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PUBLIC ADMINISTRATION AND MANAGEMENT: MODERN SCIENTIFIC DISCUSSIONS

Collective
monograph

**PUBLIC ADMINISTRATION
AND MANAGEMENT:
MODERN SCIENTIFIC
DISCUSSIONS**



**Cuiavian University
in Włocławek**



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National University
of Economics**

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AND MANAGEMENT:
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CONTENTS

Formation of capable local self-government in Ukraine and European standards Bilash O. V.	1
Публічне адміністрування як реалізація управлінських рішень Бліхар М. М.	17
Development of social partnership and social dialogue as means of achieving agreement in resolving social and labor conflicts: the experience of Ukraine Vorovykov O. V.	35
Сучасна парадигма державного регулювання системи управління у сфері охорони здоров'я Борщ В. І.	51
Публичное управление трансформационными процессами в Украине и Польше: проблемы и перспективы Вацьковски К. С., Гордиенко Л. Ю.	77
Проектний підхід у сфері планування інтегрованого розвитку територіальних громад Вяхірєв М. О.	96
Визначення ролі комунікацій у публічному управлінні Гавкалова Н. Л., Джаїн Прадіп Кумар	113
Активізація розвитку прикордонних територій Західної України за допомогою транскордонного співробітництва Головка А. А.	132
Decentralisation mechanisms of local democracy political and administrative processes within contemporary Ukrainian scientific discourse Gulay V. V., Hrynoch N. V.	150
Competence boundaries of public service institutions in Ukraine Карпа М. І., Akimov O. O.	168
Деякі особливості управління та державного регулювання системи вищої освіти України в умовах європейської конвергенції просторово-економічних систем Масляк Т. Р.	183

Особливості формування та реалізації національної антикорупційної політики як основи державноуправлінських реформ Новак А. М., Баштанник В. В.	199
Сучасна соціально-економічна модель держави загального добробуту Романченко В. Б.	224
Здійснення оперативного-технічного управління електронними комунікаційними мережами України в контексті формування національної системи забезпечення кібербезпеки Скибун О. Ж.	241
Прогнозування можливостей підрозділу охорони об'єкта критичної інфраструктури з протидії диверсіям Суконько С. М., Чепель М. О.	262
Система державного управління у воєнній сфері в підготовці держави до оборони Устименко О. В.	277

COMPETENCE BOUNDARIES OF PUBLIC SERVICE INSTITUTIONS IN UKRAINE

Karpa M. I., Akimov O. O.

INTRODUCTION

The relevance of the article is due to the need to study the processes of establishing and practice of using the competencies of public service institutions, in particular in the legal aspect. The article discloses the concept of the competence boundaries of public service institutions, outlines the main legal aspects of establishing the competence boundaries of public service institutions, namely: characterizes the constitutional principles for determining the competence boundaries of a public service institutions, summarizes the characteristics of the sources of formation of intra-organizational competence of public service institutions, the method formal and logical analysis of regulatory frameworks.

Competence is considered as a basic concept of public law, which determines the vital activity of not only subjects of public law, but also of private law relations. It is recognized and established, first of all, by the norms of constitutional, administrative, financial, criminal and international public law. Competence is determined mainly in statutory and thematic laws and other acts (regulations, etc.). Competence is realized using the norms of all branches of law¹.

Issues of competence, in particular, on the delimitation of functions and powers of local state administrations and institutions of local self-government, arise because these institutions have different understanding of the competence boundaries. After all, they solve the issue from different positions, while possessing different resources or different resource intensity. Such questions arise between district state administrations and local self-government institutions of villages, townships and cities (district significance), district councils, between regional state administrations and local self-government institutions of cities (regional significance) and regional councils.

The purpose of this study is to determine the competence boundaries of the activities of public service institutions. The object of research for this is

¹ Карпа М.І. Компетенційний підхід до розвитку публічної служби: концептуальні аспекти. *Ефективність держ. управління* : зб. наук. пр. ЛРІДУ НАДУ. Вип. 4 (53). 2017. С. 143–153.

the activities of public service subjects. The subject of this research is the competence and legal boundaries of public service institutions. Within the framework of this study, the following tasks were set:

- to generalize approaches to the interpretation of the concept of a public service institution as a prerequisite for defining the concept of the competence boundaries of a public service institution;
- use the method of formal-logical analysis of the regulatory framework and propose the main stages for determining the competence boundaries of public service institutions;
- to characterize the constitutional foundations for defining the competence boundaries of public service institutions;
- to define the concept of competence boundaries of public service institutions;
- to summarize the characteristics of the sources of the formation of intra-organizational competence of public service institutions.

Establishment and delimitation of the competences of various subjects of public service can be considered a common problem both in the scientific and in the practical sense. The previously unresolved part of the general problem is the establishment of a competence boundary for each subject. The practice of establishing the boundaries of the competence of public service institutions is in the legal field, determined by legal norms. Therefore, the analysis of this issue is reflected in this article. The search for ways to define, fix and use the competencies of public service subjects requires study, the use of various approaches, methods, the involvement of interdisciplinary practices to obtain an effective research result.

1. Prerequisites for the formation and implementation of the competencies of public service institutions

Before investigating this problem, one must start from the position of the legal system to which the country belongs. In the countries of the Romano-Germanic family of law, relations in the public service sphere (at least in the part of the so-called “bureaucracy”) belong to the sphere of regulation of public law, but in the Anglo-Saxon legal system there is no division of the law into public and private, and therefore employment regulation in the public service differs little from employment in the private sector². We cannot but agree with the opinion of A. Evtushenko on the various specifics of state power and local government as power institutions in terms of their relationship. The author notes that when distinguishing between issues falling within the competence of local authorities and public authorities, in

² Публічна служба. Зарубіжний досвід та пропозиції для України / За заг. ред. Тимошука В.П., Школика А.М. Київ : Конус-Ю, 2007. 735 с., С. 9.

these cases, when it seems possible to do so, it is inexpedient to oppose them to each other³. Therefore, the opposition of state power and local self-government, according to the scientist, has neither theoretical nor practical grounds. The researcher considers the mixed dualistic theory to be the most challenging for Ukrainian public administration. The specificity of the exercise of the powers of public authorities is that in their activities they are guided mainly by the norms of constitutional and administrative law. For these branches of law, an imperative method is inherent: clear subordination and subordination.

The term “competence” (latin *competere* – conformity, consistency, from – to strive for, respond, approach) is interpreted as a set of rights and obligations established in the official – legal or non-legal – form, that is, the powers of any position, person, which determine the capabilities of this institution or position, persons to make binding decisions, organize and monitor their implementation, take responsibility measures, if necessary, and the like⁴. The study aims to reveal the prerequisites for methodological substantiation and implementation of further methodological developments in the plane of setting and using the competencies of public service entities. Some general scientific methodological support is proposed in terms of establishing and delineating competencies; the method of formal-logical analysis of regulatory and legal frameworks was used; disclosed methodological aspects to the definition of public administration concepts.

The right to define and delineate the competences of public service institutions plays a decisive role among other resources. It is a source of legitimacy for the establishment of competencies, their components, forms of interaction, and the like. The legal resources for ensuring the definition and delineation of the competences of the subjects are characterized by the quality of laws and regulations, their implementation, and compliance with the rule of law. The practice of modern constitutionalism and not only of Ukraine testifies to the fact that the activity of the public service is aimed not at standardizing the result, but primarily at developing issues of status, status procedural or regulatory issues of the public service. It seems that the

³ Євтушенко О.Н. Державна влада і місцеве самоврядування: теорія й методологія взаємодії. *Вісник Національної юридичної академії імені Ярослава Мудрого*, с. 163–174, с. 170. URL: http://www.nbu.gov.ua/old_jrn/Soc_Gum/Vnyua/2009_1/163-174.pdf.

⁴ Общая теория права и государства / Под редакцией проф. В.В. Лазарева. Москва : Юристъ, 1996. 472 с.; Державне управління: теорія і практика / За заг. ред. проф. В.Б. Авер'янова. Київ : Юрінком Інтер, 1998. 432 с.

essential innovation of the new doctrines and concepts of public service will be standardization of its regulations and results⁵.

In the practice of considering competence disputes, they refer to the legal status of subjects of power. Why is it advisable to consider this concept in research? Today, the Code of Administrative Procedure of Ukraine, within the framework of the consideration and resolution of competence disputes, refers to the parties to the process the subjects of power.

According to the definition of the Code of Administrative Procedure, a subject of power authority is a governmental institutions, local government institutions, their official or official, another subject in the exercise of their power management functions on the basis of legislation, including the exercise of delegated powers. This definition most accurately forms the idea of a public service subject not only as an institution, but also as an official.

The characteristics of a public service institution as a public institution can be summarized as such that:

- is formed by the state or directly by the people in accordance with the law and carry out activities on its basis;
- has public functions and/or special functions that it carries out to satisfy the public interest;
- has an organizational and functional structure;
- interacts with other subjects of the public service;
- has a certain subordinate and territorial nature of the activity;
- may have state and power powers that allow him to carry out legally binding actions (issuing regulatory or individual acts, exercising control, using measures of education, persuasion, incentives, if necessary – state coercion);
- usually has resources of state and/or municipal property.

To determine the competence boundaries of public service institutions, it is possible to apply the method of formal logical analysis of the legal framework proposed by V. Bakumenko. Having adapted this method to the issue of determining the competence boundaries of public service institutions in terms of determining their legal basis, the following stages can be proposed:

1. Implementation of a systematic analysis of the competences and functions of public service institutions. To do this, it is necessary to analyze the competences of public service institutions: subjects of jurisdiction, powers, responsibilities of public service institutions.

⁵ Публічна служба. Зарубіжний досвід та пропозиції для України / За заг. ред. Тимошука В.П., Школика А.М. Київ : Конус-Ю, 2007. 735 с., С. 12.

2. To form comparisons of the functions and competencies of the subjects of the public service for formation of the tree of goals by type of activity and subjects of their implementation.

3. To systematize the regulatory framework governing the scope of activities of the subjects, in accordance with the subjects of jurisdiction.

4. To form a hierarchy of normative legal acts according to their legal force.

5. Design the existing hierarchy of regulatory legal acts in terms of their legal force as specified in clause this technique is a tree of goals.

As a result of using the presented methods, a picture of the fullness of the legal field for determining the competence boundaries of public service institutions, as well as gaps in legal regulation, should be obtained.

The author of the method of formal-logical analysis of regulatory and legal frameworks proposes to form a hierarchical structure of the regulatory framework, having carried out its systematization according to the directions and types of the studied field of activity and according to the legal force of regulatory legal documents. One of the options for constructing a hierarchical structure of the regulatory framework is a set of normogram as a generalized form. For each type of activity, a separate normogram is used, which covers a certain part of regulatory documents. According to the fullness of regulatory documents in the areas under study, the need to develop the structure of the current regulatory and legal framework is determined⁶.

Conceptually, the Constitution of Ukraine defines the boundaries of the competence of both local state administrations and local self-government institutions in order to prevent competence disputes and offenses. Only amendments or changes to the Constitution of Ukraine in terms of the competence of local state administrations and/or institutions of local self-government can change the existing constitutionally defined competence limits.

A. Krupchan indicates that for the proper organization of the executive power it is not at all necessary to directly fix the principle of “separation of powers” in the text of the constitution, much less to supplement it with signs of independence, autonomy or independence of separate, primarily legislative and executive, powers⁷. He points to this principle only as a methodological development, a fulcrum for the development and implementation of a structural diagram of the organization of state power.

⁶ Бакуменко В.Д. Метод формально-логічного аналізу нормативно-правових баз. Енциклопедія державного управління : у 8 т. Нац. акад. держ. упр. при Президентіві України / наук.-ред. колегія : Ю.В. Ковбасюк (голова) та ін. Київ : НАДУ, 2011. Т. 2: Методологія державного управління / наук.-ред. колегія : Ю.П. Сурмін (співголова), П.І. Надолішній (співголова) та ін. 2011. 692 с. С. 309–310.

⁷ Крупчан О.Д. Організація виконавчої влади : монографія. Київ : Вид-во УАДУ, 2001. 132 с.

Considering this principle more a theoretical doctrine, the researcher points to the generalization of the most typical functions of state power, for you, as a real system of state bodies, is determined by the content of more specific functions and competencies arising from the vital needs of organizing the state and public life of the country.

The constitutional regulation of the principles of the organization of executive power is due to the completeness and concreteness of the uneven attitude of institutions of different levels and aspects of their functioning. As regards the government, the issues of its formation and the procedure for relations with the parliament are most covered. More specific issues of competence of public service entities should be defined in separate laws on each public service institution. The greatest effect of consolidating legal norms in terms of defining the competencies of each subject of the implementation of public service will be achieved if there are uniform conceptual foundations for the entire public administration system.

Scientists identify a number of amendments to the Constitution of Ukraine to create a legal basis for securing decentralization, creates the preconditions for defining and securing competence boundaries both in territorial and functional aspects⁸. The proposed changes can be grouped as follows:

- territorial delimitation (introduction of a three-level system of administrative-territorial structure – region, district, community, definition of a community as an administrative-territorial unit, including one or more settlements);

- functional differentiation (transfer of functions of executive power from local state administrations to executive bodies of the corresponding level, distribution of powers on the basis of subsidiarity; differentiation of financial resources);

- institutional separation (the presence of a legislatively enshrined status of subjects of the public service, and the creation of an institutional structure of the public service).

One of the main requirements for a clear distribution of functions, ensuring the organization of work is the issue of legal regulation of the formation and development of the public service. In this context, the following basic conditions exist for the effective implementation of public service functions:

⁸ Місцеве самоврядування в умовах децентралізації влади в Україні : колективна монографія / Кол. авт.; за заг. ред. Р.М. Плюща. Київ : РІДНА МОВА, 2016. 744 с., С. 224.

– the presence of the status of a public institution, which fixes at the legislative level the performance of these functions, the mechanism for their implementation;

– implementation of a clear task of the public service system;

– introduction of a unified register of public services and provision of public services to the population in accordance with it;

– serving on the basis of responsibility, accountability, honesty, service to the people of Ukraine, etc. In this context, it is advisable to clearly define the competence of a public service institution with the establishment of its powers, legal responsibility and the ability to control its activities.

The competence of local self-government is regulated today by about 700 laws and more than three thousand normative legal acts, some of which contain norms that cause conflicts both in the middle of these legal acts themselves and between the acts themselves.

2. Competence boundaries of public service institutions: definition, formation, main characteristics

To establish the regulatory framework of competence boundaries, it is necessary to agree on a large number of methodological issues, primarily in the plane of defining basic concepts, theories of public administration, activities of public service entities, functional load of public service entities, ensuring the performance of public service functions in general and its specific subjects. Here are some of them.

So, the competence limits of a public service entity are those established in the regulatory field, determined by the majority principle by all public service institutions, are directly or indirectly involved/interested in such activities, constraining factors, the violation of which entails responsibility. The competence limits of a subject in their pure form are those according to which: 1 – the competence limits of another subject come, 2 – a competence vacuum comes.

Situations of duplication of powers from the point of view of science, society, practice, interest of subjects – have ambiguous interpretations. Therefore, we will dwell only on the disclosure of concepts that will allow us to describe the scope of activity and its limits. The competence field is the types of activities, subjects of jurisdiction, public interest, territorial affiliation, rights of subjects, obligations of subjects, responsibility, guarantees, other status characteristics, which together give a phenomenon in which relationships are formed (from need/ requirement to implementation/control/result).

The competence vacuum is the lack of belonging of the competence fields to any subject of the public service, or it is the absence of belonging of the subjects of jurisdiction, public interest, interest of at least one of the

subjects (in this case, the public service), to the activities of the subject (s) of the public service.

To establish the boundaries of competence, methods of direct and indirect action can be distinguished. Direct methods are an automatic action (in particular, these are administrative methods), in which usually subjects act in a mandatory and unambiguous manner. Indirect methods of influence are, for example, economic, moral and ethical, political and others, which can be characterized as such in which there is no unambiguity. Most of their practical use methods of direct action are within the legal framework. The establishment of the competences of public service institutions in practice can be carried out in the following forms:

- at the level of the Constitution;
- at the level of laws, as well as by-laws of the executive power;
- at the contractual level;
- at the level of delegation of authority by one institution to another⁹.

The competence of state institutions, local self-government institutions and their officials is established by legal acts, therefore, its implementation is ensured by means of state coercion. The competence of non-state institutions and their officials does not have a juridical power character and, accordingly, state-compulsory provision.

It is possible to single out the internal organizational competence of public service institutions, which is determined by a number of subordinate regulatory legal acts. Their generalized characteristics can be presented in the context of determining the sources of the formation of intra-organizational competence of public service institutions.

One of the examples of the source of the formation of intra-organizational competence is the statutory law, which found its embodiment in the practice of developing and adopting the charters of territorial communities in a number of Ukrainian cities – Kiev, Lviv, Lutsk, Poltava, Zhitomir, Khust, Tyachiv, Chernivtsi and others. Generalization of the domestic practices of adopting the charters of companies identifies the following main positions in the competence approach: the establishment of the rights and responsibilities of the territorial community, the principles and procedure for interaction between local governments and public authorities, competence in regulating the main areas of activity (property, land relations, planning and development of the territory, social protection, environmental safety, responsibility and guarantees of activities). Another level of defining the boundaries of competence: methods, requirements, conditions (for example, licensing), which are approved by orders, orders and other by-laws,

⁹ Тихомиров Ю.А. Курс административного права и процесса. Москва, 1998. С. 216.

which are exclusively departmental in nature, with the subjects of reference specifically fixed in the regulatory field.

Other aspects that require study and are in constant relationship with legal ones are:

- organizational and functional methodological aspects. Determination of the structure of the public service as a whole or its sub-components has both organizational and functional significance. Formation of the organizational and functional structure of the public service is possible both as a whole on a national scale, and in the relevant industry, sphere or in the relevant territory. The so-called network/local approach to the distribution of functions, and, accordingly, the definition of the competence of individual subjects will be of great importance. Modern trends in the development of public administration attract various approaches in which the sphere of combination of the activities of both state institutions and public ones is investigated. The distribution of functions between them has a vague content, not approved in the legal field;

- financial and economic aspects. These are complexes of specific conditions of a financial and economic nature, the possibility of using economic methods in the process of defining competencies;

- informational aspects. The issue of information interaction between state and public institutions creates a certain information field, which further forms the information impact on subjects and objects. The complex of information actions, resources, methods and technologies creates the preconditions for the establishment of competencies, their boundaries, the practical application of the competencies of public service institutions. The issue of the emergence of communication problems gives rise to an ambiguous formulation of tasks, functions, the implementation of competencies, weaken coordination ties between subjects, generate a competitive environment, conflict situations;

- personnel aspects. The issue of performing tasks and functions requires the provision of qualified personnel. Special attention should be paid to the functional filling of public service posts, the establishment of criteria and requirements for the performance of official functions, responsibility for their implementation, the establishment of powers and other components of the competence of officials as subjects of public service.

In the Public Administration Sphere, an employee is a participant in a certain legal relationship, since, on the one hand, he enters into labour legal relations related to his personal professional status, labour rights and obligations, the labour process itself, and on the other hand, into administrative ones related to the fulfilment of requirements service, management functions. So, from this position, it can be argued that the employee is the subject of a double legal relationship. Based on these

considerations, more attention should be paid to the issue of legal regulation of the status of a public servant, the specifics of his powers, the content of his duties. The problem is that today the legislation does not establish the prerequisites for the formation of public administration in Ukraine.

Since public law is defined as a system of legal norms regulating relations between state institutions, as well as between the state and the individual and society, which are formed in the process of organizing and exercising state power, it belongs to the formation and consideration of legal norms for the formation of new definitions, bandages associated with the functioning of public administration, public authority, public service, etc.

The conceptual foundations of the competence approach in the civil service are formed on general principles, namely: the legal framework, interaction, control, responsibility. About special principles, the main ones can be defined as: consolidation of the constitutional and legal statuses of public service institutions; interaction of public service entities on the establishment and implementation of competencies; standardization of subjects of activity (conduct) of subjects of public service; functioning of public service institutions on the basis of territorial and institutional differentiation of their activities¹⁰. The competence of local government officials is determined by the power structure, the requirements for the competence characteristics of local government officials and the regulations of the institution/unit. The special competence of officials should be reflected in the job description, where it is necessary to clearly highlight the place and role of an official of local government in the activities of the unit, the limits of his powers, relations in accordance with the position, rights, duties, obligations, guarantees, motives and restrictions, conditions for effective work.

The suttee property of the competence of a public servant is that it can be considered one of the criteria that determines the limits of management functions and has a restrictive nature. The competence aspect of the status of a public servant is manifested in the dynamics of the formation and development of such theories of the interaction of state and local authorities as the theory of a free community, community (public) and public-state (theory of municipal dualism). The status of an employee acquires such characteristic features of a competence approach, which are manifested both through general theoretical correlation and manifestations, and through the practice of coexistence of public authorities. The problem arises of defining and distributing public functions as a prerequisite for the formation of the

¹⁰ Карпа М.І. Межі компетенції суб'єктів публічної служби: особливості визначення. *Державне управління та місцеве самоврядування* : зб. наук. пр. ДРІДУ НАДУ, 2017. Вип. 2 (33). С. 109–116.

competences of public institutions. An important issue in the context of the competence approach is the institutional consolidation of functions in the context of the existence of the main models of the territorial organization of power. In each of the varieties of the Governance concept (the Responsive Governance concept, the Democratic Governance concept, the Good Governance concept) there is a need to determine the specifics of the use of competence components.

A completely different in essence, definition, understanding of the competence aspect of the status of a public servant is the competence aspect, which in fact carries out the function of assessing the level of proficiency in the profession. The position, from the moment of employment of a public servant, provides him with the appropriate legal, social, organizational and functional status. In the “status-competence-activity” scheme, the fact of occupying a position is a prerequisite for obtaining the corresponding status characteristics, and allows you to continue moving along the scheme¹¹. In Ukraine, in 2013–2016, the development of a competence-based approach to personnel management in the civil service was intensified, in particular, to improve the methodology for applying the profiles of professional competence of civil service positions, should be guided by the goals of the state body and take into account the complexity, level of responsibility and amount of effort performance of work in the position¹².

The position is formed by the structure of the institution (the corresponding staffing table), the functions of the relevant institution/department/other structural unit, its activities and status characteristics¹³. The position, from the moment of its occupation, grants appropriate legal, social, organizational and functional status to a public servant. In the “status-competence-activity-service” scheme, the fact of occupying a position is a prerequisite for obtaining the corresponding status characteristics, and allows you to continue to move along the specified scheme. The competence of other officials of local self-government is determined by a number of subordinate normative legal acts, such as: charters of territorial communities, regulations on institutions, resolutions of

¹¹ Карпа М.І. Методи управління кадровими процесами у контексті становлення публічної служби в Україні. *Ефективність держ. управління* : зб. наук. пр. ЛРІДУ НАДУ, 2013. Вип. 37. С. 354–362.

¹² Акімов О.О. *Професійна діяльність державних службовців та посадових осіб місцевого самоврядування: психологічні аспекти управління кадрами. Державне управління та місцеве самоврядування*. 2016. № 3. С. 106–113.

¹³ Карпа М.І. Статус державного службовця: функціональний, організаційний та компетентнісний аспекти. *Державне будівництво* : зб. наук. пр. ДРІДУ НАДУ. № 1/2017. URL: <http://www.kbuapa.kharkov.ua/e-book/db/2017-1/doc/3/03.pdf>.

the Cabinet of Ministers of Ukraine, explanatory letters, employment contracts, job descriptions of employees, and the like¹⁴.

The territorial competence includes the issue of satisfying public interests, including territorial communities. This concept is partially disclosed in the subjects of jurisdiction or competence of local governments. After all, a self-sufficient territorial community is a territorial community of villages (townships, cities), which, as a result of a voluntary association, are able independently or through local self-government bodies to ensure an adequate level of service provision, in particular in the field of education, culture, health care, social protection, housing and communal services, taking into account human resources, financial support and infrastructure development of the corresponding administrative-territorial unit. Questions are being debated about criteria for measuring that very appropriate level of service provision, especially in unequal infrastructure conditions in cities and villages, which jeopardize the constitutional principle of ensuring equal rights for all residents. So, in a broad sense, municipal interests can be divided into groups that arise in the sphere of local self-government: the interests of the territory, the interests of the territorial community, the interests of self-organization groups, the interests of a particular resident.

In the process of forming territorial competence, public authorities put forward proposals for solving the following issues. The lack of a legislative definition of issues of local importance as the main object of the activity of the municipal government has led to the fact that in Ukraine the functions and powers of local self-government are enshrined according to the traditionally sectoral principle. The territorial criterion for determining the competence of public authorities cannot be analyzed in its pure form, since it is impossible to completely exclude the influence of other criteria, both from a theoretical and practical point of view. Another problem is the issue of the normative consolidation of the public interest, and in this case, the interest of the territorial community, with the possibility of clearly taking into account the issues of local importance behind the object principle.

Modern trends in public administration orient the Ukrainian authorities towards defining issues of state and local importance, fixing them in the legal framework, and delineating the competences of public authorities at the local level. The consolidation of specific subjects of jurisdiction at the local level (in a narrower sense – according to the object and territorial principle) of public authorities will help expand the independence of their actions at the local level, delimit the functions and powers of executive authorities and

¹⁴ Акімов О.О. Функціональні чинники системогенезу професійної діяльності державних службовців. *Інвестиції: практика та досвід*. 2018. № 24. С. 68–74. URL: <http://ep3.nuwm.edu.ua/12964/>.

local self-government, increase the responsibility of territorial communities, will take into account the specifics of the local area.

CONCLUSIONS

Based on the study carried out in accordance with the tasks set, the following conclusions can be drawn. Summarizing the various approaches as a prerequisite for the interpretation of the concept of a public service institution, one can single out an approach that most clearly fixes it in the legal field in the Code of Administrative Procedure of Ukraine as a subject of power. This definition most accurately forms the idea of a public service subject not only as an institution, but also as an official. The study used the method of formal-logical analysis of the regulatory framework to the issue of determining the competence boundaries of public service institutions in terms of determining their legal basis. Five main stages are highlighted and the need to form a hierarchical structure of the regulatory and legal framework is indicated, for this it is necessary to systematize regulatory documents according to the relevant areas of activity of public service entities.

The constitutional regulation of the principles of the organization of executive power is due to the completeness and concreteness of the uneven attitude of institutions of different levels and aspects of their functioning. Relevant today has matured the legal framework for consolidating decentralization. In general, one can point to territorial delimitation, functional delimitation, institutional division.

SUMMARY

The article proposes an innovative definition of such a concept as the competence limits of a public service institution, according to which it is established in the regulatory field, determined by the majority principle by all public service institutions, directly or indirectly involved/interested in such activities, constraining factors, the violation of which entails responsibility.

The paper highlights the internal organizational competence of public service institutions, which is determined by a number of subordinate regulatory legal acts. Their generalized characteristics are presented in the context of determining the sources of the formation of intra-organizational competence of public service institutions. The analysis of the sources of the formation of intra-organizational competence of public service institutions by types of regulatory instruments, competence components, main functions from the standpoint of competence differentiation is carried out, their brief description is presented.

Defined as a conclusion of the prospects for further scientific research. Much attention needs to be paid to the denationalization of public functions,

therefore, it requires securing a certain legal status for the subjects (powers, funding, distribution of tasks, competencies, etc.), which generally results in the structuring and legalization of the entire public infrastructure of the economy and politics in the state. So, in the context of the organization of the public service, it is necessary today to clearly define the status characteristics of the positions of public servants, their content, including the competence content in accordance with the existing competence support of positions, divisions, institutions, within which a public servant carries out his professional activities. Promising directions in the context of this study can be considered the following: methodological developments in the field of defining and delimiting the competences of officials of local self-government institutions, approaches to systematizing provisions for determining special competencies in the activities of officials of local self-government institutions, determining the scope of activities, subjects of competence in official activities.

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