

UDC UDC: 342.5, 352/354

[https://doi.org/10.32689/2617-2224-2020-2\(22\)-39-47](https://doi.org/10.32689/2617-2224-2020-2(22)-39-47)

Vysochanskiy Mikhail Rudolfovych,
chief operating officer, Department of Strategic Investigation of the National Police of Ukraine, 01601, Kyiv, Str. Bohomol'tsa, 10, tel.: (097)340-79-74, e-mail: saozarp@protomail.com, <https://orcid.org/0000-0002-6028-2922>

Височанський Михайло Рудольфович,
головний оперуповноважений, Департамент стратегічних розслідувань Національної поліції України, 01601, м. Київ, вул. Богомольця, 10, тел.: (097)340-79-74, e-mail: saozarp@protomail.com, <https://orcid.org/0000-0002-6028-2922>

Высочанский Михаил Рудольфович,
главный оперуполномоченный, Департамент стратегических расследований Национальной полиции Украины, 01601, г. Киев, ул. Богомольца, 10, тел.: (097)340-79-74, e-mail: saozarp@protomail.com, <https://orcid.org/0000-0002-6028-2922>



ANALYSIS OF THE DEFINITIONS OF PUBLIC ADMINISTRATION AND REGULATION AND THEIR IMPORTANCE IN THE PRACTICE OF APPLICATION OF UKRAINE

Abstract. The article analyzes the scientific positions on the understanding of concepts of state regulation and public administration, which are somewhat different from each other. Thus, the researchers who study the theory and mechanisms of the public administration consider state regulation and administration in a broad sense, unlike the scientists conducting research in the field of economics. The latter, as a rule, give definitions of the state regulation and administration relatively narrowly, covering only the sphere of economic relations and everything related to the economics.

In general, the concept of state regulation is considered either as a state activity, or as a system of measures, or as a set of basic forms and methods of influencing a particular process or object. In our opinion, state regulation should be understood as the activity of the state, since the activity in its conceptual meaning

can absorb both processes related to the application of the system of measures and processes related to the use of any complex of forms and methods of influence.

Taking into account the closeness in the conceptual sense of state regulation and public administration, aspects of the relationship between them are outlined. Given the functions of a transitional society state that is relevant to modern Ukraine, it is proposed to support the view that administration is an activity that uses available resources, and regulation is a broader activity that involves attracting additional resources to fulfill certain tasks.

The apparatus of public administration is defined as the main component of the process of practical implementation of tasks of the executive power. Accordingly, for the effective implementation of the tasks arising in the process of state regulation and public administration, it is necessary to define clearly these concepts, which, in our view, must be unified (unambiguous). Only in this case the scientific-research activity will be able to be used qualitatively by the apparatus of public administration and be practically useful.

Keywords: public administration, state regulation, correlation of concepts, practice of application, state appara.

АНАЛІЗ ПОНЬЯТЬ ДЕРЖАВНОГО УПРАВЛІННЯ ТА РЕГУЛЮВАННЯ, ЇХ ЗНАЧЕННЯ В ПРАКТИЦІ ЗАСТОСУВАННЯ УКРАЇНИ

Анотація. Проведено аналіз наукових позицій щодо розуміння понять державного регулювання та державного управління, які дещо відрізняються одна від одної. Так, дослідники, які вивчають теорію та механізми державного управління, розглядають державне регулювання та управління у широкому розумінні на відміну від вчених, що проводять дослідження у сфері економіки. Останні, як правило, надають визначення державного регулювання та управління порівняно вужче, охоплюючи лише сферу економічних відносин та все, що пов'язано з економікою.

Загалом поняття державного регулювання розглядають або як діяльність держави, або як систему заходів, або як комплекс основних форм і методів впливу на певний процес чи об'єкт. На нашу думку, державне регулювання слід розуміти як діяльність держави, оскільки саме діяльність за своїм понятійним значенням може поглинати як процеси, пов'язані із застосуванням системи заходів, так і процеси, пов'язані з використанням будь-якого комплексу форм та методів впливу.

Беручи до уваги близькість у понятійному сенсі державного регулювання та державного управління, окреслено аспекти співвідношення між ними. Враховуючи функції держави перехідного суспільства, що є актуальним для сучасної України, запропоновано підтримати позицію згідно якої управління — це діяльність яка використовує наявні ресурси, а регулювання є більш широю діяльністю, яка передбачає залучення додаткових ресурсів для виконання тих чи інших завдань.

Апарат державного управління визначено як основну складову процесу практичного здійснення завдань виконавчої влади. Відповідно, для ефективного здійснення завдань, що виникають у процесі державного регулювання та державного управління, необхідним є чітке визначення цих понять, що повинні бути, на наш погляд, уніфікованими (однозначними). Лише у такому випадку науково-дослідна діяльність зможе якісно використовуватись апаратом державного управління та бути практично-корисною.

Ключові слова: державне управління, державне регулювання, співвідношення понять, практика застосування, державний апарат.

АНАЛИЗ ПОНЯТИЙ ГОСУДАРСТВЕННОГО УПРАВЛЕНИЯ И РЕГУЛИРОВАНИЯ, ИХ ЗНАЧЕНИЕ В ПРАКТИКЕ ИСПОЛЬЗОВАНИЯ УКРАИНЫ

Аннотация. Проведен анализ научных позиций относительно понимания государственного регулирования и государственного управления, несколько отличаются друг от друга. Так, исследователи, изучающие теорию и механизмы государственного управления, рассматривают государственное регулирование и управление в широком смысле в отличие от ученых, проводящих исследования в сфере экономики. Последние, как правило, предоставляют определения государственного регулирования и управления, охватывая лишь сферу экономических отношений и то, что связано с экономикой.

В целом понятие государственного регулирования рассматривают или как деятельность государства, или как систему мер, или как комплекс основных форм и методов воздействия на определенный процесс или объект. По нашему мнению, государственное регулирование следует определять как деятельность государства, поскольку именно понятие деятельность может поглощать как процессы, связанные с применением системы мероприятий, так и процессы, связанные с использованием любого комплекса форм и методов воздействия.

Принимая во внимание близость в понятийном смысле государственного регулирования и государственного управления, определены аспекты соотношения между ними. Учитывая функций государства переходного общества, что являются актуальными для современной Украины, предложено поддержать позицию, согласно которой управление — это деятельность которая использует имеющиеся ресурсы, а регулирование — более широкая деятельностью, предусматривающая привлечение дополнительных ресурсов для выполнения тех или иных задач.

Аппарат государственного управления определено как основную составляющую процесса практического осуществления задач исполнительной власти. Соответственно, для эффективного осуществления задач, возникающих в процессе государственного регулирования и государственного управления необходимо четкое определение этих понятий, которые должны быть, на наш взгляд, унифицированными (однозначными). Только в таком случае научно-исследовательская деятельность сможет качественно ис-

пользоваться аппаратом государственного управления и быть практически полезной.

Ключевые слова: государственное управление, государственное регулирование, соотношение понятий, практика применения, государственный аппарат.

Formulation of the problem. Several definitions of public administration and state regulation have been provided in the scientific literature. Discussions by scientists about the correct definition of certain concepts are indispensable, but for their practical application to be effective, definitions of the concepts in theory must be as unified and understandable as possible for the practitioners.

Since the concepts of state regulation and administration do not have their unified (unambiguous) definitions, it causes inconvenience in the process of their use by practitioners, as well as in planning ways to improve them in the future. This situation is primarily due to the fact that these concepts are not enshrined in the statutory legislative acts, which are obligatory for implementation: that is why the presence of several definitions of the concepts of state regulation and administration is a natural process of forming a single understanding of them as phenomena, which is clearly born in the process of scientific research and discussion.

In addition to ambiguity in the regulatory framework, difficulties in understanding and using state regulation and administration arise because of the multifaceted nature of these concepts, as well as the wide scope of application, including economic activities and more.

It should be noted that researchers who study the theory and mechanisms of public administration view state regulation in a broad sense, unlike scientists conducting research in the field of economics. The latter, as a rule, give definitions of state regulation relatively narrowly, covering only the sphere of economic relations and everything related to the economics.

Particular attention should be paid to the closeness in the conceptual sense of state regulation and public administration. Given the above, as well as the fact that as of today there is a wide range of different approaches in discussions regarding the correlation of these concepts [1, p. 148], it is necessary to pay attention to the necessity to study the mentioned topic as relevant.

Undoubtedly, in order to improve the effectiveness of the application of state regulation and administration in practice in Ukraine is the formation of a unified theoretical approach to understanding these phenomena, which should be formed by reaching a compromise between scientists of different scientific schools.

Analysis of the recent research and publications. As a system of measures state regulation is defined by such scientists as A. S. Bulatov, D. S. Zuhba, E. N. Zuhba, N. H. Kapturenko, I. R. Mikhasyuk, L. Khodov. Proponents of the approach to understand-

ing state regulation as a complex of basic forms and methods of influencing a particular process or object are V. Bratyshko, L. S. Holovko L. I. Didkivska, S. V. Mocherniy, V. P. Oreshyna, N. Saniakhmetova, D. M. Stechenko.

The researchers who study the theory and mechanisms of public administration view state regulation and administration in a broad sense, unlike scientists conducting research in the field of economics. The latter, as a rule, make the definition of state regulation and public administration relatively narrow, covering only the sphere of economic relations and everything related to the economics.

A number of authors, namely A. Beykun, V. Yu. Keretzman, V. K. Kolpakov, E. Kuklinsky, in their works touch on aspects of the relation between the concepts of public administration and state regulation.

The purpose of the article is to analyze the scientific approaches to the definition of concepts of state regulation and public administration, to outline some aspects of the discussions of scientists on the relation of these concepts in theory. Considering that the development of theoretical material and research work of the employees of the scientific field should be directed to the needs of practice, attention should be paid to the problems of using science for the needs of practical activity. Therefore, we should consider the effectiveness of the use of state regulation and public administration in the context of ambiguous interpretation of these concepts in theory.

Presentation of the main material. The question that needs analysis is the

closeness in the conceptual definition of state regulation and public administration, so it seems appropriate to consider these concepts and their relationships.

At the level of general administration science, the concepts of “regulation” and “administration” are almost never used as identical, but the relationship between them is interpreted differently. Most think that regulation and administration are social phenomena and have a common scope, but suggest a different nature of the impact on administration that is achieved through the implementation of the goals and objectives of administrative influence. Also, some scientists believe that regulation covers a wider area of organizational activity than administration. However, in the scientific field there is a position according to which state regulation of the economy is defined as an integral function of the public administration. Of course such a position also takes place among others.

With regard to administration, one can determine its deliberate impact specifically on the administration entities, as well as the use of methods that imply the subordination of these entities to administration influence by the administration entity.

In addition, public administration is defined as one of the activities of the state the essence of which is the exercise of administrative organizing influence by using the powers of the executive power through the organization of the implementation of laws, the exercise of administrative functions for the purpose of complex socio-economic and cultural development of the state, its separate territories, as well as ensur-

ing implementation of the state policy in relevant spheres of the public life, creating conditions for citizens to exercise their rights and freedoms [2, p. 47].

Public administration by its nature can also be considered as a type of activity of the state, that consists of its administration, that is, organizing influence on the branches and spheres of the public life, which require some intervention of the state through the use of the powers of the executive power. Thus, from the point of view of the common understanding, administration is a deliberate influence on a complex system, and directly by the term “administration” refers to activities related to the leadership of someone or something [3, p. 28].

The concept of state regulation can be grouped and considered as such that:

1) it is treated as an activity of the state;

2) it is considered as a system of measures;

3) it is represented as a complex of basic forms and methods of influence on a certain process or object [4, p. 302].

Given this, some scientists understand the concept of state regulation of the state’s activities to create the legal, economic and social preconditions necessary for the functioning of the mechanism in accordance with the goals and priorities of the state policy, for the realization of national interests of the state [5, p. 95–96]. However, in our opinion, it is fair to note O. O. Kunditsky [4, p. 303] — state regulation does not replace, but enhances, complements the mechanism of its functioning, and the state assumes only those functions that are not subject to this mechanism.

It should be noted that regulation is associated not so much with the impact on the objects of administration as on the environment, and also involves a high degree of alternative behaviour of the administrated objects. At the same time, regulation is sometimes regarded as one of the functions of administration, which is caused by the theoretical uncertainty of the relation between these concepts. You can evaluate the relationship between the terms “regulation” and “administration” in the context of not only their relationship, but also the general concept of “organization” (or “organizational activity”).

Based on these general ideas about the relationship of fundamental concepts of the science of administration, the concept of state regulation should be determined on the basis of the general theory of administration, taking into account the specific sphere of activity of the state bodies that have executive character. Therefore, in our opinion, “state regulation” is a broader concept than “public administration”, because it covers a wider sphere of organization of the state activity. Thus, state regulation is closely related to the forms of public administration.

State regulation and public administration aim to achieve one goal of administration, namely: the ordering of the social objects and social processes. However, despite the common goal, state regulation and public administration have significant differences related to the use of specific means (methods) of the administrative influence.

Thus, public administration, in the light of the above, should be considered as a certain type of activity of the state bodies that has a power and

implies first of all organizing and administrative influence on the objects of administration, which is implemented through the exercise of certain powers. From this point of view, public administration has features characteristic of the executive as one of the branches of the government.

Also, as mentioned above, public administration is considered as one of the activities of the state, the essence of which is the exercise of administrative organizing influence through the use of powers of the executive power through the organization of implementation of laws, the exercise of administrative functions for the purpose of complex socio-economic and cultural development of the state, its separate territories, as well as ensuring the implementation of the state policy in the relevant spheres of the public life, creating conditions for citizens to exercise their rights and freedoms [2, p. 47].

The functioning of the executive power, along with the use of methods of public administration, involves the state regulation as well. The latter, based on the analysis of legal acts, applies not only within the executive branch and implies not only the impact on the objects of the administration, but also the impact on the social environment of these objects. Such an environment means social processes and phenomena that directly affect the state of a particular object of administration. Thus, state regulation creates conditions for the activity of the subjects and objects of administration in a direction that is desirable for the state and by which the administration system as a whole will develop. Moreover, state regulation provides several

options for the future activity of the administrated objects, creating the opportunity to act most effectively.

In view of the above, it should be noted that precisely because of the creation of conditions for the activity of subjects and objects, state regulation is sometimes identified with the use of indirect (economic, incentive, stimulating) methods of administration influence. However, the implementation of the state regulation is impossible without public administration, since state regulation cannot be applied without the use of methods of direct influence on the subjects and objects of the regulation.

Analyzing the relation between the concepts of state regulation and public administration, taking into account their understanding of certain scientific schools, it is necessary to pay attention to a certain conditionality of concepts, which is partly connected with the lack of normative and legal enshrining them in the legislation of Ukraine.

Given the above, in our view, administration is an activity that uses the existing resources, and regulation is a broader activity that involves the implication of additional resources for certain tasks.

The practical application of public administration is carried out by its apparatus, and therefore it is considered appropriate in the article to consider what constitutes the apparatus of the public administration.

Thus, the apparatus of public administration is its integral part that represents the most extensive and numerous set of interconnected executive-administrative bodies (bodies of executive power), acting exclusively

on behalf of the state, in their activity are governed solely by laws and carry out the administration of the public affairs, have power, competence, have a defined structure and personnel.

Also, the apparatus of public administration is defined as a collection of bodies of the executive power, organized into a system for the realization of the goals of the executive power, in accordance with the constitutional principle of separation of the state power.

Thus, it is the apparatus of public administration that can be considered as the main lever for the practical implementation of numerous tasks of the executive power, which daily carries out practical activities to ensure the implementation of legislative acts of the state, namely:

- implements, within the limits of the state policy, the administration of objects of the state ownership, as well as the administration of the economic activity of state-owned enterprises, institutions and organizations;

- implements the directions of the state of the economic and social aspects;

- solves and coordinates a considerable number of the issues of the political-administrative, socio-cultural life, state regulation in all sectors of the economics;

- provides administration services to citizens [2, p. 17].

Conclusions. Having analyzed the scientific positions on the understanding of the concept of state regulation and public administration, as well as the relationship of these concepts, it should be noted that there are several different interpretations of them. In order to improve the scientific and practical activity, the most unified

concepts of both state regulation and public administration have been proposed, which will help the state apparatus to realize the tasks of the state policy of Ukraine.

REFERENCES

1. Keretsman V. Yu. Derzhavne rehu-liuvannia rozvytku rehioniv Ukrainy: teoriia i praktyka [State regulation of development of regions of Ukraine: theory and practice]: monohrafiia. Uzhhorod: TOV "RIK-U", 2019. 512 s. [in Ukrainian].
2. Malynovskyi V. Ya. Slovnyk terminiv i poniat z derzhavnoho upravlinnia [Dictionary of Terms and Concepts of Public Administration] K.: Tsentr spriannia instytutsiinomu rozvytku derzhavnoi sluzhby, 2005. 251 s. [in Ukrainian].
3. Soloviov V. M. Poniattia i sutnist pravovoho rehuliuвання derzhavnoho upravlinnia Ukrainy [The concept and essence of legal regulation of public administration of Ukraine] *Universytetski naukovyi zapysky*. 2007, № 3 (23), S. 27–33. URL: www.univer.km.ua [in Ukrainian].
4. Kundytskyi O. O. Do pytannia pro sut derzhavnoho rehuliuвання ekonomiky [To the question of the essence of state regulation of the economy] *Naukovyi visnyk Natsionalnoho lisotekhnichnoho universytetu Ukrainy*. Zbirnyk naukovy-tekhnichnykh prats. vyp. 16.2. 2006. С. 302–307. [in Ukrainian].
5. Makroekonomika [Macroeconomics]: Pidruchnyk / A. H. Savchenko, H. O. Pukhtaievych, O. M. Titonko ta in.; Za red. A. H. Savchenka. K.: Lybid, 1995. 208 s. [in Ukrainian].

СПИСОК ВИКОРИСТАНИХ ДЖЕРЕЛ

1. Керецман В. Ю. Державне регулювання розвитку регіонів України:

- теорія і практика: монографія. Ужгород: ТОВ "РІК-У", 2019. 512 с.
2. *Малиновський В. Я.* Словник термінів і понять з державного управління. К.: Центр сприяння інституційному розвитку державної служби, 2005. 251 с.
 3. *Соловійов В. М.* Поняття і сутність правового регулювання державного управління України Ун-кі наук. записки. 2007, № 3 (23), С. 27–33. URL: www.univer.km.ua
 4. *Кундицький О. О.* До питання про суть державного регулювання економіки Наук. вісн. Нац. лісотехнічного ун-ту України // Зб. наук.-тех. праць. вип. 16.2. 2006. С. 302–307.
 5. Макроекономіка: підручник А. Г. Савченко, Г. О. Пухтаєвич, О. М. Тітьонко та ін.; за ред. А. Г. Савченка. К.: Либідь, 1995. 208 с.