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ANALYSIS OF PRACTICAL ASPECTS OF INTERACTION BETWEEN CIVIL SOCIETY AND PUBLIC GOVERNANCE

АНАЛІЗ ПРАКТИЧНИХ АСПЕКТІВ ПРОЦЕСУ ВЗАЄМОДІЇ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА ТА ОРГАНІВ ПУБЛІЧНОГО ВРЯДУВАННЯ

Urgency of the research. In the context of the rapid spread of transformational changes in Ukraine, the issues of improving the system of interaction between civil society and public governance become important and require a first-rate solution.

Target setting. Building not only a productive, but also an effective system of interaction between civil society and public governance requires the identification of the main positive and negative aspects of this interaction on the basis of an analysis of its practical implementation.

Actual scientific researches and issues analysis. Such scholars as V. Bebyk, V. Bakumenko, V. Bilous, L. Pashko and others have made a significant contribution to the theory of research on the process of civil society formation and the implementation of the process of its interaction with state governance.

Uninvestigated parts of general matters defining. At the same time, little attention is paid to the issue of the results and effects of the practical implementation of the process of interaction between civil society and public governance on the basis of its analysis, with further emphasis on the most pressing issues.

The research objective. The study of the theory and practice of the peculiarities of the interaction between civil society and public governance in Ukraine, the allocation of problem issues of this process and the formation of proposals for its improvement.

The statement of basic materials. The main trends of the interaction between civil society and public administration in Ukraine which showed partial use of its potential.

Conclusions. In the future, the most effective ways of establishing a fruitful cooperation between the authorities and the public should be determined in the area of "bodies of public governance" - civil society that will promote the use of the potential of such interaction.

Keywords: civil society; public governance; interaction.

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Актуальність теми дослідження. В умовах стрімкого поширення трансформаційних змін в Україні питання удосконалення системи взаємодії громадянського суспільства та органів публічного врядування набувають важливості та потребують першочергового вирішення.

Постановка проблеми. Для побудови не лише результативної, а й ефективної системи взаємодії громадянського суспільства та органів публічного врядування необхідно виявити основні позитивні та негативні аспекти даної взаємодії на основі проведення аналізу її практичної реалізації.

Аналіз останніх досліджень і публікацій. Значний внесок у теорію дослідження процесу становлення громадянського суспільства та здійснення його взаємодії з органами державної влади зробили такі вчені як В. Бебик, В. Бакуменко, В. Білоус, Л. Пашко та ін.

Виділення недосліджених частин загальної проблеми. У той же час у наукових працях зовсім не приділяється увага питанню результатів та ефектів практичної реалізації процесу взаємодії громадянського суспільства та органів публічного врядування на основі її аналізу з подальшим виділенням найактуальніших проблемних питань.

Постановка завдання. Дослідження теорії та практики особливостей взаємодії громадянського суспільства та органів публічного врядування в Україні, виділення проблемних питань даного процесу та формування пропозицій щодо його вдосконалення.

Виклад основного матеріалу. Проаналізовані основні тенденції процесу взаємодії громадянського суспільства та органів публічного врядування в Україні, які засвідчили неповне використання її потенціалу.

Висновки. Надалі необхідно визначити найефективніші шляхи налагодження плідної співпраці влади та громадськості у площині «органи публічного врядування – громадянське суспільство», що сприятимуть використанню потенціалу такої взаємодії.

Ключові слова: громадянське суспільство; публічне врядування; взаємодія.

Urgency of the research. Paying attention to the importance of civil society, which serves as the main foundation for the development of effective transformational change in our country, it is

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significant to study and analyze the process of its interaction with public governance and build ways towards the formation of civil progress.

Target setting. Recently, various forms of citizens' participation in addressing issues of national and local significance have been widely implemented in the practice of public administration in Ukraine. Due to this the possibilities of the influence of citizens and their collectives on the practical realization of public authority are expanding. It should be noted that the use of citizens' right to participate in decisions of local importance and interaction with the apparatus of public administration remains a painful issue, since this is not widely used in practice.

Actual scientific researches and issues analysis. The peculiarities of the formation of civil society in Ukraine, the relation between civil society and the state, the dynamics of their interaction are being widely studied by V. Bebyk, A. Kudriachenko, M. Tkachuk, V. Martynenko, V. Bakumenko, V. Bilous, M. Boichuk, M. Koziubra, N. Lypovska, O. Obolenskyi, L. Pashko, I. Pysmennyi, S. Serohin, V. Stepanenko, Y. Sharov and others stressing the necessity of transition to building a democratic society.

Uninvestigated parts of general matters defining. The issues of effective mechanisms of citizens' participation in the formation of state policy remain insufficiently worked out. Given the urgency of the development of the system of interaction between civil society and public governance the issue needs a further in-depth study.

The research objective. The purpose of the article is to analyze the existing practice of the process of interaction between civil society on the one hand and the bodies of public governance on the other, and to identify the main positive and negative aspects, as well as to propose the most actual ways to improve this process.

The statement of basic materials. The state and civil society are closely interconnected, but relations between them are not subordinate. Civil society is not introduced by law, it exists and it is formed spontaneously in social history by the sovereignty of the life of individuals and communities. The role of the state is to regulate the activities of civil society institutions, supporting their development or inhibiting it [1].

It is considered that the term "civil society" comes from the political traditions of the ancient Roman Republic. In ancient Rome, the term "civilissocietas" meant the unification of free people into a state (civitas), which obeyed established laws (juscivile) and aimed to protect the common interests of its citizens (civis).

It is meant that "civil society" is the society of citizens with a high level of economic, social, political and cultural traits, which forms the developed legal relations with the state, a society of equal citizens, independent of the state, and interacts with it for the public good [2; 22].

Civil society as a society of citizens that is equal in their rights, a society that does not depend on the state, but interacts with it for the sake of the common good, is the basis of the state, in which the state, in its turn, protects the democratic principles of self-government of all non-governmental organizations that directly forms a civil society [3].

Kostiuchkov O. S. [4] notes that "not every society can be called a civil society, that is, a society with a sufficiently developed economic, cultural, legal and political relations between its members, independent of the state, but interacting with it ... The product of harmonious interaction of state authorities with civil institutes society must become an effective instrument for consolidating democracy in Ukraine." It is well-known that the state can not progress without free development of civil society, so it is interested in attracting its potential.

Nowadays, the closest level of governance for each citizen is local self-government. The Swiss-Ukrainian project "Support for Decentralization in Ukraine - DESPRO" and "Decentralization of public authority: the experience of European countries and the prospects of Ukraine" by Boryslavska O., Zaverukha I., Zakharchenko E. etc mention that self-government as a participation of citizens in management can function successfully if elements of civil society and self-organization already exist. These elements are only being formed and relatively weak in Ukraine [5].

In the European Union, the concept of establishing a permanent open dialogue between government and civil society fully reflects the approach to the dialogue between the state and society

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as the basis of democratic development. The indicators of the ability to function effectively in civil society are, on the one hand, the ability of civil society to control the implementation of the decisions made by the authorities, and on the other hand, the readiness of the society to accept the decisions and demonstrate the proper level of self-organization for their implementation [6].

The issue of interaction between the executive and legislative authorities of the European Union and civil society is constantly on the agenda of European institutions and it was formally reflected in the European Commission's policy document "An Open and Structured Dialogue between the Commission and Stakeholder Groups in 1992". After a series of consultations on possible forms of a permanent dialogue between European institutions and civil society the European Commission has launched services of consultations with the public on specific policies of the European Union [6].

There are such forms of a dialogue between European institutions and civil society as 1) the activities of the Liaison Group established in accordance with the decision of the European Economic and Social Committee (EESC) (the main task is to ensure the interaction of the Committee with nongovernmental organizations to identify priority issues and develop a coordinated approach to achieve the expected result); 2) a separate NGO Contact Group, known as the EU Civil Society Contact Group (it unites participants in such key sectoral areas as culture, environment, education, development, human rights, health, social and gender issues and includes representatives of leading NGOs in the EU member states, creating a platform for a pan-European approach in the context of promoting initiatives in the sectors mentioned above); 3) European Citizens' Initiative (UEN) (citizens' right is provided by the Lisbon Treaty of the EU starting from 2009) [7].

Experts mention that in the context of public dialogue, European institutions do not favor organizations representing civil society or other interest groups, but all "interested groups" are seen as partners, enabling them to reach the widest range of society. It confirms the thesis that civil society is a kind of social space, where people interact as individuals independent of the state. Consequently, the more advanced civil society is, the more grounds for the existence of democratic regimes it has [8].

However, the successful functioning of civil society is possible only within the conditions of law-governed state. Their relationship manifests itself in the obligatory mutual responsibility of the state and the individual, which implies a clear division of power and the legislative consolidation and compliance with the political and legal status of the individual [9].

Y. Baltii draws attention to the fact that the current Constitution of Ukraine of 1996 [10] does not operate on the notion of "civil society", although the third section of the constitutional draft, which was edited on 1 July, 1992, was entitled "Civil Society and State" [11], and it is noted in the article 64 that: "The state is subordinated to the service of civil society and aims to ensure equal opportunities for all as a basis for social justice." At the same time, local self-government is an important functional component of civil society because the implementation of the concept of local democracy, which is the basis of democracy in general, took its rise from local governance. Harmonious interaction between local self-government and civil society is also necessary for the strengthening of general-humanistic ideals [12; 23].

The process of public affairs management, which combines public administration and local government, and in some countries also includes regional governance, is commonly referred to public administration, linking it with the execution of public authority [13]. In this case, public authority is defined as [14] "legal social power, which implements articulated public interests of a certain territorial community (within the boundaries of state borders or administrative units) and functions in two main forms such as: 1) state power and 2) local government".

It should be emphasized that there is a negative tendency in the process of interaction between civil society and public governance, for instance, publicly available information about citizens' appeals to executive authorities for work reflects the distribution of requests by region and industry and does not reflect the concrete results of considering these appeals (Fig. 1).

In this context, V. I. Melnychenko [15] raises an interesting question whether receiving a written request of a citizen and sending a bureaucratic reply without substance can be considered as a governance execution.

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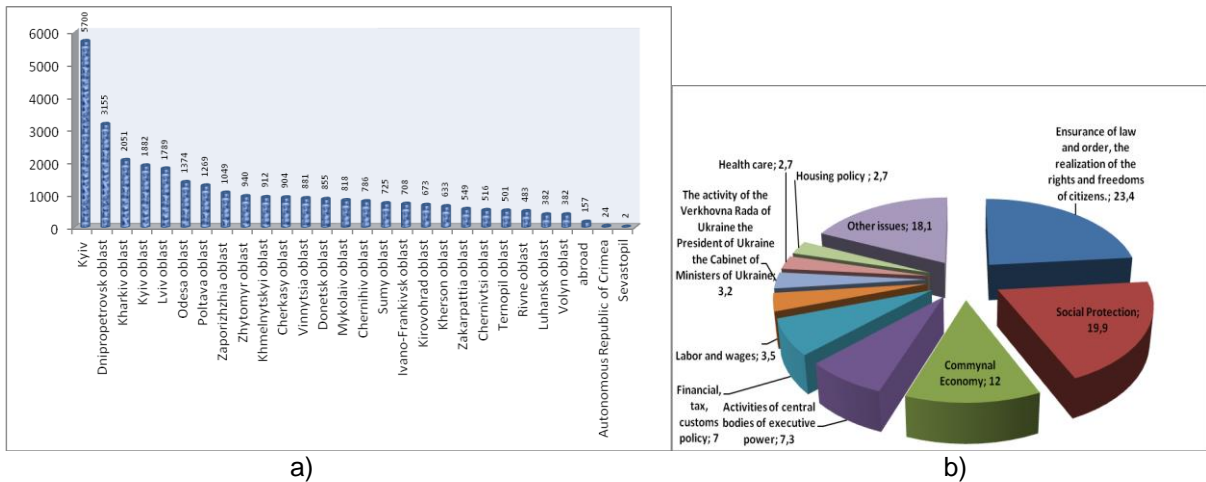


Fig. 1. Information on work with the appeals of citizens submitted to the Cabinet of Ministers of Ukraine in 2015: a) the number of appeals of citizens to the Government; b) the most urgent issues raised by citizens in appeals to the Prime Minister of Ukraine and the Cabinet of Ministers of Ukraine [16]

However, positive practical changes should be noted in reports on requests for information that contain certain clarifications (Fig. 2).

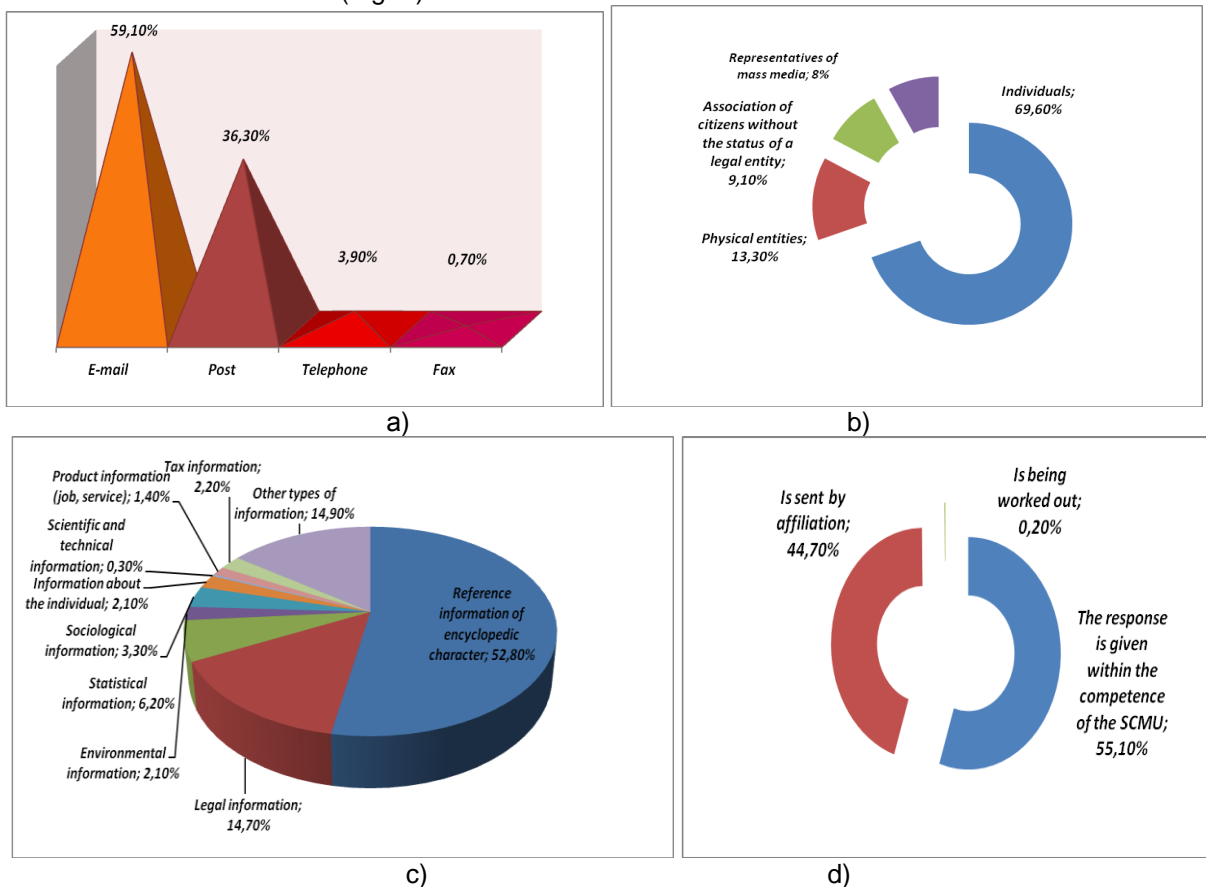


Fig. 2. Results of work with requests for information sent to the Secretariat of the Cabinet of Ministers of Ukraine from 9 May, 2011 to 30 June, 2016: a)ways of receiving the requests; b) category of requesters; c) types of information; d) the results of the response [17]

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It should be mentioned that compared with 2014, the percentage of requests to local executive bodies has increased, while the percentage of appeals to both ministries and central executive bodies has decreased (Fig. 3). The number of requests received by the executive authorities in 2015 is illustrated in Fig. 4.

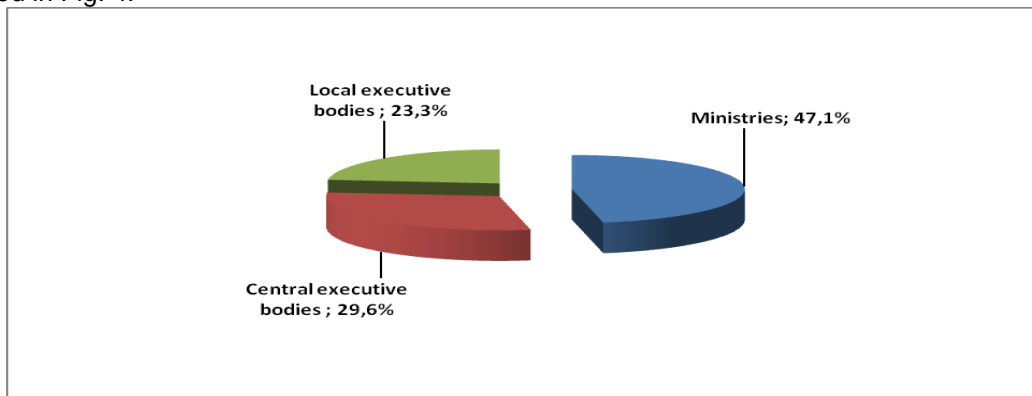


Fig. 3. Segmentation of requests received in 2015

For reference: in 2014, the executive authorities received 45221 requests for information, among them 24226 requests (53.6% of the total) came to the ministries, 12518 (27.7%) to the central and 8477 (18.7%) – to the local executive bodies.

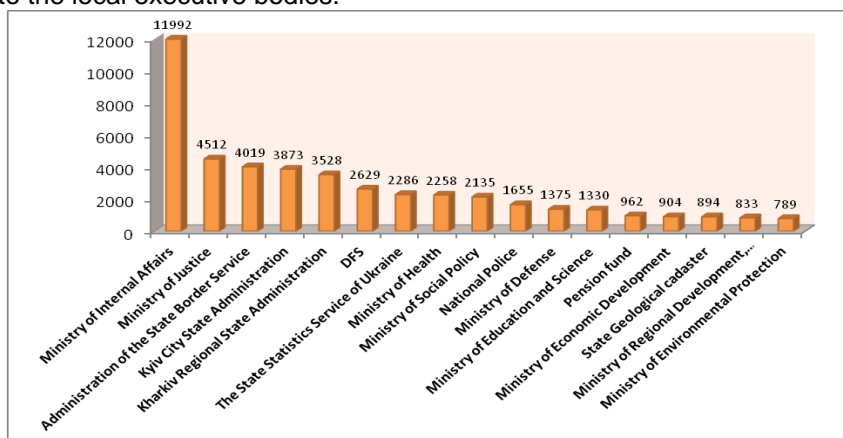


Fig. 4. Bodies of executive power that received the largest number of requests for information in 2015

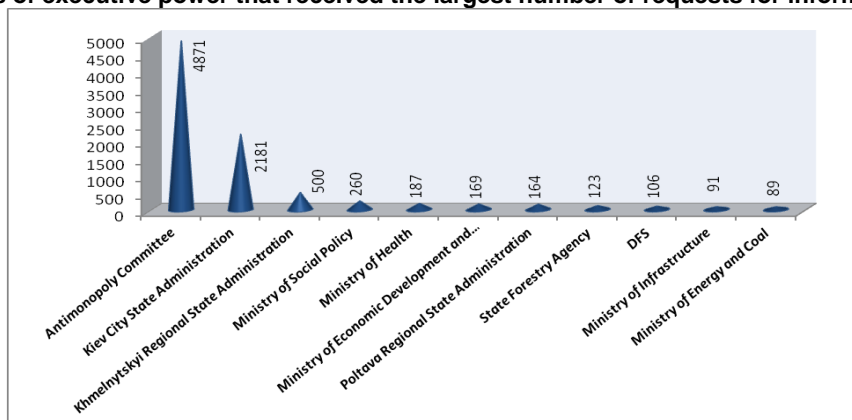


Fig. 5. Bodies of executive power that published the largest number of draft decisions in 2015 [18]

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It should be noted (Fig. 6) that e-mail was the most common way of receiving the requests by central executive bodies 28499 (52.5% of the total number of requests received by central executive authorities) and local executive bodies received 25,169 requests (55.3%). The ministries received more requests through post (55277 (47.4%) than by e-mail (48008 (41.1%).

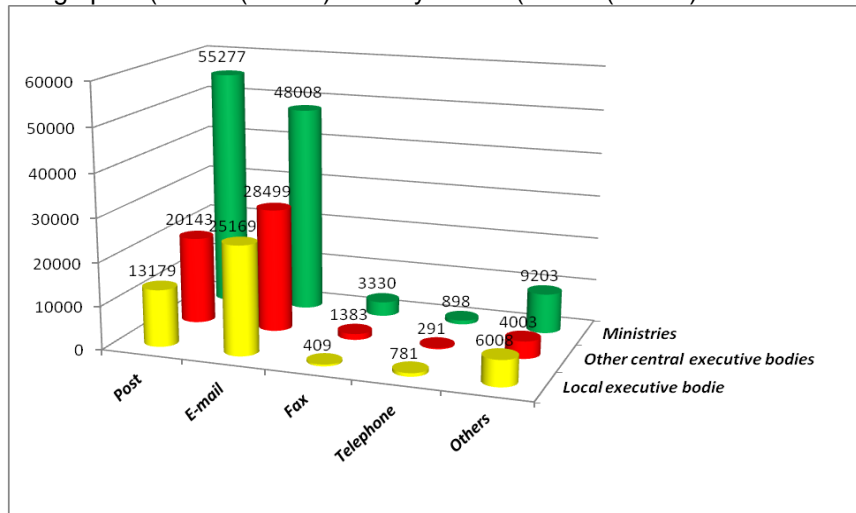


Fig. 6. Ways of receiving the requests for information for the period from May 2011 to December 2015

The most common way of receiving requests for information in the Secretariat of the Cabinet of Ministers is also e-mail - 6887 requests (59% of the total number of requests received by the Secretariat of the Cabinet of Ministers).

In accordance with the article 14 paragraph 5 of the Law of Ukraine "On access to public information", information managers form special structural divisions or define responsible persons who organize access to public information. As of December 2015, 17% of executive power bodies have separate structural divisions. 48.9% of executive bodies have a structural unit within the agency / administration / department, and 34.1% of executive bodies have identified responsible persons [19].

Also, as a positive practical aspect of the interaction between the bodies of public governance and civil society, the existence of appropriate public discussion service on draft legal acts should be emphasized, but the number of registered users of such service is small 6307 in total (as of 17.05.2017), although there are corresponding positive changes, as the number of users was 5432 (on 24/207/2016). The number of text suggestions for users is illustrated in Fig. 7. 3131 projects under discussion, 964 proposals were submitted, 30175 ratings were given.

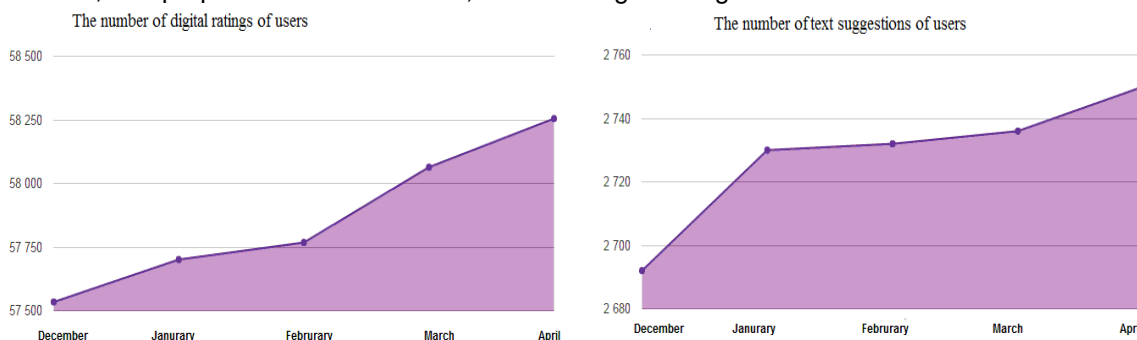


Fig. 7. The number of digital ratings and text suggestions of users for the period from December 2016 to April 2017

The distribution of projects submitted for public discussion of spheres is given in Fig. 8.

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It is interesting to note that the activity in the discussion of projects (as of 17.05.2017) is observed only in one of eleven, namely: Draft Law of Ukraine "On Amendments to Certain Legislative Acts on Enhancing the Protection of Business Entities from Unlawful Actions or inactivity of permit authorities" [20].

Thus, according to statistical data, the practical experience of the interaction of civil society and public governance has shown an incomplete use of its potential.

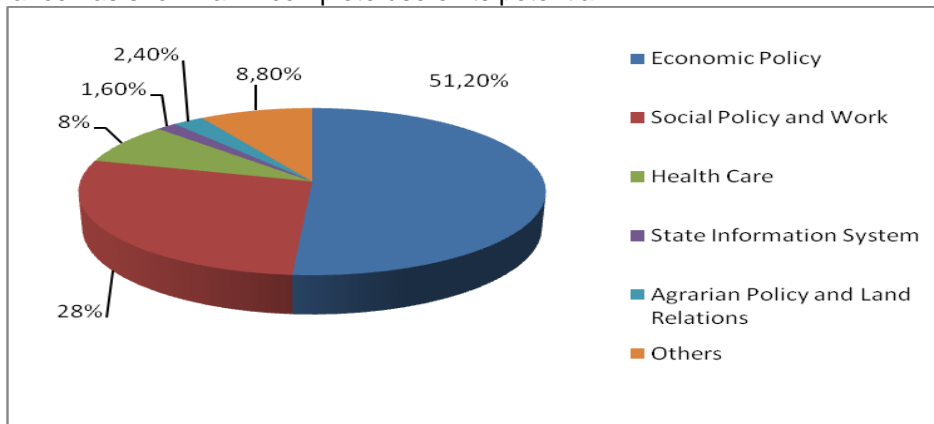


Fig. 8. Distribution by spheres from December 2016 to April 2017

The most relevant ways of improving the practice of interaction between civil society and public governance can be considered: implementation of the principle of partnership interaction in the established practice, which involves not only informing the population, but also establishing effective feedback; carrying out the appropriate explanatory work among different sections of the population and promoting "public education" regarding the possibility of such interaction; establishing public control and establishing a process of public discussion as tools of public participation in the process of interaction. In connection with this, there is a need to develop the main principles of state communicative policy, the introduction of standards for information exchange between local governments and the public ones [21].

Conclusions. To sum up all of the above, it should be noted that at this stage of development Ukraine is confidently moving through democratic transformations and strengthening the positions of civil society. Unfortunately, the statistical data showed a slowdown in the process of interaction between the public and the authorities that do not contribute to the rapid democratic changes in our state. The Ukrainian civil society is in no hurry to use existing well-established mechanisms of cooperation with public administration bodies. At the same time, the authorities are not trying to solve the mentioned problem, besides they object to having changes in some areas. Special attention must be paid to those interactive tools that work properly. They need to be constantly developed and improved. Finding practical ways and benchmarks for the development of civil society, the formulation of specific practical recommendations for state institutions regarding the directions and mechanisms of interaction with the public are the vital issues nowadays.

A promising direction for a further research in the area "public governance – civil society" will be the specification of the most effective ways of establishing a fruitful cooperation between the authorities and the public, which will help to exploit the potential of such interaction.

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