

## **INTERNATIONAL LEGAL EXPERIENCE OF PROVISION OF PUBLIC SERVICES BY PUBLIC ADMINISTRATION BODIES**

**LISNIAK Anton - doctoral student at the Classical Private University,  
Zaporozhye, Ukraine, Doctor of Philosophy in Law**

**УДК: 342.95**

**DOI: <https://doi.org/10.71404/EP.2025.3.63>**

---

*The article analyzes foreign models of public service provision and explores the prospects for their adaptation to the domestic legal field. In particular, the regulatory framework and practice of public administration bodies in countries such as France, the United States of America, and the United Kingdom are considered.*

*The author argues that the implementation of international standards and criteria for assessing the quality of public services cannot be mechanical. This process requires a balanced approach that takes into account the specifics of public relations in Ukraine. It is emphasized that the superficial similarity of legal institutions may hide deep differences in the mechanisms of their functioning. Therefore, uncritical borrowing of foreign norms threatens the emergence of legal conflicts and a decrease in the effectiveness of reforms.*

*It has been established that the key trend in European countries is the orientation of authorities towards the final result - qualitative satisfaction of citizens' needs and ensuring their rights. The governments of the studied countries see the key to success in the comprehensive modernization of the state apparatus, optimization of service provision procedures and creation of systemic legal regulation. It is this approach that ensures the effectiveness of state programs and reforms.*

*It is concluded that the common trend of European states, aimed at effective and qualitative provision of rights, freedoms and interests of citizens, as well as at meeting public needs, lies primarily in the effective orientation of state authorities.*

*The governments of these countries are convinced that achieving high results is possible only*

*through the comprehensive modernization of the state apparatus. This includes updating the structure of government bodies, optimizing the processes and procedures of providing public services, as well as systemic legal regulation of relations in the sphere of serving the population. It is these measures that ensure the effective implementation of the strategic principles underlying national reforms.*

*Keywords: administrative service, accessibility, international standards, public service, transparency, foreign experience, public administration.*

In the 1990s, governments in most countries around the world came to the conclusion that there was a need to modernize and improve the efficiency of the way administrative services were provided. Canada was no exception to this trend. Since 1995, reforms in the way government services were provided were initiated at all administrative levels. The "Service Delivery Model" is one of the nine key objectives of the Action Program aimed at improving the work of state bodies as a whole. The "Service Delivery Model" was developed from the perspective of the end consumer – the citizen. This document states that a consumer-oriented service should take into account all the preferences (wishes) of citizens regarding each stage of service provision; that is, the needs of citizens are transformed into an organizational principle around which the public interest is determined and the service delivery model is planned. Analyzing the experience of providing individual services from the perspective of an individual citizen, we

can conclude that two main positions require improvement: 1) accessibility of the service, which involves the ability to quickly find the body providing the service (in particular, the correct telephone number, etc.), and the direct physical accessibility of the body (in particular, making an appointment by phone, availability of parking spaces, etc.); 2) quality of service provision (for example, courtesy, timeliness of provision, etc.).

The general direction of reforms for governments of foreign countries is to increase the transparency and efficiency of service provision. For example, in order to increase the transparency and quality of the system of services provided by state bodies, the Department of Transport in the UK annually develops and submits a report on the services provided and their compliance with standards. Increasing the transparency and efficiency of service provision, focusing on the urgent needs of society, is also characteristic of Bulgaria, which is characterized by a peculiar approach to identifying the needs of society, which is to a certain extent managerial in nature. Bulgarian legislation provides for the possibility of conducting inspections of various spheres of life in the country, the result of which is the issuance by state bodies of individual administrative acts that may allow citizens or organizations to perform certain actions [2, p. 41]. In our opinion, such an approach should be characterized by greater dispositivity and aim not only to allow certain actions to be performed, but also to ensure the choice of behavior of citizens that does not contradict the legislation, which is characteristic of democratic, legal states.

In Finland, in order to increase the transparency and efficiency of the provision of public services, the results of state reform programs are evaluated. The criteria for evaluating such results are, as a rule, the opinion of the population about the quality of public services, the degree of manageability of state bodies and the effectiveness of their activities, the motivation of civil servants, the quality of implementation of programs necessary for the reform, the significance of the goals of these programs for society and their consistency [3].

In our opinion, similar experience of European countries can be borrowed by our state. The need to assess the transparency, efficiency, quality and efficiency of service provision is not an exception in the conditions of development of Ukraine, since our state still does not have clear standards for the provision of public services to the population. Considering the sphere of regulation of public services, it should be noted that in most foreign countries (Europe, USA) there is a division of public administration into two types: negative, which is essentially characterized by intervention and restriction of the behavior of subjects, and positive, the essence of which is the provision of public services. Negative public administration is characterized by the imperative method of legal regulation, and positive public administration is characterized by the dispositive method. However, it should be noted that the boundaries of the application of imperative and dispositive methods of regulation are quite blurred, while the use of the imperative method of legal regulation is not dominant. In Germany, for example, each type of public administration is characterized by a corresponding administrative act. Negative public administration is implemented through the adoption of an aggravating administrative act, and positive public administration, in turn, through the adoption of a permissive administrative act [4, p. 8].

The conceptual apparatus in European countries is characterized by the widespread use of the term “service public” (for example, France) or “public service” (for example, Great Britain). The use of this concept, as Yu.O. Tikhomirov notes, has a dual meaning. On the one hand, in the material sense, this concept can be translated as “public service”, which means “any activity aimed at satisfying needs that are of public interest”. In this sense, the service “must be provided and controlled by the administration, since the continuous satisfaction of this need can only be guaranteed by it” [5, p. 381]. On the other hand, in the formal sense, the translation of this term can be interpreted as “an organized set of material and human resources used by the state or other public collective to perform certain tasks”, since it has the translation “public service” [5, p. 381].

We consider it necessary to note that initially the concept of «public service» was used in the sense of «public benefit», that is, the concept was supposed to define the type of services that have a socially useful value (postal, railway services). The second and main meaning is the interpretation of this concept as «public service», that is, the meaning embedded in this concept defines the public sphere, first of all, as a system of organizations called upon to make decisions aimed at satisfying the public good. Another interpretation of this concept aims to define publicity through the individuality of needs, that is, the main goal is not to satisfy the needs of society as a whole, but to satisfy the individual needs and interests of individual citizens [6]. Therefore, in this case, services are given a personal character, and not a generally significant public one. It should be noted that in 1992 the European Union introduced the Anglo-Saxon concept of «universal service», which means a minimum service of established quality, which is provided to any user at an affordable price. However, as Yu.O.Tikhomirov notes, in this case we are talking about a minimum basic service in a competitive environment, which is provided under the same tariff plan and with the same level of standards, and not about the actual concept of public service [5, p. 386], which is broader in content. Along with the concept of “universal service”, the legislation of the European Union also contains the concept of “services provided by order of public authorities”, enshrined in the General Agreement on Trade in Services. Such services, in accordance with the specified Agreement, are defined as “any services provided neither on a commercial basis nor on the basis of competition between suppliers of these services” [7, p. 11]. Thus, we can conclude that in the European Union, along with paid services, there is a certain category of services that are provided free of charge and established by the state in special regulations.

In foreign countries, the concept of «public services» has its own characteristics, which can be both common to several countries and have certain differences taking into account the peculiarities of the internal life of a particular country. In France, as noted by Yu.O. Tikhomirov, public services are

characterized by four main criteria: satisfaction of public interest, continuity, adaptability, equal access for all to services [5, p. 384], which can also be used in the process of analyzing this category in other countries of the world, taking into account the general tendency of countries to meet human needs and the focus on improving the quality of public services. We consider it appropriate to reveal the content of these criteria.

Satisfaction of public interest has always been considered a fundamental criterion of public services, and means the focus of public authorities on meeting existing needs and interests in society, and the implementation of rights enshrined in the legislation of countries. At the same time, such a focus in the activities of public authorities should be guaranteed by the presence of an obligation of the state authorities to ensure it and control over this activity.

The Citizens' Charter of 1991 established in the UK the principles on which the activities of state institutions and organizations providing services to the population should be based, as well as the obligations of the government in this area. Such principles include the establishment of clear service standards, openness and completeness of information, provision of consultations to the population and the possibility of choosing services, their usefulness and efficiency, etc. On the basis of the Citizens' Charter, ministries and departments developed and approved by the Cabinet of Ministers about forty more charters, each of which establishes service standards in such areas as education, social security, employment, recreation, taxation, etc. In addition to them, local authorities have created, taking into account the specific conditions of different areas, their own service charters, which they undertook to adhere to. Such a consistent hierarchy of regulatory legal acts, in our opinion, is quite effective for creating basic principles and standards for the provision of public services and can serve as an example for our country.

We also consider it appropriate to note that quite important changes aimed at recognizing human needs and implementing these needs by state authorities, in particular, in the countries of the European Union, are changes related to the reform of the tax system of these

countries. The main objectives of tax reform in these countries are: the focus on creating decent development conditions for individuals and the modernization of the tax system in order to balance it and establish decent and fair conditions for business development in the state. In addition, there is a certain trend that would be useful for Ukraine, which is aimed at free of charge certain services provided by tax authorities (for example, patent registration), taking into account the payment of taxes [8]. The activities of tax authorities are also undergoing certain changes related to the greater focus of tax authorities on interaction with society. Consultations on taxation issues, as well as surveys of citizens on the quality of services provided by tax authorities, are in wide demand in the country [9].

Thus, we see that the general trend of European countries, which is aimed at ensuring the effective and high-quality implementation of the rights, freedoms and interests of citizens, meeting the needs of society, is characterized, first of all, by the focus of state authorities on achieving results. In turn, the achievement of results will be facilitated, as the governments of the indicated countries believe, by a comprehensive modernization of the structure of state authorities, the process and procedures for providing services by them, and the systematic legal regulation of public relations related to the provision of services to the population. This is precisely what achieves the effectiveness of the implementation of the program principles laid down in the reforms of these countries into public life.

The Basic Law of the Federal Republic of Germany of May 23, 1949 provides for the possibility of transferring the function of state authorities to provide services to private organizations, while retaining control over this activity and the possibility of its legislative regulation [10]. The French Constitution also provides for the possibility of delegating the function of providing services to private organizations by issuing relevant regulatory legal acts [11]. In the French administrative system, there are administrative institutions that to one degree or another correspond to our concept of an agency. One of the varieties of such institutions, as Kozyrin O.N. notes, are

the so-called services of national competence (services à compétence nationale – SCN).

The creation of such services, in turn, was provided for by Decree No. 97-463 of May 9, 1997, and the services themselves were legally removed from the framework of the central administration. The difference between these services and the central administration is that they do not participate in the formation of public policy, do not control its implementation and act exclusively as its technical instrument. Along with the services of national competence in France, there are a number of independent administrative bodies (autorités administratives indépendantes – AAI), which, although they are state institutions, however, in accordance with the legislation have received full autonomy from the central administration. As a rule, such independent administrative bodies can be called bureaus, commissions, councils, higher councils, mediators, intermediaries [12].

At the federal level in the USA, the system of executive bodies consists of the President, departments, government corporations, independent agencies and other institutions. The legislation provides that of the above bodies, only those that do not perform military or foreign policy functions and that have the authority to make decisions regarding the legal status of private individuals, that is, to decide on issues of their rights and obligations, are administrative institutions. In Art. 82 of the Spanish Constitution, the procedure for delegating state functions is regulated, which is carried out by adopting a special law, indicating the terms of delegation, its limits and goals, principles and criteria. To this end, the Constitution establishes that “the General Cortes may delegate to the government the authority to issue regulatory acts having the force of law on certain issues, with the exception of those provided for by this Constitution” [13].

Taking into account the provisions of some legislation of foreign countries can serve as an impetus for our state to create a similar system for regulating the provision of public services, the structure and organization of state authorities. At the same time, it should be noted that in the case of resolving the issue of the feasibility of implementing such experience in Ukraine, it is necessary to conduct a balanced

analysis of the possibilities of implementing this experience in whole or in part, as well as the usefulness of taking into account the provisions of Spanish legislation regarding the temporary delegation of functions [1, p. 66].

Therefore, it is necessary to state that the balanced implementation of the principles and criteria for assessing the provision of public services in foreign countries (USA, France, Great Britain, etc.) should include taking into account the peculiarities of social relations that have developed in Ukraine, as well as the sequence of implementation of international norms and legal institutions, since their similarity, at first glance, may at the same time have significant differences in the process of their implementation, which will lead to a negative result of implementation, as well as to conflicts in the regulatory legal acts of Ukraine.

#### References

1. Basic Law of the Federal Republic of Germany dated 23 May 1949. URL: [proektua.org/uploads/zakon/Constitution\\_of\\_Germany.pdf](http://proektua.org/uploads/zakon/Constitution_of_Germany.pdf).
2. Constitution of the Kingdom of Spain dated 27 April 1978 URL: <http://tehnorai.su/pr/konstituciya-ispanii-skachat-tekst.html>.
3. Corporation tax reform. A consultation document. URL: [www.hmrc.gov.uk/.../corp-tax-reform.pdf](http://www.hmrc.gov.uk/.../corp-tax-reform.pdf)
4. Leheza Ye. O. Theory of public services: administrative and legal warehouse. Monograph. Kherson: Vidavnychy house "Helvetica", 2016. 452 p.
5. Leheza Ye., Filipenko T., Sokolenko O., Darahan V., Kucherenko O. (2020). Ensuring Human Rights in Ukraine: Problematic Issues and Ways of their Solution in the Social and Legal Sphere. *Cuestiones Políticas*. Vol. 37 No<sup>o</sup> 64 (enero-junio 2020). P. 123-136. DOI: <https://doi.org/10.46398/cuestpol.3764.10>
6. Leheza Ye.O. Administrative services provided by the Civil Security Police: dis. ...cand. legal Sciences: 12.00.07 Dnipropetrovsk, 2011. 263 p.
7. Leheza, Yevhen. Pisotska, Karina. Dubenko, Oleksandr. Dakhno, Oleksandr. Sotskyi, Arthur. 2022. the essence of the principles of Ukrainian law in modern jurisprudence. *revista juridica portucalense*, December, 342-363. doi: [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15)
8. Manilich L.I. Public services in the activities of the state supply service of Ukraine: organizational and legal ambushes: dis. ...cand. legal Sciences: 12.00.07; National University of Bioresources and Nature Management of Ukraine. Kiev, 2012. 242.
9. Matviichuk, Anatolii. Shcherbak, Viktor. Sirko, Victoria. Malieeva, Hanna. Leheza, Yevhen. 2022. Human principles of law as a universal normative framework: Principios humanos del derecho como marco normativo universal. *Cuestiones Políticas*, 40(75), 221-231. <https://doi.org/10.46398/cuestpol.4075.14>
10. Regulation of services of foreign interest in the EU. *Navchalnyy handbook* / edited by. R. Simpson, O.M. Sinkova. K.: IMV KNU named after Taras Shevchenko, 2004. 129 p.
11. The French Constitution dated 3 June 1958. URL: <http://www.megabook.ru/Article.asp?AID=641796>.
12. Trine Syvertsen. The Many Uses of the "Public Service" Concept / Trine Syvertsen. URL: [http://www.nordicom.gu.se/common/publ\\_pdf/31\\_syvertsen.pdf](http://www.nordicom.gu.se/common/publ_pdf/31_syvertsen.pdf).
13. UK Corporate Tax Reform Update. URL: [http://www.cadwalader.com/assets/client\\_friend/091911\\_-\\_UK\\_Corporate\\_Tax\\_Reform\\_Update.pdf](http://www.cadwalader.com/assets/client_friend/091911_-_UK_Corporate_Tax_Reform_Update.pdf).

*Лісняк Антон Ігорович,*

*докторант Класичного приватного Університету,*

*м. Запоріжжя, Україна*

*доктор філософії в галузі права*

#### **МІЖНАРОДНО-ПРАВОВИЙ ДОСВІД НАДАННЯ ПУБЛІЧНИХ ПОСЛУГ ОРГАНІ ПУБЛІЧНОЇ АДМІНІСТРАЦІЇ**

У статті здійснено аналіз зарубіжних моделей надання публічних послуг та досліджено перспективи їх адаптації до вітчизняного правового поля. Зокрема, розглядається нормативна база та практика діяльності органів публічної адміністрації таких країн, як Франція, Сполучені Штати Америки та Велика Британія.

Автором аргументовано, що імплементація міжнародних стандартів та критері-

ріїв оцінки якості публічних сервісів не може бути механічною. Цей процес вимагає виваженого підходу, який враховує специфіку суспільних відносин в Україні. Наголошується, що поверхнева схожість правових інститутів може приховувати глибинні відмінності у механізмах їх функціонування. Тому некритичне запозичення іноземних норм загрожує виникненням правових колізій та зниженням ефективності реформ.

Встановлено, що ключовим трендом у країнах Європи є орієнтація органів влади на кінцевий результат — якісне задоволення потреб громадян та забезпечення їхніх прав. Уряди досліджуваних країн вбачають запоруку успіху у комплексній модернізації державного апарату, оптимізації процедур надання послуг та створенні системного правового регулювання. Саме такий підхід забезпечує дієвість державних програм та реформ.

Зроблено висновок, що спільна тенденція європейських держав, спрямована на ефективне та якісне забезпечення прав, свобод та інтересів громадян, а також на задоволення суспільних потреб, полягає насамперед у результативній орієнтації органів державної влади.

Уряди цих країн переконані, що досягнення високих результатів можливе лише завдяки комплексній модернізації державного апарату. Це включає оновлення структури органів влади, оптимізацію процесів і процедур надання публічних послуг, а також системне правове регулювання відносин у сфері обслуговування населення. Саме ці заходи забезпечують ефективне втілення стратегічних принципів, закладених в основу національних реформ.

**Ключові слова:** адміністративна послуга, доступність, міжнародні стандарти, публічна послуга, прозорість, зарубіжний досвід, публічна адміністрація.