



UDC 35.078.42

[https://doi.org/10.32689/2617-2224-2020-4\(24\)-238-251](https://doi.org/10.32689/2617-2224-2020-4(24)-238-251)

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HISTORY AND PROSPECTS OF SCIENTIFIC RESEARCH DEVELOPMENT AND THE INTRODUCTION OF MECHANISM FOR APPEALING SERVICE ACTIVITIES PUBLIC AUTHORITIES IN UKRAINE

Abstract. The article analyzes some aspects of the formation and development of mechanisms for appealing the provision of services by public authorities in Ukraine. The prospects for scientific research and the implementation of its results in the process of decision-making in public management and legal regulation of the state service policy are outlined. The main stages of development and the introduction of scientific achievements and developments into the mechanisms for appealing the results of service activities of public authorities have been determining. It has established that the influence exerted by consumers of services on their quality is, in most cases, formal and declarative and in no way ensures

the existence of an effective negative hyper loop in the management system. It has proven that the regulatory and legal framework in this area, which is the basis for the effective operation of public authorities in Ukraine, currently unbalanced and does not comply with international norms and standards ratified by Ukraine.

The analysis of scientific research in the field of developing tools for practical influence on the results of the implementation of the state's service policy, historical development and conducted scientific research in the application of mechanisms for appealing the service activities of public authorities, as well as ways to improve their practical implementation.

The author emphasizes that the construction of a modern system of control over the result of making and implementing management decisions by civil society requires modernization, which is directed by its development vector towards the digitalization of public administration and the active use of information and communication technologies in accordance with world standards and international legal acts, most of which have ratified by Ukraine.

For this, the only criterion for measuring the effectiveness of this activity should be the result that is obtained as a result of its implementation, and the fulfillment of accepted norms in this and other areas, and the establishment of effective control over this process by civil society. As a conclusion, the author argues that, at this stage of building a democratic state of Ukraine, built on human-centered principles, and responding to the challenge of civil society, it is imperative to inspect outdated norms and rules in this area with subsequent harmonization and bringing them in line with the above principles and needs, for the subsequent creation on this basis of highly effective algorithms of actions in the field of mechanisms for appealing the service activities of public authorities.

Keywords: service activities, public authorities, information and communication technologies, appeal mechanisms, administrative procedure, management services, civil society.

ІСТОРИЯ ТА ПЕРСПЕКТИВИ РОЗВИТКУ НАУКОВИХ ДОСЛІДЖЕНЬ І ВПРОВАДЖЕННЯ МЕХАНІЗМІВ ОСКАРЖЕННЯ СЕРВІСНОЇ ДІЯЛЬНОСТІ ОРГАНІВ ПУБЛІЧНОЇ ВЛАДИ В УКРАЇНІ

Анотація. Викладено деякі аспекти процесу становлення та розвитку механізмів оскарження надання сервісних послуг органами публічної влади в Україні. Намічено перспективи проведення наукових досліджень і впровадження їх результатів в управлінські рішення і нормативно-правове регулювання сервісної політики держави. Визначено основні етапи розвитку та впровадження наукових досягнень і розробок в механізми оскарження результатів сервісної діяльності органів публічної влади. Встановлено, що вплив, який чиниться споживачами сервісних послуг на їх якість, у більшості випадків має формальний і декларативний характер, і жодним чином не забезпечує існування ефективної петлі негативного зворотного зв'язку в

системі управління. Доведено, що нормативно-правова база в цій сфері, яка є основою для ефективної діяльності органів публічної влади в Україні, в даний час є незбалансованою і не відповідає міжнародним нормам і стандартам, ратифікованим Україною.

Проаналізовано наукові дослідження у сфері розроблення інструментів практичного впливу на результати реалізації сервісної політики держави, історичного розвитку і проведених наукових досліджень щодо застосування механізмів оскарження сервісної діяльності органів публічної влади, а також шляхів удосконалення їх практичної реалізації.

Побудова сучасної системи контролю за результатом прийняття і реалізації управлінських рішень з боку громадянського суспільства потребує осучаснення, яке спрямоване своїм вектором розвитку в бік цифровізації публічного управління та активного використання при цьому інформаційно-комунікативних технологій відповідно до світових стандартів і міжнародно-правових актів, більшість з яких ратифіковані Україною. Для цього єдиним критерієм для вимірювання ефективності цієї діяльності має стати результат, який отримано унаслідок її здійснення, і виконання прийнятих норм у цій та інших сферах і встановлення дієвого контролю над цим процесом з боку громадянського суспільства. Як висновок, стверджується, що на даному етапі будівництва демократичної держави Україна побудована на людино-орієнтованих принципах. Реагуючи на виклик громадянського суспільства, нагальною потребою є проведення інспектування застарілих норм і правил у цій сфері з подальшою гармонізацією та приведення їх відповідно до зазначених вище принципів і потреб, для створення на цій основі високоефективних алгоритмів дій у сфері використання механізмів оскарження сервісної діяльності органів публічної влади.

Ключові слова: сервісна діяльність, органи публічного управління, механізми оскарження, адміністративна процедура, управлінські послуги, громадянське суспільство, алгоритм дій.

ИСТОРИЯ И ПЕРСПЕКТИВЫ РАЗВИТИЯ НАУЧНЫХ ИССЛЕДОВАНИЙ И ВНЕДРЕНИЯ МЕХАНИЗМОВ ОБЖАЛОВАНИЯ СЕРВИСНОЙ ДЕЯТЕЛЬНОСТИ ОРГАНОВ ПУБЛИЧНОЙ ВЛАСТИ В УКРАИНЕ

Аннотация. Изложены некоторые аспекты процесса становления и развития механизмов обжалования предоставления услуг органами публичной власти в Украине. Намечены перспективы проведения научных изысканий и внедрение их результатов в управленческие решения и нормативно-правовое регулирование сервисной политики государства. Определены основные этапы развития и внедрение научных достижений и разработок в механизмы обжалования результатов сервисной деятельности органов публичной власти. Установлено, что влияние, оказываемое потребителями сервисных услуг на их качество, в большинстве случаев имеет формальный и декларативный характер, и никоим образом не обеспечи-

вает существования эффективной петли отрицательной обратной связи в системе управления. Доказано, что нормативно-правовая база в этой сфере, которая является основой для эффективной деятельности органов публичной власти в Украине, в настоящее время является несбалансированной и не соответствует международным нормам и стандартам, ратифицированным Украиной.

Проанализированы научные исследования в области разработки инструментов практического влияния на результаты реализации сервисной политики государства, исторического развития и проведенных научных изысканий в сфере применения механизмов обжалования сервисной деятельности органов публичной власти, а также путей совершенствования их практической реализации.

Построение современной системы контроля за результатом принятия и реализации управленческих решений со стороны гражданского общества требует осовременивания, которое направлено своим вектором развития в сторону цифровизации публичного управления и активного использования при этом информационно-коммуникативных технологий в соответствии с мировыми стандартами и международно-правовыми актами, большинство из которых ратифицированы Украиной. Для этого единственным критерием для измерения эффективности этой деятельности должен стать результат, который получен в результате ее осуществления, и выполнения принятых норм в этой и других сферах и установление действенного контроля над этим процессом со стороны гражданского общества. Как заключение, утверждается, что на данном этапе строительства демократического государства Украина построена на человеко-ориентированных принципах. Реагируя на вызов гражданского общества, насущной необходимостью является проведение инспектирования устаревших норм и правил в данной сфере с последующей гармонизацией и приведением их в соответствие с указанными выше принципами и потребностями для последующего создания на этой основе высокоэффективных алгоритмов действий в сфере механизмов обжалования сервисной деятельности органов публичной власти.

Ключевые слова: сервисная деятельность, органы публичного управления, информационно-коммуникационные технологии, механизмы обжалования, административная процедура, управленческие услуги, гражданское общество.

Formulation of the problem. Implementation in Ukraine in practice of the evolutionary stage of the classical theory of public administration — good governance after the stages of pub-

lic administration (PAS model), new public management (NPG model) and new public governance (NPG model) requires appropriate legal regulation and the use of digital tools during its

implementation. The introduction of information and communication technologies in the activities of public authorities at a rapid pace in the world is leading to the digitalization of public administration. Such activities must be scientifically substantiated and regulated by law. The stage of digitalization was preceded by the stages of informatization of public administration and e-government.

The interaction between the public authorities and civil society and the individual citizen in particular is constantly changing and improving, which, of course, is part of modern civilization. Service-oriented state policy in ensuring the interaction of the state and the citizen needs technological support in the direction of modernization. The influence of a citizen on the process of making and implementing management decisions should acquire not a declarative status, but a real legal and technological mechanism for appealing a decision or administrative service provided by public authorities through the digitization of public administration. The issue of administrative legal appeal of management services, as well as the development of service policy of the state and e-government are covered by many domestic scholars in recent times.

However, in our opinion, in addition to extensive scientific research on these topics, it is the disclosure of the direction of appeal against the results of service activities of public authorities that has not yet been given sufficient attention.

Analysis of the recent research and publications. Considering a cross-sectoral and multi-faceted approach to the issue of resolving and determining

the effectiveness of complaint mechanisms and the performance of public authorities, it is necessary to identify the main ones in the field of public administration, administrative law, judicial review and pre-trial settlement of disputes, both the provision of administrative services and other performance results of these entities.

For the purpose of convenient division and conditional classification of scientific researches of scientists on the chosen subject they should be divided into directions of development of separate directions of the chosen theme:

1) Scientific researchers are devoted to scientific and theoretical substantiation of legal bases of maintenance of service activity of public authorities: V. Bakumenka, R. Bojko, Ye. Borodina, T. Burenko, Yu. Danshynoyi, S. Dembyczkoyi, V. Dreshpaka, N. Goncharuk, N. Grycyak, A. Kalyayeva, O. Kuchabskogo, A. Lipenceva, V. Myxajlyshyna, O. Morozovoyi, L. Prokopenka;

2) Theoretical research on the scientific problems of providing administrative services have been covering in the works of such scientists as: L. Akimova, K. Afanas'jev, S. Baranov, V. Beschastnyj, O. Buhanevych, N. Vasyl'jeva, D. Vlasenko, V. Gorohol's'kyj, I. Golosnichenko, O. Gunenkova, I. Drozdova, K. Dubyh, O. Duhnevych, E. Zhenesku, O. Ivashhenko, Ju. Ishhenko, R. Kaljuzhnyj, V. Kolpakov, S. Kivalov, I. Koliushko, Je. Legeza, S. Levchuk, A. Lys, D. Luchenko, M. Ostrah, Ja. Myhajljuk, V. Pet'ovka, G. Pysarenko, A. Rybyns'ka, K. Fuglevych, A. Hljebnikov, O. Cyganov;

3) Some aspects of e-government and the latest scientific paradigm –

digitalization of public administration have been studying by domestic scientists, such as: G. Avanesova, O. Arhipska, Ye. Arhipova, A. Asanova, Ye. Babablik, I. Bachilo, O. Buhatij, V. Gudnickij, Yu. Dubrovin, T. Zaporozhec, E. Karlovska, O. Karpenko, V. Kujbida, Ya. Kozhenko, V. Namestnik, A. Osmak, M. Pavlov, O. Serenok, E. Talapina, V. Tertichka, L. Fedulova, S. Chukut, N. Shamraj, as well as international scientists, such as: A. Vilyams, S. Bastou, S. Brenen, H. Gimplej, P. Danlevi, N. Krauze, D. Kreis, H. Margets, A. Matei, T. Miglani, H. Navio-Marko, L. de-Nardis, A. Palomo-Navarro, Z. Polkovski, M. Puchek, A. Radu, E. Forsthof, K. Shadibekov.

The formulation of the objectives (purpose) of the article consists in carrying out the complex analysis of the spent researches of scientists, a modern condition of legal regulation and prospects of development of mechanisms of appeal of service activity of public authorities for the further use in this direction both in domestic science, and in practice of administrative and legal support of this activity.

Presentation of the main material. Digitization of public administration as a style, philosophy of approach, a tool to influence the desired result in the relationship between individual and the state is important for modern and strategic reform of the outdated and retrograde system of civil service and local government into service-oriented state policy, system of activity for the provision of services.

The historical civilizational movement of relations and contradictions of individual and the state, which continued from the time of "axial time",

according to the debatable, according to the author, theory of historical development of mankind, which was proposed by German philosopher Karl Jaspers [1, c. 736] and which consists in the development of ideas, formation and development of statehood, now reaches at the level of greater opportunities for influence and control over the adoption and implementation of management decisions.

The state has always embodied a monopoly on: the use of force, collection and administration of taxes, the establishment of administrative rules, as noted in their scientific works most sages, philosophers, scientists, including M. Weber, one of the founders of sociology and further development based on it concepts of rationalization of collective activity, the theory of bureaucracy, and further formation and formation of the science of public administration [2, c. 5–11].

At the same time, during the formation of the post-Soviet countries, including Ukraine, it is necessary to note the prevalence of their development of a state of imbalance in the development of stable management models, the thoroughness of adopted legal norms, including on issues of ensuring the appeal of the results of service activities of public authorities, and monitoring their implementation. This condition in the future, as a consequence, leads to a state of legal anomie in society, uncertainty of the categories of justice in the relationship between the government and the citizen. This concept was introduced by the French sociologist Emile Durkheim in the late XIX-early XX century, who interpreted it as an increase in alienation in a society with

a weak consensus, a crisis in the value system, and the loss of effective social and moral norms that regulate collective and individual life [3, c. 38–41].

This statement is directly related to the process of providing management and administrative services by the state or the delegation in various forms of certain parts of such activities. The main goal of this should be the result of the appealed service and the level of the achieved good for the person, which is a measure of the historically achieved compromise, and its quality and impact on the result obtained as a result of its provision allows to measure the level of democracy and pluralism in the country.

Modern political, socio-economic and information-communication tools of interaction between the authorities and the citizen in Ukraine has no alternative to improvement, which takes place under the influence of new challenges. Such changes are due to the processes of developing new approaches to the state service-oriented policy.

At the same time, civil society must be responsible and growing in proportion to its political demands and revolutionary calls for a change of government.

The British scientist from the European Organization for Nuclear Research (CERN) Tim Berners-Lee had presented the idea of the global communication system World Wide Web back in 1989, and soon he launched the world's first website describing the technology of global information exchange – the World Wide Web. which he created on his NeXT CERN computer in Geneva. The world's first web page address was: <http://info.cern.ch/>

hypertext/WWW/TheProject.html. This site has published a description of the new technology of the World Wide Web, based on the HTTP data transfer protocol, the URL addressing system and the HTML hypertext markup language. It also had explained the principles of installation and operation of servers and browsers, technical details for creating a web page and instructions for finding information on the Internet.

Modern political, socio-economic and information-communication tools of interaction between the authorities and the citizen in Ukraine have no alternative to improvement, which takes place under the influence of new challenges. Such changes are due to the processes of developing new approaches to the state service-oriented policy. This change in the concept of state policy towards individual is a natural civilizational step to master the democratic foundations of civil society. Out-dated and archaic principles of transforming public administration into public only through administration and prohibition should be a thing of the past, as intensified struggle, prohibitions and threats cannot build a competitive economy and effective development, as had proven by scholars and practitioners. The possibility of democratic dialogue between the government and the citizen, strengthening the possibilities of public control through the possibility of appealing against decisions and management services of public authorities should be a recipe for further changes. It is necessary to change the structure and algorithm of execution management mechanisms in relation to the effectiveness of services, which

was proved in the process of scientific research of domestic scientist D.V Luchenko. [4, c. 176–178].

At the same time, civil society must be responsible and grow in proportion to its political demands and revolutionary calls for change of authority by their own examples of positive change in the implementation of public control over the exercise of managerial functions [4, p. 126-130]. But it should be noted that unskilled actions of the government, out-dated bureaucratic forms of government, the creation of numerous reforms that depend on the change of political elites and non-fulfilment of election statements and regulations adopted by them push society to revolutionary steps. These phenomena are studying by scientists and practitioners with an unequivocal critique of such pseudo-reforms [6, p. 67–91].

That is why scientists do not abandon the search for mechanisms to adapt public administration to modern requirements, which includes the Government's activities to actively interact with citizens based on the support and implementation of ICT feedback, the introduction of e-government systems. Historical stage of development of digitalization of public administration – E-government has been for more than a decade as the initial stage of development and way of organizing public power through local information networks and segments of the global information network, which ensures the functioning of certain services in real time.

Currently, we can note the prospects of the following regulations in the field of digitalization of public administration as a basis for further implementa-

tion of mechanisms for appealing the service activities of public authorities:

- Resolution of the Cabinet of Ministers of Ukraine “On approval of the Procedure for maintaining the Unified State Portal of Administrative Services” of January 3, 2013 № 13, “On approval of the Procedure for maintaining the Register of Administrative Services” of January 30, 2013 № 57, “On approval of the Model Regulations services” dated February 20, 2013 № 118, “On approval of requirements for preparation of the technological card of administrative service” dated 30.01.2013 № 44, “On approval of the Model Regulations of the center for providing administrative services” dated August 1, 2013 № 588;

- Order of the Cabinet of Ministers of Ukraine “Some issues of providing administrative services of executive bodies through the centers of providing administrative services” dated May 16, 2014 № 523-r.

In addition, in May 2014, the Order of the Cabinet of Ministers № 523-r “Some issues of providing administrative services to executive authorities through administrative service centers” was issued, which regulated the list of the most popular (basic) services to be provided through Administrative Service Centers.

At the same time, it should be noted that the Ministry of Economic Development, Trade and Agriculture is recognized as the Central executive body that ensures the formation and implementation of state policy in the field of administrative services in accordance with the requirements of the Resolution of the Cabinet of Ministers of 20.08.2014 №459 [7].

Management services of public authorities should become a tool and means of influence in the process of making and implementing management decisions, and during the implementation of the idea of “service state” on the principle of its sociality arises to promote the client’s attitude to the citizen. According to I. V. Venedictova – degree of development of state bodies in the field of government services reflects the quality of public administration, which “is a litmus test in determining policy in the state” [8, p. 89].

At the same time, as noted in his research O.V Karpenko, at the present stage of formation of civil society institutions in Ukraine, the priorities of public authorities are also changing significantly. The understanding of the transparency and openness of authority is conditioned by a return to the basic humanistic values, which are focused on the recognition and consolidation of the inalienable natural rights of individual and citizen. The Constitution of Ukraine proclaims the transition from the dominant ideology of state domination in the past, state interests over individual ones – to the ideology of state service to individual, guaranteeing, ensuring and protecting the fundamental rights and freedoms of the citizen. The formation and development of the institute of management services will contribute to the consistent implementation of effective public administration reform, which would include the creation of a transparent and high-quality service system “provider-recipient”, built on European standards with optimal use of budget funds, primarily to meet social needs [9, p. 29–30].

Among other scientific and research institutions of Ukraine, the Department of Information Policy and Digital Technologies of the National Academy for Public Administration under the President of Ukraine (NADU) is actively involved in scientific support and development of models of public administration in the field considered in this article digitization of public administration and efforts are being made to simplify its perception and ease of use.

One of the effective steps in this direction was the holding, together with colleagues from Tallinn Technical University (Republic of Estonia), on the basis of the NADU on March 10–11, 2020 of the Ukrainian-Estonian Winter School “Digital Government” in the framework of the project “Advising Ukrainian universities on developing a master’s program in e-government and raising awareness of e-government by implementing ICT solutions to support reforms in Ukraine”.

Carrying out project activities in this area, one of the main components of scientific and practical materials on which the training courses of the project are formed are data on legal regulation, justification of development prospects and comparison of achievements of EU member states.

The creation of convenient and mobile services has become a modern, competitive and popular trend of recent times. In terms of effective functioning of public authorities, such a trend should be the creation of digital data platforms and registers [10, p. 12]. The relevance and usefulness of creating these opportunities to facilitate the implementation of rights in the re-

relationship of state institutions, industry, business and citizens of Ukraine is beyond doubt.

The policy of every modern democratic country should be service-oriented in its relations with the citizen, because the person is the basic value of the state, and all peoples and all states should strive to respect human rights. Governments should create and develop a legal framework, promote science and technology, develop and implement the digitization of public authority instruments. The need to reorganize international relations in this area between our countries is obvious. The initiative to create joint unifying platforms of digital data and registers of services of public authorities in the form of the system of electronic interaction of state electronic information resources created in Ukraine (electronic system named "Trembita") will help strengthen friendly relations, develop legal relations, develop economies. The above digital platform was introduced with the help of Estonian friends and European partners on the model of the existing model in Estonia and should be a model for such solutions (based on the Estonia experience with the support of the EU).

Ukrainian specialists in IT technologies, creation of innovations in the field of information and communication technologies have shown themselves on the best side and are desirable employees in all countries of the world. However, due to the above circumstances, the patriotic intentions of many of them to implement and assist their country in the development and implementation of e-government tools remain relevant. Management of the

state, cities and communities, communication between the authorities and residents is increasingly carried out using electronic technologies. Openness, transparency, government accountability and participation in governance are the basis for good governance, and technology ensures the accessibility and simplicity of these processes.

Despite the state's inadequate attention to local self-government for many years, it was local governments had launched practical innovations in the field of e-government and e-democracy. State policy and legislation has been forming and continue creating on the basis of those developments that have been implementing in cities and communities.

Possible and useful tools for ensuring digital democracy could be:

- 1) mobile-optimized interactive websites with up-to-date information;
- 2) open data, including open budgets;
- 3) online broadcasts;
- 4) e-petition services;
- 5) e-consultations;
- 6) online public hearings;
- 7) e-voting;
- 8) participation budget or online public budget.

The choice and using of such opportunities depends on available resources, which depends on the possible support of the state and investors and international donors by providing digital tools to provide access to at least three dimensions of democracy: transparency, accountability and participation. Such opportunities should provide tools for: 1) open data analytics, especially on budget expenditures and public procurement; 2) submission

of e-appeals; 3) submission and signing of e-petitions; 4) conducting a media campaign, for example, in support of important e-petitions; 5) participation in e-consultations; 6) participation in public hearings online; 7) online voting; 8) proposals, selection and participation in projects of the public budget of participation.

The terms “e-democracy” or “e-democracy”, as well as “participatory democracy” has become widely used in Ukraine in recent years. They are often used by representatives of the media, public authorities and local governments, civic activists [11, p.18]. But according to a KIIS poll, 42.79% of Ukrainians have never heard of the term “e-democracy” and only 41% partially understand its meaning. However, with the widespread introduction of electronic petitions, the situation has improved markedly recently. In a narrow sense, the term “e-democracy” means the use of ICT (information and communication technologies) to ensure (electronic support) the rights of citizens.

According to this approach, for example, the traditional way of submitting applications, appeals, inquiries from citizens to the authorities is changing to electronic and opens additional opportunities or conveniences (monitoring the status of the issue, speed of feedback, etc. E-democracy in the broadest sense involves citizens to solve various socio-political problems with the helping of modern ICT.

E-democracy tools allow: to strengthen the participation, initiative and involvement of citizens at the national, regional and local levels in public life; improve the transparency of the

decision-making process, as well as the accountability of democratic institutions; to improve the response of the authorities to citizens' appeals; to promote public discussions and draw citizens' attention to decision-making processes; to develop horizontal connections faster and better and to strengthen the influence of the public on the government, its decisions. In recent years, the tools of e-democracy have developed most dynamically at the level of local governments, especially cities.

It is necessary to identify the following opportunities for the use of such resources — open data, including open budgets; online broadcasts of plenary sessions and executive committees; electronic consultations; online public hearings; e-voting; distribution of useful information; interaction platforms (contact centres); participation budgets or online public budgets; and, as a rule, the most popular is the e-petitions service. The advantage, however, is usually the use of free tools and platforms (“Single System of Local Petitions”, “Smart City”, “Open City”).

Educational work is needed to implement, develop and use such opportunities, as the appropriate level of information is not yet in good condition and needs support.

Conclusions and prospects for further research. The study had established a historical retrospective, research on the formation and development of legal relations between citizens and authorities during the defence of their rights to challenge management services. It is determined that scientific research has been conducting by the majority in the field of legal sciences, in particular administrative law.

The mechanism for appealing the quality of administrative services needs to be improved, as one of the tools of democratic dialogue between the government and the citizen, strengthening the possibilities of public control through the possibility of appealing against decisions and management services of public authorities and which should be a recipe for further transformation.

The separation and classification of scientific research in the areas of scientific developments on the topic, namely: scientific-theoretical justification of the legal basis of security service activities of public authorities; theoretical studies of academic problems and administrative services; the standards and characteristics of public services, the ratio of management services, classification, content analysis, similarities and differences; some aspects concerning e-government and digitalization of public administration.

The division of tools for ensuring digital democracy is presented, among which are: optimized for mobile devices interactive websites with up-to-date information; open data, including open budgets; online broadcasts; e-petition services; e-consultations; online public hearings; e-voting; participation budget or public budget online.

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