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HISTORICAL-CONSTITUTIONAL BASIS OF FORMATION OF THE FOUNDATIONS OF PUBLIC ADMINISTRATION OF GOVERNMENT BODIES

The historical analysis of the formation of the institutional foundations of state administration shows the main trends of state formation that are formed in the system of state administration. From the point of view of the importance of periodization of state administration, the historical periods of formation of the mechanism of state administration in Ukraine have become the subject of increased attention of a significant number of domestic researchers, factors of power relations. A special place is occupied by the analysis of separate historical periods of the development of the mechanism of power as components of the state-building process.

At the same time, the strategic goal of political reforms should be to ensure political stability in the country. Systemic-historical-theoretical analysis is an important element of a comprehensive study of the foundations of public administration in the system and at the same time serves as a means of historical-prognostic periodization of the development of relations between public administration and management in Ukraine.

Currently, several periods of development of the mechanism of state administration in Ukraine can be distinguished. Based on the research of O. Sushynskiy, T. Krushelnytska, A. Bashtannyk, F. Terkhanov, O. Hatsuli, etc., we will create our own periodization of the development of the institutional foundations of public administration in the context of constitutional reform.

The method of this research is the analysis of the historical experience of the formation of the institutional foundations of public administration and the identification of the characteristics of the peculiarities of the formation of state management decisions.

The analysis of the historical experience of the formation of the institutional foundations of public administration is based on the modern research methodology of the entire model of public administration, the characteristics of the specifics of the formation of national administrative mechanisms. As modern researchers V. Bakumenko and E. Borodin emphasize, in a conceptual sense it is worth characterizing a general scientific conceptual approach to institutional factors.

The Western European scientific school represents four phases of the development of the institutional concept of state administration:

the first (XVII - the first half of the XVIII century);
the second (the middle of the XVIII - the beginning of the XIX century);
the third (the middle of the XIX - the beginning of the XX century);
the fourth (from 20th century).

At the first stage, the opinion is expressed about the need for the existence of the institutional content of state administration. Its theoretical basis was the theory of natural rights formulated by T. Hobbes, which substantiated the need for leadership [1-3].

The starting point of the work developed by them and J. Locke's theory is the idea of the common good, which consists in the protection of the natural rights of people and citizens by the state [2]. They see the institutions of representative power as a prerequisite for this protection. Liberals believed that public administration has two main mechanisms to ensure its effectiveness: limited (temporary) citizenship and mandatory mandate, which puts representatives in direct dependence on voters.

The third stage in the development of the theory of representation is connected primarily with the names of Mill and Tocqueville. A. Tocqueville concludes that the behavior of the masses cannot be rational and therefore it is unacceptable to preserve the imperative mandate of the deputy. He does not see a threat to freedom in the fact that the people lose control over their representatives due to the mandatory parliamentary mandate [2].

Therefore, the decentralization of power and its distribution among various political, professional, economic, social, cultural and religious organizations is a guarantee of maintaining a close connection between society and the state.

Independent Ukraine had no problems with the representative nature of public administration, having inherited an institutionally stable system of public administration from the Soviet Union.

However, the problem of forming a new institutional mechanism arose as early as 1990, when the adopted new, democratic declaration on the state sovereignty of Ukraine did not institutionally correspond to the conservative Soviet mechanism.

A. Bashtannyk systematized directions of research into mechanisms for regulating state activity from the standpoint of determining the role and place of such mechanisms in the process of transformation of national management systems.

We consider this an appropriate legal activity in the context of professor N.Lipovska's methodology, which considers institutionalization as the main structural concept of state administration, as well as the definition of state power proposed by N.Nyzhnyk as the real ability of a social subject to carry out state activities, to exercise one's will in public policy. Norms that emphasize the integrative role of state power in society and the role of state structures in the process of civil society formation [3] supplement such formalized structures with an analysis of the institutional factor and are based on the modern model of institutionalism to determine the 7 main periods of the formation of the state administration model.

1st stage – 1978-1990-1991 (August) – the Soviet constitutional model of public administration, which changed during the birth and formation of the system of state authorities in the Ukrainian SSR as a subject of the Union Treaty of 1922. This

construction of the model is based on the provisions Declarations on state sovereignty of the Ukrainian SSR.

Actually, it is worth talking about the first constitutional stage of the formation of institutional factors of state administration, since on December 1, 1991, a rational system of state administration was functioning, in which institutions were formed on the basis of the paradigm of statism, but the interaction of the elements of the state administrative system was more democratic [3, 4].

Within the framework of the Constitution of 1978 (with amendments), an institutional model of state administration of a combined type with numerous duplication of functions, a new institutional context of state administration and new approaches to regional administration gradually emerged.

Administrative development of the electric power system of Ukraine: development of new regulatory and legal acts; formation of the legal field of activity of subjects of the political process, entrepreneurial activity; building international relations of Ukraine with other states. Gradually, the state administrative system undergoes significant changes, specially created state bodies are created and liquidated (State Duma, 1992); The Cabinet of Ministers of Ukraine receives additional powers, including issuing decrees as normative legal acts at the level of legislative acts.

During this period, the Law of Ukraine «On Public Service» was also adopted, which symbolized the operational content of state administration and contained the content of all institutional elements of state administration. According to the Law of Ukraine «On Local Councils of People's Deputies and Local Self-Government» (December 1990), public power in Ukraine was formed according to the principle of a vertically formed system of councils, and management was carried out according to the principle of administrative-territorial organization.

The Verkhovna Rada of Ukraine acted as the highest body of state power. The Laws of Ukraine «On the Plenipotentiary of the President of Ukraine» and «On Local Councils of People's Deputies and Local and Regional Self-Government» with amendments and additions did not enter into force. not only the essence of the modern institutional model of public power, but also essentially created a new power mechanism. The stage ended with a constitutional crisis in the «President of Ukraine - Verkhovna Rada of Ukraine» system.

The 2nd stage – 1995-1999 – the stage of quasi-constitutional stabilization, institutional transition in the state administration system. With the adoption of the Constitutional Treaty of 1995 «On the basic principles of the organization and functioning of state power and local self-government in Ukraine for the period before the adoption of the new Constitution of Ukraine» and the Constitution of Ukraine of 1996, it became part of the Constitutional Treaty adopted in 1995.

The Constitution of Ukraine completed the process of forming a national model of public administration, which underwent transformation within the framework of «Parliamentary-Parliamentary Republic – Presidential Republic – Presidential – Parliamentary Republic». Enshrining the principles of the modern institutional model of public administration in the text of the Constitution of Ukraine ensured the stabilization of administrative mechanisms, streamlining of public administration

procedures and introduced the principle of decentralization of state power at the level of constitutional provisions. A feature of decentralization is a deterministic system of intrastate relations, which provides for the existence of a sufficient number of intrastate agreements according to the «center-region» scheme and establishes mutual rights and obligations.

The 1996 Constitution of Ukraine defined the legal status of local self-government conceptually and in a new way, which became the basis for introducing the category «competence of local self-government», which does not reject the term «competence of local self-government» of local self-government bodies, which is somewhat narrower and refers to the powers of not all local self-government, but only its bodies. This provision formed the basis of the Law «On Local Self-Government in Ukraine». It is important to analyze the competence of local self-government, and not, as it was until now, its individual bodies.

The actual formation of the institutional model of public administration can be characterized as a stable development that complements the concept of «public power system» and takes place within the framework of the methodological features of the concept of «power» itself and the expansion of the understanding of systemicity in the activities of public authorities through the internal structural unit of authorities based on institutional, organizational, legal and management means, forms and methods, the combination of which is based on a systemic approach that regulates the functioning of the object and subject of management.

We believe that the institutional definition of the state administrative system in the text of the Constitution of Ukraine ensured the preservation of the stability of state power in the process of constitutional reforms.

In fact, the modern transformative model of national development with minor changes ensured compliance with the main principles of statehood - sovereignty and independence.

The first stage – 1999-2004 – is characterized by an active phase of administrative reform, the adoption of a strategy for reforming the civil service system in Ukraine, within which the task of administrative mechanisms in the system of state power was to ensure efficient, stable activity. Political, administrative and managerial positions in the civil service were determined by the President of Ukraine, the institute of state secretaries was introduced.

The second phase – 2004 - 2014 – is the phase of the institutional crisis of the state administration system, the pendulum development of the constitutional process and the correspondingly changed institutional foundations of the state administration system. In this period, fundamentally new formats of institutional changes emerged, the non-systemic factor of institutional development was formalized on the basis of a new social contract.

The third stage – from 2014 to today – is characterized by the emergence of a modern institutional model of public administration.

The modern approach to the formation of an integral system of public administration is based exclusively on the legal regulation of the activities of authorities, on the constitutional regulation of public administration reform - the Law

of Ukraine «On Amendments to the Constitution», «On the Supreme Council of Justice», «On Civil Service (New Edition)», «On the National Police» special legislative acts were adopted – «On the purification of power (lustration)», «On restoring trust in the judiciary».

The periodization of the development of the institutional foundations of public administration proves that the methodology of researching problematic issues of the formation and development of the system of public administration in independent Ukraine should be carried out through the adjustment of the legal foundations of the functioning of public administration. State bodies, formalization of public-administrative structures of democratic governance, development of the constitutional process.

The formation of a stable management system is based on the algorithm of constitutional reforms, according to which the state, as the main reforming institution, anticipates society's expectations and ensures the realization of public needs.

Today, a multi-level system of public administrative institutes has been officially formed in Ukraine. However, even today, public administration remains not entirely effective, unbalanced, prone to corruption, and disconnected from the needs of society.

Right now, a comprehensive reform of state administration is needed, which must solve the following tasks: the formation of an effective and efficient system of executive authorities, for a truly effective and efficient system, executive authorities must also reform local self-government bodies, determine the limits of the jurisdiction of these authorities, the ratio of their functions; organization of a professional, politically neutral and open civil service; creation of a system of administratively self-sufficient local self-government bodies; orientation of the activities of state administration bodies to the needs and satisfaction of the interests of citizens; ensuring control over public administration by the political authorities and accountability to society.

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