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СИСТЕМА ДЕРЖАВНОГО УПРАВЛІННЯ ТА ДЕРЖАВНА СЛУЖБА В УКРАЇНІ: ПЕРЕХІД ДО ЄВРОПЕЙСЬКИХ СТАНДАРТІВ

Анотація. Сьогодні в Україні постають наступні проблеми: реформування системи державного управління та державної служби, вдосконалення нормативної бази їх функціонування, розширення прав та повноважень органів місцевого самоврядування, приведення їх діяльності у відповідність до вимог ЄС, закріплення та створення механізмів реалізації таких принципів, як баланс централізації та децентралізації, повсюдність, субсидіарність та компетентність, а також трансформація державної служби відповідно до європейських стандартів. Тому основна мета роботи полягає у оцінці системи державного управління та державної служби України. За допомогою методу аналізу було встановлено, що в умовах соціально-економічної та політичної турбулентності, спричиненої внутрішніми та зовнішніми факторами, інститут державного управління України стикається з широким колом проблем, зокрема, таких як негативний баланс довіри суспільства, відсутність балансу централізації та децентралізації системи державного управління, поганий зв'язок як у владних структурах, так і між державою та суспільством, дефіцит кваліфікованих кадрів, низька якість адміністративних послуг та недостатній рівень морально-етичної

свідомості державних службовців. Однак на даний час слід зазначити таку кількість нововведень, спрямованих на підвищення ефективності та забезпечення якості державної служби: поділ адміністративної та політичної позицій; з'ясування правового статусу державного службовця; відокремлення державної служби від політичної діяльності; встановлення вичерпного переліку осіб, на яких не поширюється дія законодавства про державну службу; запровадження нового підходу до класифікації посад державних службовців; компетентний підхід до відбору кандидатів на державну службу; визначення загальноприйнятих законодавством підходів до вступу на посаду, виконання та звільнення від державної служби; вдосконалення професійних навичок та професійної підготовки державних службовців, оплата їх праці, виплата премій та заохочення, а також дисциплінарна відповідальність.

Ключові слова: державна політика, центральні органи виконавчої влади, місцеве самоврядування, формування політики.

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PUBLIC ADMINISTRATION SYSTEM AND CIVIL SERVICE IN UKRAINE: TRANSFORMATION TO THE EUROPEAN STANDARDS

Abstract. *Today in Ukraine, the following problems emerge full blown: reforming the public administration system and civil service, improving the regulatory framework for their functioning, extending the rights and powers of local self-government authorities, bringing their activities into compliance with the EU requirements, enshrining and creating mechanisms for implementing such principles as the balance of centralization and decentralization, ubiquity,*

subsidiarity and capacity, as well as the transformation of the civil service institution according to the European standards. Therefore, the main purpose of the work is to assess the system of public administration and civil service of Ukraine. Using the method of analysis, it was found that in the conditions of the socio-economic and political turbulence caused by internal and external factors, the public administration institute of Ukraine faces a wide range of problems, including such as the negative balance of the society's trust, the lack of balance of centralization and decentralization of the state administration system, bad communication both within the power structures and between the state and society, shortage of qualified personnel, low quality of administrative services and insufficient level of moral and ethical consciousness of civil servants. However, at the present time, such a number of innovations aimed at improving the performance and ensuring the quality of civil service should be noted: separation of administrative and political positions; clarification of the legal status of a civil servant; separation of civil service from political activity; establishing an exhaustive list of persons who are not subject to the civil service legislation; introduction of a new approach to the classification of civil servants' positions; a competency-based approach to the selection of candidates for the civil service; defining legislatively common approaches to entry, performance and separation from civil service; improving professional skills and professional training of civil servants, their labor remuneration, bonus payment and encouraging, as well as disciplinary responsibility.

Keywords: state policy, central executive bodies, local self-governance, policy-making.

INTRODUCTION

Ukraine has been in the internal conflict situation since 2014. Being disappointed by an unexpected change of country development vector towards Russia and a try to suppress the peaceful mass protests by use of a rough force, the people managed to dismiss the corrupt government after several months of bloody clashes with Yanukovich regime (these events were called later as the Revolution of Dignity) and created the prerequisites for returning the country to a European vector of development. Unfortunately, this moment of the state's institutional weakness was used by the Russian Federation to annex Crimean Peninsula and launch a hybrid war in the Eastern part of Ukraine by direct military interventions as well as military and financial support of two quasi-states within Donetsk and Luhansk regions. In this way, an internal political and social conflict turned into external one, which took a massive death toll measured by many thousand people. However, these conflicts speeded up the country's development and had a strong effect on its sector of public administration. During this time, there have been the key events that dramatically affected the public administration system in Ukraine, i.e.: election of a new president, parliamentary election, establishing civil and military administrations, introduction of approximately 60 reforms, among which public administration reform and decentralization of power were the most palpable ones for the society, etc.

Today in Ukraine, the following problems emerge full blown: reforming the public administration system and civil service, improving the regulatory framework for their functioning, extending the rights and powers of local self-government authorities, bringing their activities into compliance with the EU requirements, enshrining and creating mechanisms for implementing such principles as the balance of centralization and decentralization, ubiquity, subsidiarity and capacity, as well as the transformation of

the civil service institution according to the European standards. And although there were some attempts to change the Soviet model of public management organization, which was inadequate to the current challenges; since the country independence was declared, they proved to be unsuccessful. An assessment indicator for crisis phenomena in the public administration system is the Fragile States Index, the value of which for Ukraine in 2015 was 76.3, in 2019 71.0 [1] demonstrates that Ukrainian state is still not stable. Ukraine remains within the group of states, whose situation is labelled as “warning”. Having felt the consequences of the financial and economic crisis, the citizens do not believe in the success of reforms launched by the after-revolution government, which caused the failure of the President Poroshenko for being re-elected in 2019. It should be noted that the reasons for such a difficult situation are not only economic factors, but also the hybrid war with Russia and the low efficiency of public administration.

Civil service as a social institution is called to increase the life quality standards for the population by delivering high-quality administrative services, forming and ensuring the implementation of state policy, supervision and control over legal compliance. However, it does not fully meet these objectives and requires being reformed (hence the new Civil Service Act¹ was adopted in 2015). The considerations regarding the importance and necessity to reform the civil service system are also being strengthened within the context of exacerbation of the economic and political crisis. From the perspective of the effectiveness of the institute, the main task of the reforms is its focus “on ensuring the exercise of the powers by public authorities; protection of individuals’ rights and interests; approximation of the constitutional ideal of a legal, democratic state to the objective reality; focusing of civil servants and citizens on compliance with moral norms, rules of human co-residence, etc.”[2]. Thus, according to the Strategy on Sustainable Development “Ukraine–2020”, the objective of the public administration reform is “to build a transparent public administration system, to create a professional civil service institute, and to ensure its effectiveness. The result of the reform implementation has to be the establishment of an efficient, transparent, open and flexible public administration structure using the latest information and communication technologies (e-governance) that is able to produce and implement a coherent public policy aimed at sustainable social development and adequate response to internal and external challenges²”.

During the research, a thorough work of the peculiarities of the development of public administration and governance in Central and Eastern Europe was analyzed [3-7]. The achievements of administrative reforms in Czechia after 2000 [8]; in Lithuania in 2004–2017 [9] were also researched.

1. MATERIALS AND METHODS

The history and organizational structure of the central government should be considered in the context of changes in the functions of public authorities at different levels. As for the central executive bodies (CEBs), in 2014 the first important step in changing their

¹Law of Ukraine “On Civil Service”. (2015, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/889-19#Text>

²Decree of the President of Ukraine “On the Strategy on Sustainable Development "Ukraine–2020”. (2015, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/5/2015>.

functions was to revise the control and supervisory functions of the CEBs, which were suggested to be understood as auditing the compliance of public authorities, local self-government authorities, their officials, legal entities and citizens with mandatory rules and norms of behavior in economy and public life established by the Constitution of Ukraine¹, laws of Ukraine and other regulations, the differentiation of the normative and the actual state of the control object, implementation of measures aimed at bringing the control object into normative state [10].

It should be noted that in 2010 the Public Administration Modernization Plan acknowledged the main problem in functioning of central executive bodies, which should be accepted, – a built-in conflict of interests, which is caused by the necessity to implement conflicting types of functions in one body (combination of statutory regulation with the functions in delivering administrative services or oversight functions; in managing state property and implementing oversight measures) [10], leading to the following consequences: (1) CEBs carry out all administrative procedures from adopting a rule to controlling its compliance; (2) there is a suppression of strategic decisions are displaced by tactical and operational actions. The typology of functions proposed at that time (state policy formulation, approval of statutory instruments, control and supervision in a certain sphere of activity, the delivery of public services and management of state property) resulted in the criteria for determining the types and the CEB system in 2010–2011, and in 2015 it identified the main tasks of civil servants in the public service legislative act.

Thus, on 25 August 2014, at the government session, it was decided that it was necessary to leave 680 control functions belonging to different CEBs from 1032 ones (in 2010, there were 1623 of them), and to reduce the number of bodies with controlling functions by 51 per cent. The reasons for this were the reduction of pressure on business and the reduction of corruption level, and the implementation steps were: preparation of the target model of the CEB system; optimization of the CEBs and the number of their employees; reducing the number of functions and eliminating their duplication; devolving part of the authority to the local level or self-regulatory organizations. Since the change in oversight functions had to reduce the pressure on business and ensure the efficient control, the number of control functions was reduced through the dissolution of the CEBs; the consolidation of the functions of the controlling CEBs, the deprivation of certain CEBs of control functions, the abolition of control functions. Thus, during 2014–2017, most of the ministries were deprived of control functions in the field of economic activity, control functions were consolidated in the activities of the newly formed CEBs, part of the control functions regarding price control, assay supervision, building control and topographic-geodetic control was cancelled, which led to devolving of supervision in the sphere of housing and utilities sector to local self-government authorities as well.

However, as long ago as 2014, many experts and field-specific industry associations warned that such an approach to changing oversight functions would require a considerable enhancement regarding: the need to adhere to the principle of preserving “reasonable state regulation”, especially in those areas that seriously endanger the lives of the citizens; clear understanding that it is necessary to proceed not from the number of inspectorates but from the necessary functions and for these functions there has to be a certain body; changes in

¹Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

the work quality of newly-created bodies, so that the next deregulation reform did not bear signs of changing only the number of supervisory and inspection bodies; inappropriate reduction of control bodies by consolidating services while preserving the same functions [11]. At the same time, it can be stated that changes in the oversight function have not brought positive changes into the Ukrainian economy because according to the Global Competitiveness Index published by the World Economic Forum, Ukraine ranked 73th out of 144 countries in 2012–2013, 84th out of 148 in 2013–2014, 76th out of 144 in 2014–2015, 79th out of 140 in 2015–2016, 85th out of 138 in 2016–2017 [12]. According to the Federation of Employers of Ukraine, in 2017, the Business Ombudsman Council received 1,638 complaints about the actions of controlling and law enforcement authorities, twice as many as in 2016, 61 per cent of which are related to the actions of the fiscal service and tax authorities [13]. Both in 2014 and as of March 2018, no legislative act on self-regulatory organizations was passed (it was included in the agenda of the eighth session of the Verkhovna Rada of Ukraine of the eighth convocation among the issues prepared for consideration in plenary meetings on 20 March 2018), which should be delegated part of state oversight functions.

In 2016, regarding the change of functions, the Government focuses on both its own functions and the CEBs' functions for managing state property, which means the exercise of the powers of the owner regarding natural resources that are in state ownership, state property, including the one which was transferred to state enterprises and institutions, as well as management of shares of state-owned open joint-stock companies [10]. It should be noted that the Government's political functions include defining (formulating) the policy of Ukraine, together with such state institutions as the Verkhovna Rada of Ukraine and the President of Ukraine. The Government's political functions are entrenched primarily in the Program of its activities. However, most of the functions performed by the Cabinet of Ministers of Ukraine, including the management of state property, have a state-management nature and require corresponding analyzing the appropriateness of their deconcentration.

According to experts, in early 2018 the Cabinet of Ministers of Ukraine are reluctant to lose the rights to create, reorganize and dissolve business entities, appoint and dismiss their managers, decide about discarding, alienation or transfer of property, corporate rights, approve financial plans of enterprises, approve of leasing state property and a number of others [14]. The existence of Government's steps in this direction of changing functions can be confirmed with introducing by the Cabinet of Ministers of Ukraine a draft Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding Deprivation of the Cabinet of Ministers of Ukraine of Non-Relevant Authorities"¹ as a legislative initiative and its active support in the Verkhovna Rada of Ukraine. A similar draft act has to be developed regarding the deprivation of CEBs of similar functions.

The steps regarding the changes in the functions made in 2017–2018 are aimed at distinguishing the functions in formulating the state policy and adopting laws and regulations in CEBs' activities. The first ones are to identify the basic priorities and directions of development, the methods to achieve them, set terms and expected socio-

¹ Law of Ukraine No 2501-VIII "On Amendments to Certain Legislative Acts of Ukraine Regarding Deprivation of the Cabinet of Ministers of Ukraine of Non-Relevant Authorities". (2018, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/2501-19#Text>

economic outcomes in a particular area of the economy and public life; the others are to issue norms and rules that govern relations in a particular sphere, extend to an indefinite number of individuals and are binding on the public authorities, local self-government authorities, their officials, legal entities and citizens based on and pursuant to the Constitution of Ukraine¹ and the laws of Ukraine [10].

As of December 2017, the Cabinet of Ministers of Ukraine states: (1) a possible conflict in the ministries between the functions of state policy formulation and certain functions in implementing the state policy, in particular regarding the management of state-owned objects, inspection and supervision activity and delivery of administrative services; (2) the lack of policy formulation based on its analysis and strategic planning that makes it difficult to detect, predict, prevent problems in the relevant areas and to achieve the long-term goals, and constrains a significant number of reform processes in the state; (3) the lack of a clear distribution of authorities, which results in function duplication and, consequently, inefficient use of human and financial resources, and the separate functions, with which ministries are burdened, are not appropriate in terms of the development of the corresponding spheres (sectors) and are superfluous².

In 2017, the Cabinet of Ministers of Ukraine, its Secretariat and ministries as institutions for implementing the function of state policy formulation, taking into account the government decision³, change their organizational structure (they form directorates) and start procedures to fill posts in them. It should also be noted that this function is partly assigned to the National Agency of Ukraine on Civil Service and the State Agency for E-Governance, where general departments are established. According to the provisions on directorates of the ministries, they are formed to perform the tasks connected with ensuring the state policy formulation in one or several areas of the ministry's competence, such as: (1) ensuring the state policy formulation based on constant analysis of the state of affairs within its competence, elaboration of alternative solutions of the existing problems; (2) monitoring and evaluating the results of the state policy implementation, drawing up proposals regarding its continuation or correction; (3) ensuring statutory regulation within its competence. The directorates of the Secretariat of the Cabinet of Ministers of Ukraine perform tasks in coordinating work on strategic planning, organizing drawing up the proposals to the Prime Minister of Ukraine regarding the priorities of the state policy, draft plans of priority actions of the Government and coordination of their further implementation, analysis of powers and functions of executive authorities, evaluation of their performance efficiency and other activities of the Cabinet of Ministers of Ukraine in regard to expert-analytical and other⁴. The distinction of positions in ministries contributes to the emphasis on their functions of state policy formulation regarding performing political and administrative functions, and

¹Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

²Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Concept of Optimization of the Central Executive Bodies System". (2017, December). Retrieved from <http://zakon3.rada.gov.ua/laws/show/1013-2017-%D1%80>

³Resolution of the Cabinet of Minister of Ukraine "Some Issues of Ordering the Structure of the Secretariat of the Cabinet of Ministers of Ukraine, the Apparatus of Ministries and Other Central Executive Bodies". (2017, August). Retrieved from <http://zakon5.rada.gov.ua/laws/show/644-2017-%D0%BF>.

⁴*Ibidem*, 2017

for this purpose the posts of state secretaries were introduced¹. It should be noted that Ukraine has already introduced the posts of state secretaries as chiefs of staff [15]. Since 2016, they revived the position title “state secretary” of a ministry, and in the Law of Ukraine “On Central Executive Bodies”² the words “deputy minister – chief of staff” were replaced by the words “state secretary of the ministry”.

The further implementation of the idea of changing the functions of ministries is aimed at: depriving them of their functions in delivering administrative services, inspection and oversight functions and functions in managing state-owned objects (apart from the management of state-owned objects, whose activities are aimed at delivering economic services to ministries, and as well as management of state-owned objects used for placement of foreign diplomatic institutions of Ukraine); their focus on strategic planning, ensuring the public policy formulation, monitoring (control) and assessing the outcomes of its implementation; possibility to leave the functions of the ministries in the state policy implementation in exceptional cases, if their volume and content does not dictate the reasonability to establish a new central executive body or transfer them to other entities, in particular local executive authorities or local self-government authorities, in the context of decentralization of certain powers³.

Notwithstanding all the attractiveness of this approach, there are several precautions: (1) if the ministries will not take over the functions traditionally performed by the Secretariat of the Cabinet of Ministers of Ukraine, if the latter did so in view of the limit of slightly more than 1000 civil servants, then by 2020, the number of specialists for reforms at the ministries has to reach 5500; (2) the loss of classical public administration functions by ministries (the functions of state policy implementation) will require to solve the issue of another redistribution of functions, and hence another reorganization of CEBs and the redundancy of civil servants (and taking into account the continuing reorganization of the CEBs, this will become another “organizational stress” both for the state and for the society); (3) it is difficult to imagine such dramatic changes, for example, in the Ministry of Justice of Ukraine, the Ministry of Finance of Ukraine or the Ministry of Foreign Affairs of Ukraine, taking into account the functions that they are currently performing.

Thus, such a radical change in the functions of the ministries, or the transition to the target model of the ministries, requires a well-reasoned approach in order not to turn the ministries into an additional security apparatus of the Cabinet of Ministers of Ukraine, not to destroy the integrity of the state administrative apparatus and not to create a system that will provoke reforms and ideas without any opportunities for their practical implementation. It is appropriate to have reform teams or state experts over time consisting of up to 20 persons as one of the minister’s services, however, provided that the institutional relations of this service with the ministry staff are established.

¹Law of Ukraine “On Civil Service”. (2015, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/889-19#Text>; Resolution of the Cabinet of Ministers of Ukraine “On Approval of Strategy for Reforming the Civil Service and Service in Local Self-Government Bodies in Ukraine until 2017 and Approval of the Action Plan for its Implementation”. (2015, March). Retrieved from <http://zakon5.rada.gov.ua/laws/show/227-2015-%D1%80>

²Law of Ukraine “On Central Executive Bodies”. (2011, March). Retrieved from <http://zakon0.rada.gov.ua/laws/show/3166-17/print1478020568592555>.

³Resolution of the Cabinet of Ministers of Ukraine No. 1013-r “On Approval of the Concept of Optimization of the Central Executive Bodies System”. (2017, December). Retrieved from <http://zakon3.rada.gov.ua/laws/show/1013-2017-%D1%80>.

Besides, in order to implement the idea of assigning the strategic planning functions to the ministries and ensuring the state policy formulation, it is necessary to define legislatively the sectors of state policy/public administration. Consequently, the minister has to be responsible for state policy formulation in one or more sectors, and the positions of deputy ministers would appear. The state secretary's functions of the ministry should be limited to the issues regarding the management of the ministry's staff and general organizational matters without direct responsibility for the sectors of state policy [16]. The confirmation of this idea is found in the draft law as of 14 July 2016¹.

In regard to the practical implementation of changing the functions of the Cabinet of Ministers of Ukraine and the ministries as of 31 March 2018, having analyzed the Action Plan fulfillment for implementing the Strategy of Public Administration Reform in Ukraine for 2016–2020, the experts noted that the following important measures remained untaken: amendments to the Laws of Ukraine “On the Cabinet of Ministers of Ukraine²” and “On Central Executive Bodies³” regarding organization of strategic planning and analysis of state policy [17]. Regarding the functions of delivering administrative services, which are understood as the issue of permits (licenses) for certain types of activities and (or) particular actions by the public authorities, local self-government authorities, their officials at the request of individuals and legal entities; registration of acts, documents, rights, objects, as well as issuance of individual legal acts, they will be changed only through deconcentration (transfer from the Cabinet of Ministers of Ukraine and the CEBs to local executive authorities, including the territorial CEB offices) and decentralization (transfer to local self-government authorities), taking into account the possibilities of the established centers for administrative services [10].

Thus, the analysis shows that the main emphasis of the Government regarding changing the functions of the executive bodies at its higher and central level on a short-term horizon (by 2020) is the distinguishing and resourcing of the function for developing and implementing a coherent state policy. This function should include the following components: analytical (constant analyzing the state of affairs in the sphere and developing alternative Law solutions of the existing problems); monitoring (monitoring and evaluating the results of the state policy implementation, elaborating proposals regarding the continuation or adjustment of the policy); coordination (coordination of the state policy implementation, interaction with other authorities); regulatory (development of laws and regulations in policy). Today, the implementation of this function depends on: drafting and submitting a draft regulations on amendments to the Regulation of the Cabinet of Ministers of Ukraine regarding policy coordination, strategic planning and agreement of draft acts of the Cabinet of Ministers of Ukraine⁴; development of the methodology of preparation and examples of programmatic and strategic documents of the state policy (policy brief, “green book”, “white book”,

¹Law of Ukraine “On Amendments to Some Laws of Ukraine in Connection with the Adoption of the Law of Ukraine “On Civil Service””. (2016, July). Retrieved from http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=59725

²Law of Ukraine “On the Cabinet of Ministers of Ukraine”. (2008, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/279-17#Text>

³Law of Ukraine “On Central Executive Bodies”. (2011, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/3166-17#Text>

⁴Resolution of the Cabinet of Minister “Some issues of public administration reform”. (2019, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/1034-2019-%D0%BF?lang=en#Text>

concept, strategy, program, etc.) and identification of their specific features and purpose in the process of formation, implementation and monitoring of the state policy. Without these documents, the measures to implement the Public Administration Reform Strategy of Ukraine cannot be taken in this area. Besides, the state policy implementation, and hence the classical public administration, will cover the functions of delivering administrative services, oversight and state property management regarding which the possibility of their deconcentration or decentralization will be constantly monitored.

The organizational structure of the public administration system is a result of functional changes, as well as the basis for the future ones; “over the years of Ukraine’s independence, approximately four hundred transformations of CEBs took place. Only in recent years (since 2011, when government authorities were liquidated, resulting in a decrease in the number of CEBs from 111 to 74 bodies), several times the improvements were made to the CEB system. This is important because the optimization of the CEB system is a framework for reforming and modernizing the civil service, it opens reserves for significant reduction of expenditures on management as a whole and the staff, approximates delivering the administrative services to the consumer, contributes to reducing oversight functions and deregulation” [17]. As of 31 March 2018, 63 CEBs operate in Ukraine, in particular 18 ministries, 23 state services, 14 state agencies, 4 state inspections and 7 other CEBs¹.

The change of functions in regard to their redistribution between the state and local self-government authorities is the subject of ongoing discussions in the scientific, expert and managerial environments, which has been in place since the declaration of Ukraine’s independence. However, the processes of unification of territorial communities become a significant factor in addressing this issue. Therefore, it should be noted that today the state is ready for the fact that all the issues of local concern related to economy, finance, management of communal property (local finances, economic development of communities, communal property management, communal land use and use of local natural resources, planning and development of settlements, maintenance and construction of local roads, sewage, electricity, gas and water supply, lighting of settlements, housing construction, work of local public transport, beautification, work of preschool institutions, primary and secondary education institutions, healthcare delivery, etc.) should be solved by local self-government authorities. The state is also ready to transfer functions in the spheres of social protection, additionally in health and education, functions in delivering administrative services, herewith assessing the ability of local self-government authorities to implement them. However, the state is quite cautious towards the property transfer, and therefore the functions of managing them. For example, in regard to land resources management, the draft act on implementing which (register number 4355 as of 31 March 2016) has already been in the Verkhovna Rada of Ukraine for three years.

The state would certainly be more actively involved in the transfer of functions to local self-government authorities, when amending the Constitution of Ukraine² regarding decentralization of power, at the local level reserving the right to control/supervise the compliance with the Constitution and laws of Ukraine, acts of the President of Ukraine, the

¹Resolution of the Cabinet of Ministers of Ukraine “On Optimization of the System of Central Executive Bodies”. (2014, September). Retrieved from <http://zakon2.rada.gov.ua/laws/show/442-2014-%D0%BF>

² Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

Cabinet of Ministers of Ukraine and the CEBs of Ukraine, coordination of activities of territorial CEBs, control over financial activities of local self-government authorities within the limits established by law in regard to their use of state funds. However, the functions can be transferred without such constitutional changes. In particular, in compliance with the new version of the Law of Ukraine “On State Registration of Legal Entities, Individual Entrepreneurs and Public Associations” as of 26 November 2015¹, the functions of delivering administrative services in state registration of legal entities and individual entrepreneurs were transferred from justice authorities to local self-government authorities. Currently, there is a process of transferring the State Architectural and Construction Inspectorate’s functions in construction objects commissioning to the local self-government authorities. For such a transfer it is sufficient to analyze the functions implemented by the CEBs, primarily through their territorial bodies and local state administrations to find out if they comply with their subsidiarity principle with subsequent legislative regulation of such transfer.

2. RESULTS AND DISCUSSION

2.1 Peculiarities Inside the Administration at the Central Level

The attitude towards the civil service, its organization and regulation, to its performance by officials is an indicator of the state mechanism and its apparatus. The civil service system consists of institutional (legal, organizational) and procedural structures, as well as civil servants – persons, who are specially trained and professionally employed in the system of government authorities. The social purpose of the civil service is to create conditions for the effective operation of government authorities, to seek the optimal combination of personal, group and state interests, to express and protect the interests of all segments of the population. It has to become a daily channel of communication between the state and the people, their interaction. Such an approach can be provided only by such a state apparatus and its personnel, which can reasonably put forward standards of behavior and work understandable for people. The citizens of Ukraine, who have come of age, are fluent in the national language and assigned the level of higher education not lower than: (1) for the positions of category “A” and “B” – Master’s Degree; (2) for the positions of category “C” – Bachelor’s Degree, Junior Bachelor’s Degree, have the right to civil service.

The following persons cannot enter into civil service: (1) persons, who have reached the age of sixty-five; (2) persons declared incapable or of limited capability in the manner prescribed by law; (3) persons, who have a record of conviction for an intentional crime, if it has not been removed from official records or expunged in accordance with the law; (4) persons, who are disbarred by the court ruling from engaging in activities related to performance of the state functions or from holding the respective positions; (5) persons, who were imposed an administrative penalty for corruption or corruption-related offence – during three years since respective decision entered into force; (6) citizens of other states; (7) persons, who have not passed special check and have not given consent to such check; (8) persons, who is a subject to the ban stipulated by the Law of Ukraine “On Cleansing of Power²”.

¹ Law of Ukraine No 755-IV “On State Registration of Legal Entities, Individual Entrepreneurs and Public Associations”. (2003, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/755-15#Text>

² Law of Ukraine “On Cleansing of Power”. (2014, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/1682-18#Text>

During implementation of citizens' right to the civil service, no forms of discrimination defined by the legislation shall be allowed. The relations regarding the remuneration of civil servants in Ukraine are regulated by: (1) provisions of the law; (2) norms of labor legislation and international treaties ratified by Ukraine in regard to relations not regulated by the Law¹ and are general norms of the legal institution of remuneration of civil servants that are compatible with the norms of the Law on labor remuneration as general and separate (norms for determining the minimum salary, the differentiation of the general and base rate of salary, equal salary for work of equal value, etc.); (3) separate statutory regulations of labor in regard to the relations that are not regulated by the Law and are not meaningfully related to its norms (on the salary payment deadlines, regarding determination of the amount of overtime compensation, as well as weekend, holiday and non-working days, night overtime pay, etc.).

By reference to the specific features of civil service, the law restricts the opportunities of civil servants to protect their right to labor remuneration. Besides, a civil servant has no right to organize and participate in strikes (part 5 of article 10 of the Law²). In case a civil servant reveals the facts of the violation of the Law by the public authorities or their officials during their service or outside the office, to ensure the rule of law, they have to contact to the central executive body which ensures the formulation and implementation of state policy in civil service (part 2 of article 8 of the Law³). This also applies to the issues on remuneration of civil servants. At the same time, state regulation of post salary schemes, bonuses, allowances and payments to civil servants virtually eliminated the possibility of influence by civil servants and their trade unions on solving these issues (except through consultations of the relevant government authorities with the representatives of civil servants' trade unions).

Currently, a number of measures have been taken in our country to prevent and fight corruption, most of which are aimed at preventing corruption, like in most European countries. One of the main directions in prevention of corruption is the detection of corruption risks that may arise in the activities of civil servants, as well as elimination of the conditions and causes of these risks. The specified corruption risks are constantly investigated by scientists and non-governmental organizations in various spheres of public administration. At the same time, by incidence, corruption risks in civil servants' activities can be arranged in the following order: bad faith of civil servants; conflict of interests; lack of control from management; discretionary powers.

It should be noted that it is no coincidence that the first place among the corruption risks is taken by the bad faith of civil servants. Since 01 July 2010, in the context of legal examination, the Ministry of Justice of Ukraine introduced the examination of draft regulatory acts for the existence of corruption-causing norms. It should be noted that from 01 July to 31 December 2010, corruption-causing factors were revealed in 213 draft regulatory acts, of which in 52 drafts there is inappropriate definition of functions, rights and responsibilities of public authorities and local self-government authorities. Thus, anti-corruption expertise facilitates to eliminating corruption-causing factors at the rule-making stage, which ultimately excludes discretionary powers. This is a very important and positive step in the corruption prevention sphere.

The enshrining of the rule of law principle in the Constitution of Ukraine

¹Law of Ukraine "On Cleansing of Power". (2014, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/1682-18#Text>

²*Ibidem*, 2014

³*Ibidem*, 2014

(article 8¹) reflects the influence of European and world traditions of constitutionalism, trends to the formation of modern legal systems. At the same time, the interpretation of the rule of law principle in the decision of the Constitutional Court of Ukraine as of 02 November 2004 No. 15-rp² became of great significance: “The rule of law is the supremacy of law in society. The rule of law requires the state to implement it in lawmaking and human rights activities, in particular, in the acts that in their content have to be permeated, first of all, with the ideas of social justice, freedom, equality, etc. One of the manifestations of the rule of law is that the law is not limited only by legislation as one of its forms, but also includes other social regulators, in particular, norms of morality, traditions, customs, etc., which are legitimized by the society and conditioned by the historically achieved cultural level of the society”. The main purpose of forming a new administrative-legal doctrine is to give back the civilized “face”, which this sector has now in all developed countries worldwide, to the national administrative law. In particular, the updated administrative law has to be focused on ensuring the most effective exercise of rights and interests of an individual, their effective protection, whereas now the national administrative law continues to be mainly focused on meeting the needs of the state, and in fact – the apparatus (i.e., officers) of the state administration.

Today, with the formation of market economy, development of democracy, new, often veiled (and sometimes open), forms of corruptive acts have emerged and are actively used, such as lobbyism, protectionism, contributions to political goals, the transition of deputies and public officials to the posts of honorary presidents at corporations and private firms, investing in commercial structures using state budget funds, transfer of state property to joint-stock companies. Unfortunately, in these situations no political will of the power structures is observed that are responsible for fighting corruption, and the society does not react to them actively. In the fight against corruption, legality is an important component of the rule of law principle. Thus, the current state of doctrinal comprehension of the rule of law principle requires the normalization of the specific relations between the executive bodies and an individual. Particular attention needs to be given to creating adequate conditions for the exercise of human rights and freedoms, which involves the need to reform administrative law on democratic principles.

In Ukraine, not only the President and the Cabinet of Ministers play an important role in the political process; unlike most European countries, the Parliament (Verkhovna Rada) also plays an important role as the initiator of draft acts and a powerful player in the “veto policy” [18; 19]. Over four years of Parliament’s work, the President submitted about 200 draft acts, the Cabinet of Ministers of Ukraine – about 1000, and people’s deputies – about 3800. Approximately 76 per cent of the draft acts of the President, about 40 per cent draft acts of the Cabinet of Ministers and about 15 per cent of the draft acts of people’s deputies were passed. Thus, out of approximately 1200 passed acts, about 150 were submitted by the President, about 450 – by the Cabinet of Ministers and about 600 – by the Verkhovna Rada of Ukraine.

The President is the most important source of strategic initiatives in both domestic

¹Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

²Decision of the Constitutional Court of Ukraine “On the conformity with the Constitution of Ukraine (constitutionality) of Article 69 of the Criminal Code of Ukraine”. (2004, November). Retrieved from <http://www.ccu.gov.ua/en/docs/273>

and foreign policy. It should be noted that that in addition to the draft acts passed by the Verkhovna Rada of Ukraine, the President issues nearly 1500 decrees annually, as well as more than 3000 resolutions and instructions. Most of the resolutions are addressed to the Cabinet of Ministers of Ukraine; they prescribe the actions of one or several ministers. According to the data of the Secretariat of the Cabinet of Ministers of Ukraine, last year, the Cabinet of Ministers of Ukraine issued approximately 1000 resolutions, and daily about 250 instructions (more than 60 thousand annually) are registered by the Cabinet of Ministers, the Prime Minister, the Vice Prime Minister and the Minister of the Cabinet of Ministers of Ukraine, addressed to ministries and other bodies. A considerable quantity of these documents is related to politics. Some of them are really important decisions regarding policy, and many of them direct the political process itself, for example, initiating work on politics in a particular area, changing projects, resolving conflicts, etc. Besides, many instructions are connected with specific issues of executing decisions or administrative issues of a situational nature.

Under the condition of the ambiguity of certain norms of the Constitution¹ and the lack of its support by the general public, the system of public administration weakens, the possibilities for open institutional cooperation and the integrated legislative process diminish. Even considering the fact that during transition periods such problems are peculiar to many countries, a strong political will to create the basic conditions that would allow political authorities to put development problems in the center of political action is essential more than ever. Due to the long-lasting confrontation and lack of transparency, the trust between key political institutions and activists was undermined, as well as the trust of the citizens to the politicians. Under such conditions, when constitutional conflicts turn into a politico-legal maze, and the Constitution becomes a battlefield, instead of being a clear direction for political institutions and citizens, it may be concluded that it will be very difficult to improve the rule of law in Ukraine.

Currently, we can make a conclusion that the system for policy development and coordination has not been improved since the assessment in 2006, and that the theoretical difficulties that were foreseen in this area have turned into a real problem. Now, new circles of the decision-making process in Ukraine are fuzzy and it is unclear who has to make one or another decision or even how and why. The conflicts of competences intensify every day, weakening the state's authority and the rule of law, while the policy making system is predominantly blocked.

2.2 Efficiency and effectiveness of the administrative system, overall government performance

In order to assess the quality of public administration in Ukraine, different indicators and ratings are used, which are compiled by international organizations, as well as the results of national sociological surveys. According to international agencies on the efficiency of public administration and the quality of public services, Ukraine is on a level with countries that are much inferior to it in economic development. According to a number of integral indicators used in international practice, Ukraine is significantly inferior to not only developed countries, but also most of the countries of Eastern Europe. According to

¹Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

the GRICS index, Ukraine is at the bottom of the rating regarding such indicators of the quality of public administration bodies' work as quality of public services, accountability, quality of regulatory policy, rule of law, as well as corruption control.

The research has shown that the executive branch remains closed to the citizens and business: by the opacity index of Kurtzman Group, Ukraine is ranked 46th among the largest countries (along with Indonesia and China). With such level of opacity, the additional costs of Ukrainian and foreign investors amount to 5.64 per cent of the invested funds in connection with the increase in risks. At the same time, according to experts, the decrease in the opacity level on average by one point correlates with the increase in average annual gross domestic product per capita by 986 USD, direct foreign investments in relation to GDP by one per cent and inflation reduction by 0.46 per cent.

The results of national research also confirm the low efficiency of state power, give evidence of a decline in the citizens' trust in state institutions. The polling data show the citizens' negative assessment of the public service delivery process (more than 70 per cent of respondents). According to the study, only 14 per cent of the citizens, who applied to public authorities over the last 2 years, were able to receive a public service of acceptable quality which they are interested in. The research has shown that only one third of the population trusts the executive bodies, only half of the population trusts the legislative and judicial bodies. The consumer study revealed a number of problems with delivering public services, which lead to a low level of consumer satisfaction. Such problems may include: high time consumption (for example, on average the expectation of such a service as issuing a passport is 30 days), poor information support for consumers, limited channels of receiving services, high "moral" costs associated with poor quality of service [20].

In assessing the results of the administrative reform in Ukraine, it is also planned to use an integral indicator, such as the quality of public administration, assessed by external experts. Summarizing, we can draw some significant conclusions. Firstly, the specific features of executive bodies, as public service providers, determine the diversity of approaches to assessing the quality of their activities – public administration. The selection of assessment criteria, data sources and the method of their aggregation depends on the objectives of the assessment and management tasks. Such tasks may include:

- assessment and monitoring of the public administration bodies' activity in the framework of budgeting according to the results;
- rating of executive bodies by the efficiency and effectiveness indicators for the purpose of comparative analysis and development of recommendations to improve the processes and results of activities;
- benchmarking and analysis of the best practices in executive bodies;
- rating of subnational or national systems of executive bodies by the quality of public administration to adopt managerial decisions in line with the policy pursued by national governments or international organizations.

Among the managerial tasks that can be solved by analyzing the public administration quality, especially outstanding is assessing the effectiveness of changes that are made in the executive bodies (implementing new management tools). Based on the modern concept of "good public management", it is possible to identify the main groups of parameters for the public administration quality, which have to be taken into

account at assessing the activities of executive bodies: improvement of the quality of public services; reduction in the unit cost of the services delivered; enhancing the efficiency; transparency and accountability of public authorities; the responsiveness of the public authorities to newly emerging needs (changing expectations).

Thus, the search for a universal conceptual approach to assessment continues, which would allow assessing and analyzing the activities of public administration bodies in terms of their ability and progress in achieving the goal of maximizing public welfare. Such an approach to assessment is needed that would allow to consider different quality indicators of public administration integrally, that would be based on the principles of “good public administration” and focused, first of all, on external public service consumers’ evaluation of the executive bodies’ activities. The concept of public value can underlie such an integrated approach to assessing the activities of public administration bodies.

2.3 Relating the peculiarities to the post conflict situation

The time for ending the Ukraine–Russia confrontation depends directly on how we see our post-conflict future and how it is seen by our opponents. Perhaps, here the most acute issue is the one of ethical and legal responsibility for the crimes committed by aggressor and its satellites and human rights violations. S. Huntington called it “the problem of executors” [21]. This category of people already has nothing to lose, they will fight to the end, turning their environment into hostages. Will justice take place? Will justice be restored? Will the guilty be punished? We do not know the unambiguous answer yet, thereby we call to the experience of those peoples and states that came through such trials in the past.

According to many experts, there are certain specific features of the post-conflict situation in Ukraine. Firstly, it is necessary to step up efforts in training highly skilled specialists. Each reform requires a professionally trained staff. The dynamics and contradictory reforms require the transformation of the state administration and local self-government system, making professional the civil service and service in the local self-government authorities, which is connected with the competence of civil servants and local self-government officials (public servants). The competence of public servants under complication of social processes has to increase. The state personnel policy has to be aimed at creating conditions regarding training, retraining, advanced training and assessment of professional competencies during the civil servants’ professional activity.

This context gives raise to the task of developing a system of professional training for public servants with the simultaneous assessment of their qualifications and the level of professionalism in the “Public Management and Administration”. The methodological basis for solving this task has to be a series of legislative acts, in particular, the Strategy of Public Administration Reform in Ukraine for 2016–2020, approved by the Resolution of the Cabinet of Ministers of Ukraine as of 24 June 2016 No. 474-r¹; the Strategy for Reforming the Civil Service and Service in Local Self-Government Bodies in Ukraine until 2017, approved by the Resolution of the Cabinet of Ministers of Ukraine as of 18

¹Resolution of the Cabinet of Ministers of Ukraine “Some Issues of Public Administration”. (2016, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/474-2016-%D1%80#Text>

March 2015 No. 227¹; the Concept of Reforming the System of Vocational Training of Civil Servants, Heads of Local State Administrations, Their First Deputies and Deputy Heads, Local Self-Government Officials and Local Council Deputies, approved by the Decree of the Cabinet of Ministers of Ukraine as of 01 December 2017 No. 974-r², that contain: the goal-setting in transforming the civil service; defining the directions of the state policy and regulatory framework of civil servants' professional training; setting professional qualification requirements for public administration personnel, their training and advanced training; definition of the content of education, development of educational programs.

Thus, the institutionalization of public servants' professional development in public management and administration has to include:

- development and implementation of a sectoral qualifications' framework, considering the National Qualifications Framework;
- development of civil service professional standards and service in local self-government authorities based on a competent approach with the participation of interested parties and their approval;
- development and implementation of standards in the specialty 281 Public Administration and Management of the area 28 Public Administration and Management and the educational standard for the training of public servants;
- introduction of a nation-wide qualification examination for persons, who receive higher education in the specialty Public Administration and Management of the area Public Management and Administration;
- development and adoption of educational-professional and research-educational programs of the specialty Public Administration and Management of innovative nature;
- advanced training in the programs for specialized short-term training courses, perpetual and short-term thematic seminars, trainings, workshops on urgent issues of social development.

Secondly, at decentralization, the transfer of powers from the center to the regions would mean the transformation of the power vertical where most issues were resolved by the transfer and execution of orders which come from the top to bottom, and the middle- and low-ranking officials remained a usual performer.

Thirdly, Ukraine is doomed to reform the administrative-territorial system. So far, all the attempts to carry out the administrative-territorial reform were unsuccessful and did not go beyond the concepts that are very controversial in their nature. On 05 February 2015, the Verkhovna Rada of Ukraine passed the Law "On Voluntary Association of Territorial Communities"³. The purpose of this act is to consolidate territorial communities through the voluntary association, which should eventually lead

¹Resolution of the Cabinet of Ministers of Ukraine "About the consolidated provision about the State service of Ukraine and the State service of Ukraine". (2016, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/227-2019-%D0%BF#Text>

²Decree of the Cabinet of Ministers of Ukraine "About the concept of reforming the system of professional education of state services, heads of state administrators, first defenders and defenders, posadovs of the citizens of the state self-government and deputies of citizens". (2017, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/974-2017-%D1%80#Text>

³Law of Ukraine "On Voluntary Association of Territorial Communities". (2015, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/157-19#Text>

to an increase in their capacity and efficiency. However, a detailed analysis of this act shows its significant defects, the main of which is the discrepancy of its norms with the current Constitutional provisions and acts. Moreover, the implementation of the act in practice can lead to unpredictable social consequences, which is opposite to the declared goal, as the experts expressly say. For example, the conclusions of the Main Scientific and Expert Department of the Verkhovna Rada of Ukraine indicate: “Practical implementation of the draft act in case it is passed in the proposed version is unlikely to allow forming self-sufficient territorial communities that would have the appropriate material, financial resources and public amenities necessary for the effective performance of bodies’ tasks and functions or to improve the quality of delivering administrative, social, public services to the communities, as stated in the explanatory note.

It is obvious that forming the united territorial communities, the average number of which will be 9 thousand people, who will live in 16 settlements on average, the expected average area of which will be approximately 400 sqm km, and the distance from the administrative center of a united territorial community to the most remote settlement of such a community is determined in view of the availability of basic public services (administrative, social and others) delivered on the territory of such a community (arrival time for an ambulance in urgent cases and a fire-fighting team must not exceed 30 minutes), is doubtful in terms of the possibility of practical implementation, and will lead to the alienation of the citizens not only from the authorities, but also from the relevant administrative and other services, thereby such consolidation of territorial communities seems excessive and does not contain a proper justification”. Besides, the proposed voluntary association of territorial communities does not consider the special features of separate territories, for example, the southern districts of Odessa region, where national minorities are concentrated.

Fourthly, upon signing the EU–Ukraine Association Agreement, Kyiv undertook several commitments that concern not only the economic regime liberalization, but also the bringing of domestic legislation in line with European norms. This concerns the introduction of EU regulations. Therefore today, not only knowledge of domestic legislation becomes relevant for a civil servant, but also the fundamentals of the EU legislation and European experience in public administration [22; 23].

Fifthly, decentralization cannot replace effective state regional policy, it is only an essential prerequisite for its implementation. On 05 February 2015, the Law “On the Principles of State Regional Policy¹” was passed, but like the Strategy for Civil Service Reform, it is mainly declarative. Its key disadvantage is the lack of effective mechanisms for simulating the development of regions. And of course, the key issue to be solved as part of the reform is the fight against corruption. Despite all the declarations of power holders, the demonstrative dismissals of certain corrupt officials, corruption remains an incurable disease both of the state and the society. In the Global Competitiveness Report of 2014, Ukraine ranked 130th among 144 countries by state institutions quality indicator, and the 142th place among 175 countries by the Corruption Perceptions Index.

First of all, the factors that cause corruption and create a nutrient medium for it remain unchanged. Moreover, with the deepening economic crisis and political instability, unemployment growth, some of them are only aggravated. The main ones are:

¹Law of Ukraine “On the Principles of State Regional Policy”. (2015, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/156-19#Text>

– poverty of majority of the population, the excessive stratification of the society to 5 per cent very rich and the rest, who barely make ends meet. Today, a small middle-class stratum is under considerable pressure. Along with this, the concept of labor as a source of well-being is diminished which creates a corresponding atmosphere in the society;

– controversial attitude of society towards such a phenomenon as corruption. On the one hand, in the society there is a rejection and condemnation of corruption and calls for solving this problem in a non-legal way, on the other hand, there is an attempt to solve the arising problems and to evade the requirements of the law by using corruptive mechanisms;

– low quality of legislation, which creates legal conflicts and allows ambiguous interpretations, regulation of a large number of issues by subordinate legislation;

– frequent change in the government machinery for political reasons, “quotas principle” at taking up posts, political corruption and, as a result, ordinary corruption;

– excessive regulation of entrepreneurial activity, imperfect tax system, the possibility to gain profit, mainly by close approximation to authorities;

– ineffective law enforcement and judicial system;

– inconsistency between the remuneration level of persons authorized to perform state or local self-government functions, and the scope of their authority.

It is impossible to overcome these reasons in a short period of time, although in society there is demand for “quick” solutions. One example of this may be the Law “On Cleansing of Power¹”, which in fact not only did not meet the its adoption initiators’ expectations, but also caused obvious damage. Unfortunately, in public opinion a generalized image of an official has been created, who bears all negative assessment of the government’s actions. At the same time, it is forgotten that a civil servant is the same profession as the others, which does not only require professionalism, but is also limited by certain legal frameworks.

Nowadays, under conditions of the socio-economic and political turbulence caused both by internal and external factors, the public administration institute of Ukraine faces a wide range of problems, including such as the negative balance of the society’s trust, the lack of balance of centralization and decentralization of the state administration system, bad communication both within the power structures and between the state and society, shortage of qualified personnel, low quality of administrative services and insufficient level of moral and ethical consciousness of civil servants. At the paradigm level, the main task of managerial reforms in Ukraine can be formulated as a transition from direct control of the social activity subjects to control of the factors systemically important for this activity. In other words, in the center of democratic governance there is an informal control over those factors of social environment that determine the behavior, motivation, orientation of the activities of certain subjects of political and administrative activity, which is determined by the concepts of social modernization and information revolution. The analysis of the latter allows for the conclusion that in general the social modernization process is considered as the acquisition of new management opportunities by the Ukrainian society, as the optimization of the ways of social functioning, where the

¹Law of Ukraine “On Cleansing of Power”. (2014, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/1682-18#Text>

main role is assigned to the managerial factor. In the context of Ukrainian modernization reforms, the search and formation of an effective public administration model in Ukraine has not been completed yet.

CONCLUSIONS

An important factor in the civil service reform implementation is the optimization of political and administrative interaction, the delineation of political and administrative levels, and building effective interaction between all subjects of the management process. It is reasonable to choose the frequency of its vacancy filling with the change of a minister at the central level and the head of the administration at the regional level as a sign of political engagement of a certain post. Although such a sensitivity index cannot be recognized as absolute, it indicates quite clearly to what extent this post is actually biased in this period in power-political competitions and how making the highest priority political decisions a reality depends on it. An important point is also that the delineation line of political and administrative functions does not coincide in the legal and factual aspects.

The civil service reform is aimed at solving the problems facing the public administration system, namely:

- insufficient level of state policy quality in various spheres, legislative and regulatory framework (policy formation and drafting of legislative acts based on detailed analysis, public participation, integrity and consistency of actions and decisions of the Cabinet of Ministers of Ukraine as a whole);

- lack of highly-qualified personnel at civil service positions that are important for developing and implementing national reforms and are capable of meeting the challenges of reforming in various sectors;

- high level of corruption in the civil service system, which obstructs the efficiency and effectiveness of public administration; gender imbalance;

- insufficient level of human resources management in ministries and other central executive bodies, lack of automated human resources management system.

The study of the Law of Ukraine “On Civil Service¹” as of 10 December 2015 identified a number of innovations aimed at improving the performance and ensuring the quality of civil service, namely: separation of administrative and political positions; clarification of the legal status of a civil servant; separation of civil service from political activity; establishing an exhaustive list of persons, who are not subject to the civil service legislation; introduction of a new approach to the classification of civil servants’ positions; a competency-based approach to the selection of candidates for the civil service; defining legislatively common approaches to entry, performance and separation from civil service; improving professional skills and professional training of civil servants, their labor remuneration, bonus payment and encouraging, as well as disciplinary responsibility. Reforming the civil service legislation has become the most important step towards the full public administration reform. Despite the imperfection of the newly passed legislation, as evidenced by the constant changes to it, nevertheless it should be noted that the direction in which legislators and reformers are working is right.

¹Law of Ukraine “On Civil Service”. (2015, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/889-19#Text>

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