CONTENT OF THE STAGES OF THE PROCEDURE FOR PROVIDING ELECTRONIC SERVICES IN THE FIELD OF SOCIAL PROTECTION OF THE POPULATION

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The article is devoted to the analysis of the content of the stages of the procedure for providing electronic services in the field of social protection of the population and the identification of related problems. The analysis of such electronic services as the appointment of state assistance at the birth of a child and a certificate of income revealed a number of problems that the subjects of the appeal face at the first stage - registration (registration) of the appeal: unreasonable number of documents: The number of documents required to receive the service is often unreasonable, contradicts regulatory legal acts (in particular, the principle of rational minimization of documents, provided for in clause 8 of article 4 of the Law of Ukraine «On Administrative Services») and leads to different interpretations by public administration entities. Lack of comprehensive information - insufficient information support regarding an exhaustive list of electronic services in the field of social protection and public administration entities that provide them. Gaps in legislation - the absence of a regulatory legal basis at the level of the laws of Ukraine, which would determine a clear list of electronic services in this area. Impossibility of electronic submission: Inability to submit all necessary documents to receive some electronic services exclusively in electronic form.

At the stage of processing the application, there are issues that require regulatory and legal regulation: Problems with information - the inability to receive information about the progress of consideration (stage, actions) of a public service in electronic form. Failure to comply with deadlines: Failure to comply with reasonable deadlines for considering the case, which is often expressed in exceeding 30 days from the date of submission of documents. Unregulated payment: Failure to establish a clear amount of payment for all electronic services, which requires the development and adoption of the Law of Ukraine «On Administrative Fee». Demanding additional payments: In the case of providing services free of charge, public administration entities sometimes demand payment for related (additional) services (collecting additional certificates, concluding an insurance contract, etc.).

The essence of the stage of registration (approval) of the result, which consists in issuing an administrative act (permit, certificate, license, decision, certificate, etc.), is characterized. It is emphasized that the grounds for refusal to provide a public service must be clearly specified in regulatory legal acts.

It is established that the stage of issuing and registering the result can be performed in person, by a representative by power of attorney or by mail. However, the most promising way to implement this stage is the use of modern information and telecommunication technologies (Internet networks, mobile applications).

Keywords: electronic services, social protection of the population, legislation, regulatory legal acts, legal regulation, public services, stages of the procedure, administrative service.

To clarify the term «stages of the electronic procedure for providing services», let's analyze scientific works. It is easy to see that there are attempts to distinguish stages not so much of the procedure as of the administrative process. For example, Professor M. M. Tyshchen-

ko defines: «in the structure of any process, it is possible to distinguish stages - mutually separated, delimited in time and logically coordinated groups of procedural actions (procedures), which differ in the circle of participants and are certified by the corresponding procedural acts» [1, p. 488]. Agreeing with the definition of stages as delimited, temporally separated and logically connected collections of procedural actions, we must warn that, in our opinion, in the context of administrative procedure, it is not worth absolutizing the thesis about "fixing stages by separate procedural acts", because, unlike the usual types of process (criminal and civil), the activities of administrative bodies are not characterized by such a high level of formalization (with the possible exception of certain types of proceedings - for example, in cases of administrative offenses).

Other important features of a stage are highlighted by Professor O. V. Kuzmenko: "a stage of an administrative process should be understood as a relatively separate part of this type of administrative process subordinate to the common goal, which has its own characteristics and tasks" [2, p. 121]. As we can see, the emphasis is shifted to subordination to the general goal, to the relative separation of part of the procedure and to the presence of its own tasks.

V. P. Tymoshchuk, analyzing this issue, proves the possibility of identifying the stages of the administrative process with the stages of the administrative procedure, since, in his opinion, the administrative procedure in the terminology of the majority of domestic administrativeists is represented precisely as an "administrative process", which is caused by terminological confusion around the theoretical and methodological opposition of the "jurisdictional" and "managerial" approaches (which we mentioned in the first subsection). Using such a position allows the researcher to start from the achievements of the administrative-legal doctrine in the works of supporters of the "managerial" approach regarding the allocation of stages of the administrative procedure [3, p. 169].

As for the list of stages of providing electronic services, there is no single approach in domestic law (in particular, if we consider the positions of administrativeists – supporters of the managerial concept of the administrative process). For example, O. M. Bandurka and M. M. Tyshchenko define the following stages of the administrative process:

1) the stage of initiating an administrative case, or analytical - involves collecting and recording information, assessing the possibilities of further development of the case, making a decision on the need for such a move;

2) the stage of making a decision in the case is divided into stages: a) legal assessment of the information received; b) studying the case materials; c) making a specific decision;

3) the stage of appealing or protesting the decision in the case (is optional);

4) the stage of implementing the decision [4, p. 21].

In the academic textbook, Professor M. M. Tyshchenko identifies the same stages, but interchanges the stages of implementation and appeal [5, p. 488]. Of course, at this stage, implementation is in principle taken outside the procedure for adopting administrative acts (although it is part of the administrative procedure as a whole, often optional). Similarly, the same stages of the administrative procedural process are distinguished, namely:

1) opening an administrative case and its preliminary study (consideration of the case materials);

2) consideration of the merits of the case by the authorized body (official) and adoption of an individual legal act (administrative act) in this case;

3) an additional stage of appealing the decision in the case;

4) the stage of implementation of the decision made in the case (in certain cases also optional). Regarding this stage, the researcher emphasizes that it will be mandatory for those types of administrative procedures, the result of which is the implementation of the rights granted to applicants (or the fulfillment of the obligations imposed on them) that require administrative support [5].

Researcher V. G. Perepelyuk, analyzing the proceedings on applications, distinguishes the following stages in it: violation of the procedure, administrative investigation, prepara-

tion of the case for resolution, resolution of the case, implementation of the decision [6, p. 229-295]. He considers the review of administrative decisions as a separate procedure. We note that in this approach, in our opinion, the distinction between the second and third stages seems problematic. After all, it is known that each of the stages is adapted to specific goals and objectives and is a relatively independent and complete part of a particular administrative procedure, and the administrative investigation essentially logically coincides with the preparation of the case for resolution.

We consider it appropriate to proceed from the fact that the stages in the process of adopting administrative acts and their independence are certain components of an integral structure, which are united by specific tasks.

The division of the stages of the administrative procedure for providing services in the field of state registration of property rights to real estate, proposed by M.O. Kolesnikov, is of considerable interest and detail. Thus, as the stages of the procedure for providing public services for state registration of property rights to real estate, the author identifies: 1) acceptance and verification of submitted documents for state registration of rights and restrictions, as well as registration of the application; 2) establishment of the fact of the absence of grounds for refusal of state registration of rights and restrictions, suspension of consideration of the application for state registration of rights and/or restrictions; 3) making a decision on registration of property rights, suspension or refusal of registration of rights; 4) entry of relevant data into the State Register of Rights to Real Estate; 5) provision of information; 6) appeal against actions or inaction of officials who carry out registration – an optional stage [7, p. 11].

O. M. Bukhanevych, studying the structure of the procedure for providing an administrative service as a type of public activity, defines three phases in it: 1) registration (registration) of the applicant's application; 2) processing of the application and formation (coordination) of the result of providing an electronic service; 3) issuance of the result of providing an electronic service and its registration. Each phase is divided into corresponding stages, which contain specific actions of the subject of providing electronic services in the field of social protection of the population and/or ASC. In addition, the author emphasizes that the concept of "procedure for providing an electronic service" and specific phases of the procedure for providing an electronic service, as well as the concept of "technological card of an electronic service" and the process of developing and approving a technological card, should be clearly defined in the Law of Ukraine "On Administrative Services" [8, p. 159].

We propose to consider the structure of the procedure for providing electronic services in the form of the following five stages:

1) registration (registration) of the applicant's application;

2) processing of the application;

3) registration (approval) of the result of the provision of electronic services;

4) appealing the decision (optional stage);

5) issuance and registration of the result of the provision of electronic services.

Each stage is divided into corresponding stages, which include specific actions of the subject of providing electronic services in the field of social protection of the population and/or ASC.

At the stage of registration (registration) of the application of the applicant, the subject of such an application is first determined by the method of obtaining the procedure for providing electronic services in the field of social protection of the population in the field of social protection of the population. This procedure for providing electronic services in the field of social protection of the population in the field of social protection of the population can be carried out directly by the subject, through the relevant authorities in electronic form. An external expression of desire is a statement, which is usually submitted in written, oral or electronic form. An application for the provision of electronic services in the field of social protection of the population in the field of social protection of the population is mostly drawn up as a written application and submitted personally by the subject of the application (or his legal representative). This is provided for both by law

[9] and by separate standards of the analyzed category [10]. Usually, an individual has the right to the provision of electronic services in the field of social protection of the population in the field of social protection of the population regardless of the registration of his place of residence, except for cases established by law. The laws regulating the provision of electronic services in the field of social protection of the population in the field of social protection of the population are mostly determined by the place of registration (for example, issuing a certificate of registration of internally displaced persons [9], issuing a certificate of a victim of the Chernobyl disaster [11]).

In addition, a feature of the provision of electronic services in the field of social protection of the population in the field of social protection of the population, the provision of which is provided for by the Law of Ukraine «On the Status of War Veterans, Guarantees of Their Social Protection» of October 22, 1993, is that the basis for granting the status of a war invalid to persons specified in paragraph one of paragraph 13 of Article 7 of this law is (however, not exclusively) a petition for granting the status of a war invalid to the head of the volunteer formation of which such a person was a member [12]. In addition, in accordance with the Procedure for granting the status of a participant in hostilities to persons who defended the independence, sovereignty and territorial integrity of Ukraine and took direct part in the anti-terrorist operation, ensuring its conduct, approved by the Resolution of the Cabinet of Ministers of Ukraine of August 20, 2014, for granting the status of a participant in hostilities to persons specified in paragraphs two and three of paragraph 2 of this Procedure, the subject of the application is commanders (chiefs) of military units (bodies, subdivisions) or other heads of institutions, establishments [13].

The second stage (processing of the application) includes procedural actions by the subject of the public administration body providing electronic services in the field of social protection of the population in the field of social protection of the population in the following aspects:

- determining the amount of information and the list of documents necessary for the provision of electronic services in the field of social protection of the population in the field of social protection of the population, as well as provided by the subject of the application;

- determining the amount of information and the list of documents that are not enough for the provision of electronic services in the field of social protection of the population in the field of social protection of the population and which are in the possession of the subject of the procedure or in the possession of state bodies;

- obtaining relevant documents or information without the participation of the subject of the application on the basis of the information submitted in the application, including by accessing information systems or databases of other subjects of the procedure, enterprises, institutions or organizations belonging to the sphere of their management, or through the system of electronic interaction of state electronic information resources, as well as requests to enterprises, institutions or organizations belonging to the sphere of management of the subject of the procedure, which possess documents or information necessary for the provision of electronic services in the field of social protection of the population in the field of social protection of the population.

The third stage (registration (approval) of the result of the provision of an electronic service) includes a set of analytical, thought and other procedural actions of an official of the subject of the provision of electronic services in the field of social protection of the population in the field of social protection of the population regarding the sufficiency of the materials of the administrative case and their compliance with the grounds provided for by law for making the appropriate decision: to provide a public service in the field of social protection of the population or to refuse.

The fourth stage (appealing the decision (optional stage) is optional, optional, but it serves as an important guarantee to protect the subjects of the appeal from unprofessionalism, self-interest or other negative actions (inaction) and factors during the provision of electronic services in the field of social protec-

tion of the population in the field of social protection of the population regarding the resolution of an administrative case.

The last stage (issuance and registration of the result of the provision of electronic services) is separated from the stage of resolving the administrative case not by chance. These stages differ in both temporal and substantive determinants: between the decision made (for example, on assigning status) and its implementation (issuance of a certificate of assigning status), a certain period of time (sometimes a month or more) passes. Instead, the content is determined not by mental and analytical activity (as at the stage of making a management decision), but by organizational activity to create conditions for the external expression of the decision already made.

As a result of the disclosure of such electronic services in the field of social protection of the population in the field social protection of the population as the purpose of state assistance at the birth of a child, income certificate, problems were identified that the subjects of the appeal face at the first stage of the procedure for providing an electronic service - registration (registration) of the subject of the appeal; the number of documents required to obtain a certain type of public service is unreasonable and contradicts regulatory legal acts, which leads to different interpretations by the relevant subjects of public administration, for example, clause 8 of article 4 of the Law of Ukraine «On Administrative Services» - rational minimization of the number of documents and procedural actions required to obtain electronic services in the field of social protection of the population in the field of social protection of the population, etc.; lack of information support regarding an exhaustive list of electronic services in the field of social protection of the population in the field of social protection of the population and subjects of public administration that provide these services; lack of a regulatory legal basis at the level of the laws of Ukraine regarding the definition of a clear list of electronic services in the field of social protection of the population; inability to submit documents regarding the receipt of electronic services in the field of social protection of the population in the field of social protection of the population in electronic form, etc.

At the stage of processing an application for electronic services in the field of social protection of the population, there are issues that require regulatory and legal regulation: the impossibility of obtaining information about the progress of consideration (stage, actions) of a public service in electronic form; failure to comply with reasonable terms for considering a case regarding the provision of a public service, which consists in exceeding 30 days from the moment of providing documents to the relevant subject of public administration; failure to establish a clear amount of payment for all electronic services in the field of social protection of the population, which will necessitate the development and adoption of the Law of Ukraine «On Administrative Fees»; in the case of providing electronic services in the field of social protection of the population free of charge, subjects of public administration require payment for related (additional) services in the form of collecting additional certificates, concluding an insurance contract, etc. The essence of the stage of registration (approval) of the result of the provision of an electronic service in a case regarding the provision of electronic services in the field of social protection of the population, which consists in issuing an administrative act in the form of a permit, is described; certificates; licenses; certificates; registrations; decisions; certificates. The grounds for refusal to issue a public service must be clearly specified in regulatory legal acts.

It has been established that the stage of issuance and registration of the result of the provision of an electronic service in the field of social protection of the population can be carried out upon application submitted personally to the applicant or a representative by power of attorney; by mail. However, a promising way to implement the stage of execution of a decision on obtaining a certain electronic service in the field of social protection of the population in the field of social protection of the population is the use of modern information and telecommunication technologies (Internet networks, mobile applications, etc.).

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ЗМІСТ СТАДІЙ ПРОЦЕДУРИ НАДАННЯ ЕЛЕКТРОННИХ ПОСЛУГ У СФЕРІ СОЦІАЛЬНОГО ЗАХИСТУ НАСЕЛЕННЯ

Стаття присвячена аналізу змісту стадій процедури надання електронних послуг у сфері соціального захисту населення та виявленню пов'язаних з цим проблем. Аналіз таких електронних послуг, як призначення державної допомоги при народженні дитини та довідка про доходи, виявив низку проблем, з якими стикаються суб'єкти звернення на першій стадії – реєстрація (оформлення) звернення: необґрунтована кількість документів: Кількість документів, необхідних для отримання послуги, часто є необґрунтованою, суперечить нормативно-правовим актам (зокрема, принципу раціональної мінімізації документів, передбаченому п. 8 ст. 4 Закону України «Про адміністративні послуги») та призводить до різного тлумачення суб'єктами публічної адміністрації. Відсутність вичерпної інформації - недостатнє інформаційне забезпечення щодо вичерпного переліку електронних послуг у сфері соціального захисту та суб'єктів публічної адміністрації, які їх надають. Прогалини в законодавстві - відсутність нормативно-правової основи на рівні законів України, що визначала б чіткий перелік електронних послуг у цій сфері. Неможливість електронної подачі: Неможливість подати всі необхідні документи для отримання деяких електронних послуг виключно в електронній формі.

На стадії опрацювання звернення існують питання, що потребують нормативно-правового врегулювання: Проблеми з інформуванням - неможливість отримання в електронній формі інформації про хід розгляду (етап, дії) публічної послуги. Недотримання строків: Недотримання розумних строків розгляду справи, що часто виражається у перевищенні 30 діб з моменту подання документів. Неврегульованість оплати: Не встановлення чіткого розміру оплати для всіх електронних послуг, що вимагає розроблення та прийняття закону України «Про адміністративний збір». Вимагання додаткових оплат: У разі надання послуг на безоплатній основі, суб'єкти публічної адміністрації іноді вимагають оплатити супутні (додаткові) послуги (збирання додаткових довідок, укладання договору страхування тощо).

Охарактеризовано сутність стадії оформлення (погодження) результату, яка полягає у видачі адміністративного акта (дозволу, свідоцтва, ліцензії, рішення, довідки тощо). Наголошено, що підстави для відмови у наданні публічної послуги повинні бути чітко зазначені у нормативно-правових актах.

Встановлено, що стадія видача й реєстрація результату може виконуватися особисто, представнику за довіреністю або поштою. Проте найбільш перспективним способом реалізації цієї стадії є використання сучасних інформаційно-телекомунікаційних технологій (мережі Інтернет, мобільних додатків).

***Ключові слова**: електронні послуги, соціальний захист населення, законодавство, нормативно-правові акти, правове регулювання, публічні послуги, стадії процедури, адміністративна послуга.*