



UDC: 351

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DOI <https://doi.org/10.31618/vadnd.v1i11.13>

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## **ANALYSIS RESEARCHES ON DEVELOPMENT OF PUBLIC MANAGEMENT IN UKRAINE WITHIN THE SYSTEM OF INTERNATIONAL AND LEGAL STANDARDS**

**Abstract.** Fundamentally new approaches to public management in international and legal aspect which are highlighted in scientific researches have been defined in the article. Importance of every catalyst-reasons offered by the researches, amendments in fundamentals of public management as affected by the international law have been analyzed. Scientific researches, in the context of innovations in the sphere of public management with due regard for international and legal aspects, have been analyzed. Classification of reforms based on the principle of readiness of the Ukrainian management system for the amendments offered by the scientists has been carried out. The conclusion is made that the Ukrainian state should implement new management standards more efficiently, and it refers not only to modernization of the political sphere but also to the balanced development of administrative, economic, social, spiritual spheres of social life. It is determined that today the scientific aspects of the supranational dimension in modern social management have remained beyond the attention of the scientists. Due to the study of the peculiarities of the European experience in the organization of

democratic state governance and the systemic characteristics of the development of integration processes, the following directions of improvement of public administration as part of the process of building a democratic society in Ukraine are identified: 1) strengthening of the influence of the European administrative space on the system of public administration in Ukraine; 2) optimization of public administration in accordance with criteria of EU membership, humanization and systematization of public administration. It is these directions that can serve as the subject of individual scientific studies, taking into account the adaptation of foreign experience to national conditions. It is substantiated that in the present moment in Ukraine the main possibility of mutual exchange of experience in the field of public administration is carried out with the help of international cooperation. Therefore, it is precisely on the basis of the analysis of both foreign and domestic scientific research that it is possible to develop, design, and identify the main stages of the development of public administration in Ukraine, taking into account the main and important international legal norms, traditions and principles.

**Keywords:** public management, international law, government regulatory agencies, local government authorities, European Union, international and legal standards.

## **АНАЛІЗ ДОСЛІДЖЕНЬ ЩОДО РОЗВИТКУ ПУБЛІЧНОГО УПРАВЛІННЯ В УКРАЇНІ В СИСТЕМІ МІЖНАРОДНО-ПРАВОВИХ СТАНДАРТИВ**

**Анотація.** Визначено принципово нові підходи щодо розвитку вітчизняного публічного управління в системі міжнародно-правових стандартів, що висвітлені в наукових дослідженнях. Проаналізовано важливість кожної із причин-каталізаторів, запропонованих дослідниками, зміни основ публічного управління під впливом міжнародного права. Проаналізовано наукові дослідження в контексті новацій у сфері публічного управління з врахуванням міжнародно-правових стандартів. Зроблено висновок, що українська держава має більш ефективно впроваджувати нові стандарти управління, і це стосується не тільки модернізації політичної сфери, а й збалансованого розвитку адміністративної, економічної, соціальної, духовної сфер суспільного життя.

Визначено, що на сьогодні поза увагою науковців залишилися практичні аспекти наднаціонального виміру у сучасному суспільному управлінні. Завдяки дослідженню особливостей європейського досвіду організації демократичного державного управління та системних характеристик розвитку інтеграційних процесів визначено такі напрями удосконалення державного управління, як складової процесу побудови в Україні демократичного суспільства: 1) посилення впливу європейського адміністративного простору на систему державного управління в Україні; 2) оптимізація державного управління відповідно до критеріїв членства в ЄС, гуманізація та систематизація державного управління. Саме ці напрями можуть слугувати пред-

метом окремих наукових досліджень з урахуванням адаптації зарубіжного досвіду до національних умов. Обґрунтовано, що наразі в Україні основна можливість взаємного обміну досвідом у сфері публічного управління здійснюється за допомогою міжнародної співпраці. Тому саме на підставі аналізу як зарубіжних, так і вітчизняних наукових досліджень, можна розробити, спроектувати, визначити головні етапи розвитку публічного управління в Україні з урахуванням головних та важливих міжнародно-правових норм, традицій та принципів.

**Ключові слова:** публічне управління, міжнародне право, органи державного управління, органи місцевого самоврядування, Європейський Союз, міжнародно-правові стандарти.

## **АНАЛИЗ ИССЛЕДОВАНИЙ ПО РАЗВИТИЮ ПУБЛИЧНОГО УПРАВЛЕНИЯ В УКРАИНЕ В СИСТЕМЕ МЕЖДУНАРОДНО-ПРАВОВЫХ СТАНДАРТОВ**

**Аннотация.** Определены принципиально новые подходы к развитию публичного управления в системе международно-правовых стандартов, которые освещены в научных исследованиях. Проанализированы важность каждой из причин-катализаторов, предложенных исследователями, изменения основ публичного управления под влиянием международного права. Проанализированы научные исследования в контексте новаций в сфере публичного управления с учетом международно-правовых стандартов. Сделан вывод, что украинское государство должно более эффективно внедрять новые стандарты управления, и это касается не только модернизации политической сферы, но и сбалансированного развития административной, экономической, социальной, духовной сфер общественной жизни. Определено, что сегодня без внимания ученых остались практические аспекты сверхнационального измерения в современном общественном управлении. Благодаря исследованию особенностей европейского опыта организации демократического государственного управления и системных характеристик развития интеграционных процессов определены такие направления совершенствования государственного управления, как составляющей процесса построения в Украине демократического общества: 1) усиление влияния европейского административного пространства на систему государственного управления в Украине; 2) оптимизация государственного управления в соответствии с критериями членства в ЕС, гуманизация и систематизация государственного управления. Именно эти направления могут служить предметом отдельных научных исследований с учетом адаптации зарубежного опыта к национальным условиям. Обосновано, что сейчас в Украине основная возможность взаимного обмена опытом в сфере публичного управления осуществляется с помощью международного сотрудничества. Поэтому именно на основании анализа как зарубежных, так и отечественных научных исследований можно разработать, спроектировать, определить основные этапы развития публичного управления в Украине с

учетом главных и важных международно-правовых норм, традиций и принципов.

**Ключевые слова:** публичное управление, международное право, органы государственного управления, органы местного самоуправления, Европейский Союз, международно-правовые стандарты.

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**Problem statement.** Today, the attention of scientists is increasingly emphasized on the need to change the model of national public administration. Ukraine has chosen the European vector of development in all spheres of life. However, the European civilization model of governance is a rather complicated social, democratic and legal transition to a politically organized, responsible civil society of a new quality, which has a fairly high level of business activity and political participation of citizens, ensuring their rights and freedoms.

Currently, the main opportunities for mutual experience exchange in the sphere of public management are carried out through international cooperation in Ukraine. Therefore, it is precisely on the basis of the analysis of both foreign and domestic scientific research that it is possible to develop, design, and identify the main stages of the development of public administration in Ukraine, taking into account the main and important international legal norms, traditions and principles.

**Analysis of recent research and publications.** In the Western state-management scientific community, public administration issues are the subject of numerous scientific studies, among which foreign experts, namely: P. Bleuen [1], G. Butcacher [2], W. Wilson [3], S. Polit [4] and C. Lambert [1].

The essence of public administration is the subject of dissertation research of domestic scholars, among which it is worthwhile mentioning works by V. V. Bashtannyk [5], O. P. Borysenko [6], V. V. Brahinskyi [7], N. A. Hnydiuk [8], M. S. Kalyna [9], A. O. Karapetian [10], D. O. Krasovskyi [11], O. O. Kolizhuk [12], S. A. Mamedov [13], M. O. Nazarenko [14], V. F. Roman [15], and R. Yu. Soroka [16], V. V. Tykhonovych [17], V. V. Popovych [18], K. Kh. Herasymiuk [19], T. P. Palamarchuk [21], O. Cherviakova [22], M. Ye. Chulaievskaya [23] and D. Yu. Yurkovskiy [24].

However, despite a sufficient number of publications in the scientific space of Ukraine devoted to the reform of public administration, the vast majority of them have a sectorial orientation or applied nature. They do not consider improving public administration in the context of transformational transformations in Ukrainian society.

The purpose of the article is to define fundamentally new approaches to the development of domestic public administration in the system of international legal standards, which are covered in scientific researches; analysis of each of the causes of catalysts proposed by researchers in scientific research; a description of scientific works in context of innovations in the field of public ad-

ministration taking into account international legal standards.

**Presentation of the main material.** The primary task of the state is to ensure implementing international relations in the field of public administration. First of all, it is necessary to focus on studying international experience in the field of regulatory and regulatory regulation of public administration, the application of forms and methods for implementation of personnel policy, scientific and methodological and informational and analytical support for the functioning of the public administration institution.

There is interestingly in this sense the approach of O. Kolizhuk who highlighted it in her paper '*Public Administration of Foreign Economic Activity of Ukraine in the Conditions of European Integration*'. In particular, the scientist proposed a model of optimization of public administration based on the application of an integrated approach to the procedure for the formation and implementation of the Strategy of Public Administration of Foreign Economic Activity of Ukraine, taking into account the powers of state administration bodies of different levels, in accordance with such an algorithm: formation of state foreign economic activity and determination of the main directions of its realization; development and approval of the Concept of Development of Foreign Economic Policy; development and approval of the Long-term Program of Development of Foreign Economic Activity of Ukraine; and adoption of tactical government-management decisions in the field of regulation of foreign economic activity of Ukraine [12, p. 3–5].

N. A. Hnidyuk developed in her study the main models of the coordination of European integration policy taking into account the powers of central authorities in the field of European integration policy and the degree of their centralization, which allows, from the author's point of view, and theoretically to substantiate the tendency of creating a model in Ukraine with a high level of functional decentralization and horizontal coordination [8, p. 4–7].

N. A. Hnydiuk perfected the mechanism of coordination of European integration policy by improving the effectiveness of its main components, such as: political planning and coordination (legislative harmonization, impact assessment, third party consultation, public information, financial support, management of external coordination of donor assistance, human resources and training of skilled professionals in the field of European integration [8, p. 8].

V. V. Popovych perfected contemporary ideas about the methodological approaches to the formation of the European municipal policy in her study '*Conceptual Principles of the State Municipal Policy in Ukraine in the Context of European Integration*'. It is shown that they are based on the principles, regulations and standards of local self-government, which are harmoniously combined in the concept of '*good governance*', which consists of the following four groups of international standards: in the field of human rights, in the field of local and regional democracy, and in the field of *the Nomenclature Units of Territorial Standardization* (hereinafter referred to as the 'NUTS') [18, p. 5].

Subsequently, the Nomenclature Units Territorial Standardization (NUTS) were analysed in the work of K.Kh. Herasymiuk '*Optimization of the Territorial-managerial System in Ukraine in the Context of European Experience*'. In particular, European standards and approaches for reforming the territorial organization of public authorities and the content of the implementation of relevant reforms in the EU have been developed in this research. One of the important mechanisms of optimization of territorial-administrative system in Europe was the NUTS System, that provides a unified, transparent and efficient model of statistical monitoring, and based on this, improve the system territorial division and implement a flexible regional policy [19, p. 5, 18].

It was argued that the decentralization of power in the EU countries takes place within the framework of international legal standards by grouping the main or fragmentation large administrative-territorial units, the introduction of 'new regionalism', inter-municipal cooperation and 'good governance' in the study of V. F. Roman '*The Mechanisms of Governmental Governance for Decentralization of Power: the Experience of the EU Countries for Ukraine*'. Among other things, there also developed research on the formation of new territorial entities: associations, as a rule, the basic units, created not only for the implementation of the tasks of economic development, planning and accounting, but also for the development of social and cultural traditions [15, p. 3–4]. Thus, the concept of V. F. Roman highlights the current state of the vision of public management in the countries of the European space

in the context of the dissemination of ideas of the 'new regionalism', characterised primarily by raising the level of regional identity facilities management [15, p. 5].

It is worth noting that currently reforms of local self-government and territorial organization of power are actively being implemented in Ukraine. We observe a positive tendency the implementation of international legal tendencies regarding the decentralization of state power in Ukraine. So, the envoy of the German Government for decentralization issues will work in Ukraine in September 2017. The Deputy Prime Minister and Minister of Regional Development, Construction and Housing and Public Utilities of Ukraine Hennadii Zubko noted that the authorized person of the German Government for the reform of decentralization issues will begin to work in Ukraine in September 2017. Hennadii Zubko testified that the delegation the envoy for decentralization issues from the German Government is further evidence of the success of reform implementation, which is the largest among other reforms supported by the EU [20].

R. Yu. Soroka proposed a new vision of the role of industrial policy, which becomes an integral indicator of the sectorial, regional, innovation and legal development of the state in his scientific study '*The Application of Public Administration Mechanisms in the Formation of Industrial Policy in the Process of European Integration of Ukraine*'. The scientists worked out new mechanisms of management of industrial policy, based on which the regionalization of the economy, market motivation of in-

novation growth and the elimination of bureaucracy and corruption influences based on international legal experience [16, p. 5].

It is important that R. Yu. Soroka established the main differences in the approaches to implementing the industrial policy of both the EU and Ukraine, which is that the latter's efforts are concentrated on supporting industries, enterprises and products, while the EU focuses on improving production manufacturability, that is, structural restructuring of the economy, the development of industrially underdeveloped regions, the economic transformation of territories affected by the decline of industrial production, and multilevel enhancement of the competitiveness of the economy, as reflected in the norms of the supranational law of the EU [16, p. 4–5].

The issues concerning the implementation of international legal principles and standards in separate sectors of the economy are often analysed in these scientific studies. Thus, T. P. Palamarchuk firstly systematized the mechanisms of development of state management of the agrarian sector of Ukraine's economy in the conditions of implementation of the European standards according to the types of state influence on the agrarian sector in her paper '*Mechanisms of the Development of the State Administration of the Agrarian Sector of Ukraine's Economy in the Context of the Implementation of European Standards*'. They are the following:

1) Financial impact on the development of the agrarian sector in the framework of medium and long-term development programs (economic criterion);

2) Standardization of conditions for product quality and food safety (administrative criterion); and

3) Identification of priorities for social and economic development of rural areas (political criterion).

This research also identified a mechanism for optimizing the export potential of the Ukrainian agrarian sector, which is based on the Ukrainian legislation, which should ensure compliance with EU regulatory norms through the liberalization of customs and tariff rates between Ukraine and the EU, when Ukrainian legislation establishes a duty free regime and refuses tariffs concerning agrarian products from the EU [21, p. 4–5].

O. P. Borysenko investigated the institutional features of the formation and implementation of the foreign economic and customs policy of Ukraine and determined the directions of institutional transformations in the state regulation of foreign economic activity in his work '*Formation of the State Foreign Economic Policy of Ukraine and the Mechanisms for its Implementation*'. The above made it possible to systematize the main measures of state-management influence in the following stages:

1) The formation of the national foreign economic policy and the creation of its own customs system;

2) Radical liberalization of the economy;

3) Moderate protectionism;

4) State asymmetric protectionism of the branches and regions and strengthening of administrative pressure on the subjects of management;

5) Destabilization-constructive policy;

6) Implementation and integration policy against the background of liberal import model, global financial and economic crisis;

7) Moderately regulated foreign economic policy, activating the search for new directions of realization of national economic interests in world markets;

8) Socially oriented foreign economic policy aimed at involving civil society in regulatory processes in the field of foreign economic activity [6, p. 6].

The innovative position is the doctrine of public management of the transit potential of V. V. Brahinskyi, which is based on a closed cycle of management:

1) *Forecasting*: anticipation of consequences; planning: establishing a managerial goal and organizational measures to achieve it;

2) *Motivation*: ensuring the interest of managers in achieving the goal; and

3) *Control*: determining the degree of achievement of the managerial goal, which allows the transition to a new cycle of public management of transit potential, or, if necessary, to adjust it) [7, p. 6–7].

New scientific vision of public management on an international scale, taking into account the modern type of migration processes, is presented in the work of M. Ye. Chulaievskya, which describes the essence of types of labour migrants in the EU and their level of management:

1) Domestic migrants of the EU Member States, which are administered at the national level in accordance with the exclusive powers of these states;

2) Intra-Union migrants whose management is carried out at the supra-

national level in accordance with the exclusive and joint powers of the EU within the framework of the functioning of the internal market; and

3) Foreign Union migrants who are subject to joint management by the Member States of the EU and the European Union, which provides for the Union to define only the basic principles of governance, and its member states, on the basis of these principles, implement their own policies (e. g. Set quotas for labour migrants, sign recognition agreements diplomas and ensure their implementation, etc.) [23, p. 6–9].

It should be noted that the results of the research of M. Ye. Chulaievskya seem to be extremely relevant for modern Ukraine, since the paradigm of public administration is still formed without taking into account migration processes. Although our state faces external migration processes at a minimal level, internal migration is an undeniable factor affecting public administration.

The integrated mechanism of the implementation of the European integration policy of Ukraine is based on a combination of political, institutional and organizational (in the context of public administration), economic, legal (including the international legal field), information mechanisms that are represented by a set of tools, methods, principles, the application of which the authorities provide coordination, implementation, monitoring and evaluation of the country's policy on integration with the EU, and promotes the creation of appropriate conditions for the successful implementation of the European integration policy [14, p. 3]. It was substantiated in the study of M. O. Nazarenko '*Integrated Mechanism*



*for the Implementation of European Integration Policy of Ukraine*'. The scientist gives a concrete list of areas, progress in which significantly increases Ukraine's chances of joining the EU. Thus, he devotes his last role to the public administration system, which should be based on European experience as part of the international legal system. In our opinion, the novelty of the research is based, first of all, on the precise systematization of the causal relationships between the spheres of life of domestic society, which are directly related to public administration, the reformation of which is one of the most important concepts of an effective foreign policy-oriented approach to the EU.

The research of A. A. Karapetian '*Improvement of the Mechanisms of Management of the Higher Education System of Ukraine in the Bologna Process*' is structural and analytical. It is based on the study of public administration in the field of higher education. The approach to reforming the personnel and motivational mechanism of public administration in the educational sector in Ukraine, which will allow to effectively solve personnel problems related to the need to adapt the existing system of higher education to the requirements of new legislation in this area [10, p. 9–11]. We note the unequivocal effectiveness of the narrow-gauge approach to diagnosing the problems of modern public administration in Ukraine in this study. The problems of the Bologna process in Ukraine are a clear example of the conceptual differences between the system of public administration that exists in the international legal field and the type of public administration that we trace in countries with a

relatively lower political and legal consciousness of citizens.

D. Yu. Yurkovskiy allocated and consolidated a structural and functional model of public administration in the field of foreign policy activity of Ukraine in conditions of external aggression by means of allocation and consolidation of priority structural units of the priority directions of activity in relation to implementation of mechanisms of state administration in this sphere in the paper '*Mechanisms of Public Administration in the Field of Foreign Policy of Ukraine in the Conditions of External Aggression*'. There are among them: modernization of the constitutional and legal support of the foreign policy activity of the state taking into account the international and legal standards; carrying out a comprehensive inventory of current agreements and arrangements in the field of external relations with the Russian Federation; completion of legal and contractual registration of the state border of Ukraine with the adjacent states; ensuring interaction and coordination of foreign policy activities of state bodies and officials with authority in the field of foreign policy and international relations [24, p. 4–6].

It must be concluded that the structural and functional model of public administration is a necessary tool, which is not enough to consolidate the forces of the state apparatus to reform the management activities based on international legal standards and in conditions of increased political tension.

The model of optimization of the State European Integration Policy of Ukraine in the conditions of globalization was developed and scientifically

substantiated by M. S. Kalyna in the scientific paper '*Features and Directions of Optimization of the State European Integration Policy of Ukraine in the Conditions of Globalization*'. This model is based on the application of the formal logic approach: the Ukrainian State Policy on European Integration is seen as a system that has to respond adequately to the demands of influential super systems, which include the EU as well as other geopolitical communities of the Eastern European region, as well as the world's economic, political, etc. community, which are formed within the international legal field [9, p. 4–5].

The system of public administration of European integration policy must also respond adequately to the requests of its management subsystems in Ukraine and to influence them accordingly at the same time, taking into account interests of all parties to this policy. The compositional approach to building a system development plan is realised under such conditions taking into account the interests of its constituent subsystems and is formed on the basis of the optimality criterion of power of managerial functions.

D. O. Krasivskyi suggested that the inertia of the political system was one of the reasons for the slow implementation of new European norms and rules in Ukraine, which in turn could be a threat to the consolidation of democratic principles of the state governance in the study '*Mechanisms for the Implementation of European Standards in Political Governance in Ukraine*' [11, p. 4].

S. A. Mamedov draws attention to the regional segment of public administration in the scientific work on the theme '*Mechanisms of State Regulation*

*of the State Regions Social and Economic Development in the Conditions of the Economy Globalization*'. According to him, the determining factor in public administration reform in Ukraine should be a regional development strategy, as a means of orientation (the definition model) of regional development, methodological basis of which is a strategic planning [13, p. 9–10].

It is generally evident that the change in the concept of public administration primarily requires decentralization, which should take into account the specifics of public administration in Ukraine, which, on the contrary, is characterized by a high level of centralization and hierarchy of managerial processes, as stated by V. V. Tykhonovych in the scientific paper '*Mechanisms of Public Administration in the Field of Economic Cooperation with European Countries*' [17, p. 9].

Given the above, we should agree with V. V. Bashtannyk's opinion that there is currently a gap between the results of previous researches and the needs of the science of state administration, as well as a certain marginalization of the conclusions of scientific works on the needs of real governance. There were practical aspects of the supranational dimension in modern social management outside the attention of the researchers [5, p. 15]. Therefore, the stated scientist concludes in his study '*Reforming Public Administration in the Context of European Integration Processes*' that due to the study of the peculiarities of European experience in the organization of democratic state governance and the systemic characteristics of the development of integration processes. It was possible to identify

the following directions of improvement of public administration as an integral part of the following construction process of democratic society in Ukraine:

1) The strengthening of the influence of the European administrative space on the system of public administration in Ukraine;

2) Optimization of public administration in accordance with criteria of the EU membership, humanization and systematization of public administration.

These directions can serve as the subject of individual scientific studies, taking into account the adaptation of foreign experience to national conditions [23, p. 15, 16].

O. V. Cherviakova defined the main transformational tendencies of state management in the conditions of globalization influences along with this. So, the scientist points out that the main approaches, which are the ways to solve problems of the state and planetary levels, is the formation and development of an information society; formation and development of an innovative society; and the formation and development of a society of sustainable development [22, p. 30].

**Conclusions.** Thus, fundamentally new approaches to the development of domestic public administration in the system of international legal standards, which are highlighted in scientific researches, were determined. The importance of each of the catalysts suggested by the researchers, the change of the basis of public administration under the influence of international law is analysed. The research is analysed in the context of innovations in the field

of public administration taking into account international legal standards. It is concluded that the Ukrainian state should more effectively implement new management standards, and this applies not only to the modernization of the political sphere, but also to the balanced development of the administrative, economic, social and spiritual spheres of public life.

Further research should be directed to finding the most efficient ways of implementing the European standards of public administration in Ukraine and to actively analyse the place of normative and legal base on public administration of Ukraine in the system of international legal standards.

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