

Public Administration as One of the Forms for Exercising State Power*

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Abstract

The problematic issues related to the definition of public administration as one of the forms of exercising state power are considered. The level of how the quality of public administration processes affects the functioning of the state system and its key mechanisms is analyzed. An important emphasis is placed on the fact that the most useful of the successful practices of public administration in developed countries can be adopted for the state system of Ukraine. Modern problems and ways of their effective solution at different levels of state and local administration are actualized. The analysis of the basic structural elements of qualitative public administration, the level of their influence on processes of realization of the state-power powers within functioning of the state system is offered. For example, it explains whether transparency and impartiality do have a significant impact on the efficiency of public administration. The efficiency (effectiveness) of various, "non-traditional" ways and means of realization of public-administrative activity is established. The conclusions of both leading scholars are analyzed, and the author's assessment of the extent to which the adoption of strategies and tactics of management activities borrowed from other areas of socially useful activity are useful for the field of public administration. First of all, this applies to the sphere of private business. After all, the analyzed experience of developed countries proves that Ukraine can borrow a lot of useful solutions and practical effective tools from private industries.

Keywords: Public Administration; State Power; Public Administration; Effective Activity

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Administrasi Negara Sebagai Salah Satu Bentuk Penyelenggaraan Kekuasaan Negara

Abstrak

Isu-isu problematik terkait dengan definisi administrasi publik sebagai salah satu bentuk pelaksanaan kekuasaan negara yang patut dipertimbangkan. Tingkat bagaimana kualitas proses administrasi publik mempengaruhi fungsi sistem negara dan mekanisme kuncinya dianalisis. Penekanan penting ditempatkan pada fakta bahwa praktik administrasi publik yang paling berguna dan yang berhasil di negara maju dapat diadopsi untuk sistem negara Ukraina. Masalah modern dan cara penyelesaiannya yang efektif di berbagai tingkat administrasi negara bagian dan lokal diaktualisasikan. Analisis elemen-elemen struktural dasar administrasi publik kualitatif, tingkat pengaruhnya terhadap proses realisasi kekuatan-kekuatan negara dalam fungsi sistem negara ditawarkan. Misalnya, menjelaskan apakah transparansi dan ketidakberpihakan memang memiliki dampak signifikan terhadap efisiensi administrasi publik. Efisiensi (efektivitas) dari berbagai, "non-tradisional" cara dan sarana realisasi kegiatan administrasi publik didirikan. Kesimpulan dari kedua cendekiawan terkemuka dianalisis, dan penilaian penulis tentang sejauh mana penerapan strategi dan taktik kegiatan manajemen yang dipinjam dari bidang lain dari kegiatan yang bermanfaat secara sosial berguna untuk bidang administrasi publik. Pertama-tama, ini berlaku untuk bidang bisnis swasta. Bagaimanapun, pengalaman yang dianalisis dari negara-negara maju membuktikan bahwa Ukraina dapat meminjam banyak solusi yang berguna dan alat praktis yang efektif dari industri swasta.

Kata kunci: Administrasi Publik; Kekuasaan Negara; Ilmu Pemerintahan; Aktivitas Efektif

Государственное управление как одна из форм осуществления государственной власти

Аннотация

В статье рассматриваются проблемные вопросы, связанные с определением публичного администрирования как одной из форм реализации государственной власти. Проанализирован уровень влияния качества процессов государственного управления на функционирование государственной системы и ее ключевых механизмов. Важный акцент делается на том, что именно полезного из успешных практик функционирования публичного администрирования в развитых странах можно перенять для государственной системы Украины. Актуализируются современные проблемы и пути их эффективного решения на разных уровнях государственного и местного управления. Предлагается анализ основных структурных элементов качественного публичного администрирования, уровень их влияния на процессы реализации государственно-властных полномочий в пределах функционирования государственной системы. Например, объясняется, действительно ли прозрачность и беспристрастность оказывают значительное влияние на эффективность публичного администрирования. Устанавливается эффективность (действенность) различных, «нетрадиционных» способов и средств реализации публично-административной деятельности. Анализируются выводы как ведущих ученых, так и предлагается авторская оценка того, в какой степени для сферы публичного администрирования полезно заимствование стратегий и тактик осуществления управленческой деятельности. Прежде всего это касается сферы частного бизнеса, поскольку опыт развитых стран доказывает, что Украина может позаимствовать немало полезных решений и практически эффективных инструментов именно из частных отраслей.

Ключевые слова: Публичное Администрирование; Государственная Власть; Общественное Управление; Государственная Система

A. INTRODUCTION

Nowadays, one can confidently state that the implementation of quality public administration remains the key element in the state system functioning and its individual mechanisms of government. The experience of developed countries demonstrates that the transparency of the processes associated with the implementation of public administration is an integral attribute of the success of these processes. It also significantly increases the public's confidence both in the processes themselves and in the people who direct these processes. Therefore, the issues of transparency and efficiency are quite closely interrelated. Moreover, it is applied not only to the sphere of public administration, which is carried out at the state, regional and local levels, but also to the processes of administration in the private sector, since they are necessary requirements and factors of its progressive development. By creating conditions for detailed monitoring over both internal and external processes in a particular company or organization by the society, thus, the management of such an enterprise contributes to the growth of public interest in its activities and products. This has been especially characteristic for a long period of time for the developed, legal and democratic countries of the West.

One of the most important current tasks of state development is to ensure and increase the efficiency of public administration at the local level, since the relationship between effective public administration and local economic development is the key factor for achieving Ukraine's strategic goal of being integrated into the European space. The importance and scale of administrative reform, the need to improve the mechanism of legal regulation of public relations, in particular those in the field of public administration of Ukraine, bringing the management system in line with the current level of relations between individuals and the state involve in-depth research (Burren, Lewis, Peters & Voorberg, 2019, p. 87).

Thus, we understand that the adoption of useful experience from private spheres of public life to public ones (state or local) can be applied as one of the types of significant improvement of the efficiency of the state system or its individual mechanisms.

The purpose of the article is to study such a phenomenon as public administration as one of the forms for exercising state power. In particular, it is offered to consider public and administrative activity through the prism of fundamental mechanisms of government.

B. METHODS

The reliability of the research results provides a comprehensive use of general and special scientific methods of cognition. The methodological basis consists of a dialectical general scientific method of cognition, which was used in the research for studying the doctrine of public administration's development, as well as in clarifying the essence of public administration of higher education as one of the forms of public power. The method of semantic analysis was used to clarify the content of such concepts as "public administration", "public management". Method of modeling and forecasting – was used in the development of conceptual provisions for public administration reform. The indicated methods were used in the research in the conjunction with the purpose to ensure the comprehensiveness of the research. Theoretical foundations of the research laid the fundamental achievements of the representatives of general theory of state and law, management theory, constitutional, administrative law and proceedings (judiciary) and other branches of law formulated in the works of national and foreign experts, as well as encyclopedic legal literature.

C. RESULTS AND DISCUSSION

Radical changes in the external globalized world of the early XXI century, transformation of the essence and role of the state in society, development of information technologies, dissatisfaction of citizens with rather rigid bureaucratic forms of public administration – all this contributed to rethinking the content and orientation of public administration reforms in the United States of America and European countries from the standpoint of further improvement of democracy and the development of the rule of law state (Meltiukhova et al., 2010, p. 6).

The effectiveness of processes according to the current realities one way or another related to the implementation of management activities in any sphere of public life either private or public depends on a set of several extremely important factors. First of all, we are talking about the institution of responsibility of leading entities in the field of management for the results of their activities. Such a practice has existed for a long period of time in the developed countries of Western Europe and North America (Burren, Lewis, Peters, & Voorberg, 2019). Thus, the person who was elected, appointed to the position of managing entity in the field of exercising management activities, must and strictly adhere to the norms, principles and rules of operation, which

are contained in generally accepted international standards of management (Blomkamp, 2021).

First of all, while considering such a phenomenon as the responsibility of the managing (managerial) entity, one should note its primary duty, which is to conduct a transparent professional activity that fully complies with applicable law. It is also important to emphasize that the real transparency is achieved by ensuring the subordination of management entities both to their managers, and what is really important to the agencies of independent control over their activities.

According to the UN data, public administration has two closely related meanings (Bosak, 2010):

1) an integrated state apparatus (policies, rules, procedures, systems, organizational structures, staff, etc.), which is financed from the state budget and is responsible for management and coordination of the executive branch of power, and its interaction with other stakeholders in the state, society and the external environment;

2) management and implementation of the whole set of state measures related to the execution of laws, regulations and decisions of the government and management, which are aimed at providing public services.

Similar functions in the developed democracies, in both public agencies and private enterprises, are performed by special independent watchdog or audit agencies. There is a misconception in society that such agencies are only engaged in verifying the financial condition of institutions and organizations. In fact, such independent agencies verify the level of efficiency of management in addition to direct financial control (Wellstead, & Howlett, 2021). For example, there is a fairly in-depth assessment of the quality of management at the public management level in some countries, in particular the one that is based on the use of mathematical calculations and modern technologies in such assessments. The use of these tools assists to obtain much clearer and more in-depth results and information about the quality of management processes, their structural elements and the causes and consequences of successful or unsuccessful management.

The indicated transparency of the activity together with independent evaluation also significantly helps to reduce the level of corruption and crime rate in general in a state institution or public or private company or enterprise. However, based on numerous studies we find out that such elements of public administration as transparency and independent evaluation cannot appear and

successfully exist without the observance of several other important principles. First of all, it is applied to the political regime of states as the main (fundamental) source of social atmosphere and legal nature in the state. Herewith, experts say that it is the political regime that exists in a particular state, sets a kind of direction for the development of various spheres of social relations in such a state (Fowler, 2020).

The political regime in a developed, stable democracy is fully conducive to supporting the successful development of all its social spheres, including the administrative sphere. Basic principles of governance in such states with a long history of stable democratic relations, protected by the real rule of law are based on democratic, "human-oriented" principles and values, which are the basis for the political regimes of the democracies themselves. In particular, the vast majority of scholars are inclined to believe that democratization should occur before the significant successful development of a particular sphere of public life. For example, it is applied to the well-known history of market relations development between Western European countries. It is noted that initially those relations began to receive more and more liberalization, i.e. deprivation of administrative and legal restrictions. Taxes in favor of the state were also reduced to a level that allowed for efficient market settlements and obtaining profits from efficient business activities (Egeberg, 2020). Accordingly, after such a kind of liberalization and democratization of the sphere of market relations in Western Europe, there was their development, which was eventually spread to other regions of the world. The same principle is applied to the field of public administration. Thus, under the existence of an authoritarian regime, both public and private institutions will find it difficult to maintain positive development, as they will be forced to function without violating the repressive rules and laws established by the authoritarian regime.

In addition, we can note a number of recent studies accomplished by scholars regarding the fact that the quality of public administration policy in the state and society tends to be rapidly changed under the general political tendencies in a particular state. For example, due to the fact that the deterioration of political situation in the state, its growing orientation to authoritarian tendencies, the level of quality of processes related to the exercise of the powers by public authorities through public administration is sharply reduced (Christensen, Lægreid & Røvik, 2020).

The example of Ukraine, as well as other post-Soviet states demonstrates that due to the long stay under the rule of the totalitarian regime, it becomes very difficult to normalize administrative and managerial standards to the

levels of the developed countries. Even despite the fact that Ukraine has been an independent state for almost thirty years, it is still difficult for Ukraine to adapt to the current tendencies, although it is noted that the process in this positive direction has already been set (Hynes, Lees & Mueller, 2020).

The system of state and administrative power that existed in Ukraine when it was part of the Soviet Union has never been either democratic or legal or liberal. Instead, it was based on corruption and repressive principles, and its main task was to keep the population of the state always in a depressed and uninitiated (passive) status and to promote the suppression of free thought. Thus, the development of the efficiency of administrative processes was fundamentally impossible in the USSR under the condition of blocking other points of view, except the one of the party. Based on the research, some of which was conducted in the last century, scholars have made clear conclusions that public policy and its internal mechanisms were completely ineffective not only in the USSR, but in almost all other totalitarian and authoritarian regimes. Such public policy usually brought losses instead of profits. It originates from the fact that the system in the above-mentioned autocracies is generally not aimed at protecting the rights, freedoms and legitimate interests of all citizens without exception. On the contrary, the mentioned values are suppressed and exploited in favor of a small management stratum. Therefore, one should support the opinion of Ye. I. Taran (2020, p. 33), who rightly noted that “the model of public administration that existed during the times of command and administrative system does not meet the needs of modern society. The European direction of Ukraine’s development determines its transition to the European civilization model, and it is a difficult path to a politically organized and responsible society, where there is a gradual increase in business activity and political participation of citizens, ensuring their rights and freedoms”.

Thus, we should state that really effective processes of exercising public administration as one of the forms of state power are recognized as possible only if they exist in a democratic, legal society. However, as it is rightly noted by some experts, there are some other important things in addition to the above stated factor (Tõnurist & Hanson, 2020). It concerns the stable development of the legal system. First of all, there must be a clear and unambiguous legal regulation of public administrative processes. That is, various legal acts should contribute to the effectiveness of management relations functioning, rather than slow them down. Thus, we should clearly define the state authorities inside of the state system of the country that control the implementation by management entities of domestic and international law, as well as the basic rules and principles of “game-playing” (McGann, Wells & Blomkamp, 2019). Another no

less important, element should be the provision of the stable functioning of independent and impartial judicial agencies that would administer justice to all public administration entities without any exception.

Referring to the experience of the developed democracies in Western Europe and North America, we can see that the real independence of the judicial agencies in decision-making, as well as the existence of effective and unambiguous legal regulation plays a critically important role in maintaining the proper level of governance. In fact, the strong confidence of the participants in public and administrative legal relations that they are absolutely protected both by the legal acts of the current legislation and by an independent and impartial judicial system, greatly contributes to their personal self-development and the development of public administration sector in the state in the whole. Personal development we mean as the ability of management entities with the support of the above critically important factors, such as liberal and democratic political regime, clear legal regulation and independent judiciary, to steadily improve the state of their own internal self-organization, increasing their own efficiency. In addition, it is indicated that those factors that should promote the self-development of the entities, will also be able to significantly increase the level of efficiency of the public and administration sector in general (Van der Bijl-Brouwer, 2018).

Researchers, who monitor the situation in countries that have just begun to develop in the field of democracy, market relations and political stability, note that certain environmental factors are also able to influence on the quality of public administration as one of the forms of exercising state power. In particular, it is applied to some socially important issues that have different scope of influence in a particular country. One of such problems is certainly corruption, as a serious component of the indicator of success of a particular state and society in the whole (Rodrigues, 2020). Scholars emphasize that the issue of corruption has a direct impact on the state of efficiency of public administration in the state system of any country. The only difference between the countries is the extent to which corruption can harm administrative law and society in a particular state. The countries of the post-Soviet Union, including Ukraine, have some of the most serious problems with corruption. Indeed, foreign scholars state that due to the enormous scope of corruption in Ukraine, reforming its public administration is now considered a difficult task. Examples of the negative impact of corruption on public administration sector within the public system are the numerous cases of covert opposition by corrupt officials to reforms to introduce greater transparency in the public system. Cases of nepotism in state structures are also extremely negatively assessed

(Montemayor, 2020). Despite the large number of obstacles that currently block the effective functioning of the domestic sphere of public administration within exercising the state power, Ukraine has several elements that can qualitatively change the situation for the better (Overkamp, 2019). First of all, it is worth mentioning that the political regime in Ukraine, although suffering from corruption and insufficient responsibility of the authorities to the citizens, but it is still recognized as democratic (Vargo, Koskela-Huotari & Vink, 2020). Experts note that the pluralism of opinions that exists in both Ukrainian society and domestic politics will greatly contribute to the improvement of public administration processes, in particular, making them more transparent, i.e. open to be controlled by a wide range of citizens.

In addition, we emphasize that Ukraine has recently chosen the path to unification with the developed countries of Western and Central Europe and, accordingly, to join the European Union and the North Atlantic Alliance (NATO). The result is a slow but consistent tendency to reduce the negative impact of criminal, corrupt and oligarchic elements on the aspects of Ukraine's domestic and foreign policy and on the system of strategic government decision-making (Raymond, 2020). In addition, individuals associated with Ukraine's old oligarchic and criminal, authoritarian system have begun and continue to gradually lose both their political influence and their largely illegally acquired assets. All this significantly improves the opportunities for improving the sphere of public administration in Ukraine.

D. CONCLUSIONS

Thus, summarizing all the theses, statements and scientific views expressed in this article, by distinguished scientists and researchers, we can state that public administration is one of the key elements of exercising state power in any country. The level of quality and well-being of citizens directly depends from the quality of exercising management processes in relation to various spheres of public life. The main components for effective public administration are defined as its transparency, political regime in the country, independence of the judicial system, as well as clarity and unambiguity of legal regulation.

The political regime in a particular country is fundamentally important for the processes of public administration. Authoritarian regimes are able to a greater or lesser extent to suppress free competition and protect the fundamental rights, freedoms and interests of individuals, suppressing them

and using them for their own, criminal purposes. Real democratic regimes with a high degree of liberalism are able to effectively take care about the security and well-being of all the citizens, implementing efficient public administration processes in relation to them, making them transparent and effective.

The system, which was oriented for a long time only for criminal “service” of the totalitarian regime and its key leaders, was unanimously declared absolutely ineffective. On this basis, it is pointed out that Ukraine on its way of improving public administration must closely work with developed democracies.

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