

# INFORMATION, ANALYTICAL AND INFORMATION-ANALYTICAL ACTIVITY AS A SUBJECT OF ADMINISTRATIVE LAW RESEARCH

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**Abstract.** The article reviews information, analytical, and information-analytical activity as a subject of administrative law research. Based on the analysis of the concepts of "information activity", "analytical activity", and "information-analytical activity" proposed in the scientific literature, it is concluded that information-analytical activity has the following features. Firstly, it can be considered as a social phenomenon, hence the subjects of its implementation can be all subjects of public relations (people, companies, state bodies, etc.). Secondly, information-analytical activity can be carried out in two forms within public law and public relations: 1) as one of the main activities of a power entity (for example, ensuring the verification of the business reputation of a media buyer); 2) as an additional, but mandatory, element of one of the types of governmental activities (for example, within the framework of law-making activities of executive bodies). Thirdly, information-analytical activity creates and changes the information space and is implemented exclusively in this space. Fourthly, if the key purpose of the activity is the analytical processing of information, thus the essence of such activity is information-analytical. However, if the key purpose changes, information-analytical activity becomes auxiliary within another type of activity (for example, within justice or other jurisdictional activity). It is proved that the term "information and analytical activity", as a rule, is used when describing the particularities of activities of public authorities, while the term "information and analytical work" is used when characterizing internal organizational work in public authorities and when characterizing external information activities of entities that do not have public authorities. It is noted that the correlation and use of "information and analytical activity" and "information and analytical work" depend solely on the researcher's discretion because there are no objective criteria for distinguishing these concepts. The concepts of "information and analytical activity" and "information and analytical work" are proposed to be considered identical.

**Keywords:** administrative law, theory of administrative law, administrative law research, public law, public law relations, public activities, information activities, analytical activities, information and analytical activity, information and analytical work.

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## 1. Introduction

In the theory of law, information, analytical, and information-analytical activities are rarely the subject of complex administrative law research. Therefore, these social phenomena are still poorly studied in the mechanism of administrative law regulation. Some scholarly publications offer original approaches to the definition and correlation of these concepts,

but there is no holistic (at the level of the doctrine of administrative law) approach in legal science. Moreover, giving an analysis of general social and intersectoral approaches to the definition of information, analytical, and information-analytical activities, scientists ignore the specifics of public law regulation of the activities of public authorities and local self-government and also omit the specialization

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of categories and concepts involved in administrative law research. General social or general scientific approaches to the definition of information-analytical activity will never be methodologically efficient if they are not reviewed and improved in terms of the specifics of their use – political science, history, or law.

Today there is an urgent need to fill the concepts of “information activity”, “analytical activity”, and “information-analytical activity” not just with legal content but also with content that addresses the specifics of implementing public activities, the functioning of public authorities, and the peculiarities of national administrative law regulation.

Consequently, it is relevant to determine the features of information, analytical, and information-analytical activity as a subject of administrative law research.

## **2. Theoretical and Methodological Basis of Administrative Law Research on Information, Analytical and Information-Analytical Activities**

Each of the activities proposed for analysis (information, analytical, and information-analytical) has a sufficient level of scientific justification. It stems from the fact that information activity has become the subject of information law research since its establishment as a complex branch of law in Ukraine. Among the works which deal with the peculiarities of information activity apart from other aspects of the information legal space, the contributions of such authors as K.I. Bieliakov, L.P. Kovalenko, Yu.O. Mosenko, R.S. Svystovych, M.M. Tanchynets, and others can be mentioned. These studies are distinct in their regard of information activity primarily as a social phenomenon or a phenomenon that requires proper legal regulation; to a lesser extent, they analyze information activity as a type of governmental activity with its subjects, goals, objectives, and other features.

Analytical activity is a research subject of psychology, logic, philosophy of science, etc. – it is poorly presented in the methodology of theory of state and law. It is essential to mark the scholarly publications by O. Mandziuk and M.V. Osiadla that purposefully consider the content and features of the implementation of analytical activity. However, the authors, firstly, do not offer the criteria that make it possible to distinguish between analytical and information-analytical activities, and secondly, they define these concepts without offering sufficient arguments.

Much attention in the scientific literature is also paid to the content of information-analytical activity, which is studied in the works of such scientists as V.M. Varenko, I.V. Zakharov, L.Ya. Filipova,

L.Ye. Yashchenko, and many others. But the analysis proposed in these works, firstly, is limited to theoretical generalizations without reference to specific legal cases; secondly, it does not take into account the specifics of public law, that is, when exercising powers by public authorities and local self-government; thirdly, it does not correlate between the concepts of “information-analytical activity” and “administrative-analytical work”.

Thus, the special literature presents numerous scientific studies dealing legal regulation and implementation of information, analytical, and information-analytical activities in society. However, when the need to render the peculiarities of information and analytical activity arises in public authorities, the methodological significance of these studies immediately decreases. This is caused by the fact that information and analytical activity, firstly, is not the direct subject of studies, and secondly, is not regarded as a type or one of the manifestations of governmental activities.

The methodological basis of the present publication is a set of scientific methods that helped, firstly, thoroughly and comprehensively cover the problems of information and analytical activity at both theoretical and practical levels, and secondly, formulate valid conclusions that will contribute to establishing the content of information and analytical activity and the features of its administrative law support. In particular, the dialectical method was used to convey trends in the administrative law support of information and analytical activity of public authorities, the comparative legal method – to correlate between the concepts of “information activity” and “information work” and “analytical activity” and “analytical work”, as well as between the concepts of “information and analytical activity” and “information and analytical work”, analysis – to substantiate conclusions on the issues under study following the topic stated in the article. The list of methods is not exhaustive because when writing the article, other methods of scientific knowledge were taken into account.

## **3. Information Activity in the Theory of Administrative Law**

If we refer to information activity or information work as a subject of administrative law research, it should be noted that such research was driven by the development of information law in Ukraine as a complex branch of law that combines the norms of other law branches (constitutional, civil, criminal, administrative, etc.) and regulates relations related to the collection, storage, use, and dissemination of information in society. Actually, within the framework of information law, there are comprehensive studies which analyze certain aspects of information activity and work (Mosenko, 2011; Svystovych, 2011).

Therefore, Yu.O. Mosenko considers “policy” as the activity of public authorities and public administration (Mosenko, 2011), hence the scientist regards the term “information policy”, on the one hand, as “a set of main areas and methods of information activities of the state to receive, use, disseminate, and store information” (On Information, 1992), and on the other hand, as “the activity of state bodies to develop a strategy to create a single information space of Ukraine and ensure its functioning” (Mosenko, 2011). R.S. Svystovych renders information activities through the concept of “information sphere” and emphasizes: “As for the information sphere of public life, we propose to regard it as a sphere in which purely information activity is carried out and the relevant actions are taken to maintain it. Purely information activity is an activity in which the production, dissemination, and consumption of information is the main goal, and not a means to achieve any goal” (Svystovych, 2011).

The definitions of information activity available in the scientific literature allow drawing the following preliminary conclusions:

1. Information activity can be carried out not only by public authorities (state bodies and local self-government bodies) but also by other subjects of public relations (political parties, religious organizations, and other non-governmental associations). However, the term “information activity” is usually used when describing the peculiarities of the activities of public authorities, while the term “information work” is used when characterizing the internal work of any organizations (for example, the information work of a CEO with their subordinates) and when characterizing the external information activities of entities that do not have public powers (for example, the propaganda work of political parties, the educational work of religious organizations, etc.). In this regard, we would like to mark that the correlation and use of the concepts of “information activity” and “information work” depend solely on the researcher’s discretion because there are no objective criteria for distinguishing these concepts. For example, R.S. Niemov emphasizes the following when characterizing human activity: “Activity is a specific type of human performance aimed at cognition and creative transformation of the surrounding world, including oneself and the conditions of one’s existence” (Nyemov, 2002). It means that the participant can be not only public authorities but also an individual who constantly transforms this world. Therefore, amidst the present study, we propose to consider the concepts of “information activity” and “information work” (as well as other similar concepts) to be identical.

2. On the one hand, information activity creates an information sphere (information space), and on the other hand, it is implemented exclusively in this

sphere (space). That is, any public relations related to the receipt, use, dissemination, and storage of information create an information sphere (space), and the activity with information acquires the status of information activity.

3. The main and only purpose of information activity is the processing of information in the form of its production, distribution, consumption, etc. It means that information activity remains “information” until it is used to achieve other goals that are not related to information production, dissemination or consumption. For example, the below procedural actions are carried out within the legislative procedure:

- the case of the draft law includes the following in the form of additional information: “a) proposals and amendments to the draft law; b) conclusions on the draft law and data from examinations, information or scientific research; c) extracts from the minutes and transcripts of plenary meetings of the Verkhovna Rada, which contain information on the consideration of the relevant draft law” (Pro Rehlement Verkhovnoyi Rady Ukrainy, 2010);

- “all registered draft laws and supporting documents are provided to a MP in electronic form via a single automated system by sending newsletters” (Pro Rehlement Verkhovnoyi Rady Ukrainy, 2010);

- “other background documents regarding the draft law may be provided by the decision of the main committee” (Pro Rehlement Verkhovnoyi Rady Ukrainy, 2010).

All of the above procedural actions are informative, and therefore they can be called “informational actions within the legislative procedure”. However, the legislative procedure, as the parliament’s legislative activity, consists of six structural elements: “1) introduction and withdrawal of draft laws; 2) consideration of draft laws in the first reading; 3) consideration of draft laws in the second reading; 4) consideration of draft laws in the third reading; 5) preparation of adopted laws for forwarding to the President of Ukraine for signature; 6) reconsideration by the Verkhovna Rada of Ukraine of laws returned by the President of Ukraine” (On the regulations of the Verkhovna Rada of Ukraine, 2010). Most of the listed stages of the legislative procedure are devoid of “informational” nature as they pursue other goals. Consequently, legislative activity cannot be characterized as information activity of the parliament. Thus, information activity is auxiliary one, which is sometimes used, if necessary, within the legislative procedure. A similar approach can be applied within any other public authority since working with information is part of their daily activities, but it does not prevail over many other areas of public activities.

4. It is impossible to comprehend the essence of the processes taking place in public authorities without referring to the specifics of information activity, which acts as an auxiliary tool in fulfilling tasks assigned to

public authorities and local self-government bodies. For example, the Ministry of Justice of Ukraine is a body authorized to ensure an audit provided for by the Law of Ukraine "On the Cleansing of Power" (On the Purification of Power, 2014). According to its content, such an audit is "informational", because it implies checking the reliability of data on the person and their property status. In this case, the powers of the central executive body are informational, and therefore can be characterized solely through the prism of the methodology of knowledge of information activities. The Ministry of Justice of Ukraine is also authorized to "organize" the work of notaries. Although it will be informational at certain stages of its implementation, the activity of the Ministry of Justice of Ukraine is not informational by nature. However, in order to understand the essence of the "organization" of notaries' work and cover its features, advantages, and disadvantages, a researcher has to analyze and study the features of the information activities of the Ministry of Justice of Ukraine when exercising the relevant power.

Consequently, it is crucial to emphasize that administrative law studies of information activities can be manifested in two aspects:

- 1) study of the information activity of public administration bodies (for example, the publication of by-laws of executive bodies);
- 2) study of individual information aspects in some types of governmental activities (in particular, within rule-making, jurisdictional, public service, control-supervisory, and other activities of executive bodies).

#### **4. Analytical Activities in the Theory of Administrative Law**

The term "information and analytical activity" is usually evident in scientific and regulatory sources. For example, the Rules of Procedure of the Verkhovna Rada of Ukraine use the terms "information and analytical support" and "information and analytical materials" (On the regulations of the Verkhovna Rada of Ukraine, 2010). It is believed that – it will be highlighted below – firstly, analytical activity loses its significance without information activity and therefore is its structural part, and secondly, information activity has manifestations in real life without reference to analytical activity, while the latter is always manifested through information activity. This fact draws the attention of O. Mandziuk, who states the following: "It should be noted that the issues of analytical activity were studied by national scientists using the term "information and analytical activity". Taking into account the above and other facts, we focus on the need to develop the system of concepts and categories and further enshrine it in the regulatory framework of national legislation of

Ukraine" (Mandzyuk, 2016). O. Mandziuk offers several conclusions regarding the definition of the concept of "analytical activity".

First, the scholar argues that "analytical activity relates to analysis or analytics" (Mandzyuk, 2016). The statement cannot be treated as a definition of the legal phenomenon because it does not cover all aspects of its manifestation in reality (for example, the subject of such activity, the object of its direct influence and the approximate outcome of its completion are not specified). If analysis is a method of scientific knowledge of the world, and analytics is one of the ways of intellectual thinking in order to solve the tasks set before a conscious person, then a pertinent question arises: should analytical activity be recognized as any activity accompanied by analysis and analytics or not? O. Mandziuk does not answer the question since to be "connected" with a social phenomenon and to be its "mandatory attribute" are different aspects of the manifestation of being.

Secondly, taking the above definition of analytical activity and its essence as a basis, the scientist states: "Information-analytical and analytical activity are synonymous" (Mandzyuk, 2016). Indeed, analytics does not exist without information, however, analytical activities can sometimes be considered not through the prism of working with information but through the prism of the correct use of scientific methodology in the study of legal and other phenomena. For example, O.I. Mykolenko notes: "Analysis is a conditional division of a complex legal phenomenon into separate parts, which makes it possible to divide the subject of research into component parts" (Mykolenko, 2010). In this context, the concepts of "analytical activity" and "information-analytical activity" will not coincide meaningfully because analytical activity implies the application of analysis as a method of scientific knowledge of the world. Analytical activity can also be regarded through the prism of the features of human intellectual work. M.V. Osiadla notes: "Analytical activity (analytics) is an area of human intellectual activity, which is aimed at solving problems arising in various spheres of life" (Osyadla, 2019).

It can be stated that two approaches to defining the concept of "analytical activity" have been formed in the scientific literature:

- 1) an activity based on scientific methodology to "search, collect, process, and present information in a form suitable for its use" (Varenko, 2013) – in this regard, analytical activity fully coincides with the concept of "information and analytical activity";
- 2) an intellectual activity aimed at solving challenging (extraordinary, difficult, situational) tasks – in this regard, the concepts of "analytical activity" and "information-analytical activity" do not always coincide in content).



## 5. Modern Scientific Approaches to the Definition of Information-Analytical Activity

Several approaches to the definition of information and analytical activity have been formed in the scientific literature.

The first approach considers information-analytical activity as a set of actions performed by a specific subject to achieve an important goal – solving the current problem, obtaining new knowledge, systematizing existing data, etc. For example, M.V. Varenkov proposes his definition: “It is a set of actions based on concepts, methods, means, regulatory and procedural guidelines for the collection, accumulation, processing, and analysis of data in order to justify and make decisions” (Varenko, 2013).

The second approach considers information and analytical activity as a certain process of an internal organizational nature that takes place within public administration bodies to process managerial information (collection, recording, storage, submission of information, etc.). For example, according to I.V. Zakharova and L.Ya. Filipova, information and analytical activity is a managerial process, which involves searching, collecting, processing, and presenting information in a form suitable for its use” (Zakharova, Filipova, 2013).

The third approach considers information and analytical activity as an activity that, firstly, is related to information processing and obtaining new knowledge, and secondly, is aimed at simultaneously meeting both the information and analytical needs of society as a whole or a particular social group or an individual. The following definition (as one of many) is proposed by L.Ye. Yashchenko: “Information and analytical activity is an area of human activity designed to meet the information needs of society through analytical and information technologies, by processing the source data, and obtaining new knowledge qualitatively” (Yashchenko, 2014).

However, the concept of “information and analytical activity” still does not have a clear definition in scientific sources. In our opinion, the third approach

to the definition of the concept of “information and analytical activity” most fully meets the methodological needs of modern administrative law science and the development prospects for administrative legislation.

## 6. Results

The development of modern administrative law is significantly associated with the improvement of its framework of categories and the use of concepts that help render many phenomena and processes occurring in administrative law regulation and administrative law relations. Such important concepts include the categories of “information activity”, “analytical activity”, and “information and analytical activity” which have become widespread in public authorities.

Based on the analysis of the concepts of information activity”, “analytical activity” and “information-analytical activity”, which are available the scientific literature, it is concluded that the latter has the following features. Firstly, it can be considered as a social phenomenon, hence the subjects of its implementation can be all subjects of public relations (people, companies, state bodies, etc.). Secondly, information-analytical activity can be carried out in two forms within public law and public relations: 1) as one of the main activities of a power entity (for example, ensuring the verification of the business reputation of a media buyer); 2) as an additional, but mandatory, element of one of the types of governmental activities (for example, within the framework of law-making activities of executive bodies). Thirdly, information-analytical activity creates and changes the information space and is implemented exclusively in this space. Fourthly, if the key purpose of the activity is the analytical processing of information, thus the essence of such activity is information-analytical. However, if the key purpose changes, information-analytical activity becomes auxiliary within another type of activity (for example, within justice or other jurisdictional activity). It is proved that the term “information and analytical activity” and “information and analytical work” should be regarded as identical.

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