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Conceptual Foundations of the Goal-Setting Mechanism of Administrative Law Norms

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Abstract. It is emphasized that the scientific and practical significance of the research lies in the development of the conceptual foundations of the goal-setting mechanism of administrative law norms, the specification of its elements and procedures, and the formation of criteria for evaluating effectiveness at all stages-from goal formulation to their adjustment. This will make it possible to improve the quality of law-making and law enforcement and to strengthen trust in the system of public authority in general and public administration in particular.

The article substantiates the author's definition of the goal-setting mechanism of administrative law norms as an orderly system of legal means and procedures through which the determination, normative fixation, evaluation, and adjustment of the goals of administrative-legal regulation are carried out. Emphasis is placed on ensuring their compliance with the principles of law, the balance of interests of private individuals, society, and the state, as well as the attainability and effectiveness of their practical implementation.

Structurally, the goal-setting mechanism is considered as a set of legal instruments for planning and substantiating goals (in particular, the concept of a normative legal act, regulatory impact assessment), procedures of public consultations, legal and special examinations, state registration of normative legal acts, as well as the monitoring of their effectiveness and legal oversight, followed by the revision and adjustment of established goals. It is argued that the systematic use of these instruments makes it possible to clearly track the compliance of the defined objectives with real social needs and to timely adjust legal regulation in order to achieve maximum effectiveness.

The conclusion is drawn that the development of the conceptual foundations of the goal-setting mechanism of administrative law norms is a necessary step towards improving the quality of law-making and law enforcement, enhancing the transparency of regulatory activity, and building public trust in the institutions of public administration.

Keywords: goal-setting mechanism, administrative law, legal means, public administration, legal regulation, normative legal acts, law-making, regulatory effectiveness, legal monitoring, public consultations.

Introduction

The current transformation of public administration, driven by Ukraine's European integration commitments, the digitalization of governance processes, and the introduction and prolonged operation of the legal regime of martial law, imposes increased

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demands on the goal-orientation of administrative-legal regulation. Under these conditions, the quality of goal-setting in administrative law norms determines the predictability of regulation, the proportionality of state intervention in the rights of private individuals, and the attainability of public outcomes and interests. It appears that without a clear and legally defined goal-setting mechanism, it is impossible to ensure either the consistency of norms with the principles of the rule of law or the effective monitoring of their impact.

Despite the significant development of general theoretical conceptions of the legal regulation mechanism, Ukrainian administrative-legal doctrine still lacks a coherent concept of the goal-setting mechanism–its structure, legal means, and procedures that ensure the determination, normative consolidation, and adjustment of the goals of norms. Existing approaches often eclectically combine legal, organizational, and political instruments, which complicates the verification of results and blurs the boundaries of legal responsibility of law-making and law-enforcement actors.

The institutionalization of practices such as regulatory impact assessment, public consultations, and legal monitoring adds further relevance. These practices create normative "nodes" in which goals must not only be declared but also tested for attainability, adequacy, and balance of interests. This calls for the systematization of exclusively legal means of goal-setting, their separation from purely managerial decisions, and the development of a consistent model suitable for subsequent empirical evaluation of effectiveness.

Literature Review

The theoretical basis for studying the structure of the goal-setting mechanism of administrative law norms lies in the works devoted to the theory of law and general issues of administrative and legal science. An important point of reference in this context is the concept of the general legal mechanism, which is regarded in the scholarly tradition as a well-established, comprehensive theoretical and legal category.

Thus, a significant contribution to the study of the essence of the mechanism of legal regulation was made by S. I. Bevz, who, relying on the classical approach of V. M. Horshenov, emphasized its role as a set of methods of exercising rights and as intermediate links-legal personality, legal facts, and legal relations-that translate the normativity of law into the ordering of social relations [1, p. 43]. The scholar also stressed that legal regulation is always carried out through a specific "toolkit" inherent precisely to the legal mechanism, which guarantees the achievement of the goals defined by the legislator [1, p. 44].

A similar approach is followed by D. I. Holosnichenko, who interprets the mechanism of legal regulation as a special construction capable of transforming legislative provisions into the corresponding behavior of legal subjects [2, p. 120]. In turn, T. I. Tarakhonych defines the legal mechanism as a sequential construction of legal means aimed at achieving a specific legal purpose while observing the relevant procedure [3, p. 13].

Within the framework of issues related to the goal-setting of administrative law norms, this concept encompasses a set of legal instruments that ensure the process of defining and implementing goals in their systemic interrelation. At the same time, the very notion of goal-setting in administrative law norms remains at the center of attention of the modern academic community. A significant contribution to the development of issues related to the goals of administrative law, their normative consolidation, and adjustment has been made by O. H. Komisarov [4] and O. M. Mykolenko [5].

Purpose

Accordingly, the scientific and practical significance of this research lies in the development of the conceptual foundations of the mechanism of goal-setting within the norms of administrative law, the specification of its constituent elements and procedures, as well as the formulation of criteria for assessing effectiveness at all stages – from goal formulation to their subsequent adjustment. Such an approach will contribute to enhancing the quality of law-making and law enforcement activities, and will serve to strengthen public confidence in the system of public authority as a whole, and in the sphere of public administration in particular.

Methodology

The dialectical method was employed to elucidate the dynamics of the formation and development of the goal-setting mechanism within the

norms of administrative law, as well as to determine its interrelation with the evolution of administrative and legal categories.

The system-structural method made it possible to identify the elements of the goal-setting mechanism, classify them, and characterize their internal interconnections within a unified legal construct.

The methods of analysis and synthesis were applied to critically assess scholarly approaches to understanding the legal instruments of goal-setting and to formulate a generalized authorial perspective on their essence and functional role.

The formal-legal method facilitated the interpretation of administrative law norms that enshrine the objectives of legal regulation, as well as the identification of methods for their normative adjustment.

Results and Discussion

The goal-setting of administrative law norms is understood as the process of their determination, normative consolidation, and adjustment. To obtain a comprehensive understanding of this process, due attention should be paid to the core substantive and procedural legal means through which, in practice, all stages of goal-setting of administrative law norms are carried out and which together constitute the mechanism of goal-setting of administrative law norms. To this end, it is necessary first to conceptualize the legal mechanism as a well-established theoretical and legal construct, which, in the context of goal-setting of administrative law norms, encompasses a set of legal means of goal-setting in their systemic interconnection. By endowing the concept of the mechanism of goal-setting with specific content through the identification of its essential elements, the natural next step of the research is to examine in detail the main legal means that ensure goal-setting of administrative law norms at all stages of this process.

At the general scientific level, the notion of "mechanism" refers to the internal structure or system of a phenomenon, the set of states and processes of which it is composed [6, p. 523]. A mechanism is often defined as the coordinated interaction of the components of a unified whole, realized through procedures, means, and methods aimed at achieving its functional purpose as an integral entity [7, p. 72]. The concept of "mechanism" has thus acquired the status of one of the fundamental general-theoretical categories, widely used for grouping legal phenomena for the purposes of scholarly elaboration (e. g., the mechanism of legal regulation, the mechanism of protection of human rights and fundamental freedoms, the mechanism of public administration in specific economic sectors).

Summarizing the above scientific approaches, we may conclude that the mechanism of administrative-legal regulation, in turn, represents an ordered system of legal means which, in their interrelation, ensure the proper functioning of the state and local self-government with a view to the fullest possible satisfaction of the legitimate interests of private individuals, civil society institutions, and the attainment of other goals of administrative law in the sphere of public-law relations. At the same time, the assertion that the mechanism of administrative-legal regulation "regulates" social relations appears unsubstantiated, as it artificially narrows the structure of this type of legal mechanism to legal norms alone, whereas the realization of the regulatory impact of law necessarily includes other indispensable elements [8].

Turning to the structure of the legal mechanism, it should be emphasized that it encompasses the legal means that constitute its integral elements. In their organized unity, these elements provide the potential of the legal mechanism to shape, modify, and terminate social relations within the relevant sphere.

In order to clarify the notion of a legal means, it is worth recalling that, in a general scientific sense, a means links together the subject and object of activity, as well as the ideal model and the material result–that is, the method by which the subject influences the object in order to achieve a predetermined goal [9, p. 67]. Means thus ensure the realization of a goal and the attainment of the necessary result; they serve as an intermediary that guarantees the connection between goal, means, and outcome: goal – means – result of activity [10, p. 23].

According to the well-founded observation of I. Yu. Nastasiak, scholarly sources offer diverse approaches to understanding the essential features of legal means. In particular: they reflect all generalized methods of ensuring the interests of legal subjects and the attainment of set objectives; they embody the informational and energetic properties and resources of law, which provide them with a distinctive legal force; in their interaction, they represent the principal components (elements) of the functioning of law and

the mechanism of legal regulation; they lead to legal consequences, concrete outcomes, and a specific level of effectiveness of legal regulation; they are guaranteed by the state [10, p. 24].

Among the defining features of legal instruments, scholars particularly emphasize that they:

- constitute legal phenomena;
- are directed toward the attainment of a corresponding purpose – the regulation of social relations, the exercise of subjective rights and the performance of legal duties, as well as the satisfaction of the interests of legal subjects;
- enable the transformation of legal requirements into lawful behavior of the subjects of law;
- ensure the achievement of a specific outcome – legally significant consequences;
- reflect the level of legal development of society through their place among other social regulators [10, p. 24].

Particular attention in the scholarly community is devoted to the dual nature of legal means, which are divided into substantial and functional. As N. V. Zaiats has pointed out, in the context of their characterization, one can distinguish their functional component, thereby emphasizing their regulatory role and their potential to serve as instruments in addressing specific social tasks and in realizing the value of law as a regulator of social relations. In other words, while legal means are substantial in nature, they inherently contain a perspective of use–namely, the possibility of achieving a desired result through their application. The scholar also stressed that legal means are a multifaceted theoretical and legal phenomenon that can be examined both in the legal dimension (as a set of legal instruments and the formalized outcome of the activities of legal subjects) and in the social dimension (as the embodiment of legal values, the reflection of certain interests, and the facilitation of the achievement of relevant results) [12, p. 204].

Thus, the system of legal means forming the mechanism of administrative-legal regulation includes the norms of administrative law and acts of their official interpretation; administrative legal relations (including relevant legal facts and factual compositions); acts of exercising rights and fulfilling duties within these legal relations (including acts of application of legal norms); as well as the legal consciousness of participants in administrative legal relations (as a facultative element).

Adhering to the general scientific understanding of means, developed in the course of this study, as instruments and methods of activity, legal means may be defined as legal phenomena expressed in legal instruments and the ways of their application, directed toward the satisfaction of the legitimate interests of legal subjects and the attainment of other positive outcomes.

To identify the legal means that constitute the mechanism of goal-setting of administrative law norms, it should be recalled that this process encompasses the determination of the objectives of legal norms (which primarily presupposes an analysis of the state of social relations requiring legal regulation and of the consequences of adopting and implementing a legal norm, as well as the normative establishment of the objectives of administrative law norms), the recording of the results of their implementation in practice, and the adjustment (secondary establishment) of the objectives of administrative law norms. In this regard, the legal means of the goal-setting mechanism of administrative law norms are the legal instruments and the methods of their use through which the objectives of legal norms are defined, their conformity with the principles of law or with higher-level goals or the mission of the state and local self-government is assessed, and the objectives of administrative law norms are subsequently corrected.

An analysis of legislative provisions containing such legal instruments provides grounds to assert, first and foremost, that the principal comprehensive legislative act establishing the legal toolkit used to determine the objectives of administrative law norms at the subordinate level – aimed at ensuring a high quality of state regulation of goods and services markets – is the Law of Ukraine “On the Principles of State Regulatory Policy in the Sphere of Economic Activity”.

This normative legal act establishes that state regulatory policy constitutes a direction of state policy aimed at improving the legal regulation of economic relations, as well as administrative relations between regulatory bodies or other state authorities and business entities, preventing the adoption of economically unjustified and ineffective regulatory acts, reducing state interference in business activities, and eliminating obstacles to the development of economic activity (para. 2 part 1

art. 1 of the Law of Ukraine "On the Principles of State Regulatory Policy in the Sphere of Economic Activity"). Ensuring the implementation of state regulatory policy includes:

1) establishing a unified approach to the preparation of regulatory impact analyses and to the monitoring of the effectiveness of regulatory acts;

2) preparing a regulatory impact analysis – a document containing justification of the necessity of state regulation through the adoption of a regulatory act, an analysis of the impact the act will have on the market environment, the protection of the rights and interests of business entities, citizens, and the state, as well as a justification of the compliance of the draft regulatory act with the principles of state regulatory policy;

3) planning activities for the preparation of draft regulatory acts;

4) publishing draft regulatory acts in order to obtain comments and proposals from individuals, legal entities, and their associations, as well as holding open discussions with the participation of civil society representatives on issues related to regulatory activity;

5) monitoring the effectiveness of regulatory acts;

6) reviewing regulatory acts;

7) systematizing regulatory acts;

8) preventing the adoption of regulatory acts that are inconsistent, uncoordinated, or duplicative of existing regulatory acts;

9) formulating the provisions of regulatory acts in a manner that is accessible and unambiguous for the understanding of those required to implement or comply with them;

10) publishing information on the implementation of regulatory activity (art. 5 of the Law of Ukraine "On the Principles of State Regulatory Policy in the Sphere of Economic Activity") [13].

The implementation of state regulatory policy is also ensured through the activities of the authorized body responsible for its realization, namely, the State Regulatory Service of Ukraine. According to the legislation on state regulatory policy, its powers include, in particular:

· analyzing draft regulatory acts submitted for approval and the corresponding regulatory impact analyses, and adopting decisions on their approval or refusal of approval;

· conducting expert examinations of regulatory acts adopted by central executive authorities and their territorial bodies, the Council of Ministers of the Autonomous Republic of Crimea, and local executive authorities, and adopting decisions, in cases of detected violations, on the necessity of eliminating infringements of the principles of state regulatory policy;

· conducting expert examinations of draft laws of Ukraine and other normative legal acts regulating economic relations and administrative relations between regulatory bodies or other state authorities and business entities, and providing developers of such drafts with recommendations for their improvement in accordance with the principles of state regulatory policy (art. 30 of the Law of Ukraine "On the Principles of State Regulatory Policy in the Sphere of Economic Activity") [13].

Reflecting on these legislative provisions, we may conclude that the main means of goal-setting in state regulatory policy, insofar as they relate to the objectives of the relevant regulatory acts, include: the planning of activities for the preparation of their drafts; the preparation of regulatory impact analyses; the publication of draft regulatory acts in order to obtain comments and proposals; the monitoring of the effectiveness of regulatory acts and their subsequent review; as well as the conduct by the State Regulatory Service of Ukraine of examinations of regulatory acts and their drafts, and, depending on the developer (issuer), the approval of regulatory acts, the adoption of decisions on the necessity of eliminating violations of the principles of state regulatory policy, and the provision of proposals to developers for their improvement.

Examining in more detail the principal measures for ensuring the implementation of state regulatory policy, it should first be noted that the plan of activities for the preparation of draft regulatory acts must contain, among other things, the determination of the objectives of their adoption (part 2, art. 7 of the Law of Ukraine "On the Principles of State Regulatory Policy in the Sphere of Economic Activity"). The developer of a draft regulatory act prepares a regulatory impact analysis, which to a large extent encompasses the aspects of goal-setting within the framework of the relevant regulatory act. In particular, the regulatory impact analysis must:

- identify and analyze the problem that is proposed to be solved through state regulation of economic relations, as well as assess the significance of this problem;
- justify why the identified problem cannot be resolved by market mechanisms and requires state regulation;
- justify why the identified problem cannot be resolved by existing regulatory acts, and consider the possibility of amending them;
- specify the expected results of adopting the proposed regulatory act;
- define the objectives of state regulation;
- identify and assess all acceptable alternative ways of achieving the established objectives;
- substantiate the advantages of the chosen way of achieving the established objectives;
- describe the mechanisms and measures that will ensure the resolution of the identified problem through the adoption of the proposed regulatory act;
- justify the feasibility of achieving the established objectives in the event of adoption of the proposed regulatory act, including taking into account the resources available to state authorities, local self-government bodies, and natural and legal persons who will be required to implement or comply with it;
- provide reasoned evidence that achieving the established objectives by means of the proposed regulatory act is possible with the lowest costs for business entities, citizens, and the state;
- provide reasoned evidence that the benefits arising from the implementation of the proposed regulatory act outweigh the corresponding costs, in cases where costs and/or benefits cannot be quantified;
- determine the indicators of effectiveness of the regulatory act and the measures by which the monitoring of its effectiveness will be carried out (art. 8 of the Law of Ukraine "On the Principles of State Regulatory Policy in the Sphere of Economic Activity") [13].

Thus, legislation on state regulatory policy, in the context of goal-setting, requires that the developer of a regulatory act must define the objectives of state regulation and substantiate their expediency, attainability, adequacy (the correspondence of the objective to the social relations in which it will be implemented and its optimality in light of all acceptable alternatives), effectiveness (the ability of the objective, if implemented, to ensure the maximum possible positive outcomes with the minimum necessary costs), and balance (the equitable consideration of the interests of business entities, society, and the state). Furthermore, the definition of the objective of a regulatory act must be accompanied by the identification of the expected results of its implementation (according to the established performance indicators of the relevant regulatory act) as well as the substantiation of the advantages of the chosen means of achieving the set objectives.

In addition, an important legal instrument for ensuring the transparency of goal-setting in regulatory acts and enabling public participation in this process is the publication of draft acts for the purpose of receiving comments and proposals, pursuant to Article 9 of the Law of Ukraine "On State Regulatory Policy in the Sphere of Economic Activity". The Law provides that all comments and proposals regarding the draft regulatory act and the relevant regulatory impact analysis received within the established period must be duly considered by the developer, who is obliged either to take them fully or partially into account or to provide a reasoned rejection [13].

Since the goal-setting of administrative law norms also encompasses expectations regarding the results of the implementation of legal norms for the subsequent assessment of the possibility of adjusting the relevant objectives, particular attention should be given to the monitoring of the effectiveness of regulatory acts as a measure for ensuring state regulatory policy.

According to Article 10 of the Law of Ukraine "On State Regulatory Policy in the Sphere of Economic Activity", the monitoring of the effectiveness of regulatory acts includes measures aimed at assessing the state of implementation of the regulatory act and the extent to which the objectives declared at the time of its adoption have been achieved. For this purpose, statistical data, the results of scientific research, and sociological surveys may be used. Based on the analysis of the report on the monitoring of the effectiveness of a given regulatory act, the act may be revised in order to bring it into compliance with the principles of state regulatory policy (Article 11 of the Law of Ukraine "On State Regulatory Policy in the Sphere

of Economic Activity") [13]. Accordingly, the monitoring of the effectiveness of regulatory acts makes it possible to assess the state of their implementation and the degree to which their objectives have been achieved, on the basis of which the regulatory act may be reviewed, including with respect to its goal orientation.

Beyond the scope of legislation on state regulatory policy, the determination of the objectives of administrative law norms is often part of the process of forming state policy in a given sphere and falls within the boundaries of political and managerial discretion of state authorities and local self-government bodies, which act as subjects of goal-setting. With some exceptions, this excludes the possibility of subordinating the process of determining the objectives of administrative law norms to legislative prescriptions. In this regard, M.-C. Prémont emphasized that administrative law should not interfere with the formulation of public policy but should be limited to ensuring compliance with the rule of law during the implementation of public policy. By its nature, as the scholar noted, administrative law must draw the line separating the legal from the political [14].

In view of the foregoing, although a substantial portion of goal-setting in the activities of state authorities and local self-government bodies lies beyond the direct scope of legal regulation, there nevertheless exist instances in which certain aspects of the formulation, normative consolidation, and adjustment of the objectives of administrative law norms are subject to legal regulation – in particular, the participation of civil society institutions in their formulation, or the coordination of such objectives by the law-making entity with the interested bodies of state authority and local self-government.

According to the Procedure for Conducting Public Consultations on the Formation and Implementation of State Policy, approved by Resolution of the Cabinet of Ministers of Ukraine of 3 November 2010 No. 996, consultations are held on issues concerning the socio-economic development of the state, the realization and protection of citizens' rights and freedoms, and the satisfaction of their political, economic, social, cultural, and other interests. Consultations in the form of public discussions, electronic consultations with the public, and opinion polls are mandatory, in particular, with respect to draft normative legal acts that relate to constitutional rights, freedoms, and duties of citizens, define the procedure for the provision of administrative services, or establish strategic goals, priorities, and tasks in the relevant sphere of public administration. The results of public consultations must be taken into account by the executive authority when making a final decision or in its subsequent activities (paras. 4 and 12 of the Procedure for Conducting Public Consultations on the Formation and Implementation of State Policy) [15].

Continuing the analysis of the organizational and legal instruments that influence the goal-setting of administrative law norms at the stage of establishing their objectives, it should be noted that their conformity with legal, anti-corruption, and other standards of law-making is verified through special expert examinations.

In particular, as established by the Regulation on State Registration of Normative Legal Acts of Ministries and Other Executive Bodies, approved by Resolution of the Cabinet of Ministers of Ukraine of 28 December 1992 No. 731, the state registration of a normative legal act involves conducting a legal examination of its compliance with the Constitution and other laws of Ukraine, international treaties of Ukraine, Ukraine's obligations in the field of European integration and EU law, as well as anti-corruption and gender standards, taking into account the practice of the European Court of Human Rights. Alongside legal expertise, prior to state registration, adopted normative legal acts are also subject to review within the framework of:

- digital expertise – if the draft normative legal act concerns issues of informatization, e-government, the formation and use of national electronic information resources, the development of the information society, e-democracy, the provision of administrative services, or digital development;
- gender legal expertise;
- consultation with an authorized representative of national trade unions, their associations, and an authorized representative of national employers' organizations – if the normative legal act concerns issues affecting the socio-labor sphere;
- consultation with the Government Commissioner for the Rights of Persons with Disabilities, national public organizations of persons with disabilities and their unions – if the normative legal act concerns persons with disabilities;

· external approval and/or tacit approval by law-making entities and/or other interested authorities – if the normative legal act contains provisions, norms, or instructions that extend to other authorities [16].

Thus, the normative consolidation of the objectives of administrative law norms established by executive authorities and not falling under the scope of Ukraine's legislation on state regulatory policy is preceded by their verification for compliance with the legislation of Ukraine, including its international treaties, as well as with the relevant sectoral standards (anti-corruption, gender, socio-labor, protection of the rights of persons with disabilities, etc.) within the framework of the relevant expert examinations, as well as by the coordination of normative legal acts that fall within the sphere of responsibility of other interested state authorities.

In addition to the above, special attention should be paid to recent legislative innovations aimed at streamlining certain aspects of law-making, including through the introduction of legal instruments that affect, inter alia, the activities of state authorities and local self-government bodies, which act as subjects of goal-setting.

In particular, Part 1 of Article 27 of the Law of Ukraine "On Law-Making Activity" provides that the concept of a draft normative legal act may include, inter alia, the purpose and objectives of legal regulation and the anticipated socio-economic and other consequences of the implementation of the normative legal act. The concept must set out the results of the analytical studies carried out by the subject of legislative initiative, including the definition of the purpose of the draft normative legal act, the subject matter of legal regulation, and the basic legal mechanisms for the implementation of the normative legal act, with substantiation of their effectiveness (Part 4 of Article 27 of the Law of Ukraine "On Law-Making Activity") [17].

Ukrainian legislation on law-making also establishes the procedure for conducting legal monitoring, which is defined as systematic and comprehensive oversight activity aimed at tracking, analyzing, and assessing the implementation of adopted normative legal acts, including the extent to which the planned objectives of legal regulation have been achieved, their impact on society and/or on specific social groups, sectors, or branches, as well as identifying social, legal, political, economic, environmental, administrative, and/or other possible planned consequences or detecting unplanned consequences. Legal monitoring is carried out by the subjects of law-making activity – with respect to the normative legal acts adopted (issued) by them – and by other participants in law-making activity, in cases and in the manner prescribed by law (para. 2, part 1; part 2, Article 67 of the Law of Ukraine "On Law-Making Activity") [17].

Setting forth the provisions governing the implementation of legal monitoring, the Law specifies, in particular, that the assessment of the effectiveness of a normative legal act is generally to be carried out three years after the act enters into force (para. 2, part 4, Article 67 of the Law of Ukraine "On Law-Making Activity"). Following the results of legal monitoring, a normative legal act may be:

1) a normative legal act may be developed and adopted (issued) introducing the necessary amendments to the normative legal act subject to legal monitoring;

2) a normative legal act may be adopted (issued) declaring it, or a separate structural element thereof, void;

3) a normative legal act may be adopted (issued) suspending the effect of a separate structural element of the normative legal act;

4) a normative legal act may be adopted (issued) on the early reinstatement of the effect of a separate structural element of the normative legal act, the effect of which had previously been suspended for a specified period;

5) a normative legal act may be adopted (issued) making another decision, as provided for by this Law, concerning its further operation;

6) informational, administrative, organizational, and/or other measures may be taken within the competence of the subject conducting the legal monitoring of the normative legal act, aimed at ensuring its proper implementation [17].

The legal monitoring of normative legal acts included in the Unified State Register of Normative Legal Acts is carried out by the ministry responsible for shaping state legal policy. Based on the results of such monitoring, in the event that normative

legal acts (excluding laws, resolutions of the Verkhovna Rada of Ukraine, and decrees of the President of Ukraine) are found to be inconsistent with the Constitution of Ukraine and/or a law, or in the event that conflicts between normative legal acts are identified, the ministry responsible for shaping state legal policy shall take the following measures:

1. it addresses the subject of law-making activity with a proposal on the necessity of introducing amendments, suspending or prematurely reinstating the effect of a structural element of the respective normative legal act, or declaring the act or a separate structural element thereof void;

2. it addresses the relevant higher authority (if any) with a proposal to ensure that the necessary amendments, suspension, or premature reinstatement of the effect of a structural element of the respective normative legal act, or the declaration of its invalidity, are carried out by the competent subject of law-making activity (Article 70 of the Law of Ukraine "On Law-Making Activity") [17].

Conclusions

We may therefore conclude that the legal instruments of goal-setting include the legislative requirements concerning the concept of a draft normative legal act (in particular, the necessity of defining the purpose and objectives of legal regulation and the anticipated socio-economic and other consequences of the implementation of such an act), as well as legal monitoring in the part relating to the assessment of the effectiveness of the implementation of normative legal acts. The latter is carried out by the subjects of law-making activity with respect to the acts adopted (issued) by them, as well as by the ministry responsible for shaping state legal policy with respect to normative legal acts included in the Unified State Register of Normative Legal Acts [18].

In conclusion, it should be emphasized that the mechanism of goal-setting of administrative law norms is an ordered system of legal means and procedures (forms and methods) through which the determination, normative consolidation, verification (evaluation), and adjustment of the objectives of administrative-legal regulation are carried out. This mechanism ensures the conformity of such objectives with the principles of law, the balance of the interests of private individuals, society, and the state, as well as the attainability and effectiveness of their implementation. Structurally, the mechanism encompasses legal instruments of planning and justification of objectives (including the concept of a normative act and regulatory impact analysis), procedures of public consultations, legal and special expert examinations and approvals, state registration of normative acts, as well as monitoring of effectiveness and legal monitoring with subsequent review (adjustment) of objectives and the means of their attainment.

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Концептуальні засади механізму
цілепокладання норм адміністративного права

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Анотація. У статті наголошується, що наукова та практична значущість цього дослідження полягає у розробленні концептуальних засад механізму цілепокладання норм адміністративного права, в конкретизації його елементів і процедур та формуванні критеріїв оцінювання ефективності на всіх етапах – від постановки цілей до їх коригування. Це дасть змогу підвищити якість правотворчості й правозастосування та зміцнити довіру до системи публічної влади загалом і публічного адміністрування зокрема.

Conceptual Foundations of the Goal-Setting Mechanism of Administrative Law Norms

У статті обґрунтовано авторське визначення механізму цілепокладання норм адміністративного права як впорядкованої системи правових засобів і процедур, за допомогою яких здійснюється визначення, нормативне закріплення, оцінювання та коригування цілей адміністративно-правового регулювання. Акцент зроблено на забезпеченні їх відповідності принципам права, збалансованості інтересів приватних осіб, суспільства і держави, а також на досяжності та ефективності їх практичної реалізації.

Структурно механізм цілепокладання розглядається як комплекс правових інструментів планування та обґрунтування цілей (зокрема концепції нормативно-правового акта, аналізу регуляторного впливу), процедур публічних консультацій, правових і спеціальних експертиз, державної реєстрації нормативно-правових актів, а також відстеження їх результативності й правового моніторингу з подальшим переглядом і коригуванням установлених цілей. Обґрунтовується, що саме системне використання цих інструментів дає змогу чітко відстежувати відповідність поставлених завдань реальним суспільним потребам і своєчасно коригувати правове регулювання з метою досягнення максимальної ефективності.

Зроблено висновок, що розроблення концептуальних засад механізму цілепокладання норм адміністративного права є необхідним кроком для підвищення якості правотворчості й правозастосування, посилення прозорості регуляторної діяльності та формування довіри суспільства до інститутів публічної адміністрації.

Ключові слова: механізм цілепокладання, адміністративне право, правові засоби, публічне адміністрування, правове регулювання, нормативно-правові акти, правотворчість, ефективність регулювання, правовий моніторинг, публічні консультації.