

УДК 35.07:005.591.4

DOI: 10.34132/pard2020.07.10

THE CURRENT STATE AND PROSPECTS OF PUBLIC ADMINISTRATION REFORM AFTER 2014 YEAR

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As for the civil service in Ukraine, we can identify a number of innovations aimed at improving the performance and ensuring the quality of civil service, namely: separation of administrative and political positions; clarification of the legal status of a civil servant; separation of civil service from political activity; establishing an exhaustive list of persons who are not subjected to the civil service legislation; introduction of a new approach to the classification of civil servants' positions; a competency-based approach to the selection of candidates for the civil service; defining legislatively common approaches to entry, performance and separation from civil service; improving professional skills and professional training of civil servants, their labor remuneration, bonus payments and encouragement, as well as disciplinary responsibility.

Reforming the civil service legislation has become the most important step towards the public administration reform. Constant changes and amendments to the newly adopted legislation signify about its imperfection. Nevertheless, it should be noted that legislators and reformers are moving in the right direction.

The data analyzed in the article show that Ukraine has come a long way from the Soviet civil service legacy. However, it is still in the middle of the road: these achievements must be supported by continuous efforts to render them irreversible and significantly improve the efficiency of public administration.

The analysis of the sources in the article shows that the ideal picture of a public servant should correspond to his real perception. In fact, the public perception of civil servants in Ukraine is quite negative, as people see a striking difference between the reality and the ideal mentioned above. It turned out that the public servant, according to public perception, lacked almost all the necessary features. This demonstrates the enormous problems with civil servants in Ukraine due to the mismatch between public perception and the ideal image of a public servant. Thus, statistics show that the majority of respondents (about 70 percent) said that a Ukrainian civil servant is poorly qualified, tends to avoid solving complex cases, impatiently violates the law, demonstrates low respect for customers, is not trustworthy, is biased and interested in his own interests (puts one's own interests ahead of the public), non-result oriented, etc.

The article concludes that public service reform in Ukraine should be supported not only by political measures that enhance the professionalism of employees, but also include procedures for changing public attitudes towards them. The negative perception of civil servants can be closely linked to the civil service itself: Ukrainians perceive it as a corrupt and bureaucratic institution that breaks innovation, does not care about cost-effectiveness, and does not perceive positive change.

Keywords: *civil service, public administration.*

Introduction

Over the last few years the Ukrainian public sector has observed many important developments including: reforms of public administration, decentralization, the transformation of civil service in accordance with the European standards. However, this process was not smooth. Ukraine experienced socio-economic and political turbulence caused by internal and external factors which also reflected on the wide range

of challenges faced by the public administration system of the country. The major challenges encompass the negative balance of society's trust towards public institutions, lack of balance between centralization and decentralization, insufficient communication both within the state and between the state and society, shortage of qualified personnel, low quality of administrative services. All this needs to be substantially reformed in order to raise the country's economic competitiveness and promote social welfare, as a result. Now it is necessary to understand how the Ukrainian state has met the challenges associated with the public administration reform and the development of civil service.

The considerations regarding the importance and necessity to reform the national civil service system are also being strengthened within the context of the economic and political turbulence exacerbation that the country has been experiencing since independence.

Being inherited from the Soviet time, an obsolete Ukrainian civil service system was intended to serve the interests of the "nomenklatura" (the governing establishments), but not the societal needs. Thus, it was characterized by low quality of civil servant selection (the main selection criterion was personal loyalty, not professionalism) preconditioning low quality of public services and respective negative public perception of the civil service.

In 2016 the government adopted the Public Administration Reform Strategy of Ukraine till 2020 (later extended till 2021) in order to bring the national public administration system in line with the modern standards.

The civil service reform and its possible directions, along with the core elements of public administration transformation, were extensively analyzed by Raisa Naumenko [5], Yurii Kovbasiuk, Kostiantyn Vashchenko and Yurii Surmin [4], Svitlana Khadzhiradeva [2], [3], Serhii Soroka [7], [8] among the others.

Public perception of civil service

Civil service as a public institution is called to increase the life quality standards for the population by delivering high-quality administrative services, forming and ensuring the implementation of the public policy, providing supervision and control over legal compliance of public

bodies' and officials' actions. However, in Ukraine it does not fully meet these objectives and requires substantial reforming.

In 2016 a number of public opinion surveys were carried out to analyze Ukrainian civil service. The respondents were asked to rank the characteristics of an ideal civil servant (see TNS 2017). The results of the survey demonstrated that civil service in Ukraine is very far from an ideal. It turned out that Ukrainians do value the civil servants' competence level and their appropriate attitude towards customers. However, they do not highly value such characteristics of a civil servant as cost-efficient execution of duties, abidance by the law and prioritization of public interests over the private ones. To some extent such public attitude towards civil servant could explain why Ukraine has a deeply rooted corruption – because the citizens consider it to be a “normal” phenomenon.

This ideal picture of a civil servant must be matched by its real perception. Actually, the public perception of civil servants in Ukraine is quite negative as people observe a striking difference between reality and the ideal mentioned above. It appeared that the civil servant, according to the public perception, lacks almost all of the necessary features. This indicates huge problems with civil servants in Ukraine because of the discrepancy between the public perception and the ideal image of the civil servant. Most respondents (around 70 per cent) pointed out that Ukrainian civil servant is low skilled, seeks to avoid solving difficult cases, eagerly breaks the law, demonstrates low respect to clients, is not trust-worthy, acts in a non-transparent way, is biased and self-interested (places own interests ahead of the public ones), is not result-oriented, etc.

Thus, the overall conclusion is that the civil service reform in Ukraine must be supported not only by policy measures enhancing professionalism of the servants, but also incorporate the procedures of changing public attitude towards them. Negative perception of civil servants could be closely attached to the civil service itself: Ukrainians perceive it as a corrupt and bureaucratic institution that tears away innovations, does not care about cost-efficiency, and does not conceive positive changes.

The survey also highlighted the factors that hinder civil servants and prevents them from getting closer to the ideal. Mainly, the respondents

pointed out bureaucracy (70 per cent), insufficient skill level (55 per cent), lack of motivation to professionally develop (56 per cent) and low level of remuneration (63 per cent).

The respondents were also asked to tell about the possible incentives that still drive civil servants: 67 per cent of respondents pointed out “useful connections”, 64 per cent “extra privileges”, 60 per cent “unlawful profit”, 44 per cent “possibility to lobby business interests”. Contrary to the public opinion, such widespread in the Western world incentives as promotion, occupational prestige, level of remuneration (not even mentioning serving the society and possible further professional development) do not play significant role in motivating the civil servant to effectively and responsibly perform his/her official duties.

The reform launched in 2015 seemed to reflect the popular expectations concerning the improvement of the civil service system as it included: introduction of a new system of civil service staff selection and evaluation, modernization of staff management in public authorities based on the HR management principles and implementation of a “lifelong learning” concept for Ukrainian civil servants.

Civil service reform 2015: core features and implementation

According to the Civil Service Reform Strategy approved by the Ukrainian government on 18 March 2015, the following civil service improvements were outlined: minimizing corruption, introducing open competitive selection of candidates for all civil service positions with regard to their proficiency level and diligence; defining the requirements for civil service positions; forming a clear and transparent mechanism of responsibility for civil servants for breaking legislation and unduly duty fulfillment; granting civil servants’ social protection; improving civil servant remuneration system; securing congruence of public bodies and authorities and functions they perform; raising institutional capacity of public service; renewing the activity content of HR departments in public bodies; improving the system of civil servants’ training and re-training; establishing coordination between research and practical needs of public bodies; raising civil service prestige. The core of the reform included: raising hiring standards for public bodies, improving their

performance through an annual evaluation, change in staff management style and improving the remuneration system.

It is worth mentioning that the Law “On Civil Service” (2015) sets basic principles of civil service in Ukraine which go in line with the European countries. These principles embrace rule of law (priority of human rights and liberties); adherence to legislation; professionalism; patriotism; respectability; effectiveness; equal access to hiring possibilities in civil service; political non-prejudice; transparency and stability.

In order to grant impartiality and stability, the civil service reform foresaw delineation of political and administrative positions; optimization of the public body’s structure; introduction of patronage assistant positions; prohibition of political party participation for the positions of top public managers, etc.

Concerning selection procedures, the following standards were set for the candidates: they must have come of age, be fluent in the state (Ukrainian) language and have respective level of higher education. To ensure high level of professionalism, the persons who intend to fill in the positions in civil service are required to have some job experience in public service or management and know one of the European languages.

Several steps in ensuring high staff quality during selection procedures have been realized by now. Firstly, the three-level entry competitions for filling in the civil service positions have been introduced. They are based on equal requirements for all the candidates and include testing the qualification requirements, testing the skills and the interview. Secondly, three types of selection commissions for different staff categories have been instituted, as well as disciplinary commissions to assess possible claims to civil servants. In order to grant public control over civil servant selection and effective results of selection, 1/3 of the commissions have to be filled in by representatives of the civil society organizations, academic institutions, and high level experts.

The introduction of such selection procedure could be considered as a right step to professionalization of civil service. However, independent experts pointed out low professional and organizational quality of actual selection procedures [5].

The first civil servants' annual evaluation was launched in August 2017, after the Cabinet of Ministers of Ukraine had approved the standard evaluation procedure of the civil servants' official activities. This evaluation procedure is annually applied to all the public service staff if a person has occupied the position at least during six months. Evaluation pursues several goals: to evaluate the civil servant performance concerning his/her official duties; determine bonus payments; plan the person's career; assess the need for person's additional professional training.

Evaluation results may be of three types: positive, negative or excellent. If the results of the evaluation were excellent, then the person could be illegible for annual bonus payments and/or recommendation to enter competition for a higher position. If the person received negative evaluation results, after three months there will be a re-evaluation. If its results are negative as well, then the person might be dismissed.

The analysis of the governmental by-laws on civil servant performance evaluation gives reasons to state that civil servants evaluation procedure introduces a new interaction model between head and its subordinates. The procedure is envisioned as an instrument of personnel management designated to achieve mutual understanding between the head of the department/institution and the subordinated personnel. It helps to plan, monitor and analyze the official goals of public servants and their contribution to public body performance.

Evaluation involves the following stages: (i) defining and reviewing the tasks and key performance indicators (by December of a preceding year of the current year) or within 10 days after the appointment; (ii) evaluation interview; (iii) defining and stating the results of evaluation. The standard procedure approved by the Cabinet of Ministers of Ukraine states that evaluation shall be performed according to the five-grade-scale based on key performance indicators. It should take into account official duties of a civil servant as well as general ethical rules and legal requirements concerning corruption prevention. The first full public servants' evaluation cycle was performed in October-December 2018.

However, all these positive achievements of introducing public servants' performance evaluation have to be assessed with regard to

their quality. Thus, it should be pointed out that the CEB heads are not introduced to the modern approaches to personnel evaluation that have been presented by international organizations [13] and generalized by researchers [1]. Concerning staff management, the HR departments were created in most public bodies. Additionally, personal development plans for all the staff categories were introduced as well.

Several institutions have been involved in civil service skill evaluation and different forms of professional training. For example, the Ukrainian School of Governance under National Agency for Public Service provides advanced training for all the public service staff categories as well as candidate assessment services for vacant positions; the National Academy of Public Administration provides advanced training for all categories of civil servants (around 20,000 persons completed different programs in 2018) as well as offers full education cycle with Bachelors and Masters programs in Public Administration.

It should be mentioned that there is one more problem that complicates the hiring of high level professionals for public bodies. It is the system of payment. The remuneration of civil servants in Ukraine is regulated by: (1) provisions of the Law on Civil Service; (2) norms of labor legislation and international treaties ratified by Ukraine in regard to relations not regulated by the Law and general norms of the legal institution of civil servant remuneration that are compatible with the norms of the Law on Labor Remuneration (norms for determining the minimum salary, the differentiation of the general and base rate of salary, equal salary for work of equal value, etc.); (3) separate statutory regulations of labor in regard to the relations that are not regulated by the law and are not meaningfully related to its norms (salary payment deadlines, determination of the amount of overtime compensation, as well as weekend, holiday and non-working days, night overtime pay, etc.).

Referencing specific features of civil service, the law limits the opportunities of civil servants to protect their right to labor remuneration. Besides, a civil servant has no right to organize and participate in strikes.

If a civil servant discovers violation of the law by the public authorities or their officials during their service or outside the office, to

ensure the rule of law, he/she has to contact the central executive body which ensures the implementation of state policy in civil service. This also applies to the issues on remuneration of civil servants. At the same time, state regulation of extra salary schemes, bonuses, allowances and payments to civil servants virtually eliminated the possibility of being influenced by civil servants and their trade unions (except through consultations of the relevant government authorities with the representatives of civil servants' trade unions).

The current procedure of public servant remuneration in Ukraine is inefficient and bears high corruption risks. Thus, around 30 per cent of remuneration is salary and another 70 per cent consists of allowances and after-payments. The reform foresees to invert this proportion: 70 per cent – for salary and 30 per cent – for other payments. However, just inverting the payment proportion would not eliminate the corruption risk. That is why some additional steps must be undertaken but not limited only to salary raise that of course is also important [8]. The monetary motivation should be complemented by raising social status of a civil servant, granting additional significant benefits, and allowing dismissal from a position for breaking ethical rules, etc.

One could observe many different positive developments within Ukrainian public service. However, their effect on societal development is still quite modest. The most problematic feature of Ukrainian public governance is systematic corruption. Its level is still high in spite of various new anti-corruption legislation and creation of the national anti-corruption investigation bodies.

After change in political power, following the presidential elections 2019, the new president Volodymyr Zelenskyi declared “reset of power” that included also revisions of civil service regulations. In this regard several respective legal acts were approved and thus triggered some important changes in civil service reform implementation through revisions of the Law “On Civil Service” (2015).

The most important novelties include [14] : simplification of hiring and dismissal of civil servants, introduction of a contract civil service for all public positions (the contracts will be signed for three years with possible three year extension, the contract service will cover seven per

cent of civil service staff); possibility of remote work for civil servants; setting the minimum level of civil servant remuneration (at least double the subsistence minimum set by the law). In this way the civil servant will be dismissed without any long bureaucratic procedures that were prescribed in the previous law (2015).

Taking into account available information on the implementation of Ukraine's Public administration reform strategy till 2020, it can be suggested that Ukraine has achieved some progress in reforming civil service especially in selecting the CEB personnel and enhancing ministries' human capacity.

However, several systemic problems persist, one of them is corruption. After political change in 2019, the level of corruption became even higher as Ukraine lost two points of its Corruption Perception Index in comparison with 2018 [11], [12]. Why is there no progress observed in this sphere? The answer is simple: there are many important factors that cause corruption, create a perfect medium for it and the reforms have not yet reached them. Moreover, with the deepening economic problems and political instability, unemployment growth, some of them are only aggravated. The main ones are:

- poverty of majority of the population, the excessive stratification of the society (around 5% who are very rich and the rest, who barely make ends meet). Along with this, the concept of labor as a source of well-being is undervalued which creates a corresponding negative atmosphere in the society;

- the controversial attitude of society towards such phenomenon as corruption (see Fig. 2 above). On the one hand, people reject and condemn the corruption in society. On the other, they eagerly try solving the personal problems through evading the requirements of the law;

- low quality of legislation, which creates legal conflicts and allows ambiguous interpretations; regulation of a large number of issues by subordinate legislation (this problem has exacerbated after new government came to power as the result of 2019 elections: the legal acts got approved by the mono-coalition in so called turbo-regime, without duly discussions and step-by-step balancing the interests of the stakeholders).

Among the additional factors enhancing corruption it is worth mentioning excessive regulation of entrepreneurial activity; imperfect tax system; the possibility to gain profit mainly by being on the close to authorities; ineffective law enforcement and judicial system; mismatch between the remuneration level of persons authorized to perform public administration, and the scope of their authority.

Gains in Public administration (PA) efficiency are not noticed by the society.

It could mean that civil servants themselves are not enough motivated to implement public administration reforms. It appeared that many inefficient staff members could not be dismissed due to their very strong legal protection. The annual evaluation has not yet become an efficient instrument of staff qualification: in 2018 only 58 persons out of 15,000 received negative results on the assessment; simultaneously, the salary almost doubled in 2018 [9].

The introduction of the selection procedure based on candidate qualifications could be considered as a right step to civil service professionalization. However, independent experts pointed out the low professional and organizational quality of the selection procedures used by the CEBs which leads to compromising such an important instrument of civil service improvement [5].

The novelties introduced into the civil service regulations by the new government in 2019 [15] enhanced political bias in civil servant staff management because the guarantees for more or objective assessment of servant's work have been significantly lessened. The minister now can dismiss an A level servant without any procedure and performance evaluation. Moreover, a practice of an "advance leave notice" in public administration sector has been widespread: before signing a contract or being appointed to a position a civil servant must deposit his/her undated leave notice that allows dismissing this subordinate at any moment. This weakened the public servant position as a professional who has some personal attitude towards performance and could have had some critical attitude towards decisions made by the head.

The expansion of contract practice in civil service can lead to spreading of a dismissal practice because of "not fulfilling the contract

conditions” and cutting the servants’ wages which in turn can contribute again to de-professionalization of Ukrainian civil service.

Another problem is a new approach to candidate selection introduced by the recent amendment to the Law “On Civil Service” (2019). According to them, a CEB head can choose one out of five (!) candidates recommended by the selection commission; actually this provision gives huge space for political bias and subjective judgment of seekers.

There is still not much progress in improving the remuneration system for civil servants. The most visible civil service problem that attracts huge public attention recently was very high salaries of some top public servants (ministers and public company managers) in comparison with average salary in Ukraine. It became publically known that despite significantly less public administration efficiency many Ukrainian ministers and other top administrators receive much higher salary than their colleagues from other post-socialist countries and even from many developed ones.

It is impossible to solve all the issues in Ukrainian civil service within a short period of time, although in society there is demand for “quick” solutions. One example of this may be the act “On Cleansing of Power”, which in fact not only did not meet the expectations of its initiators, but also caused obvious damage to the PA sphere because thousands of experienced civil servants who served during Yanukovych regime (2010-2014) had been fired. Unfortunately, public opinion has a generalized image of an official, who bears all negative feedback for the government’s actions. At the same time, it is forgotten that a civil servant is the same profession as many others, which does not only require professionalism, but is also limited by certain legal frameworks.

Received: 04.01.20

ДЕРЖАВНЕ УПРАВЛІННЯ: СУЧАСНИЙ СТАН І ПЕРСПЕКТИВИ РЕФОРМУВАННЯ В ПЕРІОД ПІСЛЯ 2014 РОКУ

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У статті розкрито питання що стану державної служби в Україні, зокрема можемо виділити низку нововведень, спрямованих на підвищення ефективності та забезпечення якості державної служби, а саме: розділення адміністративних та політичних посад; роз'яснення правового статусу державного службовця; відокремлення державної служби від політичної діяльності; встановлення вичерпного переліку осіб, які не підпадають під дію законодавства про державну службу; впровадження нового підходу до класифікації посад державних службовців; компетентнісний підхід до відбору кандидатів на державну службу; визначення законодавчо загальних підходів до вступу, виконання та відриву від державної служби; вдосконалення професійних навичок та професійної підготовки державних службовців, їх оплати праці, виплати бонусів та заохочення, а також дисциплінарної відповідальності.

Реформування законодавства про державну службу стало найважливішим кроком до реформи державного управління. Постійні зміни та доповнення до нещодавно прийнятого законодавства означають його недосконалість. Проте слід зазначити, що законодавці та реформатори рухаються в правильному напрямку.

Дані, проаналізовані у статті, показують, що Україна пройшла довгий шлях від спадщини радянської державної служби. Однак вона все ще знаходиться в середині шляху: ці досягнення повинні підтримуватися постійними зусиллями, щоб зробити їх незворотними та значно підвищити ефективність державного управління.

Аналіз джерел у статті показує, що ідеальна картина державного службовця повинна відповідати його реальному сприйняттю. Насправді суспільне сприйняття державних службовців в Україні є досить негативним, оскільки люди бачать різочу різницю між реальністю та ідеалом, згаданим вище. Виявилося, що державному службовцю, за сприйняттям громадськості, бракує майже всіх необхідних рис. Це свідчить про величезні проблеми з державними службовцями в Україні через невідповідність між сприйняттям громадськістю та ідеальним образом державного службовця. Так, статистика показує, що більшість респондентів (близько 70 відсотків) сказали, що український державний службовець недостатньо кваліфікований, прагне уникати вирішення складних справ, нетерпляче порушує закон, демонструє низьку повагу до клієнтів, не є надійним, упереджений та зацікавлений у власних інтересах (ставить власні інтереси перед громадськістю), орієнтовані на результат і т.д.

У статті робиться висновок, що реформа державної служби в Україні повинна підтримуватися не лише політичними заходами, що підвищують професіоналізм працівників, але також включають процедури зміни ставлення громадськості до них. Негативне сприйняття державних службовців може бути тісно пов'язане із самою державною службою: українці сприймають це як корумповану та бюрократичну інституцію, яка ламає інновації, не піклується про економічну ефективність та не сприймає позитивних змін.

Ключові слова: державна служба, державне управління.

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