UDC 351

https://doi.org/10.52058/3041-1572-2024-1(1)-271-279

Filippova Viktoriya Dmytrivna, Doctor of Public Administration, Professor, Kherson National Technical University, str. Instytutska, 11, Khmelnytskyi, 29016, https://orcid.org/0000-0002-8476-3341

Hassun Muhamed Abdel Majet, graduate student of the Department of Public Administration, Interregional Academy of Personnel Management, Frometivska Street, 2, Kyiv, 02000, https://orcid.org/0000-0003-2103-5651

MECHANISMS OF THE FUNCTIONING OF STATE POLICY IN THE SPHERE OF DIPLOMATIC RELATIONS

Abstract. It has been proven that state policy in the field of diplomatic service is, nevertheless, a rather individual concept. The government decides on its own how to choose one or another vector of development. For example, the experience of the United States of America provides an opportunity to draw a conclusion: the government should not be a spectator and a statist, it should be fully involved in the process of state-social dialogue. The signs of dialogue in the United States of America are transparent and clear, manifested, first of all, in the openness and publicity of the government, freedom of speech and opinion of the public and mass media, free expression of one's own civil and political position by social institutions and bodies of civil initiative.

It has been proven that in order to create an effective and modern state apparatus with democratic principles of diplomatic representation, it is necessary to choose the most humane way to dialogue with the population. The Ukrainian experience shows that the process of communication between the authorities and citizens is more intense, and the problem lies in an insufficiently established way of exchanging proposals between the community and state institutions.

It is indicated that the public character of the government and the publicity of the officials is important in the context of the formation of a high level of trust from the population and confidence in the competence of civil servants. The position of countries such as France, Denmark and Sweden is progressive and modern: social networks, which are actively used in today's conditions, take on the role of a communication tool between the government and society. It is worth noting that such a concept is used in Ukraine, but the development of the socio-diplomatic management apparatus needs improvement.
The conceptual foundations of the diplomatic service in the countries of the European Union, the United States of America, Australia and Canada are laid not only at the legislative level, but also at the level of recommendations and interpretations (the State Department and the White House provide clarification on their legal and political nature).

It was analyzed that the European integration processes of the state of Ukraine and the chosen Euro-Atlantic course should be ignored in the context of the development trends of the diplomatic service on the territory of the state. Of course, the European direction of development implies transformative transformations in the sphere of public policy towards globalization, standardization and humanity. Humanity, first of all, should be expressed in the creation of appropriate working conditions for representatives and employees of diplomatic and consular institutions of Ukraine abroad, employees of the Ministry of Foreign Affairs of Ukraine and their representative offices on the territory of Ukraine

**Keywords.** Diplomatic and consular institutions of Ukraine, regulatory and legal acts, the context of the state's European integration course, ensuring state welfare and protection.

Філіппова Вікторія Дмитрівна, доктор наук з державного управління, професор, Херсонський національний технічний університет, вул. Інститутська, 11, м. Хмельницький, 29016, https://orcid.org/0000-0002-8476-3341

Хассун Мухамед Абдель Маджет, аспірант кафедри публічного адміністрування, Міжрегіональна Академія управління персоналом, вулиця Фрометівська, 2, Київ, 02000, https://orcid.org/0000-0003-2103-5651

**МЕХАНІЗМИ ФУНКЦІОНАРУВАННЯ ДЕРЖАВНОЇ ПОЛІТИКИ У СФЕРЕ ДИПЛОМАТИЧНИХ ВІДНОСИН**

Анотація. Доведено, що державна політика у сфері дипломатичної служби, тим не менш, є досить індивідуальним поняттям. Влада власноруч вирішує, яким чином обрати той, чи інший, вектор розвитку. Наприклад, досвід Сполучених Штатів Америки надає можливість зробити висновок: влада не має бути глядачем та статистом, вона повинна бути, повною мірою, залучена у процес державно-соціального діалогу. Ознаки діалогу у Сполучених Штатах Америки є прозорими та чіткими, виявляючись, в першу чергу, у відкритості та публічності влади, свободі слова й думки громадськості та засобів масової інформації, вільному висловленню власної громадянської і політичної позиції соціальними інститутами та органами громадянської ініціативи.
Доведено, що задля того, аби створити дієвий та сучасний державний апарат із демократичними засадами дипломатичного представництва, потрібно обрати найбільш гуманний шлях до діалогу з населенням. Український досвід показує, що процес комунікації влади та громадян є більш напруженим, а проблематика криється у недостатньо налагодженному способі обміну пропозиціями між громадою та державними інституціями.

Вказано, що публічний характер влади та публічність посадовців має важливе значення у контексті формування високого рівня довіри від населення та впевненості у компетентності державних службовців. Позиція таких країн, як Франція, Данія та Швеція, є прогресивною та сучасною: соціальні мережі, які активно використовуються в умовах сьогодення, набувають ролі інструменту комунікації між владою та суспільством. Варто зазначити, що в Україні такий концепт застосовується, проте розвиток соціально-дипломатичного апарату управління потребує вдосконалення.

Концептуальні основи дипломатичної служби у країнах Європейського Союзу, Сполучених Штатах Америки, Австралії та Канаді закладені не лише на законодавчому рівні, а й на рівні рекомендацій та тлумачень (Державний Департамент та Білий Дім надають роз’яснення щодо їх правової та політичної природи).

Проаналізовано, що оминути стороною євроінтеграційні процеси держави України та обраний євроатлантичний курс у контексті тенденцій розвитку дипломатичної служби на території держави. Звичайно, європейський напрям розвитку передбачає трансформаційні перетворення у сфері державної політики у бік глобалізації, стандартизації та гуманності. Гуманність, в першу чергу, має виражатися у створенні належних умов праці для представників та працівників дипломатичних, консульських установ України за кордоном, працівників Міністерства закордонних справ України та їх представництв на території України.

Ключові слова. Дипломатичні, консульські установи України, нормативно-правові акти, контекст євроінтеграційного курсу держави, забезпечення державного блага та захисту.

Formulation of the problem. The normative-legal mechanism of the functioning of state policy in the field of diplomatic relations is a set of international legal, normative-legal acts of legislation, simultaneously including the norms of the Constitution of Ukraine. This specificity of the mechanism's work is aimed at the full, comprehensive and clear distribution of powers of state policy subjects in the field of diplomatic relations in accordance with the norms and provisions of the law. At the same time, the legal consolidation of the rights and obligations of the subjects of diplomatic relations contributes to the defined priority setting of their functioning.
In accordance with the Law of Ukraine "On Diplomatic Service" dated June 7, 2018 No. 2449-VIII, the Law of Ukraine "On State Service" dated July 23, 2020 No. 889-VIII [1], by-laws of Ukraine, approved regulatory documents of the Cabinet of Ministers Legal support for the functioning of state policy in the field of diplomatic relations of Ukraine and central authorities is carried out, the regulation of diplomatic relations is organized by the structural components of the diplomatic service system in Ukraine, as well as by state authorities and local self-government bodies.

The purpose of the article is to analyze the mechanisms of state policy functioning in the field of diplomatic relations.

Presenting main material. The general system of the diplomatic service on the territory of Ukraine is a set of organizational, legal, social and political measures, as well as bodies and structures of the diplomatic service, whose activities are aimed at ensuring the formation and implementation of state policy in the field of foreign relations, coordination of the activities of state bodies in the field external communications. The system of diplomatic service bodies includes: the Ministry of Foreign Affairs of Ukraine [2], representative offices of the Ministry of Foreign Affairs of Ukraine on the territory of Ukraine, foreign diplomatic institutions of Ukraine.

In a broad sense, the mechanism of functioning of state policy in the sphere of diplomatic relations on the territory of Ukraine has the following components:
- the presence of an extensive system of diplomatic service bodies, the hierarchy of which is defined in Article 5 of the Law of Ukraine "On Diplomatic Service" dated June 7, 2018 No. 2449-VIII;
- a system of legal norms that regulates and coordinates according to the requirements of the rule of law, humanism, legality, openness and openness, directs and subordinates activities in the diplomatic sphere.

It is necessary to outline the main legal acts in the field of diplomatic relations. Therefore, the Law of Ukraine "On Diplomatic Service" dated June 7, 2018 No. 2449-VIII should be included here; the Law of Ukraine "On Civil Service" as amended from 07.23.2020 No. 889-VIII; resolution of the Cabinet of Ministers of Ukraine "On approval of the Regulation on the Ministry of Foreign Affairs of Ukraine" dated March 30, 2016 No. 281.

It should be noted that the diplomatic service and diplomatic relations formed in the process of its implementation have a narrow-profile and branch character. This is manifested in dynamic changes in the field of diplomatic personnel, business trips, service abroad, accountability and subordination to the jurisdictions of the Ukrainian side and the norms of international law, at the same time. Indeed, it is worth emphasizing the imperfection and ambiguity of the practical component regarding the implementation of mechanisms for the implementation of Ukraine's foreign
policy at the legislative and prospective level. In this context, the Law of Ukraine "On Civil Service" as amended on 07/23/2020 No. 889-VIII and the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Regulations on the Ministry of Foreign Affairs" of March 30, 2016 No. 281 are guiding and fundamental in this context. However, we emphasize, these specific legislative acts that determine the conceptual direction of the diplomatic service and the peculiarities of state administration in this area need improvement and a Euro-Atlantic orientation.

State regulation in the field of diplomatic relations in Ukraine is carried out in compliance with the need to identify the main problems of state-diplomatic relations, their formulation and further perspective-legal elimination. I would like to note that the possibility of removing obstacles in the functioning of the public service is possible only if there is a competent, professional, stable, authoritative and communicatively literate state apparatus with the appropriate level of qualification [3, р. 172].

As you know, the main task of the diplomatic service should be to maintain and ensure the national interests of Ukraine and its citizens in international legal relations and in the international arena. At the same time, the protection of the rights and interests of Ukrainian citizens requires the proper level of functioning of the organizational and management apparatus, that is, its practical component. For example, the Law of Ukraine "On the Diplomatic Service" in an imperative and declarative manner approves the organizational component of the activities of foreign diplomatic institutions of Ukraine, dividing them into Embassies of Ukraine, Permanent Missions and Missions of Ukraine to international organizations, consular institutions of Ukraine, which include the Consulate General of Ukraine, the Consulate of Ukraine, Vice-Consulate of Ukraine and Consular Agency of Ukraine. The formation of an extensive political and legal apparatus for ensuring international diplomatic relations contributes to the concentration and involvement of representatives of the diplomatic service of Ukraine in the process.

A permanent workplace, the presence of legally prescribed duties and directives gives an employee of a diplomatic institution the opportunity to form a work schedule, the structure of the relationship between work and free time, the percentage relationship between the professional workload of a static nature (work at the Consulate or Embassy) or permanent-dynamic (participation in Missions of Ukraine to international organizations).

The experience of introducing an equally distributed workload on representatives of diplomatic institutions of Ukraine creates an appropriate level of trust in the diplomatic service as a separate structural unit of the state apparatus not only from the population, but also from consuls, ambassadors and other diplomatic representatives of Ukraine in international relations and international legal conflicts. In this way, the personal life of representatives of the diplomatic service is combined
with the certainty of the future - everyone knows their own rights and responsibilities, while simultaneously realizing their own legitimate opportunities for career growth and development, recreation and professional workload [4].

State policy, in turn, plays an important role in shaping the culture of diplomatic-state relations. After all, the course chosen by the state extends to all spheres of its state apparatus. State administration cannot be considered separately from the diplomatic service, because the latter is directed, subordinated and determined by the state itself. This makes it possible to draw a well-founded conclusion about the mutual connection of the state apparatus and its structural units (links), the equal distribution of the industry load and the creation of opportunities for professional realization for employees and officials in the diplomatic sphere [5, p. 117].

It is impossible to ignore the European integration processes of the state of Ukraine and the chosen Euro-Atlantic course in the context of the development trends of the diplomatic service on the territory of the state. Of course, the European direction of development implies transformative transformations in the sphere of public policy towards globalization, standardization and humanity. Humanity, first of all, should be expressed in the creation of appropriate working conditions for representatives and employees of diplomatic and consular institutions of Ukraine abroad, employees of the Ministry of Foreign Affairs of Ukraine and their representative offices on the territory of Ukraine [6, p. 175].

The Law of Ukraine "On the Diplomatic Service" states that officials of the diplomatic service have the same privileges, priorities, are endowed with the same rights and obligations as civil servants, so in fact they are equal to them in terms of rank and scope of state-executive immunity, provided by the Law of Ukraine "On Civil Service". That is, both the rights and duties of employees of the diplomatic service of Ukraine are regulated by a normative legal act of a general nature, as well as by the norms of international law and the law of the state on whose territory they serve in foreign diplomatic institutions [7, p. 13].

Among other things, the duties specified in Article 11 of the Law of Ukraine "On Civil Service" include: respect for the laws, rights and customs of the host state, combined with a worthy representation of the state of Ukraine on the international arena.

Evaluating the legislator's position, it is possible to single out some controversial conceptual provisions from the point of view not only of the technique of normative design, but also of the established rights of representatives of the diplomatic service of Ukraine. Therefore, the list of duties specified in Article 11 of the Law of Ukraine "On Civil Service" is broader, voluminous and clearer in wording than the similar list of rights specified in Article 10 of the aforementioned Law of Ukraine "On Civil Service". The legislative reference to the Law of Ukraine "On Civil Service" is both justified and not - in this way it does not seem possible to
single out the privileges and rights of a separate category of civil servants, who are diplomatic representatives of Ukraine in international relations with other states.

The above forms the need for the introduction of a specific, narrow-branch legislative act, the purpose of which would be to regulate the rights and obligations of diplomatic service employees, to establish and ensure similar privileges by law, to regulate the specifics of the functioning and work of diplomatic missions and consular institutions, which are jurisdictionally accountable to the Ministry of Foreign Affairs of Ukraine.

No less important, from the point of view of aspects of the functioning of the civil service in the diplomatic sphere, is the procedure for completing the diplomatic service. First of all, it is interpreted in Chapter IV of the Law of Ukraine "On Civil Service", and is also the subject of scientific and practical discussions. First, there is a presumption that diplomatic service is completed by its officials exclusively in the bodies of the diplomatic service. This is the key to the stable functioning of diplomacy as a separate structural unit of the state apparatus and its system-forming link. Secondly, an important aspect of diplomatic service is rotation. In fact, it can be considered the principle of humanism that should be defined as a guiding principle in the formation of the concept of public service in the diplomatic sphere in a prospective context [8, p. 55].

Part three of Article 17 of the Law of Ukraine "On Civil Service" establishes a progressive approach to the practical provision of diplomatic service: participation in the rotation is de facto recognized as a mandatory condition for its completion for all officials in this field of the state apparatus without exception. In addition, there is the possibility of a long-term business trip, the duration of which is determined individually, depending on the climatic and political conditions of the stay of representatives of the diplomatic service, as well as early recall in the cases provided for in Article 19 of the Law of Ukraine "On State Service" - this includes official necessity, deterioration of the state of health (severe), or improper performance of official duties by an official of the diplomatic service.

In addition, the principle of "checks and balances" is reflected in the prevention of any misdeeds by an employee of the diplomatic service or members of his family - that is, actions that directly or indirectly have a negative international legal impact on the image of Ukraine in the international arena. It is important that rights and duties are combined and complement each other, and not exist in contradiction [9, p. 75].

Formation of high-quality, modern and flexible incentive-punishment corporate etiquette is a necessity, not a requirement of time. The diplomatic service and the concept of its activities are associated with a high level of responsibility, the latter, in turn, implies a high level of criticism of one's own activities from civil service officials. The possibility of achieving such a balance depends only on
discipline, which is cultivated as mandatory in the process of exercising professional powers [10, p. 112].

Conclusions. So, after analyzing the regulatory and legal mechanism of the functioning of state policy in the field of diplomatic relations, we come to the conclusion: the diplomatic service and the regularities of its functioning directly depend on the state of science in this field. Personnel training, the concept of training and retraining, which is chosen, forms the necessary conceptual array and stylistic features of development and shifts in the sphere of state policy and the diplomatic course of the state of Ukraine. A vision is theoretical until it finds confirmation and support in practice. The practical component, in turn, is impossible without theoretical and methodological concepts and scientific opinions. It is important that such a ratio has a positive effect on the scientific and state-political spheres of the diplomatic service, because a conflict of a theoretical-practical nature has a positive effect where there is a prospect of achieving results [11, p. 35; 12].

References:
Література: