

Peculiarities of Public Service Under the Legal Regime of Martial Law

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Abstract

The study is to analyze the peculiarities of public service under the legal regime of martial law, which arise in the light of current security challenges posed by Russian aggression. The article uses such methods as analysis, synthesis, deduction, induction, and the logical and legal method. Within the scope of the study, it was noted that the first feature of public service under the legal regime of martial law, arising from the standards formed at the level of the international community, is the digitization of public services. The second extremely important feature of public service under martial law is the restorative nature of public service in de-occupied territories, limited material and human resources, and the lack of appropriate work premises and infrastructure, work equipment and other necessary means in such territories. Problematic issues regarding the peculiarities of public service under the legal regime of martial law are caused by the restructuring of the most important areas of state policy implementation, primarily in the field of security and defense. The complex of these aspects determines the relevance of the topic. In domestic realities, the issue of digital services is also considered from the point of view of safety and timeliness of their provision in the conditions of martial law, constant air danger, which causes long interruptions in the functioning of public authorities.

Keywords: Public Service, Peculiarities under Martial Law, Public Services, Artificial Intelligence, De-occupation

INTRODUCTION

The concept of public service has come a long way from the dominance of prescriptive and authoritarian approaches to a focus on the needs of the population and service delivery. In Ukraine, the Revolution of Dignity was a key stage in the restructuring of the public service system as a transformational phenomenon that established the ideals of accountability and broad public participation in controlling and determining the effectiveness of public authorities.

The relevance of the issue under study in this article is also due to the fact that in the context of democracy development, increased requirements are imposed on persons in the public service. At the same time, the national public service under the martial law regime is fully experiencing the pressure of the new security and economic realities of a full-scale armed invasion. Therefore, the problem of public service under martial law requires further scientific reflection, given the latest security challenges and the need to restore the de-occupied territories, and to form the appropriate regulatory, organizational and managerial "basis" for such restoration.

Research Objectives

To achieve this goal, it is necessary to solve the following tasks: to characterize the formation of the concept of public service in Ukraine and in the world; to define the essence of the category "public administration", key elements of effective public administration, and performance criteria for public authorities; to analyze the content of digitalization of public services as a feature of public service; to determine the essence of the

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restorative nature of public service in the de-occupied territories as a feature of public service under martial law.

THEORETICAL FRAMEWORK

There is a fundamental principle that for every development of democracy to have that ground of recognition, there is that need to place in the hands of those considered as efficient in the public sector. For it becomes the responsibility of every state is ensuring this quality of a wonderful public service facilities. It is for this reason that the state of Ukraine is putting in much efforts in ensuring the realisation of this principle in accordance with other countries like Canada, USA and other European Union countries considered as the bedrock and standard of managing it's public services since 2014 (Pavlichenko et al., 2022, p. 334).

As established by the European Security strategy, there is always that "Secure Europe in a Better World" which believes that Europe faces new threats that are more diversified, less obvious and less predictable (terrorism, proliferation of weapons of mass destruction, regional conflicts, crisis of statehood, organized crime, etc.) The issue remains here that when there is a continuous threat in aspects of security, there is that tendency in ensuring that security becomes a dispensable instrument in maintaining development through solid infrastructure as the rule stands that most of the infrastructures destruction is as a result of the insecurity issue coming up as a result of the increase in crimes. (Muzychuk et al., 2020, p. 495; European security strategy, 2009). At the same time, the national public service under the legal regime of martial law is fully experiencing the pressure of the new security and economic realities of a full-scale armed invasion. The rule of law stands that during undeclared war, the supposed administrative officers are being force in working in horrible and degrading conditions making it difficult for people to stay in the territory of Ukraine. This insecurity problem has really lead to the responsibility of the State in ensuring the integration of internally displaced persons with those with disabilities in ensuring their safety in the area of Administrative protection and even that of food security considered as a fundamental human right to everyone. (Shopina et al., 2023).

The generalization of the research gave reason to highlight several aspects to which scholars pay special attention:

1. The public service system is characterized by constant dynamics and improvement of functioning processes, which is systematically addressed in scientific research.
2. The concept of "New Public Service" as a movement based on work on democratic citizenship and civil society, organizational humanism and the theory of discourse, the process of dialogue, mediation, expanding the rights and opportunities of citizens and their broad participation in the course problem solving.
3. The development of information technologies has made it possible to compensate a person for the psychophysiological limitations of his organism in a number of directions, develop theories, discover quantitative laws and expand the boundaries of knowledge of complex systems.
4. With the natural, tendentious expansion of the area of the de-occupied territories of Ukraine, the question of restoring legal and law enforcement activities in these territories naturally and very acutely arises.

METHODOLOGY

The goal was achieved and the objectives of the study were fulfilled by selecting and summarizing the sources analyzing certain aspects of public service under martial law. For this purpose: a) the works of domestic and foreign researchers regarding the essence of public service were studied and analyzed; b) sources that characterize certain features of public service under martial law were analyzed. This made it possible to: a) characterize the essence of public service in the conditions of a full-scale invasion of the Russian Federation; b) highlight the key features of public service under martial law.

The following methods were used in the research: a) systematic approach - used to understand the essence and meaning of public service under the legal regime of martial law; b) descriptive analysis - applied to study the criteria of public service efficiency; c) logical and legal method - used to identify key features of public service under martial law.

RESULTS AND DISCUSSION

The most profound rule is that when talking about the concept and notion of public service is regarded by many as the fundamental rock and profane standard in most of the Western Europe and even the northern American States. In most developed and democratic countries of Western Europe and North America, The rule here is that the place occupied by the supposed public service is as old as we can imagine especially when dealing with the said countries in question. This attitude to public service goes back to the long history of state and legal processes in Western countries. To a certain extent, this was influenced by the spread of the ideal of "serving the people", which included a wide range of different interpretations, mostly based on the ideas of how and on what principles public service should be considered (Pavlichenko et al., 2022, p. 336).

In general, the analysis of the scientific literature shows that the concept of public service has come a long way from the dominance of prescriptive and authoritarian approaches to focusing on the needs of the population and service provision. In Ukraine, the Revolution of Dignity became a key stage in the restructuring of the public service system as a transformational phenomenon that established the ideals of accountability and broad public participation in controlling and determining the effectiveness of public authorities. At the same time, experts in the administrative sphere, as well as in other areas related to public administration, note that the public service system is characterized by constant dynamics and improvement of the functioning processes (Shatrava et al., 2020, p. 61). This dynamics is reduced not only to the introduction of advanced information technologies in the activities of public authorities, but also to constant structural changes, the introduction of new approaches to the management of certain areas of life of the population.

Understanding public service as a dynamic category, representatives of the University of Southern California Robert Denhardt and Janet Vinzant Denhardt (2020, p. 549) note that the concept of "New Public Service" is a movement based on work on democratic citizenship and civil society, organizational humanism, and discourse theory. The researchers note that the main role of a public servant is to help citizens formulate and satisfy their common interests, rather than to try to control or manage society. According to scholars, public administrators should focus on their responsibility to serve citizens. In other words, the emphasis should not be on managing or "rowing the government boat" but rather on building public institutions that are characterized by honesty and responsiveness.

The researchers point out that the concept of the "new public service" recognizes that public administrators are involved in complex value conflicts in situations of conflicting and overlapping norms. The concept of the "new public service" implies that public administrators do not make decisions solely on their own, but also through a process of dialogue, mediation, empowerment and broad-based participation in the course of problem solving. At the same time, public servants remain responsible for ensuring that solutions to social problems comply with laws, democratic norms and other restrictions (Denhardt, 2020, p. 556).

According to the position of Y. Ali and H. Haliah (2021, p. 28), there are 7 key characteristics in the concept of "new public service", including:

- 1) professional management in the public sector;
- 2) existence of work standards and performance indicators;
- 3) the presence of control of services and products,
- 4) there is a division of units in the public sector;
- 5) there is competition in the public sector;
- 6) adoption of the management style of the private sector in the public sector,
- 7) increased discipline and greater economy in the use of resources.

The rule stands here that some domestic researchers emphasize the problem is not on the position that public service do play, but this is due to the fact that the position and role of the public service is really narrow because of the large place that it occupies making it difficult for management. We all know that the problem of every

public service does not depend on the size but rather on the efficiency of the public service on question. The most important features of public authorities include the realization of public interests, as well as the vesting of the latter with public authority powers. At the same time, the realization of the public interest does not always imply the vesting of public administration with power, it is about the service component of the functioning of the state mentioned earlier (Morhunov et al., 2023, p. 457, 459).

According to the opinion of S. Shatrava, N. Tsybulnyk, O. Bezpaloova and O. Muzychuk (2020, p. 65), they have laid some huge emphasis on certain issues consider relevant of utmost consideration like the problem of flexible and unambiguous legislation; clear accountability of business entities to control and supervisory bodies in combination with an effective institution of responsibility; active implementation of the latest strategies and tools, the effectiveness of which has been confirmed at the international level, into everyday activities. According to V. Streltsov, O. Bezpaloova, O. Dzhafarova, S. Shatrava and E. Kisiliuk (2021), the analysis of scientific works in which questions were raised about the criteria for the effectiveness of public authorities, makes it possible to single out some of them: the effectiveness of internal management activities of bodies public authorities; public trust in the relevant public authorities; indicators of the provision of quality public services, timeliness of the provision of public services, the economic component of the provision of public services, etc. Thus, some domestic researchers consider administrative services to be the leading means of realizing the rights of citizens, since the vast majority of cases decided by public authorities are initiated by the citizens themselves and concern their subjective rights (Zadoia et al., 2021).

In recent years, the issue of streamlining the public service delivery system has been raised at the highest state level: numerous regulatory and administrative documents have been issued, a number of organizational measures have been taken on this issue, etc. The main problems of obtaining public services by consumers remain the same: the complexity of the procedures for providing such services, the duration of their implementation, the lack of information about services and the procedure for their receipt, the limited and inconvenient "reception hours" for subjects, long queues, lack of comfort in waiting areas, impoliteness during service by authorized persons, non-transparent and often unreasonable payments, etc. (Klymenko et al., 2020, p. 45).

The first feature of public service that we have identified, which emerges from the standards established at the level of the international community, is the digitalization of public services. In the light of the digital realities of today, it is important for public administration in European countries to provide electronic services, taking into account socio-economic, technological, organizational and regulatory factors in the process of implementation and development of e-government (Chyzhmar et al., 2019, p. 1). In the domestic realities, the issue of digital services is also considered in terms of security and timeliness of their provision under martial law, constant air danger, which causes prolonged interruptions in the functioning of public authorities.

One have to understand that here that, there is always that tendency in analysing those features related to An important issue in the context of the analysis of this feature is the use of artificial intelligence capabilities in the course of providing public services. Really the rule is that, the development of information technologies allowed a person to compensate for the psychophysiological limitations of his organism in a number of directions, develop theories, discover quantitative laws, and expand the boundaries of knowledge of complex systems. Artificial intelligence and its improvement systematically expand human capabilities (Kronivets et al., 2021, p. 72). Thus, even on the basis of the existing level of development of artificial intelligence by mankind, the limits of information processing productivity have been significantly expanded. At the same time, despite such a significant technological advance in data processing, the use of artificial intelligence in the course of providing public services is associated with many risks and side effects, in particular at the level of establishing ethical principles of operation, organizational structure and technical specification, taking into account the lack of established and tested on practice approaches to solving these problems (Jam et al., 2011). Also, the use of artificial intelligence technologies in the public service will have a huge impact on employment in the public sector, rethinking the amount of necessary human resources, reviewing the existing mechanisms of hiring and managing employees, as well as the need for the latter to acquire new knowledge and skills.

The *second* extremely important feature of public service under martial law is the restorative nature of public service in the de-occupied territories, limited material and human resources and the lack of appropriate workspaces and infrastructure, working equipment and other necessary means in such territories. Thus, the Russian-Ukrainian war changed the existing internal structure of society (Kostikova et al., 2023, p. 123). However, the heroic struggle of the Armed Forces of Ukraine and active counteroffensive actions led to the recapture of significant territories previously occupied by enemy forces. As noted by Yu. V. Orlov and N. O. Prybytkova (2022, p. 48), with the natural, tendentious expansion of the area of the de-occupied territories of Ukraine with gradual access to the internationally recognized state border of Ukraine, with the intensification of the de-occupation movement, the issue of restoring legal and law enforcement activities in these territories is equally natural and very acute. At the same time, according to scholars, the process of de-occupation was accompanied by the discovery of various situations of rape and sexual violence related to the war (against civilians, against prisoners of war), little-studied facts of crimes against the environment, as well as deportation, and forced labor (Orlov and Prybytkova, 2022, p. 56). Therefore, the process of de-occupation appears in the national realities not only as restoration of access to the relevant civilian infrastructure, electricity and heat supply, but also as a return to democratic and socially oriented standards in the public service after a long experience of destruction of civilian infrastructure and violation of basic human rights in these territories by the occupation administrations. That is why understanding the essence of the de-occupation process is key in analyzing the public service under the martial law regime.

The above considerations make it possible to state that the first feature of public service, which emerges from the standards established by the international community, is the digitalization of public services. In domestic realities, the issue of digital services is also considered in terms of the safety and timeliness of their provision under martial law, constant air danger, which causes long interruptions in the functioning of public authorities. An important issue in this regard is the use of artificial intelligence capabilities in the provision of public services. At the same time, despite such significant technological advances in data processing, the use of artificial intelligence in the provision of public services is associated with many risks and side effects, in particular at the level of laying down ethical principles of operation, organizational structure and technical specifications, given the lack of established and practically tested approaches to solving these problems. Also, the use of artificial intelligence technologies in the public service will have a huge impact on public sector employment, rethinking the amount of human resources required, reviewing existing mechanisms for hiring and managing employees, and the need for the latter to acquire new knowledge and skills.

The second extremely important feature of public service under martial law is the restorative nature of public service in the de-occupied territories, limited material and human resources, and the lack of appropriate workspaces and infrastructure, working equipment and other necessary means in such territories. Thus, the process of de-occupation is seen in the national reality not only as restoring access to the relevant civilian infrastructure, electricity and heat supply, but also as a return to democratic and socially-oriented standards in the public service after a long experience of destruction of civilian infrastructure and violation of basic human rights by the occupation administrations in these territories. That is why understanding the essence of the de-occupation process is key in analyzing the public service under the martial law regime.

CONCLUSIONS

The scientific novelty of the study lies in the fact that for the first time in the national legal doctrine, it identifies and thoroughly analyzes certain features of public service under martial law, and provides the author's understanding of them in the context of the latest digital and security realities.

The concept of public service has come a long way from the dominance of prescriptive and authoritarian approaches to a focus on the needs of the population and service delivery. In Ukraine, the Revolution of Dignity was a key stage in the restructuring of the public service system as a transformational phenomenon that established the ideals of accountability and broad public participation in controlling and determining the effectiveness of public authorities. At the same time, the public service system is characterized by constant dynamics and improvement of internal management processes. This dynamics is reduced not only to the

introduction of advanced information technologies in the activities of public authorities, but also to constant structural changes, introduction of the latest approaches to the management of certain areas of public life.

It is summarized that in the context of democracy development, increased requirements are placed on persons in the public service. At the same time, the national public service under the legal regime of martial law is fully experiencing the pressure of the new security and economic realities of a full-scale armed invasion.

Based on the generalization of the views of scientists, the criteria for the effectiveness of public service include: flexible and unambiguous legislation; clear accountability of business entities to control and supervisory bodies in combination with an effective institution of responsibility; active implementation of the latest strategies and tools, the effectiveness of which has been confirmed at the international level, into everyday activities; efficiency of internal management activities of public administration bodies; public trust in the relevant public administration bodies; indicators of the provision of quality public services, timeliness of the provision of public services, the economic component of the provision of public services.

The study opens up prospects for the development of ethical principles of operation, organizational structure and technical specification for the use of artificial intelligence in public service, as well as directions for the development of public service in the de-occupied territories after a long experience of the destruction of civil infrastructure and violations of basic human rights in these territories by the occupation administrations.

INTEREST CONFLICT DECLARATIONS

The authors does not have any interest conflict.

Financing

Not applicable.

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