



UDC 342.95

DOI: 10.31548/law/4.2023.37

Public control over the activities of the Ministry of Justice of Ukraine: An introduction to the problem

Illia Lozinskyi*

Postgraduate Student

National University of Life and Environmental Sciences of Ukraine

03041, 15 Heroiv Oborony Str., Kyiv, Ukraine

<https://orcid.org/0009-0008-1836-874X>

Article's History:

Received: 16.08.2023

Revised: 18.10.2023

Accepted: 22.11.2023

Abstract

The research relevance is determined by the importance of public control over the activities of the Ministry of Justice of Ukraine, which follows directly from the status of this central executive body and its key tasks. The study aims to explore the concept and legal nature of public control as a modern institution, to establish the specifics of its formation and to determine in general terms the peculiarities of its adaptation to the functions and tasks of the Ministry of Justice of Ukraine. The key method of the research is formal-dogmatic (special legal), which is used to study the legal and regulatory constructions of understanding of public control, its goals and mechanisms. The study establishes the relationship between the content of the concept of public control and the goals which it sets or should set. Local self-government bodies and other entities are the primary providers of public control, and it is substantiated that the essence of public control is realised through the tasks of monitoring, inspection and supervision of activities of public authorities, local self-government bodies and other entities. The author establishes that the ultimate goal of control is to ensure that the subjects under control comply with the requirements of legislation,

Suggested Citation:

Lozinskyi, I. (2023). Public control over the activities of the Ministry of Justice of Ukraine: An introduction to the problem. *Law. Human. Environment*, 14(4), 37-49. doi: 10.31548/law/4.2023.37.



*Corresponding author

Copyright © The Author(s). This is an open access article distributed under the terms of the Creative Commons Attribution License 4.0 (<https://creativecommons.org/licenses/by/4.0/>)

human and civil rights and freedoms, and the principles and values of civil society. It is found that the most balanced approach from the point of view of the needs of public administration and the realities of modern democratisation of Ukraine is a broad understanding of public control as a permanent and systematic, multifaceted activity of civil society institutions in their close interaction with the object of control: governmental authorities, law enforcement agencies, judicial and expert bodies, etc. The theoretical value of the article lies in a comprehensive review of the current state of understanding of the concept of public control. The practical value of the study lies in the fact that its results can be used to further improve the legal and regulatory framework for public control in Ukraine

Keywords: judiciary; civil society; public administration; democratisation; executive authorities

Introduction

The current stage of development of developed democracies is characterised by a complex interpenetration of state institutions and civil society. Mechanisms and instruments of direct (elections, referendums, rallies and demonstrations, etc.) and indirect (representative) democracy coexist in the modern world, reflecting the dynamics of social relations and political processes. Even in a representative democracy, when the people of the state delegate certain powers and functions to elected authorities, the methods of direct influence on their activities do not lose their importance, but only increase in importance, gaining more influence and institutionalisation. This is especially true concerning controlling the compliance of decisions and activities of executive authorities with the constitutional principles and guaranteed rights and freedoms.

The importance of implementing public control over the functioning of the Ministry of Justice of Ukraine directly stems from the status and key tasks and areas of activity of this central executive body, which are sensitive for civil society in general and the rights and freedoms of individual citizens in particular. The Ministry of Justice, among other things, according to the Regulation on the Ministry of Justice of Ukraine, Order of the

Cabinet of Ministers of Ukraine No. 228 (2014, July), in the context of public control, mentions only that the Ministry of Justice facilitates the exercise of public control by supervisory commissions and public associations over the observance of the rights and legitimate interests of convicts during the execution of criminal sentences. Other areas and directions of the exercise of the power of the Ministry of Justice of Ukraine also require attention, which is not mentioned in the Regulation or other legal acts, including at the legislative level.

In this regard, the development of the institution of public control over the activities of the Ministry of Justice and its effective functioning should be preceded and simultaneously ensured by a doctrinal study of the legal nature of public control over the activities of the Ministry of Justice of Ukraine, and the definition of the main principles of its structure and functioning. This issue is still poorly researched, although it is attracting more and more attention from Ukrainian scholars, along with the study of the principles of public control over the activities of other central executive authorities.

O. Dulina and A. Krupnyk (2021) established the theoretical foundations of public control and specific features as a component of the public

administration category. Z. Kravtsova (2019) emphasised the key role of public associations, which have as their statutory activity the exercise by citizens of Ukraine of their constitutional rights and freedoms in the light of organising and exercising public control over the activities of public authorities. N. Gayeva (2018; 2019) determined that to guarantee the effectiveness of such work, it is mandatory to adopt a universal and comprehensive Law of Ukraine "On Public Control in Ukraine", which will establish the principles and forms of participation of public organisations in the inspection and supervision of the functioning of public authorities.

The general aspects of the essence of public control over the activities of public authorities are touched upon by Yu. Nironka (2019), establishes that the Constitution of Ukraine currently provides for two basic forms of public control: 1) public events, which includes the possibility of holding peaceful assemblies, demonstrations, pickets, etc.; 2) through the implementation practice of the right of citizens to establish public associations and organisations. The issues of interaction between the judiciary and civil society institutions were the subject of a study by M. Blikhar and I. Krykavska (2022).

V. Gritsenko (2021) defined the concept and tasks of public control over the activities of the National Police of Ukraine. R. Myroniuk (2020) revealed the legal nature of the institution of public control over the activities of the police, identified the specifics of public control over the activities of the National Police of Ukraine, and outlined ways to improve the current Ukrainian legislation in this area. S. Medvedenko (2019) determined that public control, unlike the existing methods of control and supervision by the state and its bodies, does not empower the public to interfere with the operational activities of the police

and bring police officers to justice. Public control as one of the types of external control over the work of the National Anti-Corruption Bureau of Ukraine was considered in work by R. Osypchuk (2020), in which this institution is closely linked to the general public demand for combating corruption in the functioning of public authorities, individual officials and officers. More detailed forms of public control over the observance of laws, rights and freedoms of citizens in the activities of the above-mentioned body were studied by V. Doroshenko (2018).

At the same time, the issue of comprehensive scientific understanding of the theoretical and legal foundations and peculiarities of organisation and implementation of public control over the activities of the Ministry of Justice of Ukraine, including in the light of the analysis of the modern regulatory framework and specifics of implementation at the level of territorial bodies, is still insufficiently studied. At the same time, a comprehensive scientific study of this issue should be preceded by a thorough introduction. This determines the purpose of this article – to study the concept and legal nature of public control as a modern institution. To achieve this goal, the following tasks are set: to establish the specifics of the modern scientific understanding of the concept of "public control" and its regulatory and legal support; to determine in general terms the peculiarities of adaptation to the functions and principles of the Ministry of Justice of Ukraine.

In the process of researching the basic theoretical foundations of the content of the category of public control, general and special legal scientific methods were applied, among which the leading place was taken by systemic and structural, dialectical, prognostic, methods of formal logic and others. Description, analysis and synthesis, comparison, and other general methods of

scientific knowledge were also used. The formal logical method was used to identify the key features that are included in the definition of public control. The comparative legal method was useful in the comparative analysis of approaches to the legal nature of public control in Ukraine and the EU. The formal-dogmatic (special legal) method also played a key role in the work, as it was indispensable when working with legal and regulatory constructions of understanding public control, its tasks and functions.

The research materials include a few legal acts and/or their drafts in this area, as well as a rich doctrinal heritage of Ukrainian scholars on the development and establishment of the essence of public control as an independent institution and type of activity, its fundamental features and constituent elements. It is the synthesis and analysis of the provisions of these sources, along with an understanding of the practical situation of implementing public control over the Ministry of Justice of Ukraine and a forecast for the future, that have become the methodological and material basis for this research.

Modern approaches to public control legal nature comprehension

The understanding of public control at the current stage of the development of legal and philosophical thought is based on the fact that it is one of the effective ways to maintain the legal order. This opinion is shared, in particular, by V. Nalutsyshyn (2018). That is, public control can be seen as an institution that mediates the mechanisms of cooperation between the state and society to achieve a common goal – building a safe space for people, where their rights and legitimate interests can be freely exercised. Undoubtedly, this general maxim hides the specific ways and tools that public control operates with,

which are also called their forms in the scientific literature. The latter reflects not only the specifics of civil society's influence on the state but also the state of development of such a society. Therefore, public control can also be seen as a benchmark of modern democracies, where the authorities do not operate exclusively horizontally. In turn, the study of the legal nature of public control requires a preliminary reference to the issues of interaction between the state and civil society in general. M. Blikhar and I. Krykavska (2022) include the establishment and functioning of coordinating bodies; joint development and subsequent implementation of decisions aimed at eliminating or minimising the manifestations of negative phenomena for society that may arise in the course of judicial proceedings; implementation of the adopted provisions in the practical activities of the judiciary; and, separately, public control over the activities of the judiciary.

Traditional scientific research analysis of the definitional aspect of the issue – doctrinal approaches to understanding public control – indicates a correlation between the concept of the latter and the tasks (goals) that it pursues or should pursue. The direct connection between these tasks and the spheres and forms of public control is also usually reflected at the conceptual level under study. It is worth referring not only to special works devoted to public control over the activities of the Ministry of Justice of Ukraine but also, given the essential and structural similarities, to the developments related to the study of the specifics of public control over other executive authorities, forensic institutions, law enforcement agencies, etc. General theoretical studies are to be highlighted, which reflect on the place and role of public control in the light of the institutions and mechanisms of modern civil society.

As such, O. Ruvin (2020), defining public control over the activities of forensic institutions, considers it through the prism of the activities of public organisations and individuals not united in public organisations, which is implemented through interaction with public authorities and local self-government bodies, their officials and officials, as well as forensic institutions. Interaction, according to the author's position, is primarily related to ensuring strict compliance with the established principles of organisation and conduct of expert research, such as its legality, impartiality, independence, etc. In other words, the key is to reveal the essence of public control through the category of activities, but those that are not directly related to control itself, but are interaction with the relevant entities to comply with these fundamental principles of expert research.

The concept of "control" is sometimes replaced or disclosed through certain forms of control. For example, I. Skvirskyi (2013) considers public control as the activity of civil society representatives (including individuals and/or associations of citizens) aimed at checking and/or monitoring to ultimately counteract, prevent or stopping illegal activities or cancelling illegally adopted decisions of entities vested with public power. D. Pryputen (2020) defines public control over the police as a form of implementation employing inspection. A related and also widespread approach to categorising public oversight is to refer to a set of measures. For instance, according to the systemic definition of O. Yunin (2021), public control over the functioning of the National Police of Ukraine is considered as a set of measures aimed at: 1) verification (including monitoring and supervision) of compliance with the law in the activities of the National Police units, its designated officials or officers in the performance of their functions and powers; 2) and establishment

of cooperation between the police and the public for joint planning, implementation of projects, programmes and initiatives to meet the needs of the community and improve the efficiency of the tasks assigned to the police. Accordingly, such measures, and thus public control over the activities of the National Police of Ukraine, are carried out by representatives of the public (individual citizens and/or civil society organisations) following the Constitution and laws of Ukraine.

This definition combines the previously defined forms of public control – inspection, observation and supervision – with the addition of an important aspect of interaction with public authorities (here, the police, which can be extended to law enforcement agencies in general). Similarly, other authors define public control over police activities, concerning the norms of the current legislation, as a systemic set of certain measures. These measures are implemented by citizens, their associations and organisations, and even local self-government bodies, aimed at achieving such tasks as primary collection and accumulation with subsequent analysis of information on police activities, which, as a result, should lead to the establishment and effective functioning, based on these data, of intra-departmental control of the National Police bodies for further correction of identified shortcomings (Klochko & Sobina, 2017).

For both dialectical and formal and logical reasons, it is reasonable to reveal the content of civic control through activities rather than a set of measures. Firstly, the latter is an integral part of the activity, as it allows to reveal its forms, methods and techniques, but it would be wrong to limit public control exclusively to such "tools": specific ways of implementing a certain activity are subject to evolutionary and historical changes, being reformed depending on the needs and realities of the time, while the activity of public control itself

continues to maintain and expand its relevance in the context of building a democratic society. This is also emphasised by other researchers (Maslova & Savchuk, 2020). Secondly, the concept of “activity” is a dynamic phenomenon, involving the creation and development of a complex system of interaction between civil society institutions and government institutions in a broad sense. The interpretation of public control as an interaction activity can be considered the most successful. Since, as defined above and repeatedly emphasised by other authors, such activity is not controlled in the strict sense of the term – it lacks several instruments of this concept that are sanctioning in nature, i.e., imply certain liability.

At the same time, these approaches are neither ultimatum nor the only ones in modern Ukrainian legal thought. O. Pukhkal (2010) considers public control as a type of social control, although the researcher also reduces its content to a set of various activities carried out by individual citizens or through established civil society institutions (non-governmental organisations, mass media, political parties, movements, etc.) and related to monitoring and inspection of the activities of public authorities and local self-government bodies. The final goal of public control is to force the authorities to comply with legislative requirements and perform their tasks and duties with responsibility and competence. There are also views on the concept under study as a means (tool) for assessing the public’s performance by public authorities and other controlled entities of their social functions and in the light of public control as a way of exercising the right of citizens guaranteed by the Basic Law to participate in the management of public affairs. Such participation is realised through the possibility of monitoring the functioning of controlled entities vested with power, applying to them for public services,

participating in the adoption of regulatory acts, and, in addition, carrying out other forms of interaction with such entities in the performance of public functions, including ensuring public order and ensuring security, guaranteed by the state and the law (Pashchynskyi, 2021).

O. Poklad (2016) distinguished between narrow and broad approaches to the definition of public control using the differences in public control definitions. According to the first definition, it is limited to the control that takes place through citizens’ applications, complaints, proposals or requests sent to public authorities; non-governmental organisations; representative bodies of labour collectives and trade unions. In the context of police activities, the narrow approach to public oversight covers work with citizens’ requests for access to public information (Poklad, 2018). According to the second (broad) understanding, this concept is understood through the system of modern relations between the state and society, based on the accountability of the executive branch of government to the parliament, non-governmental institutions, or as an organisational and legal form of social interaction (association) of citizens on the principle of free participation and for their protection of various groups of interests. Both paradigms deserve attention and have a theoretical and practical basis, but the complex dimension, i.e. the broader approach, is of interest, which allows not only to point out certain instrumental (applied) aspects of the problem (activities in the field of public control) but also to establish its substantive essence and legal nature.

In the context of improving the legal understanding of public control as an institution, international experience is also noteworthy. Thus, the conclusions of Yu. Nironka (2022), based on a study of the experience of public control in the United States, Belgium, France, Canada and Spain,

summarised that the main forms of manifestation of the analysed concept in these countries are: direct public control, public monitoring, organisation of public hearings, activities of public councils, institutions of public expertise and public inspection, activities of ombudsmen, a wide range of investigative activities (from those carried out voluntarily to professional journalism), mechanical control, and other forms of public control. The researcher also identified the registration of errors of officials, violations of regulatory requirements and consequences of such violations, mechanisms for encouraging positive actions of officials and officials, administrative appeals against illegal decisions, actions and inaction as innovative forms.

Ye. Kasianenko (2019), in the context of the differentiation of mechanisms of state and public control over the exercise of their functions and powers by local self-government bodies, points out that the institutions of modern civil society are increasingly acting as direct and active subjects of control in states characterised by a high level of development of democratic institutions. These include the Scandinavian countries (Norway, Sweden, Denmark), as well as New Zealand, Canada, Ireland, Switzerland, Finland, Austria, and others. It is fair to emphasise that in such countries, the effectiveness of public control is directly related to the traditions of direct democracy, which are currently being transformed into open government institutions with the help of the latest technologies (Hohensinn *et al.*, 2019). At the same time, even in developed democracies, as studies on the example of Norway show, citizen participation in municipal affairs is mainly protest-based (as a reaction within a broad approach to public control) rather than proactive (Holum, 2023). This thesis emphasises the lack of utopian ideality in the ways and manifestations of the participation of civil society institutions in

state and social life, even in Western democracies. Therefore, their experience is not the alpha and omega of building public control in Ukraine, but an important benchmark, suggesting that other states and societies should also adopt the Ukrainian experience, the relevance and progressiveness of which was especially acute during the Russian-Ukrainian war.

Prospects for regulatory and legal support of public control

This systemic understanding of civic control should be the basis for the future special law on civic control. Such a law has not yet been adopted (which has specific practical consequences, such as ignoring acts of public inspections), and the proposals of the only draft law on this issue that is at least somewhat relevant today (Draft Law of Ukraine No. 2737-1... (2015, May)) deserve constructive criticism. Other existing developments, such as of V. Doroshenko (2019) and O. Olkina (2020), are doctrinal. First of all, the draft law states in its preamble that it defines the content of the state policy on the exercise of the rights of individuals and legal entities united in public associations to exercise public control over the activities of public authorities, local self-government bodies, their officials and employees.

This excludes from its scope non-institutional aspects of public control related to actions (appeals, activities in general) of individual interested citizens. This erroneous approach is reflected directly in the definition of public control under Article 1 of the draft law, which defines it as a public activity of public associations, the subject of which is to oversee the compliance of the activities of public authorities, local self-government bodies, their officials and employees with the Constitution of Ukraine, laws of Ukraine, other regulatory legal acts, and their compliance with state discipline.

Instead, public control is exercised not only institutionally, but also by citizens who are not members of any civic organisations or associations. This allowed N. Nestor (2019) to divide the subjects of public control over the activities of judges into individual and collective ones. At the same time, the latter may be situational in origin, united not in a legal entity, but constitute an unorganised group of people interested in common ideas, values or in solving a particular problem within the framework of the public control and supervision.

In addition, this concept is too narrow in its scope and bureaucratised and formalised in its content. Compliance by the objects of public control with regulatory requirements cannot cover the entire range of tasks and goals set for public control as an institution in developed democracies, while compliance with state discipline (in this formulation) generally goes beyond its essential limits. The draft law proposes to establish a broad enough understanding of state discipline as precise and strict compliance by the objects of public control with the rules of conduct, activities, relations, and official duties established by law, as well as timely and full performance of state tasks and obligations, including the formation and expenditure of budgets. The notion of state discipline in the meaning of the draft law is given an overly broad interpretation. At the same time, supervision and control over compliance with such discipline are the tasks of the relevant public authorities, their departments (divisions), etc., but not of civil society institutions, which should control the consequences of socially important actions or inaction of such bodies, but not compliance with the rules of discipline, internal labour regulations, etc.

However, the system of principles of civic control set out in Article 3 of the draft law is worthy of positive assessment and further development. These include the principles of fairness, objectivity

and impartiality of the public control process; the principles of independence of the subjects of public control from other public associations, political parties, state authorities, local self-government bodies and their officials and employees; full and comprehensive study of the subject of public control; absence of abuse of the right to exercise public control; and validity. Such principles correspond to an important consequence of public control as an institution – it directly affects the legitimacy of public authorities (Gavkalova *et al.*, 2023). Along with the tasks of civic control defined by the draft law in Article 4, these provisions can be used as a basis for the future law on civic control, which will also apply in general to the control of the Ministry of Justice of Ukraine. The above tasks should include the following: to ensure that the subjects of public control do not violate the rights of individuals and legal entities; to form a public assessment of the activities of the subjects of public control; to carry out a permanent public examination of decisions of executive authorities and local self-government bodies, etc.

Additionally, it is worth noting the validity of the conclusions of O. Dulina and A. Krupnyk (2021) regarding the fact that the current regulations contain only certain provisions on certain types of public control, but remain fragmented, as they contain significant gaps. The authors substantiate and propose to supplement Article 38 of the Constitution of Ukraine (1996, June), which enshrines the right of citizens to participate in the management of public affairs, with part two stating that citizens and associations of citizens have the right to exercise public control over the activities of executive authorities, local self-government bodies, state and municipal enterprises, institutions and organisations, the forms and procedure for which are established by law. Similar theses have been expressed by other authors (Nalyvaiko & Savchenko, 2017).

The proposal to substantially update the regulatory framework of the Law of Ukraine “On Bodies of Self-Organisation of the Population” (2001, July), and adopt special laws “On Public Control”, “On General Meetings, Conferences at the Place of Residence”, “On Public Consultations”, etc. are also noteworthy. A natural next step would be to enshrine in law the provisions on public control, public councils, and public expertise, which are currently regulated by resolutions of the Cabinet of Ministers of Ukraine and orders of central executive bodies, which would help establish the mandatory rather than recommendatory nature of these regulations for local self-government bodies. Legalisation of public control alone is not enough – it is necessary to consider the best international practices (in particular, those known as “Good Governance” and “Democratic Governance”) adopted and tested in EU member states (Iemelianova, 2016; Neuhodnikov, 2019). Given this, it is important that the procedures for exercising public control, based on such best international practices, should be spelt out in local legal acts: statutes of territorial communities, regulations on public councils, public inspectors, etc. The creation of an appropriate legal framework for the implementation of public oversight based on the examples described and analysed is very important and necessary.

Conclusions

Summing up the above, the most justified from the point of view of the needs of public administration and the realities of modern democratisation of Ukraine – both its state apparatus and civil society – is a broad approach to understanding public control as a continuous and systematic, multi-vector activity of civil society institutions (both institutionalised in the form of public organisations, political parties, mass media and individual

interested citizens) in its close interaction with the object of such control – the bodies of The definition of civic control also includes all possible and necessary forms of activity and interaction – from collecting information and monitoring the compliance of the object of control with the requirements of the Constitution of Ukraine and laws, principles of integrity and professional ethics to forms of feedback and response of public authorities to appeals, complaints and any kind of criticism from the subjects of civic control.

It is established that, based on the analysis of foreign experience, the approaches to the introduction of new forms and methods of public control, in particular, those involving public involvement in public investigations, expert examinations, monitoring activities, participation in meetings of elected collegial bodies of state and local self-government, hearing their reports, etc. are worth borrowing. At the same time, the priority is the mutually coordinated functioning of all these mechanisms, and their systemic unity, as opposed to the chaotic introduction of disordered methods of public control. Therefore, the theoretical value of this study is a comprehensive review of the current state of understanding of the concept of public control.

The practical value of the study is determined by the usefulness of its results for further improvement of the legal framework for public control in Ukraine. In addition, proceeding to further analysis of the peculiarities of public control over the activities of the Ministry of Justice of Ukraine, the author identifies several key scientific and practical issues which require further resolution and which lie in two main areas: 1) fundamental theoretical and legal principles of organisation and implementation of public control through the prism of the specifics of the Ministry of Justice of Ukraine and the system of its bodies; 2) the state

and prospects of solving current problems of public control over the activities of the Ministry of Justice of Ukraine, ensuring its effectiveness and compliance with real public needs. The outlined issues will be the subject of further research.

Acknowledgements

None.

Conflict of Interest

None.

References

- [1] Blikhar, M., & Krykavska, I. (2022). Legal characteristics of interaction of judiciary bodies and institutions of civil society. *Uzhhorod National University Herald. Series: Law*, 70, 283-287. doi: 10.24144/2307-3322.2022.70.43.
- [2] Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.
- [3] Doroshenko, V.A. (2018). [Forms of public control over the activities of the National Anti-Corruption Bureau of Ukraine](#). *Scientific Bulletin of Public and Private Law*, 6(1), 261-262.
- [4] Doroshenko, V.A. (2019). [Some aspects of improving current legislation in the sphere of public control in Ukraine](#). In *Theoretical issues of jurisprudence and problems of law enforcement: Challenges of the 21st century: Abstracts of the reports of the participants of the II all-Ukrainian scientific and practical conference* (pp. 88-91). Kharkiv: Public Policy and Social Sciences Research Institute.
- [5] Draft Law of Ukraine No. 2737-1 "On Public Control". (2015, May). Retrieved from https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=55101.
- [6] Dulina, O., & Krupnyk, A. (2021). [Public control as a component of public administration: Multilevel measurement](#). *Actual Problems of Public Administration*, 3, 19-23.
- [7] Gavkalova, N., Yeromka, D., & Tabatskyi, M. (2023). Analysis of mechanisms of interaction between public authorities and public organizations at the local level. *Public Administration and Law Review*, 1, 21-29. doi: 10.36690/2674-5216-2023-1-21.
- [8] Gayeva, N. (2018). [Association of citizens as subjects of public control: Different aspects of definition](#). *Law Review of Kyiv University of Law*, 3, 81-85.
- [9] Gayeva, N. (2019). Legal principles of participation of public associations in exercising public control. *Law Review of Kyiv University of Law*, 4, 81-86. doi: 10.36695/2219-5521.4.2019.12.
- [10] Gritsenko, V. (2021). Institute of public control over the activities of the National Police of Ukraine. *Scientific Notes. Series: Law*, 11, 55-59. doi: 10.36550/2522-9230-2021-11-55-59.
- [11] Hohensinn, L., Piller, F.T., Bogers, M., & Hilgers, D. (2019). Citizen participation in public administration: Investigating open government for social innovation. *R&D Management*, 49(3), 343-355. doi: 10.1111/radm.12365.
- [12] Holum, M. (2023). Citizen participation: Linking government efforts, actual participation, and trust in local politicians. *International Journal of Public Administration*, 46(13), 915-925. doi: 10.1080/01900692.2022.2048667.
- [13] Iemeljanova, A.G. (2016). [Good governance principle as a basis of ensuring right to be heard in the contest of the right to take part in public affairs managing](#). *Scientific Papers of the Legislation Institute of the Verkhovna Rada of Ukraine*, 4, 20-26.

- [14] Kasianenko, Ye. (2019). [Foreign practice of control over the activity of local self-government bodies: Theoretical and legal analysis](#). *National Law Journal: Theory and Practice*, 6, 16-19.
- [15] Klochko, A., & Sobina, V. (2017). [Public control of police activity in Ukraine](#). *Bulletin of National University of Civil Defense of Ukraine. State Management Series*, 1, 194-201.
- [16] Kravtsova, Z.S. (2019). Theoretical, legal and practical foundations of the public control over the exercise of the state power in Ukraine. *Expert: Paradigms of Legal Sciences and Public Administration*, 3, 89-130. doi: [10.32689/2617-9660-2019-3\(5\)-89-103](#).
- [17] Law of Ukraine No. 2625-III "On Bodies of Self-Organization of the Population". (2001, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/2625-14#Text>.
- [18] Maslova, Ya.I., & Savchuk, R.M. (2020). Civil control over the activity of the subjects of public administration. In *Pubic administration under modern conditions: Concept, features, challenges* (pp. 99-113). Riga: Baltija Publishing. doi: [10.30525/978-9934-588-67-9.7](#).
- [19] Medvedenko, S.V. (2019). Concepts and forms of public control over the activities of the National Police of Ukraine. *Subcarpathian Law Herald*, 2, 32-36. doi: [10.32837/pyuv.v0i2\(27\).183](#).
- [20] Myroniuk, R.V. (2020). [Public control over the police activities](#). Dnipro: Dnipropetrovsk State University of Internal Affairs.
- [21] Nalutsyshyn, V.V. (2018). [Philosophic and legal paradigm of social control as a mean of assurance of legal order](#). (Doctoral thesis, Lviv Polytechnic National University, Lviv, Ukraine).
- [22] Nalyvaiko, L.R., & Savchenko, O.V. (2017). [Theoretical and legal principles of public control over the activities of state authorities](#). Kyiv: Hi-Tech Press.
- [23] Nestor, N.V. (2019). The concept of public control over judges' activity and the system of subjects of its implementation. *Law and Safiety*, 73(2), 43-47. doi: [10.32631/pb.2019.2.06](#).
- [24] Neuhodnikov, A. (2019). Civil society control of public administration activities: Alignment to international standards. *Lex Portus*, 6, 66-80. doi: [10.26886/2524-101X.6.2019.5](#).
- [25] Nironka, Yu. (2019). The essence of public control over the activities of public authorities. *Actual Problems of Law*, 2, 67-71. doi: [10.35774/app2019.02.067](#).
- [26] Nironka, Yu. (2022). International experience in public control. *Scientific Notes. Series: Law*, 12, 95-99. doi: [10.36550/2522-9230-2022-12-95-99](#).
- [27] Olkina, O.V. (2020). Constitutional and legal regulation of public control of the executive power: Problems and prospects. *Expert: Paradigms of Legal Sciences and Public Administration*, 5, 123-130. doi: [10.32689/2617-9660-2020-5\(11\)-123-130](#).
- [28] Order of the Cabinet of Ministers of Ukraine No. 228 "On the Approval of the Regulation on the Ministry of Justice of Ukraine". (2014, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/228-2014-%D0%BF#Text>.
- [29] Osypchuk, R. (2020). Public control as a variety of external control measures under the National Anti-Corruption Bureau of Ukraine. *Law Herald*, 6, 381-388. doi: [10.32837/yuv.v0i6.2070](#).
- [30] Pashchynskyi, O.S. (2021). Public control as a factor of democratic development of the state and society. *Legal Scientifical Electronic Journal*, 11, 496-498. doi: [10.32782/2524-0374/2021-11/127](#).
- [31] Poklad, O.V. (2016). [Definition and contents of public control over police in Ukraine](#). *Law and Society*, 2, 139-145.

- [32] Poklad, O.V. (2018). [Peculiarities of submitting and considering a request for information on police activities as a form of public control over their activities](#). *Herald of Public and Private Law*, 1(2), 24-29.
- [33] Pryputen, D.S. (2020). Public control over the activities of the National Police of Ukraine. *Legal Position*, 2, 42-47. [doi: 10.32836/2521-6473.2020-2.7](#).
- [34] Pukhkal, O.H. (2010). [Public control as an important factor of democratization and efficiency of public administration](#). *Investments: Practice and Experience*, 14, 56-58.
- [35] Ruvyn, O. (2020). The concept and features of public control over the activities of forensic institutions of Ukraine. *Bulletin of the Penitentiary Association of Ukraine*, 4, 129-136. [doi: 10.34015/2523-4552.2020.4.12](#).
- [36] Skvirskyi, I.O. (2013). [Organizational forms of public control: Essence and content](#). *Uzhhorod National University Herald. Series: Law*, 2 (22(1)), 223-227.
- [37] Yunin, O. (2021). The concept of public control over the activities of the National Police of Ukraine. *Entrepreneurship, Economy and Law*, 4, 200-204. [doi: 10.32849/2663-5313/2021.4.30](#).

Громадський контроль за діяльністю Міністерства юстиції України: вступ до проблематики

Ілля Сергійович Лозінський

Аспірант

Національний університет біоресурсів і природокористування України
03041, вул. Героїв Оборони, 15, м. Київ, Україна
<https://orcid.org/0009-0008-1836-874X>

Анотація

Актуальність теми наукової статті зумовлена важливістю громадського контролю над діяльністю Міністерства юстиції України, що впливає безпосередньо зі статусу цього центрального органу виконавчої влади та його ключових завдань. Мета статті – дослідити поняття та правову природу громадського контролю як сучасного інституту, встановити специфіку його становлення і в загальних рисах визначити особливості адаптації до функцій і завдань діяльності Міністерства юстиції України. Ключовий метод наукової роботи – формально-догматичний (спеціально-юридичний), застосований для вивчення правових та нормативних конструкцій розуміння громадського контролю, його цілей і механізмів. У статті встановлено взаємозв'язок між змістом концепції громадського контролю та цілями, які вона ставить перед собою або має ставити. Обґрунтовано, що саме через завдання зі спостереження, перевірки та нагляду за діяльністю органів державної влади, органів місцевого самоврядування та інших суб'єктів реалізується сутність громадського контролю. Установлено, що кінцева мета контролю – гарантувати те, щоб суб'єкти, які контролюються, дотримувалися вимог законодавства, прав та свобод людини і громадянина, принципів і цінностей громадянського суспільства. Виявлено, що найбільш збалансоване з погляду потреб державного управління і реалій сучасної демократизації України – широке розуміння громадського контролю як постійної та системної, багатопланової діяльності інституцій громадянського суспільства в їхній тісній взаємодії з об'єктом контролю: владними органами, правоохоронними структурами, судовими і експертними органами тощо. Теоретична цінність наукової статті полягає в здійсненні комплексного огляду сучасного стану розуміння концепту громадського контролю. Практична цінність дослідження зумовлюється тим, що його результати можуть бути використані для подальшого вдосконалення нормативно-правового регулювання громадського контролю в Україні

Ключові слова: органи юстиції; громадянське суспільство; державне управління; демократизація; органи виконавчої влади