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METHODOLOGICAL GUIDELINES FOR DEFINING THE CRITERIA AND INDICATORS OF THE EFFECTIVENESS OF THE GOAL-SETTING MECHANISM OF ADMINISTRATIVE LAW NORMS

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The article examines the problem of the effectiveness of the mechanism of goal-setting of administrative law norms through the prism of defining its criteria and indicators. It is emphasized that the development of a methodology for their determination has long remained insufficiently researched, which has had a negative impact on both the law-making process and the practice of public authorities. It has been established that scholars have mostly focused on the general aspects of the effectiveness of law or its implementation, while neglecting the initial stage – the formulation of the goals of legal regulation.

An analysis of doctrinal approaches revealed various interpretations of the relationship between the categories of “condition,” “criterion,” and “indicator” of effectiveness. In particular, some authors equate criteria with conditions, while others focus solely on criteria or only on indicators of effectiveness. The scientific concepts formulated by legal theorists and administrative law researchers are summarized, and it is shown that criteria and indicators of effectiveness should be considered in their interrelation, yet as independent categories.

The author develops an original approach to the systematization of criteria and indicators of the effectiveness of the mechanism of goal-setting of administrative law norms. The criteria include functional, social, economic, and political. It is determined that indicators may have both a quantitative (statistical data, financial revenues, expenditures, etc.) and qualitative (the level of legal protection of individuals, the quality of administrative services, social security, transparency of law-making) character. The proposed approach allows for a comprehensive assessment of the effectiveness of goal-setting at all stages of legal regulation. Special emphasis is placed on the fact that the practical application of the developed criteria and indicators can improve the quality of managerial decisions and the effectiveness of public administration. It is concluded that the effectiveness of the goal-setting mechanism is a complex category, and its evaluation should be carried out with due regard to the combination of various criteria and the corresponding quantitative and qualitative indicators.

Keywords: administrative law, administrative law norms, mechanism, effectiveness, quantity, criteria, indicators, goal-setting, quality.

Problem Statement. One of the key factors in enhancing the quality of administrative and legal regulation is the effectiveness of the mechanism of goal-setting of administrative law norms. In the context of dynamic social, economic, and political transformations, the precise definition and scholarly justification of the goals pursued through the adoption and implementation of administrative law norms becomes particularly important. At the same time, the issue of developing criteria and indicators for assessing the effectiveness of this process has remained insufficiently elaborated, which gives rise to considerable academic debate.

The core problem lies in the absence of a unified methodological framework for defining the criteria and indicators of effectiveness. This complicates both the process of law-making in administrative law and the evaluation of the results of norm implementation. In practical terms, such uncertainty adversely affects the functioning of public authorities: without clear indicators it is impossible to ensure proper control, objectively analyze and adjust administrative decisions, or guarantee the effectiveness and purposiveness of administrative and legal measures.

The scientific relevance of the topic lies in the necessity of overcoming conceptual ambiguity regarding the criteria and indicators of effectiveness of the goal-setting mechanism of administrative law norms. Its practical significance is determined by the fact that the development of scientifically grounded criteria will ensure transparency and objectivity in the goal-setting process within administrative law, thereby positively influencing both the quality of legal regulation and the practice of public administration.

Accordingly, the pressing research task is to systematize existing theoretical approaches, to identify the basic criteria and indicators of the effectiveness of the goal-setting mechanism of administrative law norms, and to develop practical recommendations for their application in the activities of public authorities.

Analysis of the Research Problem. The issue of the effectiveness of law has long been at the center of attention in legal scholarship, as evidenced by a significant number of academic studies and publications. At the same time, research in this field is multidirectional and covers various aspects of administrative law, ranging from general theoretical foundations to specific issues of law enforcement and application.

A notable contribution to the study of this problem has been made by such scholars as V. B. Averyanov, S. M. Balaban, V. M. Bevzenko, Yu. P. Bytiak, I. V. Bolokan, Ye. A. Hetman, V. V. Hlazyrin, S. L. Horova, Ye. V. Dodin, V. V. Ihnatenko, R. A. Kaliuzhnyi, L. V. Koval, T. O. Kolomoiets, V. K. Kolpakov, O. P. Korieniev, O. I. Kostenko, V. M. Kudriavtsev, O. V. Kuzmenko, V .I. Nykytynskyi, V. V. Lipynskyi, P. S. Liutikov, O. I. Mykolenko, D. V. Pryimachenko, I. S. Samoshchenko, A. O. Selivanov, S. V. Shakhov, V. V. Yurovska, Ts. A. Yampolska and others.

At the same time, an analysis of these and other scholarly works shows that researchers have predominantly focused on general issues of the effectiveness of law (including administrative law) or on certain aspects of its implementation. Comprehensive studies aimed directly at developing a system of criteria and indicators of effectiveness of the goal-setting mechanism of administrative law norms are virtually absent. The vast majority of authors examine effectiveness at the stage of already established and implemented legal norms, leaving aside the crucial initial stage – the formulation of the goals of legal regulation, at which the fundamental parameters of the subsequent effectiveness of administrative law norms are set.

Thus, there is a pressing need for targeted scholarly research into the problem of defining and substantiating the criteria and indicators of effectiveness of the goal-setting mechanism of administrative law norms. Such research would make it possible to develop a coherent methodology for their assessment, ensure the objectivity of measuring goal-setting results, and provide a foundation for further theoretical developments and practical recommendations in the field of administrative law.

Accordingly, **the purpose of this article** is to outline methodological guidelines for defining the criteria and indicators of effectiveness of the goal-setting mechanism of administrative law norms, based on an analysis of doctrinal sources.

Presentation of the Main Material. In the academic literature, there is an approach according to which the categories of "condition" and "criterion" of effectiveness are essentially equated. In particular, criteria are understood to include both the system of objective regularities of social development and its objective needs [1, p. 41], as well as the conditions of the legal and social effectiveness of legal norms [2].

At the same time, a considerable group of scholars focuses exclusively on the criteria of effectiveness, leaving aside the issue of indicators. For example, this approach is used by V. V. Lipynskyi, who, while recognizing that the fundamental criteria involve assessing the correlation between the results achieved and the intended purpose of interpretation, emphasizes that evaluating the effectiveness of interpretative activity requires a comprehensive approach, which serves as the basis for defining other criteria for the effectiveness of interpreting administrative and delictual norms of law [3, pp. 98–99]. However, the scholar does not consider or analyze the indicators of such effectiveness, mentioning only sporadically the very fact of their existence in the context of interpretative activity.

By contrast, the collective of authors of the textbook Administrative Law of Ukraine, edited by V.V. Halunko, focuses primarily on indicators of effectiveness. They propose a four-level model of administrative and legal regulation: a sufficient level (when legal norms generally achieve their objectives, with isolated violations addressed effectively), an insufficient level (characterized by recurring but not yet systemic violations), a critical level (marked by systemic violations, growth of corruption, and increased social inequality), and an ineffective level (where rights and freedoms are persistently disregarded, corruption becomes widespread, and administrative law norms lose their just and protective character, even turning into a factor of violations) [4, pp. 45–46].

In contrast, the approach developed in the Soviet period, which emphasized the primacy of achieving the set goal as the key criterion of legal effectiveness, continues to be applied by some contemporary legal scholars. For example, N. Ya. Lepish and I. M. Prots, when describing the effectiveness of legal interpretation and the issuance of interpretative acts, limit themselves to stating that the sole criterion of effectiveness is the full attainment of the purpose assigned to the act of interpretation. They clarify that in assessing the effectiveness of an interpretative act, one should consider the objective established at the time of adopting the legal norm and the actual result achieved during its functioning. In other words, the degree to which this objective has been fulfilled determines the level of effectiveness of the interpretative act [5, p. 69]. This represents a rather truncated and simplified version of the teleological approach, one that fails to capture its depth and multi-layered nature.

I.V. Bolokan also proposes defining the criteria of effectiveness of administrative law implementation in terms of the optimal correlation between "goal-result-costs" [6, p. 90]. Unlike Lepish, Prots, and other scholars, however, Bolokan suggests treating this not as a single element, but as a three-component framework, comprising: conditions of effectiveness (circumstances that facilitate implementation, take into account the specifics of social reality, and ensure the effectiveness of legal regulation); criteria of effectiveness (the chosen measure of optimal quantitative and qualitative correlation between "goal–result–costs"); and indicators of effectiveness (empirical evidence expressed in quantitative parameters confirming the practical operation of administrative law norms) [7, p. 382].

Such an atypical (for the doctrine of administrative law) treatment of conditions, criteria, and indicators of effectiveness allowed Bolokan to formulate a unified classification model, which includes: (1) objective and subjective; (2) general and special; and (3) an authorial division into those directly related to the object of implementation, to the subject of implementation, and to the procedure of implementation, with a detailed analysis of each [8, p. 19]. In our view, this approach is not entirely balanced, since "conditions" and "criteria" should be regarded as distinct, though closely interrelated, categories, each possessing its own characteristics and specific parameters for classification.

S.M. Balaban also offers an original approach to assessing the effectiveness of administrative and legal regulation. He groups the criteria into two major blocks: structural and functional. The structural block includes such parameters as the consistency between the content of administrative regulation and its stages, the correspondence of regulatory methods and techniques to the nature of social relations, and the adequacy

of the chosen type of legal regulation to its subject matter and participants. The functional block, in turn, emphasizes factors such as systemic coherence and legal consistency of administrative norms, their social relevance and responsiveness to public needs, the state of administrative legal relations in practice, and the compliance of law enforcement acts with the initial objectives of administrative regulation, legality, timeliness, and social justice [9, pp. 64–68].

In turn, V. V. Yurovska notes that the effectiveness of the methods of administrative law should be considered in several dimensions, from the perspective of different influencing factors, each of which forms an independent group of effectiveness criteria. These groups exist in an inseparable unity and make it possible to provide a general assessment of the level of effectiveness of the use of administrative law methods as a whole or of their particular types. In her view, it is important that the standards for evaluating the methods of administrative law reflect several dimensions of the perception of the effectiveness (or lack thereof) of administrative regulation and the legal impact of administrative law norms simultaneously [10].

In particular, in her vision, the social aspect of the effectiveness of administrative law methods is the main component in the system of criteria for assessing their results, since it determines the level of order in social relations that form the subject matter of administrative law, as well as the real possibilities of an individual to exercise his or her administrative-legal status. To this group of criteria, the scholar includes: the level of realization of individual rights and freedoms in the public sphere; the availability and effectiveness of guarantees for the protection of individual rights; the level of compliance with the principles of the rule of law, legality, etc.; the level and quality of law enforcement practice; and statistical indicators of violations in the sphere of public administration, both by its subjects and by private individuals [11, p. 139].

Alongside this group, V. V. Yurovska identifies political criteria, which are mainly reflected in the level of realization of political rights of individuals in the public sphere and the presence of a developed civil society (the number of public organizations and the qualitative indicators of their activities aimed at participating in resolving national and local issues, influencing political processes in society; the level of realization of individual political rights and their guarantees and protection, etc.). She also emphasizes an economic block of criteria, which makes it possible to assess the level of financial and other costs arising from the use of administrative law methods, the extent of unlawful (unjustified) state interference in the private sector of the economy, and the degree of realization of economic rights of individuals. This includes quantitative indicators of expenditures of financial, temporal, human, and other resources for the administration of legal relations; the amount of financial revenues (or expenditures) to budgets of all levels resulting from the application of a given method; as well as measures of appropriateness, adequacy, balance, predictability, transparency, and consideration of public opinion. At the same time, the administrative law scholar additionally points out that within this dimension, quantitative indicators reflecting the level of costs incurred during the administration of legal relations are of particular importance [11, p. 142].

Naturally, the multidimensionality of effectiveness criteria for administrative law norms is also emphasized by S. V. Shakhov. In his view, such criteria and their corresponding indicators include: the level of realization of individual rights and freedoms in the public sphere (measured both by quantitative data, such as the ratio of actual use of rights to declared intentions, and by qualitative data, such as the quality of administrative services); axiological criteria, reflecting the correlation of norms with social values like freedom, equality, and justice, illustrated by innovations such as electronic administrative services or simplified civil status registration; economic criteria, which account for financial and other costs, the ability of norms to ensure a sufficient standard of living, and fulfillment of the state's fiscal functions; and political criteria, which assess the role of norms in achieving state objectives and fulfilling state functions.

He also highlights behavioral and psychological criteria, which evaluate how norms are perceived by citizens as binding and whether they encourage lawful activity, measured through both statistical data on offenses and qualitative assessments of legal consciousness. Additionally, teleological criteria assess the correlation between the goals set for a legal norm and the actual results of its implementation, while conflict-related criteria evaluate the ability of norms to reduce social tensions and minimize legal disputes [12, pp. 118–127].

Before presenting our own approach to addressing these research questions, it should be emphasized that it is necessary to outline not only the criteria of effectiveness but also the indicators of effectiveness in law. We fully support those legal scholars who stress the importance of distinguishing both quantitative and qualitative indicators, as this makes it possible to evaluate the correctness and efficiency of the mechanism of goal-setting in legal norms more comprehensively. At the same time, we do not consider it appropriate or justified to conflate the categories of conditions, criteria, and indicators of effectiveness, since all three are autonomous, although closely interrelated, components of the broader phenomenon of legal effectiveness.

It should also be stressed that, as previously established, the effectiveness of the mechanism of goal-setting in administrative law norms is a complex category, which encompasses a variety of criteria and indicators for achieving specific social, economic, political, or other outcomes. Accordingly, the evaluation system must be carried out with due regard to these benchmarks and standards. Importantly, the assessment of the process of formulating and adjusting the goals of administrative law norms does not always presuppose the use of the full set of criteria and indicators. Such an assessment must primarily be based on the institutional determination of a given group or system of administrative law norms, their immediate regulatory purpose, and their intended direction.

If a particular legal framework is aimed at addressing several objectives simultaneously – social, economic, political, or otherwise – then determining the effectiveness of the goal-setting mechanism and of the norms themselves must necessarily account for the extent to which these objectives are achieved. At the same time, in order to fully evaluate the effectiveness of the goal-setting process of a legal norm, it is essential to incorporate qualitative indicators into the assessment criteria, which ideally should make it possible to determine both the accuracy and the completeness of goal formulation, as well as its subsequent adjustment where necessary.

Conclusions. In summarizing the findings of this study, the following conclusions can be drawn. First, the criteria for the effectiveness of the goal-setting mechanism of administrative law norms should be understood as the specific benchmarks used to evaluate the object of study through both quantitative and qualitative indicators. Second, the indicators of the effectiveness of this mechanism represent generalized characteristics of the object, expressed either in numerical or qualitative form. Third, the system of effectiveness criteria for the goal-setting mechanism can be structured into several principal categories: functional, social, economic, political, ideological, and others.

- The functional criterion makes it possible to determine the completeness and correctness with which the legislator defines the objectives and purpose of administrative law norms.
- The social criteria reflect the degree of realization of individual rights and freedoms in interactions with public authorities and their officials, as well as the organizational and legal opportunities of individuals to participate in administrative legal relations. These may be expressed in quantitative terms (the ratio of actual instances of exercising a right to the number of attempts to exercise it; the number of administrative services provided; the number of registered civic organizations; levels of social tension, etc.) or qualitative ones (the quality and accessibility of administrative and social services; the degree of social protection; security, etc.).
- The economic criteria capture the ability of the goal-setting mechanism to ensure efficient use of budgetary and other resources to achieve legislative objectives. They include financial and other expenditures linked to the application of administrative law norms and the extent to which the state fulfills its fiscal function. The primary indicators here are quantitative (budget revenues, fines collected, wage levels, etc.), but qualitative indicators are also essential, for instance, those showing the transformation of administrative legal relations into a more optimal and effective state due to appropriately defined regulatory goals.
- Finally, the political criteria allow for assessing the capacity of the goal-setting mechanism of administrative law norms to support the achievement of state objectives and ensure the effective performance of both internal and external state functions and obligations [13, p. 176–177].

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МЕТОДОЛОГІЧНІ ОРІЄНТИРИ У ВИЗНАЧЕННІ КРИТЕРІЇВ ТА ПОКАЗНИКІВ ЕФЕКТИВНОСТІ МЕХАНІЗМУ ЦІЛЕПОКЛАДАННЯ НОРМ АДМІНІСТРАТИВНОГО ПРАВА

У статті досліджується проблема ефективності механізму цілепокладання норм адміністративного права через призму визначення його критеріїв і показників. Наголошено, що питання розробки методології їх визначення тривалий час залишалося недостатньо дослідженим, що негативно впливало як на правотворчий процес, так і на практику діяльності органів публічної влади. Встановлено, що науковці здебільшого зосереджували увагу на загальних аспектах

ефективності права або його реалізації, залишаючи поза увагою первинний етап – формування цілей правового регулювання.

У ході аналізу доктринальних підходів виявлено різні інтерпретації співвідношення категорій «умова», «критерій» та «показник» ефективності. Зокрема, окремі автори ототожнюють критерії з умовами, інші – зосереджуються лише на критеріях або лише на показниках ефективності. Узагальнено наукові концепції, висловлені вченими теоретиками права та дослідниками у галузі адміністративного права, і показано, що критерії та показники ефективності мають розглядатися у взаємозв'язку, але як самостійні категорії.

Автором сформульовано власний підхід до систематизації критеріїв та показників ефективності механізму цілепокладання норм адміністративного права. До критеріїв віднесено: функціональні, соціальні, економічні та політичні. Визначено, що показники можуть мати як кількісний (статистичні дані, фінансові надходження, витрати тощо), так і якісний (рівень правової захищеності особи, якість адміністративних послуг, соціальна безпека, прозорість правотворчості) характер. Запропонований підхід дозволяє комплексно оцінювати ефективність цілепокладання на всіх стадіях правового регулювання. Особливу увагу акцентовано на тому, що практичне використання розроблених критеріїв і показників здатне підвищити якість управлінських рішень та ефективність діяльності органів публічної влади. Зроблено висновок, що ефективність механізму цілепокладання є комплексною категорією, а її оцінювання має здійснюватися з урахуванням поєднання різних критеріїв і відповідних кількісних та якісних показників.

Ключові слова: адміністративне право, норми адміністративного права, механізм, ефективність, кількість, критерії, показники, цілепокладання, якість