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## PRINCIPLES OF PUBLIC ADMINISTRATION IN THE SPHERE OF LAW-MAKING: CONCEPT AND CONTENT

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*The article examines the principles of public administration in the sphere of law-making as a component of the process of making and implementing managerial decisions. It is emphasized that the lack of proper guiding principles in this area can lead to serious negative consequences and the inconsistency of national norms with international standards. The importance of law-making is characterized as a factor for the qualitative implementation of managerial functions, the building of a legal state, and a democratic society.*

*The work highlights that law-making is aimed at creating, amending, and terminating legal norms to regulate social relations. This activity has a legal and public-administrative nature. Its connection with public administration is manifested through the law-making activities of public authorities. This dual nature of law-making shapes the peculiarities of the principles of public administration in the law-making sphere. The article defines the functions of law-making and its features.*

*The concept of public administration in law-making is also defined in the work. It is understood as the formally defined influence of authorized public authorities on the state and development of law-making to effectively regulate social relations. Attention is drawn to the fact that the Law of Ukraine "On Law-Making" contains a list of principles of law-making. However, the legislation does not disclose the essence of the concept of "principle of law-making", and the science of public administration does not define the concept of "principles of public administration in the field of law-making".*

*Based on the analysis of normative acts, scientific and reference sources, the article formulates the author's concept of the principles of public administration in the sphere of law-making. It is noted that the principles of public administration in the sphere of law-making are a necessary step for building a legal state and a democratic society.*

**Key words:** public administration, principles of public administration, law-making, sphere of law-making.

### **Новікова М. М. Принципи публічного управління у сфері правотворчої діяльності: поняття та зміст**

*У статті розглядаються принципи публічного управління у сфері правотворчої діяльності як складової процесу прийняття та реалізації управлінських рішень. Підкреслено, що відсутність належних керівних засад у цій сфері може призвести до серйозних негативних наслідків, невідповідності національних норм міжнародним стандартам. Охарактеризовано важливість правотворчої діяльності як фактору якісної реалізації управлінських функцій, побудови правової держави та демократичного суспільства.*

*В роботі підкреслено, що нормотворча діяльність спрямована на створення, зміну та припинення правових норм з метою врегулювання суспільних відносин. Ця діяльність має правову та публічно-управлінську природу. Її зв'язок з публічним управлінням проявляється через нормотворчу діяльність органів публічної влади. Така подвійна природа правотворчої діяльності формує особливості принципів публічного управління у правотворчій сфері. У статті визначено функції правотворчої діяльності та її ознаки.*

*В роботі також визначено поняття публічного управління у правотворчій діяльності. Під ним розуміється формально визначений вплив уповноважених органів публічної влади на стан і розвиток правотворчої діяльності з метою ефективного регулювання суспільних відносин. Звернуто увагу на те, що закон України «Про правотворчу діяльність» містить перелік принципів правотворчої діяльності. Однак, в законодавстві не розкривається сутність поняття «принцип правотворчої діяльності», а в науці публічного управління не визначено поняття «принципи публічного управління у сфері правотворчої діяльності».*

*У статті на підставі аналізу нормативних актів, наукових та довідкових джерел сформульоване авторське поняття принципів публічного управління у сфері правотворчої діяльності. Зазначено, що принципи публічного управління у сфері правотворчої діяльності є необхідним кроком для побудови правової держави та демократичного суспільства.*

**Ключові слова:** публічне управління, принципи публічного управління, правотворча діяльність, сфера правотворчої діяльності.

**Problem statement.** Law-making activity is an important component of the process of making and implementing managerial decisions. It influences social relations through public authorities within their competence. However, the lack of regulatory influence in this area can lead to negative consequences such as legal gaps, duplication, ambiguity, and inconsistency of normative acts, politicization of the law-making process, inconsistency of national norms with international standards, etc. Therefore, public administration in the sphere of law-making acts as a factor in the qualitative implementation of managerial functions, building a legal state, and a democratic society. This makes the law-making sphere particularly significant, and the role of public administration is to ensure its qualitative development and protection. Analyzing the fundamental principles of public administration in the law-making sphere will allow establishing the proper foundations for the implementation of public administration in this area.

**Analysis of recent research and publications.** In their scientific works, researchers such as D. Baranenko, A. Vashchenko, V. Zhadetska, S. Hetman, K. Glukhoverya, S. Kozulina, A. Rasyuk, V. Yatsinyuk, and others have actively studied various aspects of law-making activity as a form of public authorities' activity. In particular, they researched the concepts and essence of law-making activities of public authorities at different levels (D. Baranenko, V. Zhadetska, A. Vashchenko), ways to modernize law-making activities (A. Rasyuk, K. Glukhoverya), and functions of law-making of public authorities (Y. Lepek, A.O. Korshun). These studies are close to the essence of the problem we have chosen but do not fully reveal its content. Therefore, we consider it appropriate to formulate specific provisions aimed at outlining the principles of public administration in the sphere of law-making.

**Research purpose.** The purpose of the article is realized through the study of the essence of the principles of public administration in law-making. Accordingly, to achieve this goal, we need to clarify the essence, nature, and types of principles for the implementation of public administration in law-making.

**Presentation of the main material.** The formation of normative legal acts is one of the important directions of the state's activity. This type of legal activity is aimed at creating, amending, and terminating legal norms to regulate social relations. Today, proper law-making is an important feature of the development of modern society. Therefore, the issues of forming a national law-making doctrine and a model of public administration in this area are important for national state-building. The importance of this issue for the administrative sphere is emphasized by the adoption in 2023 of the Law of Ukraine "On Law-Making" [1]. Unfortunately, before the adoption of this law, law-making activity in Ukraine was regulated at the level of subordinate acts.

When conducting research on the principles of the implementation of public administration in law-making, it is first necessary to determine the content of the object of public administration. This is necessary to specify the principles of public administration depending on the object of managerial influence. A.L. Pomaza-Ponomarenko defines public administration as a "purposeful, organizing, and regulating influence of subjects (state and non-state institutions) on the object (sphere of social life)...» [2, p. 4]. This makes it possible to determine that the object of public administration is the sphere of social life. In our study, this sphere is the sphere of law-making.

Analyzing the nature of law-making, it is necessary to agree with the position of L.O. Shapenko [3, pp. 217-218] that law-making has a distinctly legal and public-administrative nature. On the one hand, law-making is a type of legal activity. It aims to create, amend, or terminate legal norms to regulate social relations. On the other hand, the subjects of law-making are most often public authorities for whom it is a form

of public administration implementation. These features, in our opinion, influence the formation of the principles of public administration in the law-making sphere.

By its essential nature, law-making performs the following functions:

- 1) ensures the regulation of social relations based on normative legal acts;
- 2) systematizes and organizes legislation through incorporation, consolidation, and codification;
- 3) improves existing legislation considering the socio-economic, political, and cultural characteristics of the development of Ukrainian society [4, pp. 39–40].

S.M. Husarov defines that law-making, as a form of public authorities' activity, has a system of characteristic features:

- 1) the presence of authorized subjects of implementation (public authorities; citizens during a referendum; other subjects with delegated powers);
- 2) implementation by creating, amending, or canceling existing legal norms;
- 3) implementation based on procedural norms in a procedural order [5, p. 58].

Based on the analysis of the nature of law-making, we will define the concept of public administration in this area. Public administration in the sphere of law-making is the formally defined influence of authorized public authorities on the state and development of law-making to effectively regulate social relations.

Despite the adoption of the Law of Ukraine "On Law-Making", current legislation does not contain the concept of "principles of law-making". Accordingly, the concept of "principles of public administration in the sphere of law-making" has not been scientifically formed. However, Article 3 of the mentioned Law contains a list of principles of law-making. This allows us to evaluate the normatively established principles of law-making. The legislator includes the following among them: the rule of law, priority of human rights and freedoms, democracy, proportionality, necessity, systematicity, justification, resource provision, scientific provision [1].

The legislative consolidation of the principles of law-making, such as the rule of law, priority of human rights and freedoms, democracy, and others, is an important step towards improving the legal system. However, the lack of a clear definition of "principles of public administration in the sphere of law-making" in current legislation creates certain challenges for theorists and practitioners of public administration.

We will clarify the essence of the concept of "principle" by analyzing normative legal acts, reference, and scientific literature. The Academic Explanatory Dictionary understands the term "principle" as the basic starting provisions of any theory, scientific system, ideological direction, etc.; a feature underlying the creation or implementation of something; a way of creating or implementing something; a belief, norm, rule that someone is guided by in life and behavior [6]. In philosophy, the category of principle is considered as the basis that should be guided in scientific knowledge, practical activity, behavior [7, p. 187]. Based on this, we can say that a principle is a fundamental provision or foundation of some activity.

In legal science, principles are understood as the main provisions, ideas that are universal, reflecting the essential provisions of legal science and practice [8, p. 133]. S.V. Plavich, considering the principles of law-making, emphasizes that they underlie its effectiveness. He believes that the principles of law-making should be understood as "provisions and ideas that form the basis of this activity and whose implementation ensures the quality of normative legal acts and optimal normative regulation" [9, p. 83].

In public administration, principles are understood as initial rules, guiding provisions that are formally established and allow avoiding violations of legality and observing the regularities of the management process [3, p. 5].

From the above, it can be concluded that the principles of public administration in the sphere of law-making are established in normative acts guiding provisions and ideas that determine the main directions and methods of implementing law-making to ensure the effectiveness of the managerial process in this area.

**Conclusions.** The principles of public administration in the sphere of law-making are fundamental provisions that determine the main directions and methods of implementing law-making by public authorities. They aim to ensure the effectiveness of the law-making process aimed at creating, amending, and terminating legal norms. These principles include the rule of law, priority of human rights and freedoms, democracy, proportionality, necessity, systematicity, justification, resource, and scientific provision. An important characteristic of law-making is the presence of authorized subjects such as public authorities that carry it out based on procedural norms. The principles of public administration help avoid violations of legality and adhere to the regularities of the management process. The lack of a clear definition of these principles in legislation creates certain challenges for their practical implementation. However, the normative consolidation of the principles of law-making promotes the systematization and predictability of legal norms. This is important for ensuring the stability and effectiveness of society and the state. Forming the proper foundations for the implementation of public administration in the sphere of law-making is a necessary step for building a legal state and a democratic society.

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