

# PUBLIC ADMINISTRATION PRINCIPLES: INTERNATIONAL LEGAL ASPECT

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**Abstract.** The article examines the international legal aspects of public administration principles, emphasizing their importance in the context of globalization and the increasing interdependence of states. The relevance of this study lies in the necessity for states to develop and implement effective management strategies that align with international norms and principles to ensure stability, development, and human rights protection. The research highlights the importance of understanding international legal aspects to address complex modern challenges such as global environmental issues, corruption, and transnational threats. The study also explores the significance of these principles for Ukrainian public administration, especially in the context of reforms and integration into international organizations. The research provides insights into how international standards, based on values like human rights and transparency, can influence and improve public administration in post-Soviet states, which often face challenges like centralized control, corruption, and limited public participation

**Keywords:** public administration, international law, rule of law, globalization, human rights, transparency, post-Soviet states, Ukraine, corruption, centralized control.

## INTRODUCTION

The study of the international legal aspect of the public administration principles remains relevant in the modern world, although this topic has gained special importance for the Ukrainian science.

First of all, in the context of globalization and growing interdependence of states international cooperation is becoming increasingly important for the effective society

management. Understanding and observing international norms and principles in the field of public administration becomes a necessity in order to ensure stability, development and protection of human rights at the international level.

One of the key reasons for the research relevance is the necessity to develop and implement effective management strategies that take into account international norms and principles. Thus, for example, states striving to join international organizations such as the European Union or others are forced to adapt their legislation and management systems to international standards. This provision is largely important for the Ukrainian society.

The second reason is that because of the complexity of modern challenges, such as global environmental problems, an international approach to management is becoming increasingly important. Accordingly, the understanding of international legal aspects of public administration allows to more effectively deal with such complex problems as ensuring sustainable development, the fight against corruption and climate change.

The third reason is that global and regional conflicts, as well as transnational threats such as armed aggression, terrorism and cyber-attacks, threaten society's stability and security. Taking into account international legal aspects in public administration helps to strengthen international cooperation in the fight against these threats and to ensure an effective system of human rights and law and order protection.

In addition, the relevance of the study is increased in the context of the modern society transformation under the influence of information technologies and digital revolution. The growing amount of data and access to it creates new opportunities for management, but also creates new challenges in privacy ensuring and human rights protecting. Understanding the international legal aspects in this context helps to develop effective data management strategies and ensure their compliance with the international standards.

Thus, the study of the international legal aspect of the public administration principles remains extremely relevant in the modern world, since the appropriate understanding and application of international norms and principles is key to ensuring stability, security and society development in a globalized world.

### **IMPORTANCE FOR UKRAINIAN PUBLIC ADMINISTRATION SCIENCE**

Let's emphasize the importance of covering the international legal aspect of the public administration principles for the Ukrainian public administration science. Thus, Ukraine, like many other states, is a member of various international organizations, such as the United Nations, the Council of Europe, and many others. Accordingly, the Ukrainian system of public administration should meet international standards and principles, which requires a deep understanding of international law. Elucidation of this aspect allows the Ukrainian researchers and practitioners to understand how to ensure compliance of national legislation with the international norms related to public administration.

Let's emphasize that study of the international legal aspect of public administration helps Ukrainian scientists and practitioners to adapt best practices and innovations from other countries to the Ukrainian realities. This is especially vital in the context of the public sector reforming in Ukraine and finding ways to improve its efficiency and transparency. Learning international experience allows to avoid mistakes, learn best practices and apply them in

practice.

We would like to add that understanding of the international legal aspects of public administration contributes to the improvement of the professional level of the Ukrainian specialists in this field. Coverage of such aspects allows not only to develop theoretical knowledge, but also to acquire practical skills in solving specific management tasks in the context of international law.

Finally, disclosure of the international legal aspect of the public administration principles contributes to the strengthening of trust in state institutions both in Ukraine and at the international level. Taking into account international standards and principles in the practice of public administration contributes to increasing transparency, legality and efficiency of the public authorities' activities, which is important for the maintenance of the democratic values and the civil society development.

Considering the above, clearing up the international legal aspect of the public administration principles is crucial for the Ukrainian science and practice of public administration, as it contributes to compliance of the national management systems with the international standards, the adaptation of the best practices and the improvement of the specialists' professional level as well as the strengthening of trust in state institutions both in Ukraine and at the international level.

It is also impossible not to mention the next aspect. Today, international standards are based on such values as human dignity, human rights, and the rule of law, etc. And in the states of the post-soviet space, to some extent even now, state administration is based on other values. Therefore, there is a significant difference in the values on which the international standards of public administration and the practice of public administration in the states of the post-soviet space are based.

Modern international standards in public administration are based on the principles of humanism, human rights, transparency and efficiency. These values are embodied in numerous international instruments, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and many others. They determine the standards of good governance, which require protection of human rights, compliance with the rule of law, participation of citizens in the governance process and efficient use of resources.

However, in the states of the post-soviet space, there are still some peculiarities in the field of public administration that differ from international standards. For example, in many of these countries there is a tradition of high centralized control, bureaucracy and insufficient transparency in the state institutions' activities. There are also problems with corruption, insufficient protection of human rights and restrictions on freedom of speech and political rights. Consequently, in a situation where international standards of public administration are based on the values of humanism, human rights and transparency, and the practice of public administration in some countries of the post-soviet space is sometimes far from these values, the problem of non-compliance with international standards arises. This can become an obstacle to the integration of these states into international organizations, the development of democracy and the stability of national society.

Therefore, the study of the international legal aspect of the public administration

principles in the context of the countries of the post-soviet space is very important in order to understand the reasons for the differences in international standards and practice, as well as to develop strategies for bringing national legislation and practice into line with the international values. Only by resolving these differences and raising the standards of public administration can greater stability, development and democracy be achieved in the countries of the post-soviet space

## **INTERNATIONAL STANDARDS VS. POST-SOVIET PRACTICES**

Public administration in the countries of the post-soviet legacy has its own characteristics reflecting the specifics of the political, historical and cultural conditions of these countries. Some of the main features inherent in public administration in this context include the following:

1. **Centralized control.** Traditionally, in the countries of the post-soviet legacy, there is a strong tendency to power and governance centralization. This can be manifested in the great influence of central government bodies on decision-making at various levels, as well as in the high level of bureaucracy and formalism in state structures.

2. **Corruption.** The problem of corruption is often serious in the countries of the post-soviet legacy. The insufficient level of transparency, the weakness of the legal system and the insufficient responsibility of civil servants contribute to the spread of corruption at various levels of government. Thus, let's note that even in the conditions of a full-scale Russian invasion the mass media constantly reported on corruption (in particular, related to the provision of the Armed Forces of Ukraine, and the distribution of humanitarian aid, etc.). We will not analyze these facts in detail, since this should be a separate comprehensive study, however, to confirm the stated thesis, we must indicate the following.

A sociological survey of the Ukrainians conducted on April 9-10, 2024 indicated that according to 63% of respondents, corruption in Ukraine increased during the full-scale invasion (24% - the level of corruption did not change; 5% - the level of corruption decreased; 9% - chose the option "difficult to evaluate". At the same time, 77% of the respondents attributed the increase in corruption to impunity, 53% to the ineffectiveness of anti-corruption agencies, and 49% to the ineffectiveness of the judicial system (Bohdan'ok, 2024).

"Political corruption is a threat to national security. Systemic political corruption, in particular in the parliamentary, government, and higher judicial corps, should be perceived as a factor used by the Russian Federation in the war against Ukraine" (Sokurenko, 2022).

The Russian "war of aggression disrupted the processes of anti-corruption reforms and exacerbated the critical situation, causing a series of anti-corruption scandals, in particular in the Ministry for Defense and Communities, Territories and Infrastructure Development, which was widely covered in the mass media in February 2023" (Burda, 2023).

3. **Insufficient use of technologies.** In some countries of the post-soviet legacy, there is a lag in the use of modern technologies in the field of public administration. This may be related to both technical limitations and stereotypes about the importance of innovation in the field of management.

4. **Inconsistency of reforms.** Public administration in these countries is often subject to

numerous reforms, but usually these reforms are inconsistent and related to changing political or economic conditions. This can lead to instability and insufficient progress in the management system improving.

5. Insufficient consideration of public opinion. In many countries of the post-soviet space, there is a tendency to limit public participation in the management process. This can lead to not taking into account the real needs and opinions of citizens when making decisions.

Let's emphasize that insufficient consideration of public opinion is one of the main problems in public administration in the countries of the post-soviet space. This affects different levels of governance, from local to central government structures, and has a number of serious consequences.

- limited access to information (in some countries of the post-soviet space, information about the government agencies' activities and decision-making may be insufficient or unavailable to the public. This makes it difficult for citizens to obtain impartial information and freely express their opinions about governance);

- lack of feedback mechanisms (public authorities often do not provide effective feedback mechanisms with the public. This means that citizens do not have the opportunity to express their views and opinions regarding decisions made or policy proposals);

- restrictions on freedom of speech and association (in some countries of the post-soviet space, restrictions on freedom of speech and association are observed, which complicates the ability of citizens to express their views and unite to protect their interests);

- insufficient participation of the public in decision-making (often the opinion of the public is not taken into account when making strategic decisions in the field of management. This can lead to conflicts between the authorities and the public, as well as to authorities' distrust).

- lack of public discussion mechanisms (the presence of mechanisms for public discussion of decisions and policies is a crucial component of taking into account public opinion. In some countries of the post-soviet space, these mechanisms may be underdeveloped or absent that leads to the feeling of remoteness and inaccessibility of government structures for citizens).

In general, insufficient consideration of public opinion in public administration in the countries of the post-soviet space is a serious problem that undermines the principles of democracy, transparency and openness. To overcome this problem, it is necessary to develop mechanisms for involving the public into decision-making, ensure openness and availability of information, and create conditions for free expression of civil opinion.

Thus, public administration in the countries of the post-soviet space faces significant challenges related to the complex legacy of the past and the demands of the modern world. The development of the management system in these countries requires a comprehensive approach that will take into account their specific features and meet the modern requirements of effective, transparent and responsible management.

The research is based on the hypothesis that public administration, the legal system and the values of society are closely related. Let's consider in more detail how these components interact and influence each other:

1. Public administration and legal system. Public administration is determined by the

legislation prescriptions, according to which the authority structures interact with citizens and solve vital social issues. The legal system, in turn, ensures structure and regularity in this process ensuring compliance with laws as well as guaranteeing the citizens' rights.

2. Public administration and values of society. Public administration largely reflects the values and beliefs of society. For example, if the principles of equality, justice and democracy are important in society, then these principles will be reflected in the policy and practice of management. In turn, public administration can influence the society's values formation through its activities and decision-making.

3. Legal system and values of society. The legal system also reflects the basic values and norms of society. Laws that are adopted and judicial practice reflect moral norms that are important for a given society. In turn, the legal system can influence the society's values formation through its influence on the citizens' behavior and the social conflicts' resolution.

Therefore, the interconnection between public administration, the legal system and the society's values is very deep and interdependent. Each of these components affects the others, and their interaction characterizes society and determines the direction of society's development. Therefore, the study of this interaction is crucial for understanding and improving the processes of management and development of society as a whole

### **CHARACTERISTICS OF PUBLIC ADMINISTRATION IN EASTERN LEGAL CULTURE**

In this context, we will indicate the following. Public administration in the conditions of Eastern legal culture has its own characteristics reflecting the traditions, values and approaches peculiar to the countries of Eastern Europe, Asia and Africa. In our opinion, the following features of state administration in the conditions of Eastern legal culture should include:

First, it is centralized control. In the conditions of Eastern legal culture, there is a tendency towards strong centralized control by authorities. This can be manifested in the great influence of central government institutions on decision-making at various levels of government and in the management of regions and local communities.

In the conditions of Eastern legal culture, centralized control is a characteristic feature of state administration, which is determined by some features:

- strong influence of central authorities (one of the main aspects of centralized control is the strong influence of central authorities on decision-making at various levels of management; this means that central government structures have a large amount of power and can interfere in decisions at the levels of regions, cities and villages);
- centralized decision-making (in Eastern countries, a tendency towards centralized decision-making is often observed when many important issues are decided at the central level without taking into account the peculiarities of regions or local conditions);
- the leaders' significant role (leadership is considered extremely important in such systems. Subordination to the leader, his authority and influence can dominate the principles of democracy and the distribution of power);
- limitation of local autonomy (centralized control often leads to limitation of the autonomy of local authorities. Local authorities have limited powers and are subject to the control by central authorities (at least in fact));

- disproportionate development of regions (centralized control can lead to disproportionate development of regions, since decision-making at the central level does not always take into account local needs and peculiarities).

In general, centralized control is a characteristic feature of public administration in countries with Eastern legal culture. It can have both positive and negative consequences for society, depending on specific conditions and specifics of the political context.

Secondly, it is a vertical hierarchy. Public administration in the conditions of Eastern legal culture is often characterized by a strict hierarchical structure, where each level of power is clearly subordinated to a higher one. This can be reflected in strong control and subordination of lower management levels.

Vertical hierarchy in public administration in the conditions of Eastern legal culture is a key organizational feature affecting the way of the management system functioning. Vertical hierarchy implies a clear structure of power, where each level of management is clearly subordinated to a higher one. The central authority is usually at the top of the hierarchy, and regional and local authorities are below.

In a system with a vertical hierarchy, decision-making is usually centralized. All significant decisions are made at the central level, sometimes with a minimal involvement of regional or local authorities. Each level of management has its own responsibilities and powers determined by the central authorities. Lower levels should be subordinated to higher ones, as well as provide reporting and implementation of decisions.

In a system with a vertical hierarchy, local governments often have limited autonomy. They usually follow the instructions and orders of central authorities, and their powers and decisions may be limited. A vertical hierarchy can promote strong leadership and authority for central leaders.

In general, the vertical hierarchy in public administration in the conditions of Eastern legal culture creates a system of power in which central bodies have significant control and influence over the key social issues solving, and lower levels are subordinated to the central ones.

Third, it is a paternalistic approach. In Eastern legal culture, there is a paternalistic approach to management, when the government sees itself as the “father of the nation” who is responsible for the welfare of its citizens. This can lead to a great dependence of citizens on the state and limit their independence. “Controversial processes taking place in Ukraine today show that citizens of our country want the government to continue to take care of their welfare, that is, to pursue a policy of paternalism. Let’s ask ourselves a question: why is it so deeply rooted in the people’s consciousness that the ruler or social institution - the state, its bodies, political parties, and administration, cares primarily not about their own benefit, but about people’s interests; why have citizens lost the understanding of responsibility for the state of affairs in the state, in the local community, and in their own lives?” (Huryk & Shumka, 2018).

Analyzing the reformation of the political system of Ukraine, V. Liashenko and I. Petrova draw attention to the following: “The introduction of a new model, and even more so the use of new tools, is a challenge today, since the paternalistic approach to the regional policy implementation based on vertically built equalization tools has exhausted itself” (Liashenko

& Petrova, 2020). Although one cannot fully agree with this thesis, taking into account the fact that a significant part of the citizens of Ukraine still considers the paternalistic approach as the basis of the public authorities' activities.

The paternalistic approach in the public authorities' activities continues to be an important factor within the Ukrainian society. This is reflected in the specificity of relations between the authorities and citizens, which are based on the idea of the state as the "father of the nation" responsible for its citizens' well-being. The factors of this perception of power are the following:

- historical and cultural perceptions (Ukraine has a rich history in which paternalistic relations between the authority and citizens were widespread. The legacy of the soviet system, where the state acted as the main provider of benefits, also influenced the formation of paternalistic perceptions);

- economic conditions and social instability (in conditions of economic shocks and social instability, many citizens look for protection and help from the state. The paternalistic approach can be perceived as a way to ensure minimum social guarantees and protection from economic difficulties);

- mistrust of self-government and public activity (lack of trust in local authorities, as well as a low level of public activity can lead to greater expectations from the central government that strengthens the paternalistic approach);

- political culture and cooperation with citizens (some political forces use a paternalistic approach as a means of obtaining votes and support. They can promise a wide range of social services and assistance in exchange for electoral support).

As a result, the paternalistic approach, unfortunately, remains an important element of the Ukrainian society affecting the perception of the state's role and expectations from it.

Fourthly, it is formalism and bureaucracy. Formalism and bureaucracy may prevail in public administration in the conditions of Eastern legal culture. This is manifested in complex and confusing procedures, a large number of different documents and permits, as well as in the difficult access to public services by citizens.

In public administration, there is a great deal of attention to compliance with formal procedures and rules. This means that a certain set of rules and procedures must be followed in order to carry out any action or make a decision, even if they may be redundant or ineffective. Often the procedures in public administration can be confusing and difficult to understand. This can lead to delays and complications in resolving issues and even contribute to corruption due to insufficient transparency and opaque processes.

Formalism can inhibit innovation and creativity in the state institutions' activities. Formal compliance with the established norms and standards can restrain the development of innovative approaches and initiatives.

Bureaucracy complicates the processes of interaction between citizens and state institutions, as it can lead to unnecessary administrative barriers that must be overcome in order to receive services or resolve issues. Bureaucratic procedures can include a large number of formalities that must be completed before receiving services or implementing any actions. This can lead to delays in provision of services, as well as to the fact that citizens do not apply for relevant services.

Bureaucracy can distance state institutions from the real needs and problems of citizens, as the focus is on processes and formalities, rather than on results and satisfaction of citizens' needs.

In general, formalism and bureaucracy in public administration can complicate the work of state agencies and institutions, delay processes and create obstacles to effective interaction with citizens. Overcoming these negative aspects may require reforms and the management system modernization.

And although V. Bodnarchuk notes that "bureaucracy is a necessary condition for the state administration existence without which it will not be able to perform its functions" (Bodnarchuk, 2016), however, the purpose of the public authorities functioning is not the activity process itself, but the provision of human rights. And it is human rights that have priority, not formal procedures. Thus, and V. Bodnarchuk himself is trying to determine the directions of state administration de-bureaucratization.

Let's also cite the words of M. Piren: "The general essence of the "bureaucracy" concept consists in the non-compliance of some of the executive agencies' officials with the tasks' fulfillment exigencies of these agencies being beyond the Basic Law of every state - the Constitution. Therefore, the institution to which the organization of social niches is subordinated turns into a body that subjugates those whose will it must fulfill" (Piren, 2009).

Fifth, this is the importance of traditions and cultural values. In the Eastern legal culture, great importance is attached to traditions, cultural values and religious beliefs. These aspects can influence the formation of the legal system and the practice of public administration.

In the Eastern legal culture, traditions play a significant role in the legal system and management practices formation. Traditions are passed down from generation to generation and determine behavior rules, attitude towards the law and state institutions. Traditions are often manifested in customs, rites, religious beliefs and other aspects of culture that have an impact on the legal consciousness formation and the perception of laws. The great importance of traditions can lead to the fact that certain legal norms or institutions remain unchanged for a long time, even when social conditions change.

Cultural values determine the moral norms that influence the legal system formation and the methods of its application. Eastern legal culture may have particular values that differ from Western ones.

For example, the importance of collectivism, the common good, and stability may prevail over individualism and individual rights.

Cultural values can also influence the ways in which conflicts are resolved, the relations between people and authorities, and the determination of justice and law and order.

In general, the importance of traditions and cultural values in the Eastern legal culture determines certain features in the legal system formation, its application and perception by citizens. These aspects can be manifested in norms and laws that receive support, practices considered acceptable, and the way of authorities communicate with citizens.

"These contradictions also hinder the compromise between the West and the Islamic East and this is manifested in the mutual rejection of the legal norms of the opposite side. The reasons for these contradictions are embedded in the very historical development of European Christian and Islamic civilizations, and there are at least two decisive ones among

them: first, the European legal system is today a completely independent branch, separated from other forms of relations regulation in society. The Islamic legal system, on the contrary, is strongly connected with these other forms, which determines its pervasiveness in various spheres of social life; secondly, European society is deeply individualized, which is also reflected in the legal system: human rights are above all else..." (Marchenko, 2023).

In general, public administration in the conditions of Eastern legal culture has its own characteristics that reflect the specifics of this region. It is vital to take these features into account when designing and implementing governance reforms to ensure efficiency, fairness and relevance to society needs.

## CONCLUSION

Thus, understanding and taking international legal standards and norms into account is important for building an effective and fair system of public administration. International law can act as a guiding factor for states in the formulation and implementation of their policies.

It is important to understand that international standards must be aligned with the values of the society in which they are applied. Only then can they be adopted and effectively implemented.

Legal culture, including traditions, values and beliefs, has a significant influence on the principles and practices of public administration. Understanding and taking into account the legal culture makes it possible to interact more effectively with citizens and ensure their rights and interests.

In order to achieve a successful practice of public administration, it is important to ensure harmony between international standards and the legal culture of each state. This requires constant improvement of legislation, development of the legal system and promotion of legal awareness in society.

It is also important to understand the differences between Eastern and Western traditions of public administration. Eastern and Western traditions of public administration have their own unique characteristics determined by history, cultural values and legal system of each region.

The Eastern tradition is often characterized by a high value of authority and centralized leadership and a greater emphasis on collectivism and stability. The Western tradition, on the other hand, can be characterized by the principles of individualism, democracy and separation of powers, and decentralization.

Understanding these differences is significant to effective public management strategies developing that take into account the specifics of each region and cultural context. When developing international cooperation and exchange of experience, it is important to take these differences into account in order to build a constructive dialogue. These differences should be taken into account when formulating and implementing public administration policies, as well as when cooperating with international organizations and states

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