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FEATURES OF THE INSTITUTIONAL DEVELOPMENT OF THE PUBLIC ADMINISTRATION SYSTEM AND THE INFLUENCE OF LOBBYING AND CORRUPTION ON IT

ОСОБЛИВОСТІ ІНСТИТУЦІЙНОГО РОЗВИТКУ СИСТЕМИ ПУБЛІЧНОГО УПРАВЛІННЯ ТА ВПЛИВУ НА НЕЇ ЛОБІЗМУ Й КОРУПЦІЇ

The article analyzes the scientific developments of domestic scientists and the provisions of the current legal framework of Ukraine regarding the definition of legal and political limits of guaranteeing the institutional security of the state. The absence of a single universally recognized concept of "institutional capacity of the state" and "institutional security of the state" on the national territory was revealed. In view of this, the institutional capacity of Ukraine is recommended to be understood as the ability of its state apparatus to resist external and internal risks and threats, which is possible under the condition of the development of political subsystems, controlled lobbying and legal institutions, the fight against corruption, which should prevent the emergence of public

and socio-political conflicts in the state. In addition, it insists on the allocation of legal and organizational subsystems of state administration, which are designed to guarantee and support the state's security system. Taking into account the legal differentiation in the definition of the security system of Ukraine, it is proposed to legislate the concept of "institutional security of the state" by amending the Law of Ukraine "On National Security of Ukraine". We believe that this type of security involves the effective activity of state institutions in the direction of ensuring the state of security of Ukraine's national interests, while the interests of the state and society, rather than private interests, are lobbied.

Key words: *public administration, public administration system, institutionalization, institutional environment, institutional capacity of the state, public authorities, political system, legal system, national security, national interests, private interests, lobbying, corruption, anti-corruption policy, conflict.*

У статті аналізуються наукові розробки вітчизняних вчених та положення чинної нормативно-правової бази України щодо визначення правових і політичних меж гарантування інституційної безпеки держави. Виявлено відсутність єдиного загальновизнаного поняття «інституційна спроможність держави» та «інституційна безпека держави» на національній території. З огляду на це, під інституційною спроможністю України рекомендується розуміти здатність її державного апарату протистояти зовнішнім і внутрішнім ризикам і загрозам, що можливо за умови розвитку політичних підсистем, контрольованого лобізму і правових інститутів, боротьби із корупцією, що має унеможливити появу суспільних і суспільно-політичних конфліктів у державі. Крім того, наполягається на виділенні правової та організаційної підсистем державного управління, які покликані гарантувати та підтримувати систему безпеки держави. Враховуючи правову диференціацію у визначенні системи безпеки України, пропонується законодавчо закріпити поняття «інституційна безпека держави» шляхом внесення змін до Закону України «Про національну безпеку України». Уважаємо, що такий вид безпеки передбачає ефективну діяльність державних інституцій у напрямку забезпечення стану безпеки національних інтересів України, при цьому лобіюються інтереси саме держави та суспільства, а не приватні інтереси.

Ключові слова: *публічне управління, система публічного управління, інституціоналізація, інституційне середовище, інституційна спроможність держави, органи публічної влади, політична система, правова система, національна безпека, національні інтереси, приватні інтереси, лобізм, корупція, антикорупційна політика, конфлікт.*

Problem setting. The formation of a democratic, legal state in Ukraine, the rapprochement of domestic ones state-building processes to the best European models, all this requires not only political the will of the leadership and the formation of certain state institutions, as well as rethinking citizens of their views on the state, and it is also necessary to improve domestic legislation. These processes are

characteristic of a democratic society in the conditions of the development of a market economy. One of the signs of a democratic society is the balancing of state and public interests with private interests, which implies the legitimization of lobbying and the prevention of corruption. All this determines the relevance of the research topic.

Analysis of recent research and publications. In general, during the last decades, a number of domestic scientists - political scientists, philosophers, specialists in the field of public administration, including O. Bondarenko, O. Diaghilev, M. Nedyukha, V. Nesterovych, O. Odintsova, V. Sumska, P. Shlyakhtun, T. Yarovoy, have devoted research to the problem of lobbying. However, the question of perception of this phenomenon by citizens, its awareness, remains open.

Paper objective. The purpose of the article is to determine the features of the institutional development of the public administration system and the impact of lobbying and corruption on it.

Paper main body. One of the effective tools of public influence on state authorities in democratic countries have lobbying. The word "lobby" came into common use in 1553 at first, to designate corridors in monasteries where lay people and clergy met for the discussion of political affairs, and from 1640 - the premises around the meeting halls in the building Houses of Commons of the Parliament of Great Britain, where legislators met with citizens [2, c. 376]. Thus, lobbying has existed in Western societies for several centuries a well-known and widespread tool of political influence.

In domestic science, the issue of lobbying began to be investigated not so long ago. As noted by V. Sumy, the very concept of "lobbying" (or "lobbyism") was rare in the Soviet Union a negative color was also associated with bribery of those in power. At the same time, it was considered that the phenomenon of lobbying is peculiar only to the American bourgeois society, and within the limits scientific communism was actively criticized [3, pp. 15-16]. For comparison, in the 1950s century American political scientist D. Truman characterized lobbying as a natural right citizens to represent their own interests with the help of leaders of influence groups [4]. Attitude to lobbying as a social phenomenon that does not have an exclusively negative color, unfolded discussion of domestic scientists only after Ukraine gained independence. At the same time, as noted M. Nedyukha and M. Fedorin "Lobbying in its positive sense is vital an institution of the democratic process, because it is a system of organizational design representation of various group interests, a form of legitimate influence of pressure groups on making management decisions of state bodies in order to satisfy the interests of certain people social structures (organizations, territorial associations, social strata, etc.)" [5].

Thus, the cessation of the one-sided perception of lobbying led to a rethinking of its role, led Ukrainian scientists to study this phenomenon, instead of tracing propaganda stamps.

Currently, there are many domestic definitions of lobbying. Ukrainian political scientist P. Shlyakhtun defines lobbying as "the organized influence of various social groups on representatives of bodies of state power in order to make decisions beneficial to themselves" [6, p. 71]. There are several such options simplified, but in general conveys the essence of this phenomenon in the context of understanding it as social phenomenon.

The Ukrainian people, in the process of building their own statehood, slowly but surely rethinks the system of values that was left to us as a legacy from Soviet times. One of a phenomenon that requires further rethinking, awareness of importance, research and active use by citizens is lobbying as an effective anti-corruption tool. We can only hope that the desire scientists, the joint efforts of representatives of various fields of knowledge will bear fruit and lobbying in It will become a social phenomenon in Ukraine that will establish democratic values and lead our people by realizing their role as bearers of real power in the state, and our country to prosperity.

Controllability in Ukraine is not like this phenomenon, how lobbying leads to existence this phenomenon is outside the legal framework fields and poses a real threat to state and national security. Lobbying and lobbying activities in Ukraine today are equated with corruption. Lobbying is real a tool for real realization of interests pressure groups and has long been in the view of scientists from various fields. Therefore, some scholars use the definition "lobbying", some - "lobbying", and some - "lobbying activity".

Lobbying is one example of interest representation. However, it can be characterized by a negative character, when only private interests are aggregated, and public and state interests are left out of consideration. This can lead to the emergence of social and socio-political conflicts in the state. This can lead to the emergence of social and socio-political conflicts in the state. Therefore, there is a need to legitimize lobbying, so to speak, to put it on "legal rails".

Researchers do not have a single vision regarding the scope of lobbying. Some the authors describe lobbying as a mechanism of exclusive (or predominant) influence on law-making parliamentary activity [5; 6].

At the same time, where some of the researchers speak for a wider range of lobbying activities [6]. You can agree with this position because even without proper legislative regulation, the activity of lobbyists manifests itself in influence certain decisions on state authorities of Ukraine and local self-government bodies of Ukraine, other authorities and their officials and officials of all levels that they represent [3]. In addition, depending on the scale (localization), you can distinguish the internal lobbying (on a national scale) and external lobbying (lobbying that is carried out in the international arena). All this requires from us to outline a

fairly wide range of activities, its structure and standardization, before how to formulate the corresponding copyright definition of the terms "lobbyism", "lobbying" and "lobbying activities". Extreme manifestation the negative influence of lobbying is applied to representatives of the authorities of illegal pressure, bribery, corruption, use of methods lobbying for making management decisions on the benefit of a narrow circle of people [5]. Scientist V. Golovko believes that since in our country the issue lobbying is not legislated and not regulated, it remains an obstacle for fight against corruption [9].

The peculiarity of lobbying in Ukraine compared to the developed countries of the world is that representatives of large domestic companies lobby their own issues in the Verkhovna Rada of Ukraine independently, therefore in some cases Ukrainian lobbyists act in one person as client and customer. It is in democratic countries that lobbying creates prerequisites for a broad spectrum of interests and political pluralism [4; 9]. At the same time, legislative regulation of the lobbying system will help change the public's perception of the phenomenon of lobbying and define the limits and possibilities of lobbying activity. Since, from the settlement of this issue depends on the quality and effectiveness of lobbying activity [9; 10]. Institute of lobbying, in many countries of the world, established by law levels, its purpose is to ensure acceptance important state management decisions taking into account the needs of the public. Except moreover, lobbyists are paid to register and conduct public activities as representatives of the private sector, and lobbyists are paid to file and operate openly. Experience developed countries such as Great Britain, Germany, France, USA, Australia, proved, that lobbying has become an effective tool of public influence on state institutions. First, lobbying provides representation of the interests of most interest groups and provides even small community groups, who do not have large resources and other opportunities to influence the authorities, the opportunity to take participation in the process of decision-making and policy-making through public administration to shape national policy. Secondly, lobbying provides state bodies with state power government information on various social issues, provides expert evaluations of national projects under development.

Therefore, the governments of developed countries are interested in cooperation with representatives of the groups impact First, civil servants, on the one hand, they save resources for collection information for the purpose of conducting examinations, and secondly, they have the opportunity to enlist the support of the public in the implementation process the main principles of national policy. Lobbying without legal consolidation is a threat to national security [9; 10].

Conclusions. Lobbying subjects and their interests, constitute the goal of this phenomenon and are inseparable related to its function. Most targets modern Ukrainian lobbying focuses on the sphere of economic redistribution resources. Today, politicians are at the top levels, leaders of financial and industrial groups, transnational and cross-border corporations must act by adjusting their goals

(even those that were announced) in view of the public reaction In summary, we can say that lobbying is an objective social phenomenon which exists whether or not statutory regulation or not. The absence of such regulation will not destroy lobbying activities, but will only take it into the shade and promote prosperity its negative manifestations, especially corrupt elements. Developed countries of the world have not only the regulated system of lobbying, but also actively use this activity in geopolitical confrontation on the world stage, due to which lobbying plays a role the role of tools of modern hybrid warfare. Thus, lobbying should be regulated at the legislative level taking into account interests of state and national security.

References:

1. Constitution of Ukraine: Law of Ukraine of June 28, 1996 No. 254k/96-BP. URL: <http://zakon2.rada.gov.ua/laws/show/254k/96-bp>.
2. The Oxford English dictionary. Being a corrected reissue with an introduction, supplement and bibliography of a new English dictionary on historical principles / Edited by James A.H. Murray, Henry Bradley, W.A. Craigie, C.T. Onions. Vol. VI., Oxford: Clarendon Press, 1970. 820 pp.
3. Sumska V.V. Institutionalization of lobbying in the state administration of Ukraine. Candidate's thesis. sciences from state upr.: 25.00.01, Nat. Acad. state example under the President of Ukraine, Kharkiv. region state university example Kharkiv, 2014, 200 p.
4. Truman David B. The Governmental Process: Political Interests and Public Opinion / David B. Truman. Westport, Conn.: Greenwood Press, 1981 (originally published in 1951). 544 p.
5. Nedyukha M., Fedorin M. Lobbyism as a socio-political phenomenon: essence and means of influence // Viche. 2010 No. 3. URL: <http://veche.kiev.ua/journal/1857/>.
6. Shlyakhtun P.P. Parliamentarism: a reference dictionary. K.: Parliamentary Publishing House, 2003. 151 p.
7. Akimova L., Litvinova I., Ilchenko H., Pomaza-Ponomarenko A., Yemets O. The negative impact of corruption on the economic security of states // Scientific journal «International Journal of Management». 2020. № 11 (5). P. 1058-1071. URL: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3632656. DOI: 10.34218/IJM.11.5.2020.097.
8. Pomaza-Ponomarenko A.L. Anti-corruption state management measures in the field of land and other natural resources use in Ukraine // Public management and administration in Ukraine. 2023. No. 37. P. 144–150. URL: <http://www.pag-journal.iei.od.ua/archives/2023/37-2023/27.pdf>.
9. Golovko V. The formation of lobbyism in Ukraine: problems of legislative regulation. Humanitarian journal. 2012. No. 4. URL:

<http://journals.uran.ua/index.php/wissn003/article/view/4939>.

10. Yarovoy T. S., Bondarenko O. G. Implementation of civilized lobbying in the field of public administration: issues of theory and practice. Law and public administration. 2023. No. 3. P. 116-120.

Список використаних джерел:

1. Конституція України: Закон України від 28 червня 1996 р. № 254к/96-ВР. URL: <http://zakon2.rada.gov.ua/laws/show/254к/96-вр>.

2. The Oxford English dictionary. Being a corrected reissue with an introduction, supplement and bibliography of a new English dictionary on historical principles / Edited by James A.H. Murray, Henry Bradley, W.A. Craigie, C.T. Onions. Vol. VI., Oxford : Clarendon Press, 1970p. 820 p.

3. Сумська В.В. Інституціоналізація лобіювання в державному управлінні України. Дисертація канд. наук з держ. упр.: 25.00.01, Нац. акад. держ. упр. при Президентові України, Харків. регіон. ін-т держ. упр. Харків, 2014 р. 200 с.

4. Truman David B. The Governmental Process: Political Interests and Public Opinion / David B. Truman. Westport, Conn.: Greenwood Press, 1981 (originally published in 1951). 544 p.

5. Недюха М., Федорін М. Лобізм як соціально-політичний феномен: сутність і засоби впливу // Віче. 2010 р. № 3. URL: <http://veche.kiev.ua/journal/1857/>.

6. Шляхтун П. П. Парламентаризм: словник-довідник. К.: Парламентське вид-во, 2003 р. 151 с.

7. Akimova L., Litvinova I., Pichenko H., Pomaza-Ponomarenko A., Yemets O. The negative impact of corruption on the economic security of states // Scientific journal «International Journal of Management». 2020. № 11 (5). P. 1058-1071. URL: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3632656. DOI: 10.34218/IJM.11.5.2020.097.

8. Помаза-Пономаренко А.Л. Антикорупційні державноуправлінські заходи у сфері використання земельних та інших природних ресурсів в Україні // Публічне управління і адміністрування в Україні. 2023. № 37. С. 144–150. URL: <http://www.pag-journal.iei.od.ua/archives/2023/37-2023/27.pdf>.

9. Головка В. Становлення лобізму в Україні: проблеми законодавчого регулювання. Гуманітарний журнал. 2012. № 4. URL: <http://journals.uran.ua/index.php/wissn003/article/view/4939>.

10. Яровой Т. С., Бондаренко О. Г. Реалізація цивілізованого лобізму у сфері публічного управління: питання теорії і практики. Право та державне управління. 2023. № 3. С. 116-120.