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INSTITUTIONS OF THE POLITICAL SYSTEM VS. LEGAL SUBSYSTEMS AND INSTITUTIONS

ІНСТИТУТИ ПОЛІТИЧНОЇ СИСТЕМИ VS. ПРАВОВІ ПІДСИСТЕМИ Й ІНСТИТУТИ

A systematic approach to the definition of the term "institutional capacity" within the scope of the science of public management and administration is proposed. In this context, the peculiarities of the correlation of institutions of the political system with legal subsystems and institutions in Ukraine were investigated. The role of state authorities, local self-government bodies and representatives of civil society in shaping the institutional capacity of the state is defined.

Key words: *public administration, the state, institutional capacity of the state, institutions of the political system, legal subsystems and institutions, state authorities, local self-government bodies, civil society.*

Запропоновано системний підхід до визначення терміноконструкції «інституційна спроможність» у межах науки публічне управління й адміністрування. У цьому контексті досліджено особливості співвіднесення інститутів політичної системи з правовими підсистемами й інститутами в Україні. Визначено роль органів державної влади, органів місцевого самоврядування та представників громадянського суспільства у формуванні інституційної спроможності держави.

Ключові слова: *публічне управління, держава, інституційна спроможність держави, інститути політичної системи, правові підсистеми й інститути, органи державної влади, органи місцевого самоврядування, громадянське суспільство.*

Problem setting. Sociability is a system-providing and security-forming factor of strategic public management. The effectiveness of its implementation and raising the level of the security system presupposes the formation of an integration model of statehood, effective interaction of public institutions, as well as the presence of a developed system of legislation. It is under these conditions that institutional public administration is an impetus to the introduction of balanced and effective public administration, a guarantee of full use of institutional, social and regional potential, as well as the creation of a new institutional paradigm of the security system, in which the security of the state is a means, and the security of society is the goal of its protection vital interests. Considering this, there is no doubt about the importance of scientific substantiation of the methodology of improvement and development of the institutional system of public administration in Ukraine.

Analysis of recent research and publications. In the light of the definition of the institutional foundations of public administration, the scientific developments of V. Bashtannyk, O. Bashtannyk, R. Benediks, P. Blau, K. Bradley, S. Walton, T. Veblen, M. Voynovskyi, V. Hamilton, P. Goodman are important, M. Duvrger, E. Durkheim, N. Kolisnichenko, J. Commons, R. Coase, J. E. Landberg, S. Lipset, A. Marcusen, W. Mitchell, D. North, M. Savchyn, M. Stashisa, T. Shlemkevich, A. Khaletska, J. Hodgson, and others [1–11].

Paper objective. The purpose of the article is the peculiarities of the correlation of institutions of the political system with legal subsystems and institutions in Ukraine from the standpoint of the functioning of the system of its public administration.

Paper main body. Analysis of the provisions of the theory of institutionalism [1–11] regarding the distinction between institutes and institutions gives grounds for asserting that different approaches to the conceptual characterization of these notions of "institutional / institutional capacity" have been formed, taking into account the categories "institute" and "institution". Considering the fact that institutional (from "institution", English institution) - officially approved; is connected with such an organization of social relations, which is based on certain norms and rules of life and behavior of people [3, p. 299], it is appropriate to appeal to the meaningful filling of the phenomenon of "institutionality" and its nominalization. Institutional capacity, on the other hand, corresponds to the English term "institutional capacity", therefore institutional capacity concerns primarily institutions (authorities).

Taking into account the above principles allows to develop the institutional capacity of the public administration system in both theoretical and practical areas. As for the theoretical plane, O. Bashtannyk [2] rightly distinguishes between institutional and institutional capacity of the state. At the same time, the scientist understands institutional capacity as "the ability to regulate a certain type of socio-political relations in the political system or the system as a whole (in the case of the

institution of the state) on the basis of normative and value principles (observing human rights and freedoms, reforming the management system according to European standards, etc. .)" [2]. Institutional capacity is interpreted by the author as the ability to perform the functions assigned to it by a certain structure (which can be a list of tasks that are singled out for the most comprehensive performance of the organization's functions), relying on the necessary resource provision [ibid.]. It should also be noted that the author's proposals, which provide for the implementation of both institutional and institutional capacity, taking into account the factors that determine the peculiarities of the regulatory and functional properties of institutions and institutions, are also valuable [ibid.]. In our opinion, these factors are rather determinants, as they determine the emergence of the institutional system of public administration.

A somewhat opposite opinion is held by N. Kolisnichenko and M. Voynovskyi [6]. We will support the position of scientists that the institutional capacity, in particular, of local self-government is the capacity, in fact, of institutions (bodies) of local self-government [ibid., p. 299]. Institutional capacity includes institutional capacity, which we partially agree with. After all, this is actually a question of which came first, the chicken or the egg. In our opinion, it is more correct to talk about the mutual influence of both public authorities (organizational subsystem) and legal, social and other institutions. Without one subsystem, there cannot be another, and vice versa. Therefore, under institutional capacity we can understand the ability of bodies (institutions) to function on a legitimate basis, which they themselves form and update, because everything in the state must arise and develop within the legal field, including system of public administration (for details on the role of legitimacy, see [7, pp. 44–45; 8]).

In continuation of the conditional plan of the study, we note that in the practical plane only recently they began to insist on strengthening the institutional capacity of the authorities. In confirmation, we can cite the provisions of the "Strategy of State Administration Reform of Ukraine for 2022-2025", which indicates the importance of solving problems in the field of state strategic planning by strengthening the institutional capacity of central executive bodies [9]. In this context, it is worth pointing out the meaningful essence of the institutional capacity of the state as a force. S. Romaniuk rightly draws attention to this, emphasizing that this power can be based on different foundations, but must be demanded by society in times of crisis [6, p. 122]. This view is also shared by S. Belai and T. Shlemkevych, arguing that the institutional capacity of the government implies the ability of the state apparatus to respond to crisis phenomena and public unrest [10, p. 195–196]. Attention is also paid to this ability abroad, singling out the institutional capacity of management bodies among the conditions of cooperation for receiving IMF assistance [5]. All this proves, on the one hand, the extent of the institutional capacity of the public administration system, which includes the multi-vector nature of its formation and functioning: social, economic, political, informational, resource, etc.

[2]). And from the second – the importance of conceptualizing the institutional environment of public administration. Institutions should develop in parallel with institutions (laws), forming the appropriate institutional environment.

It should also be noted that, characterizing the determinants of the development of the public administration system, which should support the security system in the state, it is worth applying the traditional. The development of the institutional environment of the public administration of Ukraine should take place with the aim of timely detection and response to threats to the security system. The institutional environment in public administration can be broadly characterized, namely: as a set of elements of state and non-state subsystems (bodies of state power and local self-government, economic entities and non-profit organizations), as well as basic legal acts establishing the legal regime of functioning of these systems under the influence of external and internal, exogenous and endogenous factors that lead to significant changes in these systems [4]. The latter processes can be aptly characterized as "institutional Darwinism", which involves the mutual influence of institutions and institutions, because they are characterized by organizational and legal integration. This mutual influence can be significantly adjusted during the implementation of relevant institutional reforms [11]. We agree with scientists that the use of incorrect methods of determining vectors of institutional reforms can lead to gradual stagnation of reforms in the system of public power [1].

Therefore, the success of the development of the public administration system depends, first of all, on the judicious use of the institutional approach. He points to the special role of institutions, which, in turn, form relevant institutions designed to take into account national interests, as well as to protect the interests of the population. The main among these interests is the improvement of spheres of life related to social development, the provision of which is a necessary condition for the formation of "security from the side of society". In view of this, it should be emphasized that the state security system should be characterized as security "for society" and "from its side".

Conclusions of the research. So, the institutional environment of public administration of Ukraine is formed by two groups of elements. The first block of elements is institutional, covering legal norms that form a system of legislation on sustainable development and security (Constitution of Ukraine, international treaties, laws and secondary legal acts). These are, strictly speaking, legal subsystems and institutions. As for the second block of elements – institutional, it is a subsystem of the management system, the organizational structure of which includes state and local self-government bodies, their auxiliary institutions, as well as business entities, non-profit organizations, etc. These are institutions of the political system. Both blocks of institutions should not oppose each other. They have a mutual influence on each other. The role of these institutions is to carry out reforms related to the support of safe social development of the regions of Ukraine, and to approve

rules in the form of legal acts that form the basis of such reforms. The use of incorrect methods of determining the vectors of institutional reforms can lead to gradual stagnation of reforms in the system of public power.

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