Mechanisms of Citizen Participation in Public Administration: Experience of Foreign Countries

Daria I. Muslimova*

Yaroslav Mudryi National Law University Kharkiv, Ukraine *e-mail: dariayaitskaya15@gmail.com

Abstract

Considering Ukraine's aspiration to become a full member of the European Union and participate on equal terms with other European states in defining global policies and goals for the future, the effective functioning of public participation mechanisms in governance is not only a goal for Ukraine, but also a requirement of the EU. In this sense, it is appropriate to investigate the peculiarities of the functioning of the mechanisms of citizen participation in public administration in different states, evaluating their experience and taking into account the principles and ideas that can be useful in reforming the Ukrainian legal system in this direction. The purpose of the article. Analysis of foreign experience of regulatory and practical support for the functioning of mechanisms of citizen participation in public administration, determination of advantages and disadvantages of various models of setting up government-public communications, as well as an outline of prospects for the development of mechanisms of public participation in state administration in Ukraine. Methods of analysis. The research uses general scientific and special methods of scientific knowledge. The purpose and tasks of the research include analysis and synthesis of information, comparison of foreign approaches to understanding public participation and its mechanisms, as well as formulation of the author's conclusions on specific issues, recommendations for theoretical and practical use. The results. The theoretical and practical aspects of ensuring the effectiveness of citizens' participation in public administration are analyzed. The standards in this area, the best foreign approaches and practices, and promising directions for the development of participatory democracy in Ukraine are outlined. Prospects for further research. The findings contained in this study can be applied during the improvement of national legislation and the implementation of regulatory provisions on effective public influence on public administration. In the future, it would be appropriate to pay attention to the peculiarities of ensuring the functioning of the mechanisms of citizen participation in the management of state affairs in other countries, in particular in Asian countries, Canada, the USA, etc.

Keywords: public administration; public participation; participatory democracy; digitalization of public administration; electronic initiative.

Механізми участі громадян у публічному управлінні: досвід зарубіжних країн

Дар'я Ігорівна Муслімова*

Національний юридичний університет імені Ярослава Мудрого Харків, Україна *e-mail: dariavaitskava15@amail.com

Анотація

З огляду на прагнення України стати повноправним членом Європейського Союзу та на рівних умовах із іншими європейськими державами брати участь у визначенні глобальної політики й цілей на майбутне, ефективне функціонування механізмів громадської участі в управлінні є не лише метою для України, а й вимогою ЄС. У цьому сенсі доречно дослідити особливості функціонування механізмів участі громадян у публічному управлінні в різних державах, оцінюючи їхній досвід та беручи до уваги принципи та ідеї, які можуть стати в нагоді при реформуванні української правової системи в цьому напрямі. Аналіз зарубіжного досвіду нормативного та практичного забезпечення функціонування механізмів участі громадян у публічному управлінні, визначення переваг та недоліків різних моделей налаштування владно-громадських комунікацій, а також окреслення перспектив розвитку механізмів громадської участі в управлінні державою в Україні. У ході дослідження застосовано загальнонаукові та спеціальні методи наукового пізнання. Мета та завдання дослідження передбачають аналіз і синтез інформації, порівняння зарубіжних підходів до розуміння громадської участі та її механізмів, а також формулювання авторських висновків із визначеної проблематики, рекомендацій для теоретичного та практичного використання. Проаналізовано теоретичні та практичні аспекти забезпечення ефективності участі громадян у публічному управлінні. Окреслено стандарти у цій сфері, кращі зарубіжні підходи і практики та перспективні напрями розвитку демократії участі в Україні. Напрацювання, які містяться в цьому дослідженні, можуть бути застосовані під час удосконалення національного законодавства та реалізації нормативно-правових положень щодо ефективного громадського впливу на публічне управління. У подальшому доречно було б звернути увагу на особливості забезпечення функціонування механізмів участі громадян в управлінні державними справами в інших державах, зокрема в країнах Азії, Канаді, США тощо.

Ключові слова: публічне управління; громадська участь; демократія участі; цифровізація публічного управління; електронна ініціатива.

Introduction

In the process of developing participatory democracy, it is important for every state to study foreign experience in the introduction and functioning

of mechanisms for citizens' participation in public administration. In the history of the formation of the legal system of independent Ukraine, there are many examples of borrowing the norms of legislation of other states and international institutions. In addition, having set the goal of membership in the EU, Ukraine undertook to adapt its domestic legislation to the acquis communautaire of the EU, and therefore, is currently in the process of meaningful reformation of the national system of regulatory legal acts. At the same time, the long-term practice of improving the current legislation and adopting new legislation based on foreign models has proven that the "blind" borrowing of legal norms that function qualitatively in the legal system of one state or organization is not a guarantee of their proper implementation in another. The same applies to the "premature" introduction of relevant norms of foreign legislation, i.e. the situation when the state adopting the new law is not yet ready to answer the question of how it will be implemented in practice. Therefore, the analysis of foreign experience should be carried out gradually and carefully, and the proposals formulated on its basis should be checked for effectiveness in the legal system of a particular state, taking into account the specifics of its internal organization and management system.

The Constitution of Ukraine enshrines the right of a citizen to participate in the management of state affairs [1], accordingly, the duty of the state is to create all the conditions for citizens to be interested in such participation, to be informed about the mechanisms of participation, to have unimpeded access to the tools of participation and to see its results, that is, they could assess the consequences of their own influence on the activities of public administration bodies.

The analysis of the current legislation of Ukraine on the participation of citizens in the management of state affairs, as well as the practice of implementing its provisions, shows the presence of a significant number of shortcomings both in the legal regulation of this area and in the practical provision of public participation. Thus, for qualitative improvement, which is undoubtedly required by the national legal regulation of citizen participation in public administration, as well as the determination of new promising forms of public participation, it is necessary to conduct a study of the mechanisms of citizen participation in public administration in foreign countries.

Therefore, *the purpose of this study* is the analysis of legal regulation and law enforcement practice regarding the participation of citizens in the public administration of selected foreign countries (Estonia, Latvia, Lithuania, Finland, Germany, Italy, France), on the basis of which proposals for improving the legislation will be formulated in the future of Ukraine in this area.

Literature review

The principles of citizens' participation in the management of state affairs were the subject of research by such domestic scientists as V. Averyanov, Yu. Bityak, A. Grabylnikov, I. Dakhova, V. Kolpakov, A. Selivanov, K. Shvets. In addition, I. Boyko, T. Kolomoets, D. Luchenko and other scientists analyzed separate forms of public participation and investigated the issue of improving the current legislation in order to increase the effectiveness of citizen participation in state management. It is worth noting that today the issue of public participation is extremely relevant, and complex studies, which would include the definition of theoretical and legal foundations, an overview of the national normative and legal regulation of citizen participation, an analysis of foreign experience and international standards of public participation, as well as systematized proposals with improvement of the defined area – absent.

Materials and Methods

The sources of this study are the scientific works of foreign experts in the field of public participation. The work uses general scientific and special methods of scientific knowledge. The purpose and tasks of the research include analysis and synthesis of information, comparison of foreign approaches to understanding public participation, as well as formulation of conclusions on the outlined issues, recommendations for theoretical and practical use.

Results and Discussion

Let's begin the analysis of foreign approaches to ensuring effective participation of citizens in public administration from the experience of the Baltic countries (Estonia, Latvia and Lithuania). One of the latest studies on the state of public participation in governance, devoted to the impact of citizen participation on public sentiment during the crisis in the Baltic States, conducted by the Security Institutions Management Research Group (Vilnius, Lithuania) in 2022, contains a comparative analysis of the mechanisms of public influence on public administration in Latvia, Lithuania and Estonia, statistics of public participation and indicators of its effectiveness. The authors found that the relationship between citizen participation, feelings of security, and attitudes toward the future varies from country to country, despite the same nature of the crisis and geographical proximity of these countries. At the same time, citizens' sense of security is directly related to the level of trust in the government as an element of public participation.

The conducted research of public attitudes in three countries allowed the authors to say that public participation in the process of managing a state in a state of crisis is of decisive importance for overcoming the crisis and restoring stability in all spheres of life. Thus, the participation of citizens can have a threefold impact: 1) citizens as informants ("sensors"); 2) citizens who react to events under the supervision of public authorities ("reactive sensors"); 3) citizens who directly participate in crisis management ("proactive sensors").

Therefore, according to the researchers, during a state or world crisis (regardless of its causes), public participation should not be limited exclusively to receiving information from public authorities (informing the population), citizens can and should be involved in crisis public management, because they are the ones, who primarily respond to a crisis or disaster, as well as those who are directly affected by it.

The governments of the Baltic countries pay considerable attention to the development of digital forms of interaction with the public. The convenience and efficiency of such forms is emphasized. Using smartphones and social media, citizens can participate as "smart sensors", meaning they can monitor alerts, collaborate with local governments, support community preparedness and recovery processes, and provide valuable feedback. According to researchers, the state should improve communication channels with citizens, encourage the participation of public associations, volunteer groups, inform and educate the public about the use of information and communication technologies to influence public management processes [2, pp. 3-10].

The experience of the Baltic countries is extremely important for research by Ukrainian scientists, compared to other states of the world, because they are close to Ukraine not only territorially, but also historically. Like Ukraine, these countries used to be under the influence or part of the USSR. And today, these states are still in the process of transforming their political systems, because it was the democratic transformations and European integration processes that became the catalyst for changes and caused the need to develop their model of public administration.

The experience of Lithuania

The basic regulatory legal act in the field of public administration in Lithuania is the Law on Public Administration of 1999 with the following amendments, which establishes the list of subjects of administration, the principles and spheres of their activity, contains the initial provisions on the administrative and legal regulation of public administration in the state. In addition, concepts, programs, manuals on the development of the public administration system, including action plans for a specific period of time, are accepted.

In Lithuania, as well as in Ukraine, digitalization of public administration is currently extremely relevant, which began in 2014 with the adoption of the "Digital Agenda of the Republic of Lithuania" (practically simultaneously with the beginning of the process of digitalization of the management sphere in Ukraine). Today, the "Electronic Gate of Government" web portal operates in Lithuania, which provides citizens with access to public information and the provision of some administrative services online based on the "single window" principle.

Comparing the level of involvement of information and communication technologies in the processes of public administration in Lithuania and Ukraine, we can even say about a much wider use of the possibilities of the Internet, digital services and tools for the interaction of public administration bodies with the public in Ukraine (web portal and mobile application "Diya", websites of all public administration bodies, electronic petitions, online appeals, online polls, dialogue in social networks, etc.), but statistical indicators testify to Lithuania's greater success in ensuring effective participation of citizens in the management of public affairs. In particular, in the 2022 UN e-governance rating, Lithuania took 24th place, and therefore, it can be concluded that the country has implemented digital tools in governance quite effectively. The process of optimizing the field of electronic public services in Lithuania continues, and from 2014 to today, there has already been a significant increase in the level of trust of citizens in state institutions [3, pp. 87-88].

The experience of Latvia

This country has a successful experience of ensuring the effective functioning of the electronic petition institute. It is worth noting that in today's conditions for Ukraine, as well as for other countries of the world, which strive for the comprehensive development of participatory democracy, the issue of establishing a mechanism for submitting, considering and essentially resolving electronic petitions is extremely relevant, because electronic petitions are the tool that citizens used most often, compared to other available opportunities to participate in public administration and contribute to the elimination of problems [4, pp. 88-108]. The question of properly ensuring the functioning of the mechanism for submitting and considering electronic appeals of citizens in the conditions of martial law in Ukraine, declared in connection with the full-scale invasion of the Russian Federation on the territory of independent Ukraine [5, pp. 37-38].

A comparison of the realities of the functioning of the electronic initiative institute in Latvia and Ukraine clearly demonstrates the gaps in the Ukrainian approach to regulatory and legal regulation and technical

support for the functioning of this mechanism. Those problems, which were repeatedly voiced and described by domestic researchers and in international recommendations for Ukraine, found their solution in Latvia, which contributed to a significant increase in the effectiveness of the electronic petition as a form of citizen participation in state management. Thus, among the differences in ensuring the functioning of e-initiatives, characteristic of Latvia: 1) absence of time limits for collecting signatures in support of the e-initiative; 2) a smaller required number of votes (10,000) (although here it is also worth considering the smaller population of Latvia compared to Ukraine); 3) the process of supporting the electronic initiative is not taken care of by the state, but by a public association, whose activities are supported not by the state budget, but by citizens in the form of micro-contributions; 4) strict selection of electronic initiatives to be made public, preliminary monitoring of the content and form of the electronic initiative, etc. [6, pp. 130-132]. In the opinion of the author, the above developments can be successfully applied in Ukraine, which will contribute to increasing not only the effectiveness of electronic petitions as a form of citizen participation in public administration, but also the level of trust in national authorities, because the public, which became active in wartime, is waiting for appropriate steps by the state to support its initiatives and pay attention to each urgent issue.

The experience of Estonia

In this country, the issue of digitalization of public administration and introduction of effective mechanisms of electronic public participation was included in the agenda as early as the 1990s, Estonia gradually created a culture of electronic governance and opportunities for its citizens to be involved in the process of making administrative decisions.

Despite numerous attempts by the Estonian government to develop online interaction with the public and non-governmental organizations, public activism did not emerge immediately. Thus, in 2001, a quasi-governmental organization was created – the Estonian Legal Center, which piloted the Internet forum "Themis". Texts of draft laws were placed on the form and opportunities were provided for commenting and discussing their provisions. In addition to Themis, the "Today I Decide" portal was also introduced, which allowed citizens to publicize their ideas in the fields of politics and lawmaking, vote for the ideas of others and comment on draft laws posted by the government. Initially, both portals gained considerable popularity, but after three years of their existence they were closed. However, the government and interested non-governmental organizations have not abandoned their desire to develop e-governance and online participation of citizens in the management of public affairs. The analysis

of the work done and the identification of the shortcomings of the previous projects made it possible to create several successful portals and initiatives in Estonia that are working effectively today.

The main means of online participation in public administration for Estonian citizens is the Estonian citizens' initiative portal (ECIP). Through the portal, citizens can submit petitions to the government under the 2014 Collective Petitions Act, which stipulates that a citizens' proposal supported by at least 1,000 signatures must be formally considered by parliament. At the same time, signatures can be collected both online and offline. Any citizen can create an initiative, and Estonian citizens who have reached the age of 16 can sign it.

The electronic petition is published to collect signatures in support of it not immediately, but goes through an "incubation period" for three days, during which it is open to forced co-editing by citizens, that is, its content can be adjusted. The deadline for collecting signatures is determined by the author of the initiative, and in the event that she does not collect the required number of signatures within the specified period, it can be extended.

As already mentioned, the addressee of the public initiative is the parliament. He is obliged within 30 days to check the initiative for compliance with the formal criteria and to determine the committee that will consider it. The committees work in sessions, and the legislation provides for the mandatory participation of the author of the initiative in at least one of the sessions on the topic.

Based on the results of consideration of each petition, the parliament can make one of the following decisions: 1) the parliamentary committee initiates the development of a draft law or a draft resolution on the outlined issue; 2) the parliamentary committee convenes a public meeting, which can be attended by all who wish (mostly, this concerns initiatives whose content is of significant public interest); 3) the committee submits the initiative for consideration by the competent body; 4) the committee passes the initiative to the government for the development of proposals; 5) the initiative is rejected with a mandatory legal justification of the reason. The meetings of the committee and the decisions made as a result of consideration of each collective initiative are open and public.

In addition to the official Estonian portal of public initiatives, several add-ons also operate in this country. For example, the Osale.ee platform allows citizens to propose ideas to the government regarding its draft regulations, the Eelnåde Infosüsteem (EIS) portal, which is a system of official documents of public authorities that are made public and available for comment, and the Pettsioon.ee e-petition site operates, which moderated

by the non-governmental organization Estonian Homeowners' Association [7, pp. 107-109].

The experience of Finland

Since the 1990s, in Finland, along with the traditional constant attention to the development of forms and means of representative democracy, opportunities for direct direct participation of citizens in public administration have been added. Researchers of the mechanisms of public participation in Finland point to the high efficiency of involving the public in the process of making administrative decisions, which contributes to the transparency and openness of public administration in the state, increasing the general level of trust in the government and individual political figures.

In addition to the basic provisions of the Constitution of Finland, which guarantee citizens and foreigners permanently residing in Finland the right to participate in the administration of the state, vote in elections and referenda, Finland also has the Public Initiative Act of 2012, which regulates the procedure for submitting and considering citizens' appeals to the parliament

It is worth noting that compared to other analyzed legal acts of various states (including Ukraine) in the field of public initiatives (appeals), the Public Initiative Act of Finland is quite strict in terms of requirements for the initiative itself, as well as the procedure for its submission and gathering of votes and consideration by the parliament. Yes, the initiative can be submitted to the parliament if it is signed by at least 50,000 voters (approximately 1.2 % of the total number of voters), and its content should consist of proposals for a new law, repeal of the law or amendments to the current law. A six-month deadline has been set for the collection of signatures, and based on the results of its consideration, in the case of obtaining the required number of votes, the relevant committee of the parliament considers it and makes a decision to support the initiative or reject it. If the initiative is supported by the parliament, it takes measures to finalize the proposals and, accordingly, amend the current law, repeal the law or adopt a new law.

In addition to public initiatives, public administration in Finland is also characterized by significant decentralization of power and a large list of opportunities for citizens to influence the activities of municipalities. Thus, the Law on Local Self-Government of 2015 stipulates the duty of local authorities to provide opportunities for residents to have a real influence on the process of making administrative decisions at the local level. At local councils in Finland, youth councils, councils for the elderly, disability councils have been established to resolve special issues. In addition, at

the local level, citizens (residents, as well as legal entities, foundations operating in municipalities) can submit initiatives to the local council. The initiative must come from a group of citizens, which is at least 2 % of local residents, and the issue raised in the appeal must be considered and decided on the merits within six months of its initiation. All residents over the age of 15 have the right to submit an initiative to the local council, and at least 4 % of residents can support it. In addition to the Act on Local Self-Government, Finland has the Youth Act of 2017, which obliges local authorities to involve young people in making management decisions that affect them in terms of content.

As for online tools for citizen participation in public administration, there are several websites in Finland that allow the public to influence the formation and implementation of national or local policies in various ways. For example, there is a "express your opinion" portal, which allows the state to monitor public opinion on certain management issues, a "democracy platform" which is a tool for discussion and consultation with the public, portals for electronic signature collection in support of citizens' initiatives, "opinion service" – a website representing a channel of interaction between public administration bodies and representatives of various fields of knowledge and specialties during the formulation of changes to current legislation or the development of new ones, the portal of the State Treasury, which contains information on the budgets and personnel of the central government and municipalities, website of "youth ideas", the capabilities of which are aimed at establishing effective communication with the youth of the state, a portal containing open information about public procurement and an experimental website that exists as a platform for citizens to publicize their own experiments (innovation projects), provides opportunities for finding partners and submitting an application for state financing of projects [8, pp. 131-141].

The experience of Germany

According to German law, citizens can participate in public administration by voting in elections and referenda, and also have opportunities to discuss and formulate proposals regarding the activities of government bodies. At the same time, unlike other countries, Germany does not have developed legislation on the participation of citizens in the management of state affairs. Thus, the issues of elections and referenda as mandatory forms of direct democracy, as well as some aspects of public participation in the management of the social sphere, are regulated by normative legal acts.

Participation in public administration is voluntary, there are practically no types of public participation initiated and promoted by the government. Along with this, the institution of deliberative (deliberative) democracy is developed in Germany. State management bodies are not obliged to take into account any proposals developed as a result of conducting activities with consultative public participation, but the government takes care of monitoring public opinion and listens to the needs of citizens. Forms of deliberative democracy in Germany are round tables, town hall meetings, public dialogues, public consultations, exhibitions, open spaces and workshops.

Despite the restrained attitude of public administration bodies in Germany to mandatory public participation, the government nevertheless applies certain methods of building a culture of participation. Thus, when federal or local authorities wish to launch a process of consultative public participation, they, as a rule, announce a tender for impartial organizations to implement a certain project of public involvement in management. So, as we can see, the state does not directly undertake the organization of the process of citizens' participation in public administration, delegating it to independent non-state entities under certain conditions. The latter are obliged to ensure compliance with the goal and standards of high-quality and effective public participation.

Today in Germany, the issue of using information technologies for the development of online participation of citizens in public administration is also acute. Currently, the "Democracy 4.0" project has been launched, which allows establishing digital interaction of state authorities with the public, but so far the sources do not contain information about the effectiveness of its work.

A comparison of the state of ensuring online participation in Germany and Ukraine shows that our state has taken significantly more steps in the development of digital tools for the interaction of public administration bodies with the public and digital transformation in general. German researchers indicate the need to find a balance between the forms of direct and deliberative democracy and the state's warning against the polarization of citizens' opinions, which leads to careful and balanced use of the possibilities of deliberative democracy [9, pp. 1-5].

The experience of Italy

In this state, considerable attention is focused on establishing effective communication between local authorities and citizens-residents of certain territories. An illustrative example is the Bologna Regulation of 2014, which provided for the procedure for interaction between the administration and citizens on matters of local importance. Its regulation is designed to ensure cooperation between the public and the municipality, giving priority to autonomous initiatives of citizens at the local level.

Researchers of public participation in public administration in Italy point to the uniqueness of Bologna's experience in this direction, because this Regulation became the first document in the state that was fully devoted to the communication of the authorities with the public and at one time laid the foundations for the development of such relations at the national level. The Bologna Regulation enabled the real participation of citizens in solving issues of local importance and brought local authorities closer to the inhabitants of the territory. The public received opportunities to monitor, evaluate and control the activities of local government bodies, as well as the right to formulate and promote their own proposals [10, pp. 2-9].

Without ignoring Italy's successes in establishing communications between local authorities and the public, we should refer to the assessment of the level of development of public administration in this country, published by the European Commission in 2020. According to the body, Italy is included in the list of European Union states that have problems with the efficiency of management and citizens' trust in the government, as well as a high level of corruption. For example, in recent years, Italy, like other democratic states, has put the issue of digitization of public administration on the agenda, relevant legislation has been adopted, a number of electronic resources for the interaction of authorities with citizens have been created, but the indicators of public participation and approval by citizens of the innovative tools that are being implemented by management bodies, remain low enough. It is impressive that according to the results of the survey, even in general, slightly more than 70 % of Italians regularly use the Internet [11, pp. 2-3].

Despite the many attempts by the Italian government to advance the digital transformation agenda of public administration, there has been mostly no progress. In 2016, on the initiative of the Prime Minister of Italy, a digitization team was created in the country, which included talented business representatives in the field of information technologies, and was headed by a top manager of Amazon. The team set the goal of building an operational, flexible and with convenient compatibility of all its elements of the communication system of Italian public administration bodies. The team pays considerable attention to the social factor, i.e. the accessibility and convenience of the created products for the average citizen. For Italy, which recently made all management decisions "behind closed doors" and suffered from bureaucracy, the task of maximizing the transparency and openness of the government became a great challenge [12, pp. 6-15].

It should be noted that involvement in reforming the system and forms of public administration, as well as the development of mechanisms for solving existing management problems of private entities, representatives of the IT business, is indicative. In today's conditions of rapid development

of information technologies and their penetration into all spheres of human life, the state as a subject is not capable of covering such a large array of innovations on its own and must make the right decision to cooperate with the private sector for the common goal of increasing the transparency and openness of the management process, bringing closer with citizens, better understanding of residents' needs and prompt and effective response to society's requests.

The experience of France. French participatory democracy is based on three main inviolable principles: 1) guaranteed right to information; 2) the participation of everyone (and not the "majority") and a harmonious combination of offline and online forms of public participation in state management; 3) effectiveness of participation: citizens must be heard, and the state must give a reasoned response to each appeal.

Back in 1995, the National Commission for Public Debate (CNDP) was established in France, which became one of the pillars of participatory democracy in this country and thanks to whose activities today we can talk about the ecological and high-quality French model of public participation in public administration. Scientists point out that it is the approach of France in the aspect of public debates (discussions) on important management issues that can contribute to overcoming the crisis of public trust in state authorities, provided it is comprehensively applied, i.e. expanding the range of industries in which public discussions will be an effective tool for building effective communication between authorities and citizens [13].

In 2019, the "Great Debate" was introduced in France, as a result of which a number of important decisions were made in terms of public participation in solving public administration tasks. Thus, 2,000 new local centers of public services were created, as well as the Public Council, which consists of 150 randomly selected citizens, who develop proposals for changes to legislation. For the most part, public activism is observed in environmental and social issues.

In recent years, significant steps have been taken in France to strengthen the transparency and accountability of public officials. In 2016, the law on ethics, rights and duties of officials, the law on transparency, the fight against corruption and the modernization of economic life, the law on the powers of the ombudsman and the protection of whistleblowers were adopted. In 2017, a law on trust in political life was also adopted, aimed at avoiding conflicts of interest. Also, in accordance with the legislation of 2016, a new Anti-Corruption Agency was created in France, the activities of which allowed the European Commission to reach a favorable conclusion about the state of fighting corruption in this country.

France adopted the Public Action 2022 Program, which aimed at digital transformation and simplification of procedures for providing administrative services to citizens. The FranceConnect Platform technical infrastructure was created for the provision of online services, as well as a portal where users can leave their own feedback on the procedures for the provision of administrative services requested, in order to identify the weak points of the system and eliminate the shortcomings of its operation [14, pp. 3-5].

At one time, the considerable interest and concern of French citizens in issues of ecology and climate forced the state to look for new models of building public communication. The public did not agree to participate in the management process exclusively through the tools of deliberative democracy, and this is how the model of joint construction (co-creation) emerged, which involves the involvement of citizens together with representatives of state bodies in the development of policies in order to increase the democratic level of the provision of public services and public trust in public institutions. At the same time the responsibility of all parties involved in the joint creation of policy and development of draft legislation is emphasized [15, pp. 4-6].

Conclusions

The study of participatory democracy as a phenomenon, its principles and forms and mechanisms of public participation in public administration in various foreign countries makes it possible to single out such, in the opinion of the author, positive features of the analyzed countries' approaches to involving citizens in the process of making administrative decisions.

First of all, it is necessary to emphasize the rationality of the opinion that in the period of state, political, economic, or any other crisis, the decision to exclude the public from the process of state management is wrong. The country's population is the first to respond to changes. Citizens are at the same time an indicator by which the situation within the state can be assessed, and a source of expression of will, whose opinion should be decisive. In the event of a crisis or other imbalance of public administration, the public should be empowered to respond to them, as well as have the right to propose solutions to problematic issues. It is impossible to limit the public's participation even in difficult political conditions, because in every democratic country, public opinion is a priority for representatives of state power, it directs and evaluates politics. In addition, citizens who elected their representatives in public administration bodies should always feel their own responsibility for the development or stagnation of the system of this administration.

Secondly, the experience of implementing mechanisms of citizens' participation in the management of state affairs of the Baltic countries is extremely close and useful for Ukraine. The affinity of the legal systems, as well as more or less the same rate of development of the institution of public participation in management in Latvia, Lithuania, Estonia and Ukraine, create a basis for the exchange of experience. An analysis of the approaches of the Baltic countries to the legal and practical provision of citizen participation in the management of state affairs, in particular the practice of the functioning of electronic initiatives in Latvia, measures to digitize public administration in Lithuania, online opportunities for citizens of Estonia, allows us to single out promising directions for the development of public participation in Ukraine: improvement of normative – legal regulation of electronic petitions (adopting the Law of Ukraine "On Electronic Petitions"), as well as mechanisms for the implementation of norms that determine the content, form, procedure for submitting and considering an electronic petition, expanding the number of online tools for public interaction with public administration bodies.

Thirdly, the approaches of Western European countries (France, Germany) to defining the essence and tasks of citizens' participation in the management of state affairs are interesting for Ukraine. Considerable attention is paid to deliberative (deliberative) mechanisms, and participatory democracy is not opposed to deliberative, their means complement each other.

Thus, in France, public debates play an important role as a tool for spreading public opinion, discussing socially significant issues, and influencing representative power. Although the debates held among citizens, their organizations, and businesses are not a form of direct participation in management, because, as a rule, they do not have an obligatory consequence in the form of an official reaction of public administration bodies, nevertheless, the opinions expressed at public debates are repeatedly became a prerequisite for making changes to social and environmental legislation in France.

Germany's governing bodies rely on the support of impartial nongovernmental organizations in matters where they feel the need to monitor and take into account public opinion, providing technical support for the process of citizens' participation in the management of state affairs in one form or another. Establishing cooperation between the state and such organizations in the implementation of public participation is a promising direction for the development of participatory democracy, because it allows you to entrust the provision of participation to specialists whose activities specialize in this. When the functioning of mechanisms for the implementation of citizens' participation in the management of state affairs is exclusively entrusted to representatives of public authorities, who have a wide range of tasks, we can only talk about superficial, limited provision of public participation. Therefore, the study of the experience of Germany and other countries in the aspect of involving non-state impartial organizations to ensure the implementation of citizens' participation in public administration is a promising solution for Ukraine.

The experience of Italy also shows the effectiveness of cooperation between the state and business in matters of digitization of public administration. The Italian government is actively involving IT specialists in the reform of the management system taking into account modern requirements, the use of the latest technologies in public administration.

Finnish researchers emphasize the significant influence of the public on public administration due to the decentralization of power and the assignment of local authorities to the responsibilities of providing opportunities for citizens to participate in the decision-making of management tasks. Undoubtedly, it is correct to think that participatory democracy begins at the local level, because society must feel not only the real presence of ways to influence management, but also get used to this feeling, but also the responsibility for its participation on an equal basis with state representatives.

References

- [1] Constitution of Ukraine. (June 28, 1996). Retrieved from https://zakon.rada.gov.ua/laws/show/254κ/96-вр#Техt.
- [2] Giedraityte, V., Smaliukiene, R., & Vedluga, T. (2022). The Impact of Citizen Participation on Public Sentiments during Crises: Comparative Study of Estonia, Latvia, and Lithuania. *Sustainability*, 14, 16981. https://doi.org/10.3390/su142416981.
- [3] Shvets, K.A. (2022). Comparative Analysis of Public Policy models of "ImperfectDemocracies" on the Example of Lithuania and Poland. *Philosophy and Political Science in the Context of Modern Culture*, 14(2), 83-92. https://doi.org/10.15421/352226.
- [4] Luchenko, D.V. (Ed.). (2022). *Human Rights in the Conditions of the Digital Transformation of Society*. Kharkiv: Yaroslav Mudryi National Law University.
- [5] Yaitska, D.I. (2022). The Specifics of Citizens' Participation in Public Administration Under the Martial Law in Ukraine. *Problems of Legality*, 158, 29-46. https://doi.org/10.21564/2414-990X.158.265030.
- [6] Luchenko, D.V. (2021). Electronic Initiatives as a Tool of e-Democracy: the Experience of Ukraine and Latvia. *Problems of Legality*, 155, 124-134. https://doi.org/10.21564/2414-990X.155.245992.
- [7] Vooglaid, K.M., & Randma-Liiv, T. (2022). The Estonian Citizens' Initiative Portal: Drivers and Barriers of Institutionalized e-Participation. In *Political Science and Public Policy* (pp. 104-119). Elgar Online. https://doi.org/10.4337/9781800374362.00014.
- OECD. (2021). Civic Participation in Finland, In Civic Space of Finland (pp. 130-162).
 Paris: OECD Publishing. https://doi.org/10.1787/f9e971bd-en.

- [9] Böhm, B. (2016). Democracy 4.0: Citizen Participation Processes. A German Case Study. European Academy Berlin. Retrieved from http://www.agree-europe.de/images/Expertenbeitraege/Expertenbeitrag_Boehm_EN.pdf.
- [10] Bartoletti, R., & Faccioli, F. (September 14, 2016). Public Engagement, Local Policies, and Citizens' Participation: An Italian Case Study of Civic Collaboration. Social Media+Society, 2(3) 1-11. https://doi.org/10.1177/2056305116662187.
- [11] Public Administration and Governance: Italy. (2020). *European Commission*. Retrieved from https://commission.europa.eu/system/files/2021-10/italy-ht0221958enn.en_.pdf.
- [12] Datta, P., Walker, L., & Amarilli, F. (2020). Digital Transformation: Learning from Italy's Public Administration. *Journal of Information Technology Teaching Cases*, 10(2) 54–71. https://doi.org/10.1177/2043886920910437.
- [13] Casillo, I. (June 27, 2023). Democratic Innovation and Citizen Participation: The French Example. *OECD*. Retrieved from https://oecd-opsi.org/blog/democratic-innovation-and-citizen-participation-the-french-example/.
- [14] Public Administration and Governance: France. (2021). *European Commission* Retrieved from https://commission.europa.eu/system/files/2021-10/france-ht-0221954enn.en_.pdf.
- [15] Giraudet, L.-G., Apouey, B., Arab, H., Baeckelandt, S., Begout, P. et al. (June 22, 2022). "Co-construction" in Deliberative Democracy: Lessons from the French Citizens' Convention for Climate. *Humanit Soc Sci Commun*, 9, 207. https://doi.org/10.1057/s41599-022-01212-6.

Daria I. Muslimova

Postgraduate Student of the Department of Administrative Law Yaroslav Mudryi National Law University 61024, 77 Pushkinska Str., Kharkiv, Ukraine e-mail: dariayaitskaya15@gmail.com ORCID 0000-0001-5198-3711

Дар'я Ігорівна Муслімова

аспірантка кафедри адміністративного права Національний юридичний університет імені Ярослава Мудрого 61024, вул. Пушкінська, 77, Харків, Україна e-mail: dariayaitskaya15@gmail.com ORCID 0000-0001-5198-3711

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