

UDC 342.9

DOI <https://doi.org/10.32849/2663-5313/2022.3.13>**Artem Zubko,***PhD in Law, Senior Researcher, Scientific Institute of Public Law, 2a, H. Kirpy street, Kyiv, Ukraine, postal code 03035, Artem_Zubko@ukr.net***ORCID:** 0000-0001-9119-3638Zubko, Artem (2022). Public policy of Ukraine: concept and essence. *Entrepreneurship, Economy and Law*, 3, 91–95, doi: <https://doi.org/10.32849/2663-5313/2022.3.13>

PUBLIC POLICY OF UKRAINE: CONCEPT AND ESSENCE

Abstract. Purpose. The purpose of the article is to identify conceptual aspects of public policy of Ukraine.

Results. The implementation of the State's strategic goals for the development of Ukraine as a legal, democratic and social State depends directly on the quality of public policies. Meanwhile, the quality of public policies depends only on a correct understanding of its essence and fundamentals. Therefore, this study is focused on the review of scientific opinions and legislative provisions, the analysis of the content thereof enables to identify conceptual aspects of modern public policy of Ukraine. This topic is not new to legal science. A significant number of scholars devote their scientific research to related topics, both directly and indirectly, to aspects of the theoretical and practical rethinking of Ukrainian public policy in different sectors. However, its dynamic nature and frequent changes in the legislative framework enable scholars to constantly improve the already existing theoretical constructions of the essence of this legal phenomenon. It is stated that public policy is a way of exercising power, that is, the authorised actor, performing its direct duties (analysis of the current status of a specific problem, assessment of future prospects and formation of an action plan, public discussion, etc.), forms (in specific cases, implements) the action plan necessary to solve problems of public importance. It is revealed that the essence of public policy of Ukraine is presented through its managerial nature. That is, the State responds to the problem, seeks the best ways to solve it and ensures the stability of social development. It is emphasised that, in the light of the reformation changes, effective and high-quality public policy of Ukraine is an indispensable tool for improving the socio-political, economic and cultural situation of the country.

Conclusions. To sum up, the transitional period that Ukraine undergoes is characterised by a systematic process of optimisation of all legal phenomena and processes. Public policy of Ukraine as a legal phenomenon is aimed at solving problems of public importance, therefore, the clarity of setting public priorities depends on the quality of meeting the needs of society and the establishment of a strong and effective authority oriented to the wishes of the majority of citizens.

Key words: administrative power, power, state, state power, public policy, society.

1. Introduction

According to Aristotle, any State is a kind of communication organised for a certain good. The most important form of communication in society is political communication, as it includes all other types of communication (Aristotel, 1983; Vasylyev, 2014). He argues that communication through politics and equal rights of citizens makes a person a strong figure of politics (Klokun, 2018). That is, community life is all the time mediated by public policy, whether we realise it or not.

However, the term “policy”, and even more so its use in the phrase “public policy” or “State policy”, is ambiguous. This is noted by numerous scholars, for example, unlike English, in all Slavic languages there is only one

term “politika”, which is used to denote both fight for power (English equivalent of “politics”) and its implementation at different social and administrative levels (“policy”) (Demianchuk, 2000, p. 31).

It is important to understand that today the concept of policy loses its original meaning because the main activity of the State is not focused on the redistribution of power (although it is still the basis), but to the needs of citizens (Afonin, Berezhnyi, Valevskyi, 2010, p. 10; Andriiash, 2013). That is, the public authority should “serve” its community, to administer the main fields of its life (Danylenko, 2019, p. 224).

In Ukraine, five blocks of reform change have begun. The Government's systematic

and results-oriented work is focused on achieving strategic objectives such as: 1) further economic development of the country through an enabling environment for business development and attracting investment, reforming the energy sector, further industrial modernisation and infrastructure development; 2) improved efficiency of management and the quality of public services by attracting new professional personnel and introducing modern management practices into the work of public authorities; 3) an enabling environment for the development of human capital by improving the quality of medical services and ensuring equal access of citizens to them, adapting the education system to modern requirements, supporting Ukrainian culture and sports; 4) effective support for institutions responsible for combating corruption and ensuring the rule of law, making the framework for the effective protection of private property, and ensuring exclusive equality before law; 5) the security of every citizen, effective protection of the sovereignty and territorial integrity of the State by reforming the security and defence sector (Official website of the Cabinet of Ministers of Ukraine, 2018).

The implementation of this depends directly on the quality of public policies aimed at resolving these issues. In turn, the quality of public policies depends only on a correct understanding of its essence and fundamentals. Therefore, this study is focused on the review of scientific opinions and legislative provisions, the analysis of the content thereof enables to identify conceptual aspects of modern public policy of Ukraine.

This topic is not new to legal science. A significant number of scholars devote their scientific research to related topics, both directly and indirectly, to aspects of the theoretical and practical rethinking of Ukrainian public policy in different sectors. They are V. Andriiash, O. Vasyliiev, A. Danylenko, O. Demianchuk, A. Klokun, Y. Krokhnina, O. Kucherenko, I. Petrenko, and others. However, its dynamic nature and frequent changes in the legislative framework enable scholars to constantly improve the already existing theoretical constructions of the essence of this legal phenomenon.

The purpose of the article is to identify conceptual aspects of public policy of Ukraine.

2. Specificities of the understanding of the concept of public policy

According to I. Petrenko (2011), the review of the approaches to the definition of public policy by western scientists reveals that the interpretation of this concept by E. Yang and L. Quinn should be considered, in particular: 1) Public policy is actions, implemented

by the authority with legislative, political and financial powers to do so; 2) Public policy is the State's response to real life needs or problems, i.e., it seeks to respond to specific needs or problems of society or social groups, such as citizens, non-State organisations or authorities; 3) Public policy is goal-oriented, i.e. seeks to achieve several defined objectives in an attempt to address or consider certain problems or needs in a particular society; 4) Public policy is a course of actions, i.e., not one specific decision, action or reaction, but a carefully designed approach or strategy; 5) Public policy is a decision to do something or a decision to do nothing, which means that a certain policy can lead to actions in an attempt to solve the problem or it can be based on the belief that the problem will be solved within the framework of the current policy, that is, lead to no action; 6) Public policy is carried out by one or a group of actors, that is, the policy can be implemented by one official or by an authority or by many players; 7) Public policy requires justification for action, that is, usually contains explanations of logic, on which it is based; 8) Public policy is a decision already made, not an intention or a promise (Yang, 2003, pp. 5–6).

Therefore, public policy is a way of exercising power, that is, the authorised actor, performing its direct duties (analysis of the current status of a specific problem, assessment of future prospects and formation of an action plan, public discussion, etc.), forms (in specific cases, implements) the action plan necessary to solve problems of public importance. It should be noted that V. Andriiash (2013) argues that A. Kucherenko has systematised different approaches to understanding public policy and believes that the modern social and political thought identifies three main concepts of public policy, such as: 1) pluralistic (focuses on the process of making public policy in a modern democratic society as a multi-level competition between influential socio-political groups and associations); 2) public choice (considers the socio-politically oriented individual as the main vehicle of social activity, and therefore the making of public policy is largely influenced by political and public figures at the highest levels of government, who act according to the choice of a rational social interest); 3) deterministic (the making of public policy is determined by economic relations and the corresponding mode of production). According to Kucherenko, these concepts, as a theoretical research tool, enable to define a certain logic of identifying the necessary conditions for the development of a conceptual framework for making public policy in Ukraine (Kucherenko, 1997, p. 279).

3. Definition of the essence of public policy of Ukraine

Correspondingly, public policy in Ukraine can be defined as a system of laws, regulatory measures, courses of action, and funding priorities concerning a given sector (Dean, 2000).

Notionally, it is a given strategy of making and implementing socially binding decisions on a particular issue. Since the State remains the central actor in political life, policy is aimed at defining the essence of the problem, the solution of which requires the intervention of public authorities (Afonin, Berezhnyi, Valevskiy, 2010, p. 10).

For example, public policy on education is the State's activities directing and regulating in the field of education for effective use of educational opportunities to achieve well-defined strategic goals and objectives of national or global importance. It is implemented through laws, State programmes, governmental decisions, international programmes and treaties and other instruments, and through the involvement of social organisations and movements, in a broad manner, to support it with the means at their disposal (media, public academies, trade associations, unions, etc.) (Model law on education, 1999). Meanwhile, public policy on culture is regulatory (administrative, economic, financial) and public activities of State authorities and local self-government bodies, aimed at meeting the cultural needs of citizens in accordance with the priorities of social development (Law of Ukraine on Culture, 2010).

Therefore, the essence of public policy of Ukraine is presented through its managerial nature. That is, the State responds to the problem, seeks the best ways to solve it and ensures the stability of social development.

The literature review reveals at least two characteristics that public policy should meet: on the one hand, it should reflect the interests of broad social groups and contribute to solving important social problems (for example, ensuring security, stability, sustainable growth, etc.), and on the other – to contribute to forming a strong and effective authority, making effective and just decisions (Krokhina, 2006, p. 3).

Accordingly, the efficiency and effectiveness of public policies is due to the quality of public administration, with the power to have progressive methods of regulating social processes that can prevent risks and threats to development, minimise multiple risks. From a procedural perspective, all relevant parameters of management methods and technologies are manifested in the process of making pub-

lic decisions (Krokhina, 2006, p. 4). The systemic dialogue between the executive authorities and the public, and the improvement of the quality of making decisions on important issues of State and public life, taking into account public opinion, are extremely relevant today (Official site of the National Civil Service Agency, 2019). Therefore, both in Ukraine and in the world, there are noticeable tendencies of a somewhat renewed understanding of the significance of the State's responsibilities, the conditions and forms of their implementation, and in general the relations of the authorities with society. In this connection, the leading countries of the world are oriented towards the systematic re-profiling of public institutions on new models of functioning, in order to meet the wishes of the majority of citizens. This leads to appropriate administrative reforms aimed more at optimizing the system of exercise of public power (Danylenko, 2019, 224) in order to ensure: 1) the absence of corruption in public and private sectors; 2) a high level of legal education and legal awareness of actors vested with authority; 3) the absence of preconditions for professional deformation of representatives of delegated State functions; 4) systematised, harmonised, coordinated legislative framework of sectoral, sectoral spheres; 5) sufficient administrative, legal, organisational, technical, financial, information and other support for necessary resources for the activities of public authorities; 6) coherent communication and dialogue between the State and the community; 7) the absence of domestic pressure and interference in the activities of authorities; 8) coherent internal hierarchical interaction of power institutions; 9) the presence of a clearly defined administrative policy (Danylenko, 2019, p. 225).

Therefore, in the light of the reformation changes, effective and high-quality public policy of Ukraine is an indispensable tool for improving the socio-political, economic and cultural situation of the country.

4. Conclusions

The transitional period that Ukraine undergoes is characterised by a systematic process of optimisation of all legal phenomena and processes. Public policy of Ukraine as a legal phenomenon is aimed at solving problems of public importance, therefore, the clarity of setting public priorities depends on the quality of meeting the needs of society and the establishment of a strong and effective authority oriented to the wishes of the majority of citizens.

References:

Afonin, E.A., Berezhnyi, Ya.V. Valevskiy, O.L. ta in. (2010). *Kontseptualni zasady vzaiemodii polityky y upravlinnia* [Conceptual bases of interaction of policy and management]. K. : NADU (in Ukrainian).

Andriiash, V.I. (2013). Derzhavna polityka: kontseptualni aspekty vyznachennia [Public policy: conceptual aspects of definition]. *Derzhavne upravlinnia: udoskonalennia ta rozvytok – Public administration: improvement and development*, 9, 25–29 (in Ukrainian).

Aristotel (1983). *Politika. Sochineniia* [Politics. Essays]. M.: Мысль (in Russian).

Danylenko, A.O. (2019). Osnovni faktory vplyvu na administratyvnu rezultatyvnist ta efektyvnist publichnoho administruvannia [The main factors influencing the administrative efficiency and effectiveness of public administration]. *Porivnialno-analitychne pravo – Comparative and analytical law*, 6, 224–226 (in Ukrainian).

Dean, G. (2000). Kilpatrick. Definitions of Public Policy and the Law. *National Violence Against Women Prevention Research Cente.* URL: <https://mainweb-v.musc.edu/vawprevention/policy/definition.shtml> (in English).

Demianchuk, O. (2000). «Derzhavna polityka» ta «publichna polityka»: variant perekhidnoho period [“Public policy” and “public policy”: a variant of the transition period]. *Naukovi zapysky – Proceedings*, 18, 31–36 (in Ukrainian).

Klokun, A. (2018). «Polityka» Arystotelia: model idealnoi derzhavy [«Politics» Aristotle: the model of the idealnoi derzhava]. *Plomin – Plomin*. Retrieved from <https://plomin.club/politics-of-aristotle-the-model-of-an-ideal-state/> (in Russian).

Krokhina, E.E. (2006). Politicheskie riski v mekhanizme formirovaniia gosudarstvennoi politiki [Political risks in the mechanism of public policy formation]. *Extended abstract of candidate's thesis*. Moskva (in Russian).

Kucherenko, O. (1997). Derzhavna polityka: analiz suchasnykh politolohichnykh kontseptsii [Public policy: analysis of modern political science concepts]. *Aktualni problemy reformuvannia derzhavnoho upravlinnia v Ukraini – Current issues of public administration reform in Ukraine*, 279–281 (in Ukrainian).

Modelnyi zakon pro osvitu vid 3 kvit. 1999 roku [Model law on education from April 3, 1999]. (1999). *zakon.rada.gov.ua*. Retrieved from https://zakon.rada.gov.ua/laws/show/997_997/ed19990403/find?text=%C3%EE%F1%F3%E4%E0%F0%F1%F2%E2%E5%ED%ED%E0%FF+%EF%EE%EB%E8%F2%E8%EA%E0+%E2+%EE%E1%EB%E0%F1%F2%E8+%EE%E1%F0%E0%E7%EE%E2%E0%ED%E8%FF#Text (in Ukrainian).

Ofitsiinyi sait Kabinetu Ministriv Ukrainy [Official website of the Cabinet of Ministers of Ukraine]. (2018). *kmu.gov.ua*. Retrieved from <https://www.kmu.gov.ua/diyalnist/reformi> (in Ukrainian).

Ofitsiinyi sait Natsionalnoho ahentstva z pytan derzhavnoi sluzhby [Official site of the National Civil Service Agency]. (2019). *nads.gov.ua*. Retrieved from <https://nads.gov.ua/nads-u-mezhah-povnovazhen-rozglyanulo> (in Ukrainian).

Petrenko, I. (2011). Sutnist derzhavnoi polityky ta derzhavnykh tsilovykh prohram [The essence of public policy and state target programs]. *Viche – Chamber*, 10, 23–25 (in Ukrainian).

Vasyliev, O.S. (2014). Kontseptualizatsiia poniattia «derzhavna polityka»: suchasne rozuminnia [Conceptualization of the concept of “public policy”: modern understanding]. *Derzhavne budivnytstvo – State building*, 1, 19–24 (in Ukrainian).

Yang, E. (2003). Yak napysaty diievyi analitychnyi dokument u haluzi derzhavnoi polityky: Praktychnyi posibnyk dlia radnykiv z derzhavnoi polityky u Tsentralnii i Skhidnii Yevropi [How to Write an Effective Policy Paper: A Practical Guide for Policy Advisers in Central and Eastern Europe]. K. : K.I.S. (in Ukrainian).

Zakon Ukrainy Pro kulturu vid 14 hrud. 2010 № 2778-VI [Law of Ukraine on Culture of December 14, 2010 № 2778-VI]. (2010). *zakon.rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/2778-17/ed20211204#n445> (in Ukrainian).

Артем Зубко,

кандидат юридичних наук, старший науковий співробітник, Науково-дослідний інститут публічного права, вулиця Г. Кірпи, 2А, Київ, Україна, індекс 03035, Artem_Zubko@ukr.net
ORCID: 0000-0001-9119-3638

ДЕРЖАВНА ПОЛІТИКА УКРАЇНИ: ПОНЯТТЯ ТА СУТНІСТЬ

Анотація. Мета. Метою статті є виявлення концептуальних аспектів сучасної державної політики України.

Результати. Реалізація стратегічних цілей держави щодо розвитку України як правової, демократичної, соціальної держави є прямо залежною від якості державних політик. Своєю чергою забезпечити якість державних політик можливо лише правильним розумінням її сутності та фундаментальних основ. Тому це дослідження присвячене вивченню наукових думок та окремих законодавчих норм, аналіз змісту яких допоможе виявити концептуальні аспекти сучасної державної політики України. Досліджувана тематика не є новою для юридичної науки. Значна кількість учених, присвячуючи свої наукові пошуки суміжним тематикам, як прямо, так і опосередковано зачіпають аспекти теоретичного та практичного переосмислення державної політики України в тій чи іншій сфері. Однак її динамічний характер та часта зміна законодавчих основ дають можливість ученим постійно удосконалювати вже наявні теоретичні конструкції юридичної природи цього правового

го явища. Узагальнено, що державна політика є способом реалізації влади, тобто суб'єкт владних повноважень, виконуючи свої прямі обов'язки (аналіз сучасного стану конкретної проблеми, оцінка майбутніх перспектив та формування плану дій, публічне обговорення тощо) формує (у конкретних випадках і реалізовує) план дій, необхідний для вирішення проблем публічного значення. Виявлено, що сутність державної політики України репрезентується через її управлінську природу. Тобто держава реагує на проблему, шукає оптимальні шляхи її вирішення, чим і забезпечує стабільність суспільного розвитку. Акцентовано, що у світлі реформаційних змін дієва та якісна державна політика України є невід'ємним інструментом покращення соціально-політичного, економічного та культурного становища країни.

Висновки. Підсумовано, що перехідний період, в якому нині перебуває Україна, характеризується системним процесом оптимізації всіх правових явищ та процесів. Державна політика України як правове явище має на меті вирішення проблем публічного значення, а тому від чіткості встановлення публічних пріоритетів залежить якість задоволення потреб суспільства та становлення сильної й дієздатної влади, орієнтованої на врахування побажань більшості громадян.

Ключові слова: адміністративна політика, влада, держава, державна влада, державна політика, суспільство.

The article was submitted 07.04.2022

The article was revised 28.04.2022

The article was accepted 19.05.2022