

UKRAINE'S PATH TO INCLUSIVITY: THE ROLE OF PUBLIC COUNCILS IN GOVERNANCE

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Abstract

This study examines the relationship between individuals and subjects of public administration in the context of modernisation of Ukrainian society and the state. The aim of this study is to identify the possibilities of introducing civilised aspects of relations between subjects of state power and civil society into management activities. The paper employs analytical substantiation of the problems under study, focus group, expert survey, and research-to-practice developments in the problems of relations between public councils and subjects of public administration. The authors conclude that public councils as a temporary consultative and advisory body formed under the executive authority to promote public participation in the development and implementation of national policy are an integral component of a democratic society. The practical aspect of this problem can serve as a certain example for other countries, especially for the former republics of the USSR. This study hypothesises that public councils can play a positive role in making important decisions by local self-government bodies at the level of regional public administration. The study employed sources such as the Constitution of Ukraine and Resolutions of the Cabinet of Ministers of Ukraine "On the Public Council" and "On Ensuring Public Participation in the Development and Implementation of National Policy."

Introduction

In recent years, Ukraine has been undergoing a process of transition to a modern state formation. As a country situated on the border between Western and Eastern Europe, Ukraine is facing significant challenges in its efforts to establish a stable and efficient system of public administration that can serve the needs of its citizens. One of the key issues in this process is the development of relations between individuals and the subjects of public administration, particularly in the context of modernizing Ukrainian society and the state.

The establishment of public councils under government bodies, as consultative and advisory formations, especially local self-government, is an important step towards a successful transition to public administration.

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However, this process is complex and requires careful consideration of national, socio-political, and executive traditions, as well as the socio-economic sector, regional differences, and material base. Therefore, it is important to apply pragmatic solutions that take into account Ukrainian specificities, while also learning from the experiences and achievements of other countries.

To this end, researchers at the Yuriy Fedkovych Chernivtsi National University and Research Institute of Political and Regional Studies have conducted a sociological research project titled "Studying Public Opinion on the State of Development of Civil Society in the Chernivetska Oblast". The research was conducted using the focus group method in target audiences and confirmed the authors' opinions on the importance of establishing public administration and the role and place of public councils under local authorities in these processes.

In addition to the establishment of public councils, legal support for the interaction between civil society and the state is crucial. Ukraine needs to carefully and meaningfully apply advanced political, legal, executive, and socio-cultural technologies of Western countries, while also fostering close interaction between state authorities and public organizations. Such cooperation can bring new professional leaders of various levels, ranging from local self-government to central state authorities.

The purpose of this study is to investigate the scientific and theoretical aspects of the activities of public councils and their practical capabilities at the regional level, in order to identify the possibilities of introducing civilised aspects of relations between subjects of state power and civil society into management activities. The authors hypothesize that public councils can play a positive role in making important decisions by local self-government bodies at the level of regional public administration.

Therefore, this study is significant as it addresses an important subject area that has been dealt with both abroad and in Ukraine. Western researchers have studied this area extensively, and Ukrainian researchers have started to focus on it relatively recently. The study will employ various sources, such as the Constitution of Ukraine, Resolutions of the Cabinet of Ministers of Ukraine, and other literature on public councils, in order to confirm or refute the hypothesis of this study.

Materials and Methods

Investigating the problems of relations between public institutions and subjects of public administration in the latter's decision-making and their application in the management of society and state affairs, the authors used both new and classical research methods. In particular, this included the analytical substantiation of the problems under study; focus group; expert survey; research-to-practice developments in the problems of relations between public councils and subjects of public administration, etc. The results of empirical studies will help solve issues concerning the effectiveness and improvement of the quality of management culture of both civil servants of various ranks and executive managers, as well as members of the public who take an active part in the establishment of effective relations between civil society and state power institutions.

One of the issues that need to be studied at this stage of the development of Ukrainian society and the state, which was established in the 1990s, is the problem of establishing relations between state formations with citizens and civil society institutions. Considering this issue, according to the authors, the following points deserve particular attention: firstly, on the state ensuring the adopted political, legal, administrative, organisational, and financial measures for the effective functioning of civil society institutions; Second, about directing joint efforts of state institutions and civil society entities to solve pressing problems. Such a model of interaction of these subjects should provide an opportunity for citizens to use their constitutional rights to take part in the management of state affairs, as well as to ensure the interests of various social groups in the implementation of effective national policy, considering the need to balance national, group (corporate), and individual interests. Investigating the

problem of the development and functioning of civil society in Ukraine, Ukrainian researchers address such problems as: a) the emergence of the phenomenon of civil society; b) the place of civil society in the modern world; c) the interrelations of civil society and the state (Kresina et al. 2007; Patsuriia et al. 2018; Yarotskiy et al. 2021).

The authors of this study believe that the last of these problems attracts the most attention, since it involves consultations and discussions between representatives of civil society and state power institutions of various sectors, public councils and authorities at the regional level, research-to-practice dialogue on these issues by the expert community, etc.

When studying the functioning of public councils as an effective tool for monitoring the activities of public administration entities, attention should predominantly be focused on the issue of establishing a balance between public institutions and the mechanisms of their influence on civil society. This is caused by the fact that public councils balance these elements of Ukrainian society; secondly, ensuring the participation of citizens in the management of state affairs, public control over the activities of subjects of public administration, as well as establishing effective interaction between them and the public. However, current practice shows that, at present, public councils in Ukraine are mostly declarative in nature, and their decisions are advisory in nature, that is, they are not mandatory for consideration by officials and officers of public administration entities. The incentive for increasing the attention of the authorities to the functioning of the public council is the course of Ukraine towards transparency in the activities of executive authorities and local self-government bodies, the social orientation of state management decisions and the elimination of corruption (Krupnik 2012; Voloshina and Latsiba 2011; Kostruba 2018).

Results and Discussion

In Ukraine, there is such an institutionalised form of power-public interaction as public councils. They are established and operate under public authorities. The incentive for the introduction of the institution of public councils is necessitated the aspirations of Ukraine to implement its course towards European integration. One of the conditions for accepting any state into the “European family” is to create an infrastructure of democratic institutions and ensure appropriate conditions for their sustainable functioning. From an institutional standpoint, public councils can be considered as elements of the social infrastructure of Ukrainian society, the main tasks of which include protection and exercise of rights and freedoms, expression of the will of citizens, satisfaction and coordination of social needs and interests of the population (Public councils in Ukraine 2018). As of 2020, public councils under local public administration bodies are a progressive institutionalised form of power-public interaction: 1) assistance in the citizens’ exercise of their constitutional right to take part in the management of state affairs; 2) assistance in the executive authority’s consideration of public opinion upon developing and implementing national and regional policies; 3) conducting public monitoring of the activities of the executive authority in accordance with the legislation; 4) preparation of expert proposals and analytical materials on the development and implementation of national and regional policies (Standard Regulations... 2019).

The powers of public councils under subjects of public administration are stipulated in Paragraph 4 of the Regulation. Based on the analysis of the provisions of this regulation, the following functions of public councils can be distinguished:

- representative – ensuring representation of public interests in relations with executive authorities on various issues for them to make effective and positive decisions;

- advisory – preparation and submission of proposals to the executive authority under which public councils are established concerning the organisation and conduct of consultations with the public, as well as regarding the plan for their implementation;
- control – conducting public expertise and public anti-corruption expertise of draft regulations, as well as exercising public control over the body of proposals, compliance with regulations aimed at preventing and combatting corruption;
- norm-making – participation of public councils in the rule-making process by submitting proposals to executive authorities on the preparation of draft regulations concerning the development and implementation of national policy in the corresponding area, improving the work of the body;
- security – informing executive authorities on illegal actions violating the rights of citizens and their associations to promptly solve these issues;
- organisational – organisation of public events to discuss topical issues of development of an industry or administrative-territorial unit (Standard Regulations... 2019).

Considering the structure of public councils, it is quite extensive, so it is worth classifying them according to the criterion of subjects of public administration, under which the public council functions:

- public councils under ministries (for example, the current public council under the Ministry of Internal Affairs of Ukraine);
- public councils under central executive bodies (for example, the public council under the State Customs Service of Ukraine);
- public councils under oblast state administrations as well as the Kyiv City State Administration (for example, the public council under the Chernivetska Oblast State Administration);
- public councils under district state administrations (including public councils under city district state administrations) (for example, the public council under the Sokyrianskyi District State Administration (Chernivetska Oblast).

According to the Resolution of the Cabinet of Ministers of Ukraine No. 996, interaction of public councils with government bodies – the state administration and the local council, their bodies, structural divisions and officials, occurs during the implementation of the following functions:

- planning and conducting government consultations with the public;
- implementation of public expertise and public anti-corruption expertise of acts of government bodies and drafts of these acts;
- initiation by public councils of the adoption of regulations by government bodies concerning the development and implementation of national policy (Resolution of the Cabinet... 2019).

Public councils interact with subjects of public administration in the following forms:

- submission of proposals by public administration entities that are mandatory for their review and making an appropriate decision on them;
- sending requests to subjects of public administration for the provision of information (for public control and public expertise);
- inclusion of representatives of public administration entities in temporary commissions and working groups of the public council;
- inclusion of representatives of the public council in collegial and working formations established by public administration bodies (Resolution of the Cabinet... 2019).

The administrative legal status of public councils under subjects of public administration should be interpreted as the position of the subject governed by administrative legal provisions in the system of public administration, described by a set of certain rights, legal obligations, legal guarantees of activity and legal responsibility (Suleimenov and Karagoussov, 1998; Akimbekova et al. 2021, 1-7; Kostruba 2020). The functioning of the public council under the oblast state administration, as a permanent collegial electoral consultative and advisory institution of a subject of public administration, is exercised by the specified subject in accordance with the Resolution of the Cabinet of Ministers of Ukraine (hereinafter referred to as “the CMU”) No. 996 (Resolution of the Cabinet... 2019).

The specified Resolution of the CMU expanded the powers of public councils, which were enabled to make proposals to improve the activities of the relevant subject of public administration, carry out public expertise of draft regulations and exercise public control over the state of accounting for proposals and comments of the public by the subject of public administration. On the other hand, it was stipulated that only representatives of public organisations could be included in public councils, and the mechanism for forming councils was quite complicated: members of councils under central executive bodies had to be elected by rating voting for candidates during annual meetings of at least one-fourth of the total number of registered all-Ukrainian public organisations, members of councils under local subjects of public administration during meetings of at least one-fourth of the number of public organisations registered in the corresponding region (Halunko et al.

2019; Ivanov et al. 2021; Derevyanko et al. 2018).

Public council in accordance with the main tasks assigned to it:

- prepares and submits proposals for an indicative plan for conducting public consultations;
- submits proposals on the timing of open public discussions;
- submits proposals for public consultations on issues not stipulated in the indicative plan;
- develops and submits for consideration proposals to the plan for conducting public consultations on a certain subject, indicating the list of issues, terms, and stages, the procedure for publishing information on consultations and consideration of their results;
- performs other activities relating to the organisation and holding of public consultations in accordance with the procedure for holding public consultations on the development and implementation of national policy;
- processes proposals and comments received as a result of public consultations on the development and implementation of national policy and submits them

in accordance with the established procedure to the corresponding executive authority;

- systematically informs the public, in particular through the media, about its activities, decisions taken, and the state of their implementation (Standard Regulations... 2019; Akimbekova et al. 2016, 9733-9740).

The public council has the following rights: 1) to establish permanent and temporary working bodies (administration, secretariat, committees, commissions, expert groups, etc.); 2) to involve employees of central and local executive authorities, local self-government bodies, representatives of enterprises, institutions and organisations, independent from the form of ownership (with the consent of their managers), as well as individual specialists (with their consent) in their work; 3) to organise and conduct seminars, conferences, round tables, and other public events; 4) to receive, in accordance with the established procedure, information from executive authorities and local self-government bodies necessary to ensure the activities of the council; 5) to receive from the executive authority draft regulations on issues that require public consultation; 6) to conduct, in accordance with the legislation, public expertise of the activities of the executive authority and public anti-corruption

expertise of regulations, including draft regulations, developed by the executive authority (Standard Regulations... 2019).

A decision of a public council is valid if it is adopted by open voting by a simple majority of votes of its members present at the meeting. In case of equal distribution of votes, the vote of the chairman of the meeting is decisive (Kostruba and Hyliaka 2020; Mukhamediyarova et al. 2021). Thus, the latter is a component of the mechanism of democratic governance of the state, which makes provision for civil society institutions to evaluate the activities of public administrative entities, the expediency and effectiveness of making and executing decisions by such entities, and prepare proposals for solving socially significant issues to consider. For the results of public expertise of the activities of public administrative entities to be useful and reviewed by them, as well as considered upon developing draft decisions of the authorities, the public council must ensure its proper quality and expediency (Kupriy and Palivoda 2011; Auanasova et al. 2022; Seo et al. 2022). This can be achieved if the following standards are met: 1) utility – public expertise should meet the information needs of those who will use the results of such expertise; 2) enforceability – public expertise must be real, balanced, diplomatic, and nonconfrontational; 3) legality – public expertise should be conducted legally and ethically, considering those whose interests such expertise affects; 4) objectivity and validity of expert recommendations – expert opinions should be based solely on the analysis of the information received and based on confirmed facts; 5) responsibility for the reliability and completeness of the analysis (Palivoda 2018; Suleimenov et al. 2018; Haliantych et al. 2021; Kanatay et al. 2019; Klochko et al. 2019).

Active participation implies that non-governmental organisations perform certain tasks upon developing national policy on behalf of the authorities responsible for developing national policy (Krupnik 2012; 2018; Kambarova et al. 2014; Koshkinbaeva et al. 2019; Sydorets et al. 2017). Furthermore, civil society institutions constitute an important component of the national policy-making process. The survey results are presented below. A total of 958 residents of Chernivtsi (aged 18-79 years) were interviewed on the following questions (Tables 1-4).

Table 1. What is the quality of work of public councils established under the executive authorities of the city of Chernivtsi on a five-point scale?

1 (unsatisfactory)	2 (below satisfactory)	3 (satisfactory)	4 (good)	5 (excellent)
23	48	54	492	341

Table 2. What is the degree of trust in public councils on a five-point scale?

1 (no trust)	2 (low trust)	3 (presence of certain trust, however, not in all public councils)	4 (in a general context, trust is present)	5 (fully satisfied with the work of public councils)
5	71	94	451	337

Table 3. What is the degree of trust in local public administration bodies on a five-point scale?

1 (no trust)	2 (low trust)	3 (presence of certain trust, however, not in all public administration bodies)	4 (in a general context, trust is present)	5 (fully satisfied with the work of local public administration bodies)
259	321	244	126	8

Table 4. Is there a need to establish public councils under all local public administration bodies in the city of Chernivtsi?

Yes	No	Another answer (4 people)
737	217	It is difficult to answer personally without knowing the practical component of public administration bodies.
		There are doubts concerning the expediency of introducing such an institutionalised form as a public council due to the fact that its decisions are advisory, and not mandatory in nature.
		It is advisable, provided that a detailed procedure for the exercise of public councils' powers is developed.
		The introduction of public councils will lead to unnecessary monetary costs, and the efficiency will be low (due to the advisory nature).

To conduct a more in-depth and more comprehensive study of this subject, the authors carried out a sociological survey on the effectiveness of existing public councils and the need to create the latter under all executive authorities of the city of Chernivtsi, as well as the trust of city residents in local public administration bodies.

Conclusions

1. Establishing public interaction with public administration entities is one of the key tasks. Effective interaction with the public is also the foundation for building a transparent system of decentralised public administration. Due to the involvement of public activists in the region, the public council can more effectively influence the subjects of public administration, enlist support, receive additional expert resources, exchange experience, etc. Relations between civil society institutions and the main producers of national policy can take on three main forms of interaction with the public – informing, consulting, and active participation.

2. Thus, having studied the theoretical and practical components, the authors concluded that the public council as a temporary consultative and advisory body, formed under the executive authority to promote public participation in the development and implementation of national policy, is an integral component of a democratic society, which would help in bridging the gap formed over a long time between the government and the population, the state and civil society, restore confidence in the authorities, form transparency and efficiency. Modern state formation in Ukraine is based on the establishment of democratic foundations based on the interaction of three important components – the individual, society, and the state. For this purpose, Ukrainian society and the state are undergoing difficult processes of decentralisation of state (public) power. Scientific research uses concepts that are inherent in civilised communities, searches for optimal ways of influencing individuals and civil society formations on the adoption of power management decisions by subjects of public administration to manage public affairs and state affairs.

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