

PRINCIPLES OF REGULATORY ACTIVITY OF PUBLIC ADMINISTRATION BODIES AS THE BASIS FOR PROTECTION BUSINESS ENTITIES' RIGHTS AND INTERESTS

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INTRODUCTION

In accordance with the Association Agreement between Ukraine and the European Union, a Sustainable Development Strategy¹ (hereinafter referred to as the Strategy) was developed in our country, which defined the goal, main directions and top priorities of the social and economic, political and legal conditions for the formation and development of our State. The main objective of the Strategy is to introduce European standards of life in Ukraine and its entry into the leading positions in the world. One of the main priorities is the restoration of macroeconomic stability, ensuring sustainable growth of the economy in an environmentally friendly manner, creating favorable conditions for conducting economic activity.

Thus, in today's situation, the improvement of the State regulatory policy in the field of economic activity (hereinafter – regulatory policy) plays an important role. The mechanism of regulatory activity of public administration bodies, defined by the Law of Ukraine “On the Principles of State Regulatory Policy in the Field of Economic Activity”, should create the best conditions for improving the business climate in our country. Preventing the adoption of economically inexpedient and ineffective regulatory acts, and thereby reducing government interference in the activities of business entities, will contribute to further deshadowing of the economy and development of entrepreneurship.

¹ Про Стратегію сталого розвитку «Україна – 2020»: Указ Президента України від 12 січня 2015 р. № 5/2015 / Президент України. Офіційний вісник Президента України. 2015. № 2. С. 14. Ст. 154.

A prerequisite for the effective implementation of regulatory policy is unconditional compliance by the public administration bodies with its principles and drawing on the foreign experience to improve the mechanism of legal regulation of economic relations, as well as administrative relations between public administration and business entities in Ukraine. The current state of compliance and implementation of the principles of regulatory policy in the activities of public administration bodies needs to be improved.

Scientific literature contains numerous opinions of scientists. Having analyzed them, it is possible to conclude that the principles are the foundations that characterize any pattern of activity. Scientists distinguish between the following features of the principles: regulatory consolidation; implementation through a legal enforcement mechanism; determination of the content or mechanism for the implementation of legal norms.

Thus, the principles of regulatory activity of the public administration bodies are the fundamental provisions, the basic legal ideas contained in the norms of the legislation on regulatory policy. They determine the procedure for carrying out regulatory activities and are aimed at protecting the rights and interests of business entities from inappropriate and ineffective public administration interference in economic activities.

The principles of regulatory activity of the public administration should be considered at several levels or, in other words, one should identify general principles and special ones among them. The first are the principles specific to the activities of the public administration as a whole. These should include such principles as the rule of law, legality, democracy, publicity, public opinion, etc. The second group consists of the principles that are manifested during the implementation of regulatory activities by the public administration. This group will consist of the relevant principles of State regulatory policy – reasoning of State regulation of economic relations; relevance of State regulation of economic relations to the need of solving the existing problem; efficiency of the regulatory act; balance of the interests of business entities, citizens and the State; predictability of regulatory activities of the public administration; transparency and attention to the shape of public opinion.

1. General Principles of Public Administration Regulatory Activities in the Field of Economic Activities

The general principles are basic that fulfill the system-forming and system-oriented function of regulatory policy legislation, affect the content of legal relationships that arise in the process of preparing, adopting, monitoring performance and revising regulatory acts by the public administration, reflect the most important essential features of the public administration institution in general, and at the same time permeate all aspects of regulatory activities. These are the general legal principles, characteristic of the law as a whole, and determine the qualitative features for all the legal norms of the national legal system of Ukraine. They operate in all areas of law, reflecting universally accepted ideas and values.

A special place in the system of the abovementioned principles is occupied by *the rule of law*, defined in Art. 8 of the Constitution of Ukraine and aimed at upholding the law as a factor of progressive, democratic, and humanistic development of the society and the State. This principle is primarily associated with the priority of human rights in the society, their consolidation at the legislative level, legal equality, domination in state and public life of such laws that express the will of the majority or the entire population of the country, embodying universal human values and ideals by way of mutual responsibility of a person and the state².

The Constitutional Court of Ukraine in one of its decisions presented the definition of the rule of law. The rule of law, according to the decision of the Constitutional Court of Ukraine dated November 2, 2004 (the case on the imposition of a lesser penalty by the court), is the rule of law in society. The rule of law requires the State to translate it into law-making and human rights activities, in particular, into laws, which in their content should be imbued primarily with ideas of social justice, freedom, equality, and the like. One of the manifestations of the rule of law is that law is not limited only by legislation as one of its forms, but includes other social regulators, such as moral norms, traditions, customs, etc., which are legitimized by the society and conditioned by historically achieved cultural level of the society. All

² Державне будівництво і місцеве самоврядування в Україні : підручник / за ред. С.Г.Серьогіної. Харків: Право, 2005. 256 с. С. 57.

these elements of law are united by a quality that corresponds to the ideology of justice, the idea of law, which to a certain extent has been reflected in the Constitution of Ukraine³.

The principle of the rule of law is the principle of natural law as an aggregate of ideal, spiritual and just concepts of law. Justice, good, humanism as components of the rule of law are moral categories, elements of public consciousness. Recognition of the constitutional principle of the rule of law means that the laws of the State, as well as their application, must conform to law as a measure of universal and equal liberty and justice for all. In addition, the laws should reduce the discretion of both individuals, legal entities, and the State for the common good⁴.

Public administration in regulatory activity is guided by the principle of the rule of law, according to which a person, his rights and freedoms are recognized as the highest values and determine the content and direction of the State. That is, the public administration entities recognize the law as the highest value that ensures the rights and freedoms of individuals, including business entities, and the public interest in the development of the economy and ensuring national security in this area.

Another principle of regulatory activity is *legality*. This principle is of particular importance in the administrative relations of business entities with the public administration. In this case, the regime of legality ensures the possibility of exercising the constitutional right to business activities not prohibited by law, and remains the responsibility of each entity and aim of state regulation to act within the established limits. Acting on this basis, the public administration carries out regulatory activities exclusively within its authority. That is, despite the fact that, in general, the entities of public administration are endowed with broad powers of independent lawmaking and law enforcement, they are independent only within the limits outlined by law.

³ Рішення Конституційного Суду України від 2 листопада 2004 року № 15-рп/2004 у справі за конституційним поданням Верховного Суду України щодо відповідності Конституції України (конституційності) положень ст. 69 Кримінального кодексу України (справа про призначення судом більш м'якого покарання) /Конституційний Суд України. Вісник Конституційного Суду України. 2004. № 5. С. 38–45.

⁴ Голубєва Н.Ю. Поняття та система принципів цивільного процесуального права. Актуальні проблеми держави і права. 2010. № 1. С. 103–114.

Proceeding from the general rule of legal acts, the public administration entity acts not only within the limits of its competence, but also in the prescribed manner, in the established legal forms. Therefore, given the need to protect the rights and take into account the interests of business entities in the implementation of state regulation, the procedure for the implementation of regulatory actions of public administration should be governed by the rule of law and be legal in nature. This will be of great importance for the respect for legality during the regulatory activities of the public administration, since it can be ensured only when the implementation of the norms of substantive law is carried out in compliance with the legal regulations that determine the procedure for law enforcement. The legal nature of the regulatory activity of the public administration is an important point in its legal status. The public administration entity must strictly observe the requirements of the Constitution of Ukraine and the laws, abide by them and, within its competence, contribute to their implementation by others.

According to Art. 19 of the Constitution of Ukraine “the legal order in Ukraine is based on the principles according to which no one shall be forced to do what is not envisaged by legislation. Bodies of state power and bodies of local self-government and their officials are obliged to act only on the grounds, within the limits of authority, and in the manner envisaged by the Constitution and the laws of Ukraine”. That is, the State must guarantee not only the proper implementation of a citizen’s as well as a business entity’s rights and interests, envisaged by legislation, but also prevent unlawful interference in the activity of the business entity and the compulsory influence on it. In other words, the State must ensure protection from arbitrariness, lawlessness, abuse and discretionary decisions on the part of public authorities and local governments or their officials. At the same time, public authorities, local self-government bodies, and their officials must act only within the limits defined by the laws of Ukraine. Consequently, the Constitution of Ukraine states that the influence (especially coercion) on the part of the State on a person and society as a whole should be minimal, which is possible only if the bodies of state power and local self-government act exceptionally within the limits of the law⁵.

⁵ Коментар до Конституції України. Київ, 1998. 63 с.

So, legality in regulatory activities should be embodied in the following aspects:

- unity of understanding laws and bylaws, which consolidate the foundations of the functioning of the legal system of the State, legislate the regulatory activity of a separate entity of the public administration;
- equality of all subjects of legal relations, the party of which is the public administration entity, before the law;
- the rule of law that states the compliance of regulatory acts issued by the public administration entity with the Constitution of Ukraine, the Convention on the Protection of Human Rights and Fundamental Freedoms, the Law of Ukraine “On the Principles of State Regulatory Policy in the Field of Economic Activity” and other legislative acts;
- guaranteeing rights and taking into account the interests of business entities while carrying out regulatory activities;
- establishment of administrative and legal liability for violation of the requirements of the Law of Ukraine “On the Principles of State Regulatory Policy in the Field of Economic Activity”.

Therefore, the principle of legality in regulatory activity is a requirement for the public administration entity to strictly and unswervingly observe, in the exercise of its powers, the Constitution of Ukraine, the laws and subordinate regulatory acts.

The principle of democracy. Democracy is one of the most important political and legal principles. Art. 1 of the Constitution of Ukraine states that Ukraine is a sovereign and independent, democratic, social, law-based State. Moreover, the decisive feature of the State is reduced to the most important principle of its activities.

The word “democracy” is known since the times of ancient Greece, and in the Greek translation means “power of the people”. In the early period of its existence in ancient Greece, democracy was understood as a special form or kind of state organization, in which not one person was vested with the ultimate power (as in monarchy or tyranny), and not a group of people (as in aristocracy or oligarchy), but all citizens who exercise equal rights to govern the State⁶.

⁶ Скакун О.Ф. Теория государства и права : учебник. Харьков: Консум, 2000. С. 160.

The modern definition of the principle of democracy in society consists in the fact that the power belongs to people and people participate in the exercise of power. This is the relationship between society and the State. Under the Constitution, power in Ukraine belongs directly to its people as the primary source of power and, moreover, to the entire people, and not to any part of them, since the people of Ukraine are citizens of all nationalities and objectively all social groups⁷. So, Art. 5 of the Constitution of Ukraine fixes the provision that the people of Ukraine being the only source of power in Ukraine, can exercise power directly and through bodies of state power and bodies of local self-government; Art.38 of the Constitution of Ukraine assigns the citizens the right to participate in the administration of state affairs; Art.140 of the Constitution of Ukraine states that local self-government is the right of a territorial community – residents of a village or a voluntary association of residents of several villages into one village community, residents of a settlement, and of a city – to independently resolve issues of local character within the limits of the Constitution and the laws of Ukraine.

In the EU member states, there is a consensus model of governmental culture that presupposes the existence of an agreement between citizens on public decision-making mechanisms, as well as on the main problems facing the society, and the means of their solution. However, such activities are based on public participation in the decision-making process⁸.

The democratic nature of regulatory activity of the public administration implies the active participation of broad layers of citizens and their various associations, primarily business structures and associations of business entities, in the preparation of regulatory acts, their initiative, free, broad and business discussion of proposed regulatory decisions on the regulation of economic relations. Such an effective dialogue between the government and market participants is needed in order to ensure maximum fairness and predictability of the regulations. The components of this dialogue are the transparency of the regulatory activities of the public administration (in particular in the

⁷ Конституційне право України / за ред. В.Ф.Погорілка. Київ: Наукова думка, 1999. С. 185.

⁸ Адміністративне право України. Повний курс : підручник / В. Галунько, П. Діхтієвський, О. Кузьменко, С. Стеценко та ін.; за заг. ред. В. Галунько. Херсон: ОЛДІ-ПЛЮС, 2018. С. 43.

planning and adoption of regulatory acts) and its responsibility for the implementation of the tasks set.

Thus, the principle of democracy of the regulatory activity of the public administration is manifested in the establishment and rigorous implementation of a free, truly democratic way of preparing and approving regulatory acts, ensures the active and effective participation of the general public in law-making, taking into account the needs of the country's social and economic development in new regulatory decisions and interests of various segments of the population.

Recommendations to improve the participation of associations in the public decision-making process from the participants of the Civil Society Forum contain the following basic requirements:

- transparency in public access to all documents, projects, decisions and conclusions that are relevant for the participation process;
- impartiality on the part of NGOs, since they have the right to act independently and to argue divergent positions to the authorities;
- openness and accessibility, since participation processes should be open and accessible to all on the basis of agreed limits of participation;
- responsibility and effectiveness, in which participation must be result-oriented in order to have a real influence on the content; besides, authorities must be responsible to the public for the course of the consultation processes and report on their results;
- no discrimination;
- equal treatment and openness, namely equal access for all, including meeting the needs of minorities, disadvantaged people, vulnerable or socially excluded people or groups of people who wish to participate;
- independence of associations, in particular, refusal to impose NGOs' obligations to participate in decision-making processes or to uphold certain positions⁹.

⁹ Участь громадськості в процесі ухвалення рішень. Огляд стандартів та практик у країнах-членах Ради Європи. Рекомендації щодо сприяння участі об'єднань у процесі ухвалення державних рішень від учасників Форуму з питань громадянського суспільства, організованого в межах Додаткової наради 2015 р. з питань гуманітарної галузі, присвяченої свободі мирних зібрань та свободі об'єднань. URL: http://ecnl.org/wp-content/uploads/2016/08/Overview-ofparticipation-standards_Ukr.pdf

The principle of publicity involves ensuring the availability of discussing certain public decisions based on broad awareness and public opinion. Publicity includes true, timely and broad information about the actual state of affairs in the State, it is an expression of trust and respect for people, their ability to understand current events, work out the right decision, and consciously participate in its implementation.

Publicity is an integral element of democracy, the political life of a free society. It includes the following activities of the controlling entity¹⁰:

1) objective, comprehensive information about the state of the economy, social sphere, public relations, about the internal and foreign policy of the State at a given time;

2) regular publication of official documents, analytical reports, statistical data, results of sociological surveys and other materials characterizing the activities of state bodies of all levels;

3) public discussion of the draft target programs of the government, political commitments outlined by the leadership, as well as planned ways and methods of their implementation;

4) openness of control over the activities of governing bodies, involvement of the public (interested in various decisions) in the analysis and evaluation of the results, the consequences of the implementation of programs and plans.

2. Some Features of the Implementation of State Regulatory Policy Principles in the Public Administration Regulatory Activities

Principles of state regulatory policy are the principles underlying the implementation of public administration by the economy, which determine the basic requirements for the content and quality of regulatory activity of public administration entities in the field of economic activity. According to Art. 38 of the Law of Ukraine “On the Principles of State Regulatory Policy in the Field of Economic Activity” the principles of state regulatory policy are reasoning, relevance, effectiveness, balance, predictability, transparency and attention to the shape of public opinion.

¹⁰ Зеркин Д.П. Игнатов В.Г. Основы теории государственного управления : курс лекций. Ростов на Дону: «МарТ», 2000. С. 148.

The principle of reasoning presupposes the reasonable need for state regulation of economic relations in order to solve the existing problem. Consolidation of this principle in the legislation allows solving a multidisciplinary problem of overregulation of relations between government and business. Its essence lies in the fact that state regulation of economic relations should proceed from the State and dynamics of the market itself, the level of its development, as well as the protection of the rights and interests of all actors in the market.

When developing a regulatory act, it is important to make the most of foreign and domestic experience, the results of economic, sociological and other studies, statistical information, various types of references, memoranda and other materials. There should be no rush in work, in making precipitate and inappropriate decisions. Wise and systematic development and discussion of prospective regulatory decisions is the key to the effectiveness of regulatory activity, its compliance with the requirements of life, social practice, modern social and industrial relations¹¹.

With state regulation of economic relations, it is undoubtedly necessary to take into account the basic principles of a market economy: the inviolability of private property and the economic freedom of market players. It is the protection of property rights and ensuring economic freedom that are the main objectives of the rule of law, an integral part of the economic system, which is based on the relevant legal norms. However, the excessive freedom of action of an individual should be limited when the freedoms of other people, the constitutional system and morality are violated, and be reflected in legal norms. In this context, in our opinion, legal rules regarding regulatory activity must establish relations between a business entity and public administration that would be aimed at ensuring the priority of human and citizen's rights and freedoms, including the right to entrepreneurial activity. The international experience shows that in those countries where the existing public administration system does not contradict market relations, a more rapid and gradual economic growth is observed.

¹¹ Кравцова Т.М. Державна регуляторна політика у сфері господарської діяльності: організаційно-правові засади реалізації : монографія. Харків: Видавництво НУВС, 2004. С. 51.

According to *the principle of relevance*, regulatory activity should be responding to the existing problem and market requirements taking into account all acceptable alternatives to socio-economic development, its objective laws.

The principle of relevance implies the use of various alternative regulatory solutions, the study and synthesis of one's own experience in solving an existing problem, an objective realistic assessment of the consequences of decisions made in order to identify and apply all the positive things that have justified themselves in practice, as well as to use creatively domestic and foreign experience in solving identical questions.

In the process of drafting a regulatory act, it is important to ensure a professional objective assessment of its provisions from the standpoint of common interests, help bring to the notice of the authorities issuing the act the reasons for business practice, and also take into account in regulatory decisions private, group, corporate interests to the extent that they do not contradict the interests of other social groups and society as a whole¹².

Thus, the content of the principle of relevance implies investigation of socio-economic development patterns, the identification of ways and means of applying the laws of economics by a public administration entity in order to ensure optimal legal regulation of economic relations, an equilibrium of public and private interests, and the use of regulatory influence tools that match market needs and the specific existing problem in the country's economy.

The essence of *the principle of efficiency* is to achieve the goals of state regulation of economic activity in ways that are less resource-intensive for both business entities, citizens and the State.

Public administration in any social sphere, be it economy, education, culture, security, defense, internal affairs, etc., is connected with material and spiritual values, financial and human resources. Proceeding from this, the regulatory acts of the public administration are called upon to achieve the most useful results for citizens, society and the State in a timely manner and at the lowest cost, to benefit the country, which will justify the tangible and intangible costs caused by its

¹² Кравцова Т.М. Державна регуляторна політика у сфері господарської діяльності: організаційно-правові засади реалізації : монографія. Харків: Видавництво НУВС, 2004. С. 53.

existence. This also concerns the regulatory activity in the economic sphere, which, like any socially useful public administration activity, must be exercised rationally and efficiently.

Efficiency is an indicator of how the efforts (resources) spent by the governing entity and society to solve the problems raised are taken full advantage of in socially valid output¹³. Efficiency criteria used in practice usually include costs, time-bound targets, payback periods, etc. Evaluation of the public administration efficiency is necessary both for state authorities and for society. It allows the society to control the quality of state institutions activities, while managers and government employees need it for self-control and for improving the management process. The problem of evaluating efficiency is the problem of analyzing management activity and decisions taken¹⁴.

The requirements of the principle of efficiency are to optimize regulatory decisions, that is, to develop various solutions, compare them and select the best option from all possible alternatives to achieve the goal. The task of the public administration is to identify and investigate solutions that are more likely to work on attaining the objectives if there are resources at the disposal of business entities, citizens and the State. In addition, these options should take into account external and internal conditions, possibly a larger range of stimuli of the functioning environment on the public administration system of the economy, social implications of a decision, as well as the interests of business entities, citizens and the State as a whole.

Thus, efficiency is an important principle of state regulation of economic relations, regulatory activity, which ensures the optimal functioning of the system of public administration of the economy, contributes to solving problems related to the development of market relations. The main characteristics of such a process in the economic and social spheres are predictability, consistency and responsibility for the ultimate effects of the management decisions made – regulatory acts.

The principle of balance as the principle of the State practice, all its institutions and officials. It is enshrined in Art. 3 of the Constitution of Ukraine, which states that human rights and freedoms and their

¹³ Зеркин Д.П. Игнатов В.Г. Основы теории государственного управления : курс лекций. Ростов на Дону: «МарТ», 2000. С. 240.

¹⁴ Там же. С. 242.

guarantees determine the essence and orientation of the activity of the State. To affirm and ensure human rights and freedoms is the main duty of the State. Thus, this article enshrines the humanitarian dimension in the exercise of state power, including regulatory activities. According to the content of this article, the observance of human rights is a fundamental constitutional basis in Ukraine, which, consequently, directs the entire set of social and political relations.

The ultimate goal of activities of the State in general and its modern and enshrined in the Constitutions of most countries, including Ukraine, criterion of its activity is ensuring human rights and freedoms and decent living conditions. Therefore, regulatory activity of the public administration should be based on universal values, international human rights standards, and the creation of conditions and mechanisms for their implementation in society and the State¹⁵.

This principle implies that regulatory activity of the public administration is aimed at ensuring a balance of interests of both business entities and their counterparties – consumers of their goods and services, as well as the State. The State in the process of exercising the rights and freedoms of every person reconciles the selfish interests of individual members of society, the contradictions between the private, the individual and the general (public), taking legal action. An independent element of the outcome of the public administration activity is the common good.

The concept of the common good refers to the fundamental ideas and principles of the entire European social, political and legal culture. The concept of the common good presents the legal model of identifying, agreeing on, recognizing and protecting various interests that are in many ways conflicting with each other, the pretensions, and the will of the members of this community as their benefit, possible and acceptable from the standpoint of a single law for all. The common good expresses the objectively necessary general conditions for the possible coexistence of all members of the community as free and equal entities, and thus at the same time – the general conditions for the expression and protection of the good of each. In this concept, the common good is not

¹⁵ Кравцова Т.М. Державна регуляторна політика у сфері господарської діяльності: організаційно-правові засади реалізації : монографія. Харків: Видавництво НУВС, 2004. С. 56.

separated from and not opposed to the welfare of everyone¹⁶. Thus, if a State that is not a law-abiding one prioritizes its own interests as opposed to the interests of civil society and the individual, then a completely different system of priorities exist in the rule of law. According to it, law is intended to ensure and protect primarily the interests of the individual and civil society and only after that – the needs of the State machinery¹⁷. Thus, the common good is not the negation of various interests, pretensions, will, goals, etc. of separate entities, but the general condition of their potential.

Interests are objective factors that determine a person's social engagement in all types of activities, including economic activity. The laws of functioning and development of economic relations are the necessary persistent interdependence of interests – private and public – of the participants in these relations. Based on this, we believe that the regulation of these relations mutually adapts and balances all three groups of interests on the part of the State, civil society and business entity.

The principle of predictability requires a sequence of regulatory activities, compliance with its state policy objectives, as well as with plans for drafting regulatory acts that allow business entities to plan their activities.

As evidenced by the world experience of economic development, the “market mechanism” of social production can function only if there is stable and predictable legal space of economic and political relations. If a business entity does not know or does not understand the legal rules under which the economy functions, and cannot predict its development trends more accurately, it will never invest its capital in this economy¹⁸.

The unpredictability and inconsistency of the legal environment as a result of frequent changes in legislation cause a high degree of risk and uncertainty of business entities and create conditions for the unprofitability of their investments. Predictability of legislation as a principle of the existing legal system can be violated only in case of

¹⁶ Нерсесянц В.С. Философия права : учебник. Москва: Издательская группа НОРМА – ИНФРА*М, 1998. С. 71.

¹⁷ Бачинин В.А. Философия права и преступления. Харьков: Фолио, 1999. С. 77.

¹⁸ Кравцова Т.М. Державна регуляторна політика у сфері господарської діяльності: організаційно-правові засади реалізації : монографія. Харків: Видавництво НУВС, 2004. С. 57.

economic emergency or political crisis in the country that could not be foreseen. In general, public administration entities are called upon to scheduled planning and development of legal acts in accordance with the goals of state policy and with plans for the preparation of draft regulatory acts.

The principle of transparency and attention to the shape of public opinion in regulatory activities of public administration is a reflection of the general principle of publicity, which has certain features of its manifestation in the field of public administration of the economy.

Publicity in regulatory activity consists in its openness, free and business discussion of draft regulatory acts by all stakeholders. It allows citizens, business entities to see the mechanism of formation and implementation of state-governing impact on economic activity and the course of all processes of public administration in the field of economic activity.

The introduction of the principle of transparency in the regulatory activity of public administration began with the legal consolidation of the Institute for public discussion of draft regulatory acts. Now, no regulatory act that directly or indirectly regulates economic activity will not be able to enter into force without prior and broad public discussion and expertise in the State Regulatory Service of Ukraine.

Public opinion reflects the views (assessments, judgments) of the most of the active population regarding the effectiveness, usefulness and correctness of public decisions. It is an array of information for public administration. Accounting for public opinion is a feedback channel in the public administration system, using the information array to develop and make the most reasonable and effective government decisions¹⁹.

CONCLUSIONS

Summing up, it should be noted that the principles as basic rules, requirements, foundations of the public administration regulatory activities in Ukraine are combined into a single system due to the fact that each of them separately and all together serve the common goal of protecting business entities' rights and interests from inappropriate and ineffective interference of public administration in economic activity.

¹⁹ Кравченко Ю.Ф. Свобода як принцип демократичної правової держави : монографія. Харків: Видавництво НУВС, 2003. С. 207.

Characteristic features of the public administration regulatory principles are:

ideological orientation – the principles are based on a certain idea of the expedient and effective interference of public administration in economic relations, which is a prerequisite for their emergence and is predetermined by the social and legal factors of public life;

systematic nature – the principles of regulatory activity represent a certain system that consists of general principles of public administration and the principles of state regulatory policy that maintain relations among each other, and form the appropriate integrity and unity;

formal certainty – the principles are manifested in the rule of law through their textual normative consolidation in the Law of Ukraine “On the Principles of State Regulatory Policy in the Field of Economic Activity” as a separate article;

autonomy – the content of one principle should not duplicate the content of other principles of regulatory activity;

democracy – the principles of state regulatory policy in the field of economic activity is an element of human culture, ideological ordering of values, such as the rule of law, civil society, equality, independence and freedom;

effectiveness – public administration entities take into account the principles of state regulatory policy at all stages of regulatory activity, when preparing, adopting, monitoring performance, and reviewing regulatory acts;

progressiveness – the principles confirm the fundamentals of public administration behavior in relations with business entities that are ideal for the conditions of the modern developing economy of Ukraine.

SUMMARY

The scientific article carries out a scientific and theoretical study of the principles of the public administration regulatory activity in the economic sphere in the current circumstances, proceeding from the needs of the development of society, State and law. Based on the main priorities of State development of Ukraine, which are to restore macroeconomic stability and ensure sustainable economic growth, the state regulatory policy in the economic sphere plays an important role in creating favorable conditions for doing business, ensuring the rights of economic entities. The principles of regulatory activity of public

administration bodies are fundamental provisions, fundamental legal ideas contained in the norms of legislation on regulatory policy and which determine the procedure for carrying out regulatory activities. The article analyzes the system of principles of regulatory activity and defines their purpose – protection of rights and interests of economic entities from unreasonable and ineffective interference of public administration in economic activity. The following characteristic features of the regulatory principles of public administration are defined: ideological orientation, systematic nature, formal certainty, autonomy, democracy, effectiveness and progressiveness of the public administration regulatory activity.

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