

Вітчизняний розвиток сьогодення в контексті удосконалення діяльності органів влади

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Анотація. Розвиток системи публічного управління в Україні відбувається в умовах динамічних змін. Разом з тим, швидкий темп інноваційних соціально-політичних змін, запропонованих потужними політичними гравцями сьогоденного світового простору, вітчизняними представниками влади на місцях, кидає виклик щодо здатності людини пристосовуватися до нових соціальних обставин. Враховуючи актуальність питань щодо підвищення якості державного управління, постає необхідність створення ефективної державної служби. У статті визначено теоретико-методологічні засади вітчизняного розвитку сьогодення в напрямі його удосконалення та функціонування органів державної влади. Метою цієї статті є обґрунтування сутності вітчизняного розвитку сьогодення, удосконалення функціонування органів державної влади, зумовленості суспільно-політичного, технологічного розвитку країни, ролі децентралізації в управлінні. У статті розглядаються питання, пов'язані з проблемами оновлення змісту діяльності публічного службовця в контексті взаємодії влади та суспільства. Завдання державної служби полягає в тому, щоб запроваджувати в життя цілеспрямовану державну політику. На жаль, в нинішню епоху сьогодення її реалізація на практиці може зіткнутися з певними складнощами. Проаналізовано сучасний стан модернізації суспільства, органів управління та розроблено рекомендації з удосконалення механізмів децентралізації владних повноважень персоналом державної служби. На основі проведеного аналізу було зроблено висновок про те, що актуальною проблемою вітчизняного сьогодення залишається удосконалення правового регулювання інституту державної служби в контексті того, що забюрократизованість професійної діяльності кадрів знижує якість управлінського процесу

Ключові слова: державна служба, місцеве самоврядування, реформи, правовий інститут

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Modern National Development Within the Context of Improving the Governance

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Abstract. The development of the public administration system in Ukraine is taking place in conditions of dynamic changes. Therewith, the rapid pace of innovative socio-political changes proposed by powerful political players in the modern world and domestic representatives of the local authorities, challenges the ability of people to adapt to new social circumstances. Given the urgency of improving the quality of public administration, there is a need to create an effective civil service. The study defines the theoretical and methodological principles of modern national development towards its improvement and the functioning of public authorities. The purpose of this study is to substantiate the essence of modern national development to improve the functioning of public authorities, the conditionality of socio-political, technological development of the country, the role of decentralisation in management. The study addresses issues related to the updating of the content of public service activities in the context of interaction between government and society. The task of the civil service is to implement a purposeful public policy. Unfortunately, in the current era, its implementation in practice may face certain difficulties. The study analyses the current state of modernisation of society and the governing bodies and provides recommendations for improving the mechanisms of decentralisation of power by civil service personnel. Based on the analysis, it was concluded that the relevant issue of the modern Ukraine lies with the improvement of the legal regulation of the civil service in the context that the bureaucratisation of professional activities reduces the quality of the management process

Keywords: civil service, local self-government, reforms, legal doctrine

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Introduction

Reasoning the national development of the present is based on the improvement of state authorities' functioning, the predetermination of socio-political, socio-technological progress of the country. On the one hand, there are rather complex socio-political processes, a negative economic growth, on the other – the organisation of the civil service system in Ukraine in accordance with European standards in the context of interaction between the government and society. At present, certain socio-political changes are taking place in Ukrainian society, and the mission of decentralisation in governance is being implemented. Notably, in a developed institutional system, individual public institutions complement each other, establishing a continuous orderly institutional space.

Almost all scientists agree that today the ability of Ukrainian society to make progressive changes based on European values is extremely important. This determines the need for timely and rapid renewal of the country's life within the framework of the purposeful implementation of public administration reforms [1-4]. Improving the governance in the context of European integration guidelines is confirmed by the strategy of the state personnel policy of Ukraine, which outlines the areas of personnel reforms in all spheres of public life [5]. A considerable place in the implementation of social transformations is given to the public administration, since the competitiveness of the state and sustainable socio-economic development depend on the professionalism of human resources, as noted in the annual address of the President of Ukraine to the Verkhovna Rada of Ukraine [6, p. 109].

As noted by the American researcher F. Fukuyama, the very innovation that increases productivity or gives rise to a new industry, undermines the existing human community, substantially weakening the stability of society due to radical methods of influence [7, p. 75]. The accelerated social transformation of the state apparatus and consequent feeling of disillusionment with the standard of living and uncertainty among many citizens have led to a situation where even in the countries of established democracies, the need to face the challenges and threats of the established order has increased. Despite the innate ability of people to restore social law and order, serious internal challenges even in the most developed societies have not been removed from the agenda. The existing public disappointments due to the inefficiency of decision-making and actions by the authorities, on which the individual's quality of life depends, have not been resolved. It is the government that acts as an effective locomotive of social development. However, disintegration in a stratified society under ineffective government is quite debilitating and causes challenges and threats to the development and preservation of the country's integrity.

There is a general scientific point of view that qualitative social changes are implemented when civil rights and freedoms correlate with the objectives of state policy [8-10]. For example, S. Teleshun considers issues of effective public administration amid internal and external threats and the ability of the national political and economic establishment to respond adequately to them [11, p. 28]. The theoretical understanding of national development in solving practical issues of our time, improving the institute of public administration is covered by representatives of national researchers: V.B. Averyanov [2], P. Bukovsky [8], V.Ya. Malinovsky [12], T.V. Motrenko [13], N.R. Nizhnik [14], O.Yu. Obolensky [15], V.P. Tymoshchuk [16], S.K. Khadzhiradeva [4], and others. Their substantial theoretical developments served as the basis for familiarisation with the specific features of national public service in the public administration system. These studies make a considerable contribution to the theory, methodology, and practice of studying social development.

Furthermore, providing civil service and local government with specialists is given particular attention among both Ukrainian and foreign researchers [17; 18]. In researchers' opinion, there is a need to develop a new institution of civil service, provide executive authorities with qualified personnel: competent, innovative thinking, capable of responsible decision-making. Their studies cover the correlation of national transformations and modernisation of society with the personnel support issues, the effectiveness of local self-government in the country [2-4; 19].

However, despite much attention to improving and reforming the activities of local self-government and the civil service, there are many debatable issues that require understanding the essence of the current public administration reforms. In 2019 (now former Deputy Ministry of Regional Development, Construction, Housing and Communal Services of Ukraine) V. Negoda noted that Ukraine, upon reforming local self-government, is trying to reach the European level of local democracy [6, p. 107]. In the context of administrative reform, democratic changes come to the fore, namely: updating the content of state authorities' activities, their maximum approximation to the public needs and requests with the main priority of democratising society and serving Ukrainians [4; 10; 11].

Features of Legal Regulation of Civil Service in Ukraine

Notably, according to the current law of Ukraine "On Civil Service" [20, p. 4] under public service, Ukrainian legislation defines professional activities to ensure the exercise of the authority of state bodies. As an organisational and managerial institution, the civil service is a professional

activity for fulfilling and ensuring the purposes, objectives, and functions of the state, which acts as a social mechanism.

Civil service is a public, professional, and politically impartial activity aimed at the practical implementation of the state objectives and functions, in particular: analysis of state policy at the national, sectoral, and regional levels and preparation of proposals for its development, specifically the development and examination of draft programmes, concepts, strategies, etc. [15, p. 2]. As a professional institution, it provides for the fulfilment of the obligations by persons holding public positions and providing services to citizens.

Upon clarifying the essence of public servants' professional activity S. Khadzhiradeva notes that professional activity is included in the social division of labour and is historically determined as the concretisation of social and productive activities, namely concretisation of such activity, which, according to researchers, (E. Aksenova [21], T. Bazarov [21], V. Voropaev [22], E. Vykhodtsev [22], R. Shakurov [23], etc.) is a specific form of people's attitude to the outside world and themselves, expressed in appropriate changes, social transformations, changes in human consciousness. That is, activity is a process that includes purposes, means, and results [4, p. 256].

In Ukrainian legislative practice, an activity-based approach to the civil service is adopted, civil service is defined as the professional activity of state bodies and their apparatuses [3, p. 346-349]. The legislation of Ukraine defines the procedure for admission to the civil service and its specific features, passing a probationary period, the procedure for assigning ranks, and many other issues. To ensure the implementation of these reforms in Ukraine, it is planned to prepare concepts and programmes, laws of Ukraine. The legal basis of the administrative package of reforms is the Constitution [24] and the laws of Ukraine, which determine the status of central and local executive authorities, the system of administrative-territorial structure, and the organisation of local self-government. The main objectives of the state target programme for the civil service development are: improvement of its organisational bases, taking into account the competence approach provided for in the new law of Ukraine "On Civil Service", the introduction of a human resource management system in the civil service in the medium term; providing the civil service with qualified personnel and developing personnel policy in direct activities [5; 20].

Therewith, practice shows that the effectiveness of state (public) management is confirmed by the impact of managerial decision-making and state-management reforms. The level and pace of socio-political and technological development within the country are determined primarily by the existence of a public environment capable of reproduction based on human resources, the

introduction and use of innovative technologies [4; 10]. It should be recognised that today socio-political changes require improving the activities of government bodies, which leads to the decentralisation of power structures. It is essential to transfer powers and budgets from state authorities to local self-government bodies so that bodies that are closer to people have the ability to exercise powers more successfully

The development and implementation of public-service relations are aimed at ensuring that people understand that the quality of life depends on their choice, for which it is necessary not only to improve the functioning of local authorities but also to reduce the bureaucratisation of the state machine. Nevertheless, the authors can state that the bureaucracy that remained under any government, by inertia today, is increasingly attempting to maintain its usual management mechanisms. Therefore, one of the key objectives of the government is to reform the civil service and improve the activities of government bodies to solve local issues as soon as possible. It is obvious that the state transfers a wide range of powers and resources to establish a capable community as well as to increase the responsibility of local government specialists and employees. Therewith, modern Ukraine is characterised by institutions inherited both from the Soviet era and new institutions established during the difficult period of independence [2; 3].

It is worth focusing on the fact that the civil service, as a legal institution, is regulated by both constitutional and general rules of law, in addition, the constitutional rights and freedoms of a person cannot be restricted, except in cases provided for by the Constitution of Ukraine. According to the legislation, the civil service is defined as the most important institution in the development of Ukrainian statehood, since the successful functioning of the entire socio-political system depends on an appropriate professional service corps [2; 8; 20]. Although a clear organisation model of the civil service according to constitutional provisions is not established, the Constitution of Ukraine highlights the general principles of establishment and development of civil service institution.

Thus, the main constitutional provisions directly related to the civil service and revealing its social essence include: article 38 (sec. II) the Constitution of Ukraine emphasises that "citizens enjoy an equal right to access public service, as well as to service in local self-government bodies"; article 8 (sec. I) determines that the Constitution of Ukraine has the highest legal force and the principle of the rule of law is applied in Ukraine [24, p. 12]. This principle ensures the unity, consistency, and stability of the entire legal system, its individual elements and institutions, in particular the public service institution [24, p. 12]. This principle also provides that: authorities, officials,

and citizens must comply with the Constitution of Ukraine, laws of Ukraine, international standards; civil servants should perform functions only within their competence and the rights assigned by their position; all state bodies and officials must properly exercise their rights and duties; civil servants fairly, conscientiously, faithfully serve the state, which becomes the basis of citizens' confidence in their actions and improves their professional competence [24, p. 12].

Analysis of the Current State of the Civil Service Institution

Certainly, as a professional institution, the civil service provides for the fulfilment of the obligations by persons holding public positions and receiving monetary remuneration from the state budget for their work [6, p. 432]. In general, civil service is performed by civil servants in accordance with established law and standards that are regulated by the institution which represents the democratic essence of the state, supports the life of society, while the state apparatus serves the needs of social development both in the centre and at particular places [2; 6; 8]. The diverse influence of the state apparatus on public life, multi-vector purposes and functions in its activities indicate that at the present stage of democratisation, transformations in public administration and public service are correlated with the transformation in the local self-government and should be provided by the Coordination Council on Local Self-Government under the President of Ukraine [19, p. 7].

Therewith, it should be noted that at the present time, from year to year, there is a high turnover of both civil service personnel and local government officials in the country. Due to ill-conceived personnel policy, low material security, lack of demand from the authorities, the experienced, proficient employees are forced to leave the civil service, move to commercial and other structures [4; 9; 11]. Thus, modern reality insistently requires theoretical coverage of existing issues. Organisational bases of reform, structuring, and ordering of Ukrainian society are examined in the studies, which offer scientific approaches to analysing the "holistic picture" of public life, investigate the content, functional, and structural characteristics of the public administration's professional activity.

The general scientific point of view is that the main defeat today is the lack of structural reforms in Ukraine [4; 9; 11]. This is evidenced by the political analyst P. Bukovsky of the I. Kucheriv Democratic Initiatives Foundation: "Among the main defeats of the year in Ukrainian politics, the absolute majority of experts cite the absence of structural reforms and a real fight against corruption, as well as an adequate response to the hybrid-diffuse war in Donbas and the annexation

of Crimea" [8, p. 1-2]. According to experts the key issues that Ukraine should solve include overcoming corruption, as well as judicial reform, the law enforcement system, strengthening the combat capability of the Ukrainian army, decentralisation, and administrative reform [4; 8; 11].

Taking into account the above, it is worth noting that the imperfection in the implementation of the state objectives and functions is a consequence of the state-service relations of officials, the issue of their power dominance or tyranny over society. The work of public officials is intellectual, mental, psychologically rich, responsible, mainly associated with the impact on people's consciousness [4; 6]. The issue of power dominance or tyranny over society was considered by K. Popper, who defined the imperfect management system as "the tyranny of a minor official". Upon fulfilling the will of people who developed political and administrative bureaucracy, it preserves its foundation, that is, the tyranny of a minor official. In such cases, officials most often absolutise their corporate interests [17, p. 123-127]. According to H. Popper, the only guarantee against abuse of power is the establishment of democratic control over authorities [17, p. 127].

It is vital to recognise that the relevance of improving governance is growing due to the fact that the world is moving from the model of public service administration to the service state model. It focuses on the needs of a particular citizen instead of the administrative distribution of services and resources. An urgent issue today is the improvement of the legal regulation of civil service institution in the context of the fact that the bureaucratization in personnel's professional activities reduces the management quality. According to V.B. Averyanov, acquiring government power has become end in itself, which inevitably and substantially distorts the consciousness of civil servants, the management apparatus representatives, forms their peculiar "functional" consciousness [2, p. 47]. The authors can state that in a country where democratic institutions are in a complex process of legal regulation, the increasing influence of bureaucracy hinders economic growth and social development.

Based on the above, it should be noted that the old economic clan-oligarchic model is being eliminated in Ukraine. For example, according to the American Constitution framers, the greatest threat to the democratic system is the ability of individual leaders and parties to manage public opinion, to aim it at serving political interests rather than achieving the common good [8, p. 3]. In this regard, it should be outlined: it is difficult to imagine a modern state without a developed system of bureaucracy. The governance model that leads the country to degradation should be changed as soon as possible. This will attract the investors who will believe in the reforms. Investment inflows are possible in the absence

of criminality, corruption, where a person understands what the real rules of the game are.

Conclusions

To summarise the above, it is not the laws that are capable of solving specific issues, but people. Only rational democracy can be determined as the most important social invention of human civilisation. A considerable expansion of the functions of state authorities and local self-government bodies in most developed countries is accompanied by an increase in the role of the state apparatus in the comprehensive regulation of economic, political, social, legal, and other processes in order to ensure the stabilisation of public relations.

Considering the social development of today, there

is a need to improve governance, its prompt response to the challenges and threats of society. Only provided the proper attention of the state to the role of a public servant, whose purpose is to ensure the implementation of the Constitutional provisions, legislative and other normative legal acts to serve the people and the state, the public service reform will bring the system of Ukrainian administration closer to European standards. Therefore, the primary objective for today is to preserve and strengthen the administrative apparatus capable of effective development, to maintain the socially-oriented bureaucracy capable of mandatory procedures for increasing the country's socio-economic prospects in the context of democratic progress on a generally Ukrainian scale.

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