

GOOD GOVERNANCE DOCTRINE AS A FACTOR IN THE DEMOCRATIZATION OF GOVERNANCE (ON THE EXAMPLE OF UKRAINE)

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ABSTRACT. The relevance of the study is stipulated by a number of factors, namely Ukraine's course towards European integration and implementation of the good governance principles, the long-term functioning of the Ukrainian society under martial law allowing to determine the connection between good governance and democracy. The purpose of the study is to establish the connection between the democratization of the state and law regime and good governance through the analysis of the implementation of the good governance principles in Ukraine. Content analysis made it possible to assess the historical and political context of Ukraine, the influence of various factors on the processes of governance and democratization is investigated. The hermeneutic method played an important role during the analysis of the legislation, which made it possible to clarify the state of normative consolidation of good governance principles. The case study method made it possible to study specific examples of the application of the good governance doctrine. The comparative method was used to compare the model of good governance with the practice of government institutions' activity in Ukraine. Results. The principles of good governance are closely related to the characteristics of democracy. Studying the implementation of the principles gives an idea of the state of democracy within the state. The level of implementation of the good governance principles reflects the degree of democracy of the state and law regime. Implementation of good governance principles leads to the democratization of the Ukrainian society. Ukraine is at the initial stage of implementing of the 12 good governance principles. Despite the initial stage, the basis for the implementation of the principles has already been laid. The war started by Russia has a negative impact on the effectiveness of the implementation of the good governance principles. Overcoming the factors that hold back the implementation of the principles is a key to democratization of Ukraine. The research materials can be the basis for further study of good governance and democratization of the Ukrainian society, and will also be useful for government institutions to develop comprehensive programs for good governance implementation.

Keywords: democracy; good governance; public administration; principles of good governance; rule of law..

INTRODUCTION

In Ukraine, the importance of the good governance doctrine is growing. This is stipulated by the society's awareness of the necessity of an effective management system that is based on ethical principles and meets the standards of justice. "The urgency to introduce the

principle of good governance in Ukraine as a new conceptual form of organizing society's life is explained, first of all, by the fact that currently a mixed system of public administration is functioning in Ukraine, which contains signs of the concept of a new public management closely intertwined with the remnants of the soviet administrative system" (Pavlov, 2022).

For a long time, Ukraine functioned under an undemocratic regime. Therefore, now the Ukrainian society strives for the implementation of the doctrine based on the values of the Western legal tradition, democracy, justice and humanism.

This doctrine is designed to help Ukraine overcome complex challenges and problems. Its purpose is to make a management system that will contribute to the harmonious development of society and its institutions.

The topic of good governance becomes especially relevant in the context of the European integration of Ukraine. However, compliance with high management standards and the principles of the law-based state is one of the key priorities on the way to the European Union. One can agree with O. Tkalia (2020) regarding the fact that "the implementation of the Good Governance model comprehensively solves the issue of reforming the entire public authority sphere in the direction of democratization and implementation of international standards of state building practice. Effective implementation of the European principles of good governance in Ukraine is possible under the condition of systemic reform of the executive power, which is internally contradictory, infected with corruption, closed from the society and ineffective."

The doctrine of good governance acquired special importance for the Ukrainian society in the conditions of Russia's armed aggression against Ukraine due to several key aspects. First, in the context of a military conflict, the importance of observing the principles of justice, equality before the law and protection of human rights becomes extremely relevant. The doctrine of good governance emphasizes the importance of recognizing the rule of law in crisis situations, which is key to ensuring law and order and protecting civil rights and freedoms. In addition, in the context of the war, the openness and transparency of the public authorities' activities acquire great importance, as they are the key to effective management of the country in crisis conditions. The good governance doctrine contributes to increasing the level of responsibility of power structures to citizens and the international community for the decisions made and their consequences. This approach helps strengthen citizens' trust in government institutions and ensure stability in the face of external aggression. Thus, the Ukrainian society in the context of Russia's armed aggression sees the good governance doctrine not only as a system of principles and values, but also as a practical tool for statehood and sovereignty protecting and strengthening.

Some aspects of good governance were the subject of research by scientists. Thus, the understanding of the good governance doctrine and its connection with human rights and the rule of law were studied by A. Berendieieva et al (2022). A similar aspect was covered by such scientists as A. Aparov et al (2020); Pradeep Kumar (2018). These authors' conclusions allow us to understand the essential aspect of good governance, the role of good governance in the implementation of the public authorities' task to ensure human rights.

From a methodological point of view, the paper of J. Cilliers (2021) on the difficulties of spreading democracy in Africa is important for us: "Africa, too, has become increasingly

democratic, but often in name only: regular elections are often façades for corrupt, autocratic regimes. Cilliers explains how, in fact, competitive politics in poorly developed countries with weak political institutions may actually hinder development.” The author indicates the problems that society faces when implementing the good governance provisions (Cilliers, 2021). This paper is quite significant for our research because it reveals a similar problem. However, the peculiarity of the conditions of the Ukrainian society existence (being the frontier of Eastern and Western legal values; the choice of the European direction of development; the prosecution of a defensive war caused by the armed aggression of Russia (having one of the strongest armies in the world); the desire to exceed the limits of a hybrid state regime into a democratic one) creates a new “empirical basis” for testing the provision on the correlation between good governance and democracy, on the importance of implementing good governance for the democratization of the state regime.

F. Hendriks (2020) covered the understanding of values in the context of democratic governance improving. The author interprets this topic through two discourses (1) democratic innovations; 2) management innovations. The provisions of this paper are crucial for understanding the factors that improve democratic procedures.

At the same time, one should agree with J Ishiyama’s (2019) statement that “Although it is often assumed that there is a natural connection between democracy and governance, there is remarkably little empirical work that tests this relationship cross-nationally.”

The cited papers make a basis for the analysis of the chosen research subject, providing understanding of the good governance doctrine, the properties of good governance and its connections with other values, namely human rights, the principle of the rule of law and democracy. Herewith, the study of the good governance doctrine as a factor of democratization of management under the specified specific conditions was not conducted, which affects the relevance of the topic.

MATERIALS AND METHODS

The research hypothesis assumes the existence of connection between good governance and society democratization. Herewith, Ukraine was chosen as the basis for the analysis of such a correlation, which is due to the Ukrainian society functioning peculiarities (that is indicated above).

Within the scope of testing the research hypothesis, an analysis of specific examples of the good governance doctrine’s application in Ukraine was carried out including legislative initiatives, reforms in the field of public administration, as well as practical steps on the way to making an open and transparent management system, legislation, court decisions, etc. (a significant part of these sources is not reflected in the list of the sources used, given that their provisions either repeat the provisions to which there are references, or do not contain the provisions that were borrowed by us).

The given hypothesis necessitated the use of a content analysis for its verification. This method made it possible to analyze various information sources (not only scientific literature and legislation, but also publications in the mass media, and on the websites of governmental and non-governmental organizations) in order to identify the trends and approaches to the good governance doctrine implementation. This method made it possible

to evaluate the historical and political context of Ukraine, the influence of various factors on the processes of governance and democratization is studied.

The analysis of legislation in the field of public administration was conducted using the hermeneutic method, which involves a deep understanding of the text of legislative acts through the study of their context, history, and interpretation. This method allows uncover the meaning and purpose of legal norms, determining their compliance with the general principles of the doctrine of good governance and democracy. Through hermeneutic analysis, one can identify the specific mechanisms and procedures provided by legislation to ensure the principles of transparency, openness, and citizen participation in decision-making. It is also essential to determine the guarantees provided to citizens in exercising their rights and freedoms in interaction with state authorities. The hermeneutic approach helps reveal not only the formal content of legislative norms but also their true meaning and potential for the development of democratic institutions and governance processes.

The use of the case method study made it possible to explore specific examples of good governance doctrine application in Ukraine with further analysis of their impact on the governance democratization processes.

The comparative method was partially applied. The model of good governance, formed in the Western tradition of law, was taken as the basis of the comparison. The relevant provisions were compared with certain aspects of public administration in Ukraine that made it possible to formulate conclusions about the state of the good governance doctrine implementation into the national law.

These methods make it possible to systematically investigate the impact of the good governance doctrine on the democratization of governance in Ukraine and draw reasonable conclusions about its effectiveness and prospects.

RESULTS

European integration as a direction of Ukraine's development conditions the implementation of the good governance principles. The state of implementation of the good governance requirements involves the analysis of the 12 good governance principles and their implementation into relations concerning the authority institutions' functioning.

The analysis of the 12 principles of good governance indicates their close connection with democratic governance. Therefore, studying the state of implementation of these principles is an indicator of democracy development within the society.

Ukraine has declared a course to join the European Union and is obliged to implement 12 principles of good governance. It is mainly about the implementation of the requirements of the principles of Openness and Transparency, Innovation and Openness to Change. Certain steps have also been taken to fulfill the requirements of the principle of Fair Conduct of Elections, Representation and Participation.

The issue of ensuring human rights, ethical behavior and the rule of law requires special attention. The state of implementation of these principles is quite low. This conclusion is confirmed by various international ratings (of the rule of law, democracy etc.).

One of the factors preventing the implementation of the requirements of the good governance principles is the martial law that has been introduced for more than two years

and is the result of Russia's armed aggression.

The obtained results are the basis for determining further implementation programs of the 12 good governance principles in relation to the functioning of government institutions. Completion of this task will become a factor in the democratization of state and law regime.

DISCUSSION

In Ukrainian jurisprudence, the issue of good governance remained terra incognita for a long time. This was stipulated by the nature of public administration, which reflected the values inherent in the Soviet system: detachment from an individual, bureaucratization, corruption (via the system of privileges and benefits for civil servants, etc.).

First, separation from an individual was a characteristic feature of the Soviet rule, where power and control were centralized and isolated from the needs and interests of the population. This led to insufficient openness and accessibility of administrative structures for citizens that made it impossible to develop good governance.

Second, bureaucratization was another characteristic of the Soviet system, where the complexity and opacity of bureaucratic procedures hindered the effectiveness of management and created obstacles to the development of effective management.

Third, corruption was reflected in the system of benefits for civil servants that contributed to the spread of corruption and neglect of the principles of justice and transparency.

Thus, the long-term lack of good governance in the Ukrainian legal system was a consequence of the legacy of the Soviet era characterized by detachment from the individual, bureaucracy and corruption in the state administration system.

Therefore, one can agree with the thesis of O. Dniprov (2021) that the good governance principles were not fixed at the legislative level in Ukraine; implementation of the good governance principles on the territory of Ukraine should be connected with an administrative reform and reforming of public administration, reforming the system of public administration agencies. The specified author also mentions the 12 Principles of Good Governance (Council of Europe, 2019) and provides their brief description (Dniprov, 2021). We took these 12 principles as a basis for determining the implementation of the requirements of good governance into the legal system of Ukraine.

One of the factors that intensified the attention of domestic scientists to the topic of good governance was the Revolution of Dignity, which led to the fall of the dictatorial regime and determined the European integration as a vector of Ukraine's development.

The Revolution of Dignity, also known as Euromaidan, became a turning point in the history of Ukraine, symbolizing the aspirations of the Ukrainian people for democracy, the rule of law and the European values. The Euromaidan events demonstrated the urgent necessity for deep reforms in various areas of governance, including public administration, the judiciary, and anti-corruption measures. "The Ukrainian revolution of late 2013 - early 2014, which we call Euromaidan, the Revolution of Dignity, gave a powerful impetus to the renewal of the Ukrainian nation, the formation of its new identity" (Humeniuk, 2023).

The fall of the dictatorial regime elucidated the shortcomings of the existing system of governance, prompting scholars to turn to the concept of good governance as a basis for

effective, transparent, and accountable governance. The desire to build new democratic Ukraine has prompted scholars to explore the theoretical foundations and practical outcomes of good governance principles such as transparency, accountability, participation, and the rule of law.

In addition, the declaration of the European integration as a strategic goal of Ukraine's development became an additional impetus for the study of good governance. The European integration necessitates the harmonization of the Ukrainian public administration practices with the European standards and norms, including those related to good governance.

Scientists recognized the importance of good governance as a prerequisite for successful European integration and sought to determine the ways to implement reforms that would bring Ukraine closer to the European standards. In this context, the topic of good governance has gained relevance among Ukrainian scientists, serving as a basis for the governance challenges analysis, political recommendations suggestion and advocating reforms aimed at building democratic, and law-based Ukraine. The Revolution of Dignity not only catalyzed the study of good governance, but also cleared up its critical importance for Ukraine's democratic development and the European aspirations.

The European choice of the Ukrainian society is enshrined in the program documents and the legislation of Ukraine, which necessitates the implementation of the good governance principles.

As noted by the Ukrainian scientists I. Nikolina and V. Merezko (2022), the principles of good governance formed a universal doctrine of guidelines for the development of Ukraine sharing the European values; good governance implementation is a determinant of ensuring the sustainable development of territorial communities in Ukraine, and the development of local democracy.

Sharing the given thesis, we will point out the indispensability to analyze the of good governance principles and their implementation in the Ukrainian realities (which will allow us to test the hypothesis expressed). Let's note that we analyze each of the principles precisely in that aspect that is not sufficiently implemented in Ukraine.

Principle 1. Fair Conduct of Elections, Representation and Participation. The principle of Fair Conduct of Elections, Representation, and Participation is a fundamental aspect of good governance that emphasizes honesty, inclusiveness, and transparency of election processes, as well as ensuring representation and participation of all layers of society in political decision-making.

Fair conduct of elections encompasses a number of measures aimed at guaranteeing of free, fair and credible electoral processes. This includes ensuring equal access to the electoral process for all political parties and candidates, ensuring the independence and impartiality of elections, combating falsification and manipulation of elections, as well as providing mechanisms for citizens to exercise their right to vote without coercion or intimidation.

Representation involves ensuring that the composition of elected bodies reflects the diversity of society, including representation of women, minorities and other population groups.

Participation emphasizes the active participation of citizens in political life and governance processes. It covers not only the right to vote in elections, but also other forms of civic

participation, such as political activism, advocacy and participation in public debates and consultations. Participation requires the creation of opportunities for citizens to contribute to politics, monitor officials, and shape the direction of state policies and programs.

In Ukraine, the principle of fair conduct of elections, representation and participation is not fully implemented. Although there are no mass violations of election procedures that would significantly affect the determination of voting results, there are still some problems and shortcomings in the election process.

One of the notable achievements of the Ukrainian society is that people influence the results of elections, in particular presidential elections. For example, in 2005, 2010, 2014 and 2019, pro-government candidates did not win the elections. This indicates a certain level of democratic maturity and participation of the people in the election process, when citizens have the opportunity to express their preferences and demand responsibility for their actions from elected officials.

However, despite these positive developments, there are concerns about certain aspects of the elections in Ukraine. The following problems such as campaign finance, media bias, and political pressure remain challenges that undermine the integrity of the electoral process and limit true representation and participation of all segments of society. Marginalized groups, including minorities, women and vulnerable populations, often face barriers to political participation and are underrepresented in political institutions.

We would also like to add that the population of Ukraine is mainly serious about the elections of the head of the state; however, this cannot be said about the elections of members of parliament, and even more so about local elections (as pointed out by public organizations (Tkachuk, 2020)).

Principle 2. Responsiveness. The principle of responsiveness is a cornerstone of good governance emphasizing the duty of officials to respond effectively to the necessities, problems, and expectations of the citizens they serve. This principle involves a proactive approach to governance in which politicians and civil servants are accountable to citizens, and policies and decisions are formed and implemented in a way that reflects public interests and preferences.

Responsiveness includes several key elements:

1. **Listening to Citizens.** Good governance begins with active listening to citizens, including their complaints, suggestions and feedback. It requires officials to engage in dialogue with the public through various channels, such as public consultations, meetings and online platforms, to understand the diverse views and priorities of communities.

2. **Addressing Needs and Concerns.** After citizens have expressed their interests, good governance requires officials to take specific actions to address the identified needs of the population.

3. **Transparency and Accountability.** Good governance also requires transparency and accountability in decision-making processes. Government institutions must be transparent about their actions, decisions and allocation of resources. Transparency strengthens trust between the authorities and citizens and ensures effective monitoring of the officials' activities.

4. **Adaptability and Flexibility.** In a rapidly changing social and economic and political

environment, operational governance requires adaptability and flexibility in policy making and implementation. Government institutions must be ready to adjust their strategies based on new information, new challenges and citizens' needs.

This principle is often not fully implemented in the relations between the government institutions in Ukraine and the population. Local authorities mostly formally implement this principle. One of the main problems is that local authorities treat citizen input as a mere formality rather than an essential aspect of the decision-making process. Public consultations and initiatives are mostly "symbolic" where decisions are made behind closed doors, leaving citizens feeling of deprived of civil rights.

In addition, part of the forms of citizens' participation in the processes of local governance is also formal in nature, not significantly affecting decision-making by authorities. As a result, the population felt that their voices were not heard and that their opinions did not matter to local authorities.

Principle 3. Efficiency and Effectiveness and Principle 10. Sound Financial Management. "In realizing a good government the effectiveness and efficiency of governance is one of the principles that play an important role" (Muchtar et al, 2023).

These principles are a fundamental aspect of good governance emphasizing the duty of government institutions to achieve their goals in a timely, cost-effective and efficient manner. These principles provide for the maximum use of resources, the provision of quality services, and the achievement of results with minimal costs.

Efficiency refers to the ability of government institutions to achieve their goals with minimal expenditure of resources, including time, money and manpower. This involves streamlining processes, reducing red tape and streamlining organizational structures to ensure tasks are completed in the most efficient way possible. Effective governance is characterized by the ability to provide services promptly, meeting the needs of citizens in a timely manner.

The principle of efficiency and effectiveness is a factor of trust in government institutions, as it demonstrates their ability to achieve results and perform their tasks effectively and responsibly.

These principles are not sufficiently implemented in Ukraine. Despite efforts to reform government institutions and management processes, significant problems remain in achieving optimal efficiency and effectiveness in providing administrative services and implementing relevant programs.

One of the main obstacles to the implementation of this principle is bureaucratic inefficiency and red tape in state institutions. Cumbersome administrative procedures, outdated practices, and lack of accountability often prevent timely and cost-effective delivery of services to citizens. In addition, corruption and poor governance further exacerbate inefficiencies by diverting resources, hindering the achievement of results.

In addition, budget constraints and limited financial resources make significant challenges for effective management. Underfunding of critical sectors such as health care, education and infrastructure limits the ability of government institutions to deliver basic services and meet vital needs of society.

The law "On Administrative Procedure" entered into force only in December 2023 (Verkhovna Rada, 2022).

Principle 4. Openness and Transparency. Principle 8. Innovation and Openness to Change We should agree with foreign scientists who indicate that “The openness of public information is an essential or inseparable part of democracy. The principles of democracy are participation, inclusion, representation, transparency, accountability, responsibility, free and fair competition, and solidarity” (Susniwati et al, 2021).

These principles are fundamental principles of good governance that indicate the importance of openness, accessibility and accountability in the actions, decisions and processes of government. These principles contribute to free information dissemination, promote public participation in decision-making, and strengthen trust between government institutions and citizens.

Openness means the willingness of government institutions to share information with the public in a timely manner. This involves providing citizens with access to state data and documents, as well as ensuring the transparency of decision-making processes. Openness allows citizens to be informed about the officials’ actions and decisions.

Transparency, on the other hand, implies clarity and comprehensibility of actions and decisions of government institutions. Transparency allows citizens to understand how government decisions are made, how resources are allocated, and how policies are implemented, promoting public scrutiny.

The requirements of these principles are mostly fulfilled in Ukraine. In this aspect, we will mention the creation and operation of the open data portal and websites of state and local authorities. The work of the public procurement platform allowed non-governmental organizations to monitor government institutions (as a result, some planned procurements were cancelled).

The creation of an open data portal in Ukraine has significantly improved access to public information. This portal provides a wide range of data, including budget expenditures, public procurement information, demographic statistics and environmental data. By making this information available to the public in a digital format, the government has increased the transparency and accountability of its operations.

In addition, state and local government websites serve as important platforms for sharing information about government’s activities, services and policies. Citizens can access official documents, reports and contact information of government officials, which facilitates interaction between the authorities and citizens.

The Public Procurement Platform has also played a significant role in increasing transparency and accountability of public spending. By publishing procurement announcements, the platform allows for better control of public procurement processes. Non-governmental organizations and citizens can monitor this activity, identify violations or inefficiencies.

CONCLUSION

The analysis of the 12 principles of good governance indicates their connection with the democracy characteristics. Therefore, implementing the principles of good governance (which is a requirement within the framework of Ukraine’s European integration), the

Ukrainian society becomes simultaneously a democratic one. The state of implementation of the 12 good governance principles is also an indicator of democratism of a state and law regime.

The study of implementation of the 12 good governance principles in Ukraine indicates that Ukraine is only at the initial stage of such implementation, although the basis of such implementation has already been laid.

One of the factors affecting the low effectiveness of the implementation of the good governance principles is the state of war (as a result of Russia's armed aggression).

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