

THE RIGHT TO STATE SERVICE IN THE MODERN MEASURE

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Abstract. The article is dedicated to the accomplishment of a great number of meals, which stand for the defense of the right to state service for the protection of digitalization processes, as if the state service and the normatively established methods for the defense of the right to state service have been impeded. *The purpose* of the study is to form a comprehensive approach to the determination of the protection of the right to state service and the features of its protection caused by the use of information and telecommunication technologies. *The subject* of the study is the vector and priority of service legislation, which is in the middle of practical alternatives to information technologies. *Methodology:* in the course of the study of victorious research and special methods of scientific knowledge, including those that are victorious every hour, the analysis of statistical zvitnosti in the sphere of state service. Result: it has been established that the right to defend the right to state service is the legislature of the possibility of a citizen of Ukraine and a state service (in a broad sense) and a state service (in a narrow sense) to defend one's competences in state service. Emphasis is placed on respect for the rights of state servicemen to promote the level of digital competencies as a warehouse right to state service. It was requested: a) to introduce amendments to the Law of Ukraine "On State Service"; b) creation on the basis of the knowledge management web portal in the field of professional training "Knowledge Management Portal" of an information system of automated information collection, which will allow in real time to receive relevant information about the organization of professional training of civil servants in the civil service system and in the aspect of individual state bodies.

Key words: state service, digital aspect, the right to state service, information and telecommunication technologies, administrative defense, judicial defense.

JEL Classification: O10, H70

1. Introduction

The development of the state service necessitates the determination of state service relations in accordance with modern realities, their proper legal support and a comprehensive doctrinal rethinking. Among the legal institutes of the state service law of Ukraine, the institution of the right to state service and its integral component – the protection of the right to state service – are of great importance. However, the available scientific works (Panova, 2020; Bila-Tiunova, 2020) have a fragmentary nature and do not provide a coherent theoretical understanding of all vectors of protection of the right to state service in the context of the development of information and telecommunication technologies.

At the same time, the issue of protecting the right to state service in a practical aspect takes on special importance in the context of improving the legislation on state service in the direction of digitali-

zation, including: the use of information and telecommunication technologies in the provision of public services to state servants (On the peculiarities of the provision of public (electronic public) services, 2021); personnel management in the state service (Strategy for reforming the public administration of Ukraine for 2022–2025, 2021); implementation of open, transparent and effective public administration using the latest information and communication technologies (On the approval of the Concept of the implementation of the information system of human resources management in state bodies and the approval of the plan of measures for its implementation, 2017); functioning of the information system of human resources management in state bodies in the field of public service (About the information system of human resources management in state bodies, 2020); ensuring the functionality of the knowledge management web portal in the field of

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professional training of civil servants "Knowledge Management Portal" (On approval of the Regulations on the knowledge management web portal in the field of professional training "Knowledge Management Portal, 2019) etc.

At the same time, there have been significant changes in the consideration of public legal disputes in the digitalization of administrative procedural legislation – the main ideas of the concept of electronic justice (electronic court) have been introduced in accordance with the provisions of the procedural codes updated in 2017 (On Amendments to the Economic Procedural Code of Ukraine, the Civil Procedural Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts, 2017). The signing of the Memorandum of Understanding between the Ministry of Justice and the Hague Institute for Innovation in Law, which took place at the international forum "Innovations in the Sphere of Justice" (2019), was a significant factor in the introduction of modernized aspects to the organization of the judicial process. As a result, the Unified Judicial Information and Telecommunication System operates in Ukraine, which includes a set of information and telecommunication subsystems (modules) that ensure automation of the processes of activity of courts, bodies and institutions in the justice system, including document circulation, automated distribution of cases, exchange of documents between the court and participants in the legal process, recording the legal process and participation of the participants in the legal process in the court session in the video conference mode, drawing up operational and analytical reports, providing informational assistance to judges, as well as automating processes that provide financial, property, organizational, personnel, information and telecommunications and other needs of EUITS users (On the approval of the Regulation on the procedure for the functioning of individual subsystems of the Unified Judicial Information and Telecommunication System, 2021). The identified legislative trends in the digitalization of administrative proceedings were studied at the doctrinal level (Lahutina, Osadchy, Zakalenko, Kozachuk, Bolshakova, 2019; Zaikin, 2019: 66; Petrov, Barikova, 2019: 19; Kivalov, 2019), and the relevant conclusions are the basis of this study based on with the possibility of protecting the right to state service within the limits of administrative proceedings.

Thus, the purpose of this research is to form a comprehensive approach to defining the protection of the right to state service and the features of its protection caused by the use of information and telecommunication technologies.

2. Grounds and conditions for protection of the right to public service

Before proceeding to the description of the main elements of the protection of the right to state service, attention should be paid to certain doctrinal provisions that are important for clarifying its essence, in particular, regarding the relationship between the concepts "protection of the right to state service" and "the right to protection of the right to state service". As it appears, "protection of the right to state service" is a set of actions, provided by law, carried out consistently by the relevant subjects (state servant, head of state service, administrative court) in order to establish the presence or absence of a violation of the right to state service. Thus, in this case, we are talking about the mechanism of protection of the right to state service, which consists of:

- a) normative and legal foundations – the Law of Ukraine "On State Service", the state service of Ukraine;
- b) institutional foundations – the head of the state service, the administrative court;
- c) procedural principles – the procedure for protecting the right to state service.

Regarding the essential characteristic of the "right to protection of the right to state service", it should be noted that this right can be considered in a broad and narrow sense, depending on the subjects of the request for protection. In a broad sense, this right applies both to persons who enter the state service (that is, they exercise their constitutional right to enter the state service) and to state servants during their state service. A narrow understanding of the right to protection of the right to state service involves an application for the protection of state servants during state service, and it is the narrow understanding of this concept that is provided for in Art. 11 of the Law of Ukraine "On State Service" (2015). Thus, the right to protect the right to state service is a legally defined opportunity for a citizen of Ukraine and a state servant (in a broad sense) and a state servant (in a narrow sense) to protect their powers in relation to state service. In this study, attention is focused on the protection of the state servant's right to state service.

Characterization of the features of the protection of the right to state service is impossible without referring to the reasons for the emergence of such a right for a state servant. At the same time, it should be noted that the legislator does not leave this issue to the discretion of the state servant, but provides a provision that outlines the main direction of determining the following grounds: "...violation of the rights granted by this Law (that is, the Law of Ukraine "On State Service") or the occurrence of obstacles in their implementation such rights..." (2015). Since we are talking about the rights of a state

servant granted to him by the Law of Ukraine "On State Service", it is necessary to dwell, first of all, on the main points regarding the definition of these rights. It should be taken into account that it is only about the rights of a state servant, which are granted to him by the Law of Ukraine "On State Service" (2015). On the other hand, the official rights of a state servant (that is, the rights provided for in the job description) are not subject to judicial protection.

The basis for protecting the right to state service is the "occurrence of obstacles in the exercise of the rights" granted to a public servant by the Law of Ukraine "On State Service" (2015). Regarding this provision, it should be noted that it is quite abstract and such that, unlike the previous one, it is completely at the discretion of the state servant. No normative legal act provides at least an exemplary list of such obstacles. It is also important to pay attention to the fact that this group of reasons is quite closely related to the previous one, that is, the occurrence of obstacles in the exercise of the rights of a state servant is inseparable from the violation of the rights of a state servant, and in some cases it is quite difficult to distinguish between them. Thus, a violation of the right to a clear definition of job duties, which manifests itself in a superficial (vague, non-specific) definition, can at the same time be an obstacle to the realization of this right.

The issue of the right of state servants to increase the level of digital competences as a component of the right to public service deserves special attention. In the context of the above, attention is drawn to the Memorandum signed between the Ministry of Digital Information of Ukraine and the NADS regarding information and advisory and methodological support in the field of digitalization, the creation of useful training courses for the development of a digital society and the relevant competencies of state servants (Official website of the National Agency for State Service, 2022), which provides that the parties will cooperate in the following issues: a) promotion of increasing the level of digital literacy; b) formation and development of digital competencies of state servants; c) improvement of the assessment process and requirements for the digital competence of candidates for state service positions; d) development of training courses, implementation of training and testing in digital literacy; e) methodological and advisory support in the field of digitization, development of digital society and digital competencies of state servants, etc.

Digital literacy is an important requirement of the present time for all members of society in all spheres of public life. This is especially important for state servants, who must have modern professional

digital competences. That is why the list of professional training needs for state servants has been expanded with the competence "Digital Literacy". The corresponding proposals were supported at the Government meeting and confirmed by the Resolution of the Cabinet of Ministers of Ukraine "On Amendments to Certain Acts of the Cabinet of Ministers of Ukraine" (2020). At the same time, it is not just about the ability to use a computer, laptop or tablet, but about the ability to effectively use modern digital technologies both at work and in professional and personal development. Given the widespread use of digital technologies in the public service, government officials need the necessary competencies to properly implement digital change. Technologies are becoming increasingly complex, diverse and developing at a fast pace, which requires state servants to constantly improve their own digital competence, which includes not only the ability to use computer tools in professional activities, but also to meet the challenges of cyber risks, avoid dangers in digital space, store confidential data, be able to effectively implement electronic services for citizens and solve problematic situations with the help of digital technologies.

It should be noted that on the platform "Action. Digital Education" (2022) already has several educational series on digital literacy for state servants. First, state servants can find out about their own level of digital literacy by passing appropriate test tasks. Having determined your level, you can move to more complex levels and, thereby, master modern digital competences, since the number of bureaucratic, paper procedures is reduced, and the activity of a state servant acquires and will rapidly acquire the latest digital content in the future. In the process of increasing the level of digital competence of a state servant, the motivation to further improve the possession of digital tools, which will contribute to the efficiency and effectiveness of his official activities, becomes of special importance.

Turning to analytical and statistical data shows the following data regarding the professional training needs of state servants in 2022: 12 civil servants of category "A" (higher body of the state service) need to improve such competence as digital literacy (for comparison: such competence as "change management", need 59 people); 4,317 state servants (11.9%) of category "B" need training under general short-term programs aimed at improving such professional competence as digital literacy; 14,089 state servants (16.2%) of category "B" (the largest indicator among other competencies) need training under general short-term programs aimed at improving such professional competence as digital literacy (Report on summarizing individual needs for professional training of state servants on 2022 year, 2022).

Thus, the analysis of the individual needs of state servants showed that the priority in 2022 is to improve the following competencies: 1) for category "A" (representatives of the higher corps of the state service) – change management, professional knowledge, communication and interaction, leadership, efficiency management and development of human resources, making effective decisions; 2) for state servants of category "B" and "B" – professional knowledge, digital literacy, implementation and perception of changes, communication and interaction (teamwork and interaction).

In order to obtain operational statistical information about the state of professional training of state servants in Ukraine, it is advisable to create an information system of automated information collection in the NADS based on the knowledge management web portal in the field of professional training "Knowledge Management Portal", which will allow in real time to receive relevant information about the organization of professional training state servants in the state service system and in the aspect of individual state bodies.

The final element of the structure of the right to state service as a whole is the right to its protection. The right to the protection of the right to state service is the result of the implementation of the constitutional provisions on the protection of the rights, freedoms and legitimate interests of citizens, the result of the democratization of the state service and bringing the legal regulation of the functioning of this social and legal institution into compliance with the norms and standards of the European Union. The right to protection of the right to state service belongs to both citizens (that is, those who are not state servants, but wish to become them), and, in fact, state servants, which is defined by the Laws of Ukraine (On state service, 2015; On prevention of corruption, 2014; On the purification of power, 2014; On the principles of preventing and countering discrimination in Ukraine, 2014; On citizenship, 2001; On ensuring the functioning of the Ukrainian language as the state language, 2019), by resolutions and orders of the Cabinet of Ministers of Ukraine (On part-time work of employees of state enterprises, institutions and organizations, 1993, On the approval of the Procedure for conducting a competition for civil service positions, 2016, On the approval of the Regulation on the Commission on the Higher Corps of the State Service, 2016); by the orders of the National Agency for State Service (On approval of the Procedure for the election of representatives of public associations to the composition of competitive commissions for the selection of persons for public service positions, 2016; On approval of the List of test questions, 2016; On approval of

typical tasks for testing professional knowledge (Typical tasks for testing knowledge, 2017; On the approval of the Regulation on the Center for evaluating candidates for public service positions; 2017, etc.).

3. Administrative protection of the right to state service

The administrative way of protecting the right to state service is as follows. A state servant has the right to apply to the head of the state service in a state body with a corresponding complaint only in writing. At the same time, the Law "On State Service" (2015) clearly defines: a) the form of the complaint is written; b) type of appeal – complaint; c) the term of appeal is 30 days from the day when it became known or should have become known about the violation of rights; d) the addressee of the complaint is the head of the state service of the state body. Part 3 of Art. 11 of the Law defines the procedure for providing a response to a state servant's complaint – within 20 calendar days from the day of receiving the complaint, provide a substantiated written response (decision). At the same time, it should be noted that the mentioned article does not provide for cases of extension of the specified term.

In essence, it is about two types of complaints with which a state servant can apply to the head of the state service of a state body in case of violation of his right to state service, in particular, a complaint:

- 1) outlining the facts of violation of his rights or obstacles in their realization;
- 2) outlining the facts of violation of his rights or obstacles in their implementation and demanding the formation of a commission to verify the facts stated in it.

It is important to pay attention to the fact that such a request of a state servant is his right (can demand), and not an obligation.

When considering the issue of the administrative method of protecting the right to public service, it should be borne in mind that in the structure of the NADS, the Department of Control over the Implementation of the Right to State Service has been created, which consists of two divisions: the control department and the special inspections department. The Control Office is entrusted with the main tasks, which are: carrying out control over compliance with the conditions of citizens' exercise of the right to state service defined by the Law of Ukraine "On State Service"; ensuring the sending to relevant state bodies of requests for verification of information on candidates for positions (except for the positions of judges), appointments (elections) to which are carried out by the President of Ukraine, the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine, and summarizing the received

information in accordance with the Law of Ukraine "On Prevention corruption" (2014).

In accordance with the tasks, the Control Office performs the following functions: in accordance with the established procedure, the National Agency for State Service ensures the implementation of control measures regarding citizens' exercise of the right to public service; reveals inconsistencies and/or violations of the Law in the implementation by state bodies of procedures related to citizens' exercise of the right to state service; ensures the sending to state bodies of requests for verification of information regarding candidates for positions (except the positions of judges), appointments (elections) to which are carried out by the President of Ukraine, the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine, and summarizes the information received in accordance with the Law of Ukraine "On Prevention corruption" etc.

Given that one of the main functions of the Control Office is to supervise compliance with the Law of Ukraine "On State Service", the activity of this Office clearly demonstrates that inspections are an important tool for monitoring compliance with the rights of state servants. Thus, in just one year of the absence of the NADS powers to carry out control, the number of lawsuits in court on matters of appointment, passing and dismissal from state service increased almost threefold – from 11,000 in 2019 to 30,000 in 2020 (Department of Control over the Implementation of the Right to civil service).

In January-September 2021, specialists carried out 82 control measures in accordance with the Procedure for the implementation of the National State Service, its territorial control bodies over the observance of the conditions defined by the Law "On State Service" for citizens to exercise their right to state service. According to their results, 671 inconsistencies and violations of the requirements of the current legislation on state service by state bodies were established. The largest number of violations was recorded regarding issues of public service and compliance with the organizational and legal principles of implementation of state policy in the field of state service. During 2022, it is planned to carry out 139 control measures in a number of ministries, central bodies of executive power and their territorial subdivisions, and other state authorities.

Equally important is the function of ensuring the conduct of special checks – one of the safeguards provided for by the Law "On Prevention of Corruption", which is a comprehensive study of information about a person who wishes to hold a position, the appointment (election) to which is carried out by the President, the Verkhovna Rada or the Cabinet of Ministers of Ukraine. The essence

of this tool is to check the data on such persons for compliance with the conditions and restrictions set by the law. Thus, in 2021, more than 3,230 requests were sent, of which more than 550 requests were made through the automated electronic sending of cryptographic messages through the system of interaction of authorities using OTR KSZI, and more than 300 summaries of information were formed based on the results.

Thus, the administrative method of protecting the right to state service is a formally established right of a person to apply to the head of the state service in a state body with an appropriate written complaint regarding the protection of his right to state service. Institutional support of the administrative method of protecting the right to state service is primarily entrusted to the Office of Control over the Implementation of the Right to State Service, whose activities require a significant digitalization update.

4. Judicial protection of the right to state service

The Constitution of Ukraine (1996) guarantees everyone the right to protect their rights and freedoms in court, as well as to appeal in court decisions, actions or inaction of state authorities (Article 55). In confirmation of the above, in accordance with the Decision of the Constitutional Court of Ukraine (1997), "everyone has the state-guaranteed right to appeal in a court of general jurisdiction the decision, actions or inaction of any state authority, local self-government body... if he believes that their decisions, actions or inaction violate or infringe on his rights and freedoms or prevent their implementation, and therefore require legal protection in court". In addition, Part 3 of Art. 8 of the Constitution of Ukraine provides the right to appeal decisions, actions, inaction of subjects of power directly on the basis of the Constitution of Ukraine. According to Clause 2, Part 1, Art. 17 of the Code of Administrative Procedure of Ukraine, disputes regarding acceptance into public service, its completion and dismissal from public service belong to the competence of administrative courts (2005).

The issue of protection of a citizen's right to state service is assigned exclusively to the jurisdiction of administrative courts: a) regarding the acceptance of citizens for state service, its completion, dismissal from state service (clause 2, part 1, article 19); b) in relation to the appeal of the decisions of attestation and competition commissions, the decisions of which are binding for state authorities and local self-government bodies (clause 9, part 1, article 19); c) regarding the formation of the composition of state bodies, the election, appointment, dismissal of their officials (clause 10, part 1 of article 19).

Disputes regarding the acceptance of citizens for state service, its completion, dismissal from state service directly relate to the citizen's protection of his right to state service during appointment to a state service position. The analysis of judicial practice regarding the consideration by administrative courts of cases related to disputes arising in connection with the appointment, passing and dismissal from state service in general, and state service in particular, seems interesting. The Sixth Appeals Administrative Court of Ukraine considered the case regarding the appeal of the dismissal decision in connection with the establishment of the state servant's incompatibility with the position held during the probationary period (case No. 826/10649/18, 2020). Based on the result of the case review, a decision was made regarding the illegality of the dismissal of a person from the state service position of category "B", since the case file lacks evidence of improper performance of duties by the plaintiff during the probationary period, given the presence of a prepared draft of the information certificate, as well as the absence of any evidence in the case file regarding the nature, scope and terms of the task defined by the plaintiff's manager, according to which it would be possible to determine the inconsistency of the existing certificate with the purpose set by the plaintiff. The grounds for appealing the decision of the head of the state service on the termination of civil service are similar, but in this case the same court, but in a different panel, came to a conclusion regarding the legality of the dismissal of a person in connection with the establishment of the state servant's inadequacy for the position held during the probationary period (case no. 826/19218/16, 2019).

Disputes regarding the appeal of the decisions of attestation, competition and other similar bodies, the decisions of which are binding on the state authorities, relate to the exercise of the right to enter the state service, which is carried out through competitive selection. In accordance with the Law "On State Service" (2015), the Commission or the competition commission, based on the results of the competition, recommends to the entity or the head of the state service the appointment of no more than three people to one state service position, from which the winner of the competition is determined. Therefore, persons who did not get into the three-person rating list, or who got into the list, but not according to the rating placement in it, have the right to challenge the results of the competition in court. However, this is inconsistent with the provisions of Clause 6 of Art. 28 of the current Law "On State Service", which established that a candidate who is not determined to be the winner of the competition has the right to appeal the

decision of the Commission or the Competition Commission. Thus, it is only about the winner of the competition, which is determined not by the Commission or the competition commission, but by the subject of appointment or the head of the state service. Therefore, a candidate who has not been identified as the winner of the competition should not have any claims against the Commission or the competition commission, which determined him as a candidate among five other candidates (that is, the Commission or the competition commission has fulfilled its task), and should appeal their decision, but should appeal the decision subject of appointment or head of the state service. Thus, there is a conflict between Clause 1 and Clause 6 of Art. 28 of the current Law "On State Service".

As an example, the Cassation Administrative Court of the Supreme Court of Ukraine considered case No. 804/6325/17 (2019) regarding recognition as illegal and cancellation of the requirement to re-hold the competition. Thus, at the stages of the competition "solving situational tasks and determining their results" for filling a vacant position in the state service category "B", which consist in achieving maximum objectivity when checking situational tasks by members of the competition commission on the condition of anonymity of the person who developed performed the situational task, it was established that in the lower right corner of each sheet of the solution to the situational task there is a personal signature of the contestant who completed this task. The court found that the violation of the principle of anonymity committed by the competition committee (placing signatures on each sheet of answer sheets) created the prerequisites for the identification of candidates and, accordingly, for the based evaluation of the respective works. The relevant circumstances created the conditions for recognizing the results of the competition as invalid and, accordingly, caused the need to re-hold the competition for the corresponding position. According to judicial practice, even in the event of violations of the tender procedure, the court may recognize these circumstances as insufficient to cancel the final tender decision (Case No. 815/4701/16, 2021).

The position of the court regarding the dispute in the case, which arose due to the fact that, as a result of the competition to fill a vacant position, the competition commission did not identify a candidate for this position, is interesting. The reason for this situation was that two candidates for the specified position scored the same number of points in the rating list, and according to the results of open voting initiated by the head of the competition commission, none of them received the majority of votes. Thus, the Supreme Court of Ukraine, as a

member of the panel of judges of the Administrative Court of Cassation, found that since the competition passed all the necessary stages, although the competition commission did not conduct a second interview, under the given legal regulation and the established circumstances of the case, the decision to hold a second competition is legitimate and justified.

Thus, judicial protection of the right to state service consists in consideration of this type of public-law disputes exclusively within the limits of administrative proceedings. It is noted that the subject of a public-law dispute, which is related to the protection of the right to state service, will concern: acceptance of citizens for state service, its completion, dismissal from state service; appealing the decisions of attestation and competition commissions, the decisions of which are binding on state authorities and local self-government bodies; c) formation of the composition of state bodies, election, appointment, dismissal of their officials.

5. Conclusions

The implementation of the constitutional right to state service is possible only under the condition of creating an effective and efficient organizational and legal mechanism for the protection of the right to state service, which consists of the following elements: a) legislative basis, i.e. a set of legislative acts that determine the grounds and procedure for protecting the right to state service); b) the institutional basis, that is, the system of state bodies (officials) that ensure the protection of the

right to state service; c) procedural basis, i.e. a set of sequentially implemented actions aimed at ensuring the protection of the right to state service. It was determined that the right to protect the right to state service is a legally defined opportunity for a citizen of Ukraine and a state servant (in a broad sense) and a state servant (in a narrow sense) to protect their powers in relation to state service. In this study, attention is focused on the protection of the state servant's right to state service. Attention is focused on the rights of state servants to increase the level of digital competences as a component of the right to state service.

It is proposed to amend the Law of Ukraine "On State Service" by setting out content 11 in the following wording: "In case of violation of the rights granted by this Law or obstacles to the realization of such rights, a civil servant within a month from the day when he learned or should have learned about that is, he can submit a complaint to the head of the state service indicating the facts of violation of his rights or obstacles in their implementation or apply to the court with a corresponding complaint." In order to obtain operational statistical information on the state of professional training of state servants in Ukraine, it is advisable to create an information system for automated information collection in the NADS on the basis of the knowledge management web portal in the field of professional training "Knowledge Management Portal", which will allow in real time to receive relevant information about the organization professional training of state servants in the state service system and in the aspect of individual state bodies.

References:

- Panova, N. S. (2020). State administrative service: theoretical and legal characteristics: monograph. Odesa: Phoenix, 366 p.
- Bila-Tiunova, L. R. (2020). Scientific and practical commentary to the Law of Ukraine "On Civil Service". Odesa: Phoenix, 628 p.
- On the peculiarities of providing public (electronic public) services: Law of Ukraine dated 07.15.2021. Available at: <https://zakon.rada.gov.ua/laws/show/1689-20#top>
- Strategy for reforming the state administration of Ukraine for 2022–2025: Decree of the Cabinet of Ministers of Ukraine dated July 21, 2021 No. 831. Available at: <https://zakon.rada.gov.ua/laws/show/831-2021-p#Text>
- On the approval of the Concept of the implementation of the information system of human resources management in state bodies and the approval of the plan of measures for its implementation: Order of the Cabinet of Ministers of Ukraine dated 01.12.2017 No. 844-r. Available at: <https://zakon.rada.gov.ua/laws/show/844-2017-p#Text>
- On the information system of human resources management in state bodies: Resolution of the Cabinet of Ministers of Ukraine dated 12.28.2020 No. 1343. Available at: <https://zakon.rada.gov.ua/laws/show/1343-2020-p#Text>
- On the approval of the Regulation on the knowledge management web portal in the field of professional training "Knowledge Management Portal": Order of the National Agency for Civil Service of Ukraine dated November 26, 2019 No. 209-19. Available at: <https://zakon.rada.gov.ua/laws/show/z1234-19#Text>
- On amendments to the Economic Procedural Code of Ukraine, the Civil Procedural Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts: Law of Ukraine dated 03.10.2017 No. 2147-VIII. Available at: <https://zakon.rada.gov.ua/laws/show/2147-19>
- Official website of the Ministry of Justice of Ukraine. Available at: <https://minjust.gov.ua/news/ministry/ministerstvo-yustitsii-ta-gaazkiy-institut-innovatsiy-u-pravi-pidpisali-memorandum-pro-vzaemorozuminnya>

On the approval of the Regulation on the procedure for the functioning of individual subsystems of the Unified Judicial Information and Telecommunication System: Decision of the High Council of Justice of August 17, 2021 No. 1845/0/15-21. Available at: <https://zakon.rada.gov.ua/rada/show/v1845910-21#Text>

Lahutina, I., Osadchyi, A., Zakalenko, O., Kozachuk, D., & Bolshakova, O. (2019). The modern concept of Ukrainian administrative justice. *Amazonia Investiga*, vol. 8(23), pp. 707–712.

Zaikin, A. P. (2019) The influence of state institutions on the digitalization of judicial power (theoretical and legal analysis). *Legal science*, vol. 12, pp. 62–66.

Petrov, E. V., & Barikova, A. A. (2019) Information security in the conditions of functioning of the electronic court. *Word of the National School of Judges of Ukraine*, vol. 1, pp. 18–30.

Kivalov, S. V. (2019). Silencing human rights in the digital era / ECHR's Jurisprudence in the Digital Era: proceedings of the Int. science conf. (Odesa, May 31 – June 1, 2019) / MES of Ukraine, Nat. Univ. "Odes. Acad. of Law", SRC NALSU; exec. eds. H.A. Ulianova, V.A. Tuliakov. Odesa: Publishing house "Helvetika", pp. 98–101.

The official website of the National Agency for State Service. Available at: <https://nads.gov.ua/news/nads-tamincifra-pidpisali-memorandum-pro-spivrobotnictvo>

On amendments to some acts of the Cabinet of Ministers of Ukraine: Resolution of the Cabinet of Ministers of Ukraine dated October 9, 2020. Available at: <https://zakon.rada.gov.ua/laws/show/940-2020-%D0%BF#Text>

Action. Digital education. Available at: <https://osvita.diia.gov.ua/>

Report on summarizing individual needs in professional training of civil servants for 2022. Available at: <https://nads.gov.ua/storage/app/sites/5/%D0%BF%D1%80%D0%BE%D1%84%D0%B5%D1%81%D1%96%D0%B9%D0%BD%D0%B5%20%D0%BD%D0%B0%D0%B2%D1%87%D0%B0%D0%BD%D0%BD%D1%8F/zvitip2022-1.pdf>

On the purification of power: Law of Ukraine dated September 16, 2014. Available at: <https://zakon.rada.gov.ua/laws/show/1682-18#Text>

On the principles of preventing and countering discrimination in Ukraine: Law of Ukraine dated September 6, 2012. Available at: <https://zakon.rada.gov.ua/laws/show/5207-17>

On Ukrainian citizenship: Law of Ukraine dated January 18, 2001. Available at: <https://zakon.rada.gov.ua/laws/show/2235-14#Text>

On ensuring the functioning of the Ukrainian language as a state language: Law of Ukraine dated April 25, 2019. Available at: <https://zakon.rada.gov.ua/laws/show/2704-19#Text>

On part-time work of employees of state enterprises, institutions and organizations: Resolution of the Cabinet of Ministers of Ukraine dated 04/03/1993. Available at: <https://zakon.rada.gov.ua/laws/show/245-93-%D0%BF#Text>

On the approval of the Procedure for conducting a competition for public service positions: Resolution of the Cabinet of Ministers of Ukraine dated March 25, 2016. Available at: <https://zakon.rada.gov.ua/laws/show/246-2016-%D0%BF#>

On the approval of the List of test questions: order of the National Agency for State Service Issues dated 05.06.2016. Available at: <https://zakon.rada.gov.ua/laws/show/v0097859-16#Text>

On approval of standard tasks for testing professional knowledge (Typical tasks for testing knowledge): order of the National Agency for State Service dated September 19, 2017. Available at: <https://nads.gov.ua/storage/app/sites/5/NPA/govten/190-19.pdf>

On the approval of the Regulation on the Center for the Evaluation of Candidates for State Service Positions: Order of the National Agency for Civil Service Issues dated April 19, 2019. Available at: <https://usg.org.ua/concept-ukra-nsku-shkolu-uryadu/polozhennya-pro-czentr-oczinyuvannya-kandidativ/>

On State Service: Law of Ukraine dated on December 10, 2015. Available at: <https://zakon.rada.gov.ua/laws/show/889-19?lang=en#Text>

On Prevention of Corruption: Law of Ukraine dated October 14, 2014. Available at: <https://zakon.rada.gov.ua/laws/show/1700-18#Text>

Department of control over the implementation of the right to public service. Available at: <https://nads.gov.ua/storage/app/sites/5/%D0%BE%D1%81%D0%BD%D0%BE%D0%B2%D0%BD%D1%96%20%D1%84%D1%83%D0%BD%D0%BA%D1%86%D1%96%D1%97%20%D1%81%D1%82%D1%80%D1%83%D0%BA%D1%82%D1%83%D1%80%D0%BD%D0%B8%D1%85%20%D0%BF%D1%96%D0%B4%D1%80%D0%BE%D0%B7%D0%B4%D1%96%D0%BB%D1%96%D0%B2%20%D0%9D%D0%90%D0%94%D0%A1/zrazok-dlya-utochnennya-struktur-nimi-pidrozdilamidocx-11.pdf>

The case on the constitutional appeal of Dzyuba H.P. regarding the official interpretation of the second part of Article 55 of the Constitution of Ukraine and Article 248-2 of the Civil Procedure Code of Ukraine (the case of the citizen G. P. Dzyuba regarding the right to appeal in court the illegal actions of an official): Decision of the KSU dated November 25, 1997. Available at: <https://zakon.rada.gov.ua/laws/show/v006p710-97>

Decision of the Sixth Appellate Administrative Court of Ukraine dated January 15, 2020, court case No. 826/10649/18. Available at: <https://reyestr.court.gov.ua/Review/86989285>

Decision of the Sixth Appellate Administrative Court of Ukraine dated February 11, 2019, court case No. 826/19218/16. Available at: <https://reyestr.court.gov.ua/Review/79727667>

Decision of the Supreme Court of Ukraine dated November 21, 2019, court case No. 804/6325/17.
Available at: <https://reyestr.court.gov.ua/Review/85804125>

Decision of the Supreme Court of Ukraine dated December 20, 2018, court case No. 815/4701/16.
Available at: <https://reyestr.court.gov.ua/Review/78771572>

Decision of the Supreme Court of Ukraine dated April 24, 2019, court case No. 826/2198/17.
Available at: <https://reyestr.court.gov.ua/Review/81431713>

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