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## THE STATE AS A SERVICE INSTITUTE FOR THE PUBLIC ADMINISTRATION REALISATION

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#### SUMMARY

Analysis of the state as a service institute of the public administration was carried out. It allowed to systematize basic research approaches to its identification. Methodological and technological criteria for structuring the service potential of a modern postmodern state was disclosed; basic directions of the development of state services and their normative-political and legal regulation, which serves as the development of a “strong” service state, were given. It was proved that the state as a service institute takes the form of a multifunctional structural element of the public administration system, which ensures the development and implementation of state policy strategies in any sphere of public life that create a service product as a management service.

**Key words:** public administration, service potential, services, state policy, state-management activities, effectiveness.

## ГОСУДАРСТВО КАК СЕРВИСНЫЙ ИНСТИТУТ РЕАЛИЗАЦИИ ПУБЛИЧНОГО УПРАВЛЕНИЯ

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#### АННОТАЦИЯ

Осуществлен анализ государства как сервисного института публичного управления, что позволило систематизировать основные исследовательские подходы к его идентификации. Раскрыты методологические и технологические критерии структурирования сервисного потенциала современного постмодернистского государства; приведены основные направления развития сервисных услуг государства и их нормативная политико-правовая регламентация, которая служит развитию «сильного» сервисного государства. Доказано, что государство как сервисный институт предстает в форме многофункционального структурного элемента системы публичного управления, обеспечивает разработку и внедрение стратегий государственной политики в любой сфере общественной жизни, которые создают сервисный продукт как управленческую услугу.

**Ключевые слова:** публичное управление, сервисный потенциал, услуги, государственная политика, государственно-управленческая деятельность, результативность.

**Statement of the problem.** In modern conditions of postmodern development there is a gnostic and technological transformation of conceptual and resource potential of the state. By retaining the traditional methodology of its functioning and development, it acquires the updated essence of the realization of tools that blur the fine lines between its framework and service synergy, thus demonstrating the genesis of public statehood.

In this way, it characterizes in a certain way a conceptual and pragmatic attempt to rebuild the state

and its resource potential in the direction of expanding its service space, turning the state into an institution that serves the function of guarding the interests and needs of the citizen or the respective institution. To this end, systemic administrative reforming is taking place in most states. Such a reforming permeates its public sector and concerns the provision of an economically efficient state, its administrative self-sufficiency, the effectiveness of bureaucratic procedures and the style of public administration development.



As a result of the adoption of such a methodological form, the concept of a “service state” is formed. This concept “restructures all the verticals and horizontals of its functioning in accordance with the expectations and requests of citizens, thereby reorienting the activities of its institutions to develop the services market and create tangible goods for citizens” [5].

Against this background, a fundamentally new context of the functioning of the state in the modern world is being articulated. The mentioned context concerns the reproduction and provision of quality management services to citizens in the form of the realization of a highly efficient state service.

**Status of research.** The ability of institutions of a service state to serve the requests of citizens is a determining factor in the effectiveness of its formation. On this basis, most research concepts articulate the feasibility of identifying the resource potential of a state that serves the public administration development. The main structural elements of such resource potential of the state are “speed of decision making, flexibility, network organization, openness and freedom of maneuver” [11].

This reveals the functional essence of the development of the service potential of the modern state, the technology of which operation is based on the introduction of service management that transforms the activity of its institutions into the subject of promotion of the relevant services, which provide the effect of the utility of the modern state to the citizens. Therefore, it is about the speed of functioning of the service organics of the state based on the indicative and objective needs to receive the service assistance and increase its effect on the vital activity of citizens on the one hand as well as the effectiveness of the functioning of public administration institutions on the other hand.

In this regard, it is a question of introducing appropriate service strategies that serve to implement a quality order of society to receive some assistance from the state. In this way, the state as a service institute takes the form of a multifunctional structural element of the public administration system, which ensures the development and implementation of state policy strategies in any sphere of public life that create a service product as a management service that ensures the stability

of the development and functioning of citizens.

Such a gnostic and technological methodology of identification of the state as a service institute of the public administration determines the expediency of a detailed analysis of the various research approaches and their systematization within the framework of this research.

**Objective and purpose of the article** is to analyze the state as a service institute of the public administration on the basis of the systematization of the basic research approaches to its identification, which were formed within the framework of modern world science. On this basis, the need to disclose the methodological and technological criteria for structuring the service potential of a modern postmodern state, to identify the basic directions of the development of state services and their normative-political and legal regulation, which serves as the development of a “strong” service state, were defined as specific tasks.

**Presentation of the main material.** The general methodological aspect of identifying the content of the state as a service institute is presented in the sociological concepts of Western scientists. In order to support this *E. Forsthoff* considered the service state as a theoretical and methodological construction that characterizes the organization of the government system and sets appropriate standards for the functioning of its institutions. In this regard, the state as a service institute is “a special form of the political organization of public authority, which possesses a special management apparatus aimed at providing public services to citizens, as well as a system of social and legal guarantees of a decent human life, its rights and freedoms” [9].

Such contextual row of identification of the content of the state as a service institute of the public administration is based on the introduction of the service methodology as an important attribute of the effectiveness of its functioning. This methodology performs the function of “methodological correction” of structural and organizational processes in the public administration sphere, thus guaranteeing an “unprecedented opportunity” to improve the bureaucratic style of management and ensure its effectiveness in the interaction between the state and society.

The general methodological context of the identification of the essence

of the state as a service institute of the public administration was also extended in the concept of *J. Kersten*. This theoretical construction was based on the fact that the state as a service institution should direct its functional potential to make state services more flexible to the wishes of citizens. Therefore, its entire structural organization should be based on improving the quality of service of interests and needs of all segments of society. In this way, the provision of quality public-administration services, according to which standardization of performance criteria of the public administration system should take place, is the duty of the service state. It is about that the state as a service institute should set appropriate standards for such a service, according to which the performance of the activity of government authorities should be monitored. That is why, according to the scientist, the standards of state services are always set, are subject to monitoring and publicity for citizens to have information on what to expect from state policy. In this respect, it is about “the absolute openness of information about services, which should be complete, accurate and understandable, with a clear definition of who is responsible for the provision of a particular service and what is its cost” [10, p. 543–570].

On this basis, government authorities, which represent the service institutions of the state, should provide the possibility of receiving the service anywhere and anytime by the agreement of the citizen as a taxpayer. This characterizes the efficiency, courtesy and predictability of the state in relations with citizens in demonstrating the balance between quality and efficiency of the state service.

The argumentation of *Y. Kozhenko* and *A. Manycheva*, who pointed out the basic techniques of service management, which reveal the specifics of its functioning and ultimately guarantee the appropriate synergistic effect for the public administration sphere, deserves the conceptual interest in the context of defining the essence and content of the state as a service institute. In this regard, scientists emphasized the reproduction of material processes as a technological technique, which is always guaranteed by the service state and which ensures the promotion of the quality of its managerial functions, serving to enhance its service potential. In



this regard, the effectiveness of the “service” potential of the state manifests itself in serving the public interest, since “activity regarding the interaction with citizens is a state service, and therefore the service approach to the essence of the state is associated with such areas of optimization of its activity as the development of network forms of managerial interaction, formation of “e-government”, communication control and planning technologies, development of online services as well as formation of multilateral links that enable the citizen to take an active part in the exercise of power” [3].

Such a context of identification of the state as a service institute of the public administration, expressing its service potential by structuring public administration services provided by the state to the citizens, allows to clearly trace the genesis of its formation in modern conditions of postmodern development.

Continuing with the abovementioned approach of identification of the service potential of the state, *A. Kerimov* developed the concept as well as pointed to the methodological delineation of the concepts of service and functions that reveal its essence. According to the scientist, “service characterizes one side of the activities of the modern welfare state, whereas the technology of providing such services acts as one of the functions of state and municipal authorities” [2].

Methodologically and conceptually valuable in the context of identifying the service potential of the state is the concept of *Y. Mindlin*, within which “the concept of modernization of a state-legal organization based on the idea of service public administration, which is implemented by both authorities, structures and local self-governance”, was developed [4, p. 104–107].

In this regard, it is about the optimization of the “power-legal interaction” of the state and society, which is based on the formation of an effective institution for providing public services to the population. On this basis, the provision of state services plays a criterion role in the functioning and development of service potential of the modern state. Such a context indicates that the primary purpose of the state in the modern world is “service to the individual”, and therefore any activity of the state should be solely aimed at provision of state services.

Following this conceptual logic, the scientist proposed such an approach to the definition of public administration in the sphere of public services as “a complex political, economic, legal and social phenomenon that organically fits into the idea of a liberal constitutional state, which is based on the service idea of the development of the state system” [4, p. 104–107].

The basis of this system is the dual scheme – “production of services (state) – consumer”, the effectiveness of which ensures the stability and legitimacy of the activities of public administration institutions in the direction of the realization of interests of society. However, such construction is sufficiently declarative, considering the essence of global interests that exert deconstructive influence on the functioning of the public administration system in the postmodern era. It is about the expediency of structural consideration of national and spiritual-and-moral interests of society, which guarantee its internal political unity and ensure the efficiency of the state as a service institute.

Important methodological value in the context of identification of the service potential of the modern state is played by the concept of *Prince Hans-Adam*, who substantiated the gnostic need for transformation of state and administrative organization on the basis of realization of the idea of service management and effective provision of management services to the population. In this regard, it is about building a “service-oriented state” that would reveal the functional potential of interaction between the state and society. Given the scientist’s methodological construct of understanding the state as a service institute, his attention is focused on the formal and descriptive nature of its functioning, which does not consider the specifics of the objective national-state reality. This indicates that the state as a service institute has a universal typified specificity concerning the disclosure of the functional meaning of the modern state, on the basis of which it is possible to trace the specific patterns and trends in the development of its service potential.

This context of the state identification is characterized by a sufficiently reductive and simplified understanding of its inter-methodological principles of functioning, including national specificity. Such a model of the state is quite effective

in responding to the challenges of its functionality, but at the same time it shows some affirmation about the expansion of the gnostic concepts of its own mental development. This requires a successful and effective approach to “the completion of state construction and the definition of optimization priorities for the development of public administration that would serve to approve the latest models of improvement of the state institutions and the purpose of their newest activity” [1].

Analyzing the essence of the state as a service institution of public administration in the postmodern era, special attention should be paid to the relevant reform practices, through which the majority of the state passes in the direction of developing its service potential. This concept of identification of the state as a service institute implies the introduction of administrative reform, which serves the direct creation of a “service-oriented state – a state, where the interaction between public authorities and the public is carried out at a new level, characterized by high quality of trust, information openness and transparency as well as creation of appropriate conditions for the population in order to receive services that can be compared to business conditions” [12].

As a result, inventory, systematization and structuring of the level of performance of public services were carried out in most countries. This served to enable citizens to exercise public control over the implementation of the public service of the state, which served to enhance its multifunctionality in relations with citizens. Such an approach made it possible to optimize the structure of state services in the sphere of ensuring interaction between the state and citizens, the state and legal entities in the direction of social protection of citizens and regulation of business activity.

An important role in the context of identifying the service potential of the modern state is played by the concept of *F. Rayanov*, who pointed out the feasibility of reducing administrative barriers and increasing the accessibility of public services for citizens as the main attribute of the modern state. On this basis, the scientist has developed measures aimed at enhancing the service potential of the state, including: improvement of the “notification” system



of entrepreneurial and professional activity; improvement of the system of state control and supervision; development and implementation of self-regulation mechanisms in the sphere of professional activity of institutions; improvement of mechanisms of the provision of state and municipal services on the “one window principle” in multifunctional centers; optimization of activity of government and local self-government authorities through the introduction of modern information and communication technologies; ensuring openness and accessibility of information on the activity of government and local self-government authorities and information resources they have formed; implementation of a regulatory impact assessment system; development of mechanisms for pre-trial appeal [8, p. 43–54].

Accordingly, the implementation of the abovementioned measures will serve to overcome the maximum number of excess administrative barriers, thereby reducing corruption indicators of institutional structures of public authorities and indicative introduction of modern public administration mechanisms that provide enhanced service capacity of the state. This, according to the scientist, will also help to improve the quality and accessibility of public services for citizens, and thus to optimize the activities of institutions responsible for state service in the public administration sphere.

In the context of modern research approaches to the identification of the methodological and technological content of the state as a service institute, the necessity of introducing a comprehensive approach to the standardization of the goals and objectives of the state-administrative activity is substantiated, which will improve the public services of the state. On this basis, a modern postmodern state faces the strategic task of ensuring social security for its citizens by guaranteeing them the opportunity to properly meet their needs and interests. In this context, the state is obliged to commit itself to “ensure a commensurate correlation of wages and cost of services as well as manage needs, exchange, provide services necessary for its citizens” [7, p. 43–57].

Based on the fulfillment of such obligations, the state, by implementing

its service approach to citizens, expands the optimization of the legal activity in the relevant areas, such as: development of network forms of administrative interaction; formation of “e-government”, communicative control and planning technologies; development of online services; forming multilateral links that enable citizens to take an active part in the exercise of power [7, p. 50].

The concept of *P. Patsurkivskiy* plays an important role in the context of the identification of this contextual range of understanding of the state as a service institute in the public administration sphere. He offered under the service state to understand “a special political form of organization of public authority, which possesses a special apparatus of government aimed at providing public services to individuals as well as a system of social and legal guarantees of decent life support for a person, his / her rights and freedoms” [6, p. 147].

In this regard, we are talking about a fundamentally new approach to understanding the methodology and technology of the functioning of a productive state, which diversifies traditional forms and methods of exercising its functions in relation to the citizen. Such a construction of understanding of the state in the foreground puts the principle of network organization of public administration, which is based on the provision of public services as a defining attribute of the functioning of the state-legal organization of the activities of state institutions. Given this context, public-legal organization of the activity of government authorities should be aimed at developing the service potential of public administration, thereby reducing the methodological challenges of the traditional political and legal regulation that is characteristic to the narrow structure of an “effective state”. This indicates that the reduction of political and legal regulation of social processes is only possible by expanding the service potential of the state that is aimed at mobile interaction with public institutions in the form of providing them with quality public services.

Given this, the question arises of the expediency of developing appropriate standards for streamlining the interaction of the state and society in the form of provision and receipt of certain public services,

which thereby ensures the development of service management. Such a context of the identification of the state as a service institute and the appropriate service request of society to the institutions of the state raises the question of mutual responsibility between public authorities and citizens in the context of modeling and implementation of new state-administrative services.

**Conclusions.** Thus, our analysis of the state as a service institute of public administration made it possible to systematize the main research approaches to its identification, which were formed within the framework of the modern world science, to reveal the methodological and technological criteria for structuring the service potential of the modern postmodern state, basic directions of the development of state services and their normative-political and legal regulation, which serves as the development of a “strong” service state, were given.

Emphasis is made on the context of the identification of the state as a service institute of the public administration, expressing its service potential by structuring the state-administrative services that are provided by the state, which makes it possible to trace clearly the genesis of its formation in modern conditions of postmodern development.

Accordingly, the structural and functional purpose of the state in the modern postmodern world is the provision of state services. Therefore, the activities of governments on a global scale must be based on making effective policy decisions that ensure the quality of governments’ work in providing quality services to citizens. In this way, the state as a service institute of the public administration should expand its functional space by being guided solely by the interests of society and not by its own affiliated structures, which in most cases do not fulfill ancillary functions in the sphere of ensuring the effectiveness of public administration.

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## ОБЕСПЕЧЕНИЕ ПРАВА НА ДОКАЗЫВАНИЕ ПО ДЕЛУ О НАРУШЕНИИ ТАМОЖЕННЫХ ПРАВИЛ

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#### АННОТАЦИЯ

В статье проанализированы способы обеспечения права на доказывание по делам о нарушении таможенных правил, осуществлена классификация основных прав, связанных с процессом доказывания по делам о нарушении таможенных правил, исследован объем полномочий лиц, участвующих в процессе установления обстоятельств совершения административного проступка.

Исследованы основы правового обеспечения права на доказывание в таможенном и административном законодательстве. Выявлена коллизия норм Таможенного кодекса Украины в части урегулирования статуса представителя таможенного органа, участвующего в рассмотрении дела о нарушении таможенных правил в суде. В связи с этим предлагается внести в Таможенный кодекс Украины соответствующие изменения.

Проведен анализ прав, связанных с процессом доказывания по делам о нарушении таможенных правил, закрепленных в Таможенном кодексе Украины и Кодексе Украины об административных правонарушениях.

**Ключевые слова:** доказательство, доказывание, дело о нарушении таможенных правил, таможня, суд, права.

#### PROVISION OF THE RIGHT TO EVIDENCE IN CLAIMS OF VIOLATION OF CUSTOMS RULES

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#### SUMMARY

The article analyzes the ways of securing the right to prove in cases of violation of customs rules, classifies the basic rights associated with the process of proving in cases of violation of customs rules, investigates the scope of powers of persons involved in establishing the circumstances of committing administrative misconduct.

The basics of legal support of the right to prove in customs and administrative legislation are investigated. The conflict of norms of the Customs Code of Ukraine has been revealed in the part of the settlement of the status of the representative of the customs body, which takes part in the consideration of the case of violation of customs rules in court.

In this connection, it is proposed to make appropriate changes to the Customs Code of Ukraine. The analysis of the rights associated with the process of evidence in cases of violation of customs rules enshrined in the Customs Code of Ukraine and the Code of Ukraine on administrative offenses.

**Key words:** evidence, proof, case of violation of customs rules, customs, court, law.

**Постановка проблемы.** Национальное право находится в процессе динамической гармонизации с требованиями международного. Система прав и свобод человека и гражданина является достаточно развитой. К сожалению, в большинстве случаев внимание ученых сосредоточено на

исследованиях проблемных вопросов, связанных с обеспечением основных прав, к которым относят возможности человека, необходимые для обеспечения его физической и морально-психологической индивидуальности.

Права на доказывание, которыми наделены лица, привлекающиеся