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**FUNCTIONAL REVIEW FOR IMPROVING
MANAGEMENT OF THE PUBLIC
ADMINISTRATION**

**ФУНКЦІОНАЛЬНЕ ОБСТЕЖЕННЯ ЩОДО
УДОСКОНАЛЕННЯ МЕНЕДЖМЕНТУ
ПУБЛІЧНОГО АДМІНІСТРУВАННЯ**

Urgency of the research. Functional inspection management of public administration is caused by the need of justification to questions of the reorganisation of public power bodies of Ukraine.

Target setting. The Scientific search consists in the development of the recommendations about an improvement of management of public administration.

Analysis of recent researches and publications. The development of public administration institutions is dedicated to the work of Borodin I. L., Bryntseva V. D., Glushenko S. V., Kwasniewski N. D., Obolensky O. Y. and others.

Uninvestigated parts of general matters defining. Realisation Strategy of reforming the public power system, legal proceedings and adjacent legal institutions for 2015-2020 demands scientific support of the finding of methodical approaches to improvement of public administration.

The research objective. The objectives of the article are a definition of methodical approaches from functional inspection of the public power body, the analysis of functional loading of the office and efficiency evaluation of accomplishment it is institutionalized functions.

The statement of basic materials. The author does the functional review of the public power body administration as recourse that allows by opportunity to explore the activities of the public power body and provide recommendations for improving administration.

Conclusions. Improvement of the public power body's activity is connected with solving the problems of management of public administration which efficiency depends on functional loading, a level of competence and personnel management of the office of the public power body.

Keywords: reform strategy; functional review; management of the public administration; function; administration.

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Актуальність теми дослідження. Функціональне обстеження менеджменту публічного адміністрування обумовлено необхідністю обґрунтування питань реорганізації органів публічної влади України.

Постановка проблеми. Науковий пошук полягає у розробці рекомендацій з удосконалення менеджменту публічного адміністрування.

Аналіз останніх досліджень і публікацій. Удосконаленню інститутів публічного адміністрування присвячені роботи Бородіна І. Л., Бринцева В. Д., Глушенка С. В., Квасневської Н. Д., Оболенського О. Ю. та інших.

Виділення недосліджених частин загальної проблеми. Реалізація Стратегії реформування публічної влади, судоустрою, судочинства та суміжних правових інститутів на 2015-2020 рр. потребує наукового супроводу щодо знаходження методичних підходів до удосконалення публічного адміністрування.

Постановка завдання. Метою дослідження є обґрунтування методичних підходів щодо функціонального обстеження органу публічної влади, аналіз функціонального навантаження та оцінювання ефективності виконання інституалізованих функцій публічного адміністрування.

Виклад основного матеріалу. Функціональний огляд діяльності органу публічної влади автором розглядається як управлінський ресурс, що дає можливість дослідити діяльність органу публічної влади та надати рекомендацій з удосконалення адміністрування.

Висновки. Удосконалення діяльності органу публічної влади пов'язано з розв'язанням проблем менеджменту адміністрування, ефективність якого залежить від функціонального навантаження, рівня компетенції та кадрового менеджменту апарату управління.

Ключові слова: стратегія реформування; функціональне обстеження; менеджмент публічного адміністрування; функція; адміністрування.

Urgency of the research. The Strategy of reforming of judicial system, legal proceedings and adjacent legal institutions for 2015-2020 [1; 2] (further – Strategy) a number of priorities which will promote Strategy implementation in the practical plane, such as is defined: establishment of a circle of problems and determination of their reasons which need to be eliminated by reforming of judicial system, legal proceedings and adjacent legal institutions; determination of the directions, actions and stages of reforming of judicial system, legal proceedings and adjacent legal institutions; ensuring

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proper level of coordination and strategic planning of process of reforming; and also the expected results of implementation of reform of system of judicial system, legal proceedings and adjacent legal institutions.

Target setting. The purposes of judicial reform are connected with reforming of judicial system, legal proceedings and adjacent legal institutions for the practical embodiment of the principle of supremacy of law, the providing the right to fair judicial proceedings of affairs by independent and impartial court aimed at providing high-quality administration, fair justice and increase in efficiency of judicial system. So, reorganization of judicial bodies demand careful justification and optimization of institutional changes.

Analysis of recent researches and publications. Such leading Ukrainian scientists as Borodin I. L. [2], Brintsev V. D., Glushchenko S. V. [3], Kvasnevska N. D. [4], Obolensky A. Y. [5], Tolkovanov V. V. [6] engaged in questions of improving the activities of courts, raising the overall level of court administration, in whose works the functional interrelations of the judicial power institutions partially were considered.

Uninvestigated parts of general matters defining. Need of increase in efficiency of justice, optimization of powers of vessels of different jurisdictions and increase in level of overall performance of judicial authorities (section 4 of Strategy) [1] is recognized the strategy of reforming, in particular: review of structure of judicial system of Ukraine; optimization of system of vessels after the detailed analysis of discrepancies and risks assessment; enlargements of separate elements of system at appropriate levels. However, justification of methodical approaches and acquisition of practical experience on improvement of judicial administration remain small.

The research objective. Research purpose is justification of methodical approaches from functional inspection of a judicial body, the analysis of functional loading of the office of court and efficiency evaluation of accomplishment is institutionalized functions and also acquisition of practical experience on optimization of judicial administration.

The statement of basic materials. The Strategy of reforming of judicial system, legal proceedings and adjacent legal institutions provides improvement of government of judicial bodies which realization can be enabled by means of functional review (Functional Review – FR). Object of FR processes of improvement of management of judicial administration of Economic court of the Chernihiv region. A subject – theoretic-applied aspects of management of judicial administration of structural divisions of court. Efficiency evaluation of reorganization and administration of work of court is offered to carry out by a technique of functional review. Experience of use of analytical approaches of FR by the countries which constantly conduct such examinations on reforming of structures and the content of activity of judicial bodies [2; 3; 6; 7], point out lack of unity of methodology of FR, assessment and use of results of inspection.

So, functional inspection sets as the purpose determinations of conceptual bases and directions on effective reorganization and improvement of management of judicial administration of Economic court of the Chernihiv region [1]. For achievement of this purpose to accomplishment there are following tasks:

- carrying out the institutional analysis of the functions and powers of court regulated by the legislation of Ukraine;
- classification and group of functions of court and its structural divisions;
- determination of an imbalance on functional loadings, a branching or excessive concentration of functions on divisions of court;
- the analysis of offers on an exception or reduction of a functional imbalance, determination of the optimum interstructural communications, powers and functions assigned on defined division of court, modification of regulations on divisions of court.

For the solution of such complex of tasks inspection of legal agency on a functional research of the object directed to increase in efficiency of use material, financial and a manpower, improvement of administrative services helps.

The court as organization of the government represents administrative social and economic system from a certain procedural technology which reflects specifics of implementation of justice. The

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structure of legal agency is defined by features of work, the state strategy and policy of administrative reforming, the institutional environment, judicial system, legal proceedings for providing the right to fair trial [1; 3; 4; 6]. The structure of court is understood as complete set of rather independent management personnel, the judicial boards, departments and services performing managerial functions, are given authority, have competence and institutional connection on ensuring activity of court is established.

Organizational structure of economic court has to provide functional interaction of all divisions and the judicial personnel performing these functions. This interaction is characterized to statistics of judicial activity and also dynamics – procedural requirements and regulations of work of court.

The organizational structure of economic court has the specific principles of forming, the following is basic of which:

- subordination institutional interrelations and interactions of all structural divisions of court of an ultimate goal – to supremacy of law;
- implementation of legislatively statutory powers on accomplishment of all complex of functions (types of activity) by divisions and personnel of court;
- ensuring rational specialization and hierarchy of functional interrelation on implementation of a certain competence and scale of management.

According to Regulations on the office of Economic court of the Chernihiv region, the office of court performs functions on organizational support of work of court in interaction with Public judicial administration of Ukraine and Territorial Department of Public judicial administration of Ukraine in the Chernihiv region which performs the functions on the basis of regulations on the departments approved by the chief of staff of court.

As of January 1, 2017 the actual list of workers of the office of economic court of the Chernihiv region makes 85 people, namely: 18 judges (2 – the management of court) 72 workers of the office of court, from them: 37 government employees; 21 – foster service; 6 – the personnel performing function on service; 2 – employee: manager of archive and chief inspector; 6 workers – other positions.

The office workers of court have the certain functional duties recorded contain in job descriptions which define the work content, the purpose of a position, a duty and the sphere of responsibility the task description, the bases of their accomplishment [3; 4; 5, 7].

As the organizational structure of economic court is typical, to a technique of FR drawing up functional model on classification of managerial functions taking into account features of management of judicial administration is provided. On the basis of functional model of an object the structural model in which were reflected structure and communications of elements of an object in hierarchical subordination consisted. Each element of organizational structure participates in accomplishment of one or several functions of an object irrespective of whether this element of the integral component is or assembly, was considered as a certain complex of functions. The budget of accomplishment was determined by all components of organizational structure of an object.

The structure of economic court of the Chernihiv region consists of two main parts: the judicial body – the professional judges who are directly performing justice on the corresponding affairs and the office of court, performs organizational actions for justice implementation.

Within FR attention was paid to questions of optimization of communication communications and personnel number of economic court of the Chernihiv region. Basic indicators of work of court were chosen as the basis for this analysis, form according to the decision of Judicial council of Ukraine № 28 of April 02, 2015.

As showed researches [2; 5-7], it is better to carry out FR in several steps. At the first stage the organizational structure of court was defined as rather isolated complete system, was considered on line model of "a black box" on the basis of the principles of systems analysis.

The second stage FR provided the description, forming and the analysis of a complex of functions of economic court for the purpose of determination of external, internal, main, support, main and minor functions in a hierarchical order of their accomplishment. For forming of functional model the method of systems analysis of functions (FAST) was used.

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At the third stage it was carried out mark estimation of functions (the importance and ponderability): information parameters of function (volume, the nomenclature of documentation, frequency and the period of repetition, timeliness, quality, etc.) which reflect the importance and ponderability (importance) of function of management of judicial administration were considered. It helped to define extent of accomplishment of each function: current and normative.

So communications of components of organizational structure of court and management of judicial administration are difficult, for reduction of time at this stage, was decided to use Pareto's chart that helped to define object components of which the greatest share of costs of time and problems in work is the share.

For creation of the functional and cost diagram (FCD) the importance (r) and relative importance (R) of each function of an object which were established in the expert way were defined and brought in functional model.

On the made functional and structural model expenses on ensuring accomplishment of functions (time expenses, the salary, material, utility, direct and indirect institutional expenses) on the basis of which FCD that to a disagreement visualizes between importance/importance of functions and the cost of their accomplishment was under construction were established. Disbalance on separate functions on FCD tells about need, first of all, carrying out more careful analysis of functions on which are revealed an imbalance, and then – entering of offers on functional changes into structural and functional models.

Such analysis was carried out before the last function on which it is revealed an imbalance, among which:

f_4 – training of the judge of drafts of judgments by the assistant;

f_{11} – control of the judge of accomplishment of the tasks set for the assistant from a position of functions of the assistant;

f_{14} – studying and the analysis of jurisprudence, systematization of legal positions and accumulation of analytical materials for implementation of information and methodical ensuring activity of the judge;

f_{23} – use of computer technologies by the assistant to the judge at implementation of the professional activity.

So, unlike a usual labour activity, each of stages of which is accurately settled, work of the assistant to the judge only as an insignificant share is exposed to monitoring. It is explained by specifics of lawsuits and creativity of work of the assistant, based on intensive intellectual activity on which results the quality of judicial administration and all legal procedure which to estimate quite difficult depends.

Conclusion. Use of a technique of FR according to the analysis of the organization of work of Economic court of the Chernihiv region showed that:

– functions of assistants to the judge form and change not randomly, and according to needs of the judge and their loading;

– a proportion between quality of functions and use of a human resource on their implementation (professional potential of assistants to judges) has to be optimum certain;

– rearrangement of functions of other workers of the office of court on assistants to judges or substitution by assistants to temporarily absent workers should not influence direct powers of assistants to judges within working hours.

According to methodical approaches of FR, improvement of management of judicial administration of assistants to judges, is possible only due to reduction of quantity of support functions which the assistant to the judge is obliged to carry out now, having delegated these functions to other workers of the office of court, modification at the local level and their accurate fixing to the assistant to the judge. Activity of court is influenced by the high level of instability of the institutional environment depending on which condition management of judicial administration chooses this or that form of government which, in turn, causes structurally functional activity of court and quality of judicial administration.

МЕНЕДЖМЕНТ**References**

1. Ukaz Prezidenta Ukrainy Pro Stratehiyu reformuvannya sudoustroyu, sudochynstva ta sumizhnykh pravovykh instytutiv na 2015-2020 roky: vid 20.05.2015, № 276 [Decree of the President of Ukraine On the strategy of reforming the judiciary and related legal institutions for 2015-2020]. (2015). *Ofitsiynyvisnyk Prezidenta Ukrainy – Official Bulletin of the President of Ukraine*, 13 [in Ukrainian].
2. Borodin, I. L. (2014). Funktsiyi I publichnoho upravlinnya [The functions of public administration]. *Yurydychnyyvisnyk. Povitryane i kosmichnepravo – Legal Bulletin. Air and Space Law*, 3, 23-29 [in Ukrainian].
3. Hlushchenko, S. V. (2015). *Vyshchi spetsializovani sudy v systemi sudovoyi vlady Ukrainy [The high specialized courts in the system of judicial power of Ukraine]*. Chornobay: Chornobayiv KPP [in Ukrainian].
4. Kvasnevskaya, N. D. (2016). *Administrativno-pravove zabezpechennya reformuvannya sudoustroyu v Ukraini [Administrative and legal support to the reform of the judiciary in Ukraine]*. Vinnytsya: LTD "Nilan-LTD" [in Ukrainian].
5. Obolensky, O. Yu., Soroko, V. M. (2009). *Metodyka provedennya funktsionalnoho analizu diyalnostiorhaniv derzhavnoyi vlady z urakhuvannyam dotsilnosti nadannya nymy posluh [Method of carrying out of functional analysis of the activity of state authorities, taking into account the expediency of providing their services]*. Kyiv: NAPA [in Ukrainian].
6. Olifirenko, L. D., Viktor, T. M. (2015). Rol kadrovoho menedzhmentu v mekhanizmis udovoho administruvannya v umovakh sudovoyi systemy Ukrainy [The role of personnel management in the mechanism of court administration in the conditions of the judicial system of Ukraine]. *Problemy i perspektyvy ekonomiky ta upravlinnya – Problems and Prospects of Economics and Management*, 3, 176-185 [in Ukrainian].
7. Tolkovanov, V. V. (2009). Funktsionalne zabezpechennya yak diyevyy instrument modernizatsiyi diyalnosti orhaniv publichnoyi vlady [Functional provision as an effective tool for modernizing public authority]. *Efektivnist derzhavnoho upravlinnya – Efficiency of Public Administration*, 39, 95-100 [in Ukrainian].

Література

1. Про Стратегію реформування судустрою, судочинства та суміжних правових інститутів на 2015-2020 роки : Указ Президента України від 20.05.2015 № 276/2015 // Офіційний вісник Президента України. – 2015.– №13.
2. Бородин, І. Л. Функції публічного управління / І. Л. Бородин // Юридичний вісник. Повітряне і космічне право. – 2014. – № 3. – С. 23-29.
3. Глущенко, С. В. Вищі спеціалізовані суди в системі судової влади України : монографія / С. В. Глущенко. – Чорнобай : Чорнобаїв КПП, 2015. – 352 с.
4. Квасневська, Н. Д. Адміністративно-правове забезпечення реформування судустрою в Україні : монографія / Н. Д. Квасневська. – Вінниця : ТОВ "Нілан-ЛТД", 2016. – 534 с.
5. Оболенський, О. Ю. Методика проведення функціонального аналізу діяльності органів державної влади з урахуванням доцільності надання ними послуг / О. Ю. Оболенський, В. М. Сороко. – К. : НАДУ, 2009. – 40 с.
6. Оліфіренко, Л. Д. Роль кадрового менеджменту в механізмі судового адміністрування в умовах судової системи України / Л. Д. Оліфіренко, Т. М. Віктор // Проблеми і перспективи економіки та управління. – 2015. – № 3. – С. 176-185.
7. Толкованов, В. В. Функціональне забезпечення як дієвий інструмент модернізації діяльності органів публічної влади / В. В. Толкованов // Ефективність державного управління. – 2014. – Вип. 39. – С. 95-100.

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