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PUBLIC SERVICES IN THE SUBJECT OF ADMINISTRATIVE LAW IN MODERN CONDITIONS

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The change from a «state-centric» ideology to a «people-centric» one, the recognition of the priority of serving the state to the person (public service activity) are, of course, as noted by S. G. Stetsenko, positive achievements of Ukrainian society[1].

In the works of Ukrainian lawyers, when using the category of «services», the main emphasis is placed on legal aspects, in particular on the administrative procedure for their provision. This can be explained by the fact that the first scientists who formed the theory of services in Ukraine were, first of all, representatives of the science of administrative law (V. B. Averyanov, I. P. Golosnichenko, S. V. Kivalov, I. B. Koliushko, V. S. Kuybida, A. O. Selivanov, V. P. Tymoshchuk and others).

V. M. Garashchuk argues that the fact that the main opponents of this theory are also representatives of legal science, who question the very possibility of using the category of «services» in relation to the activities of state authorities and local self-government bodies, has led to particularly lively discussions on this issue in jurisprudence[2].

Thus, G. M. Pisarenko and O. M. Bukhanevych note that the modern doctrine of administrative law, which is being formed in Ukraine, provides for a certain shift in emphasis, a new understanding of «publicity», due to a return to basic humanitarian values, to the recognition and consolidation of the inalienable natural rights of man and citizen [3, pp. 22–23; 4, p. 25]. This provision is also enshrined in the Constitution of Ukraine, which proclaimed the need to transition from the ideology of state dominance and state interests over individual interests that prevailed in the past to the ideology of the state serving the person, guaranteeing, ensuring and protecting the fundamental rights and freedoms of man and citizen by the state[3].

[1] Stetsenko S. G. (2007). Administrative Law of Ukraine: K.: Atika, 624 p

[2] Garashchuk V. M. (2001). Administrative services – a new institution or a new mistake? Bulletin of the Academy of Legal Sciences of Ukraine. No. 3. 109–114.

[3] Bukhanevich O. M. (2016). Theoretical, legal and praxeological principles of providing administrative services in Ukraine: dissertation … doctor of legal sciences: speciality 12.00.07

T. O. Kolomoyets and S. G. Stetsenko attribute social relations that arise within the framework of the provision of administrative services to the subject of administrative law and consider such activities to be a component of the method of regulating this branch of law[4].

Public services are activities of public administration bodies carried out at the expense of public funds. This definition is essentially very close to the definition of the category of «public service» in European law, but presented from the point of view of the subject of their provision and the source of financing.

Public services by the source of financing for the provision of this type of service, that is, the type of budget, include administrative services, which in turn are divided into state and municipal services[5].

State services are services provided by state authorities (primarily executive) and state enterprises, institutions and organizations. State services also include services provided by non-state organizations in the exercise of delegated powers, etc. In this case, the first place for determining the nature of the service is not the direct subject of its provision, but the subject that is responsible for it, and the source of financing for the provision of this type of service is the state budget. Municipal (municipal) services are services provided by local government bodies, municipal enterprises, institutions and organizations. The source of financing for the provision of municipal services is the local budget. O.M. Bukhanevich notes that, unlike the concept of «administrative services», the term «public services» has a broader meaning. O.M. Bukhanevich explains that, first of all, public services can be provided by state and non-state structures, but the main thing that unites them is the interest of society in their provision, social significance[6].

O.M. Bukhanevich argues that the concept of «public services» essentially covers the spheres of social relations that are regulated by both civil and administrative law. In these spheres, there is a differentiation of legal regulation, which is determined by two main factors: the subject of service provision and the content of legal relations that arise in this case. Public services are based on public interest, which is understood as the interest of the social community determined by the state and secured by law,

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«Administrative law and process; financial law; information law»; Institute of Legislation of the Verkhovna Rada of Ukraine. K. 455 p.

[4] Stetsenko S. G. (2007). Administrative Law of Ukraine: K.: Atika, 624 p

[5] Leheza Ye. O. (2016). Theory of public services: administrative and legal component. Monograph. Kherson: Publishing house «Helvetica», 2016. 452 p.

[6] Bukhanevich O. M. (2016). Theoretical, legal and praxeological principles of providing administrative services in Ukraine: dissertation … doctor of legal sciences: speciality 12.00.07 «Administrative law and process; financial law; information law»; Institute of Legislation of the Verkhovna Rada of Ukraine. K. 455 p.

the satisfaction of which serves as a condition and guarantee of its existence and development. In the most general form, public interest means the interest of the human community – the population, the people, etc.[7]. What exactly the state authorities define as public interest depends on the level of legal culture and legal awareness of the subjects of lawmaking. And what the authorities see as the common good may actually diverge from the interests of a significant part of the population.

But in any case, the requirements that are imposed on public administration objects must ensure the general welfare of the people of Ukraine and cannot express the private interest of public administration subjects. It is in the last thesis that the essential difference between private and public interests lies.

Public interest is nothing more than a certain set of private interests[8]. Accordingly, it does not matter how many people a public administration subject protects – the main thing is that it acts in accordance with the principle of legality and does not defend private personal (third parties related to it) and corporate interests. Thus, it is the public interest that underlies the provision of public services. The modern understanding of administrative law allows us to confidently assert that public services are part of the subject of administrative law.

[7] Leheza , Yevhen. Pisotska, Karina. Dubenko, Oleksandr. Dakhno, Oleksandr. Sotskyi, Artur. (2022). the essence of the principles of ukrainian law in modern jurisprudence. *Revista jurídica portucalense*, december, 342-363. doi: https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15

[8] Sinkevych, O., YurovskaV., Komissarova, N., Tkachenko, O., & Leheza, Y. (2024). Subjects of public authority in matters of combating terrorism: legal regulation, administrative and criminal aspect. *Ius Humani. Law Journal*, *13*(1), 1-14. https://doi.org/https://doi.org/10.31207/ih.v13i1.332