ABSTRACT. The article examines the role of the rule of law in public administration, emphasizing its importance in ensuring legality, protection of human rights, and maintaining law and order. The study highlights the relevance of the rule of law in democratic development and stability, analyzing its impact on the proper functioning of state institutions and public authorities. It explores the relationship between the state and citizens, stressing the need for public authorities to act based on laws and constitutional principles rather than personal discretion. The paper discusses the significance of human rights and freedoms, social security, and access to education and healthcare. It also reviews the scholarly contributions on the rule of law, noting the gap in comprehensive coverage of this principle in the context of public administration. The study’s findings underscore the necessity of integrating rule of law principles into administrative practices, especially considering recent challenges such as quarantine restrictions and martial law in Ukraine. The research concludes that the rule of law is fundamental to ensuring democratic governance, public trust, and effective administration.

Keywords: rule of law, public administration, human rights, legality, democracy, state institutions, constitutional principles, social security, judicial system, administrative practices, Ukraine, democratic governance.

INTRODUCTION

The rule of law is one of the important principles of public administration, determining the system of requirements for relations between the state and citizens based on legality, human rights and freedoms protection, guarantees of law and order and the judiciary. Its epistemology is relevant due to the fact that the rule of law is one of the key components of democracy development, and stability and balance in society ensuring.

One of the main aspects of the rule of law study is to understand its role in ensuring the state institutions proper functioning, in particular of public authorities. This means that the authorities must act on the basis of laws and constitutional principles, and not on its own discretion, as it sometimes happens in individual states. This guarantees the authorities’ proper functioning and excludes the possibility of power abuse by them.
The next important aspect of the rule of law study is taking into account the importance of human rights and freedoms ensuring. Based on this principle, the state must protect human rights, which allows creating appropriate conditions for the life and development of every person in society. This means that the state must guarantee an adequate level of social security and social protection, as well as provide access to education, medical services and other social benefits. That determines the significance of the outlined issues within the epistemology of public administration.

The above also indicates the significance of the rule of law for the state of ensuring law and order within society, which (law and order) ensures the possibility of free existence of a person and the implementation of his rights.

In general, since the beginning of the 2000s, the issue of the rule of law has become the subject of attention of domestic scientists. So, among the names of those who researched this topic, we mention S. Holovaty (2006), M. Koziubra (2006), M. Korniienko and I. Pozihun (2022), A. Kuchuk (2017) etc. However, in the papers of these authors, the issue of the rule of law as a public administration principle was not comprehensively covered. In addition, several years of quarantine restrictions, and then functioning of the Ukrainian society under martial law, increased the problems of implementing the rule of law requirements into the administrative institutions activities.

**MATERIALS AND METHODS**

The rule of law is an integral component of the society democratic development, which ensures the protection of human rights and fundamental freedoms, ensuring equality before the law, ensuring fair justice and law and order in general. Given that the rule of law is a necessary condition for ensuring the civil society development and an open democratic dialogue between the state and citizens, the themes is central to public administration research.

One of the key aspects of the rule of law studying is the analysis of its role in the formation of relations between the state and citizens. Determining the rule of law principles requires a deep understanding of the state place and role, its ties with citizens and the correlation between citizens. The rule of law involves the creation of an effective system of relations basing on the principles of legality, human rights observance, prohibition of state institutions arbitrariness etc.

Analysis of the rule of law implementation mechanisms is important in its study. This concerns the interaction between the state structures and authorities, as well as their connection with the public and mechanisms for the protection of human rights and freedoms. Finding of the effective rule of law system involves the development of the mechanisms for ensuring proper functioning of the state administration system, compliance with human rights and legal principles, etc.

The above influenced the fact that the rule of law became the subject of attention of domestic scientists. Thus, the study of scientific literature on this topic allows us to indicate the following scientists for whom the rule of law and its manifestations in various spheres of social life has become the subject of research, namely: V. Boniak (2014), S. Holovaty (2006), M. Koziubra (2006), M. Korniienko (2022), A. Kuchuk (2017), O. Lutsiv (2012), A.

In our opinion, it is appropriate to classify the research source base on the rule of law into the following groups.

The first group of sources includes those scientific publications in which the essence and content of the rule of law is the subject of research.

Among the scientists whose papers make up this group, one should single out the following S. Holovaty (2016), K. Horobets (2016), A. Pukhtetska (2006; 2007), A. Kuchuk (2017).

Separately, we should mention the three-volume monographic study of the rule of law, carried out by S. Holovaty, the domestic scientist. In this paper, the formation of the rule of law from an idea to a doctrine and a principle is covered in detail, systematically and consistently, and the perception of this phenomenon by A. Dicey, the English thinker, whose name is associated with the conceptual design of this idea, is analyzed (Holovaty, 2006).

The paper by S. Holovaty, devoted to covering the correlation between the rule of law and the “rule of the law” deserves special attention, as well as the comments to “Measuring the rule of law” by S. Holovaty (Holovaty, 2003; European Commission „For Democracy through Law”, 2016).

Let’s point out that the scientific publications making up this group allow us to get a general idea of what the rule of law is, what the content of this phenomenon is, and what requirements the corresponding principle provides.

The second group of sources includes those scientific publications in which the subject of research is individual aspects of the rule of law principle as a component of the system of general requirements for public management and administration.

“The true nature” of that that exists in England in the form of “rule of law” was revealed by the author by contrasting it with the “idea of droit administrative” (that is, the idea of “administrative law”) in the sense in which it was quite common at that time in “in many continental countries” “(Holovaty, 2006) – points out S. Holovaty, noting the rule of law as a phenomenon that cannot exist under the conditions of undemocratic state administration.

It is worth agreeing with A. Puhtetska, whose subject of knowledge was the administrative law European principles. The author points out, in particular, that foreign researchers call the following principles of administrative law as legality, proportionality, legal certainty, legitimate expectations protection, non-discrimination and equal access to administrative courts, etc., but all these principles are subject to the rule of law (Pukhtetska, 2006; 2007).

A monographic study by M. Korniienko and I. Pozihun, “explaining the content of such a principle of the administrative process as the rule of law” should be mentioned separately. The rule of law is considered as a general legal principle having crucial importance within the administrative process” (Korniienko & Pozihun, 2022).

The papers of these authors are taken as the basis of our research. These studies provide a general understanding of the relevant subjects and also indicate the lack of research on the rule of law as the public administration principle.

Thus, the analysis of the rule of law source base as the public administration principle knowledge is an additional argument for the relevance of this topic for domestic jurisprudence.
RESULTS

We will also point to the system of epistemological tools allowing us to investigate the rule of law as the public administration principle. Methodology is usually understood as the science of research methods answering the question of how scientific research should be conducted in order to obtain reliable results (Pekarchuk & Kuchuk, 2023). The importance of methodology for scientific research cannot be overstated. It not only helps to make the research clear and understandable, but also ensures its scientific validity and reliability.

A. Kuchuk, quite justly, points out that "an important stage of scientific knowledge is the choice of methods, the use of which will allow obtaining the most objective and complete knowledge of the subject" (Kuchuk, 2017).

Correctly defined methodology becomes a factor in obtaining qualitative and objective results, which is important for scientific knowledge, since science should be based on objective facts, and not on one’s own predictions or ideas. If research is conducted without proper methodology, the results may be skewed or unreliable, leading to incorrect conclusions and improper science development.

We emphasize that three components of the modern jurisprudence methodology are usually indicated, namely principles of scientific knowledge, methods and approaches (Kuchuk, 2023). However, the first two elements are usually common to scientific knowledge, regardless of the subject of research. Therefore, we do not focus on them.

By its essence, the rule of law is a hypothetical construction of how public power should be organized and function, including public administration bodies, in particular and its (their) relations with citizens. That is why, studying social relations concerning public administration, the researcher compares the correspondence of individual parameters of this state of social relations with the rule of law construct. Accordingly, the rule of law model is formed, on the basis of which an appropriate conclusion is made about the compliance or non-compliance of relations with the rule of law requirements.

In addition, a systematic approach is the basis of this study. Systematic approach is an approach to research that uses the concept of a system to analyze and understand complex phenomena in the humanities. The rule of law is just such a phenomenon. This approach assumes that many factors interact with each other and affect the final result of the corresponding phenomenon functioning or the process characteristic. A systematic approach in the humanities helps researchers understand the interaction between various aspects of human behavior and social processes, which allows for a deeper and more complete understanding of phenomena. In this study, we research the public administration principles system and the system of the rule of law phenomenon itself. Complementary to the systematic approach is the structural and functional approach involving isolating the elements of the known phenomenon and clarifying their interaction with each other that ensures the fulfillment of the social purpose by the rule of law. These approaches were used in conjunction with each other. An important role in this study is played by the hermeneutic approach - an approach to the research that emphasizes the understanding and interpretation of texts, symbols, cultural signs and other significant elements of culture and society. Let’s emphasize that the rule of law as well as law in general, is a social and cultural phenomenon and has an axiological aspect.
The hermeneutic approach is based on the idea that every text, cultural sign or symbol can be interpreted in different ways, depending on the context in which it is used and the experience and knowledge of the person who understands the text. Hermeneutics researchers believe that the understanding of a text or a cultural sign occurs by way of a dialogue between the researcher and the text being understood.

A hermeneutic approach in humanities studies helps researchers to understand cultural and social phenomena by means of their interpretation and understanding by the participants of these phenomena. This approach allows researchers to gain a deeper and more complete understanding of culture and society, which is important for the science development and for the practical application of knowledge in various spheres of life.

However, before covering the main provisions of the paper, it is worth pointing out a number of propaedeutic provisions.

First, several terms are used in the Ukrainian legal opinion to denote the phenomenon called the rule of law. The most established of them is the term “rule of law” (enshrined in the text of the Constitution of Ukraine and in a number of laws, for example, the Law of Ukraine “On the National Police”) (Constitution of Ukraine, 1996; Law of Ukraine, 2015). Another term is the rule of law. It is this term, according to S. Holovaty, that best corresponds to the English term of the rule of law. “Such a one-word term immediately eliminates the temptation of “elementary” analysis that arises in the case of any two-word expression. Such a one-word term organically fits into the Ukrainian legal terminology system: it is constructed in accordance with the word-formation model available in the modern Ukrainian language” (Holovaty, 2016).

Taking into account the above-mentioned words by S. Holovaty, we used the appropriate term in the title of the paper, however, in the paper text itself we also use the term “the rule of law principle”, which is constituent of the legal terminology. We use both of these terms as identical in meaning.

The concept of the rule of law is one of the main principles of the legal system of most states of the world, including Ukraine. This principle indicates that law is the highest norm to which all other norms and decisions made in society must conform. This means that no other norms or decisions, even if they are issued on behalf of the state or authority, cannot exceed law, but must be consistent with it.

The idea of the rule of law appeared in the middle of the 17th century in England during the civil war. At that time, the legislative power was in the hands of the king, who could issue his own laws and regulations, which were not always in accordance with law. However, with the parliament influence strengthening and the rule of law principles growing importance, the idea of the rule of law became more and more widespread (Seryohin, 2012).

In the middle of the 18th century, the French philosopher Jean-Jacques Rousseau developed the idea of the rule of law, pointing out that laws should be made according to the will of the people, and not dictated by the king or the government (Pozihun, 2019).

At the end of the 18th century, the idea of the rule of law became an integral part of the Enlightenment philosophy. This is a period in history when people demanded more freedom, equality and truthfulness in the governance of the country. In the 20th century, the concept of the rule of law became one of the most important components of the legal system of most
states, in particular of those that chose and approve a democratic regime (Pozihun, 2021).

According to the Venice Commission report dedicated to the study of the rule of law, this phenomenon includes the following components:

1. Legitimacy, including a transparent, accountable, and democratic law-making process
2. Legal certainty
3. Prohibition of arbitrariness
4. Access to justice in independent and impartial courts, including judicial review of administrative acts
5. Respect for human rights

It is this understanding of the rule of law that we have taken as a basis when covering the subject of our research.

Let's also emphasize that researchers of the rule of law principle avoid providing definitions of this phenomenon, focusing on the components of the rule of law.

In addition, one cannot but point out that the rule of law finds its manifestation in the European Court of Human Rights activities; therefore, its content can be considered through the prism of the practice of this Court, especially taking into account the fact that it (the practice) is recognized in Ukraine as a source of national law (On the Execution of Judgments and Application of the Practice of the European Court of Human Rights, 2006).

Thus, the rule of law is a complex social phenomenon involving a number of requirements for the public authorities functioning.

In the context of the subject of our research, it is also important to clarify the context of the “public administration” concept.

“Although the “public administration” term was developed, spread and is currently used in many countries of the continental legal system, a unified legislative approach to this concept has not yet been finally formed in the Ukrainian legislation” – opportunely notes M. Blihar (2020).

Public administration is the process of managing state affairs and resources to achieve public goals and meet the citizens’ needs. This concept covers the entire spectrum of state activity, from policy formulation to its implementation and evaluation of its results.

Public administration includes the following.

1. Policy formulation and implementation. This includes the development of legal norms, and rules related to various spheres of life, such as economy, education, health care, security and others.

2. Budget and finance management. Public administration includes the management of the public budget, as well as interaction with private companies and other institutions regarding financial matters.

3. Performance of state functions. This includes implementation of legal prescriptions, provision of public services to citizens, ensuring security and law and order; and protecting the rights and interests of citizens.

4. Organization of work of state institutions and services. This includes managing the work of state institutions and services, from the state apparatus to individual municipal institutions and authorities.
5. Results assessment and control. This includes monitoring and evaluating the policies and programs implementation, determining their effectiveness and ensuring appropriate accountability for their results.

It is based on the above understandings of the rule of law and public administration that the task of characterizing the rule of law as the public administration principle can be solved.

Public administration, administrative acts, administrative prescriptions must meet the requirements of legality. Administrative authorities cannot go beyond their powers (legality).

At the same time, administrative acts (prescriptions) must be clear and comprehensible; the addressee of these prescriptions must be able to understand the consequences of their violation, and the negative consequences that will come to him (legal certainty).

One of the important requirements for public administration authorities is the prohibition to go beyond the established powers, to commit the acts contradicting their purpose, to limit human rights and freedoms for no reason (prohibition of arbitrariness). Administrative authorities cannot act in accordance with their own interests, but must act in the interests of society and citizens. These agencies should not use their powers to pursue personal or corrupt interests, but ensure compliance with the law and the rights of the citizens (Prykhodchenko, 2009). The prohibition of arbitrariness is one of the basic principles of public administration, especially in the context of democracy and a law-based state development. This is important to ensure the transparency, responsibility and efficiency of administrative authorities, which should serve the interests of citizens and society as a whole (Kabanets, 2016).

The prohibition of arbitrariness also involves the control mechanisms over the activities of administrative authorities making, including internal and external forms of control, such as audit, monitoring and reporting (Kampo et al., 2000).

It is appropriate to emphasize that the described aspect of the rule of law also reveals the content of such elements as respect for human rights and non-discrimination and equality before the law (Horobets, 2016).

Thus, the rule of law represents a whole series of requirements for public administration, directing the latter to the human rights and freedoms implementation.

Let’s emphasize that various principles of public administration are cited in the scientific literature. Moreover, it should also be noted that the Law of Ukraine “On Administrative Services” (Law of Ukraine, 2012) and the Law of Ukraine “On Administrative Procedure” (Law of Ukraine, 2022) specify different principles of the respective activities.

The system of public administration principles is a set of basic principles and guidelines that determine the organization and functioning of the public administration system. These principles ensure the legitimacy and effectiveness of the public administration agencies activity.

As L. Radchenko points out the following among the principles of public administration “priority of state policy; management system – an information system, its activity directly depends on what information is used by the managing entity; the principle of entropy saving characterizes the conditions of order of the system. The smaller the measure of entropy is, the higher is the social system accomplishment (Radchenko, 2017). However, this approach is quite unique and, in our opinion, not entirely correct, considering the definition of the
very public administration principles.

DISCUSSION

The analysis of scientific literature allows us to establish that the key principles of public administration are the following:

1. The rule of law principle. In the next subchapter of the paper we will analyze the correlation of this principle with other public administration principles.

2. The principle of legality – the state institutions’ activities must be carried out in accordance with laws and legal acts, as well as comply with other principles and standards of a democratic law-based state (Bondarenko, 2017).

3. The principle of efficiency - state institutions must ensure the most effective performance of their functions with minimal resources and time expenditure. This principle implies that administrative agencies should act quickly, efficiently and with minimal expenditure of time, money and other resources.

   To achieve efficiency, administrative bodies must carefully plan their activities, analyze the results of their work, and constantly improve their procedures and processes. In addition, administrative agencies must have access to reliable information that allows them to make rational decisions and act quickly and efficiently.

4. The principle of transparency and openness – the state institutions’ activities should be open and accessible to the public, as well as provide the possibility of public control and participation in the decision-making process (Baranchyk, 2012).

   The principle of transparency and openness in the administrative agencies’ activities provides for the availability and availability of information about the state institutions' activities, decisions made and decision-making processes.

5. The principle of objectivity and independence – state institutions must act objectively and independently of any external influences and interests, except for the legitimate interests of citizens and the state.

6. The principle of democracy – state institutions must ensure the possibility of public participation in decision-making processes and adhere to democratic principles in their activities (Shura, 2016).

Thus, public administration is carried out in accordance with a number of principles that determine the content and direction of the administrative agencies’ activities

Before covering the results of the research on the correlation of the public administration principles, let’s point out that the rule of law is named first in this system. In addition, it should be emphasized that the principles of public authorities’ activity are enshrined in legislative acts in a similar way - the rule of law is indicated mainly as the first of such principles.

In our opinion, a factor in this is the complex nature of the rule of law, which includes a number of other principles, such as legality and legal certainty. Thus, such a conclusion directly follows from the legislation prescriptions. According to Art. 4 of the Law “On Administrative Services” “state policy in the field of providing administrative services is based on the principles of the 1) rule of law, including legality and legal certainty” (Law of Ukraine, 2012).

That is why the rule of law is considered as the principle that includes a number of legal requirements for administrative agencies, which are quite often referred to as the principles of activity of the relevant bodies along with the principle of the rule of law. Such a position is fully justified, in our opinion, based on the difficulty of defining the rule of law concept.

The closest connection is between the principles of rule of law and legality. We will remind that the Venice Commission (Report on the Rule of Law, 2011) specified legality as one of the first elements of the rule of law. And this is quite obvious, in our opinion, given that the key requirement for public authorities in general and administrative agencies in particular is the urgency to operate within the limits of the powers fixed by law; these institutions cannot go beyond the limits established by law; limitation of rights is allowed only in cases provided by law for a legitimate purpose, etc.

The application of the efficiency principle in the administrative agencies activities aims to increase the administrative services quality level, reduce their costs and increase the level of satisfaction of citizens with the services received, which fully meets the requirements of the rule of law, realizing the legitimate expectations of civil society from public authorities.

The principle of transparency and openness in the administrative agencies activities provides that administrative agencies must provide the public with access to information about their activities, decisions and decision-making procedures, as well as provide the opportunity for public participation in these processes. The application of the transparency and openness principle is aimed at ensuring public trust in state authorities, reducing corruption and ensuring proper control over the administrative agencies activities. In addition, it should be emphasized that this principle is largely aimed at implementing such a requirement of the rule of law as the prohibition of state arbitrariness.

Let’s add that transparency and openness are important elements of a democratic system, as they provide citizens with the opportunity to monitor the state authorities’ activities and influence decision-making affecting their lives and activities. This shows the connection of the rule of law with the principle of transparency and openness, as well as with the principle of democracy and participation. In addition, this principle is related to the principle of objectivity and independence, contributing to the latter.

Thus, the requirements of the rule of law are manifested through other principles of public administration.

CONCLUSIONS

1. According to the criterion of the direct subject under study, scientific papers being the basis of this study, should be classified into the following groups:

- scientific publications, in which the subject under study is the essence and content of the rule of law.

- scientific publications, in which the subject under study is individual aspects of the rule of law principle as a component of the system of general requirements for public management and administration.

All these studies are the basis of knowledge of the subject outlined by us. Their conclusions
and basic provisions form the basis of the rule of law understanding.

The analysis of scientific sources on the subject of epistemology indicates insufficient study of the rule of law as a public administration principle.

2. Methodology is interpreted as a system of epistemological means of achieving the research goal. According to the established approach, the methodology of social phenomena includes the following elements in its structure:
   - scientific principles;
   - methods of cognition;

   these elements are general for research and do not require clarification of individual aspects of their application in accordance with the subject of epistemology. At the same time, the issue of using the modeling method requires a certain description;
   - methodological approaches: systematic, structural and functional, and hermeneutic.

3. The rule of law is a system of power based on legal principles and laws that regulate the behavior and interaction of citizens, the authorities, and other government entities. This means that the authorities act within the framework of the law and is accountable for its actions to citizens and society.

   The rule of law ensures compliance with the rights and freedoms of citizens, equality before the law, and guarantees of security and protection of property rights. Within the framework of the rule of law, the authorities exercise its powers through the legislative, executive and judicial branches, which ensures balance and interaction between these branches of government.

   Therefore, the rule of law is a system of power based on the principles of law and legality, which ensures the observance of the citizens’ rights and freedoms, equality before the law, guarantees of security and protection of property rights, as well as the distribution of powers between different branches of power in order to fulfill the requirements of effective and fair governance.

4. Within the framework of public administration, the rule of law ensures the determination of the main areas of administrative agencies activity, directing them to the comprehensive realization of human rights and fundamental freedoms.

   Herewith, the requirements of the rule of law are applied to all areas of public administration: from defining the appropriate policy to its implementation and control.

   The prohibition of arbitrariness by administrative agencies is one of the defining requirements for public administration in the context of the rule of law.

5. The system of public administration principles is a complete set of guiding ideas, and fundamental principles that determine the requirements for the public administration agencies’ organization and functioning system.

   In the conditions of pluralism of approaches to understanding the principles of public administration, the following should be mentioned among the most established principles: the principle of the rule of law; the principle of legitimacy and legality; the principle of efficiency; the principle of transparency and openness; the principle of objectivity and independence; and the principle of democracy and participation.

6. The analysis of the principles’ content that make up the system of principles of public administration allows us to conclude that these principles are closely related to the rule of law as a public administration principle.
law. Other principles expand the basic requirements of the rule of law, creating a coherent system of regulatory requirements for the activities of administrative authorities.

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