by holding executive bodies of public consultations. Public consultations is the communication process between public authorities and citizens and their associations. The goal of consultations with citizens is decision-making, which will take into account rights, interests and knowledge all interested parties. Public consultations provide an opportunity for citizens to influence the content of decisions taken by the authorities.

Public consultations add opportunities good governance:

- providing citizens with free access to information about local self-government bodies activities;
- ensuring publicity, openness and transparency in the activities of local self-government bodies;
- promoting system dialogue by local self-government bodies and the public;
- improving the quality of local development strategies preparation and taking into account public opinion;
- creation of conditions for participation of citizens in development local development strategies.

In points, 8 and 9 "The procedure for conducting public consultations on the issues of formation and implementation of state policy" defined two forms public consultations. The first is public discussion: conferences, seminars, forums, public hearings, round tables, meetings, meeting with the public, work of public reception rooms, TV debates, discussions, dialogues, interviews, preparation of materials in mass media, Internet conferences, telephone hotlines, interactive communication in other forms. The second – study of public opinion: sociological research, questionnaires, content analysis of information materials, focus groups, etc.

Law of Ukraine "On Citizens' Appeals" regulates issues of practical implementation by Ukrainian citizens provided by the Constitution of Ukraine (p. 40) the right to make public authorities, associations of citizens' proposals for improvement of their activities, to expose deficiencies in work, to challenge actions of officials, state and public bodies. The law provides the citizens of Ukraine with the opportunity to participate in the management of state and public affairs, for influence on improvement of work of local self-government, to defend their rights and legitimate interests and restore them in case of violation.

Law formalizes the following types of appeals by citizens.

By content:

- suggestions (remarks);
- statements (petitions);
- complaints.

By the number of applicants:

- individual;
- collective.

By the form:

- verbal;
- written¹².

Article 15 of this law "Consideration of applications (petitions)" determines, local self-government bodies and their officials are liable:

- to objectively and timely consider them,
- to verify the facts set forth therein,
- to make decisions in accordance with the current legislation and to ensure their implementation,
- to inform citizens about the consequences of considering applications (petitions).

By the decree of the President of Ukraine 26 of February 2016 № 68 The National Strategy for Promoting the Development of Civil Society in Ukraine for 2016 – 2020 years was approved¹³.

– creation of favorable conditions for the development of civil society;

- Establishing effective interaction between the public, state authorities and bodies of local self-government based on partnership;
- promoting the involvement of the public in the processes of formation and implementation state, regional policy, local issues.

To implement the strategic direction of ensuring effective procedures for public participation in solving local issues, the following tasks have been formed:

Regulation at the legislative level:

- The procedure of conducting local government consultations with the public on draft legal acts during their development. Establish a list of cases where such consultations are not carried out, and a mechanism to prevent the violation of the requirements for the mandatory consultation;
- The order of initiation and holding of local referendums;
- Guarantees of realization of the right to peaceful assembly with consolidation of an exhaustive list of grounds for limiting peaceful gatherings;

¹² Публічна політика та управління : наук. розробка / авт. кол. : С.О. Телешун, О.Р. Титаренко, С.В. Ситник, С. І. Вировий. К. 2010. 36 с.

¹³ The National Strategy for Promoting the Development of Civil Society in Ukraine for 2016 – 2020 years. URL: <https://www.president.gov.ua/documents/682016-19805>

– Order of initiation, holding of general meetings (conferences) of members of a territorial community at the place of residence and implementation of their decisions;

– Obligatory approval in each territorial community of its statute. Statute defines the procedures for organizing public hearings, introducing local initiatives and implementing other forms of participatory democracy;

– Promotion of the introduction of public consultations at the level of local self-government bodies, public examination of their activities;

– Assistance in the implementation of mandatory public consultations in the process of drafting the State Budget of Ukraine and local budgets;

– determination of the procedure for conducting public appraisal of activities related to the provision of administrative services, as well as the activities of budget institutions providing social services;

– Creation of an effective mechanism for the implementation of the right of citizens to apply to the local self-government bodies with electronic petitions;

– To promote the inclusion of information transparency and openness in the regulations of local councils, issues of involving the public in the preparation of draft acts of great public importance.

Thereby, Public participation as a principle of good governance is being implemented in Ukraine in such forms: public discussion and study of public opinion. The study of this problem has attracted the attention of many scholars. They identify the role, forms, and principles of public participation in the process of strategic planning of the development of territories.

2. Prospects of public participation in the produce of territorial development strategies in Ukraine

Strategic planning of territorial development based on long-term vision of the local system. This system understand in the broad social, economic and spatial context. It allows adapt external influences and fully manage the development process. Such planning is based on the partnership interaction of different actors. It guarantees the success of the activity, and promotes the formation of local ties. The democratic principle of public participation in the process of development of territorial development strategies has not yet been fully implemented in Ukraine.

A. Kozhyna distinguishes regulatory-legal and organizational-functional problems, which impede the widespread use and development of diverse forms of local democracy. Among them:

- inconsistency of power institutions and political instability;
- Opacity in the processes of preparation and decision-making by local authorities;
- Adoption of normative legal acts, which complicate or cancel the procedures, aimed at maximizing public involvement in decision-making;
- Absence of mechanisms of responsibility of deputies of local councils to their voters;
- Low public awareness of existing mechanisms of influence on the process of activity of local self-government bodies;
- Distrust of the public to the bodies of representative power and public apathy;
- Insufficient professional level of employees of local authorities, bodies of self-organization of the population¹⁴.

To shape the directions of improving public participation in the development of territorial strategies will help study foreign experience. Interesting is the experience of the Philippines. In the Philippines the 1991 Local Government Code (LGC) requires citizen participation at all levels of local government through local development councils. Participation is mandated in the areas of development planning, education, health, bids and contracts, and policing. In theory, the LGC also permits direct representation of civil society and voluntary organizations on local government bodies, though this has been implemented unevenly. Legislation also mandates funds for training citizen representatives so they can participate effectively.

Perhaps the largest experiment in the joint approach is found in Brazil, where the new Constitution of 1988, termed at the time the “Citizens Constitution,” affirmed public participation in delivery of local services as a democratic right. This has resulted in creation across the country of municipal-level councils that link elected officials, neighborhood representatives, and service providers in almost every sector, notably health, education, and youth. The scale of these initiatives is enormous. In the case of health, for instance, more than five thousand health councils were created by the 1988 Constitution, mandated to bring together representatives of neighborhoods, social movements, and civil society

¹⁴ Кожина А.В. Перспективи розвитку механізмів громадської участі на місцевому рівні. *Державне управління: удосконалення та розвиток*. 2015. 1. <http://www.dy.nayka.com.ua/?op=1&z=858>

organizations with service providers and government representatives to govern health policy at the local level¹⁵.

Along with positive experiences, there are also frequently recurring problems with attempts to solicit public participation:

- People do not get enough advance notice that a hearing is being held or that their views can be expressed through some other mechanism.

- Hearings are being held in the capital or in the big cities only, and most people cannot get to them.

- People cannot afford the transport and the economically ‘non-productive’ time to go and participate in a public hearing or a focus group.

- The timing for the public consultation is not convenient for many people: they are at work or it coincides with a time of the day that is typically very busy in the household;

- The language in which the issue to be discussed is too complex – people have difficulty understanding what precisely is being asked.

- No local languages are used – many people do not have enough fluency in the ‘national language’ in which the conversation is taking place¹⁶.

In work S. Kravchenka¹⁷ is indicated, one of the foundations of effective public administration is the interaction of state bodies with public institutions. The wide participation of citizens in management processes enables the state authorities to make better decisions, which correspond to social realities, and effectively implement them. Such participation increases the trust of citizens in government and strengthens civil society. The above applies to the full extent strategic planning of territorial development; therefore, it is expedient to put the basis for its improvement the principle of public participation. According to this, it is necessary to foresee effective mechanisms for the participation of civil society institutions and of citizens in the development and implementation of strategic documents. Based on the statement V. Bondar¹⁸, the implementation of this principle can be provided so:

¹⁵ John Gaventa. Strengthening Participatory Approaches to Local Governance: Learning the Lessons from Abroad. URL: https://www.participatorymethods.org/sites/participatorymethods.org/files/Strengtheningparticipatoryapproaches_Gaventa.pdf

¹⁶ Public participation and citizen engagement. Effective Advising in Statebuilding and Peacebuilding Contexts – How 2015, Geneva, Interpeace. URL: https://www.interpeace.org/wp-content/uploads/2015/10/2015_10_12_Effective_Advising_How-Public_participation.pdf

¹⁷ Кравченко С.О. Теоретичні, організаційні та практичні засади державного управління (дистанційний курс) : навч.-метод. матеріали / С.О. Кравченко. – Київ : НАДУ, 2015. – С. 13.

¹⁸ Бондар І.С. Політика в публічному управлінні : навчальний посібник / І.С. Бондар, В. Г. Горник, С.О. Кравченко, В.В. Кравченко – Київ : Видавництво Ліра-К, 2016. – 161 с.

- wide informing on the processes of development of strategic documents at all levels, their projects and the results of their implementation;
- conducting public consultations on relevant issues;
- active participation of the public in the development of strategic documents;
- public control over the implementation of these documents.

Active public participation, according to scientists, involves the joint development of policy decisions by local self-government bodies and representatives of the public, although the responsibility for these decisions remains with the authorities. Currently this area is undeveloped in Ukraine, but in some states, appropriate methods of power-public interaction are used. There are two groups of methods of engagement citizens to actively cooperate with authorities: methods for involving small groups and broad public involvement.

N. Ilchenko are highlighted the following methods of involving the public in active cooperation with the authorities¹⁹.

1. Increasing the level of public awareness. The success of most approaches to engaging citizens depends on that, how well citizens are aware of the activities of the authorities and the processes that take place within the community. Ukraine is acutely in need of increased access to information and opportunities for its use. Among communication tools and information are publications in local mass media, television and radio broadcasts, and electronic means of communication.

2. Public consultations. The mechanism of public consultation includes public hearings, round tables, advisory councils, stakeholder meetings, etc. They allow a wide range of citizens to engage in policymaking and government service delivery.

3. Public control over the activity of the authorities. Public control over the activities of the authorities involves the introduction of such mechanisms and procedures: study of the quality of public services, monitoring of services and activities of the authorities, activity of supervisory councils, public jury and the creation of coalitions of non-governmental organizations. This approach helps to raise responsibility

¹⁹ Ільченко Н. Концепція участі та методи залучення населення до розвитку територіальної громади. Державне управління: удосконалення та розвиток. № 7. 2010. URL: <http://www.dy.nayka.com.ua/?op=1&z=156>

and transparency of the authorities through ongoing monitoring and establishing public relations.

4. Strategic community development planning. The purpose of strategic planning of community development is to develop local socio-economic strategies for a long period of time to strengthen the economic position of the community and improve the living standards of its inhabitants. Community-based strategic planning has two importance: firstly, allows us to concentrate on local issues; and secondly, it involves identifying and using the community's own resources.

An important element of strategic planning is the availability of public control. The effectiveness of this process should ensure the power and social interaction in the formation of territorial development policy process. It has so constituents:

- ensuring the transparency of the activities of local self-government bodies through comprehensive information on their activities;
- holding public-governmental consultations;
- active participation of the public in policy shaping²⁰.

Promoting the development of civil society in Ukraine should take place in such areas:

- change in the mentality existing in society, the formation of a citizen with a high political, civil and legal culture;
- raising the level of social consciousness, overcoming the phenomena of social passivity;
- the attitude of the authorities to the public, both as a partner and not to an opponent, overcoming the barrier in communicating with the public, formation of the ability of the authorities to hear and understand the public;
- development of various forms of public self-government and amateur activities;
- further expanding the means of public influence on power²¹.

Local authorities should focus their activities on such tasks.

To ensure decision making and resource utilization local authorities should approve a cycle of policy making and planning, which determines:

- ways of involving citizens at all stages of the political cycle;
- mechanisms for ensuring effective involvement of citizens.

²⁰ Бондар І.С. Політика в публічному управлінні : навчальний посібник / І.С. Бондар, В.Г. Горник, С.О. Кравченко, В. В. Кравченко – Київ : Видавництво Ліра-К, 2016. 161 с., С. 49.

²¹ Волинець С.С. Розвиток громадянського суспільства як чинник впровадження принципів «належного врядування» в Україні. *Аспекти публічного управління*. 2016. 37-38(11-12). 5-11 р.

Local authorities should ensure transparency of decision-making processes through:

- wide dissemination of information about events, so that citizens can take part in them;
- providing access to information, documents on policy decisions and budgets;
- providing citizens with feedback on the results of the decisions made;
- approval of this system as a local statute.

Local authorities should keep their accounts in front of citizens:

- ensuring transparency of the decision-making process;
- providing citizens with the opportunity to attend meetings, ask questions and request information for deputies and representatives of administrations;
- providing citizens with take part in decision making process;
- wide publication of the results of the decision-making process.

Non-governmental local authorities must recognize organizations as the main participation channels through represented the interests of citizens. Local authorities should recognize non-governmental organizations, is free and independent organizations about their goals, decisions and activities. They have the right to act independently and to maintain the point of view, which differs from the position of the authorities. Local authorities should recognize the contribution of non-governmental organizations in:

- protection of rights / interests;
- informing and attracting attention to certain issues;
- expert evaluation and advice;
- development of innovations;
- provision of services;
- the role of the supervisory authority.

The local authorities must guarantee non-governmental organizations and citizens contribute to the strategic planning process without discrimination. They recognize the European Convention on Human Rights and Fundamental Freedoms, freedom of speech (Article 10) and freedom of assembly and association (Article 11).

The local authorities must creation of favorable conditions for non-governmental organizations and wide involvement of citizens. This means:

- recognition of the rule of law;
- adherence to basic democratic procedures;
- political liberty to ensure the effective participation of citizens;
- implementation of legislation;
- Clear participation procedures;
- long-term support for a sustainable civil society;
- creating conditions for dialogue and cooperation through access to resources (financial, human and physical)²².

To accelerate the reform of territorial communities on the base of law to cooperate and unite the territorial communities it is necessary to:

- develop and approve promising plans for the formation of capable territorial communities, which can to realize the functions of providing high-quality services to the population in vital spheres;

- develop and approve the mechanism of registration of territorial communities as legal entities – subjects of public law. It is expedient to carry out by giving to territorial communities the corresponding identification code, and certificates on the status of a territorial community as a legal entity;

- inventory the material basis of the development of territorial communities: create registers of communal property objects, to evaluate the resource potential in view of the needs of a separate territorial community and the possibility of capitalizing this resource potential, optimization of economic activity of territorial communities;

- introduce mechanisms of public participation in the development of local government management decisions on the definition of the strategy of development of the territorial community, approval of the statutes of territorial communities, projects of urban planning documentation (master plans of cities, villages, etc.);

- legislatively define mechanisms for holding general meetings of citizens, public hearings, local initiatives, activities of public councils, bodies of self-organization, as well as local referendums. Implementation of direct democracy mechanisms with the use of e-governance;

- approve legal conditions and mechanisms for granting state support to cooperation projects between authorities and voluntarily united territorial communities;

²² Участь громадськості у процесі прийняття рішень на місцевому рівні [Текст] : посіб. – К. : Ленвіт, 2012. – 64 с.

– approve mechanism of financing of delegated powers of local governments of cities of rayon significance, settlements and villages for a transitional period to the formation of capable communities through their association²³.

As follows, public participation in the produce of territorial development strategies is not in full measure implemented in Ukraine. According to this, it is necessary to foresee effective mechanisms for the participation of civil society institutions and of citizens in the development and implementation of strategic documents. Among prospects of public participation in the produce of territorial development strategies in Ukraine proposed:

- wide informing on the processes of development of strategic documents at all levels, their projects and the results of their implementation;
- conducting public consultations on relevant issues;
- active participation of the public in the development of strategic documents;
- public control over the implementation of these documents.

CONCLUSIONS

Public participation in the produce of territorial development strategies is mane principal of good governance. This is confirmed by many world and domestic laws and the broad interest of scientists in studying this problem. Public participation as a good governance principle preferred partner and gives it legitimacy. It creation sensitive governance dialogue, strengthens local power and role as a partner in a wide range of regional initiatives. In the strategic planning process is shoood be synergy between local authority and public. Public participation accompanies the whole process of strategic planning. Participate in the way public consultations, increasing information are publications in local mass media, television and radio broadcasts, public monitoring and control over the activity of the authorities.

Public participations in Ukraine is not effective due to the existence of problems, which impede the widespread use and development of diverse forms of local democracy. Amon them: inconsistency of power institutions and political instability; absence of mechanisms of responsibility of

²³ Аналітична доповідь до Щорічного Послання Президента України до Верховної Ради України “Про внутрішнє та зовнішнє становище України в 2015 році”. – К. : НІСД, 2015. – 684 с.

deputies of local councils to their voters; low public awareness of existing mechanisms of influence on the process of activity of local self-government bodies; distrust of the public to the bodies of representative power and public apathy and other.

Today, the government has the task of improving the process of citizen participation. For its implementation, the prospects for improvement have been identified to introduce mechanisms of public participation in the development of local government management decisions on the definition of the strategy of development of the territorial community, approval of the statutes of territorial communities, projects of urban planning documentation (master plans of cities, villages, etc.). Public participation in the strategic planning process should be based on the principle of strategic governance. They include:

- Clear mission, vision and values statements of territorial development;
- The strategic plan discussion with authorities;
- The goals and strategies formed by the joint efforts of the authorities and the public;
- Performance measures are the basis for gauging progress;
- The chief elected officer charges committees with work from the plan.
- The strategic plan is revisited monitoring and control by authorities and public.

SUMMARY

The article is devoted to studying the public participation in the produce of territorial development strategies in Ukraine. Public participation is a process by which Parliament, the Provincial Legislatures and Municipalities consult with the people, especially interested or affected individuals, organizations and government entities, before making decision. Reviewed key arguments feasibility of public participation, the forms of broad public participation in the management process and principles for public engagement. The importance of public participation has been recognized in many Council of Europe documents. Recommendations (CM/Rec, 2001) Committee of Ministers to Participating countries, Additional Protocol to the European Charter of Local Self-Government, The Constitution of Ukraine, Laws of Ukraine

"About public service", "On associations of citizens", "On Citizens' Appeals" and so on. Public participation as a principle of good governance is being implemented in Ukraine in such forms: public discussion and study of public opinion. The study of this problem has attracted the attention of many scholars. They identify the role, forms, and principles of public participation in the process of strategic planning of the development of territories. The analysis of problems and directions of perfection was made. Proposed, public participation in the strategic planning process should be based on the principle of strategic governance.

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Information about the author:

Yevmieshkina O. L.,

Doctor of Science in Public Administration, Docent,
Associate Professor of the Public Governance
and Administration Department,
Taurida National V. I. Vernadsky University,
33, John McCain str., Kyiv, 01042, Ukraine

GLOBAL CHALLENGES IN THE CONTEXT OF FORMATION OF THE MODERN CIVIL SOCIETY

Shchur N. O.

INTRODUCTION

Current problems of social development become increasingly global in their nature. Each country is tasked with ensuring a decent level of social and economic development, national security, and protection of rights and freedoms of citizens. However, in today's globalized world no country can develop and implement its own public policy independently, without recourse to international institutions. Evolution of contemporary stage of development of civil society depends not only on internal factors (cultural and historical, social and economic, geographic location, etc.), but also on external factors, associated with impact of globalization processes. This results in increase of a number of actors of the international system who cooperate on a global level, intergovernmental and international non-governmental organizations, international financial institutions and transnational corporations, military and political organizations and alliances; global media, etc.

Processes such as globalization, democratization, postindustrialization, emergence of a large number of problems of a global scale, formation of universal civilization significantly increased the need to understand and study the civil society more profoundly. The best strategy of the State in terms of the globalization is close cooperation with society, delegation of powers to local self-government, to civil society organizations.

Functioning of civil society in the context of globalization is that the functions of the civil society are extended to the supranational level that translates into the activity of international organizations. In this case, global civil society opposes the bureaucracy of international level¹.

¹Тюхтенко Н.А. Еволюція громадянського суспільства та його роль у досягненні соціально-економічного успіху в умовах глобалізації / Н.А. Тюхтенко, Н.О. Задорожня, О.В. Задорожня // «Громадянське суспільство і формування нової парадигми соціально-економічного розвитку в умовах глобалізації»: тези доповідей Міжнародної науково-практичної конференції (м. Херсон, 14 квітня 2015 р.). – К. : АД Плюс, 2015. – С. 284.

1. Civil society and its role in shaping public values

These days not only the governing elite, but also non-government organizations, trade unions and religious organizations, and other representatives of civil society play various roles in social development. Thus, for instance, if at the end of the 20th century civil society was focused on the process of self-discovery, today its development and discovery is directed outward. As a result, contribution of civil society into the global world system became as strong as the impact of the State and business.

The civil society includes an increasingly wide, dynamic range of organized/unorganized groups; new actors of civil society blur the lines between sectors and experiment with new organizational forms. The actors of the civil society demonstrate that they are extremely important as the agents, organizers and innovators, and private sector plays an extremely important role in overcoming social challenges.

The context of functioning of the civil society changes. Modern technologies influence changes in social activity. In its turn, political pressure is used in many countries in attempts to limit the opportunities for activity of the civil society. These very changes create various challenges and opportunities, and require rapid response from both governing elite, and representatives of civil society.

While anticipating the future, leaders of civil society must understand how the change of external context shall influence their ability to exercise influence, and, in particular, what this evolution means for their relations with business, governments and international organizations. In a turbulent and uncertain environment, the actors shall not be able to work effectively in isolation any more: the new, more effective methods of resolving social problems shall inevitably overcome traditional sector boundaries. Which means that the actors of civil society shall have to search for unusual sources of inspiration and up-to-date successful adaptation².

Today we can state with confidence that now civil society may be characterized by:

- Appearance of new civic movements;
- The growth of cooperative and “non-commercial” sectors of economy;

² Роль громадянського суспільства в контексті глобалізаційних процесів / О. Дем'яненко // Вісник НТУУ «КПІ» Політологія. Соціологія. Право 2006. – С. 137.

- Strengthening of tendency towards the “the participatory democracy”;
- Wide development of consumers associations;
- Development of strong social movements and practices such as environmentalism, pacifism and feminism that are no longer taken as the new ones.

Just like in the old days, the ideology of civil society underlies the field of citizenship, which protects the existence of voluntary associations and social movements³.

The main indicator of the period is that global threats have been replaced with numerous potential threats of a lesser scale, but still significant enough by their impact. In such case, formation of effective system of international security requires quick response from the countries, objective and correct assessment of possible internal and external threats.

It is also worth stating that global problems are constantly changing due to identification of risks with extremely high growth rates. Lately the likelihood of risks with unexpected impact (implementation of new technologies, increased climate variability) has increased significantly, and by the level of impact – the risks are associated with unexpected negative effect of regulatory measures, unilateral actions aimed at nationalizing the resources, constant misbalance on labour markets.

In other words, the risks are conditioned not only by certain initial factors, but also by secondary factors associated with inappropriate actions of politicians intended to eliminate certain risks and resolve global problems, with incorrect or potentially dangerous new technological solutions (innovations). This evidences the emergence of a sort of paradigm crisis, the response to which should be the transformation of certain philosophic principles of social and economic activity in modern world that is impossible without correction of the value-based principles of human activity. As a separate point, it should be noted that existence of global challenges remain relevant nearly for almost all countries, without exception, irrespective of their geography, size, level of development and culture.

³ Тюхтенко Н.А. Еволюція громадянського суспільства та його роль у досягненні соціально-економічного успіху в умовах глобалізації / Н.А. Тюхтенко, Н.О. Задорожня, О.В. Задорожня // «Громадянське суспільство і формування нової парадигми соціально-економічного розвитку в умовах глобалізації»: тези доповідей Міжнародної науково-практичної конференції (м. Херсон, 14 квітня 2015 р.). – К. : АД Плюс, 2015. – С. 280.

Starting from 1990th the formation of new philosophic principles regarding the global development has been focused on new value-based framework. Such value-based transformation inherently caused the formation and formalization on an international level of a new political concept – sustainable development, which has been supplemented with new substantive elements. This is evidenced by constantly expanding interpretation of the concept of consistent development in documents of global forums of the United Nations Organization (UNO) for sustainable development issues, where the initial purely ecological tendency transformed into a more complex perception of the problem, where social issues and problems of global regulation of a world economy have an increasing role⁴.

Year 2000, when Millennium Summit took place in New-York (189 Member States), where the United Nations Organization adopted “Millennium Development Goals” Programme aimed at eradicating extreme poverty and ensuring a general increase of the standard of living, became a major milestone in formation of mechanisms of implementation of sustainable development goals. The goals were to be achieved by 2015.

The following eight goals were adopted on a global level:

1. To eradicate extreme poverty and hunger.
2. To achieve universal primary education.
3. To promote gender equality and empower women.
4. To reduce child mortality.
5. To improve maternal health.
6. To combat HIV/AIDS, malaria, and other diseases.
7. To ensure environmental sustainability.
8. To develop a global partnership for development.

In September 2015 on the 70th session of the United Nations General Assembly, the Sustainable Development Summit took place in New York, where a new sustainable development agenda was adopted. The resolution “Transforming Our World: the 2030 Agenda for Sustainable Development” announced 169 targets and 17(!) Sustainable Development Goals, in particular:

1. End poverty in all its forms everywhere.
2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture.

⁴ Нові глобальні виклики та їх вплив на формування суспільних цінностей / В. р. Сіденко // Український соціум. – 2014. – № 1. – С. 7-21. – Режим доступу: http://nbuv.gov.ua/UJRN/Usoc_2014_1_3

3. Ensure healthy lives and promote well-being for all at all ages.
4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
5. Achieve gender equality and empower all women and girls.
6. Ensure availability and sustainable management of water and sanitation for all.
7. Ensure access to affordable, reliable, sustainable and modern energy for all.
8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation.
10. Reduce inequality within and among countries.
11. Make cities and human settlements inclusive, safe, resilient and sustainable.
12. Ensure sustainable consumption and production patterns.
13. Take urgent action to combat climate change and its impacts.
14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development.
15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.
16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.
17. Strengthen the means of implementation and revitalize the global partnership for sustainable development.

Each country had to clarify the development goals depending on the degree in which it faces respective problems, which determines the criteria of achieving the goals.

While determining Sustainable Development Goals for Ukraine, respective targets and indicators for a long-term perspective, the global development benchmarks, sustainable development principles, and public opinion on vision of future development should be taken into account.

The global experience shows that social progress depends largely on maintenance of the balance between the goals related to support of economic growth, competitiveness of business, ensuring the ecological

safety and reducing social inequality. To achieve long-term goals, consistent performance of particular short- and long-term targets must be ensured. Prerequisites for the achievement of all goals with no exception are competent governance and administration, eradication of corruption, public support. Accordingly, proper governance, honest and transparent government, participation of population in decision-making process and control of performance thereof must be taken into account while setting strategic goals.

2. The Global Challenges of the 21st Century: threats and opportunities for Ukraine

Following the results of Davos 2019 World Economic Forum⁵ according to the assessment of international experts there were determined 30 global risks and 13 tendencies that may increase them or change their ratio.

Global Risks Report 2019 pays particular attention to a human aspect of global risks. In particular, it deals with a role played by current global transformations – social, technological and professional – in a psychological and emotional well-being of people. At the level of particular individuals, the decline of psychological well-being became both the reason and consequence of a more global risks picture, which reflects, for instance, on a social cohesion and political cooperation. The crosscutting theme is connection of psychological stress with a sense of lack of control in the context of uncertainty⁶.

According to expert forecasts, *cyberrisks* shall remain as high as in 2018. It was officially acknowledged at the global level, that since 2012 the problem of cyberrisks has been one of the five key threats to humanity.

For the last several years, a number of cyberattacks against the global and Ukrainian organisations has increased. Not only state institutions and enterprises became hackers' objective, but also a private sector (small and medium business), since computer systems used by small and medium business companies in their activity are vulnerable and have lots of gaps.

⁵ Marsh & McLennan Companies Zurich Insurance Group. The Global Risks Report 2019 [Электронный ресурс] / Marsh & McLennan Companies Zurich Insurance Group // 12th Edition is published by the World Economic Forum within the framework of The Global Competitiveness and Risks Team. – 2019. – Режим доступа до ресурсу: http://www3.weforum.org/docs/GRR17_Report_web.pdf

⁶ Отчет о глобальных рисках 2019 [Электронный ресурс] / marsh & mclennan companies zurich insurance group // 12th edition is published by the world economic forum within the framework of the global competitiveness and risks team. – 2019. – режим доступа до ресурсу: <https://www.marsh.com/ru/ru/insights/research-briefings/the-global-risks-report-2019.html>

Every day thousands of small enterprises all over the world suffer from cyberattacks. Thieves try to steal data and money, or interfere with business processes. For example, in 2014 in Great Britain alone 60 % of small business companies undergone influence of cyberattacks (suffered from cyberattacks and as a result lost about £65,000 to £115,000). According to Cybersecurity Ventures Report the world business shall face cyberattacks each 14 seconds by 2019, and the cost of cybercrime damages shall grow up to \$6 trillion by 2021. In addition to the increased number of cyberattacks, cybercrimes shall become more complex and sophisticated.

Cyber risks are the most underestimated risks in the long-term perspective in Ukraine. An exemplary case is that in 2017, more than 1500 companies suffered as a result of Petya-attack, and 13 thousand computers were infected. During one year, the Ukrainian business lost billions of hryvnias because of cyberattacks⁷.

The long-term threats are dominated by environmental risks. All of the five environmental risks as described in the report – loss of biodiversity, extreme weather phenomena, man-made and natural disasters, failure to prevent the change of climate and adjust thereto once again were categorized as extremely dangerous and highly probable events.

Ecological risks are dangerous for urban infrastructure and its development. Because of sea-level rise, many cities have already faced the need in very expensive solutions, starting from extraction of clean groundwater and ending with installation of coastal defence structures⁸.

Today in the military conflict area in the eastern part of Ukraine the ecological and technological hazards, which are characterized by significant decline in potable water quality, malfunctions in the industrial and potable water supply systems, flooded mines on occupied territory, are being increased. In general, it results in outlets of highly mineralized mine waters to the surface and significant pollution of aquifers. Military actions on Donbass territory resulted in destruction and damage of a great number of infrastructure objects, which threatens the ecological safety, health and safety of the population.

⁷ Віннікова І.І., Кібер-ризиків як один із видів сучасних ризиків у діяльності малого та середнього бізнесу та управління ними // І.І. Віннікова, С.В. Марчук // Східна Європа: економіка, бізнес та управління. – Випуск 5 (16) 2018. – С. 113/

⁸ Отчет о глобальных рисках 2019 [Электронный ресурс] / Marsh & McLennan Companies Zurich Insurance Group // 12th Edition is published by the World Economic Forum within the framework of The Global Competitiveness and Risks Team. – 2019. – Режим доступа до ресурсу: <https://www.marsh.com/ru/ru/insights/research-briefings/the-global-risks-report-2019.html>

Considering the scale of impacts and set of adverse effects, including ecological ones, for the Eastern region of the state and taking into account the long-term impact of ecological and social economic consequences the problem of pollution and degradation of key elements of environment in Donbass may be deemed to be systemic problem and may be treated as a new threat to the national security.

Moreover, for the last four years it is almost impossible to estimate the damages to natural complexes and industrial objects, to carry out repair and restoration works and implement state control in the field of environment protection on the territory of military conflict in the eastern part of Ukraine. It is extremely important that the ecological monitoring of the condition of the territory of Donetsk and Luhansk Regions is carried out by using the expedition examinations, remote and information technologies with international organizations engaged in order to estimate the ecological losses and make forecasts with regard to the ecological situation, and to give reasoning for and undertake the emergency protection measures.

In this respect modernization of physical facilities of the institutions of state environment monitoring system acting on the territory of Donetsk and Luhansk Regions in accordance with Decree of the Cabinet of Ministers of Ukraine No. 391-98-п as amended on 1 January 2019 is the issue of great importance⁹.

The lack of investments into the critically important infrastructure may result in serious problems and may increase associated social, ecological risks, as well as health issues¹⁰.

System risks may also include degradation of infrastructure of conducting and supporting the investment-innovative activity in our state. In particular, a negative aspect is that during the transformation changes in Ukraine a great deal of large industrial, technology and innovation areas, high-tech production facilities were lost, innovation, and scientific and technical potential, as well as the quantity of subjects (and their

⁹ Пріоритетні напрями протидії екологічним і техногенним загрозам в зоні військового конфлікту на Сході України. Аналітична доповідь / національний інститут стратегічних досліджень <http://www.niss.gov.ua/doslidzhennya/analitichni-materiali/nacionalna-bezpeka/prioritetni-napryami-protidii-ekologichnim-i>

¹⁰ Отчет о глобальных рисках 2019 [Электронный ресурс] / Marsh & McLennan Companies Zurich Insurance Group // 12th Edition is published by the World Economic Forum within the framework of The Global Competitiveness and Risks Team. – 2019. – Режим доступа до ресурсу: <https://www.marsh.com/ru/ru/insights/research-briefings/the-global-risks-report-2019.html>

opportunities) of institutional infrastructure of innovative activities decreased significantly¹¹.

Uncontrolled migration, permanent humanitarian crisis, etc. The important thing about all this is that social level is as important as personal level. Therefore, while considering the impact of migration on security of state, one may speak of different security aspects, in particular: internal, external, economic, political, cultural, social, demographic, etc. At the same time, international flow of migrants may cause strengthening of State security in one dimension with its simultaneous destabilization in the other one. For instance, the influx of immigrants can enhance economic and demographic security, while the cultural level of security shall become lower. When analysing migration-security links and connections, one should remember that international migration of people causes one challenges for security of immigration states (states that accept immigrants) and completely different challenges for security of emigration states (states from which emigrants originate). In practice “gain” or “benefit” of the accepting state is often simultaneously a “loss” or “on account of” the originating state and vice versa¹².

In the first dimension the scale of problem leads to the need to accept and take care of the increasing group of people who arrive, and in its turn it may affect the image of the immigrants, who shall be treated as “aliens” who compete with locals for social benefits, working places, generate and strengthen the sense of social injustice.

Considering the impact of crisis on security from the perspective of social and cultural dimension, newly arrived immigrants cause disturbances in society due to their cultural and religious differences. Differences in traditions and religious practices can put a strain on a relationship between the immigrants and local communities. Therefore, the country’s existing national, ethnic, religious or demographic structure of the population can be breached, especially when a massive influx of immigrants takes place.

In view of military and political aspects of security, the crisis can cause destructive consequences for security in several ways. On the one

¹¹ Безпека та конкурентоспроможність економіки України в умовах глобалізації / О. С. Власюк [та ін.]; за заг. ред. О. С. Власюка; Нац. ін-т стратегічних досліджень. – Київ : НІСД, 2017. – С. 162

¹² Криза міграційної системи ЄС як виклик безпеці європейської регіональної системи міжнародних відносин /

Юськів Б.М. // Міжнародні відносини Серія" Політичні науки", № 15, 2017. – http://journals.iir.kiev.ua/index.php/pol_n/article/view/3142/2823

hand, providing refuge to citizens of the originating country, some of which are protected by granting a status of a refugee or alike status, is often taken by the country of origin of immigrants as an unfriendly act. The provision of protection to its nationals may be constructed by the country of origin as a negative assessment of internal situation inside the country (since only the person who is persecuted in his/her motherland may be protected (granted a refugee status)). For this very reason, the migration crisis may become the source of international conflicts. On the other hand, persons who belong to terrorist groups and/or may be a threat to the security of the accepting country may also be among newly arrived persons¹³.

Now, let us refer directly to analysis of events that took place in 2014–2016, connected with unprecedented massive influx of refugees and immigrants to Europe. Since the end of 2014, when the crisis connected with massive migration of people to the European continent became more serious and significant, mass media and politicians started using a new term “the refugees crisis”. The term was connected with the then observed migration, the reason for which was, as was noted, the persecution by non-democratic regimes or consequences of conflicts that took place in number of neighbouring states.

Starting from the middle of 2015 the perception of the crisis has changed for the opposite one. In view of the fact that apart from persons who left their own dwellings because of the persecution, crowds of economic immigrants started coming to the European continent, such migration of people was called “migration crisis”¹⁴.

Threats of global extremism, terrorism and separatism. Terrorist act acquires more vivid colors, which is explained by the following:

- terrorism reduces the effectiveness of civil governance, and as a result, regulation of social economic processes;
- by weakening state and social structures, terrorism is a breeding ground for formation and strengthening the influence of oppositional anti-constitutional formations in society;

¹³ Potyrała A. Pozamilitarne aspekty bezpieczeństwa międzynarodowego – kryzys migracyjny 2015-2016 / A. Potyrała // Przegląd strategiczny. – 2016. – Nr 9. – S. 295–313.

¹⁴ Криза міграційної системи ЄС як виклик безпеці європейської регіональної системи міжнародних відносин / Юськів Б.М. // Міжнародні відносини Серія "Політичні науки", № 15, 2017. – http://journals.iir.kiev.ua/index.php/pol_n/article/view/3142/2823

– by activating moral and psychological influence on people, terrorism causes havoc, provocations, complications, people's anger towards each other which is used by it for its political purposes;

– by coming out of the state borders, establishing transnational criminal structures, terrorism becomes an international phenomenon and represents threat to the entire international community.

There are several circumstances that influence and promote terrorism; the basic one is respective social-political and economic environment in the state. In poor, undeveloped countries with the lowest level of economic and social development, there are virtually no episodes of manifestation of political extremism and terrorism in its pure form. At the same time in a state where the wealth of insignificant minority of population is opposed to poverty of the majority of people who do not believe that anything can ever be changed in a legal way, there is every reason for emergence of terrorism.

The forms of terrorism manifestation are dramatically multifaceted: they range from coercion to threats of physical destruction of people. Thus, phenomenon of terrorism is connected with the problem of assault in the history of human community in general and in particular, on the part of those vested with public powers. Subject to the foregoing, terrorism has always been and continues to be not only a sort of manifestation of disappointment and disbelief, but also a form of protest against national, religious, social and political harassment.

To summarize the foregoing, we can determine a line of substantive characteristics of contemporary terrorism. First, the terrorism goal (like in case with terror) is intimidation of those targeted by terrorist act. Second, the element of assault only works if the threat of terrorist act is apparent (somebody expressly demonstrated the possibility, ability and readiness to perform the same). To ensure that the action is effective, the declared threat is not completed (finalized), i.e. the explosive shall be placed, though not necessarily detonated. Third, the maximum possible public alarm caused by completed terrorist act.

The public nature of terrorism makes it a dual-action weapon. If terrorist activity is targeted against a particular politician or a statesman, they should be afraid not only for their life and for health, but also of the anger of their own people who start making claims to their government. It is not by chance that terrorists choose the most crowded places for their

explosions and arsons. A terrorist act must create a feeling of general insecurity, general fear and social tensions in society¹⁵.

In its essence terrorism is the most dangerous phenomenon, which is difficult to predict, that has lately disseminated all over the world and acquired new various forms. Countering terrorism has become a priority for the United Nations Organization and other international organizations.

The latest statistical data evidence the existence of about one thousand groups and organizations that undertake assault of the population and seizure of power in their activities. Today terrorism has been changing both by its objectives (becomes multiobjective), and by its forms and methods. It provides for political influence, and influence intended to undermine national, religious foundations of the state, society, etc.

Separatism is another global problem in the world and in Ukraine as well.

Separatism (originates from Latin “separates”) means intention (ambition) of a community, group of people or organizations to separate, isolate themselves from a larger structure; it is a movement seeking the autonomy for certain part of the state, or full separation and formation of a new state. As of today, almost half of the counties in the world have faced actions that may be construed as separatism. The majority of such manifestations are observed in Eurasia.

Reasons for separatism are as follows:

- external influence of interested (concerned) states;
- uneven development of certain regions of the state;
- historical factors;

Today’s manifestation of terrorism and separatism may not be treated as purely political phenomenon. It is largely a criminal terrorism and separatism. Such activity is characterised not only by direct implementation of terrorist acts, but also by financing of terrorist activity or separatism, purchasing of arms and ammunition, training of terrorists, organizing special terrorist groups or recruitment of individual terrorists, etc. Terrorists successfully adjust to changing conditions of present days and manage to find new means to meet their needs in financing, both legal and illegal. Legal ways of financing include funds received from charitable organizations and legal forms of business, as well as funds provided

¹⁵ Прояви сучасного тероризму: мінливі, багатогранні [Текст] / В. С. Канцір // Вісник Національного університету "Львівська політехніка". Юридичні науки. – 2016. – № 850. – С. 511.

personally by terrorists. Moreover, terrorists are also engaged in illegal activities of different type and scale, starting from minor offences and ending with organized fraud and drug smuggling, get financing from states that support terrorism, earn money in failing (incompetent) states and on territories that are loyal to terrorist organizations.

Terrorists and persons who generate and promote separatism use a great deal of methods that allow them to move money freely both within one organization, and between different organizations by engaging couriers or using the financial sector. Charitable organizations and alternative money transfer systems are also used to conceal (mask) the money intended for terrorism financing. Ability to adjust and find alternative solutions that characterize terrorist organizations, evidence that today any means of money transfer may be used for the purposes of unlawful activities¹⁶.

Dissemination of nuclear technologies and weapon of mass destruction (WMD). Notwithstanding the international control system for WMD non-proliferation, there is a risk of its proliferation, including equipment with such weapons of terrorist organizations whose actions are virtually impossible to control.

Formation of new centres of power and leadership tussle between them. The EU, China, India, Brazil and Russia claim to be the new world leaders. The aggregate GDP of BRIC countries (Brazil, Russia, India, China) shall exceed GDP of the Group of Seven countries by year 2050. The world shall become a multipolar structure with possible conflicts between the centres of power¹⁷.

Hybrid threats. The special feature of hybrid war is that it is fought in a concealed (disguised) way with the use of mainly non-linear tactics and is not aimed at seizure of the entire territory of the state (though establishing control over particular territories is not excluded), but rather at taking patronage over the country, that is achieved through influence on the population, politicum, business, and power structures. Therefore, countering hybrid threats that must be clearly identified in the state, requires attention until the society resilience is increased. It is not only power structures of the state that are involved in fighting against hybrid

¹⁶ Ризики тероризму та сепаратизму /Державна служба фінансового моніторингу України // 2017. С. 4–5.

¹⁷ Шевцов А.І. Майбутнє людства необхідно спланувати: глобальні загрози і довгострокова стратегія розвитку України. Стратегічні пріоритети. 2007. № 1 (2). С. 189.

threats, but almost all ministries and agencies, non-government organizations, business, and civil society.

Since Russia actively uses informational and propaganda instruments, economic and energy levers, interference with internal political life, stimulation of language, interethnic and interreligious conflicts, historical manipulation and other means of pressure on weak spots of the state and society, the development of national immunity of resistance and effective society oriented system of state governance shall be the primary task. It is not only Ukrainian society that suffered Russian aggression, but also societies of other countries of Eastern Partnership and particular EU Member States.

The methods of hybrid influence by Russian Federation in those countries have common features, and therefore the others may use countermeasures elaborated in one country. Although Ukraine is more experienced in counteracting Russian aggression of hybrid nature, still the ongoing research and analysis of situation in the other countries of Eastern Partnership and EU is required due to Moscow attempts to use them for scaling up the hybrid advance. The enhanced international cooperation for consolidated counteraction against hybrid aggression of the Russian Federation is extremely important; however, key reasons of its success are inside the state¹⁸.

The EU classification of areas of counteraction against such threats includes the following areas: information sector, transport and infrastructure, space, military sector, health care and food security, cyberspace, financial sector, industrial sector, civil and social sector.

It is worth stating that EU approach to detection of hybrid threats is serious enough, and last year they offered to establish a hybrid threats analytical centre, EU Hybrid Fusion Cell, within the EU Intelligence and Situation Centre, EU INTCEN of the European External Action Service. This new structure, that became operationally capable in 2017, is responsible for collection, analysis and reporting of publicly available and restricted information on the indicators and warnings of hybrid threats. The Centre reduces hybrid threats to a single European pattern and informs, including in a form of Hybrid Bulletin, the institutions of the EU and Member States of the European Union thereof. They also offered to establish European Centre of Excellence for Countering Hybrid Threats,

¹⁸ Гібридні загрози Україні і суспільна безпека досвід ЄС і східного партнерства. Аналітична записка / За заг. ред. В. Мартинюка // Центр глобалістики "Стратегія ХХІ". КИЇВ – 2018. – С. 6–7.

established in April 2017 in Finland, which is focused on researches of such types of threats and mechanisms to counter them.

The countries-sources of hybrid threats, as the EU defines them, may approach vulnerable members of society, imposing on them radical and extremist ideas via contemporary communication channels (propaganda). That is why raising social awareness and countering propaganda became a priority task for the European Union. A special group was formed called East Stratcom Task Force, a special project was launched called EU-STRAT, which also works in countries of Eastern Partnership, and removal of illegal information content is, in particular, the responsibility of European Counter Terrorism Centre as Europol department. As per cyber sector, the EU adopted EU Cybersecurity Strategy, European Agenda on Security, and Directive on security of network and information systems (NIS Directive). On a separate basis, European Commission established European Union Agency for Network and Information Security (ENISA) to counter cyber threats at the EU level, and Network and Information Security Platform (NIS Platform) to enable communication between EU bodies and civil and private actors in cyberspace. In this area EU cooperates with other countries and international organizations, such as UNO, OSCE, NATO¹⁹.

Social networks, considering their fundamental importance for development of global civil society, are taking an increasingly active role in leveraging social activity and are capable of bringing differentiated groups of civil opposition together to ensure adequate opposition to a military strength of the state, as was demonstrated by events in Egypt and Libya. Social networks, Facebook, for instance, are a strategic weapon, the possession of which is capable of determining the future of the state or a group of states, therefore the structure of network civil society provides for a chain reaction (response) in entire social networks system, which was the case with the above said countries. Scientists believe, that social networks represent a real danger to the State and its institutes; their destructive and creative character have yet to be seen by the world in the context of increasing globalization challenges. Economic globalization is controversial: on the one hand, it allows setting high social standards of living; on the other hand, the gap between the rich and the poor is getting wider and wider. Enormous social and economic implications of economic

¹⁹ Гібридні загрози Україні і суспільна безпека. досвід Єс і східного партнерства. Аналітична записка / За заг. ред. В. Мартинюка // Центр глобалістики “Стратегія XXI”. Київ – 2018. – С. 18–19.

crises in a form of unemployment, breakdown of entire industrial sectors is a direct consequence of global development of the world economy, which differs from recently existing international trade to greater extent²⁰.

Global cultural crisis is connected with promotion of primitive standards of mass consumption society that destroys national culture landscapes deforming thereby the worldview system and values of the population.

Shortage of traditional natural resources. Rapid depletion of natural resources, raw materials and traditional energy resources results in overpricing for such resources as well as the necessity to invest an enormous amount of money to find new sources of energy and raw materials. The most serious shortage here may be the increasing scarcity of fresh water that may become an important reason for global instability in the very near future.

Increasing demographic disbalance connected with accelerated ageing of population. This creates an increasing load on age related social security systems and has become an independent factor for increased instability of state finance in increasing number of developed countries of the world, primarily in Europe. According to expert assessments, this negative phenomenon may soon affect the developing countries, such as China.

Increase in food provisioning problems under conditions of increasing demand of food in less developed countries pro rata to their economic growth, and on the other hand – in order to provide food to the least developed countries that have an extremely weak development potential²¹.

Critical increase of social and economic inequality. The majority of societies and, accordingly, governors determine the eradication of unjust inequality as one of priorities of the state policy. However, when they have to choose between ensuring the rapid economic growth and reducing inequality by initial and secondary redistribution of profits, governments often find themselves in a situation with a cruel alternative, since losses connected with slowdown of economic development may reverse the advantages achieved by ensuring a greater justice.

²⁰ Тюхтенко Н.А. Еволюція громадянського суспільства та його роль у досягненні соціально-економічного успіху в умовах глобалізації / Н. А. Тюхтенко, Н. О. Задорожня, О. В. Задорожня // «Громадянське суспільство і формування нової парадигми соціально-економічного розвитку в умовах глобалізації»: тези доповідей Міжнародної науково-практичної конференції (м. Херсон, 14 квітня 2015 р.). – К. : АВД Плюс, 2015. – С. 291.

²¹ Нові глобальні виклики та їх вплив на формування суспільних цінностей / В.Р. Сіденко // Український соціум. – 2014. – № 1. – С. 9–10. – Режим доступу: http://nbuv.gov.ua/UJRN/Usoc_2014_1_3

The typical example in Ukrainian history is a widely known overload of the budget (and the economy in general) with social expenses, intended to support pensioners (retirees), low-paid workers, families with children, etc. A more just distribution of profits, which results, in particular, in poverty reduction, is a significant incentive (both material, and moral) for all segments of the population to participate in the economic development, while the increasing inequality and widespread poverty threaten to destroy the economic progress, may provoke social tensions and breed discontent with transformations on the part of those who have lost hope to ever improve their own lot. Finally, an increased inequality and widespread poverty cause social tension and social conflicts, worsen criminal situation in society. Which in their turn result in (even without forming political instability) increase of economic risks and decrease of investment attractiveness of the country (or a particular region), which in the end inevitably slows the economic development down.

To settle social conflicts and achieve balance in society additional resources shall be required, which shall decrease an overall effectiveness of economic system. Inequality results not only in criminalization of society; similar connection can also be traced between inequality and corruption. Unequal distribution of profits and wealth may cause certain people with high income to interfere with policy and state governance²².

Inequality is the result of external and internal reasons and factors. There are complicated bilateral connections between inequality and economic development, at the same time inequality influences the entire complex of social and political terms of society functioning. Extreme inequality is deemed to be unjust and undermines both sustainable development of society, and levelling of income, does not enhance the effectiveness and economic development²³.

Non-systemic civil conflicts and systemic crisis of contemporary middle class. The systemic crisis of contemporary middle class is a risky disbalance of percentage of distribution of material resources between different segments of society in the majority regions of the world, and especially in the USA, EU, PRC, Brazil, Ukraine and other countries, and may result in a large-scale protests, social boycotts, mass riots followed by destabilization both on an

²² Нерівність в Україні: масштаби та можливості впливу / за ред. Е.М. Лібанової. – К.: Інститут демографії та соціальних досліджень імені М.В. Птухи НАН України, 2012. – С. 6.

²³ Опалько В.В. Наслідки соціально-економічної нерівності в умовах глобальної нестабільності. / Збірник наукових праць Черкаського державного технологічного університету. Серія: Економічні науки. Серія: Економічні науки Випуск 51. – 2018. – С. 45.

internal and global level. Most likely, it shall lead to serious discussions on the role of political class, representatives of a large business and civil society in the context of public policy and governance.

The revised concept of social agreement and principles of distribution of material benefits among all interested parties can hence be a compromise.

Threats to liberal and democratic political trends: global dimension, change of political vector of development of social relations. Latest years have become a sort of social, political, economic and humanitarian test for the globalized world. The degree of uncontrollability and ad hoc arrangements becomes higher each day and requires the states to interfere with the situation and undertake autocratic directive measures both on internal and external geopolitical level. Very often liberal and democratic traditions of political and social governance demonstrate their inability to influence events in the world.

Currently this results in establishing declaratively democratic, and basically, hybrid authoritarian, with focus on national and religious peculiarities, political regimes in countries with unstable social economic situation (Arab-Islamic world, former Soviet Union countries, etc.). This tendency results in major disappointment and disillusion both of elite, and population with liberal and democratic ideas in leading countries of the world. Such processes promote liking for brutal methods of governance (the USA, EU, RF, etc.) and lay the foundation for the so-called «escape from freedom» effect or «soft authoritarianism». This in its turn reflects in formation of the newest versions of authoritarian regimes in a form of phenomena of managed democracy, information totalitarianism, virtualization of freedom of choice and democracy illusion.

Extension of the borders and increase of the number of cross-border conflicts is caused by the crisis of the concept of the state sovereignty, principles of borders integrity, national and political identity, inefficiency of international relations and international organizations, opposition between the world leaders and pulling the US's global hegemony mandate, redistribution of areas of geopolitical influence.

This is evidenced by situations in Maghreb countries, Middle East, Ukraine. In the nearest future a new wave of extension of cross-border conflicts may be expected in the Caucasus, in Central Asia, in areas where there is a concentration of Kurdish residents (Iran, Iraq, and Turkey), the

Balkans. Such tendencies will deepen the world crisis and complicate attempts to find new global humanity development projects with further local catastrophes²⁴.

Subject to the foregoing, it may be stated that modern society plays a more significant role in the process of making international legal decisions and adoption of national policy of the states all over the world.

CONCLUSIONS

The emergence of new dynamic globalization changes and processes determine to a certain degree the conditions and challenges which modern civil society faces each day. The analysis of recent developments proves that civil society becomes an equal partner to such actors as the State and private sector. The organizations of civil society became the most trusted structures nowadays. Nevertheless, the complexity and multilevel nature of modern social-political crises will determine the peculiarities of social development and civil society during the next decade.

New conditions of global development demonstrate to governing elite, that modern public policy must meet the demands of the times, remain flexible and mobile, and be open to new approaches and solutions for social development through respective innovative and comprehensive technology. In its turn, civic space has to reconsider the concept of relations with representatives of other sectors and demonstrate its ability to implement innovative ideas.

Ukraine must not stay away from the efforts of international community in planning its future. To implement those tasks one should understand that resolution of those issues is focused on implementation of reasonable public policy, state strategy of sustainable development acceptable to Ukrainian society – not only for today, but for the years ahead. A strategic and science based policy is required that will help to ensure future generations' right to decent living conditions.

SUMMARY

The article deals with description of conceptual framework of modern social development of international system with presentation of the nature of changes and specifics of global threats and crises. We have

²⁴ Телешун С. Україна крізь призму глобальних світових трендів: виклики та загрози. Назва з екрану. – [Електронний ресурс] – Режим доступу до ресурсу: https://www.ukrinform.ua/rubric-other_news/1974941-ukraina-kriz-prizmu-globalnih-svitovih-trendiv-vikliki-ta-zagrozi.html

reviewed peculiarities of such challenges, starting from cyberrisks and ending with ecological threats. We have also analysed global threats to humanity, their essence and contents with a particular focus on the tasks of the governing elite.

Subject to the foregoing, the research of contemporary threats of a global nature and means to overcome them is extremely relevant for the scientists, as is the skill to quickly respond to such challenges and form adequate requirements to drawing up the program of national development of Ukrainian State while implementing public policy.

We have established that globalization is a multifaceted and complicated process that goes through all spheres of social life in different degree: economy, politics, culture, education. All global issues need reconsideration, change of values system and search of new approaches that shall allow preventing and resolving them.

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Information about the author:

Shchur N. O.,

Candidate of Science in Public Administration,
Associate Professor of the Department of Social Development
and Public-Power Relations,
National Academy for Public Administration
under the President of Ukraine,
20, Antona Tsedika str., Kyiv, 03057, Ukraine

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