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CHARACTERISTICS AND PRINCIPLES OF PUBLIC ADMINISTRATION IN THE CONTEXT OF CONSTITUTIONAL REFORM

The process of constitutional reform, determined in 2000 by the process of the all-Ukrainian referendum on public administration reform, marked in a certain sense the beginning of a long period of permanent changes to the Constitution of Ukraine, which continues to this day. In fact, both the development of state formation and the development of new constitutional norms are aimed at the institutionalization of such a form of government that will ensure the fulfillment of the task of establishing Ukraine as a sovereign state. This requires a scientific analysis of the problem of state control over the implementation of the functions of a democratic social legal state and the affirmation of European values.

The purpose of the study is to study the laws and principles of public administration in Ukraine, as well as to assess the impact of the constitutional reform on the effectiveness of public administration.

The constitutional changes of 2004, 2010, 2014 were aimed at fragmentary changes to the provisions of the Constitution of Ukraine and the formal definition of regimes of power in the «parliamentary model – presidential model» form of government [1]. However, the real reform did not take place, since its results predicted changes, and in the modern institutional dimension, the head of state - the President of Ukraine – plays a decisive role. At the same time, the secondary result of this reform process in 2000 should be recognized as the weakening of management capabilities at all levels and the deformation of the foundations and foundations of state construction.

It is important to note that the Constitution of Ukraine defines the existing model of state power precisely from the standpoint of a clear demarcation of functions, powers and constitutional responsibility [2, p. 19]. Therefore, it is important to recognize constitutional reforms as a basis for further modernization of the power structure, and this is exactly how the purpose of draft laws on amendments to the Constitution of Ukraine should be formulated. Finally, constitutional reforms in all countries of the world were characterized by the further structuring of society, the formation of political instruments of competition and the structuring of political forces according to the ideological principle.

Constitutional reform in Ukraine is a long process of solving the main contradictions caused by the need to solve the contradictions between the needs of social development and the opportunities defined in the framework of the Basic Law

of the state. Therefore, the central aspect of the constitutional reform is the change in the legal basis of the state social order. Since such changes are based on a legal basis, namely on constitutional principles, they occur through the purposeful activity of state administration bodies, which is implemented within the framework of the constitutional process. Since constitutional changes are carried out on the fundamental, value-based basis of the constitutional system as part of the general state-building process and are aimed at improving the organization of state power and subordinated to the goals of social development.

According to scientists, «regardless of the constitutional and legal features of the formation of the system of state power in modern conditions, the system of power should be presented as a tool for ensuring the existence of the state and achieving social goals, development, ensuring and observing human rights and freedoms. Because state power influences social processes through the activities of bodies and institutions as part of the functional mechanism of state power, provides for the needs of society and citizens, and regulates the behavior of population groups» [3, 4]. Public administration and related relations should be considered in the broadest sense as the activity of all components of state power to regulate socio-political and economic life, while noting that there are two groups of basic state-administrative relations: organizational-structural and organizational-functional relations that arise in the process of management and have executive power as an object of obligation, and therefore are subordinated primarily to the state. It should be added that in order to reveal the essence of public management in the conditions of transformations, it is important to determine how the real possibility of interaction between management and self-government is revealed, their proportional relationship, whether they have an advantage over the mechanisms of spontaneous regulation and spontaneous self-regulation. Since the clarification of these issues makes it possible to determine the trend of the degree of control in the sphere of social relations, the implementation of functions to satisfy public needs does not exclude the use of measures of power regulation and state coercion, administration, but they are not the basis of the content of this activity.

Therefore, a new management concept is needed, which is based on the objective laws of the transition to the market and takes into account the specific conditions of the development of the Ukrainian state in the conditions of modern challenges to sovereignty. At the same time, it is important to methodically correctly define the concept and essence of state administration itself, since only public administration ensures the functioning and development of the entire society. Since the content of public administration is usually understood as the system of the executive power of the state, the activity of the state apparatus, which, according to certain characteristics, delimits the activities of the legislative and executive powers. The law enforcement subsystem, which is only partially institutionally defined in the text of the Constitution of Ukraine, is also constantly changing both in terms of status and powers, and in terms of the format of the organizational structure.

At the same time, the formal definition does not reveal the essence of public administration, its appointment and constitutional changes only strengthen the differentiation of the components of state power. An example of such an «institutional

imbalance» in the conditions of constitutional changes is the consolidation of the concept of «justice» in the text of the Constitution of Ukraine through the systematization of the judicial system itself, the prosecutor's office and the bar in the Constitution of Ukraine [1].

In fact, an integrated model of public administration can work by itself as a result of state policy by combining institutionally different subjects of administration, but on this basis it is impossible to modernize the entire administrative system. Such management models, defined by individual legal acts, require their own principles of functioning, which are absolutely uniform for all subjects. It is also impossible to implement the concepts and principles of achieving management results established in the Constitution based on the incorrect interpretation of the tasks of public administration subjects.

All the above-mentioned processes exist simultaneously and are perceived in a certain dialectical unity. There is an effective general set of means of improving public administration at the supranational, central, regional and branch levels through the combination of socio-economic development technologies and organizational and management mechanisms, as well as the study of their specific connections. At the same time, the process of making changes to the Constitution of Ukraine initiated a new stage – the formation of a European model of public power organization in the state.

Based on the proposed concept of public management, the methodology of analyzing managerial changes, it is worth emphasizing that the main theoretical and methodological problem of public management comes down to a conceptual approach: only effective management processes are characterized by more complex, dynamic social systems, the inherent property of which is self-regulation, that is, the ability to organize the system, bring it into harmony with the objective regularity of the given environment and optimize its functioning. The success of reforms is based on the criteria of stability of the legal sphere of the state, the methodology of constitutional changes should take into account the relevance of the main legal norms of state administration as a result of the reforms and ensure the hierarchy of legal norms and, in general, the growth of the institutional content of legal support for reforms based on modern legal doctrine. In this way, the main contradiction of state administrative reforms is resolved from the point of view of the institutional foundations of management.

References:

1. Public administration / Yu. V. Kovbasyuk, K. O. Vashchenko, Yu. P. Surmin. Kyiv-Dnipropetrovsk, 2016. – [Electronic resource]. – Access mode: <http://repository.hneu.edu.ua/handle/123456789/29484>.
2. Local self-government and decentralization / Anatoly Tkachuk. – K.: ICC «Legal Status», 2016. 80 p.
3. Problems of reforming the civil service and service in local bodies self-government in Ukraine / T. E. Vasylevska, I. G. Surai, O. I. Vasylieva, and others. Kyiv, 2018. 256 p.
4. Sushinsky O. I. Control in the sphere of public power: theoretical-methodological and organizational-legal aspects: monograph. Lviv, 2017. 468 p.