

**DIRECTIONS AND MECHANISMS FOR EUROPEAN
EXPERIENCE IMPLEMENTATION IN MODERN PUBLIC
ADMINISTRATION PRACTICE**

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ABSTRACT

This research article examines the problem of reforming the public administration system and transition to a public administration system, taking into account European experience. The directions and mechanisms for best European practices implementation into the domestic public administration system are considered, which will make it possible in the future to form an effective and modern public administration system.

Keywords: public administration, public administration system, European experience, modern public administration

Modern public administration system is on the path of reform but there remain a number of unresolved tasks and problematic issues that require an early solution or elimination.

Based on the experience of European countries, faster improvement of the domestic public administration system is possible, since some of the features of European systems are already used in Ukraine. Therefore, it remains to identify problem areas clearly and use European approaches. However, we should not

forget that foreign experience, regardless of its similarity with domestic experience, must be well analyzed and adapted to the domestic system of public administration, so that as a result we get an effective public administration system, like in European countries.

The integrated approach to public administration provided for in a number of regulatory documents of the EU and the Council of Europe on local self-government, involves taking into account the supranational (subjective) approach to the principles of territorial management, not only in the political and legal (legal) understanding as external forms of generally binding rules and procedures in executive activity, adoption of normative acts. First of all, the integrated approach is determined in the social understanding as a set of objectively existing economic, political, cultural, spiritual and other circumstances of social development that determine the content of the activities of management subjects. At the same time, the thesis on the priority of European principles in the system of local self-government in Ukraine, their adaptation and implementation are based on the unification of the legal nature of European and national principles of public administration.

In the study of approaches to analysing the peculiarities of the public administration system in terms of the mechanisms of formation and functioning of the public administration system as a whole, it is worth proposing a fundamentally new structure and methodology for integrative analysis of the state of institutionalisation of self-governing structures, taking into account the peculiarities and trends in the development of the phenomenon of multi-level governance. The relevance of this problem for Ukraine is determined by both its integration into European structures and the need to develop its own system of local government in the process of state-building. In the historical context, there are several scientific approaches to analysing the emergence, formation and development of self-government in Ukraine. Despite the limited experience of state and self-governance at the level of an independent state, Ukraine has historically been a certain example for European countries both in terms of introducing

innovative forms of self-governance and the evolutionary development of self-governance institutions [1].

Most European countries have determined the concepts of territorial bodies as such bodies of public law, exercising their sovereign power in a certain territory. At the same time, the defining elements of the administrative and legal status of territories are the community (citizens), the administrative and territorial unit (territory), governing bodies (sovereign power), self-governing bodies were recognized as self-governing, since they operate as subjects of public law. In addition, most constitutions of European countries contain provisions on guaranteeing the right of territorial communities to self-government, which actually determined its role on a par with the principles of separation of powers and decentralization and implementation of the principle of subsidiarity. Introduction of the principle of subsidiarity into the text of the founding treaties of the EU is evidence of the priority of this principle within the framework of the internal policy of the Union and its member countries, primarily in the context of the formation of modern humanized foundations of public administration [2].

Accordingly, we will consider ways to implement the best European experience of regulatory and legal support of public administration in the current state of Ukraine. First of all, it is necessary to consider the improvement of legislation on the development of public administration, which should be improved simultaneously or within a short period of time, and new laws and regulations should be adopted in all five areas of the reform. This will allow for synchronised action and reduce the problems of inconsistencies between new and old legislation. Therefore, we will now consider improvements to the legal framework in each of the five areas.

1. Formation and coordination of public policy.

First of all, in order to form an effective system of public administration in Ukraine, it is necessary to develop a regulatory document that will clearly define the following terms: public administration, subject, object of public administration, system of public administration, mechanisms of public administration, public

policy, public services, public authority and others. If these concepts are defined at the legislative level, it will, firstly, significantly reduce scientific discussions around terminology and allow for a deeper study of the problems of modern public administration.

The definitions developed by us based on the analysis of foreign and domestic literature can be used to summarise the theoretical framework for public administration.

After defining the basic concepts at the legislative level, it is necessary to move on to the next stage, namely systematisation with other legal documents, as the main problem today is differences in the legal field. Different legal documents contain different terms that have virtually the same meaning, or vice versa, different terms but the same essence. Therefore, it is necessary to amend the existing legal documents. For example, the Law of Ukraine "On Administrative Services". First of all, it is necessary to mention "public services" in the title and clearly define what is meant by public services and their main components. Thus, along with the term "public services", the national legislation contains such types of services as state, administrative, municipal, social, electronic, non-governmental and other. In other words, it is necessary to systematise these terms depending on the need to combine or group them. For example, if public services include both state and administrative services, they should be classified as the main components of public services and it should be clearly defined which services are the former and which are the latter.

In most European countries, public services is a general term for the provision of services to the public, i.e. all services provided to the public are public services, regardless of whether they are provided by the government or the private sector.

Other regulatory documents in European countries are created in a similar way, when the main document on a particular issue defines the basic information, while other regulatory documents that deal only with a particular issue focus in more detail on the regulation of a particular issue in the industry that requires public or state administration intervention.

In our opinion, Ukraine could benefit from this experience, which would certainly facilitate the work of state authorities, local governments and other stakeholders, and would also simplify the system of introducing changes to legislation. Such an approach would also help to eliminate the problem of duplication of powers in public authorities.

The local level plays an important role in the public administration of European countries. Even public administration is formed at the local level, so domestic scholars and lawmakers should pay considerable attention to this aspect. In recent years, decentralisation of power, which has been studied only theoretically for quite some time and the prospects for its implementation in Ukraine have been actively pursued, in particular, attention to the local level of public administration has increased. To date, the first results of decentralisation are the creation of amalgamated territorial communities and the provision of sufficiently large opportunities and independence to them. However, there is a need for clear regulation of the mechanisms by which the state will regulate and control local self-government. As in European countries, the autonomy granted to local communities in Ukraine is a very positive development. However, it should not be forgotten that in these countries, local public administration was formed gradually and now they do not understand other functioning. For Ukraine, on the contrary, after a long period of absence of actual local self-government, getting a large number of opportunities and powers does not always have positive consequences. Some citizens simply do not believe in such opportunities, some do not know how to use them, and not all specialists in local self-government bodies can fully cope with their new functions and responsibilities. To this end, it is necessary to develop the information component of reform support, to constantly communicate through various communication channels (press, media, Internet) the opportunities and benefits of public administration and self-organisation of society, etc.

2. Modernisation of the civil service and human resource management.

According to N. Goncharuk and L. Prudius, modernisation means a systemic process of various shifts and transformations in the civil service, which ensures the

transition of the civil service institution from a stable "traditional" to a continuously changing, dynamic modern state in the direction of its renewal, constant qualitative improvement, which concerns various legal, organisational, institutional, social, economic, political, ethical and other aspects of the civil service; is a progressive process of comprehensive reform of the existing civil service institution, which is carried out with the aim of making its individual components more competitive and creating new institutions in it, accompanied by structural changes and transformation of functions, forms, methods, technologies, tools and methods of management activities in the civil service in order to implement new goals, objectives, priorities, strategies, acquire new positive qualities, approach to the maximum possible level of development, approximation to the highest possible level of development, adaptation of the civil service institution to European standards and values [3].

Therefore, it is necessary to accelerate the process of reforming the legislative and institutional framework for the development of the civil service. After all, the modernisation of the civil service and human resource management is the responsibility of civil servants, who are the key to the operation of the entire public administration system. In addition, the civil service recruitment system needs to be improved immediately, as well as working conditions, equal opportunities and decent pay in all government agencies and the creation of uniform standards regardless of the government agency. Adoption of such changes will reduce corruption, increase the interest of civil servants in their work and attract new highly qualified specialists.

It is also necessary to pay attention to the professional training of government employees, availability of specialized education, and advanced training. These are necessary basic components but in the modern world they are increasingly not enough; thus, it is necessary to expand the scope. Accordingly, there is a need to conduct various online courses, trainings, seminars that will relate not only to purely professional activities, but also, for example, mediation (conflict resolution), other psychological or motivational aspects, which will help to

improve interpersonal relationships in the team; leadership for managers to find new methods and approaches in working with teams and making decisions, studying the latest technologies, various programs that could be used in professional activities.

The researchers identify a number of main directions for reforming the regulatory framework for professional training of civil servants. In particular, S. Seriogin, E. Borodin and N. Lipovska consider the following to be the ways to overcome the main problems on the way to reforming the professional training of civil servants in Ukraine: improvement of the legislative and regulatory framework for providing professional training; adaptation of professional training of civil servants in Ukraine to the standards of the European Union; fundamentalisation of the educational process and its advanced direction; rotation of civil service personnel; staffing of the system of professional training of civil servants [4].

For our part, we would like to add the following: promising areas for modernising the system of professional training of civil servants in Ukrainian society are: identifying customers; auditing the network of educational institutions through the accreditation procedure; modernising curricula and programmes in accordance with the content of prior education and customer needs; introduction of new educational technologies with priority given to interactive teaching methods, methods and technologies that ensure the continuity of education (from knowledge to skills, from skills to abilities); training of top managers, analysts, advisers through the postgraduate and doctoral studies; self-education of civil servants, transition from assessment to career monitoring.

Among the practical solutions that define the specific content of the main areas of improvement of the regulatory framework for the training of civil servants by reforming the system of professional training of civil servants in Ukraine and should eliminate the lack of professional competence, colleagues [5] rightly include:

- personality-oriented orientation of professional training through differentiation of training programmes for different categories of civil servants;

- further improvement of the list of fields of education, bachelor's and master's degree programmes potentially aimed at civil service in higher education institutions of Ukraine, while optimising the structure of specialities in the field of public administration and management in accordance with the current needs of public administration and civil service;
- introducing a procedure for certification of diverse professional training programmes for employees, development and diversification of forms and types of professional development;
- ensuring the development of specialised education of employees within the framework of a single educational standard in specialised universities for work in public authorities, in accordance with the Classifier of Economic Activities, by optimising the network of educational institutions of the system by unifying their licensing and accreditation procedures, introducing monitoring of the quality of their educational and scientific activities, material and technical, human resources, and educational and methodological potential;
- improving the procedure for the formation and implementation of the state order for professional training and postgraduate education of civil servants, with the gradual introduction of a decentralised system of financing educational services;
- introducing a system of multi-level professional education for civil servants and recruiting young people to the civil service by creating specialised gymnasiums, lyceums, schools, classes, colleges and conducting extensive career guidance;
- assessment of the professional competence of civil servants by an independent civil service qualification commission with the participation of representatives of specialised universities, NGOs, authorities, etc.;
- strengthening the organisational, legal, financial and economic foundations of the two-level system of higher education in the civil service of Ukraine, the system of postgraduate education, the use of internships as an independent type of additional professional education of civil servants, an integral part of their

professional retraining or advanced training, while providing for the elaboration of the grounds for granting study leave and reporting forms.

We would like to add that in order to transform the state into a competitive employer, in addition to cultural transformations, it is necessary to implement the best human resource management practices used in modern organisations, from business to the public sector.

In addition, for effective human resource management, it is necessary to create a single electronic system in which all civil servants can work, which will allow simultaneous regulation of such factors as staffing, the structure of the government, personal files of civil servants, access to their career history, simplify the system of payroll, leave, business trips, etc. This will greatly simplify the work of management and civil servants at the same time. The same principle will also ensure transparency and accountability of the authorities, as all information will be in a single system.

3. Ensuring accountability of public administration bodies. The development of this area will create a transparent and open system of public administration in line with European examples.

It is necessary to establish accountability mechanisms for public administration bodies at the legislative level that will meet all modern requirements, as well as to create the material and technical basis for this. In addition to adopting the law at the legislative level, it is necessary to create conditions for its implementation and to foresee the risks associated with its failure. Sometimes it is not possible to perform certain operations, for example, electronic document management does not work properly due to the lack of a sufficiently efficient technical base. An important aspect of this problem is the human factor, so after training civil servants, it is necessary to audit their application of new knowledge and skills. If an employee who has just completed a training course or training fails to cope with the tasks assigned to him or her, he or she should be replaced with a more experienced one.

The development of a new accountability system will also help to avoid duplication of powers and competences and to distribute responsibility. It is necessary to develop clear, modern approaches to delegation of powers and increase the responsibility of civil servants for the work done or not done.

As for free access to public information, in addition to providing it, it is also necessary to create an effective mechanism for presenting this information in an accessible form, so that there is a uniform form, templates and standards.

Today, the majority of the country's population are active users of social media. For example, information is often posted faster and in a more accessible form on Instagram and Facebook than on official government websites, where it is not always possible to find new information in a timely manner and the information that is available is often not in an interesting form. Most often, citizens go to official websites to find certain information, so it is necessary to present news, reports, and results of work in an accessible and convenient form for the average reader, and this requires the involvement of specialists who have experience in this area and understand how to do it.

4. Provision of administrative services. Today, administrative services and ASCs that provide them are developing very actively, but, as mentioned above, it is necessary to first of all enshrine the term "public services" in legislation, which will be broader and better meet the needs of modern society.

Introduction of a single definition of public services at the legal level, which will unite all types of services provided in Ukraine. Accordingly, the implementation of the mechanism for providing public services to both citizens and business entities that consume these services, in our opinion, is a necessary element in the development of a high-quality, efficient and modern service delivery system.

Based on the considered approaches to the properties, characteristics and entities providing public services, we can propose the following definition of the concept "public services are the activities of public authorities, local government, municipal, state and non-state institutions, organizations in the field of provision to

individuals and legal entities of public goods that are socially significant, at the expense of public and private funds”.

After applying the definition of "public services" proposed by us, it is necessary to legally define the main aspects of their provision and implementation, i.e. to adopt the Law "On the provision of public services", since amending the Law of Ukraine "On the provision of administrative services" will not be effective due to a significant expansion of the list of services and entities that provide them. In addition, the mechanisms for regulating the relationship between service consumers and service providers need to be clarified and improved, as the range of providers is diverse and the specifics of their activities differ, so there is a need to create new mechanisms that will function effectively in the proposed conditions.

One of the most important tasks in the provision of administrative services is the adoption of the Law of Ukraine "On Administrative Procedure" [6]. As of today, only a draft of this law has been adopted, but this is already a big step towards the formation of a new system of administrative services in Ukraine.

As the world depends on the latest technology, citizens are increasingly valuing their time. In many European countries, technology has already made life much easier for people, but we need to catch up and expand the list of services that can be accessed via the Internet, i.e. e-services. In addition, the more citizens receive services through their e-cabinets, the easier it will be for employees who process their requests, which also saves them time and increases their productivity. However, to increase the number of electronic services, it is necessary to ensure the quality of their provision, the safety of personal data, security and speed, and for this purpose it is necessary to create an electronic system in which this will happen. The faster and better the services are provided to citizens, the greater the level of trust citizens will have in the state.

Since new Administration Service Centers are constantly being created in Ukraine, according to information posted on the official Decentralization website, as of the beginning of 2022, 1027 Administration Service Centers have been created [7], 1712 remote jobs, 124 territorial divisions and 28 mobile Administration Service

Centers. Compared to 2020, the network has increased by 1.5 thousand points, so it is necessary to develop a system for assessing the quality of their work. In addition, it is necessary to create standards that all Administration Service Centers must comply with, since today we can observe a big difference in the activities, quantity of service provision, quality of service, electronic services and other characteristics of Administration Service Centers across Ukraine. All citizens, regardless of where they live – in a city or in a village – should receive levels of service quality and in equal time frames.

5. Public finance management is a very important area on which the entire system depends. Without adequate financial support, it is impossible to implement tasks and plans, no matter how successful they are.

In pursuance of the latter, the Order of the Cabinet of Ministers of Ukraine of 08.02.17 No. 142-r "On Approval of the Strategy for Reforming the Public Finance Management System for 2017-2020" sets out the following tasks in the context of the overall process of modernising the public finance management system [8-9]:

- full implementation of strategic and medium-term budget planning, which will ensure the allocation of resources in accordance with the state's priorities and strengthen the overall fiscal discipline;
- introduction of an effective system of planning and evaluation of the state budget execution, increasing the role and responsibility of key spending units in determining the priorities of their activities and efficient use of such funds to achieve them;
- increasing the efficiency of public spending by conducting a comprehensive analysis of the feasibility and effectiveness of expenditures and changing approaches to their implementation by moving from maintaining institutions to providing quality public services;
- improving the quality and efficiency of tax and fee administration and compliance with tax legislation;

- strengthening control over fiscal risks and implementing measures to minimise them, in particular with regard to state-owned enterprises, state guarantees and other contingent debt obligations;
- ensuring strategic allocation and monitoring of public investments;
- support the process of budgetary decentralisation by ensuring a clear distribution of relevant powers and resources, as well as ensuring accountability of local budgets;
- "increasing the level of managerial accountability and the effectiveness of internal control and audit in government at the central and local levels", the implementation of which, in the context of the components and in the general context of the processes of modernising the public finance management system, should contribute to: reducing the deficit of general government operations and reducing the growth rate of public debt in the medium term and keeping them at an acceptable level; ensuring consistency and predictability of budget and tax policy; improving the quality of public service delivery and the efficiency of public investment while ensuring a more rational use of resources.

So, we can conclude that the introduction of the best European experience into the practical plane of public administration in Ukraine extends to the entire public administration system and, accordingly, requires decisive and rapid changes. Some of the legislation has already been adapted in accordance with European principles, but the roadmap for implementing reforms in accordance with Ukraine's European integration course needs to be revised. This research article relates not only to reforming public administration, but also to other sectors that are quite closely crossed with public administration and in need of reform (for example, administrative reform).

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