

Control Over the Activities of Public Administration Bodies (Prosecutor's Office, Police, Local Authorities): Legal Regulation, Administrative, Land, Financial Aspects and Prospects for Development Under the Martial Law of Ukraine*

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Abstract.

The purpose of the study is to consider issues of administrative, land, financial regulation and foreign experience in controlling the activities of public administration bodies (prosecutor's office, police, local authorities). Main content. The main assessment measures are defined to ensure the effectiveness of control measures. This assessment is carried out in the following stages: determination of quantitative and qualitative parameters for evaluating the effectiveness of control; assessment of the competence of the control bodies or evaluation of the effectiveness of internal and external control, etc. Methodology: The methodological basis of the study is comparative legal and system analysis, formal legal method, interpretation method, hermeneutical method, as well as methods of analysis and synthesis. Conclusions. It is concluded that to assess the effectiveness of regulatory authorities, it is proposed to improve the following criteria: quality and completeness, reliability of information received by regulatory authorities; timeliness of control, regularity of control, objectivity of control, simplicity of control measures.

Keywords: Administrative regulation; Land Law; Legal Principles; Foreign Experience; Control; State Administration; Financial Legislation; Legislation; Prosecutor's Office; Police; Local Self-Government

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A. INTRODUCTION

In Ukraine, control in its various organisational forms is carried out by the majority of state and municipal bodies and their officials. Control is one of the main components of the management process, which is an element of feedback. This feedback informs the subject of management about the results of his/her influence on the object. The results of the work of public authorities and officials largely depend on the proper organisation and the effectiveness of control.

Control over public authorities in general and of local self-government bodies in particular is a type of social control designed to ensure the preservation and development of the social system and the coordinated functioning of its elements. Social control is a complex of measures aimed at the formation of social balance as the basis of the modern social system and its management. ([Kulinich et al., 2023](#)) Under modern statehood development and functioning conditions, the issue of modernisation of public administration and activation of the role played by public administration bodies receives special attention. This determines the expediency of increasing the control system's effectiveness over the activities of the specified bodies, developing measures to improve the regulatory and legal field of state and public control over public administration. ([Leheza et al., 2024](#))

The purpose of the research is to consider financial and legal regulation, administrative regulation, and foreign experience of controlling the activities of public administration bodies (prosecutor's office, police, local authorities). In the scientific literature, control is considered in a broad sense as a set of mechanisms in the social space (individual social groupings, population organisations, etc.) which ensure its self-organisation and self-preservation by establishing and maintaining a specific normative order and using appropriate patterns of behavior which can be, for example, presented as moral and cultural values of a particular society, its traditionally developed traditions, legal norms etc. In a narrow sense, it is understood as a set of means and methods of society's influence on undesirable forms of deviant behaviour with the aim of their elimination (removal) or reduction, minimisation. ([Danylian, 2009](#))

Some researchers define control through a systemic approach, which makes it possible to understand control as a set of measures and processes which take place in a separate social organisation and are aimed at compliance with the norms and rules of this institution, including in the conditions of restrictions on the functioning of the system. Thus, Stanislav Kosinov defines social control as a separate system of regulators of the social organisation functioning, including such regulators as institutions of law, morality, traditions, etc. ([Kosinov, 2013](#))

There is no basis for contrasting state control with social control; state and non-state control, taken together, constitute social control. ([Halaburda et al., 2021](#))

S. Kosinov asserts that social control is an integral part of a more general and diverse system of social regulation of people's behavior and social life; it is carried out through internal and external interaction mechanisms; it involves social interaction of personality and the respective social control; its nature, content and orientation are determined by the character, nature and type of the social system; it maintains order and stability in the society, and it also ensures social reproduction (succession) in the direction corresponding to the defined development strategy. ([Kosinov, 2015](#))

B. METHODS

This research is based on the works of foreign and Ukrainian researchers regarding methodological approaches to disclosure of financial and legal, administrative regulation and foreign experience of performing control over activities of public administration bodies (prosecutor's office, police, local authorities), etc.

With the help of the epistemological method, financial and legal, administrative regulation and foreign experience of control over the activities of public administration bodies, etc. were disclosed; thanks to the logical-semantic method, the conceptual apparatus was deepened, financial and legal, administrative regulation as well as foreign experience of control over activities of public administration bodies etc. were defined. Thanks to the existing methods of law, we managed to analyse the disclosure of financial and legal, administrative regulation and foreign experience of performing control over activities of public administration bodies (prosecutor's office, police, local authorities).

C. RESULTS AND DISCUSSION

Based on the doctrine of social management, we can conclude that control is implemented in the following areas: determining the limits of socially acceptable behavior of an individual; directing the behavior of objects within the boundaries that create optimal and socially acceptable behavior; and detecting deviations from the specified limits to take measures of influence. ([Kobrusieva et al., 2021](#))

In our opinion, it is appropriate to study the concept of “control” from the standpoint of social management. According to social management, control is a set of processes of observing and analysing compliance of activities performed by an object of control with defined management approaches and detecting deviations from generally established principles of organisation and regulation. ([Leheza et al., 2023](#))

Control is an essential component of any management system, and this fact guarantees and ensures its high-quality and effective implementation. Control is defined as a part (element) of management which in its turn consists in tracking the controlled object’s course and state of activity; such tracking is aimed at creating a systematic review of compliance with the norms of the current legislation of the country, and this compliance with the standards is implemented through the intervention of control bodies in the activities of controlled objects. It is manifested as providing recommendations, application of measures to influence management, as well as coercive measures.

The English use the term “controlling” as a systematic control, tracking the progress of tasks while making adjustments for further work. The term “monitoring” is also widely used; its meaning is practically identical to “controlling”, with the only difference being that monitoring functions include forecasting and property protection. The term “control” is gradually absorbed by the terms “monitoring” or “controlling” (although there are other points of view according to which the last two terms are a component of control). ([Bytiak, 2011](#))

A separate and widespread view of control, which prevails in the scientific literature, consists of considering control as an independent branch of government. For the first time at the beginning of the 20th century, such an opinion was expressed by the outstanding Chinese scientist Sun Yat-sen. At the same period, he formulated the “constitution of five branches of power”; in this constitution, in addition to the classical branches of power (“legislative” one, “executive” one and “judicial” one) he also distinguished independent powers including: “examination” one and “control” one. ([Leheza et al., 2023](#))

The theory of dividing power into four branches - “legislative” one, “executive” one, “judicial” one and “control” one still has many supporters today. Most scientists define the essence of control as a function of authorized subjects, aimed at ensuring compliance with the law, as a form of exercising power, as a set of techniques and methods that can be used in the process of control activity. V. Harashchuk believes in the independence of control as a

separate management function that helps implement all other management functions. ([Bytiak, 2011](#))

Summarising the concepts of control activity proposed in science, experts distinguish three approaches to revealing its nature: control as an organic management function; control as a set of means of regulating behavior of an individual or that of organisation as a whole; control as a limiting function of an organisation of orderly activities with tasks of these activities including ensured supervision over effectiveness of organisation's functioning. ([Kosinov, 2015](#))

The analysis of the available scientific approaches to interpretation of the "control" category content showed that views are characterised by unanimity of opinions in terms of establishing and identifying control methods, which are defined as a set of techniques, strategies and actions that help in establishing compliance of activities performed by authorities with the norms and requirements of the current legal and regulatory framework. It is also appropriate to note that scientists, whose work is devoted to administration and management, distinguish audit, accounting, revision, inspections, monitoring, etc., among various types of control. ([Kolomoiets, 2012](#))

Summarising the above, a method of control is a particular set of techniques and strategies for determining whether organisations' activities comply with current norms, rules, tasks, and instructions.

In contrast to the function of control, the method of control does not characterise the substantive purpose of activities performed by a public authority but only the method of ensuring proper implementation of the decisions made. Scientists distinguish types of control based on various criteria. By subjects, control is divided into public, parliamentary, administrative, and judicial. T. Nalyvaiko distinguishes two types of control in the system of state-society relations - state control and public control. One of the signs determining the type of state regime is analysing the ratio of state control and public control share and the nature of their relationship. ([Nalyvaiko, 2010](#))

According to the nature of the relationship between the subject and the object, control can be internal (departmental) and external (non-departmental). Internal control is characterised by the functioning of the subject and the object of power in the same plane, that is, in the same organisation; external control is characterised by the implementation of control by a separate external subject of activity. ([Sinkevych et al., 2024](#))

Specialists in public administration distinguish between functional control, administrative control, and financial control. Functional control is

related to the organization's main activities, policies, procedures, and methods; administrative control includes procedures and documentation related to the decision-making process, and financial control is related to procedures for maintaining financial documentation. ([Leheza et al., 2022](#))

According to its stages, control is divided into a preliminary, current, and final stage. Preliminary (preventive) control is a prerequisite for an organisation or institution's effective ongoing activity. The main task of this type of control consists of analysing and determining the institution's readiness to conduct its activities and perform its assigned functions. The key areas of verification are the quality of management decisions, work with personnel, financial and material condition, and use of resources. Current control means control that is carried out during the activity of an institution or organisation. This type of control is divided into operational control (based on the main current kinds of activities) and strategic control (it determines the following stages of development of the organisation or institution, as well as an assessment of the efficiency level). ([Villasmil Espinoza et al., 2022](#))

In addition, strategic control is distinguished; it presupposes collection and processing of information about implementation of the strategy, comparing and matching it with the parameters set in advance in strategic plans and programs, identifying deviations, analysing the reasons that gave rise to such a deviation, evaluating them and making a decision on the corrective impact. ([Matviichuk et al., 2022](#))

The next type of control is final control, which is related to providing a retrospective assessment of the results of the institution's (or organisation's) activities and making conclusions which can be drawn and used for further planning. To study control, it is advisable to research its main features, including such positions as tasks, goals (objectives), types, objects of control, etc. The primary purpose of control is to increase the efficiency of management decisions and other tasks. ([Tylchyk et al., 2022](#))

Objectives (goals) of control can be divided into strategic ones and tactical (or applied) ones. The strategic goal of control activities is to create conditions for compliance with legislative and disciplinary social norms and norms of state administration. The tactical purpose of control activities is revealed in "observing and analysing compliance of activities performed by all subjects of social relations with the parameters established by the state, as well as in certain "correction" of deviations from these parameters".

Tasks of control are divided into general and specific ones. Specific tasks cover only a separate side or type of activity (e.g., use of resources, implementation of budget programs, reliability of data display in financial statements, etc.). General control tasks cover all areas of activity performed by objects of control. ([Zadyraka et al., 2023](#))

An object of control means an organisation or a separate aspect of its activity subject to control. The subject of control means bodies of state power and local self-government, their officials, a group of people or an organisation endowed with relevant powers. The subject of control is the state or behaviour of the object of control. It can include the activity of bodies or their structural divisions as a whole (general control) or individual aspects of activity, which is typical for carrying out selective control.

D. CONCLUSIONS

Summarizing, it is worth noting that based on the above, the concept of control can be interpreted as a set of measures of an observational nature aimed at the relevant object of control, to obtain reliable and complete data about the state of the object; application of preventive measures; providing recommendations on restoring the normal functioning of the control object; identification of conditions and risks related with violation of legislation; prosecution measures.

From the point of view of the theory, the basis is created for revealing the interrelationship of control with other means of ensuring legality and discipline, in particular, identifying common and distinctive features with supervision. The need for proper legal regulation of control activities, updating the regulatory framework and solving many practical shortcomings is an obvious and pressing need today. At the same time, in our opinion, these shortcomings are not a sufficient basis for distinguishing the controlling branch of law. So, summarising all of the above, it is worth noting that control is a social, multifaceted phenomenon, which, from mainly philosophical and rule-making standpoints is defined through a set of actions and measures carried out to monitor actions performed by natural persons and legal entities or for establishing any phenomena, facts when studying objects of the material world.

When summarising the achievements of scientists, we can conclude that supervision is a separate form of control. In the process of implementation of this form of control, influence measures are applied after violations are detected. According to practitioners, control is characterised by activities within the

current legal and regulatory framework, including activities of the organisation and its individual bodies and officials. Control and supervision are quite often interpreted as identical concepts, given their single purpose (ensuring legality, restoring legal relations violated by an illegal act, bringing guilty persons to legal responsibility) as well as taking into account the possibility of their implementation in the same forms (inspections, demands for reports, explanations, etc.).

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