EFFECTIVENESS OF ADMINISTRATIVE ANDLEGAL SUPPORT FOR THE PROVISION OF ELECTRONIC TRUST SERVICES IN UKRAINE AS AN ADMINISTRATIVE LAW CATEGORY: CONCEPT AND CONTENT

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DOI: https://doi.org/10.61345/1339-7915.2025.5.1

Annotation. The author emphasizes that the understanding of the effectiveness of administrative and legal support for the provision of electronic trust services in Ukraine formulated within this study does not claim a complete break with the existing doctrinal approaches developed in contemporary administrative law scholarship. On the contrary, it is based on the scientific contributions of administrative law scholars who consistently substantiate the need to assess the effectiveness of administrative and legal phenomena through the prism of their legal validity, goal orientation, and the results of legal influence. At the same time, the criteria of effectiveness proposed below do not constitutee a mechanical transfer of previously developed models, but rather represent the result of a synthesis of scholarly approaches of individual legal researchers, adjusted with due regard to the specific nature of electronic trust services and their role within the mechanism for ensuring the legal significance of electronic interaction.

The effectiveness of administrative and legal support for the provision of electronic trust services is defined as an integrative property of the system of normative, institutional, and procedural mechanisms of public administration, determined by the norms of administrative law, which manifests itself in their ability to ensure the stable, predictable, and lawful functioning of electronic trust services, aimed at the realization and proper protection of the rights and legitimate interests of private individuals in the digital public environment.

The criteria for assessing the effectiveness of administrative and legal support for the provision of electronic trust services are defined as follows: normative and legal certainty and the quality of administrative and legal regulation in the field of electronic trust services; institutional capacity of the system of public administration bodies to exercise the relevant powers; goal-oriented conformity of administrative and legal support with public tasks and the functional purpose of electronic trust services; legal effectiveness of administrative and legal mechanisms, manifested in the stability and predictability of the legal consequences of their application; and the social and legal dimension of legitimacy as a generalized indicator of the quality of administrative and legal influence.

Key words: administrative law, administrative and legal support, effectiveness, electronic trust service, criterion, result, condition, goal.

1. Introduction.

The digital transformation of public administration and the rapid introduction of electronic services have led to an increased role of electronic trust services as a key infrastructural element of electronic interaction between the state, business entities, and private individuals. Within the context of the development of e-government, electronic trust services ensure the legal validity of electronic documents, the identification

and authentication of subjects, as well as the integrity and immutability of information. At the same time, the effectiveness of their functioning depends not only on technical solutions, but also on the quality of administrative and legal support, which forms the normative, institutional, and procedural conditions for their provision and use.

Despite the existence of an extensive regulatory framework governing electronic trust services, law enforcement practice continues to face problems related to the fragmentation of regulation, institutional inconsistencies in the allocation of powers among public administration bodies, and the absence of unified approaches to assessing the effectiveness of relevant administrative decisions. In the academic sphere, this is reflected in the insufficient development of the category of effectiveness of administrative and legal support for the provision of electronic trust services, including the lack of clarity in its conceptual boundaries and substantive content. In many cases, effectiveness is reduced to technical and organizational indicators, which fails to adequately reflect the public law nature of the relevant legal relations.

Under these conditions, the need arises for a theoretical rethinking of the effectiveness of administrative and legal support for the provision of electronic trust services as an independent category of administrative law. This requires defining its concept and content with due regard to the objectives of public administration, standards of good governance, the protection of the rights and legitimate interests of private individuals, as well as the requirements of legal certainty and predictability of administrative activity. Addressing this issue is of not only doctrinal but also practical significance, as it provides a methodological basis for improving the mechanism of administrative and legal regulation in the field of electronic trust services in Ukraine.

2. Analysis of scientific publications.

As is rightly noted in administrative law literature, an analysis of trends in contemporary administrative law doctrine and administrative procedure demonstrates a steadily growing interest among legal scholars in the study of praxeological aspects of administrative law, its norms, methods, and various legal phenomena [1; 2; 3; 4; 5; 6; 7; 8; 9].

A separate body of research is devoted to the effectiveness of public administration as a whole, as well as to the effectiveness of its individual areas, forms, and instruments of activity [10; 11; 12; 13; 14].

In this context, there arises a need to develop an administrative-law approach to understanding the effectiveness of administrative and legal support for the provision of electronic trust services in Ukraine – one that would make it possible to integrate normative requirements, institutional capacities, and the actual results of administrative influence.

3. The purpose of the work.

To define the concept and criteria of the effectiveness of administrative and legal support for the provision of electronic trust services in Ukraine.

4. Review and discussion.

According to S. V. Shakhov, the most comprehensive approach to understanding the effectiveness of an administrative law norm is one based on a set of interrelated aspects. In particular, the human-centered aspect reflects the capacity of a legal norm to ensure the realization of individual rights and freedoms in the public sphere, primarily within the exercise of powers by public administration bodies, the application of administrative sanctions, and an individual's participation in administrative procedures. The economic aspect is associated with the volume of financial and other costs arising in the process of implementing the norm, as well as with the outcomes of the state's fiscal function. The political aspect characterizes the ability

of administrative law norms to contribute to the achievement of the goals and objectives of the state and to ensure the performance of its internal and external functions [15, pp. 190–191].

At the same time, according to the scholar, the psychological aspect focuses on the perception of the legal norm by public consciousness and the readiness of its addressees to comply with its prescriptions, while the axiological aspect concerns the conformity of the norm with social values, interests, and societal needs. The goal-oriented and utilitarian aspects involve assessing the correlation between the objective of the norm and the actual results of its implementation, as well as the achievement of positive social, economic, and political outcomes with minimal costs. The behavioural aspect, as S. V. Shakhov argues, determines the capacity of the norm to stimulate lawful activity and restrain unlawful behaviour, whereas the conflict-related aspect reflects its influence on reducing the level of social conflict [15, pp. 191–192].

The aforementioned aspects of effectiveness identified by S. V. Shakhov are fully correlated with a corresponding set of evaluation criteria. In particular, according to S. V. Shakhov, the criteria for assessing the effectiveness of administrative law norms include: the level of realization of individual rights and freedoms in the public sphere; axiological criteria; economic, political, behavioural, and psychological criteria; goal-oriented criteria; and conflict-related criteria [16, pp. 118–127].

N. Yu. Kantor likewise advances the idea of a comprehensive approach, according to which the assessment of any phenomenon from the perspective of its effectiveness must be multidimensional. At the same time, she emphasizes that, given the specific nature and content of the goal-setting mechanism of administrative law norms (which constitutes the direct subject of her research), the goal-oriented approach occupies a priority position within such assessment. Under this approach, the analysis focuses on the extent to which the goal-setting mechanism of an administrative law norm achieves real final results, embodied in the legal consequences of the implementation of such norms. Within this analytical framework, a set of social and economic evaluations is also employed, with the priority of a particular aspect in each case being determined by the nature, level, or orientation of the specific group of administrative law norms subject to evaluation, that is, those constituting the direct object of effectiveness assessment. For example, where norms regulating the institution of administrative services are concerned, the effectiveness of the goal-setting mechanism is primarily determined by the achievement of the social objectives of such norms, including the actual capacity of an individual to realize their administrative and legal status and the extent of opportunities available to enter into administrative legal relations. Conversely, where the effectiveness of administrative law norms aimed at ensuring protection against unfair competition is assessed, priority is naturally given to the economic block of indicators within such evaluation [4, p. 305].

In N. Yu. Kantor's view, the effectiveness of the goal-setting mechanism of administrative law norms constitutes a complex category that encompasses a set of criteria and indicators determining the degree to which the process of formulating and adjusting the objectives of administrative law norms achieves specific social, economic, political, or other outcomes manifested as a result of the implementation of such norms [17, pp. 468–470]. At the same time, the scholar argues that the criteria for assessing the effectiveness of the goal-setting mechanism of administrative law norms represent defined benchmarks for evaluating the object of research through the prism of quantitative and qualitative indicators, whereas the indicators of effectiveness are generalized characteristics of the object of research expressed in numerical or qualitative forms. Proceeding from this approach, the researcher suggests that the criteria for assessing the effectiveness of the goal-setting mechanism of administrative law norms may include functional, social, economic, political, ideological, and other criteria [18, pp. 176–177].

At the same time, I. V. Bolokan, in her research, addresses the issue of the effectiveness of the implementation of administrative law norms, emphasizing the necessity of distinguishing between effectiveness as a general characteristic of legal phenomena and effectiveness of implementation as a separate, specific dimension. According to the scholar, the effectiveness of the implementation of administrative law norms is closely linked to the effectiveness of lawmaking and to the overall effectiveness of legal regulation. I. V. Bolokan argues that the effectiveness of the implementation of administrative law norms constitutes a relative indicator of the positive and negative outcomes of a norm's operation for both the lawmaking subject and the specific subjects responsible for implementing administrative law norms in practice, and

is associated with a specific purpose as well as the subjective motives underlying the relevant behavior of the implementing subjects [19, p. 28].

Unlike N. Yu. Kantor, the researcher conceptualizes the criteria for assessing the effectiveness of the implementation of administrative law norms as an optimal correlation between purpose, result, and costs. She proposes a comprehensive three-element framework, within which conditions, criteria, and indicators of effectiveness are presented as sequentially interconnected yet functionally distinct elements. In this framework, conditions are understood as circumstances facilitating implementation; criteria as the measure of correlation between the intended purpose and the achieved result; and indicators as quantitative confirmations of the attained outcome. In addition, I. V. Bolokan proposes their classification according to objectivity, generality, and their relation to the object, subject, or procedure of the implementation of legal norms [19, p. 19; 20, p. 382; 3, p. 323].

V. V. Halunko proposes approaching the effectiveness of administrative and legal regulation as a correlation between the assigned objectives and the actual results of the operation of legal norms. The scholar identifies six stages of effectiveness assessment, including the identification of the problem, the construction of a system of indicators, data collection, data analysis, and the formulation of conclusions. He also emphasizes the importance of taking into account both anticipated and unanticipated consequences, patterns of social behavior, the impact of legal norms on the development of the administrative system, the level of public support, and the quality of legal drafting (legal technique) [21, p. 43]. In contrast, S. M. Balaban considers the effectiveness of administrative and legal regulation to be a complex theoretical and applied construct that encompasses both analytical and procedural components related to the monitoring and generalization of information on its effectiveness within a defined period of time [8, pp. 56–57; 3, pp. 289–290].

S. M. Balaban formulated blocks of parameters (criteria) for assessing the effectiveness of administrative and legal regulation, which he classified as follows:

I. Structural block of parameters of effectiveness of administrative and legal regulation:

1. correspondence between the content of administrative and legal regulation and its stage;

2.correspondence between the method of administrative and legal regulation and the substantive characteristics of the social relations falling within its subject matter;

3. correspondence between the means of administrative and legal regulation and the social relations constituting its subject matter;

4. correspondence between the type of administrative and legal regulation and its underlying principles, subject matter, and subjects.

II. Functional block of parameters of effectiveness of administrative and legal regulation:

1. intra-sectoral and system-wide legal coherence, consistency, and technical–legal soundness of legal norms aimed at regulating social relations in the sphere of public administration, as well as their substantive relevance, genuine social demand, and conflict-free character;

2. the state of administrative and legal relations as a component of the mechanism of administrative and legal regulation, which should correspond to innovative trends in social development and ensure real opportunities for the realization of rights and freedoms, legitimate interests, and the fulfillment of legal obligations, with a minimal corruption component and maximum motivation of the addressees of legal norms to support and develop such relations;

3. conformity of acts of application and implementation of administrative and legal norms with the initial objectives of administrative and legal regulation, as well as with the requirements of legality, timeliness, and social justice [8, pp. 64–68].

Among studies examining the effectiveness of the activity of public administration or its individual bodies, particular attention is given to those that primarily address the legal specificity of such evaluation. Thus, in A. B. Maslova's view, the effectiveness of customs authorities is determined by the degree to which these bodies fulfill the tasks assigned to them under customs legislation (functional effectiveness), as well as by the state of their institutional capacity (institutional effectiveness). According to the scholar, vague, unclear, or insufficiently economically substantiated definitions of the goals and performance indicators of customs authorities in legislative and subordinate regulatory acts or policy documents make it impossible to properly assess the effectiveness of these bodies, especially given that the activities of the customs service are characterized by multi-vector orientation and adherence to multiple principles [10, p. 15].

At the same time, A. B. Maslova substantiates the view that a comprehensive and integrated system for evaluating the effectiveness of the customs service, based on a complex mathematical model and a system of key performance indicators (KPIs), may be applied when assessing the performance of the senior management of the customs service and individual territorial units. However, such a system cannot be applied to individual customs officials without taking into account the specific scope of their responsibility [10, p. 15].

A substantively different approach is demonstrated by O. M. Pylypiuk, who substantiates that the criteria for assessing the effectiveness of administrative and legal support for the realization of constitutional rights and freedoms of the individual under the legal regime of martial law constitute scientifically grounded generalizing characteristics that reflect the essential properties of administrative and legal mechanisms and make it possible to evaluate the level of their operability, effectiveness, and conformity with the objectives of rights protection under the legal regime of martial law [9, p. 190].

The scholar proposes an original system of criteria and indicators for assessing the effectiveness of administrative and legal support for the realization of constitutional rights and freedoms under the legal regime of martial law, which is based on the integration of normative-legal, procedural, functional, and social-legal dimensions of evaluation. The system proposed by O. M. Pylypiuk is comprehensive in nature and is aimed at identifying not only the formal effectiveness of administrative and legal mechanisms, but also the quality of their functioning from the perspective of compliance with the fundamental requirements of administrative law and the safeguarding of human rights. As criteria of effectiveness, O. M. Pylypiuk identifies legal certainty and normative coherence, the efficiency of administrative procedures, the goal-oriented criterion, and public trust in public authorities [9, pp. 190–192].

V. V. Yurchenko argues that the effectiveness of the instruments of public administration as an administrative law category constitutes an integrative property of specific forms and methods of public authority activity, determined by the norms of administrative law, which manifests itself in their capacity to function as legally proper means of legal influence. This capacity is expressed through ensuring a normatively defined procedure for the exercise of powers by authorized subjects, the predictability and legal certainty of legal consequences, the balance between public and private interests, as well as an adequate level of guarantees and protection of the rights and freedoms of private individuals within administrative legal relations [22].

V. V. Yurchenko further maintains that the criteria for assessing the effectiveness of instruments of public administration are legally conditioned, conceptually generalized benchmarks of evaluation that reflect the essential characteristics of the application of such instruments and make it possible to determine the degree of their compliance with the requirements of administrative law, the principles of public administration, and the functional purpose of these instruments within the system of public law relations. As he emphasizes, the criteria of effectiveness perform both evaluative and orientational functions, as they delineate the direction and logic of legal analysis and establish the framework within which evaluation is carried out, yet they do not, in themselves, allow for the direct fixation of the level of effectiveness in measurable terms. For this reason, criteria cannot be substituted by indicators and should not be equated with conditions of effectiveness, although they remain in a close functional relationship with them [22].

According to the scholar, the first key dimension for assessing the effectiveness of the instruments of public administration is the legal propriety of their application. Among other benchmarks for evaluating the

effectiveness of instruments of public administration, he also includes the procedural correctness of the use of such instruments; the legal effectiveness of the instruments of public administration; the criterion of qualitative transformation of law enforcement practice; and the orientation of instruments of public administration toward the formation of lawful behavior of subjects of administrative legal relations [22].

O. M. Chernenkyi and P. S. Liutikov note that a comprehensive assessment of the effectiveness of private-law instruments of public administration should take into account both legal and economic parameters. This is due to the fact that legal regulation of the application of private-law instruments not only produces social consequences but also directly or indirectly affects the state's economy, its budgetary sphere, investment climate, and overall attractiveness. Nevertheless, the scholars deliberately narrow their scientific inquiry to the administrative-law dimension of effectiveness, focusing primarily on legal phenomena, legal conditions, and legal consequences, while avoiding the substitution of legal analysis with economic or sociological considerations. It is precisely this methodological focus that enabled them to formulate clear criteria and approaches for assessing the legal mechanisms of public administration in the sphere of applying private-law instruments [23, p. 81].

According to O. M. Chernenkyi and P. S. Liutikov, the effectiveness of private-law instruments in the activity of public administration, as an administrative law category, may be defined as an integrative property of such instruments, manifested in their capacity to ensure the achievement of publicly significant outcomes while maintaining an optimal balance between public and private interests, complying with the principles of the rule of law, legality, proportionality, and non-discrimination, minimizing the risks of violations of constitutional rights and freedoms of the individual, and ensuring the reasonable use of material, financial, and organizational resources. As the administrative law scholar emphasizes, this category reflects both the qualitative and quantitative dimensions of the application of private-law instruments in the activity of public administration, integrating various indicators [23, p. 81].

In contrast to V. V. Yurchenko, the aforementioned scholars propose a rather broad range of indicators and criteria for assessing the effectiveness of private-law instruments of public administration, which, in their view, are closely connected with the conditions of effectiveness. In particular, O. M. Chernenkyi and P. S. Liutikov identify among such criteria: legal certainty of the legislative regulation governing private-law instruments; criteria and indicators correlated with the level of legal consciousness of participants in legal relations; criteria and indicators associated with institutional guarantees of legal protection of the parties; as well as criteria and indicators related to the coherence of public-law and private-law mechanisms [23, pp. 100–102].

A generalization of the above scholarly approaches provides grounds for asserting that, within contemporary administrative law doctrine, effectiveness is regarded as a multidimensional and integrative category that cannot be reduced either to the formal attainment of declared objectives or to a set of isolated economic or organizational indicators. At the same time, the analysis of the aforementioned studies reveals a shared methodological orientation, according to which effectiveness in the field of administrative law should be assessed primarily through the prism of legal propriety, goal-oriented determination, and the effectiveness of legal influence, rather than solely on the basis of factual or technical-managerial outcomes.

In this regard, it should be noted that the effectiveness of administrative and legal support for the provision of electronic trust services cannot be equated with the level of digitalization, the number of services provided, or the speed of technical operations. Such a reductionist understanding of the category of "effectiveness" disregards the public-law nature of electronic trust services, their role in the mechanism for the realization of human rights and freedoms, as well as the significance of administrative and legal instruments, procedures, and guarantees that ensure their legitimate functioning. For this reason, within the framework of this study, effectiveness is considered not as an external outcome of the activity of public administration bodies, but as an internally conditioned property of administrative and legal support, manifested in its capacity to create stable, predictable, and legally certain conditions for the provision of electronic trust services.

From our perspective, the effectiveness of administrative and legal support for the provision of electronic trust services should be assessed exclusively within the administrative-law dimension, without substituting

legal analysis with purely economic or sociological evaluations. Such an approach makes it possible to focus on the analysis of normative coherence, institutional capacity, procedural correctness, and the legal consequences of the application of relevant administrative and legal mechanisms, while simultaneously taking into account their impact on the level of trust in the state and the real opportunities for individuals to exercise their rights in the digital environment.

5. Conclusions.

The understanding of the effectiveness of administrative and legal support for the provision of electronic trust services in Ukraine formulated within this study does not claim a complete departure from the existing doctrinal approaches developed in contemporary administrative law scholarship. On the contrary, it is grounded in the scientific contributions of administrative law scholars who consistently substantiate the necessity of assessing the effectiveness of administrative and legal phenomena through the prism of their legal propriety, goal orientation, and the effectiveness of legal influence.

At the same time, the criteria of effectiveness proposed below do not represent a mechanical transfer of previously formulated models, but rather constitute the result of a synthesis of scholarly approaches advanced by individual legal researchers, adjusted with due regard to the specific nature of electronic trust services and their role in the mechanism for ensuring the legal significance of electronic interaction. Such an approach makes it possible, on the one hand, to preserve the methodological continuity of administrative law science, and, on the other hand, to develop a relatively autonomous model for assessing effectiveness that is specifically relevant to the field of electronic trust services.

Taking into account the above doctrinal approaches and their critical assessment, the effectiveness of administrative and legal support for the provision of electronic trust services is proposed to be understood as an integrative property, determined by the norms of administrative law, of a system of normative, institutional, and procedural mechanisms of public administration, which manifests itself in their capacity to ensure the stable, predictable, and lawful functioning of electronic trust services aimed at the realization and proper protection of the rights and legitimate interests of private individuals in the digital public environment.

Accordingly, the criteria for assessing the effectiveness of administrative and legal support for the provision of electronic trust services should be defined as follows:

– normative and legal certainty and the quality of administrative and legal regulation in the field of electronic trust services;

– institutional capacity of the system of public administration bodies to exercise the relevant powers;

– goal-oriented conformity of administrative and legal support with public tasks and the functional purpose of electronic trust services;

– legal effectiveness of administrative and legal mechanisms, manifested in the stability and predictability of the legal consequences of their application;

– the social and legal dimension of legitimacy as a generalized indicator of the quality of administrative and legal influence.

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