

Tetiana Drakokhrust

Development of public administration in the context of reorganization of state government in Ukraine

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Tetiana Drakokhrust*

DEVELOPMENT OF PUBLIC ADMINISTRATION IN THE CONTEXT OF REORGANIZATION OF STATE GOVERNMENT IN UKRAINE

INTRODUCTION

Public administration as a socio-humanitarian comprehensive science, in the first place, directs its methodological tools for solving important issues of state development. That is why, it is necessary to speak about the measures that the state is making towards improving its management activities, as derived from such activities that ensure the sustainable development of various social spheres.

One of the most important documents outlining the general directions of perspective development of Ukraine as a state is the Law of Ukraine «On the Principles of Internal and Foreign Policy»¹, which defines the basic principles of Ukraine's domestic and foreign pol-

* PhD; Associate Professor at the Department of International Law, International relations and diplomacy, Ternopil National Economic University.

¹ Act of 1 June 2010, *On the Principles of Internal and Foreign Policy*, "Official Bulletin of Ukraine" 2010, No. 55.

icy. The existence of such a legislative act is very important, since it determines the methodological framework for the election of Ukraine's internal and external course of the state.

In particular, the internal foreign policy of Ukraine is based on the following principles: the priority of protecting national interests; the rule of law, ensuring the realization of the rights and freedoms of man and citizen, respect for the dignity of each person; equality of all subjects of property rights before the law, protection of competition in the field of economic activity; the exercise of state power on the basis of its division into legislative, executive and judicial; openness and transparency of the processes of preparation and decision-making by state authorities and local self-government bodies; ensuring sustainable development of the economy on a market basis and its social orientation; ensuring the balance of national, regional and local interests; freedom, social justice and creative self-realization, participation of citizens in the management of public and social affairs; social partnership and civil solidarity.

In its turn, the foreign policy of Ukraine is based on the following principles: sovereign equality of states; refraining from the threat of force or its application against the territorial integrity or political independence of any foreign state; respect for the territorial integrity of foreign states and the inviolability of state borders; resolving international disputes by peaceful means; respect for human rights and fundamental freedoms; mutually beneficial cooperation between states; faithful fulfillment of the international obligations assumed; the priority of generally accepted norms and principles of international law to the norms and principles of national law; the use of the Armed Forces of Ukraine only in cases of acts of armed aggression against Ukraine, any other armed encroachments on its territorial integrity and inviolability of state borders, the fight against international terrorism and piracy or in other cases stipulated by international treaties of Ukraine, the consent to which binding provided by the Verkhovna Rada of Ukraine; application of international sanctions, countermeasures and measures of diplomatic protection in accordance with international law in cases of international unlawful acts that cause damage to Ukraine, its citizens and legal entities; the timeliness and adequacy of measures to protect national interests against real and potential threats to Ukraine, its citizens and legal entities.

LEGAL AND HISTORICAL ASPECTS

Obviously, Ukraine is an integral part of the EU and the post-Soviet states in matters of implementing its foreign and domestic policies. All post-Soviet states are undergoing a long process of political and socio-economic transformation. In political science it is customary to speak of a democratic transition from totalitarianism of the former USSR to a Western-style pluralist democracy. It is worth noting that Ukraine is trying at this stage to use the best experience of foreign countries in building a transparent and efficient public administration. This is the declared

course of Ukraine on its euro integration and approximation of Ukrainian legislation to the legislation of the European Union.

With the continuation of administrative reform in Ukraine, the reform of public administration bodies remains one of the topical issues of public administration in Ukraine. The importance of studying the theoretical and methodological principles of transformation, change and modernization of the system of public administration is important for correcting deformations and deviations that arose as a result of the measures taken.

The system of public administration in Ukraine can be represented as a set of state bodies and institutions, officials who are authorized to perform management functions in all spheres of state and public life. That is, the fulfillment of the managerial function, the affiliation to the appropriate system of state bodies, the presence of the respective competence, which is determined by the regulatory acts, makes it possible to assert the ownership of the relevant subject of authority to the public administration. It should be noted that the basis of the public administration is the system of executive bodies, which are directly entrusted with the public administration of certain groups of social relations, which are under the influence of the state in accordance with the legislation of Ukraine.

The system of executive bodies in Ukraine consists of the Cabinet of Ministers of Ukraine, central executive authorities, local executive bodies of the relevant territorial level, and local state administrations. The functioning of this system of executive bodies should be linked to the established directions of the administrative reform of 1998. It should be noted that the construction and improvement of the system and subsystems of executive power bodies takes place taking into account the need for a single center of management of economic and social affairs on the basis of planning, market relations, equality of all forms of ownership, the combination of branch and territorial principles of management, their centralization with the corresponding autonomy of regions and separate administrative-territorial units, economic independence of enterprises, associations and other subjects.

V. Holub characterizes the ways of efficient organization of the system of executive bodies. In her opinion, the prerequisite for any systemic social changes is not so much the influence of the very subject of management on society, but the reciprocal influence of society on the system of political and administrative management and directly on the strategy of its apparatus².

In this connection, the issue of reorientation of the civil service system itself to meet citizens' interests, ensuring equilibrium between state, social and corporate interests, the issue of decentralization of management, separation of functions of management, delegation of responsibility, as well as democratic control by society becomes even more relevant or the activity of the system of political and adminis-

² V. Holub, *State-management interaction in the context of development of concepts of state management*, "State Administration and Local Self-government" 2009, No. 2 (8), p. 34.

trative management³. Recall that in 2010, the President of Ukraine took the course on reforming public administration in Ukraine by publishing the Decree “On optimization of the system of central executive authorities”⁴.

According to this Decree, the President of Ukraine approved the Scheme for the organization and interaction of central executive authorities with the following levels:

I. Ministry (total 18).

II. Central bodies of executive power (public services, agencies, inspections, Administration of the State Border Guard Service of Ukraine, National Agency for Preparing and Conducting the Finals of the European Football Championship 2012 and Implementation of Infrastructure Projects in Ukraine, the Pension Fund of Ukraine, total 52).

III. Central bodies of executive power with a special status (total 5).

In addition, the Decree of the President of Ukraine defines the central executive authorities whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the relevant members of the Cabinet of Ministers of Ukraine. However, the relevant measures do not put an end to the reform of the executive authorities, since the agenda places new challenges and risks of public administration, which causes dynamics in the structure and transformations of executive bodies. One of the means of implementation of public administration is to provide an appropriate form of action, which is reflected in the activities of public administration bodies. In this case, it is necessary to talk about the administrative procedure as an instrument for the exercise of authority in a specific government body, in specific circumstances, with the presence of the circle of the relevant actors, and most importantly, the content of such a form of management activity, which consists of a combination of managerial steps (one after the other) in order to achieve the corresponding result. Therefore, the improvement of administrative procedures in the state has an important methodological significance for the implementation of public administration. One of the ways of such improvement is the reformation of the state-administrative (administrative) activity, which affects not only the structural and functional side of the existence of the public administration, but also performs a programmatic and target role in the formation of the scheme (procedure) for the exercise of power.

ANALYSIS AND COMPARISON

Regarding this in the scientific literature, it is fair to note that management procedures are a factor in ensuring the proper functioning of the public administration apparatus; ensure the completeness, comprehensiveness and objectivity of analyzing problems and studying the circumstances of concrete cases, establishing truth,

³ V. Hoshovskii, *Reforming the system of executive power in Ukraine: conceptual foundations and legal regulation*, Kyiv 2016, p. 85.

⁴ Decree of the President of Ukraine dated 9 December 2010, *On optimization of the system of central executive authorities*.

correct and fair application of material norms; contribute to the scientific substantiation of public administration, the participation of scientific institutions in it, the introduction of modern methods of public administration; create conditions for realization of rights, legitimate interests and duties of citizens, as well as enterprises, organizations and other objects of management; help to develop democratic principles in governance, broad participation of citizens and public organizations in it, taking into account public opinion; make it possible to save the forces, means and time of employees of the control apparatus; help to implement the principle of responsibility of each governing body, an official in a given case⁵.

It should be noted that on the way of optimizing public administration in Ukraine one should once again point out the decentralization, differentiation and balancing of powers of executive bodies of different levels, including both vertically and horizontally. It is precisely the absence of clear limits of authority in performing power functions between different executive authorities, especially central executive bodies (ministries, services, agencies, inspections), which leads to the fact that well-thought out steps of administrative reform in practice do not give a tangible effect, since it is used not an integrative method of implementing reform, but only individual approaches, which mostly relate to the organizational and structural factors of the transformation of the state power-government model. In this case, Ukraine will benefit from the experience of foreign countries, in particular regarding the organization of public administration, the formation of a public service, territorial organization of public authorities and other important areas of public administration. In this perspective, it is important to pay attention to the introduction of the concept of a new state management in the state administration over the last 20-30 years (authors M. Turner, D. Galm, K. Hood, D. Obzorn, T. Gelber, etc.).

In particular, in 1997, the UK adopted the Green Paper: Evaluation and Evaluation in the Government, which provided for the evaluation of state development programs⁶. In 1999, the British Government developed the "White Paper for the Modernization of the Government of Great Britain." One of the aspects of this government program was the use of innovative approaches to reforming public administration and the implementation of appropriate innovative measures in the work of a specific public authority⁷.

In 2001, "Orange Book: Risk Management" appeared in the UK, in which the prerequisites were laid down and the procedure for the introduction of new public management through the creation of a risk management system in public administration⁸ was

⁵ V. Malinovsky, *Administracja państwowa*, <http://radnuk.info/pidrychnuku/derj-ypr/492-malinovsky/9708-----2-----2003-576-.html> / [access: 9.02.2018].

⁶ *Zielona księga: ocena i ocena w rządzie centralnym*, http://www.hm-treasury.gov.uk/d/green_book_complete.pdf / [access: 9.02.2018]

⁷ *Wspieranie innowacji: zarządzanie ryzykiem w departamentach rządowych*, http://www.nao.org.uk/publications/9900/managing_risk_in_gov_depts.aspx/9900864.pdf 151/ [access: 9.02.2018].

⁸ *Pomarańczowa księga: Zarządzanie ryzykiem – zasady i pojęcia*, http://www.hm-treasury.gov.uk/d/orange_book.pdf / [access: 9.02.2018].

identified. In 2002, the Government of Great Britain issued a paper summarizing the risks of new state management⁹. In particular, it is emphasized that in order to reform public administration in accordance with modern requirements, it is necessary to form the risks faced by public administration and ways to overcome them with the use of modern innovative approaches, including the use of electronic information resources, the Internet. The results of the adoption of such documents formed three risk blocks for the introduction of new state management: external risks (political, economic, socio-cultural, regulatory and environmental); operational risks (provision of management services); organizational (changes in the activities of the relevant authority)¹⁰.

Measures to reform public administration based on new state management have also begun in Canada. In particular, in 2001, the Integrated Risk Management Framework (IRMF) was adopted, according to which modernization of management methods in government organizations and the introduction of innovations were envisaged through the establishment of a system of government obligations. In 2004, the Manual for the Implementation of Integrated Risk Management¹¹ was issued for use with the IRMF. In particular, it was articulated that integrated risk management is a continuous, proactive and systematic process for understanding, managing, and communicating risks across the entire organization.

It is about making strategic decisions, which includes the following steps: development of the 125 corporate risk profile; creating a function; practical implementation; providing continuous education. In Canada, a Risk Taxonomy Instruction was adopted in Canada in 2009 as a comprehensive, common and stable set of risk categories used by the organization¹².

In 2010, a synthesis document - "Structure for Risk Management" - was prepared that identified the methodology of public risk management:

- definition of types of risks at all levels;
- establishment of appropriate risk management methods;
- application of management methods in a specific situation;
- decision making with the definition of the range of responsible managers;
- training on the ability to apply risk management methods in public administration;
- bringing risk management practices in line with established methods.

The implementation of the new state management as a new methodology of public administration is carried out in the United States of America. In particular, it is about the introduction of a public administration that would provide a balance of corporate

⁹ *Ryzyko: poprawa zdolności rządów do radzenia sobie z ryzykiem i niepewnością*, <http://www.cabinetoffice.gov.uk/media/cabinetoffice/strategy/assets/su20risk.pdf/> [access: 9.02.2018].

¹⁰ H. Kulyk, *Foreign Experience in Introducing Risk Management in Public Administration*, "State Administration" 2013, No. 37, p. 35.

¹¹ *Zintegrowane zarządzanie ryzykiem: Przewodnik wdrażania*, [http://www.tbs-sct.gc.ca/pubs_pol/dcgpubs/Risk Management / guide-eng.asp/](http://www.tbs-sct.gc.ca/pubs_pol/dcgpubs/Risk%20Management/guide-eng.asp/) [access: 9.02.2018].

¹² *Przewodnik po taksonomiach ryzyka: Podejście do wyrażania kluczowych zagrożeń*, <http://www.tbs-sct.gc.ca/tbs-sct/rm-gr/guides/grt-gtrtb-eng.asp/> [access: 9.02.2018].

and social interests, but any management activity in the United States should be based on the efficient use of budget funds, and such activities should always be under internal and external control.

In the United States, over the past 30 years, a large body of documents has been adopted that underlies the reform of public administration, therefore one of the last documents of 2011 - "Fundamentals of Management Risk" - which focuses on the order of information processing by departmental bodies and the correct adoption of on this basis decisions¹³. It should be noted that the risks of public management originate from the risks that arise in corporate governance. In France, the main directions of state reform are increasing the efficiency of the state and bringing it closer to the citizens¹⁴. The following measures have been identified in order to create a more effective state: improving human resources management; improvement of the budget process; reform of the administrative structure at the central level; improving the process of preparing laws; increase of responsibility of operating services; strengthening of management of state enterprises; effective real estate policy; taking into account European and international dimensions of state reform; strengthening the internal efficiency of the state administration through the use of new information and communication technologies.

In the direction of approaching the state to citizens, the following tasks are formulated: improving relations between administrations and users of public services; simplification of administrative actions; renewal and simplification of payment methods; improvement of the quality of services provided to citizens; continuation of deconcentration (transfer of authority and responsibility); improvement of the provision of related public services; Simplification of access of citizens to administrations through the telecommunication network and the Internet¹⁵. It should be noted that the introduction of new methods in public administration is also taking place in post-Soviet countries. For example, during the years of its independence, the Republic of Moldova has undergone a process of "reconstruction" of administrative models of the Soviet period and building new institutes of governance. However, despite all the amendments adopted, the decentralized system of local finances is not yet formed in Moldova. Ensuring this principle is crucial for successful administrative reform, effective governance and local government self-governance.

With regard to ensuring the principle of subsidiary and improving the quality of state service provision at the lowest level, Moldova still has to go through a series of internal discussions with subsequent consistent changes in the functioning of state power. The Moldovan government set a goal according to which the forms and methods of administration should be approximated to European standards and, accordingly, elimi-

¹³ O. Povazhnyi, *Corporate governance*, Donetsk 2015, p. 337.

¹⁴ O. Kuznetsova, *Public administration reform in France*, "Philosophy of Politics and Political Science" 2011, No. 1, p. 48.

¹⁵ E. Ralduhin, *State Reform in France*, "The Bulletin of the Civil Service of Ukraine" 2000, No. 2, p. 26.

nated the remnants of the administrative command system, with its inherent legal certainty, excessive interference with business, etc. The reform was not completed in due time, but instead, in December 2007, the Parliament of Moldova approved the National Development Strategy for 2008-2011, the main purpose of which was to create conditions for improving the quality of life of the population by ensuring sustainable economic growth. It should be noted that in Ukraine, the implementation of reforms both administrative and territorial was proclaimed since the first years of independence¹⁶. Various commissions, groups, organs were formed. However, no systemic changes have taken place in this area. Similarly, in Moldova, the goal was set for clear goals: the reform of central public administration, which was to be implemented through institutional reorganization, improvement of human resources management, optimization of decision-making process, improvement of public finance management, introduction of new regulatory framework, mechanisms, funding sources and timing were none¹⁷.

In general, the analysis of new state management provides the basis for the following vectors:

- Privatization of funds attributed to a number of deputies (depressive functions are transmitted to private organizations, as a rule, on the terms of concluding transactions);
- Customer orientation (operative and flexible responses to customers of depressed services, accountants and their maximum satisfaction);
- Decentralization of management (financial management, staff management, management of the quality of employment, delegation of powers, establishing protection through a system of evaluation the results of the activity of the personal liability for the quality of work; the provision of the grass roots with the authorities, which makes it possible to effectively accept the petitions and to determine the issues of local significance to determine the number of deputy officials, to increase the responsibility of the organizations for the achievement of results).

CONCLUSIONS

Stressing the importance of overcoming the risks of introducing new public management in public administration, scientific literature points out that the peculiarities of risk management in public administration are that in the public sector, strategic decisions on risk exposure are often extended to various organizations and programs. It is obvious that such a sign creates the need for an integrated approach to risk management that involves multi-organizational focus and is considered at the state level as a cross-organizational, that is, one that unites all the systems and organizations re-

¹⁶ H. Rait, *State Administration*, Kyiv 1994, p. 191.

¹⁷ O. Sushko, *Change in priorities: can reforms of the democratic governance system make Moldova closer to the EU*, Kyiv 2010, p. 153.

sponsible for prioritization, information gathering and definition of norms and rules. This is difficult to achieve, as the risks of implementing state policy arise at different institutional levels. Therefore, it is important to pay attention to the systemic risks that affect the service in general [162]. In order to provide modern state management of dynamism, other methods for reforming the whole system should be considered, therefore, scientific sources refer to the application of such leading methodological principles as comparison, the ratio of logical and historical, general and special.

Focusing on the practice of reforming in other spheres, it is advisable to identify the components of the reform, that is, to identify the stages, based on which the criterion for the adoption of a normative legal act is laid down: the need for a political decision (the disclosure of political will); determination of the responsible state body; a collection of analytical, statistical information to substantiate the reform; development of the draft Concept of reforming the system of executive power bodies; preparation and implementation of pilot projects; analysis of the results of the implementation of pilot projects; discussing the results and making changes, taking into account public opinion; development and adoption of a law on a specific segment of the executive branch.

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Zintegrowane zarządzanie ryzykiem: Przewodnik wdrażania, http://www.tbs-sct.gc.ca/pubs_pol/dcgpubs/Risk_Management/guide-eng.asp/ [access: 9.02.2018].

Summary: The system of public administration in Ukraine as a set of state bodies and institutions, officials who are authorized to perform management functions in all spheres of state and public life has been considered in the article. It is emphasized that the process of reforming the bodies of public administration in Ukraine continues, which reaffirms the thesis of the permanent modification of the state power and administrative functions connected with the emergence of new realities of social development. The article analyzes the important methodological provision of the relevant processes in this way so that the obtained results have the ability to ensure not only the accomplishment of the tasks set, but also in general realize the goals and directions of the whole system of public administration. It is generalized that the improvement of administrative procedures in the state has an important methodological value for the implementation of public administration.

Keywords: public administration, state, government, reform, power, state management, administrative procedures

ROZWÓJ ADMINISTRACJI PUBLICZNEJ W KONTEKŚCIE REORGANIZACJI RZĄDU PAŃSTWOWEGO NA UKRAINIE

Streszczenie: W artykule rozważono system administracji publicznej na Ukrainie jako zespół organów państwowych i instytucji, urzędników uprawnionych do pełnienia funkcji zarządczych we wszystkich sferach życia państwowego i publicznego. Podkreśla się, że trwa proces reformowania organów administracji publicznej na Ukrainie, co potwierdza tezę o permanentnej modyfikacji władzy państwowej i funkcji administracyjnych związanych z pojawieniem się nowych realiów rozwoju społecznego. Artykuł analizuje w ten sposób ważne dostarczanie metodologiczne odpowiednich procesów, aby uzyskane wyniki miały zdolność zapewnienia nie tylko realizacji wyznaczonych zadań, ale także w ogóle realizowały cele i kierunki całego systemu administracji publicznej. Uogólnia się, że usprawnienie procedur administracyjnych w państwie ma ważną wartość metodologiczną dla wdrażania administracji publicznej.

Słowa kluczowe: administracja publiczna, państwo, rząd, reforma, władza, zarządzanie państwem, procedury administracyjne