

ESSENCE AND MAIN CHARACTERISTICS OF ADMINISTRATIVE SERVICES

ESENȚA ȘI CARACTERISTICILE PRINCIPALE ALE SERVICIILOR ADMINISTRATIVE

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SUMMARY

The article analyses the formation of the conceptual basis of the definition of „service” and „administrative service”. In particular, the characteristics that most distinguish services from manufactured goods are revealed. The main features and characteristics of administrative services are identified. It is noted that the issues of providing public services to the population are included in the legislation of the European Union.

Keywords: service, local government, the process of providing administrative services, the rights of citizens.

REZUMAT

În acest articol este analizată formarea bazelor conceptuale ale noțiunilor de „serviciu” și „serviciu administrativ”. În special, sunt identificate caracteristicile, care disting în cea mai mare măsură serviciile de mărfurile fabricate. Sunt determinate principalele particularități și caracteristici ale serviciilor administrative. Se menționează că chestiunile acordării serviciilor publice populației sunt incluse în legislația Uniunii Europene.

Cuvinte-cheie: serviciu, autoadministrare locală, procesul acordării serviciului administrativ, drepturile cetățenilor.

The development of Ukraine as a legal democratic state requires a radical change in the priorities of state activity of its principles and forms of relations between the authorities and private (physical and legal) persons. A citizen, his rights and freedoms, in accordance with the Constitution of Ukraine, are recognized as the highest social value. Therefore, the state should not only manage the society, but also provide services to it. That is why the main task of

the modern state is to provide high quality services to citizens.

The interpretation of the category “service” has an ideological, scientific and practical significance. Therefore, a clear separation of relations for the provision of administrative services:

- 1) allows changing the nature of relations between administrative authorities and individuals;
- 2) makes it possible to separate public

service activities of administrative bodies from economic activity;

3) can be used to differentiate the activities of the authorities to develop policies – the development of political programs, regulations and current administration – the solution of specific life situations [1].

According to the definition of leading scientists in the field of public administration, the most important task at the present stage of development of science is, first of all, the solution of such a problem as the creation of categorical apparatus. In defining the concept of „service” in the domestic literature, there are different interpretations, which are primarily the fact that the concept of „service” is translated both as activities, and as a result of activity, and as the very activity, that is, the provision of services, services. According to F. Kotler, „a service is any activity that represents the good that one party can offer to another”. These are goods not provided in the form of things, but in the form of activities [2].

In Ukrainian legislation, the service is defined „as an activity of the executor for the provision (transfer) to the consumer of a specified contract, tangible or intangible good, carried out by individual orders of the consumer to meet his personal needs” [3].

The above views give an opportunity to determine the essence and main features of public services, as well as to determine that „service” is the result of activity, interaction of objects or entities. Thus, services are the result of interaction, as a rule, of interested parties, with the source and consumer of services, there is also the other party, which hopes to receive their services.

The characteristics that fully distinguish the services of manufactured goods include: intangibles, non-isolation from the source, non-preservation, variability of quality.

Most of the services are intangible. Since the product is a material object, it can be touched, it can be felt, sometimes smell, and

if it is a food product, then it can be tasted. Services are not material objects and can not be used or embodied in material objects.

Most services are actions. The real end product of the service may be the ideas described in a certain way. An important consequence of indeterminacy is that for most services, the result of acquiring a service does not imply ownership of it, but the acquisition of the product gives such a right.

Unbundling services means that services cannot be separated from their source, regardless of whether the service is provided by a person or a machine.

The processes of providing and consuming services are inseparable. Services can be consumed only during the process of providing them. For most products, these two processes are usually independent. The second form of inseparable service from the source is the inseparability of the client from the service provision process. In other words, most of the services cannot be stored for future use; the client must be present at the provision of the service. Therefore, the provision and consumption of services is simultaneous and inseparable.

Customers must be present at the same time in order to be able to use the results of these services [4].

Unsecured. Because of the instability of demand (peak hours, seasonality, social, economic, political and other factors), overproduction of goods that may be long unnecessary may occur, and their consumer properties may be morally outdated. In case of increased demand, it is necessary to increase the production of these services or to increase the intensity of customer service servicing.

However, the very notion of „non-preservation” may be different from the point of view of the client. Failure to provide services along with constantly changing de-

mand for them requires that managers take a very close look at the definition of their volume and try to actively manage the service services [4].

Variability. Service as a property of a product can be stable in quality, but during service, this stability may be violated. Different service of an object or a subject may be due to service features (temperature, breakdowns, physiological deviations, etc.) at certain moments. Subsequently, the skill of the teacher may increase or decrease; the technical means may wear out or improve (upgrade). In addition, depending on the subjective factor, the service received by the client today may seem unsatisfactory for him, and tomorrow, for example, under the influence of his colleagues, it could change.

The variability of the quality of the work done by the people who provide the service, as well as the differences in the perception of clients, create significant problems for employees who work in the service sector. An important consequence of this is that most of the services are not subject to standardization attempts, since it is impossible to standardize the final product if each customer differs in their desires both before the start of the service delivery process and during the process of providing it. In many cases, the service provider determines the service provider. The person providing the individual services should be guided by the needs and wishes of the client.

Lack of possession. This property of service is most fully characterized in the writings of F. Kotler, G. Armstrong, and others. As a property of a physical product, a potential service, like this physical product, belongs to the owner. Potential service, turning into a real service for the consumer, also belongs to its owner - the consumer [4].

The problem of defining the term "administrative service" is important both theoretical and practical. The importance of this

problem in the scientific plan is due to the fact that its solution makes it possible to determine the essence of the administrative service, a list of features of this phenomenon, to differentiate the notion of "administrative service" from such concepts as "state service", "paid service". The importance of defining this concept in the applied aspect is conditioned by the fact that this task is directly related to the problem of analyzing the phenomenon, the development of conceptual foundations, strategy and tactics of increasing the public efficiency of public administration [5].

The starting point for using the term "administrative (managerial) services" in Ukraine is the time when administrative reform is introduced. Thus, the decree of the President of Ukraine dated July 22, 1998 "On Measures to Implement the Concept of Administrative Reform in Ukraine", the main implementation of the reform of the public administration system is the main provisions of the Concept of Administrative Reform in Ukraine, developed by the State Commission for the Conduct of Administrative Reform in Ukraine [6].

The term "administrative services" is the most successful, since in western countries it is believed that the word "administration" comes from the Latin *ministrare* – "to serve" [7], "to perform". At the same time, first in the Soviet sources, and now in most modern Ukrainian works, the term "administration" is translated as "management" [8], that is from another Latin term – *administratio* [9].

The word services in combination "management services" is used in the Concept of Administrative Reform, where one of the tasks is the introduction of a new ideology of the functioning of state executive authorities and local self-government as activities to ensure the realization of the rights and freedoms of citizens, the provision of management services [6].

Some researchers believe that in the administrative service paradigm there is a fundamentally new requirement - the service should be provided in the most convenient conditions for the client, with minimal expenses of his forces, energy and time. Management bodies are obliged to radically revise the organization of their work, minimizing the need for contacts with the client [10].

Analysis of the use of the term „administrative service” in scientific literature shows that scientists express a certain diversity of thoughts about understanding the essence of this concept. Some scholars use the notion of „administrative” rather than „managerial service” and offer the following classification of services provided by various government agencies:

- „public services” are services provided by public authorities (primarily executive) and state enterprises, institutions and organizations. Among the public services are also services provided by non-state organizations in order to carry out delegated authorities, etc.;

- „municipal services” are services provided by local governments, communal enterprises, institutions and organizations.

An important component of both state and municipal services is administrative services [2].

The Law of Ukraine „On Administrative Services” provides the following definition of administrative service: “Administrative service - the result of the exercise of authority by the entity of the provision of administrative services on the application of a natural or legal person, aimed at acquiring, changing or terminating the rights and / or duties of such persons in accordance with the law” [11].

According to most scholars, we can talk about administrative services as a broad concept that involves the adoption of an individual administrative act, regardless of

the specificity of its legal form or implementation procedure. In general, I. Koliushka and V. Timoshchuk believe that, given the homogeneity of relations in providing administrative services, the uniformity of the norms regulated by these relations, long history and a broad legal basis, administrative services deserve to the allocation to a separate institute of law, which in administrative law, in importance, should stand in line with the institute of administrative responsibility. Such an interpretation of the problem opens new opportunities for the development of administrative law and the reform of public administration [12].

One can agree with the definition of administrative services provided by V. Tymoshchuk as part of the public services provided by the executive authorities and local self-government bodies and the provision of which relates to the exercise of authority [12].

Administrative services can be considered as legal relationships that arise in the realization of the subjective rights of a natural or legal person (on their request) in the process of public authority activity of an administrative body to obtain a certain important result for the consumer.

The membership of services to administrative is determined by the following criteria:

- a) The authority of an administrative body to provide a certain type of services is determined by the Law;

- b) Services are provided by administrative authorities through the exercise of authority;

- c) Services are provided according to the appeal of individuals and legal entities;

- d) The result of consideration of an application is an administrative act of an individual nature (passport, certificate, license, permit, etc.);

- e) The provision of services involves ensuring the creation of conditions for the

exercise of rights, freedoms and legitimate interests by individuals and legal entities [13].

Administrative services are endowed with a number of specific features that characterize their content and determine the place in the system of public services. In this case (the definition of the features of such services), the approach of IB is worthy of attention. Kolushko I. [14], which, as a key, identified the following features:

1. An administrative service is provided at the request of a natural or legal person.

2. Provision of administrative services involves the provision of legally significant conditions for the realization of the subjective rights of a particular individual.

3. Administrative services are provided exclusively by administrative authorities through the exercise of authority.

4. The right to receive a particular administrative service by the person and the corresponding authority of the administrative body shall be determined only by law.

5. The result of an administrative service is an administrative act - a decision or a legally significant action of the administrative body, which satisfies the appeal of the person.

Administrative services are the leading means of realizing the rights of citizens in the field of executive power, since the absolute majority of cases resolved by public administration bodies are initiated by the citizens themselves and relate to their subjective rights.

Averyanov V. among the mandatory signs of administrative (executive) services calls that „private individuals have the right to use the results of services rendered at their discretion” [12]. But such a feature does not always manifest itself because the decision taken in relation to a private person in many cases generates certain obligations that must be fulfilled.

As a secondary feature of administrative services, scientists distinguish between

their typology, or the regularity. This feature is especially relevant for administrative services that can be provided through administrative services, where communication between an administrative body and a person does not normally require personal hearing, but involves obtaining certain documents and issuing an administrative act.

The analysis allows determining the administrative service as aimed at providing conditions for the exercise of the subjective rights of a natural or legal person to the public authority of the administrative body, which is carried out at the request of the person.

In the countries of the European Union, the issue of providing public services to the public is so important that their regulation is included in the legislation of the European Union, in particular the Treaty on the Functioning of the European Union (Chapter 3, Services, subsection 4) and Protocol № 26 “On Services of General Interest”. On this basis, in the countries of the European Union, an appropriate legal framework has been created, concepts and programs have been developed that not only determine the general principles of state bodies’ activities in providing public services to the population, but also define and establish standards for the quality of their provision [15].

Accordingly, an assessment of the effectiveness of the system for providing such services is fully tied to the satisfaction of customer’s level and quality of their provision. Accordingly, it would be advisable to identify the following features of administrative services:

- a) the volume and structure of administrative services depends on the needs of consumers not less than the services provided on market conditions;

- b) the cost indicators of the provision of administrative services do not depend on the intensity of demand for them, but are determined on non-market basis;

c) the reimbursement of expenses related to the provision of administrative services leads to the replacement of the state duty with an administrative fee, as a single payment for the administrative service [16].

The law requires local governments and district state administrations to establish centers for the provision of administrative services (CSIA), which should create more convenient and accessible conditions for communication of citizens with the authorities. Moreover, the Law prohibits the extortion of persons from documents and information already owned by the subjects of the provision of administrative services, or which they can obtain independently (of course, with the consent of the person).

This approach provides grounds for considering the specified Law as a kind of social innovation that implements the idea of serving the state to citizens, ensuring the realization of the rights of citizens and business entities through the provision of administrative services.

Conclusions. It is considered that ad-

ministrative services should be regarded as an important indicator of the level of perfection of the existing model of relations between executive authorities and citizens. It is noted that „the very concept of service, as a service with good intentions, indicates the duty of the state to solve the problems and needs of its citizens in a transparent, non-burdensome and convenient way for them.”

The inconsistency of the reality with such a state of affairs is a pretext for reforming the system of providing administrative services. In this case, the proposed reforms of the changes should solve those contradictions that arise in the sphere of interaction of the state with individuals - physical and legal. Therefore, it is expedient to consider administrative reform as an attempt to build a „service” state, the main task of which is to serve the needs of people, help and ensure the realization of their rights and freedoms. One of the tools of the state in this activity is an administrative service.

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