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Measures for Monitoring the Functioning of Public Administration Institutions, Taking into Account the Legislative Framework and Level of Efficiency

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Abstract

In the process of building a democratic state governed by the rule of law, ensuring the effectiveness of mechanisms for control and supervision over public authorities is a key prerequisite for transparent and accountable governance. This article aims to analyze the legal essence, structure, and challenges of implementing such mechanisms in Ukraine, while formulating conceptual proposals for their improvement to strengthen the overall system of public administration. The research employs comparative legal and formal legal methods, analyzing constitutional and legislative provisions, government resolutions, and judicial practices, complemented by a systemic-structural approach that views control and supervision as integral components of a unified governance framework. The study's novelty lies in a refined conceptual differentiation between "control" and "supervision," emphasizing their distinct legal nature and functional roles: control as an instrument of management and enforcement, and supervision—particularly

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prosecutorial—as a mechanism for ensuring legality and constitutional compliance. The research identifies several systemic issues, including terminological inconsistencies, overlapping competencies, and procedural fragmentation, which reduce administrative efficiency and blur institutional accountability. To address these challenges, the article proposes a set of optimization measures: the harmonization of legal norms, simplification of administrative procedures, decentralization of supervisory functions, and the digitalization of oversight processes through unified electronic registers. The proposed reforms aim to improve transparency, predictability, and coherence in public administration, ultimately enhancing legal certainty and strengthening the institutional foundations of Ukraine's democratic governance.

Keywords: democratic state; supervision; state control; functional differences; local self-government bodies; public organizations; constitutional complaint; social and economic rights.

Introduction

The realities of existence and the provision of legal foundations in a democratic state are based on effective mechanisms and practices for establishing control and oversight of the functioning of all levels of government, which are not only guarantors of legality and law and order in the country, but also a permanent component of ensuring a balance of interests and demands between public authorities and civil society. At the same time, the deepening of decentralization processes, increasing demands for transparency in public decision-making, and the development of institutions of power are putting direct pressure on the process of improving the legal regulation of control and oversight functions. These functions must be implemented within the framework of clear public administration procedures and in accordance with the principles of legality, proportionality, reasonableness, and non-discrimination of public authorities (Bortniak *et al*., 2023). The issue of legal regulation for the design of both control and supervisory functions in the work of all state bodies will be relevant precisely because of constant changes in the sphere of public administration tools, as well as growing public demands for transparency of power and the need for effective management measures to prevent abuse in the executive branch (Chernov *et al*., 2023). The legal basis for control and supervision requires a thorough review in view of the need to harmonize legislation, reduce excessive bureaucratic pressure, eliminate duplication of regulatory functions, and further ensure the real accountability of state institutions to citizens. Improving the mechanism of legal control and oversight is necessitated not only by the process of expanding state powers but also by the desire to create reliable barriers against administrative arbitrariness,

excessive regulation, or repressive approaches that contradict the principles of a modern rule of law (Tapia Cachay *et al*., 2022). Given these specific features, research devoted to the development of regulatory and legal frameworks for monitoring and supervising the daily work of government agencies and state structures is becoming increasingly relevant.

Literature Review

Research into the legal framework for the control and supervision of public authorities is based on a wide range of scientific approaches that allow for a deeper understanding of the content, functional load, and institutional nature of these legal categories in the public administration system. The possibility of clearly distinguishing between the concepts of "control" and "supervision" is actively debated in legal science. Thus, researchers Bentkowska-Furman (2021) and Boufounou *et al.* (2023) fundamentally distinguish a number of forms of control, including parliamentary, presidential, judicial, state financial control, control of executive bodies, control of the Central Bank, and other forms that are considered as independent organizational and legal mechanisms for the exercise of control power. At the same time, based on the findings of Elsye (2022) and Kruhlov et al. (2023), there is a tendency to distinguish two key vectors of control activities: state control exercised by authorized public authorities and public control arising within the functioning of civil society institutions.

In the context of the expanded format of "state control" and the oversight mechanism in the works of Dovgy et al. (2023) and Fernández Ajenjo (2010), they are defined depending on the type of activity aimed at organizing the implementation of legal acts, compliance with regulatory requirements, proper use of budget resources, and responding to citizens' appeals. In addition to state and public control and supervision, Hiep *et al.* (2024) distinguish between special and historically conditioned forms – departmental, party-state, and sanitary-epidemiological control, which indicates the complex typology of legal influence mechanisms in public administration.

Researchers Kucher and Mohilevskyi (2024) emphasize that control activities are not only an element of the management process, but also a form of law enforcement, as they provide for the possibility of applying state coercive measures to ensure compliance with legal norms. Zhuk *et al.* (2022) justify the functional structure of state control, defining its key tasks: from observing the object to identifying violations and bringing those responsible to justice, which directly affects the strengthening of the rule of law in the state.

At the same time, it can be seen that "supervision" as a legal definition in a number of studies, such as Mayasari and Arman (2023) and Syrett and Alder (2021), is formed as a variation of regular monitoring by a number of state institutions defined by law, which are responsible for compliance with legislation

at all levels of executive power. This scientific position is supported by a group of other practitioners, including Bekkers and Homburg (2002), who fundamentally distinguish "supervisory work" as a separate function within the scope of control work in the field of public administration and security. In the field of modern administrative law, measures aimed at ensuring the rule of law in public administration are classified into three groups: state control, administrative and prosecutorial supervision, and the right to appeal against decisions and actions of public authorities of a particular country (Engkus et al., 2019). Some scholars, such as Adrian *et al.* (2023) and Semenets-Orlova *et al.* (2022b), have outlined a "control and supervisory" concept in their work. It generalises the legal categories that integrate all elements of legal supervision. According to the administrative and legal theory presented in the work of Mahmutovic and Alhamoudi (2023), three main approaches to understanding the legal and organizational relationship between the concepts of "control" and "supervision" should be distinguished: 1) they are instruments for ensuring the legality of power and its functions; 2) "supervision" is a constructive component of "control"; 3) all components are independent legal forms within the framework of public administration and law.

Yes, and in turn Fisher and Shapiro (2020), Makedon *et al.* (2020) define the control factor for public administration as a universal mechanism for ensuring rights and statehood based on systematic oversight, appropriate official checks, and analytical work. Taking into account the conceptual approaches considered, it is reasonably argued that although the concepts of "control" and "supervision" are interrelated and perform a common function of ensuring legality, they differ in their legal content, subjects of implementation, legal consequences, and organizational forms of implementation.

Aims. The purpose of this article is to investigate the legal essence, functional differences, and peculiarities of the implementation of the control and supervision mechanism for ensuring the activities of state authorities and to propose conceptually sound ways to improve its functioning.

Methodology

For a comprehensive and systematic analysis of state control and oversight mechanisms in public administration, the study uses a combination of qualitative and doctrinal methods.

- Comparative legal analysis involves comparing domestic legislation with international legal standards to identify best practices and weaknesses in the Ukrainian control and oversight system. Comparison with legal models of democratic states (e.g., EU countries) allows for the identification of structural and procedural shortcomings, such as duplication of powers, insufficient institutional

independence of control bodies, or the lack of a clear distinction between control and supervision.

- The formal-legal method is aimed at analyzing Ukrainian legislation governing control and oversight activities (the Constitution, laws on the prosecutor's office, executive bodies, administrative procedures, etc.). The study of the text of normative acts, their interpretation and systematization help to identify contradictions, gaps or excessive detail in individual provisions that complicate law enforcement.
- The systemic-structural method forms the basis for considering control and supervision as elements of a single mechanism of public administration, with an emphasis on their interconnection with other institutions (local self-government bodies, public organizations). An analysis of organizational structures, powers, and procedures forms the basis for determining: a) whether existing control and oversight mechanisms are functioning effectively; b) what factors (political, economic, bureaucratic) influence their effectiveness; c) what institutional changes are necessary to optimize their work.

Results

Basification of the essence of control and general supervision in ensuring the functioning of state authorities

The modern legal understanding of state control in the context of the work of state authorities in Ukraine is based on the concept of systematic, consistent, and methodologically sound activities carried out by authorized entities to ensure the legality, accountability, efficiency, and rationality of management processes in the field of public administration. On the one hand, control is an integral part of the functional provision of public administration, strengthening its effectiveness through the institutionalization of feedback, analysis, and correction based on the Constitution of Ukraine (Figure 1).

The Constitution of Ukraine serves as the main source of legal regulation, control, and oversight of state authorities, and establishes the fundamental principles of transparency, accountability, and compliance with the law in public administration (Table 1).

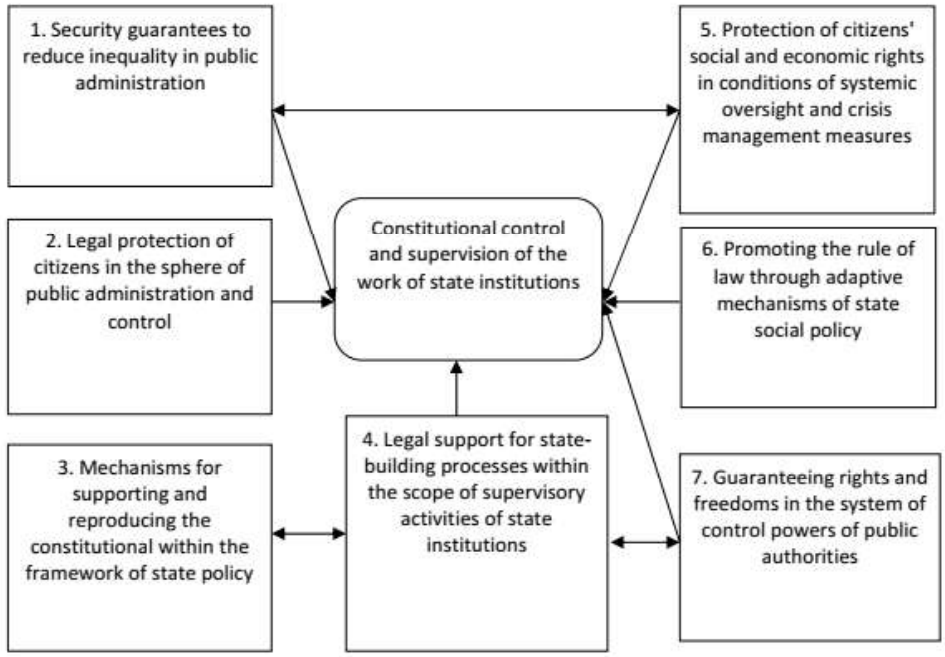


Figure 1. Interconnection between control and supervision components in shaping the conditions for the functioning of state authorities in the country

Source: compiled by the authors

Table 1. Key principles of the functioning of mechanisms for control and supervision of the activities of public authorities

Principle	Essence
Legality	Ensuring that the activities of public authorities comply with legislation, including the Constitution, laws, and regulations, in order to guarantee the rule of law
Transparency	Transparency of control and oversight procedures, ensuring public access to information about their purpose, processes, and results to increase public trust
Accountability	Focus on the democratic principle of accountability of public authorities to citizens, including regular reporting and evaluation of their performance
Effectiveness	Achieving maximum results from control and supervisory measures with optimal use of resources aimed at preventing violations and improving management in the public sphere

Independence	Ensuring institutional, organizational, and functional autonomy of control and supervisory bodies to guarantee the impartiality of their actions.
Harmony	Alignment of interests of different branches of government, the public, and other stakeholders to create a balanced system of public administration
Systematicity	A comprehensive approach to control and supervision covering all aspects of government activity, from legislative regulation to practical implementation
Continuity	Ensuring the continuity of control and supervisory processes through regular monitoring and timely response to changes in the legal environment or management practices
Integrated approach	Effective combination of various forms and methods of control (internal, external) and supervision (prosecutorial, public) to achieve state objectives
Justification	Establishing clear, achievable goals for control and supervisory activities based on an analysis of legal norms and societal needs
Cooperation	Interaction between authorities, public organizations, business, and the scientific community to improve the effectiveness of control and supervision.
Flexibility	Adaptation of control and supervision mechanisms to changes in legislation, socio-economic conditions, and challenges of public administration
Responsibility	Rational use of powers by control and supervisory bodies aimed at protecting citizens' rights and preventing abuse of power.
Comprehensiveness	Ensuring comprehensive coverage of all areas of government activity, including economic, social, and legal aspects, for the harmonious development of the management system
Productivity	Cooperation between different control and supervisory bodies to create synergies that contribute to improving the quality of public administration

Source: compiled by the author based on Verkhovna Rada of Ukraine (1996), Semenets-Orlova et al. (2022a)

According to Article 85, the Verkhovna Rada of Ukraine has the power to exercise parliamentary control, in particular through oversight of the activities of the Cabinet of Ministers, the Accounting Chamber, and the Verkhovna Rada Commissioner for Human Rights. Article 101 assigns the Ombudsman the task of ensuring parliamentary control over the observance of constitutional rights and

freedoms. Separately, the Constitution provides for the existence of the Accounting Chamber (Article 98) as an external financial control body and defines the powers of the Constitutional Court of Ukraine (Articles 147-153) to supervise the compliance of normative legal acts with the Constitution of Ukraine (Verkhovna Rada of Ukraine, 1996). Thus, state control not only monitors compliance with regulatory requirements, but also serves as an important tool for ensuring proper governance, legal certainty, and the effectiveness of public policy in the country.

Both components, control and supervision, aim to improve legal discipline and the effectiveness of management decisions, but they achieve this goal through different legal means, depending on the nature of legal powers and the chosen method of influencing the activities of public authorities (Bakhtina, 2023). In this regard, a firm opinion has been formed in administrative and legal science on the need for a clear distinction between control and supervisory powers, taking into account the extent of their interference in the activities of public authorities and the legal consequences of such actions. The fundamental differences between the functional content of control and supervision are due to the fact that supervision is aimed at ensuring compliance with the law in a general, external dimension, while control is implemented within the framework of approved regulatory provisions: such as regulations, standards, and internal instructions, and involves verifying the compliance of actual activities with specific administrative and legal requirements (Mahmutovic & Alhamoudi, 2023).

The legal tools available to state bodies in Ukraine are comprehensive in nature and combine both general principles of public administration and special procedures for individual institutions. The system itself is based on three key legislative acts: 1) the Law of Ukraine "On the Basic Principles of State Supervision (Control) in the Sphere of Economic Activity", 2) the Law of Ukraine "On National Security of Ukraine", and 3) the Law of Ukraine "On the Regulations of the Verkhovna Rada of Ukraine", which together form a comprehensive legal basis for control and supervisory activities.

The Law of Ukraine "On the Basic Principles of State Supervision" establishes the legal basis for the control of economic activity by executive authorities, defining such fundamental principles as the rule of law, transparency, a risk-based approach, and equality of all economic entities. The law regulates in detail the procedures for conducting both scheduled and unscheduled inspections, clearly delineating the powers of supervisory authorities and the rights of enterprises, which creates a balanced system for protecting both public interests and business rights (Verkhovna Rada of Ukraine, 2007).

In the area of national security, the relevant law provides for a wide range of control mechanisms, including parliamentary oversight, the activities of the Audit Chamber, the Ombudsman institution, and public councils. Particular attention is paid to monitoring the activities of law enforcement agencies, strategic planning, and regular assessment of the effectiveness of security agencies, which ensures compliance with the law in this sensitive area (Verkhovna Rada of Ukraine, 2018).

The Rules of Procedure of the Verkhovna Rada, as the basic document governing parliamentary activity, details the mechanisms of legislative control, including parliamentary questions, the establishment of investigative commissions, and the hearing of reports from the government and other state bodies. These instruments ensure the implementation of the constitutional function of parliament to oversee the executive branch, maintaining a system of checks and balances in public administration (Verkhovna Rada of Ukraine, 2010). Together, these normative acts create a comprehensive system of control and oversight mechanisms aimed at ensuring the effective, transparent, and accountable functioning of all branches of state power.

The legislative and executive branches should take a systematic approach to defining the functional status of bodies vested with control and supervisory powers, given that the existing regulatory framework does not always provide for an unambiguous classification of these functions. For example, the control powers granted to numerous executive bodies usually concern the verification of compliance with rules, norms, and standards within their functional competence in the areas of finance, occupational safety, sanitary safety, technical regulation, etc. (Makedon et al., 2024). Supervision is an instrument of public law that should ensure that no public authority acts beyond its constitutional powers and that every administrative decision can be reviewed for compliance with the law.

Stabilization of control and supervisory activities in the field of public administration

Control and supervisory activities in the sphere of functioning of state authorities in Ukraine have clearly defined immediate and strategic (ultimate) goals that determine their legal nature and social significance. The immediate goal of exercising control and supervisory powers is to ensure preventive influence on subjects of public-legal relations through the timely detection and prevention of violations of legal norms, standards, regulations, and requirements governing the activities of state authorities, in particular in the area of the quality of administrative services, the legality of administrative decisions, and compliance with established procedures (Tytykalo, 2023).

In particular, CMU Resolution No. 398 “On Approval of the Procedure for Conducting Public Consultations by State Supervision (Control) Bodies at the Initiative of Public Associations” introduced new state supervision tools aimed at increasing its transparency and involving the public in control processes. One of the innovations was the approval of the procedure for consulting with the public on the planning of inspections, which gives business representatives and public organizations the opportunity to influence the formation of state supervision plans (Cabinet of Ministers of Ukraine, 2017). Such measures strengthen the public nature of control, limit the risks of abuse by control authorities, and contribute to increasing the accountability of the state to civil society. In addition, the resolution

established a clear mechanism for publishing annual inspection plans, ensuring predictability and legal certainty in the activities of regulatory authorities, in particular with regard to the supervision of the functioning of state institutions.

A fundamental addition to this legal framework is Conclusion No. 1-v/2001 of the Constitutional Court of Ukraine, which plays a key role in defining the limits of parliamentary control over the activities of the executive branch. In its decision, the Court emphasized that the committees of the Verkhovna Rada are not separate control bodies, and their participation in this process derives directly from the powers of the parliament itself. This decision clearly defines the limits of the legislative body's control activities: parliament may exercise control only within the limits of its constitutional functions and has no right to interfere in the day-to-day work of the executive branch (Constitutional Court of Ukraine, 2001).

The quality of the implementation of control and supervisory functions directly affects the level of coordination of interests among key participants in public-legal relations: citizens, civil society institutions, local self-government bodies, and state authorities themselves (Ryabets, 2023). In this context, the priority of ensuring human rights and freedoms should be seen not only as a moral and legal benchmark, but as a principle that obliges control and supervisory bodies to carry out their activities in a manner that not only guarantees legality, but also creates conditions for the implementation of the democratic principle of accountability of the authorities to society (Table 2).

Table 2. Legal basis for the implementation of mechanisms for control and supervision of the activities of public authorities in Ukraine

Regulatory act	Basic principles	Control tools	Scope of application	Impact on management
Law "On the Basic Principles of State Supervision"	Rule of law, transparency, risk orientation	Scheduled and unscheduled inspections	Economic activity	Protecting the interests of the state and business
Law "On National Security of Ukraine"	Legality, accountability	Parliamentary oversight, audit by the Accounting Chamber	Security forces, security	Ensuring security effectiveness
Law "On the Regulations of the Verkhovna Rada"	System of checks and balances	Deputies' inquiries, investigative commissions	Executive power	Support for legislative oversight

Resolution of the Cabinet of Ministers of Ukraine No. 398	Transparency, public participation	Consultations, publication of inspection plans	State institutions	Enhancing accountability
Conclusion of the Constitutional Court of Ukraine No. 1-v/2001	Constitutional limits of control	Parliamentary control through committees	Executive power	Limits on parliamentary intervention

Source: compiled by the authors

At the same time, the effectiveness and legitimacy of control and supervisory actions largely depend on how predictable, open, and motivated the responses of the controlled entities, i.e., state authorities, are. In this sense, control and supervision should not be reduced to forms of repressive pressure or a mere mechanism of punishment, devoid of feedback, but should be implemented as an instrument of legal dialogue between the state and its institutions, in accordance with the principles of proportionality, legal certainty, and procedural fairness (Oerlemans & Langenhuijzen, 2024).

Measures to optimize the mechanism of state control and supervision over the activities of state authorities

The issue of optimizing the mechanism of state control and transparent oversight to ensure the functioning of public authorities is directly related to the category of effectiveness, which should be understood as the ability of the control and oversight system to achieve its public goals, in particular ensuring legality, accountability, and security in the exercise of management functions. In this context, effectiveness is not an abstract quality, but the result of the real impact of control and oversight measures on improving public administration and preventing violations in the activities of public institutions (Bakhtina, 2023). Only if they are truly independent can control and supervisory bodies objectively identify violations, provide an impartial assessment of the actions of public authorities, and initiate appropriate legal response measures. The dependence of control institutions on the entities whose activities they monitor negates the very essence of the supervisory function as a mechanism for ensuring legal order (Bidziński & Ulijasz, 2024). This approach leads to confusion between functional powers: in a number of cases, supervisory measures are applied under the guise of control and vice versa, which reduces legal certainty and the effectiveness of administrative regulation (Figure 2).

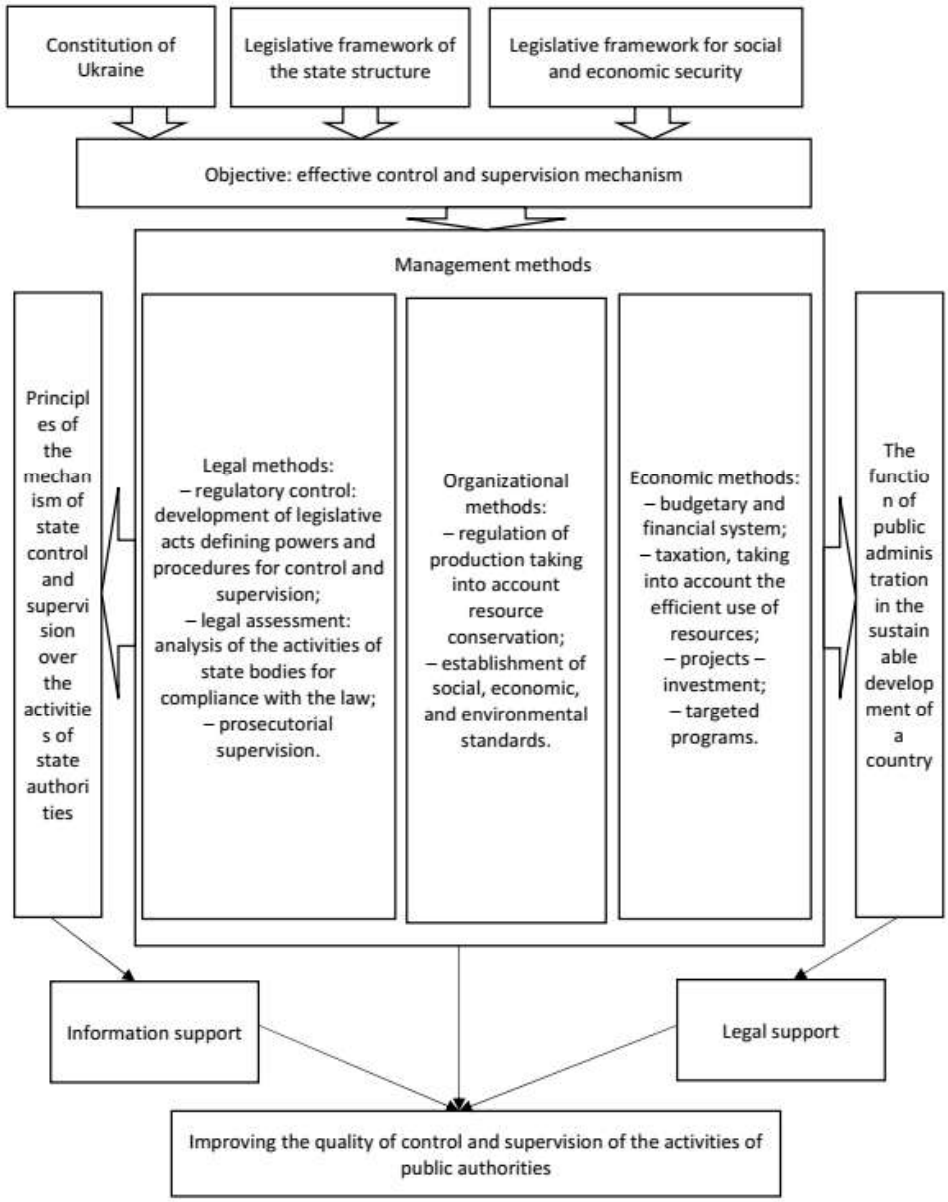


Figure 2. Mechanism for control and supervision of the activities of state authorities
Source: compiled by the authors

An analysis of existing control and oversight procedures reveals their complexity, fragmentation, and lack of focus on protecting the rights of management entities. The combination of control (expertise, data analysis, document verification) and

supervisory (enforcement measures, prosecution, termination of activities) powers in a single legal field without clear regulation of the limits of their application leads to abuse, violation of individual rights, and unjustified complication of administrative procedures. As a result, the scope of control and supervision within public administration is not clearly defined and remains conceptually disordered.

In view of this, the reform of the control and supervision system in Ukraine should be aimed at implementing a number of priority tasks: first, the creation of a single and coherent legal space for the functioning of control and supervisory bodies; second, the simplification of procedures for permits, approvals, and licensing; third, the standardization of powers at the local level through the delegation of some control functions to local self-government bodies or self-regulating institutions; provided that an effective mechanism for verifying the legality of their actions is established; fourth, regulatory and organizational support for coordination and interaction between control and supervisory bodies at different levels of government (Piotrowska *et al*., 2021).

Building an effective system of state control and supervision requires taking into account both the positive achievements of scientific thought and the conclusions of law enforcement practice, which confirm the need for a systematic approach. The main tasks in this area include: ensuring the independence of control and supervisory bodies; establishing their legal status and powers on a single legislative basis; unifying powers and procedures within the executive branch; and introducing clear mechanisms for coordination between all participants in control and supervisory activities.

Discussion

The study showed that the system of legal mechanisms for ensuring both control and oversight of public authorities, although theoretically sound, still needs significant improvement at the regulatory and institutional levels. The results of the study are consistent with the scientific provisions in the works of Semenets-Orlova *et al*. (2022a), Mahmutovic and Alhamoudi (2023), and Dovgy *et al*. (2023), who identified a format for the fundamental and clear distribution of control and oversight functions in the field of modern public administration. The difference between the proposed approach is justified by the emphasis on the formation of a clear and orderly system of legal instruments that takes into account their intended purpose, the subjects of legal control and supervision, and the possible legal consequences.

The relationship between the legal categories of “control” and “supervision” remains a matter of debate. Researchers, including Kucher & Mohilevskyi (2024) and Adrian *et al*. (2023), consider these terms to be synonymous, provided that the function of broad state control is interpreted broadly. However, the analysis showed that the very format of identification can lead to duplication of powers,

which contradicts the principles of effective public administration. Instead, it was proposed to differentiate the basic categories of the study according to a number of defining characteristics: a) level of subordination, b) depth of intervention, c) method of implementation, d) possible legal consequences.

The scientific value of the work carried out is outlined in the development of a detailed classification of the functional characteristics of legal control and supervision, which is based on the principles of the rule of law, such as legality, transparency, accountability, proportionality, and effectiveness. In addition, a model for stabilizing control and supervisory activities aimed at the functioning of the state authority system has been developed. The model takes into account and integrates elements of complex interaction between state authorities, local self-government, and civil society. The model echoes the ideas of Oerlemans and Langenhuijzen (2024), which emphasize the importance of dialogue between the authorities and the public in order to increase trust in the entire system of state control.

The practical value of the completed study lies in the use of its findings to improve legislation in the field of state control and supervision, as well as to optimize the work of relevant state institutions and levels of government. The proposed initiatives: unification of public administration and management procedures, clear division of powers, and introduction of digital technologies for processing information for control purposes, are in line with current trends in public administration, as confirmed by the well-known works of Boufounou *et al*. (2023) and Tapia Cachay *et al*. (2022).

Conclusion

Scientific research shows that for the effective functioning of the control and supervision system by public authorities, a stable legal framework is necessary to ensure the implementation of these functions and maintain clear harmony between the legal status of control and supervisory institutions. It has been determined that the control function does not replace the supervisory procedure, and supervision itself does not perform the tangible functions of internal control, since the reverse processes create a precedent for functional duplication, which leads to a decrease in legal certainty and an increase in the risks of exercising powers by public authorities. An updated structure of objectives for the control and supervisory functions of state authorities has been developed and described, which specifies that the fundamental task of these functions is the timely detection of violations and the prevention of harm. It has been determined that the strategic control and supervision is to maintain and ensure a balance between the administrative expediency of public authority and the rule of law in the state.

Research has shown that the legal mechanism for ensuring and maintaining control and supervision in the work of state authorities in Ukraine has a systematic and multi-level structure and is based on a number of general administrative principles and specialized norms of sectoral legislation. In order to improve the overall effectiveness of legal regulation and the functioning of the mechanism for control and supervision of the work of state authorities, a number of administrative measures have been proposed: 1) ensure and maintain the regulatory and legislative consolidation of a clear functional distinction between systemic control and supervision; 2) create conditions for the unification of the legal status of bodies (services) responsible for control and supervision of public administration solely on the basis of current legislation in this area; 3) create and integrate into public administration processes electronic platforms providing public access to the list of mandatory requirements and rules that constitute a legitimate basis for conducting quality checks on the implementation of control and oversight procedures; 4) maintain a regulatory framework for determining the limits of legal intervention in the activities of public authorities, which should be based on the principles of proportionality, prohibition of double intervention, and respect for the autonomous principles of public authorities in the country; 5) develop a mechanism for involving public structures and organizations in the additional implementation and monitoring of control functions on the basis of delegation.

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