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**SCIENTIFIC AND THEORETICAL FUNDAMENTALS OF
FORMATION OF MECHANISMS OF PUBLIC ADMINISTRATION IN THE
FIELD OF DIGITALIZATION OF LEGAL REGULATION**

**НАУКОВО-ТЕОРЕТИЧНІ ОСНОВИ ФОРМУВАННЯ МЕХАНІЗМІВ
ДЕРЖАВНОГО УПРАВЛІННЯ У СФЕРІ ЦИФРОВІЗАЦІЇ ПРАВОВОГО
РЕГУЛЮВАННЯ**

It is determined that digitalization once emerged as a non-systemic factor, but which requires the use of public administration mechanisms for its timely forecasting and regulation, including legal. In this context, the genesis of digitalization in the world and in Ukraine is studied from the standpoint of the peculiarities of the spread of this phenomenon in the private sector, as well as the consequences of such spread.

Key words: public administration, mechanisms, digitalization, public and private sectors.

Визначено, що цифровізація свого часу виникла як позасистемний чинник, але який вимагає застосування механізмів державного управління з метою її вчасного прогнозування та регулювання, зокрема правового. У цьому контексті досліджено генезис цифровізації у світі й Україні з позиції особливостей поширення цього явища у приватному секторі, а також наслідки такого поширення.

Ключові слова: державне управління, механізми, цифровізація, державний і недержавний сектори.

Problem setting. Today, digitalization is one of the key trends in society, which is relevant to various areas of his life [1]. Digital technologies permeate the life of modern man, surround him in various forms of professional activity and leisure, are an important component of communication, cognition and socialization. It is quite difficult to predict the duration and intensity (extensiveness) of this trend. However, it is no exaggeration to say that, becoming one of the phenomena of the XXI century, on the eve of the third decade, digitalization, and (more broadly - technology) remains the most effective driver of progress, which contributes to increasing not only in technology but also in intangible sphere, because it concerns consciousness and social dynamics, expressed in the mechanisms of existence and development of society.

Analysis of recent research and publications. The works of a large number of scientists P. Drucker, D. Elkington, V. Ishchenko, O. Karpenko, M. Kaufmann, A. Carroll, O. Orlov, A. Pomazy-Ponomarenko, K. Hacker and others are devoted to the

analysis of various aspects of digitalization [3 ; 5; 8; 11]. At the same time we emphasize that in domestic science the topic of digitalization in the field of public administration is beginning to become relevant. In view of this, there is a need to deepen research on the above issues.

Paper objectives. The purpose of scientific research is to determine the scientific and theoretical foundations of the formation of mechanisms of public administration in the field of digitalization.

Paper main body. So far, the central and most discussed environment is digital technology for social processes remains the economy. In a broad sense, digitalization is a space for production, exchange and consumption of various forms of goods, which is an indirect manifestation of the preservation of economic reductionism. The concept of "digital economy" ceases to be a metaphor and becomes increasingly clear with the development of electronic payment systems, online commerce, online banking and others.

Public policy, as well as other public spheres, is also beginning to be actively considered through the prism of digitalization [10]. The opportunities provided to the subjects of new technologies are used by the actors in the relevant interests of the object of influence. In view of this, the number of studies on models of digital technology use in the socio-political process, political communication and public administration in general is increasing [9].

At the same time, if we consider the key interpretations of digital vectors on the development of the object of public policy and relevant science, it makes sense to structure the study within two conditional political-digital "discourses":

1) in fact, the digitalization of politics, which is related to the spread of digital technologies to socio-political relations;

2) digitization policy, which is more related to the policy methods and technologies used by actors (entities) to manage the relevant processes [11].

If the first vector of discourse is universal cross-border in nature and represents a natural and natural expansion of digital opportunities in various spheres of life, the second - involves the application of regulatory functions of the state, the feasibility of applied technologies, and therefore differs national specifics digital signature, etc.).

Thus, this article focuses on the study of promising development of technological in nature concept of digitalization, which can contribute to the development of spheres of public life, and especially to the political sphere. This study was conducted in the context of the digital economy on the basis of consideration, on the one hand, those aspects of socio-political relations that are already perceived and used by digital technologies, and on the other - those aspects of modern Ukraine policy aimed at state (organizational, legal and etc.) regulation of digitization processes.

The scientific methodology used is relevant to the stated purpose of the study. It is based on a combination of methods of system and network analytics, institutionalism and communication, content analysis and discourse analysis, which reflects the importance of modern transformations of public space due to large-scale digitization of various spheres of public life.

It is worth noting that this methodology made it possible to determine the

dimension of public policy in the context of digitalization from the standpoint of the above dimensions of discourse.

The digital dimension of policy is a paradigmatic space that indicates a completely new formation of the subject and object of research, in our case the digitalization of policy development and implementation. However, the search for approaches to this study remains broad due to the lack of a single point of view on the characteristics of digitization. Thus, it becomes more of a volatile space for scientific discussion, which, on the one hand, limits the use of tools that are justified within the discourse of digitalization of the economy with its current manifestations and extrapolation to other areas (*economic reductionism*). On the other hand, it allows to predict the possible application of future new technologies (*socio-political futurism*).

At the same time, the digitization of politics can hardly be considered a sudden phenomenon. The basis for this statement is the mentality of the transfer of digital technologies to the practice of relations between government, society and the individual (see the scientific work of A. Pomazy-Ponomarenko and others [5]). The emergence of these relations has intensified due to the beginning of computerization and development of networks, which include: the development of electronic and network democracy, the active spread of gadgets and mobile applications [3; 8].

As you know, the term "digitization" was first introduced in 1995 by Nicolas Negroponte, an American researcher at the Massachusetts Institute of Technology, and the brother of former Deputy Secretary of State and Director of National Intelligence John Negroponte. In his book *Being Digital*, N. Negroponte compares atoms and bits as the smallest particles of the material and digital worlds, respectively. According to the researcher, what is composed of atoms, sooner or later can be composed of bits [12]. The spread of the concept of digitalization to various processes in the economy and other public spheres, the formation of global management priorities based on it began to occur within the paradigm of the so-called fourth industrial revolution, or industry 4.0, which is considered a new technological mode [14].

Despite, however, the innovative nature of the projected nature of social-industrial relations, with known assumptions, the origins of digitalization can be traced from all attempts to construct an ideal society. The earliest ideas of utopianism, for example, in essence in one way or another allowed the possession and distribution of all information about the needs and abilities of members of society [4]. This mechanism of information organization is the simplified basis of modern distributed registry technology, one example of which is the widely known blockchain today. It involves a sequence of blocks containing different data (for example, about individuals and their preferences), which leads to the formation of independent from the external center of decision-making action (this is actually the self-organization of society) [13].

Centuries of experience in finding the optimal mechanism for processing social information in the general interest indicates its high dependence on the human factor, ie on the decision-maker. Given the diversity of private and public interests, no formula of social organization that claims to maximize the general utility could guarantee independence from the influence of human, subjective factors. Digital

technology of the distributed register is able to provide a transaction (decision-making) without the participation of a special authorizing actor, ie solely on the basis of a given sequence of events. The readiness of society to trust depersonalized technology is not so much acceptance as technical sanctioning of management decisions, its automatic generation based on unconditional consideration of all necessary factors - this is still an urgent issue due to the increased level of public distrust. As the long experience of human development shows, technological progress can be tried to restrain and suspend, but it cannot be stopped completely.

In terms of policy, the digitalization process can mean a fairly wide range of changes in traditional management practices (further translation of public services into electronic form, new tools of public communication, etc.). In this context, the main challenge, at the same time, is the final abandonment of hard regulation to soft (by analogy with the market economy) in the form of an "invisible hand" (designed to strike a balance between public and private interests). In view of this, the state becomes a provider of services, as in a market economy, but at the same time sets and adjusts the boundaries of such services. Under these conditions, there is a kind of absolutization of network connections, when people no longer manage their networks, and "smart" networks manage people, ensuring the implementation of all transactions, the need for which is impersonal network algorithms based on a large data set. On the one hand, thus forming a mechanism to ensure the interests of all actors, ie a kind of "procedural justice" [15]. On the other hand, conditions are created that are not a guarantee of general well-being and stability, because along with new opportunities there are new risks that can lead to fundamentally new forms of dependence, ie to a large difficult to control data set and their operators, or rather - development private interests behind them.

Thus, at present, various events can be observed more and more often in the world, which are similar in that they can be characterized as anti-hierarchical or non-systematic (see the scientific works of A. Pomazy-Ponomarenko and others [5]). These processes are either unsuccessful or successful practices of networking that lead to effective results, which are active protests and movements that form a persistent need for new forms of social dialogue [6]. For the world as a whole, one of the significant starting points was the events of 2000-2010, when in a relatively short period of time in different countries there were intense waves of instability, which were called "Twitter revolution" [ibid., P. 28-31]. Because the mobilization against the government took place through social networks not controlled by the state, primarily through the then popular Twitter. Earlier, in the post-Soviet countries, such protests were logically called "color revolutions", but it was the development of social networks that made it possible to truly globalize and expand this phenomenon to regions very indifferent to direct democracy - North Africa and the Middle East.

The result of the spread of the Arab Spring among a dozen states was not so much the fall of individual national regimes as the formation of a new type of threat to states as such [ibid.]. What to say if the well-known Time magazine recognized the man of 2011 as an abstract protester (The Protester), illustrating the ability of individual X, who is dissatisfied with something, to challenge existing social and legal institutions that cease to operate on long-established democratic models .

Systemic (or rather, non-systemic) manifestations of spontaneous protest practices that affect the political process later spread not only to countries with varying degrees of deficit of democratic institutions, but also to those states that are at the forefront of the democratic model. Evidence of this is the activities of Occupy Wall Street in the United States, the "yellow vests" in France, and other anti-globalization movements in the West in general. All these formats were possible largely due to coordination through social networks and messengers, ie became a kind of product of digitalization of socio-political ties [6].

This reverse trend in the development of digitalization only confirms the importance of new technologies for modern politics, which leads to the active arrival of the state in the new communication environment. We agree with scientists that this is primarily "Twitter diplomacy" (Twiplomacy) as the antithesis of "Twitter revolutions". This phenomenon implies that if e-revolutions became widespread in non-Western societies, then e-diplomacy began to be introduced everywhere in the political West. This was due to the activities of 44 US Presidents - Barack Obama, as well as Hillary Clinton, who held the post of Secretary of State during his first term (2009-2013). Both politicians actively used social networks (Twitter, Facebook) during their election campaigns and facilitated the arrival of official government agencies - US embassies around the world, as well as other agencies. Every US embassy has Facebook and Twitter accounts, and the State Department has entire departments that not only monitor the Internet in different countries, but also provide an immediate response to any negative information for the United States [ibid.].

At the same time, manifestations of such logic, when the discourse reproduced in the network not only reflects socio-political preferences, but also shapes them, take place in other situations of severe internal division. In this sense, it is very appropriate to study the Ukrainian segment of Facebook on Donbass [ibid.].

The expansion of socio-political influence through social networks is taking place in Ukraine as well, although in its territory both Twitter diplomacy and Twitter revolution are perceived more as symptoms of changes in the external environment, which the state has tried to use in its own interests. The highest officials of Ukraine position themselves as interested in new technologies, as users of gadgets and related software products. The highest officials of Ukraine have accounts in the main social networks, through which certain political messages are broadcast, which is designed to attract the attention of both public opinion and the institutional environment. On this basis, e-diplomacy has begun a consistent "digitalization": today the Ministry of Foreign Affairs of Ukraine has official pages in almost all social networks: from "Twitter" and "YouTube" to "Facebook" and "Telegram". A significant number of domestic embassies also have their own pages [ibid.].

The formation of mechanisms for civil dialogue and various "elevators" for social initiatives has become one of the key priorities of the state in domestic policy. Against the background of the liberalization of the party system, it is striking against the background of the previous decade to simplify the procedure for creating new parties, and at the same time "nationalize" the space of social interaction (displacing foreign influence, limiting external funding). participation. This allowed to expand the capacity of public and expert councils in public authorities, to form a system of

presidential grants, which in turn created a framework for moderating the process of digitalization and a kind of emancipation of civil and information society [ibid.].

Electronic network technologies play not the least role in this. They provide access to each individual and possession of the lowest costs (not only direct material, but also transactional). In modern conditions, the highly competitive market environment reacted most quickly to this. However, political and social advantages have a broader context of interest, namely: the articulation of a political position is an example of a need that requires legitimation of the individual, and knowledge of people's opinions, in turn, is an unconditional need of any political force. The Internet and other networking mechanisms allow both parties not only to realize these communicative interests, but also to constantly improve them.

In addition to social networks, where various civic positions are articulated, electronic platforms for collecting signatures under the appeals of individuals to the authorities, which make decisions that have become widely known, also play an important role. The consolidation function of e-support essentially involves the balanced use of political and social capital. works on the petition of A. Pomazy-Ponomarenko and others [5]). After the user expresses his / her virtual act of support for a certain dissatisfaction or proposal of the author of the electronic petition, the user perceives his / her mission as fulfilled. At the same time, the real significance of such an act is insignificant due to its non-inclusion in the current state and legal order. At the same time, the inability to mobilize truly massive support for the demands posted on electronic platforms is a factor that reassures activists and deters further escalation of socio-political conflicts. However, the e-petition is not a panacea for them, it is the tool that should be used under the condition of a balanced and well-thought-out policy of the state.

It should be noted that today more than 250 million users are registered on the international platform for creating petitions Change.org [7]. New appeals on various issues are published there every day, most often addressed by regional or local authorities. Quite a significant amount, as can be seen from the content of the appeals, is occupied by the domestic segment of the platform. However, from a legal point of view, the appeals placed there are not nationwide, or in some cases the signatures of the addressees are inaccurate. Important for articulating the positions of individuals is the online platform "Electronic petitions. Official Internet Representation of the President of Ukraine "[2].

Normatively and procedurally e-democracy and e-petitions are integrated into the system of public administration. There are Rules for consideration of local initiatives sent by citizens of Ukraine using the Internet resource "Interaction" [1]. It is important to note that all users wishing to leave their signature on the platform must go through an identification procedure.

Online voting is a promising form of self-expression of citizens, their expression of their position, social and political participation. The result of this participation is expressed in specific adopted (or not adopted) management decisions. However, this very opportunity, which opens up with the use of modern technology, deserves attention because of the ability to take into account the views of users on

certain management issues. In recent years, Ukrainians have repeatedly expressed interest in expressing their position through online formats. In 2008, a vote was held on "7 Wonders of Ukraine", which identified the most popular attractions in the country. Votes were collected via sms and via the Internet.

So far, the development and testing of systems (mobile applications) during the election is a dream, but in the long run it can allow online voting, provide remote selection of the polling station where the voter can vote. This is to replace the absentee ballot system that has been the subject of criticism for election campaigns in general.

Thus, the current state of state participation in the digital-technological dimension of policy can be described not only as expanding the use of new communication platforms and tools, but also as a consistent desire to retain key levers of control over their (platforms and tools) development. In particular, the fight against anonymity in the network continues: key government initiatives to create a regulatory environment in the information and communication space of new technologies related to establishing rules for working with users' personal data and the ability of authorized structures to access them in certain situations. The basis for this approach is primarily the interests of public security and the task of countering terrorism. However, we can assume that the belief in impunity and a certain degree of anarchy in the digital space are a separate plane of attractiveness for the user, motivating him to self-realization in virtual reality.

Conclusions of the research. Thus, the complexity of communication processes in the modern world, the emergence and development of new forms of public policy, public diplomacy and the public sphere in general lead to an objective need for new means of production, storage and processing of information, the physical volume of which grows exponentially. Comprehensive computerization and automation, which have remained relevant since the last third of the twentieth century, have created a strong paradigm dependence on the technical equipment (hardware) and software (Software) of public relations, and the network approach to the latter has defined a new dimension of interdisciplinary discourse in digital technologies. Today, technological development and social development are components that, on the one hand, provide a mutual flow up to the mutual absorption of consciousness (ideas) and being (material and technical objects). On the other hand, they consistently legitimize the division of society into the creative part and users of e-services, because both technology has its developer and user, and socio-political processes reproduce fairly stable subject-object relationships. In view of this, it is important to conduct a thorough study of the state of these relations, which are

established within the relevant mechanisms of public administration. Our further scientific investigations will be devoted to the analysis of features of their functioning.

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