PERSPECTIVE DIRECTIONS OF THE PUBLIC ADMINISTRATION DEVELOPMENT IN A MODERN STATE: NEW VIEWS UNDER MARTIAL LAW

PERSPECTIVAS DO DESENVOLVIMENTO DA ADMINISTRAÇÃO PÚBLICA EM UM ESTADO MODERNO: NOVOS PONTOS DE VISTA SOB A LEI MARCIAL*

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Abstract: Scientific approaches to the interpretation of the content of public administration and directions of its improvement are analyzed and generalized in the article and promising directions for its development in a modern state are developed. The content and main features of public administration are studied. It is established that the current system of public administration requires improvement in the direction of moving away from traditional management models and reorienting them to those that meet all modern challenges and international standards, focused on national needs. It is found that the main task of the state development and its integration into the international space is to reduce interregional differentiation, support and development of the existing potential of the territories, achieving decent living conditions for citizens. The development of the public administration system should be based on a systematic approach to building public administration institutions, their proper interaction with each other and with the public. On the basis of the analysis and generalization of scientific works the basic directions of public administration development in the modern state are developed.

Keywords: Public administration. Public interest. Transformation. System. E-government. Electronic administrative services.

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Resumo: As abordagens científicas para a interpretação do conteúdo da administração pública e as direções de seu aperfeiçoamento são analisadas e generalizadas no artigo e são desenvolvidas direções promissoras para seu desenvolvimento em um estado moderno. O conteúdo e as principais características da administração pública são estudados. Estabelece-se que o atual sistema de administração pública requer melhorias na direção de se afastar dos modelos tradicionais de gestão e reorientá-los para aqueles que atendem a todos os desafios modernos e padrões internacionais, com foco nas necessidades nacionais. Constata-se que a principal tarefa do desenvolvimento do Estado e sua integração no espaço internacional é reduzir a diferenciação interregional, o apoio e o desenvolvimento do potencial existente dos territórios, alcançando condições de vida dignas para os cidadãos. O desenvolvimento do sistema de administração pública deve ser baseado em uma abordagem sistemática para a construção de instituições da administração pública, sua interação adequada entre si e com o público. Com base na análise e generalização dos trabalhos científicos, são desenvolvidos os rumos básicos do desenvolvimento da administração pública no estado moderno.

Palavras-chave: Administração pública. Interesse público. Transformação. Sistema. E-governo. Serviços administrativos eletrônicos.

1. INTRODUCTION

The war has changed our lives. The life of a peaceful, calm country that grows bread, teaches children and students, turned into the horrors of the occupied villages and towns, the loss of relatives and friends, the millions of refugees displaced from cities. Unfortunately, all these problems are deeply experienced by Ukrainian society. The number of people in need of help from the government and the international community is greater than ever. An important point is the issue of countering hostile propaganda and aggressive information and psychological influences. The Ukrainian government, as the father of its family, is doing everything to ensure peace, tranquility for its children, creating humanitarian corridors to the occupied territories, delivering humanitarian aid.

The transformation of the Ukrainian state in the last decade requires society to take a new approach to the implementation of public administration as a catalyst for the development of territorial communities and the state as a whole. At the same time, it is important to improve the interaction between the state and society, government and business, to establish a dialogue between public institutions and the public. This is what will promote European integration, will be the key to economic and social development of the state. The current system of public administration in Ukraine remains inefficient, corrupt, inconsistent and internally contradictory, which is a significant reason for the lack of positive changes in society and the state. Insufficient level of transparency and openness in the sphere of public administration, unclear distinction between the political and administrative spheres, insufficient professional level of civil servants, imperfect

mechanism of political and administrative control within the state, low level of public confidence in public institutions, lack of an effective mechanism for interaction between the state and society - all these factors are destructive elements of the organization of an effective public administration system. In this regard, the formation of new approaches to the implementation of public administration in Ukraine, taking into account the best national and foreign traditions, is of particular importance.

The content and features of public administration, its current trends and international standards, prospects for development and improvement were studied by a number of Ukrainian scholars in their works. In particular, they studied different approaches to improving the public administration system, referring to the best national traditions and international experience and focusing on certain aspects of reforming the governance system. At the same time, there is no consensus among scholars on the main promising areas of public administration in the modern state, which determines the relevance of the study.

2. THE PURPOSE AND OBJECTIVES OF THE STUDY

The purpose of the study is to determine, based on the analysis of scientific works, promising directions of public administration development in the modern state. To achieve this goal, it is necessary to analyze the scientific works of foreign and Ukrainian lawyers in the field of administrative law and determine the content and features of public administration, its modern characteristics and development prospects.

3. METHODOLOGY

The researchers relied on the analytical approach by analyzing the legal texts and Law. The methodological basis of the work is general and special methods and techniques of scientific knowledge. The epistemological method was used to determine the content and features of public administration. The use of the comparative legal method is the basis for studying the views of scientists on the directions of public administration development, highlighting their common and different positions. The method of analysis and generalization was used to identify the main directions of public administration development in the modern state.

The scientific novelty of this article is that the authors made an attempt to develop the content and features of public administration, to develop promising directions of its development in the modern state.

4. RESULTS AND DISCUSSION

The concept of safety has always been relevant in the world, people have always guarded and thought about the safety of their lives. Currently, the topic of safety is one of the most common topics not only in Ukraine but also in many countries of the European Community, in particular, Germany, Britain, the USA, France, Poland, Lithuania and others. As time has shown, war is one of the most dangerous factors that threaten public safety not only within one state, because the danger of aggression has no borders. In connection with the invasion of Russian troops on the territory of Ukraine today, we have faced such a problem.

On February 24, 2022, Ukraine introduced a special legal regime, which provides the relevant state authorities, military command, military administrations and local governments with the powers necessary to prevent the threat, repel armed aggression and ensure national security, eliminate the threat to Ukraine's independence, its territorial integrity, as well as temporary, threatened, restriction of constitutional rights and freedoms of man and citizen and the rights and legitimate interests of legal entities, indicating the term of these restrictions (Article 1 of the Law of Ukraine No. 389-VIII "On the legal status of martial law").

In the sphere of implementation of public administration functions, this means the introduction of the features provided for by Law of Ukraine No. 389-VIII (May 12, 2015) "On the legal status of martial law". In particular, by Decree of the President of Ukraine dated February 24, 2022 No. 68/2022 "On the establishment of military administrations", 24 regional and Kyiv city, as well as district military administrations were formed to exercise leadership in the field of defense, public safety and order. At the same time, this does not mean the termination of the activity of state authorities and local self-government bodies determined by the Constitution of Ukraine (1996) and laws of Ukraine.

Under martial law, the system of legislative, executive and judicial authorities and the distribution of powers between them remains unchanged in accordance with the Constitution of Ukraine (1996). However, Law No. 389-VIII "On the legal status of martial law" provides for the possibility of supplementing the system of public

administration bodies with temporary subjects of power. Thus, in addition to state authorities and representative bodies of local self-government and their executive bodies in the territories where martial law has been imposed, temporary state bodies may be formed - military administrations, which operate under the leadership of chiefs on the principle of unity.

The powers of the established military administrations include the introduction and implementation of measures of the martial law regime together with the military command independently or with the involvement of executive authorities and local governments, as well as the exercise of powers of local state administrations in relevant territories. They will exercise their powers until the cessation or abolition of martial law.

The established regional and Kyiv city military administrations are subordinated to the General Staff of the Armed Forces of Ukraine, and the district military administrations are also subordinated to the relevant regional military administrations. At the same time, local self-government bodies and their executive bodies in the territories where they operated (i.e., where no military-civilian administrations were formed) continue to have and exercise the powers established by the Constitution and legislation of Ukraine and are obliged to promote the activity of the military command and military administrations in the introduction and implementation of measures of the legal regime of martial law in the relevant territory. At the same time, on February 24, 2022, the National Security and Defense Council of Ukraine acquired the right to control the activity of the military command, executive bodies and local self-government bodies under martial law (Hrechkivskyi, 2022).

Thus, it can be stated that never since the independence of our state, the development of public administration has taken place in such difficult conditions. The undeclared war of the Kremlin invaders has engulfed our country, the enemy is destroying cities and villages, transport infrastructure, schools, kindergartens, maternity hospitals, housing of our citizens, killing and looting civilians. Kyiv region, Chernihiv region, Slobozhanshchyna, the whole east and south of Ukraine are on fire, and our armed forces, law enforcement officers, territorial defense communities are defending the sovereignty of our state with weapons in their hands. In today's conditions, the entire Ukrainian people provides our defenders with everything they need and resists the insidious occupiers. Today, in such difficult conditions for our state, it is extremely important to ensure the full functioning of the national economy and all spheres of public life in areas where there are no direct hostilities.

About 9 million Ukrainians remain far from their own homes - more than 20% of the total population. Including 5 million are within the state, 4 million - abroad, most of all - in Poland. However, out of 2.9 million refugees who crossed the Ukrainian-Polish border since the beginning of the war, more than 1 million entered Poland in order to get to other countries later, more than 700,000 returned to Ukraine (Landa, 2022).

The existence and development of any state is impossible without a properly organized and functioning system of public administration. It is the complex mechanism that ensures the daily life of the state, the development of economic, social, energy, cultural, educational and other spheres of public life.

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 (Serohina, Mykolenko, Seliukov, Lialiuk, 2021).

The vast majority of countries seek to achieve greater efficiency in the field of public administration in accordance with the current world tendencies. The quality and efficiency of the implementation of direct public and administrative functions by state agencies and institutions, as well as local self-government agencies, directly depends on a number of equally important factors. Such factors are the political regime in the country, the level of its economic development and the level of transparency of the state system. In addition, issues related to the legal regulation of public administration area by the state are influential (Khromov, Gadzalo, Abroskin, Zavalnyi, 2021).

Public administration is a rather complex legal category that has replaced the concept of "state administration". In this regard, today in the national definition of administrative law there is no unified view of its content. Scientists interpret it differently, focusing on certain features. Thus, T. V. Kondratiuk (2010) defines public administration as a subsystem of the social system, a component of society, which functioning and development are under a powerful influence from all other spheres of social life. Public

administration is the driving force behind the development of all spheres of public life. However, at the same time, society determines the main directions of public administration development.

Public administration is an activity in the system of institutions of public power and public service, aimed at balancing the needs of society and the state, implementing regulations issued by public authorities and local governments, ensuring the rule of law, compliance with the Constitution and legislation, and implementation legal rights and freedoms of man and citizen (Gogoliev, 2015). This is a set of institutions operating in order to implement the tasks and functions of the state, satisfy public and private interests, ensure law and order in society.

Scholars have developed two approaches to the interpretation of public administration by analogy with state administration - in a broad and narrow sense. Thus, in a broad sense, it is the whole system of administrative institutions with a hierarchy of power, through which the responsibility for the implementation of state decisions goes down from top to bottom. That is, public administration is coordinated group actions on public affairs related to the three branches of government (legislative, executive and judicial); are important in shaping public policy; is part of the political process; differ significantly from administration in the private sector; connected by numerous private groups and individuals working in various companies and communities. In turn, in a narrow sense, public administration is associated with the executive branch of government and is considered as a professional activity of civil servants, including all types of activity aimed at implementing government decisions; study, development and implementation of government policy directions (Meltiukhova, 2010). Public administration is implemented by a system of professional public servants, which includes civil servants, local government officials, servicemen, law enforcement officers, and other officials.

Summarizing these definitions, we can identify the main features of public administration, namely (Saburova, 2021):

- carried out in order to implement the tasks and functions of the state, to satisfy public
 and private interests, to ensure law and order in the state;
 - ensures the implementation of the provisions of national and international legislation;
 - implemented by a set of state and government institutions;
 - is a professional activity of public servants;
 - provided by a system of power and state coercion.

The public administration process looks as:

- indirect public administration, which includes the activity of executive authorities at all levels, that is, exclusively public administration, but with elements of public administration; judicial branch of government with elements of public administration and exclusively public administration;
- direct public administration, which includes the activity of the legislative branch, the activity of local governments with elements of public administration and the activity of public and non-governmental organizations, institutions and business structures.

The current system of public administration requires immediate improvement in the direction of moving away from traditional management models and reorienting them to those that meet all modern challenges and international standards, focusing on national needs. The need to combine elements of good governance models, new public management, multilevel governance, etc. is obvious. At the same time, V. Kuibida (2018) points out the need to respect the separation of powers along with ensuring the principle of complementarity in the system of public administration.

The system of public administration is quite flexible, which is due to the constant need to adapt to new challenges of society, transformation in accordance with world trends, adaptation to constant change in all spheres of society and the state. We agree with the opinion of V. Bakumenko and S. Popov (2015) that the current trends in public administration are based on a certain stage of innovative development of society and help to form tasks for the new public administration policy. They depend on the priority areas of state development, aimed at ensuring the implementation of its tasks and promoting high standards of society.

In most foreign countries, there is a certain tendency towards convergence, a kind of diffusion of various approaches to public administration (Drechsler, 2005). There is a tendency in the world to establish a human-centric approach in the activity of public administration entities, to ensure a high level of economic development, security and other areas of public life. One of the promising areas for the development of public administration is to improve the interaction of public administration institutions with the public, to promote the satisfaction of public and private interests, to provide citizens with high-quality administrative services in the economic, educational, socio-cultural, legal and other fields. The support of society and its participation in management decisions is mandatory. The current model of public participation in such processes, which is limited to participation in discussions, policy monitoring and public scrutiny, is not effective and requires empowerment of citizens to participate in public administration.

The strategic development of the country and its regions should be aimed at ensuring an innovative model of economic growth, creating conditions for long-term qualitative changes (Temirbolat, Abdikulova, Kalkabaeva, Ospanova, 2015; Temirbolat, Daribaev, Imakhanbet, Ospanova, 2016). Today, it is relevant to develop tools to bring the activities of public authorities as close as possible to a balanced state of implementation of strategies and actions of public administration, eliminate mistakes to ensure transparency of public administration in all possible ways (Romanenko, 2016), improve the interaction of public administration entities with the public, pay attention to the training of highly qualified specialists who could implement the functions of public management (Nepomnyashchyy, Medvedchuk, Lahunova, 2019; Bukhtiarova, Dukhno, Kulish, Kurochkina, Lypchanskyi, 2019). The subjects of public administration must be mobile and be able to quickly adapt to any changes in international relations and within the state. There is a need to change the mentality of civil servants who should act as public managers. It is worth agreeing with S. Udovik (1999) and O. Reshota (2020), who, characterizing the current trends in the development of Ukrainian statehood, notes that "it is necessary to radically change the attitude of civil servants. The goal of their activity should be to reduce the workflow and the number of hierarchical links by expanding horizontal links". The results of their work should be economic growth, satisfaction of the interests of a person or society, the number of positively resolved issues, quality services, etc.

The main task of the state development and its integration into the international space is to reduce interregional differentiation, support and development of the existing potential of the territories, achieving decent living conditions for citizens. The main guidelines for the development of the regional economic system is the formation of an effective modernized economy at the regional level, the basis of which should be the balance of the used internal potential with the flow of external resources, the purpose of which is to balance the used internal potential, strengthen economic growth factors and improve the quality of human potential (Cheuk, Phua, Siti-Nabiha, Sahari, Nichol, Tinggi, 2021; García-Zambrano, Rodríguez-Castellanos, García-Merino, 2020; Kostruba, 2017, 2018). World practice shows that the renewal of regional governance and regional economic policy in the context of globalization and integration should be based on new forms of interaction with the transformation of weaknesses in opportunities, mobilizing the region's potential for development, neutralizing conflicts of interest and forming common constructive cooperation, forming a system of regional institutions to attract investment and spread innovation (Latynin, Maistro, Stativka, 2017).

Another important area of improving public administration is its digitalization and digital transformation. M. I. Lakhyzh (2020) perceives e-democracy and e-government as indicators of the latest trend that requires significant changes in public administration and should be a kind of guarantee of successful development of Ukraine. So far, Ukraine has made a significant step forward in this direction, but a number of issues still need to be addressed. In particular, this concerns e-government, e-document management, increasing the number of e-administrative services.

According to G. B. Saburova (2021), the main requirement for the new basic model of the public administration system is to ensure compliance with the principle of systematization and coordination of certain actions and measures, as their absence or neglect leads to chaos, inconsistency or even prematurity, which violates the integrity, stability and expected effectiveness of the functioning of the public management and administration system, that is, to what we observe today. An unresolved problem is the search for successful forms of organization of power in local governments in order to achieve the desired balance of competencies and powers that would prevent possible manifestations of separatism and meet the objectives of the national interests of the state. That is, the development of the public administration system should be based on a systematic approach to building public administration institutions, their proper interaction both with each other and with the public.

M. I. Somych (2019) believes that the main essential features of the "ideal model" of public administration are the following: the introduction of the concept of "good" public administration, which is an element of the model of "Good Governance"; systematic simplification of legislation (as one of the elements and inherent tools of the "new" model of public administration); reduction of the total number and narrowing of segments of the subject-object area of public administration with the transfer of public administration an increasing amount of public functions and public powers, including those that have historically traditionally belonged to the exclusive competence of the state, non-state operators - self-regulatory and others private, public-private organizations (self-regulatory organizations in the field of financial markets, sports, etc.); ensuring subsidiarity in the provision of public services, including the transfer of part of the total authority to provide public services to private operators; development of public-private partnership as an element and tool of the "new" model of public administration; debureaucratization (restructuring of management to focus on results rather than processes), including expansion and structural and functional complications of decentralization of public

administration, unbundling and deconcentration of public sector actors, their reformation and reformatting, especially deconcentration of structures and the bureaucratic system of central public authorities; activation of interaction between public administration and other types of social administration, expansion and complication of the correlation and interaction of public administration and self-government, correlation and interaction of public order and autonomous, non-legal, regulatory orders, as well as the development of guarantees and mechanisms for autonomous institutionalization (in other words, the areas of competence of public authorities and non-governmental non-municipal organizations are increasingly intersecting); expansion and complication of the correlation and interaction of state law and other (except state) systems of normative regulation (lex sportiva, lex mercatoria, lex canonica), expansion of the practice of recognition and legitimization by the state of certain provisions of such non-legal systems of normative regulation; implementation and progressive development of the concept of "e-state", expanding the scope and diversity of electronic public services provided by public administration; a significant increase in the requirements for transparency and accountability of public administration (public administration should become the object of increasingly intensive and permanent control by society); development of tools (measures, mechanisms) of public administration, increasing the variety of their modifications and complicating their combinations (including interference and multiplicity), including the use of public authorities business strategies and other approaches and tools in the fields of business management and corporate governance (strategic planning, performance measurement, etc.); introduction of the concept of results-based management, including a line of new mechanisms for recording and evaluating the effectiveness of public administration; increasing receptivity and complementarity in relation to public interests and complex areas of public relations to social demands. The scientist analyzed in detail the best experience of public administration and identified its positive features, which should be introduced in our country. At the same time, today poses new challenges to the system of public administration, which is due to the need to transform the system of administration of defense and security forces.

5. CONCLUSIONS

Given the above, we can conclude that the main directions of public administration development are the following:

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- international integration and reduction of interregional differentiation;
- training of modern professional administrators capable of ensuring public and private interests at a high level;
 - establishing and ensuring high standards of society;
 - innovative development of all spheres of public life;
 - ensuring consistency in management decisions;
- information transformation of society and introduction of e-government, expansion of electronic services system;
- completion of the decentralization reform and transfer of a number of powers to non-state managers;
- optimization of the system of subjects of public administration, debureaucratization of the process of their work;
 - development of public administration tools;
- introduction of a new system for assessing the effectiveness of public administration, which must include the level of trust and satisfaction of the population;
- improvement of existing and introduction of new elements of security of the state and society.

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