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GOOD GOVERNANCE IN THE FIELD OF ENTREPRENEURSHIP: ADMINISTRATIVE AND LEGAL MECHANISMS OF EXTRAJUDICIAL CONTROL

Mykola Nadieiko[1], Viacheslav Politanskyi[2], Viktor Bardachov[3]

Abstract. The article is devoted to the study of administrative and legal mechanisms of extrajudicial control in the field of entrepreneurial activity through the prism of the concept of "good governance." The relevance of the topic is determined by the need to modernize the system of public administration in Ukraine in the context of European integration transformations, digitalization of public governance, and post-war economic recovery, as well as by the necessity to ensure an effective balance between the regulatory powers of the state and the protection of the rights of business entities. Particular importance is attached to the development of extrajudicial control mechanisms capable of ensuring prompt, proportionate, and less conflict-oriented settlement of public law disputes in the sphere of economic activity. The purpose of the study is to determine the essence and system of administrative and legal mechanisms of extrajudicial control in the field of entrepreneurship, to analyze their compliance with the principles of "good governance," to identify systemic problems in the functioning of the relevant mechanisms in Ukraine, and to substantiate promising directions for their improvement, taking into account European approaches to regulatory policy. The study establishes that the modern system of extrajudicial control in the field of entrepreneurship encompasses a set of interconnected mechanisms, among which a special place is occupied by administrative mediation, public consultations, regulatory impact assessment, and the activities of the Business Ombudsman. It is proved that the effectiveness of these mechanisms directly depends on the level of their institutional independence, the transparency of administrative procedures, the digitalization of interaction between business and the state, as well as the effective implementation of the principles of accountability, proportionality, and legal certainty. It is substantiated that the current model of extrajudicial control in Ukraine is characterized by fragmented legal regulation, an insufficient level of institutional support, low trust on the part of the business community, and the persistence of corruption risks within administrative procedures. The scientific novelty of the study lies in the comprehensive consideration of administrative and legal mechanisms of extrajudicial control in the field of entrepreneurship as a component of the "good governance" system and in determining their role in the formation of a modern service-oriented model of public administration. The practical significance of the results lies in the possibility of their use in the process of improving legislation on administrative procedures, developing administrative mediation, institutionalizing the Business Ombudsman, modernizing regulatory policy, and harmonizing national legislation with the standards of the European Union in the field of "Better Regulation" and the protection of the rights of business entities.

Keywords: good governance, extrajudicial control, public administration, entrepreneurial activity, regulatory policy, business ombudsman, mediation, administrative procedures.

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[1] Candidate of Economic Sciences, Ukraine *(corresponding author)*
E-mail: nadieiko.m.m@gmail.com
ORCID: https://orcid.org/0009-0000-1457-0387
[2] Scientific Research Institute of State Building and Local Government of National Academy of Law Sciences of Ukraine, Ukraine
E-mail: slavik777tom@gmail.com
ORCID: https://orcid.org/0000-0002-4664-8537
[3] Institute of Postgraduate Education and Correspondence Studies of the Donetsk State University of Internal Affairs, Ukraine
ORCID: https://orcid.org/0000-0002-1834-5483

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1. Introduction

In the contemporary context of public administration development, the issue of ensuring effective interaction between the state and the business community has become particularly relevant both for legal scholarship and for the practice of public governance. In Ukraine, this issue is significantly intensified by the impact of European integration transformations, the digitalization of public administration, the necessity of post-war economic recovery, and the need to establish a stable investment environment. Under such conditions, the effectiveness of administrative and legal mechanisms governing the interaction between the state and business entities directly affects not only the level of protection of entrepreneurs' rights but also the overall state of economic security and national competitiveness.

The traditional model of public administration in the field of entrepreneurship, based primarily on administrative control and rigid coercive mechanisms of state authority, is increasingly demonstrating limited effectiveness. Excessive regulation, the complexity of administrative procedures, the fragmentation of regulatory policy, and the broad discretionary powers of supervisory authorities often create additional barriers to economic activity, increase transaction costs for businesses, and generate conditions conducive to corruption risks. This negatively affects the level of trust of the business community in public authorities and restrains economic activity.

In this context, the concept of "good governance" acquires particular importance, having become over recent decades one of the leading models for the modernization of public administration within the Member States of the European Union and in international governance practice in general. The principles of transparency, accountability, participation, efficiency, legal certainty, and proportionality are gradually transforming the classical understanding of interaction between the state and business, shifting the focus from the dominance of coercive administrative mechanisms toward a service-oriented and partnership-based approach to public administration.

2. Literature Review

The issue of good governance, both in its general theoretical and administrative-law dimensions, is gradually occupying an increasingly prominent place in contemporary legal scholarship. This is due to the fact that the concept of "good governance" is no longer perceived solely as a political, managerial, or declarative category, but is increasingly regarded as a system of principles capable of directly influencing the quality of legal regulation, the effectiveness of public administration, the level of protection of private individuals' rights, and the overall interaction between the state, society, and business.

Within Ukrainian legal doctrine, significant contributions to the understanding of the principles of good governance have been made by such scholars as Yaroslav Bernaziuk, Oleksandr Holovach, Serhii Pohrebniak, Olena Tkalia, Olha Radyshevska, Nataliia Pavliuk, Oleksandra Muzyka-Stefanchuk, Nataliia Pryshva, Andrii Nikitin, and other researchers. In their works, good governance is examined through the prism of the rule of law, legal certainty, proportionality, transparency, accountability of public administration, proper administrative procedure, and judicial control over the activities of public authorities. Particular attention is paid to the fact that the principles of "good governance" possess not only organizational and managerial significance but also direct legal relevance, since they serve as benchmarks for assessing the quality of administrative decisions, the limits of administrative discretion, and the standards for the protection of individual rights within public-law relations.

A considerable contribution to the development of this issue has also been made in foreign academic literature. The works of Chad Roland, Edward Lazear, Richard Blackburn, and Richard Pettit make it possible to consider good governance not only as a category of public administration but also as a factor of economic development, institutional efficiency, and entrepreneurial activity. In this context, the quality of public administration is directly linked to the level of regulatory burden imposed on business, the predictability of the legal environment, transaction costs borne by economic entities, and trust in public institutions.

A special place in foreign academic discourse belongs to the studies of Daniel Kaufmann and Aart Kraay, who developed approaches to measuring the quality of governance through such indicators as government effectiveness, regulatory quality, the rule of law, control of corruption, accountability, and political stability. Their research is important for understanding that "good governance" may be viewed not only as a normative concept but also as an empirically measurable factor of economic development. Such an approach makes it possible to connect administrative and legal mechanisms for the protection of business with broader indicators of investment attractiveness, competitiveness, and the sustainability of the economic environment.

At the same time, an analysis of academic sources demonstrates that, within Ukrainian legal doctrine, the issue of good governance is predominantly studied in the general context of public administration, administrative procedure, the rule of law, or judicial control. By contrast, the administrative and legal

mechanisms of extrajudicial control in the field of entrepreneurial activity have not yet received sufficiently comprehensive consideration specifically through the prism of the "good governance" concept.

Thus, the existing scholarly works create an appropriate theoretical foundation for further research; however, they do not exhaust the issue of administrative and legal support for extrajudicial control in the field of entrepreneurship. This determines the necessity of a comprehensive analysis of the relevant mechanisms as a component of the modern model of good governance aimed at ensuring transparent, accountable, effective, and partnership-based interaction between the state and business.

3. Methodology

The methodological basis of the study is formed by a combination of administrative-law, institutional, and economic-managerial approaches to the analysis of administrative and legal mechanisms of extrajudicial control in the field of entrepreneurial activity. Such an interdisciplinary approach makes it possible to consider extrajudicial control mechanisms not only as an element of the system of administrative and legal regulation, but also as an instrument for ensuring the quality of public administration and creating a favorable business environment.

In the course of the study, the systemic method was employed, providing a comprehensive understanding of extrajudicial control in the interconnection of legal, institutional, procedural, and economic factors. The comparative legal method was applied to analyze approaches to the organization of extrajudicial control and the implementation of the principles of "good governance" in Ukraine and the Member States of the European Union. The formal legal method was used to examine regulatory legal acts governing administrative procedures, state regulatory policy, the activities of independent regulatory bodies, the institution of the Business Ombudsman, as well as mechanisms of administrative appeal and mediation in the field of entrepreneurship.

The functional method made it possible to determine the role of administrative and legal mechanisms of extrajudicial control in ensuring the transparency of regulatory policy, minimizing the administrative burden on business, and increasing the effectiveness of interaction between the state and economic entities. Institutional analysis was applied to assess the level of independence, stability, and effectiveness of the functioning of bodies and procedures involved in the system of extrajudicial control.

The empirical basis of the study consists of the provisions of Ukrainian legislation, regulatory legal acts of the European Union, documents of the Council of Europe, the Organisation for Economic Co-operation and Development, the World Bank, and the European Commission in the fields of "good governance" and "Better Regulation," analytical materials of international organizations, official reports of the Business Ombudsman Council, and the findings of academic research in the sphere of public administration and regulatory policy.

The limitations of the study are associated with its predominantly theoretical-legal and institutional character, as well as the absence of a large-scale quantitative analysis of the effectiveness of specific extrajudicial control mechanisms, which necessitates further empirical research in this field.

4. Results and Discussion

4.1. Conceptual Foundations of "Good Governance" and Their Significance for the Business Environment

The concept of "good governance" emerged at the end of the twentieth century within the framework of international public administration discourse as a response to the gradual decline in the effectiveness of traditional bureaucratic models of state administration. At the center of the new paradigm was a reconsideration of the role of the state, which began to be viewed not only as an authoritative regulator but also as a coordinator of social processes capable of ensuring a balance between public and private interests, the effectiveness of managerial decisions, the openness of public authorities, and an adequate level of protection of human rights and the rights of business entities. In the reports of the United Nations Development Programme, "governance" is defined as the exercise of economic, political, and administrative authority in managing a country's affairs at all levels through mechanisms, processes, and institutions by means of which citizens and social groups articulate their interests, exercise their legal rights, fulfill their obligations, and mediate their differences (United Nations Development Programme, 1997). It was precisely on this conceptual foundation that the normative approach of "good governance" subsequently developed, emphasizing the principles of transparency, accountability, efficiency, participation, the rule of law, and the orientation of public authorities toward the needs of society.

In contemporary academic literature, the concept of "good governance" is interpreted much more broadly than a mere system of state administration. Its content is associated not only with the effectiveness of managerial activity but also with the quality of interaction between the state, society, and business. Thus, Iryna Shavkun and Yana Dybchynska rightly note that the "good governance" model fundamentally differs both from the classical administrative-

command system, in which political authority serves as the exclusive source of managerial decisions, and from a purely market-based model dominated by the interest of maximizing private gain. Instead, particular importance is attached to horizontal connections between public authorities, civil society institutions, and representatives of the business community (Shavkun & Dybchynska, 2017). Such a model of interaction creates the basis for the formation of a more balanced and predictable system of public administration oriented not only toward the exercise of governmental powers but also toward ensuring the proper quality of administrative services and trust in public institutions.

Acts of international organizations are of fundamental importance for the development of the concept of good governance. In particular, Recommendation CM/Rec(2007)7 "On Good Administration" of the Committee of Ministers of the Council of Europe formulates twelve basic principles of "good governance," among which special importance is attached to legality, legal certainty, openness, transparency, accountability, efficiency, citizen participation in decision-making processes, respect for human rights, and fairness of administrative procedures (Committee of Ministers of the Council of Europe, 2007).

In the field of entrepreneurial activity, the principles of "good governance" acquire particular significance, since the quality of public administration largely determines the investment attractiveness of a state, the stability of the economic environment, and the level of business trust in public authorities. In this context, good governance implies not merely formal compliance with legislation, but also the creation of conditions for interaction between the state and business entities in which regulatory activity is predictable, transparent, and proportionate to the objectives pursued. This concerns, in particular, the stability of legal regulation, the accessibility of administrative procedures, equality of business entities before the law, the proper quality of administrative services, the reasonableness of decisions adopted by public administration bodies, and the prevention of excessive administrative or supervisory pressure on business.

Particular importance in this regard is attached to the issue of the effectiveness of state supervisory activity. Under contemporary conditions, supervision in the field of entrepreneurship can no longer be regarded exclusively as an instrument of administrative coercion or fiscal influence. In accordance with the concept of "good governance," the supervisory function of the state should be implemented on the basis of proportionality, legal certainty, good faith, and minimal interference in economic activity. For this reason, extrajudicial mechanisms of control and protection of the rights of business entities are becoming increasingly relevant, as they allow for a prompt response to conflicts arising within the sphere of public administration without the need for lengthy and costly judicial proceedings.

In Ukrainian legal doctrine, active reflection on the principles of "good governance" began in the context of public administration reform and European integration processes, particularly during the period from 2015 to 2019. An important stage in the institutionalization of the concept of good governance was the adoption of the Law of Ukraine "On Administrative Procedure," which, upon entering into force in 2023, effectively incorporated the basic standards of modern public administration into national legislation. The legislative consolidation of the principles of the rule of law, legality, legal certainty, proportionality, officiality, openness, impartiality, and reasonableness of administrative decisions became an important step toward the practical implementation of the ideas of "good governance" in the activities of public administration bodies.

Moreover, the effectiveness of the concept of good governance cannot be ensured solely at the level of normative proclamation of the relevant principles. Its actual functioning requires effective institutional and procedural mechanisms capable of maintaining an appropriate balance between the public interests of the state and the rights of business entities. In this context, extrajudicial control mechanisms in the field of entrepreneurial activity constitute an important element of the modern system of public administration, since they make it possible to ensure more flexible, prompt, and less conflict-oriented regulation of relations between business and the state, thereby contributing to increased trust in public authorities and the formation of a stable legal environment for the development of entrepreneurship.

4.2. The Concept and System of Administrative and Legal Mechanisms of Extrajudicial Control

In contemporary administrative law theory, administrative and legal mechanisms are traditionally understood as a complex of interconnected legal instruments, methods, procedures, and institutional forms through which the regulatory and organizational influence of public administration on social relations is ensured (Ostapenko, Kovaliv, & Yesimov, 2021). In a broad sense, this refers to a system of instruments for the exercise of public authority aimed at achieving a balance between the public interests of the state and the rights of private individuals. In the field of entrepreneurial activity, such mechanisms acquire particular importance, since it is through them that the practical content of interaction between business and the state is formed, the limits of administrative interference

in economic activity are determined, and the protection of the rights of business entities is ensured.

Within the context of the concept of "good governance," administrative and legal mechanisms of extrajudicial control should be viewed not merely as means of supervision or responses to violations, but much more broadly as an element of the modern system of communication between the state and business ("Nalezhne vriaduvannia," 2020). Their functional purpose lies not so much in the application of coercive state power as in the creation of procedural opportunities for preventing conflicts, ensuring the legality of administrative decisions, minimizing administrative barriers, and promptly resolving disputes without recourse to judicial proceedings. For this reason, extrajudicial control mechanisms are increasingly regarded as a component of the service-oriented model of public administration, within which the state acts not solely as a controlling authority but also as a guarantor of the stability of the legal environment and the proper functioning of administrative procedures.

Extrajudicial control in the field of entrepreneurship should be distinguished from related legal categories, primarily administrative coercion and judicial control. Unlike administrative coercive measures, which are predominantly authoritative, imperative, and sanction-oriented in nature, extrajudicial mechanisms are based on the principles of proportionality, communication, persuasion, coordination of interests, and voluntary implementation of decisions or recommendations. Their key feature lies in the aspiration to ensure dispute resolution without excessive escalation of relations between the state and the business entity. In comparison with judicial control, extrajudicial mechanisms are characterized by a significantly higher level of efficiency, less formalized procedures, lower financial and temporal costs, and the possibility of preserving constructive partnership relations between the parties to a public-law conflict (Bondarenko, 2019).

Under the conditions of contemporary public administration development, extrajudicial control is increasingly transforming from an auxiliary response instrument into an independent system of procedural guarantees for the protection of the rights of business entities. This acquires particular importance in the context of the increasing complexity of the regulatory environment, the digitalization of administrative procedures, the expansion of state supervisory functions, and the need to ensure the rapid adaptation of business to legislative changes. Under such conditions, the effectiveness of extrajudicial mechanisms directly influences the level of trust in public authorities, the investment attractiveness of the state, and the overall condition of the business climate.

The system of administrative and legal mechanisms of extrajudicial control in the field of entrepreneurial activity is multi-level in nature and may be structured according to various criteria. First of all, it is appropriate to classify such mechanisms according to the composition of the subjects involved in the relevant legal relations. In this regard, it is possible to distinguish mechanisms in which the control function is exercised directly by public authorities and supervisory bodies; mechanisms involving independent or quasi-independent institutions, such as the Business Ombudsman, mediators, specialized appellate or arbitration commissions; as well as mechanisms based on the participation of civil society institutions and representatives of the business community, including business associations, public councils, expert platforms, and advisory bodies (Bondarenko, 2019).

At the same time, an important classification criterion is the nature of the procedures through which extrajudicial control is implemented. In this context, it is possible to distinguish negotiation-based mechanisms, including mediation, conciliation procedures, and other forms of alternative dispute resolution; consultative mechanisms covering public consultations, public discussions, hearings, and mechanisms for business participation in the formation of regulatory policy; supervisory and analytical mechanisms associated with independent auditing, regulatory impact assessment, and monitoring the effectiveness of public authorities; as well as complaint-based mechanisms, within which institutions of administrative appeal, appellate commissions, and the Business Ombudsman operate. Each of these categories possesses its own legal nature, separate regulatory framework, procedural specificity, and varying degree of binding force of adopted decisions.

It should also be taken into account that the modern system of extrajudicial control in the field of entrepreneurship is gradually moving beyond the classical model of state supervision. It is increasingly oriented toward a preventive character of influence, the promotion of voluntary compliance with legislation, the ensuring of legal certainty, and the formation of a partnership-based model of interaction between the state and business. Such a transformation corresponds to the general trends in the development of European administrative law and the contemporary understanding of the principles of "good governance," within which the effectiveness of public administration is assessed not only by the state's ability to exercise control, but also by the level of trust of society and business in public authorities.

4.3. Mediation and Conciliation Procedures in the Field of Entrepreneurial Disputes: The Administrative-Legal Dimension

Among contemporary extrajudicial mechanisms for dispute resolution, mediation occupies a special place,

as it combines procedural flexibility, an orientation toward achieving consensus, and the minimization of the confrontational nature of legal disputes. Unlike classical forms of administrative or judicial response, mediation is aimed not so much at formally establishing the correctness of one of the parties as at finding a mutually acceptable solution capable of ensuring a balance of interests between the participants in legal relations and preserving the possibility of further constructive interaction. In the field of entrepreneurial activity, this feature is of particular importance, since excessive conflict in relations between the state and business negatively affects not only an individual business entity but also the overall investment climate, the stability of the economic environment, and the level of trust in public authorities.

In Ukrainian legislation, comprehensive regulation of mediation was introduced through the adoption of the Law of Ukraine "On Mediation" of 16 November 2021. The adoption of this act became an important stage in the development of alternative dispute resolution methods and in bringing the national legal system closer to contemporary European standards. The law defines mediation as a voluntary, extrajudicial, confidential, and structured procedure within which the parties, with the assistance of a mediator, seek to resolve a conflict through negotiations (Law of Ukraine "On Mediation," 2021). However, the legislator established the fundamental principles of mediation – voluntariness, neutrality, independence, impartiality of the mediator, confidentiality of the procedure, and equality of the parties – and also defined the requirements for the professional training of mediators and the legal consequences of concluding a mediation agreement.

Despite the establishment of an appropriate legislative framework, the potential of mediation in the sphere of administrative and entrepreneurial relations in Ukraine has thus far been realized only partially. In practical terms, mediation continues to be associated predominantly with civil-law or commercial disputes between private individuals, whereas in the sphere of interaction between business and public administration this institution is used very rarely. This primarily concerns conflicts related to the application of administrative-economic sanctions, inspections, decisions of supervisory authorities, revocation of permits, imposition of fines, compensation for damage caused by unlawful actions of public officials, or challenges to regulatory decisions of public authorities.

Nevertheless, international experience demonstrates a significantly broader potential for administrative mediation. In a number of European states, particularly France, Netherlands, Belgium, and Germany, mediation and conciliation procedures have long been used as effective instruments for the de-escalation of conflicts between the state and private individuals. Of particular importance are models of administrative mediation within which public administration effectively shifts from a purely authoritative method of response toward a partnership-based model of dispute resolution. Such an approach makes it possible to reduce the burden on the judicial system, shorten the duration of conflict resolution, decrease the financial costs borne by the parties, and ensure a more flexible response to the specific circumstances of a case (Khlystik, 2022).

From a doctrinal perspective, particular attention should be paid to the legal nature of administrative mediation and its place within the system of public law. For a long time, the very possibility of applying mediation procedures in public-law relations generated debate, since administrative law traditionally relied on the imperative method of legal regulation and the inequality of the parties. However, the contemporary development of the concept of the service-oriented state and the principles of "good governance" is gradually transforming the classical understanding of administrative legal relations. Within the framework of this transformation, a public authority is increasingly regarded not only as the holder of authoritative powers but also as a participant in a communicative process aimed at achieving a legitimate and effective result (Shelever, 2025).

For this reason, administrative mediation is increasingly interpreted as a form of practical implementation of the principle of proportionality in the sphere of public administration. In many cases, the achievement of the objectives of state supervision is possible not through the immediate application of punitive or prohibitive measures, but through agreement between the supervisory authority and the business entity regarding a mechanism for the voluntary elimination of violations. Such an approach enables the state to ensure actual compliance with legislation and the elimination of the negative consequences of an offense, while the business entity obtains the opportunity to avoid disproportionate administrative burdens, substantial financial losses, or the risk of termination of economic activity.

This model fully corresponds to the fundamental principles of "good governance," primarily efficiency, proportionality, good faith, and orientation toward achieving a practical result. In this context, mediation serves not only as an alternative dispute resolution procedure but also as an instrument for the formation of a new culture of interaction between the state and business based on partnership, mutual responsibility, and trust. For this reason, the further development of administrative mediation in the field of entrepreneurial activity should be regarded as one of the promising directions for the modernization of the public administration system and the improvement of extrajudicial control mechanisms in Ukraine.

4.4. Public Consultations and Regulatory Transparency as Mechanisms of "Good Governance"

Under contemporary conditions of public administration development, public consultations serve as one of the most important instruments for implementing the concept of "good governance" in the field of entrepreneurial activity. Their significance lies not only in ensuring the openness of the regulatory process, but also in forming a qualitatively new model of interaction between the state, business, and civil society institutions. Within the framework of the concept of good governance, consultation procedures perform the function of a mechanism for communication and coordination of interests, through which business entities obtain the opportunity to participate in the formation of regulatory policy, while public authorities receive feedback regarding the practical consequences of their managerial decisions.

The particular importance of public consultations is determined by the specific nature of the business environment, which reacts very sensitively to changes in legal regulation. Practice demonstrates that regulatory legal acts developed without proper consideration o. f the position of the business community often prove difficult to implement, create excessive administrative barriers, or lead to additional financial and organizational costs for business entities. As a result, this negatively affects not only individual entrepreneurs but also the overall state of the economic environment, the investment attractiveness of the state, and the level of trust in public authorities. For this reason, the principle of participation, which underlies public consultations, is today regarded as one of the key components of effective and democratic public administration (Boldyriev & Omelchenko, 2024).

The regulatory foundation for consultation procedures in the sphere of entrepreneurial activity in Ukraine is established primarily by the Law of Ukraine "On the Principles of State Regulatory Policy in the Sphere of Economic Activity" of 2003. The adoption of this Law constituted an important step toward the formation of a transparent system of state economic regulation and the implementation of certain elements of European standards of good governance. The legislator established the mandatory publication of draft regulatory acts, the conduct of regulatory impact assessments, consultations with interested parties, and the monitoring of the effectiveness of adopted regulatory decisions. An important role within this system is assigned to the State Regulatory Service of Ukraine and to advisory and consultative mechanisms intended to monitor compliance with the principles of state regulatory policy (Law of Ukraine, 2003).

In the context of implementing the principles of "good governance," particular importance is attached to regulatory impact assessment, which effectively performs the function of preventive evaluation of the consequences of a future regulatory act. Its purpose is to determine the necessity of state intervention, assess possible economic consequences for business entities, and verify the compliance of the proposed regulation with the principles of efficiency, proportionality, and balance. Thus, consultation procedures are gradually transforming from a purely formal stage of approving a draft act into an important instrument for improving the quality of state regulatory policy (Volokhov, 2025).

An illustrative example of the practical implementation of these approaches is provided by the public consultations conducted by the Ministry of Economy of Ukraine during the development of the Strategy for the Recovery of Small and Medium-Sized Enterprises until 2027. Business associations, sectoral organizations, representatives of international organizations, the expert community, and civil society institutions were involved in the discussion process. Such a format of interaction made it possible to take into account the practical needs of the entrepreneurial sector, the current challenges of the wartime and post-war periods, and to ensure a higher level of legitimacy of future managerial decisions. In this regard, the consultation procedure functioned not merely as a means of collecting proposals, but also as a mechanism for building trust between the state and business, which fully corresponds to the contemporary understanding of the principles of "good governance" (Ministry of Economy of Ukraine, 2024).

At the same time, despite the existence of an appropriate regulatory framework, the current system of public consultations in the field of entrepreneurship in Ukraine is still characterized by a number of significant problems. One of the principal shortcomings remains the largely formal nature of consultation procedures. Current legislation does not effectively establish an obligation for public authorities to take business proposals into account or to provide proper justification for rejecting them. As a result, consultations often become a declarative element of the regulatory process that fails to ensure the real influence of interested parties on the content of regulatory legal acts.

An additional problem is the insufficient duration of the public discussion periods for draft regulatory acts. In practice, business entities are often given only 10–15 days to analyze complex regulatory initiatives, which objectively makes it impossible to conduct a comprehensive legal and economic assessment of their potential consequences. This issue is especially critical for small and medium-sized enterprises, which frequently lack sufficient resources to promptly engage specialized professionals and experts. Consequently, a substantial number of consultation procedures fail to fulfill their principal purpose – ensuring

meaningful dialogue between the state and the business community.

The mechanism for monitoring the effectiveness of adopted regulatory acts also remains problematic. According to data from the State Regulatory Service of Ukraine, a significant number of regulatory decisions are not subject to proper review within the time limits established by legislation, while the assessment of the practical effectiveness of their implementation often remains merely formal in nature (Savchuk, n.d.).

For Ukraine, the further development of public consultation mechanisms is not only of considerable domestic importance but is also directly connected with the processes of European integration and the adaptation of national legislation to the standards of the European Union. At the same time, the practical value of consultation procedures extends far beyond the fulfillment of international obligations. Their effective functioning is capable of substantially improving the quality of the regulatory environment, minimizing the risks of ill-considered state intervention in entrepreneurial activity, and contributing to the formation of a more predictable and stable system of public administration in the economic sphere.

4.5. The Institution of the Business Ombudsman as an Instrument of Extrajudicial Protection of Entrepreneurs' Rights

In the contemporary context of public administration development, the institution of the Business Ombudsman represents one of the most illustrative manifestations of the concept of "good governance" in the sphere of interaction between the state and the business community. Its emergence reflects the general transformation of approaches to the exercise of public authority, within which priority is increasingly given not only to the supervisory and coercive functions of the state, but also to mechanisms for protecting the rights of private individuals against excessive or unlawful administrative interference. In this context, the institution of the Business Ombudsman performs the role of an independent intermediary between business entities and public authorities, ensuring the possibility of prompt, non-formalized, and relatively accessible settlement of conflicts without the necessity of judicial proceedings.

The distinctive feature of the institution of the Business Ombudsman lies in its combination of elements of supervision, mediation, and consultative influence. Unlike classical state supervisory bodies, the activities of the Ombudsman are not based on the application of coercive authority or administrative sanctions. Its effectiveness is largely grounded in the authority of the institution, the public nature of its activities, the independence of its assessments, and its ability to create additional reputational and political pressure on public authorities in cases involving violations of the rights of business entities. Such a model of activity fully corresponds to the contemporary understanding of the principles of "good governance," within which importance is attached not only to the formal legality of state actions, but also to ensuring fairness, transparency, accountability, and effective protection of the rights of private individuals.

In Ukraine, the institution of the Business Ombudsman Council has operated since 2015 on the basis of a Memorandum of Understanding concluded between the Cabinet of Ministers of Ukraine, international financial organizations, and representatives of business associations (Memorandum of Understanding, 2014). The establishment of this institution was a response to systemic problems in the interaction between business and the state related to excessive administrative pressure, corruption risks, the lack of transparency in the activities of supervisory authorities, and the insufficient effectiveness of mechanisms for protecting entrepreneurs' rights. The Business Ombudsman Council was empowered to receive and review complaints from business entities concerning actions or omissions of state authorities, local self-government bodies, state-owned enterprises, and other subjects of public administration, to conduct relevant investigations, and to prepare recommendations aimed at eliminating identified violations (Cabinet of Ministers of Ukraine, 2014).

At the same time, the principal characteristic of the activities of the Business Ombudsman Council is the absence of classical authoritative powers. The Business Ombudsman has no authority to revoke decisions of public authorities, impose sanctions, or issue legally binding orders. Its influence is exercised primarily through mechanisms of publicity, reputational impact, interaction with the leadership of executive authorities, and the formulation of systemic recommendations for improving state policy. Despite the absence of imperative instruments, the practical functioning of this institution demonstrates its considerable effectiveness in protecting the rights of business entities.

Since its establishment, the Business Ombudsman Council has reviewed thousands of complaints submitted by entrepreneurs, which makes it possible to regard it as one of the most sought-after extrajudicial mechanisms for business protection in Ukraine. An analysis of the institution's practical activity demonstrates that the largest number of complaints traditionally concerns the activities of tax and customs authorities. In particular, these include the blocking of tax invoices, unjustified inspections, delays in customs clearance, refusals to register documents, as well as problems in the sphere of licensing procedures, construction, and land use. A substantial proportion of such disputes is characterized by a high level of

administrative discretion, which further increases the importance of an independent intermediary mechanism in relations between business and the state.

According to available assessments, the rate of implementation of the recommendations issued by the Business Ombudsman Council by public authorities fluctuates at approximately 60%, which constitutes a rather significant result for an institution lacking direct authoritative powers (Pravo.ua, 2025). This indicator demonstrates the gradual formation in Ukraine of a culture of administrative accountability and recognition of the necessity for more constructive interaction between the state and the business community. At the same time, the effectiveness of the institution of the Business Ombudsman largely depends on the level of political support, the willingness of public authorities to cooperate, and the general state of legal culture within the sphere of public administration.

Nevertheless, the current model of operation of the Business Ombudsman Council in Ukraine is characterized by a number of significant institutional limitations. Although the activities of the Council are regulated by Resolution No. 691 of the Cabinet of Ministers of Ukraine of 26 November 2014 “On the Establishment of the Business Ombudsman Council” (Cabinet of Ministers of Ukraine, 2014), its legal status has still not been formally established at the level of a special law. Such a model of legal regulation limits the level of the Council’s institutional autonomy, does not provide sufficient guarantees for the stability of its functioning, and predetermines the predominantly consultative nature of its activities. In addition, the recommendations of the Business Ombudsman do not possess legally binding force, which substantially reduces the level of their practical implementation by public authorities. Under such conditions, the effectiveness of the Council’s activities largely depends on the political will of state authorities, the level of interinstitutional cooperation, and the overall state of administrative culture within the sphere of public administration.

In this context, the further development of the institution of the Business Ombudsman in Ukraine is directly connected with the necessity of its full normative institutionalization. The adoption of a separate law on the Business Ombudsman would make it possible to ensure the stability of the functioning of this institution, expand the range of cases subject to review, increase the degree of mandatory response by public authorities to relevant recommendations, and establish additional guarantees of the Ombudsman’s independence. Another important direction for improvement could involve the introduction of an obligation for state authorities to provide reasoned explanations in cases where they reject the recommendations of the Business Ombudsman Council, as well as the integration of this institution into a broader system of parliamentary and public oversight over the activities of public administration.

Thus, the institution of the Business Ombudsman should be regarded not merely as a separate mechanism for reviewing complaints submitted by entrepreneurs, but as an important element of the modern model of service-oriented public administration, within which the state is gradually moving away from the dominance of coercive approaches toward a more balanced system of interaction with business based on the principles of openness, accountability, proportionality, and partnership.

4.6. Systemic Deficiencies of Extrajudicial Control Mechanisms and Prospects for Their Elimination

An analysis of the contemporary system of administrative and legal mechanisms of extrajudicial control in the field of entrepreneurial activity through the prism of the principles of “good governance” demonstrates the existence of a number of systemic problems that substantially limit the effectiveness of the relevant institutions and procedures. Despite the gradual development of mechanisms of administrative appeal, mediation, consultation procedures, and the activities of the Business Ombudsman, their functioning in Ukraine is still characterized by an insufficient level of coherence, institutional stability, and practical effectiveness. As a consequence, a significant proportion of extrajudicial mechanisms fails to fully perform its principal function – ensuring rapid, accessible, and effective protection of the rights of business entities in their relations with public administration.

One of the principal problems remains the fragmentation of legal regulation in the sphere of extrajudicial control in Ukraine. Existing mechanisms are governed by a considerable number of regulatory legal acts adopted during different periods of the development of national legislation and often failing to form a coherent and coordinated system. As a result, numerous conflicts of law, gaps, and duplications of procedures arise. In particular, the boundaries between administrative appeal, mediation procedures, and the activities of consultative and advisory institutions in disputes between business entities and supervisory authorities remain insufficiently defined. The absence of a comprehensive legislative approach complicates the practical application of extrajudicial mechanisms, reduces the level of legal certainty, and negatively affects the accessibility of relevant procedures for business entities.

An equally significant problem is the insufficient level of institutional support for the system of extrajudicial control. A substantial number of key institutions in this sphere function without proper

legislative consolidation or on the basis of temporary or memorandum-based mechanisms. This primarily concerns the Business Ombudsman Council, the legal status of which has still not been regulated by a separate law. Such a model creates risks related to the instability of the functioning of the relevant institutions, dependence on the current political environment, and limited resource support. This issue acquires particular relevance under the conditions of martial law in Ukraine, when state financial resources are significantly constrained and the risks of reduced funding for independent institutions are increasing. Under such circumstances, ensuring the institutional independence and sustainability of extrajudicial control mechanisms becomes not merely a matter of administrative efficiency, but also an important guarantee of the stability of the business environment.

Particular attention should also be paid to the problem of the low level of entrepreneurs' trust in extrajudicial protection mechanisms. The practical functioning of the relevant institutions demonstrates that a considerable number of small and medium-sized enterprises are either insufficiently informed about the possibilities of using extrajudicial procedures or do not regard them as effective means of protecting their rights. Such a situation is largely conditioned by historically rooted distrust toward public authorities, widespread perceptions regarding the formalistic nature of complaint review procedures, and the absence of a sufficient number of examples of actual restoration of violated rights through extrajudicial means. As a consequence, even potentially effective instruments of extrajudicial control often remain insufficiently utilized. Overcoming this barrier requires not only systematic informational and educational efforts, but also a genuine increase in the effectiveness of the relevant institutions, ensuring procedural transparency, and strengthening the practical enforceability of adopted decisions and recommendations.

Corruption risks also remain a substantial obstacle to the effective functioning of extrajudicial mechanisms. Despite the development of digital services and the reform of the public administration system, certain spheres of interaction between business and the state – primarily licensing procedures, permits, customs clearance, tax administration, and land relations – continue to be characterized by a high level of discretion on the part of public officials. In the absence of adequate oversight, this creates conditions for abuses, informal influence, and corrupt pressure on business entities. In this context, the principle of accountability, which constitutes one of the fundamental elements of the concept of "good governance," requires the introduction of effective mechanisms of internal and external oversight over the activities of public officials, increased transparency of administrative procedures, and the establishment of genuine liability for violations of the rights of business entities.

Another challenge for the development of extrajudicial control is the insufficient level of digitalization of the relevant procedures. Under conditions of contemporary digital transformation of public governance, the effective functioning of extrajudicial mechanisms is impossible without the creation of a comprehensive digital infrastructure capable of ensuring the electronic submission of complaints, tracking the stages of their consideration, obtaining decisions, and facilitating communication between participants in the procedures in a remote format. Despite the development of the Diia portal in Ukraine, electronic administrative services, and certain sectoral information systems, the current level of digital integration of extrajudicial control mechanisms remains fragmented. The absence of a unified digital ecosystem substantially complicates access to the relevant procedures, reduces the transparency of their functioning, and negatively affects the efficiency of reviewing entrepreneurs' complaints.

In view of the aforementioned problems, the improvement of administrative and legal mechanisms of extrajudicial control in the field of entrepreneurship requires a comprehensive and systemic approach. First and foremost, the legislative regulation of the relevant sphere requires further improvement. This concerns the adoption of a special law that would establish the legal status of the Business Ombudsman, guarantees of its independence, and mechanisms of interaction with public authorities. Another important direction is the further development of legislation on mediation, particularly with regard to the introduction of full-fledged administrative mediation in disputes between business and the state. The formation of a comprehensive normative approach to the extrajudicial settlement of disputes in the field of entrepreneurship also appears promising, as it would make it possible to eliminate the existing fragmentation of legal regulation.

Special attention should also be devoted to the procedural aspects of the functioning of extrajudicial mechanisms. One promising direction may involve the introduction, for certain categories of disputes, of mandatory preliminary recourse to extrajudicial bodies before filing a claim in court. Such an approach would make it possible to reduce the burden on the judicial system and promote the development of alternative dispute resolution mechanisms. The procedure for regulatory impact assessment also requires significant improvement, particularly through the involvement of independent analytical centers, representatives of business associations, and the academic community in the preparation of the relevant analyses. It is likewise

advisable to expand the timeframes and formats of public consultations in order to ensure more meaningful participation of business entities in the formation of state regulatory policy.

An equally important direction for the modernization of the system of extrajudicial control is its further digitalization. The creation of a unified digital platform for the submission and support of complaints, the integration of the relevant services with e-governance systems, and the use of automated instruments for analyzing the regulatory burden imposed on business would significantly increase the efficiency, transparency, and accessibility of extrajudicial procedures. In the long term, digitalization itself may become one of the principal factors in the formation of a modern, service-oriented model of public administration in the field of entrepreneurship that would correspond to European standards of "good governance" and the needs of the contemporary economy.

4.7. "Good Governance" in the Field of Entrepreneurship in the Context of Ukraine's European Integration

Ukraine's European integration necessitates a profound transformation of the system of public administration in the field of entrepreneurial activity in accordance with contemporary European standards of good governance. In this context, the concept of "good governance" acquires not merely theoretical or doctrinal significance, but effectively becomes one of the fundamental guidelines for reforming the administrative and legal mechanisms of state regulation of the economy. Ukraine's integration into the common European legal and economic space is impossible without the establishment of a stable, transparent, and predictable regulatory environment within which interaction between the state and business is carried out on the basis of legal certainty, accountability, proportionality, and effective protection of the rights of business entities.

An important source of these transformations is the acquis communautaire of the European Union, which contains a substantial body of regulatory acts, recommendations, and institutional standards in the sphere of state economic regulation, entrepreneurship, and regulatory policy. This includes, in particular, directives in the field of service provision, acts aimed at supporting small and medium-sized enterprises, regulations related to regulatory impact assessment, as well as documents of the European Commission directed toward improving the quality of state regulation. A common feature of these approaches is their orientation toward minimizing excessive administrative interference in entrepreneurial activity, ensuring the transparency of regulatory procedures, and creating a favorable legal environment for economic development.

Particular importance in this context is attached to the concept of "Better Regulation," which over recent decades has become one of the key directions of regulatory policy within the European Union (European Commission, 2023). Its central idea lies in ensuring the high quality of state regulation through the combination of legal effectiveness, economic expediency, and procedural openness. Within the framework of this program, a system of mandatory regulatory impact assessment has been introduced for all significant legislative and regulatory initiatives, together with developed mechanisms of public consultations, procedures for retrospective review of existing legislation, and instruments for assessing the cumulative regulatory burden imposed on business.

An important element of the "Better Regulation" policy is the mandatory broad involvement of interested parties in the process of shaping regulatory decisions. In particular, for a significant number of initiatives, the European Commission conducts public consultations lasting at least twelve weeks, thereby ensuring the possibility of comprehensive analysis of proposed decisions by representatives of business, academia, civil society organizations, and the expert community.

For Ukraine, the implementation of these approaches possesses not only formal legal significance but also strategic importance. The European Union–Ukraine Association Agreement provides for the gradual approximation of national legislation to European standards in the fields of regulatory policy, competition, state aid, financial supervision, investment protection, and entrepreneurial activity (Association Agreement between Ukraine and the European Union, 2014). Accordingly, the modernization of administrative and legal mechanisms of extrajudicial control should be regarded as a component of the broader process of the Europeanization of the public administration system and the formation of a contemporary service-oriented model of interaction between the state and business.

To a certain extent, these approaches are already reflected in Ukraine's contemporary strategic documents. In particular, the Strategy for the Recovery of Small and Medium-Sized Enterprises until 2027, developed by the Ministry of Economy of Ukraine on the basis of public consultations with representatives of business, international partners, and the expert community, contains a number of provisions aimed at deregulation and improving the quality of public administration in the field of entrepreneurship (Ministry of Economy of Ukraine, 2024). The document provides for the simplification of licensing

procedures, the further development of electronic services for business, the expansion of the application of the principle of "silent consent," increased transparency of administrative procedures, and improvement of the system for protecting the rights of business entities. All these directions directly correlate with the principles of "good governance" and contemporary European approaches to regulatory policy.

At the same time, the implementation of the relevant strategic objectives requires not only the formal updating of the regulatory framework, but also a substantial strengthening of the institutional and procedural capacity of extrajudicial control mechanisms. This primarily concerns the development of the system of administrative mediation, the improvement of the activities of the Business Ombudsman Council, increasing the effectiveness of administrative appeal procedures, expanding mechanisms for business participation in the formation of state policy, and creating a modern digital infrastructure for interaction between business entities and public authorities. Without the actual functioning of these mechanisms, the principles of "good governance" risk remaining predominantly declarative categories lacking proper practical implementation.

The issue of implementing good governance standards acquires particular significance in the context of Ukraine's post-war recovery. Large-scale reconstruction of the economy, the attraction of international financial assistance, and the necessity of creating a favorable investment climate objectively require an increase in the level of transparency, predictability, and accountability of public administration. Ukraine's international partners – the European Union, the International Monetary Fund, the World Bank, and other international financial institutions – directly link the volume and effectiveness of financial support with the implementation of structural reforms in the sphere of public administration, anti-corruption policy, the rule of law, and the improvement of the business environment.

In this context, the implementation of the principles of "good governance" in the field of entrepreneurship should be regarded not merely as an internal task of administrative-law modernization, but as an important element of the overall strategy of European integration and post-war reconstruction of the state. The effective functioning of extrajudicial control mechanisms, the transparency of regulatory policy, the development of a service-oriented model of public administration, and the creation of a stable legal environment for business directly influence the level of economic resilience of the state, the investment attractiveness of Ukraine, and the prospects for its full integration into the European political and legal space.

5. Conclusions

The conducted research makes it possible to conclude that, under contemporary conditions, the concept of "good governance" is gradually transforming from a predominantly theoretical model of proper public administration into a practical instrument for modernizing the system of interaction between the state and the business community. In this context, administrative and legal mechanisms of extrajudicial control are acquiring increasing importance as a component of the modern service-oriented model of public governance based on the principles of transparency, accountability, legal certainty, proportionality, and partnership-based interaction between the state and business.

It has been established that the effectiveness of extrajudicial control in the field of entrepreneurship depends to a significant extent not only on the formal existence of the relevant procedures and institutions, but also on the level of their actual institutional capacity, the degree of trust from the business community, the quality of regulatory policy, and the overall condition of public administration. Under current conditions, mechanisms of extrajudicial dispute resolution and protection of the rights of business entities are increasingly regarded as an important element in the formation of a favorable business climate, the reduction of conflict in relations between the state and business, and the enhancement of the predictability of the regulatory environment.

However, the results of the study demonstrate that the current model of extrajudicial control in Ukraine still remains at the stage of institutional formation and requires further modernization. The further development of this sphere is connected with the necessity of strengthening the institutional independence of extrajudicial protection mechanisms, improving administrative procedures, expanding the digitalization of public administration, and ensuring more consistent implementation of European approaches to "Better Regulation" and good governance.

These processes acquire particular importance in the context of Ukraine's European integration and post-war economic recovery. The level of transparency of regulatory policy, the effectiveness of mechanisms for protecting entrepreneurs' rights, and the capacity of the state to ensure fairness and predictability of administrative procedures are increasingly regarded as important indicators of the institutional maturity of the state and its investment attractiveness. For this reason, the further development of administrative and legal mechanisms of extrajudicial control should be viewed as one of the important directions for improving the system of public administration and forming a modern model of interaction between the state and business in Ukraine.

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