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## The efficiency of tools for social interaction between public authorities and civil society

### Ефективність інструментів соціальної взаємодії органів державної влади та громадянського

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#### Abstract

The aim of the article is to assess the effectiveness of the current tools for interaction between public authorities and civil society in Ukraine. A distinctive feature of this study is the use of the content analysis to study the content of consultations of central government bodies with the public, discussions of draft laws, decrees, resolutions, orders, petitions of citizens, as well as recommendations of expert opinions and proposals of public councils and measures for their implementation. The analysis allowed identifying significant shortcomings in organizing work to establish cooperation between central government bodies and the public. These shortcomings involve the dominance of a purely statistical approach to analyzing the petitions of citizens, neglect of public consultations, disregard for the proposals

#### Анотація

Метою статті є оцінка ефективності наявних інструментів взаємодії органів державної влади та громадянського суспільства в Україні. Винятковою особливістю цього дослідження є використання контент-аналізу для вивчення змісту консультацій центральних органів влади з громадськістю, обговорення законопроектів, наказів, постанов, розпоряджень, звернень громадян, а також рекомендацій експертних висновків та пропозицій громадських рад та заходи щодо їх виконання. Аналіз дозволив виявити суттєві недоліки в організації роботи з налагодження взаємодії органів центральної влади з громадськістю. До таких недоліків належить зокрема домінування суто статистичного підходу до аналізу звернень громадян, нехтування громадськими консультаціями, ігнорування пропозицій

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of public expert committees, and a formal approach to the activities of public councils at the ministries. The decreasing effectiveness of interaction between public authorities and civil society in Ukraine is noted, which is caused by the bureaucratization of this process on the one hand, and by the lack of citizens' skills to defend their position in the legitimate field of social and political relations, on the other hand.

**Keywords:** civil society, government bodies, information, social partnership, legislative initiative, governance.

## Introduction

The interaction of public authorities with the civil society institutions is a precondition for the establishment of Ukraine as a legal democratic state. This interaction should promote the country's sustainable development by improving governance through the involvement of the public in the development and implementation of effective government programmes to address political, socio-economic and humanitarian problems, as well as to exercise control over the activities of public authorities at all levels in order to establish a state governed by the rule of law. The Revolution of Dignity showed the influence of the public on socio-political transformations, and also demonstrated the lack of effective interaction between the government and society. The National Strategy for Civil Society Development in Ukraine (2016-2020) adopted in February 2016 was designed to create favourable conditions for the development of civil society, establishing effective partnership-based interaction between the public and public authorities, local self-government bodies. Other objectives of the Strategy included the provision of additional opportunities for the implementation and protection of human and civil rights and freedoms, meeting public interests through different forms of participatory democracy, public initiative and self-organization (Decree of the President of Ukraine № 68/2016 of February 26, 2016) 'On the National Strategy for Promoting the Development of Civil Society in Ukraine'.

Civil society institutions do not want to be passive observers of the decision-making process of the authorities, but want to cooperate actively with the latter to solve social problems. At the same time, most executive authorities feel the need to unite efforts with the public sector, looking for partner organizations" (Yarema,

громадських експертних комісій, формальний підхід до діяльності громадських рад при міністерствах. Відзначається зниження ефективності взаємодії органів державної влади та громадянського суспільства в Україні, що зумовлено бюрократизацією цього процесу з одного боку, та відсутністю у громадян навичок відстоювати свою позицію в легітимному полі суспільно-політичних відносин з іншого боку.

**Ключові слова:** громадянське суспільство, державні органи, інформація, соціальне партнерство, законодавча ініціатива, управління.

2021). Therefore, it is necessary to change the vector of interaction between the state and the public sector in terms of searching for new mechanisms of interaction in order to implement different partnership formats. This approach has a long-term positive effect, as the experience of democratic countries, primarily the EU, testifies. So, a study of the practical side of the interaction of public authorities with civil society institutions is becoming especially relevant in Ukraine.

The aim of the article is to determine the effectiveness of the current tools for interaction between public authorities and civil society in Ukraine in a group of practices where the initiative belongs to the public.

The aim involved the following objectives:

- study the nature of citizens' participation in the development of management decisions (legislative initiatives, discussion of draft laws and other regulatory acts);
- analyse the dynamics of citizens' petitions to government bodies;
- consider the problems of consultations of public authorities with the public, as well as the effectiveness of the activities of public councils and the conduct of public examinations;
- compare the effectiveness of cooperation of public institutions included in the sample with the public.

## Literature Review

Since the 1990's, the problem of relations between the state and civil society has acquired a new meaning against the background of the downfall of authoritarian regimes in Europe.

They began to consider civil society as a factor in opposition to the authoritarianism of the government and a condition for the development of democracy. These transformations in terms of the influence of civil society on state politics reflect the features of ideal democracy developed by Dahl (2017). In his opinion, an ideal democracy would have, at least, the following features:

1. Effective participation. Before accepting or rejecting a policy, members of the public can express their views on the policy to other members.
2. Equality in voting. Members of the public have the option to vote for or against politics, and all votes are counted as equal.
3. An informed electorate. Members of the public have the opportunity to learn, within a reasonable time, about the policy and possible policy alternatives, as well as their possible consequences.
4. Control of the agenda by citizens. Society, and only society, decides which issues are included in the decision-making agenda and how they are placed there. So, the democratic process is “open” in the sense that society can change the policy of the association at any time.
5. Engagement. Each member of the public has the right to participate in the association in the ways described.
6. Basic rights. Each of the necessary features of an ideal democracy provides for rights that are a necessary feature of an ideal democracy: in such a way each member of the public has the right to communicate with others, the right to have his/her vote counted equally with the votes of others, the right to collect information, the right to participate on an equal basis with other members, and the right to exercise control over the agenda together with other members.

Vandyck (2018), advocating a partnership between public authorities and civil society, notes: “As states have become more functional and democratic, the role of civil society has changed, as it is now largely recognized as a strategic partner... The reinterpreted relationship will be based on both sectors using their excellent assets and influence to better respond to complex development challenges”.

The authors of the concept of participatory democracy, which has become one of the most popular in modern general theory of democracy, prioritize the importance of public participation in public affairs. As Delli (2009) defined, civic

engagement or participation is any individual or group activity aimed at resolving issues of public interest. As Checkoway and Aldana (2013) point out, civic engagement is “the process in which people take collective action to solve problems of public interest” and is “instrumental in democracy”.

Building on this concept, Fowler and Biekart (2013) are looking at a comprehensive complement to this effort, called civic change. Based on a grounded empirical approach, researchers propose constituent principles and elements that can both improve and deepen the understanding of the relationship between civic engagement and socio-political processes. These fundamental provisions find case-study confirmation on the example of the participation of civil society in overcoming the consequences of the COVID-19 pandemic in the study by Kövér (2021).

His methodology also finds its rationale in the concept of electronic, or digital, democracy. Its founders Van Dijk and Hacker (2018) provided an interpretation of the concept as the sharing of information and communication technologies for political and democratic practices, both online and offline. Summarizing the leading concepts, Linder and Aichhozer (2019), proposed an understanding of e-democracy as a practice of democracy supported by digital media in political communication and participation. At the same time, e-participation involves all forms of political participation using digital media, including both officially institutionalized mechanisms and informal public engagement.

It is important that the theoretical and empirical developments of scientists have been enshrined in the regulatory documents of the UN, the Council of Europe and the European Union. The key principles of public participation in political decision-making, adopted by the Committee of Ministers of the Council of Europe (2017), define four types of public participation: provision of information, consultation, dialogue, active involvement. The updated code of best practices for public participation in decision-making, approved by the Standing Committee of the Council of Europe (2019) for adoption by the Conference of International Non-Governmental Organizations (INGOs) on October 30, 2019, defines such principles of political participation of citizens as: Participation, Trust, Accountability and Transparency, Independence. This document also describes a matrix of public participation, which consists of such tools as information, consultation, dialogue, partnership.

These provisions serve as guidelines for the institutionalization of the process of involving citizens in the development of public policy.

### Materials and Methods

The first stage of the research procedure provided for the identification of particular instruments to be assessed. The groups of practices where the initiative belongs to the public have been included in such tools based on the recommendations of the Council of Europe mentioned above. These tools were divided according to the engagement levels and the opportunities for citizens to influence public policy-making. So, the first level — informing — involved the analysis of the implementation of the Open Parliament and Open Government initiatives. The second level provided for the study of a basic tool of public participation — citizens' petitions. At the beginning, data on the number of citizens' petitions to the central government bodies over the past five years were collected and posted on the relevant pages of official websites. The data collected were further summarized to provide their dynamics for the relevant institutions. The third level involved the analysis of the activity of citizens in submitting electronic petitions as a potential form of legislative initiative and the highest authorities' response. For this purpose, data on submitted petitions, for which the signatures are being collected, which are under consideration and which have already been responded to were collected on the relevant pages of the official websites of the Office of the President of Ukraine and the Verkhovna Rada of Ukraine. The fourth level provided for the analysis of citizen participation in the discussion of draft laws on the portal of the Verkhovna Rada of Ukraine, as well as consultations on regulations of the Cabinet of Ministers of Ukraine and other executive bodies using data obtained from official websites. The analysis covered not only the number of announced consultations, but also their real effectiveness in relation to the submitted proposals and their implementation. Data on the effectiveness of such specialized and qualified tools as expert committees of public organizations were studied at the fifth level. For this purpose, data were collected on the conduct of relevant inspections in the ministries, followed by the analysis of the content of recommendations and the state of their implementation. The sixth level involved determining the effectiveness of such supreme tool of interaction between the authorities and the public as public councils at the government agencies. Their organization, the regularity of

their work and the content of the produced documents were considered for this purpose.

The study's focus on the effectiveness of existing tools for social interaction between public authorities and civil society in Ukraine determined the application of the following methods:

- content analysis — to study the content of consultations between the central government bodies and the public, to discuss draft laws, decrees, resolutions, orders and citizens' petitions, as well as recommendations of expert opinions and proposals of public councils, as well as measures for their implementation;
- statistical method — to analyse the dynamics of citizens' and non-governmental organizations' petitions and requests to the authorities and responses of the latter;
- comparative method — to compare the actual indicators describing the effectiveness of cooperation of government agencies included in the sample with civil society.

### Results

1. The analysis of the implementation of the Open Parliament Initiative to better inform the public about the activities of the Verkhovna Rada of Ukraine and the Open Government Initiative of the Cabinet of Ministers of Ukraine revealed the following:
  - a) The Open Parliament portal is designed to provide access to public information of the Verkhovna Rada of Ukraine in the form of open data, and provides access to information with the possibility of its subsequent free use.
  - b) The Fifth Action Plan for the implementation of the Open Government Partnership Initiative in Ukraine, which was approved on February 24, 2021 (Decree of the Cabinet of Ministers No. 149 of February 24, 2021) on the implementation of the Open Government Partnership Initiative in Ukraine in years 2021-2022, is currently being implemented. The Plan encompassed 14 objectives, including: ensuring the functioning of the online platform for the interaction of executive authorities with citizens and civil society institutions (VzaiemoDiia platform); increasing transparency in infrastructure, extractive industries and public finance management; ensuring openness and transparency of state property accounting; providing access to

information on patenting and innovation development; further disclosure of information on beneficial owners; providing access to gender-disaggregated data.

2. The dynamics of citizens' petitions to public authorities calculated in the course of research is as follows (Table 1):

**Table 1.**

*Dynamics of Ukrainian citizens' petitions submitted to public authorities (2016-2020)*

	2016	2017	2018	2019	2020
Office of the President of Ukraine	54,100	65,500	61,723	74,984	64,558
Verkhovna Rada of Ukraine	95,800	113,700	105,100	78,300	118,000
Cabinet of Ministers of Ukraine				<b>20,845</b>	<b>27,199</b>
Ministry of Defence of Ukraine	<b>54,959</b>	<b>50,230</b>	54,392	62,132	67,290
Ministry of Foreign Affairs of Ukraine	No information				
Ministry of Internal Affairs of Ukraine		12,766	11,807	13,398	For the first half of the year 11,773
Security Service of Ukraine	No information				
Ministry of Healthcare of Ukraine	19,308	26,472	19,629	18,268	For the first half of the year 9,976
Ministry of Education and Science of Ukraine		For the first half of the year 6,335	11,865	14,506	
Ministry of Social Policy of Ukraine	37,483	35,181	34,752	35,217	26,168
Ministry of Economy of Ukraine	2,933	2,522	3,369	2,707	6,688
Ministry of Justice of Ukraine	No information				

3. The analysis of the citizens' activity in the submission of electronic petitions as a potential form of legislative initiative revealed the following:

- a) There is no generalized information on the official portal of the Verkhovna Rada of Ukraine in the Citizens' Petitions section. According to the authors' calculations, there were only 45 petitions for which signatures are being collected as of November 26, 2021, (Verkhovna Rada of Ukraine, n. d.). But there are no petitions pending (i.e. they did not get the required number of 25,000 votes).
- b) The official portal of the Office of the President of Ukraine (n. d.), the Citizens' Petitions section provides no generalized information about petitions. The authors counted only 94 petitions that were responded to. A curious fact is that the petition for the resignation of the President

of Ukraine Volodymyr Zelensky had the largest number of votes (60,189).

4. The analysis of citizens' participation in the discussion of draft laws on the Verkhovna Rada of Ukraine website, as well as consultations on the regulatory acts of the Cabinet of Ministers of Ukraine and other executive authorities gave the following results:

- a) As of November 26, 2021, the following statistical information is posted on the Verkhovna Rada of Ukraine website. Draft laws submitted for discussion by committees: submitted for discussion out of 23 committees — 0, discussion completed — 5 (Anti-Corruption Committee - 2, Committee on Humanitarian and Information Policy — 1, Committee on Ukraine's Integration into the European Union — 1, Committee on State Building,

Local Governance, Regional and Urban Development – 1).

By headings: submitted for discussion out of 13 headings — 0, discussion completed — 27 (Legal policy — 19, State Building — 3, Sectoral Development — 3. Bilateral international agreements — 1, Others (Verkhovna Rada statements, applications) – 1) (Verkhovna Rada of Ukraine, n. d.).

- b) Based on the data posted on the Cabinet of Ministers of Ukraine (n. d.) official website the authors calculated those 72 executive authorities held 1,463 events as part of public consultations during the first half of 2021. There were 1,389 issues of public importance submitted for discussion, including 802 draft regulatory documents. The number of the events held as part of public consultations was as follows: in ministries — 511, in other executive authorities — 321, in regional and Kyiv city public administrations — 631. At the same time, issues of public importance were discussed: in ministries — 511, in other executive authorities — 291, in regional and Kyiv city public administrations — 587.

In 2020 75 executive authorities held 3,107 events as part of public consultations. There were 3,024 issues of social importance submitted for discussion, including 1,715 draft regulatory acts. The number of events held as part of public consultations: in ministries — 1,094, in other executive authorities — 572, in regional and Kyiv city public administrations — 1,441. The number of issues of social importance discussed: in ministries — 1,094, in other executive authorities — 533, in regional and Kyiv city public administrations — 1,397. A comparison with similar data on the ministries' websites showed, however, that they register only the announced consultations and do not contain information about the real efficiency of these measures.

- c) Content analysis of the information collected on the government agencies' official websites included in the sample revealed the following.

There is no information at all about holding consultations with the public on the Office of the President of Ukraine official portal.

Only general theoretical information is posted on the Security Service of Ukraine website in the Public Control sub-section. It is also indicated

that there were developed platforms for communication with a number of business associations, representatives of the IT sector, human rights organizations on the Service management initiative, but it is not indicated where these platforms are.

Only instructions for holding consultations are posted on the Ministry of Defence of Ukraine official website, on a page hidden in the Public Council sub-section (Ministry of Defence of Ukraine, n. d./a), but there is no information about their actual holding.

The Ministry of Foreign Affairs of Ukraine website reports that the public consultations announced in 2018 and 2019 were not held because of the absence of public representatives and the media (Ministry of Foreign Affairs of Ukraine, 2019a). There are no announcements at all about consultations for the next two years.

The Ministry of Internal Affairs of Ukraine (2021) announced 21 public consultations in 2021 on its official website and provided detailed reports on 20 of them.

The Ministry of Healthcare of Ukraine (n. d.) website provides no information about electronic consultations at all. In 2021 the Ministry announced 8 public consultations. But the information about the proposals is usually not detailed. The report on public discussion of the Cabinet of Ministers of Ukraine draft order "On the Affordable Medicines Reimbursement Programme" is indicative in terms of effectiveness. It shows that only 1 out of 16 proposals was taken into account, 1 was partially taken into account, 14 were not taken into account.

According to the authors' calculations, the Ministry of Education and Science of Ukraine (2018) announced 119 public discussions and consultations in 2018, 106 in 2019, 138 in 2020, and 97 as of November 2021 but there are no reports on the results of these events on the website.

The Ministry of Social Policy of Ukraine (n. d.) announced 90 public consultations in 2021.

An analysis of reports shows that the citizens' engagement level in the discussion of draft regulatory acts is rather low. An exception was the discussion of the Draft Decree "On Amendments to the National Strategy for Reforming the System of Institutional Care and Upbringing of Children for 2017-2026" held on

January 16, 2021. It was joined by 1,542 users, out of which 1,125 agreed with the project, and 143 proposals were submitted.

5. The study of the effectiveness of such specialized and qualified tools as expert committees of public organizations revealed the following:
  - a) According to the Cabinet of Ministers of Ukraine, 35 examinations of ministries, other executive authorities, regional and district public administrations were carried out.
  - b) According to the information posted on the official websites, the Office of the President of Ukraine, the agencies of the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine, as well as the Security Service of Ukraine did not carry out any public examinations, and it was not planned as of November 2021.
  - c) The analysis of public examinations conducted by the Ukrainian Democracy public association on the interaction of ministries with the public is of particular importance for this research. Those examinations were carried out in 2018 at the Ministry of Foreign Affairs of Ukraine and the Ministry of Defence of Ukraine, and in 2019 — at the Ministry of Internal Affairs and the Ministry of Justice of Ukraine. Based on the examinations results, all ministries were recommended to create “Study of public opinion” sub-section on the official websites within the existing “Public” section and ensure its filling. But, despite the introduction of this proposal into the expert recommendations implementation plans, not a single ministry has yet fulfilled it. According to the results of the examinations, the Ministry of Foreign Affairs of Ukraine (2019b) received a total of 11 recommendations, and only 3 were fulfilled.

Despite the fact that 33 proposals were submitted to the Ministry of Defence of Ukraine (n. d./b), their implementation plan includes only 5 items, 3 of which are briefings. Moreover, the item that provides for the conduct of anti-corruption examinations, was left unfulfilled.

The Ministry of Justice of Ukraine (n. d.) has fulfilled only 4 out of 10 proposals.

Based on the examination results, the Ministry of Internal Affairs (n. d./b.) issued 2 orders, developed an action plan for the fulfilment of expert proposals. In this regard, 41 proposals of

the public association were summarized in 10 items, 9 of which were fulfilled.

## Discussion

Discussion of the results of this study opens up three discussion panels. The opportunities for discourse opened up in the first panel are related to the comparison of indicators that determine the difference in the level of interaction between different public authorities of Ukraine, which were included in the sample, and civil society. The second panel results from a critical analysis of the methods used to determine the effectiveness of social interaction between public authorities and civil society. Finally, the third panel is based on the issue of the people’s legislative initiative.

1. Comparative analysis of the effectiveness of interaction between public authorities included in the sample with civil society shows that operating in a familiar social environment, being guided by uniform regulatory acts and having the same institutional capacity, different institutions have different attitudes to the use of available tools for this interaction. This difference is noticeable even inside the functional blocks. In the social and economic block, despite all the existing shortcomings, the Ministry of Social Policy confidently holds the lead in such indicators as the dynamics of petitions, public consultations, response to the opinions of expert committees, and the Public Council’s activities. Against this background, the position of the Ministry of Health seems completely irresponsible, which, instead of stepping up efforts to cooperate with citizens during the pandemic, avoids consultations with them and possible helpful advice from the Public Council. This position of the Ministry of Health obviously contradicts the world practice, which is described in Kövér (2021).

Strange though it might seem, the Ministry of Defence of Ukraine has significant advantages over the Ministry of Foreign Affairs in terms of openness to citizens’ petitions in the block of institutions responsible for the external functions of the state. The dynamics of petitions identified by the author indicate that the Ministry of Defence is one of the leaders, and the main diplomatic mission, the heads of which always loudly declare their commitment to European democratic principles, does not even have open and accessible reporting on citizens’ petitions.

This discrepancy is even more apparent, given the unsatisfactory work of the Ministry of Foreign Affairs on organizing consultations and the lack of cooperation with the Public Council. The position of the Ministry of Foreign Affairs proves that, as Vandyck (2018) writes, government agencies manipulate and shape the civic space to prevent the influence of civil society through various forms of co-optation. As the results show, this thesis can also be addressed to the agencies of Office of the President of Ukraine, the Cabinet of Ministers of Ukraine and the Verkhovna Rada.

In a legal bloc that combines human rights and law enforcement agencies, the Ministry of the Internal Affairs looks much more open to cooperation with the public than the Security Service, and even the Ministry of Justice. In general, almost complete lack of real interaction between the Security Service of Ukraine and the public threatens to leave this strict power without any public control. In discussing this issue, we should take into account the conclusion made by Loada and Moderan (2015) that the lack of civilian democratic control and oversight of the security sector creates favourable conditions for corruption, impunity and harassment, where even the most effective security sector can become a tool of authoritarian rule.

2. The research results also encourage critical analysis of methods for determining the effectiveness of interaction between government and society, which are proposed in the modern literature.

They include the normative method, which provides that efficiency is determined by the level of legitimization of civil society participation in public administration. For example, Puljek-Shank (2018) argues that legitimization is associated with different strategies and activities that allow for greater activity and broader results. But the presented results show that a developed regulatory framework is not a guarantee of effective interaction between the government and society.

3. The research results allow us to see the problem of people's legislative initiative in a new light, as they actually refute assertion that the effectiveness of electronic petitions, public examinations, public consultations, and public control has long been beyond doubt. Considering petitions as a form of legislative initiative, it should be recognized that the real activity of citizens in this area, as well as in the discussion of draft laws and

other regulatory acts is extremely low. So, even provided that all procedural difficulties are resolved through regulatory instruments, the issue of involving the people in a broad sense of the word in initiating draft regulatory acts for consideration in a representative public authority remains open. Forecasts based on disappointing statistics provided in the research results can be supported by references to the experience of European countries.

## Conclusions

Assessment of the effectiveness of the current tools for interaction between public authorities and civil society is an urgent research objective in view of the need to establish an effective partnership between these social efforts to address pressing problems. The concept of civil society, which has its roots in antiquity and was developed in the works of liberal humanists of the New Age, became relevant again at the end of the 20<sup>th</sup> century because of the development of democratization. This concept has undergone significant changes in the 21<sup>st</sup> century due to the spread of different online forms of civic activity. The issue of increasing the role of citizens in public affairs, including public administration, is usually considered in scientific discourse in the regulatory and organizational aspect. But these approaches do not allow revealing the meaningful core of the interaction between government and civil society.

This is why the authors of this study focused on the content analysis, where central government bodies of Ukraine were the objects. The study was gradually ascending by levels characterized by the degree of engagement and the possibility of citizens' influence on the public policy making: information, petitions, public consultations and discussions, qualified public examinations, activities of Public Councils at the ministries, etc. This approach allowed obtaining the results that describe the real state of social interaction between public authorities and the public.

The study demonstrated that, the quality of interaction between public authorities and the public in Ukraine remains unsatisfactory and does not provide effective social partnership despite the regulatory framework, as well as organizational and institutional tools that meet the best international standards. The effectiveness of public authorities' interaction with civil society is declining, on the one hand, due to the bureaucratization of this process,

which is manifested in the dominance of a purely statistical approach to the analysis of citizens' petitions, contempt for public consultations, disregard for proposals of public expert committees, and formal approach Public Councils at the ministries. On the other hand, the current tools of interaction is due to the low activity of citizens in signing petitions, discussing draft laws and other regulatory acts, reluctance or inability of Ukrainians to use legitimate tools to influence the government, as well as the involvement of some public organizations. Therefore, it is urgent to provide guarantees for the implementation of public initiatives of social significance, as well as the establishment of an active civil position among Ukrainians and the ability to defend it in the legitimate field of public relations. The results obtained in the course of the study and the conclusions drawn on their basis will be useful in the process of implementing the National Strategy for Civil Society Development in Ukraine for 2021-2026. Further research in this area will be related to a comparative analysis of the tools for social interaction between public authorities and civil society in Ukraine and EU member states.

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