

**ПРАВОВИЙ СТАТУС ОРГАНІВ ПУБЛІЧНОЇ ВЛАДИ УКРАЇНИ В
УМОВАХ ЄВРОПЕЙСЬКОЇ ІНТЕГРАЦІЇ ТА РОЗБУДОВИ
ІНФОРМАЦІЙНОГО СУСПІЛЬСТВА**

**LEGAL STATUS OF THE PUBLIC AUTHORITIES OF UKRAINE
UNDER EUROPEAN INTEGRATION AND THE INFORMATION
SOCIETY DEVELOPMENT**

Aristova I.V.

**Professor, doctor of legal sciences, the Chair of administrative and
informational law, Sumy National Agrarian University, Ukraine**

Kaliuzhna S.V.

**Senior lecturer of the Chair of the international relations, Sumy National
Agrarian University, Ukraine**

**Postgraduate student of the Department of Administrative and
Information Law, Sumy National Agrarian University, Ukraine**

Abstract

The article focuses on studying the features of the legal status of local self-government authorities of Ukraine as actors in the development of information society based on the proposed methodology. It has been established that the development of the information society based on knowledge leads not only to the clarification of the functions and legal status of the above authorities, but also to the emergence of a new function—informational. The expediency of understanding the methodology of scientific activity as the doctrine of the organization of scientific research, in particular, in the field of administrative and information law, has been clarified. The existing “scheme of methodology” has been adjusted to scientific research of the above mentioned authorities as the subjects of administrative and information law. The emphasis is placed on the determination of features of the temporal structure of the study of their legal status (periods, phases, stages), the role of a design form of organization of scientific research. The period of designing the system of scientific legal knowledge in relation to the

specified authorities as the subjects of administrative and information law has been examined. The object, subject and goal of scientific research, which appear as the corresponding stages of the conceptual phase, have been defined.

The phase of developing a scientific hypothesis has been implemented that enables to form a model of the new scientific knowledge system concerning the legal status of the specified authorities, and to develop a hypothesis implementation plan. A particular focus is put on the importance of introducing new legal knowledge regarding the legal status of local self-government authorities of Ukraine in their law-making and law enforcement activities.

1. Introduction

The analysis of the national legislation, the rules of which regulate a variety of public relations in the information society development in Ukraine, has made it possible to realize the need to determine the place and role of public authorities in the implementation of the relevant national policy. For example, according to the Information Society Development Strategy (Order of the Cabinet of Ministers of Ukraine, 2013) the Ukrainian public authorities (primarily, executive bodies and local self-government authorities of Ukraine) should focus on achieving the main objectives of the Strategy: 1) improvement in the quality and availability of administrative services provided to citizens and business; 2) development of electronic economy; 3) development of e-governance; 4) simplification of the procedure for providing citizens with access to information and knowledge by means of information and telecommunication technologies. Considering the importance of intensifying e-Government, the Concept of e-Government Development in Ukraine [2] has been developed and an appropriate Plan for the Concept has been adopted, specifying the participation of public authorities as actors in the development of the information society. In addition, the Concept of the Development of the Digital Economy and Society of Ukraine for 2018-2020 (Order of the Cabinet of Ministers of Ukraine, 2018) places before public authorities of Ukraine new challenges and sets for them new creative tasks, requiring to think out of the box and find non-standard solutions, to break new

ground, to implement the effective resource management, using the Internet of things, “smart networks”, mastering digital competence and skills, etc.

Outlining, on the one hand, the mechanisms for implementing the above strategies and concepts, the Verkhovna Rada of Ukraine (hereinafter referred to as the VRU) draws attention, on the other hand, to the emergence of significant problems in the implementation of the national policy of building an information society. Accordingly, there is a need for the practical use of a system of indicators, which make it possible to assess the role of public authorities in achieving strategic goals and, as a consequence, to manage this process. The author has established the fact that taking into consideration the UNESCO position regarding the role of science, education and knowledge in the development of information society (UNESCO World Report, 2005) promotes awareness of the need to focus not only on the technical and technological, but also on socio-humanistic aspect of developing the information society. At the same time, the signing of the Association Agreement with the European Union by Ukraine [6] demonstrates the need to move our country towards further development in the European Community, including in building a European information society. It predetermines the relevant scientific legal research on clarification of the features of the legal status of public authorities from the perspective of the information society based on knowledge. In our view, such vision of ways to solve the problem enables to assert the relevance of the article topic from both a scientific and a practical perspective.

This article is a logical extension of scientific research on the methodology of the science “information law” and the science “administrative law, as well as the general legal characteristics of local self-government authorities as subjects of the national policy on developing the information society in Ukraine.

Indeed, as in the scientific works described above, the authors have used the information and knowledge obtained from works of the Ukrainian and foreign scientists from scientific branches of the general theory of state and law, the theory of public administration, constitutional, municipal, administrative, information

law, philosophy, psychology, system analysis, science studies in a constructive and meaningful manner (in particular, V. B. Averianov, O. F. Andriiko, P. K. Anokhin, O. M. Bandurko, O. A. Baranov, Yu. P. Bitiak, V. M. Bevzenko, K. I. Beliakov, V. M. Harashchuk, I. P. Holosnichenko, I. S. Hrytsenko, O. V. Zaichuk, A. I. Zelenkov, I. B. Koliushko, V. K. Kolpakov, T. O. Kolomoets, A. T. Komziuk, A. N. Kocherhina, O. V. Kuzmenko, V. A. Lipkan, D. M. Lukianets, L. A. Lutz, R. S. Melnyk, A. M. Novikov, D. A. Novikov, N. M. Onishchenko, F. I. Perehudov, V. M. Popovych, O. M. Selezniiov, A. O. Selivanov, O. F. Skakun, S. H. Stetsenko, F. P. Tarasenko, V. P. Tymoshchuk, V. S. Tsymbaliuk).

Specifying a significant role of the mentioned scientists in the formation of the sciences “administrative law”, “information law”, it has already been noted in the works above, that these sciences provide for understanding the concept “methodology”, mainly, as a set of tools. At the same time, today in Ukraine there are no comprehensive scientific works devoted to the analysis of the legal status of public authorities under the development of information society. We believe that the authors’ study of this problem, which is based on understanding the methodology of scientific activity as a doctrine of the organization of scientific research in the field, in particular, of administrative and information law, to a certain extent will contribute to a deeper insight into the methodology of legal research in relation to public authorities, which are being reformed (primarily, the decentralization of public power and European integration), and the adjustment (refinement) of their functions and legal status under the information society development.

The goal of the paper is to identify the peculiarities of the formation of legal status of the public authorities of Ukraine as members in the development of the information society under European integration.

We consider it possible to focus in this article on the methodology of studying one of the components of the system of public authorities, namely, local self-government authorities of Ukraine as one of the main actors in the development of information society. In addition, these authorities (taking into consideration the

national legislation provisions in the field of information society development) are mostly participants in public relations, which are of a managerial, public service and information nature.

First and foremost, it should be noted that local self-government authorities of Ukraine are a kind of subjects of administrative law (for example, [11, c. 185]. At the same time, there has been recently the scientific research, in which it is proved that the specified authorities, implementing the information function and acting as subjects of information relations, are the subjects of information law [12, c. 72-90; 13, c. 78-92; 193-195; 10]. We consider it necessary to emphasize that in the legal environment there is no common ground to refer local self-government authorities of Ukraine to the subjects of information law (for example, [14, c. 321-351, 15, c. 33-52]. Thus, the above situation is an additional argument in favor of conducting a thorough study of the legal status of these authorities of Ukraine under the development of information society, based on the methodology of scientific research, which is proposed in this article.

2. General characteristics of the study of the legal status of public authorities

Proceeding that the methodology of scientific research in the field of administrative (information) law is considered as a doctrine of organization of this activity [7, 9], and given the fact that during such organization scientific research should be arranged into a coherent system with well-defined characteristics, logical structure and the process of its implementation [16, p. 8], the following is proposed in this paper. Firstly, to understand the organization of scientific research in the field of administrative (information) law as both a result and a process. Secondly, based on the provisions of the work [16, p. 9], to adjust the “scheme of methodology of scientific research” to the sphere of administrative (information) law, namely, the scientific research of local self-government authorities of Ukraine as the subjects of administrative and information law. Thirdly, to identify and

disclose the main elements of the scheme of scientific research methodology of these authorities.

The analysis of the “scheme of methodology of scientific research[16, c. 9] has enabled to find out that: 1) the scheme route is universal for scientific research in any field; 2) the features of the scheme of scientific research methodology of the legal status of local self-government authorities of Ukraine are conditioned upon existence of different content-related characteristics of the scheme elements such as subject, object, means, methods. Realizing the importance of the study of all elements of the scheme, as well as taking into account certain restrictions on the article scope, we focus on clarifying the features of a temporal structure of the study of the legal status of local self-government authorities of Ukraine (periods, phases, stages of the scientific activity).We consider it possible, given certain limitations on the article scope, to emphasize the elucidation of features of certain elements of the scheme of methodology of studying the legal status of public authorities of Ukraine.

The analysis of preliminary studies [16], as well as the authors’ own experience, make it possible to assert that the characteristic of the relevant scientific activity includes the same features, principles, conditions and rules as any other scientific activity.For example, the following may be noted: a) the subject of the study should clearly define its goal (the goal of our study is to obtain new scientific knowledge regarding the public authorities of Ukraine as subjects of administrative and information law); b) the research should include the analysis of the existing scientific basis and be based on the experience of its predecessors; c) the subject of the study should learn scientific terminology and carefully formits conceptual apparatus, taking into account the existence of different scientific schools (undoubtedly, our study will provide for the analysis of the work of scientists in the field of administrative (information) law);d) the results of scientific research should be put into practice. At the same time, not all scientific research can be implemented promptly. For example, scientific research in the area of information law at the present stage of formation ofthe science and the branchof

law in Ukraine is mainly directed at forming the theory of information law, which should become the legal foundation for the development of the information society. However, there are some examples of the implementation of executive and judicial authorities, etc. [13, 17].

In this case study, the position that modern science should be guided by the basic principles of scientific knowledge is quite shared [16, p. 66]. In our view, the definition and justification of these principles are of particular importance for research in information law, which is still in its infancy. We believe that the point of view is that new scientific knowledge correlates: 1) with objective reality - the principle of determinism; 2) with the previous system of scientific knowledge - the principle of conformity; 3) with the cognitive subject-researcher - the principle of additionality ("without subject there is no object") [16, p. 72]. By the way, this kind of vision of the methodology of science "administrative (information) law" is revealed in [7-9]. It should be emphasized that the peculiarities of building an information society based on knowledge require the intensification of the production of new, first of all, scientific knowledge [5], in particular, on the subjects of administrative and information law.

Under the conditions of providing a description of the components of the logical structure of scientific activity in relation to public authorities of Ukraine as subjects of administrative and information law, we consider it appropriate to emphasize the peculiarities of the means and methods of this scientific research [18, p. 13; 19, p. 79].

It should be noted that the development of science "administrative law" and "information law" requires both a balanced use and improvement of existing (in other legal) means of scientific knowledge and the development of new ones. It is shown that all means of scientific knowledge are characterized by the fact that they have been created and used to achieve certain goals. We believe that in the conditions of development of the information society in Ukraine, including the dynamic introduction of the latest information technologies in all spheres of life, information cognition should play a special role. These cognition tools help to

increase the efficiency of scientific communication, greatly simplify the processing of statistical data, in particular, on the activities of public authorities in Ukraine regarding access to public information, protection of personal data, creation of various registers of information, provision of public (information, administrative) services, etc.

It is important to emphasize that traditional logical means of scientific knowledge should not only be defined in the course of scientific research in the field of administrative law and information law (unfortunately, this tendency is traced in a considerable amount of dissertation research), but actually used. For example, it is very important in the process of building evidence and judgment, harmonizing the systems of knowledge of various sciences (especially legal), which is inherent in the current level of formation of information law in Ukraine.

We believe that there is a close relationship between logical and linguistic means of scientific knowledge. This, in particular, is traced during the development of a conceptual apparatus of science "information law", for example: the definition of concepts of "rules of information law" [13, p. 43-46], "information legal personality" [12, p. 72-90], "subjects of information law" [12, p. 51-71] and others. Indeed, the definition of concepts is always associated with language as a means of knowing and expressing knowledge. The paper shares the existing position regarding the determining role of research methods used in any scientific research [16, p. 76]. Our own experience in conducting research in the field of administrative law and information law [12, 13, 17], as well as the analysis of various scientific sources (for example, [20]) have enable to make the following general conclusions. In the scientific (in particular, legal) environment, there are different classifications of methods. We consider it expedient to use the following classification of methods of legal research: general scientific and special [13]. For example, the general scientific research includes dialectical, systemic, analysis, synthesis, logical; special research - historical-legal, comparative-legal, formal-legal, modeling. In connection with the conduct of scientific research in the field of

administrative and information law, which is relevant to legal and, therefore, social science, it is expedient to mention the following:

It is important to emphasize that under the development of a knowledge-based information society, the simulation method which is closely related to the experiment, is the so-called model experiment. At the same time, in our opinion, a special kind of modeling is also worthy of special attention - an imaginary experiment that helps to identify the essential connections and relationships in the purest form, in the thoughts of "losing" possible situations, to eliminate unnecessary options [16, p. 85]. We consider expedient both from a scientific and practical point of view that the modeling method also serves as a way of constructing something new, something that has not existed in practice before. The model of public authorities of Ukraine, for example, as subjects of information law, will indeed construct a new one, namely: the legal status of executive bodies and local self-government authorities of Ukraine has been never studied from the perspective of one of the institutions of information law. This will create models-hypotheses identifying the mechanisms of interaction of components of the object under study and then put in practice them [16, p. 86]. By the way, it is in this sense that the method of modeling has recently been widely used in social sciences.

As a result of the study the following has been determined: 1) the main characteristics of the scientific research concerning the public authorities of Ukraine (as subjects of administrative and information law); 2) meaningful characteristics of the main components of its logical structure.

3. Conceptual provisions for the study of the legal status of public authorities

According to the scheme of methodology of scientific research, there is a need to disclose and elaborate its temporal structure. First and foremost, it should be noted that in the conditions of the information society development, it is advisable to investigate the organization of scientific research in relation to local self-government authorities of Ukraine as the subjects of administrative and information law in a design form [7]. This means that scientific research should be

designed, namely, a complete cycle of scientific research is formed and divided into the three periods: 1) design period, the results of which is a scientific hypothesis and a model (system), which forms a plan for its implementation; 2) technological period–hypothesis testing (the system implementation); 3) reflexive period–assessment: is it necessary to adjust the hypothesis (model).

According to the scheme of methodology of scientific research, there is a need to disclose and elaborate its temporal structure. First of all, it should be noted that under the information society development it is expedient to investigate the organization of scientific activity in relation to public authorities of Ukraine as subjects of administrative and information law in the project form [7]. That is, scientific research should be designed, namely, the completed cycle of scientific activity is formed, which is determined by three phases: 1) design phase, the result of which is the scientific hypothesis and the model (system) that forms the plan for its implementation; 2) technological phase - hypothesis testing (system implementation); 3) reflexive phase - evaluation: whether the hypothesis (model) is corrected or not [16, p. 22].

The above works of the scientists[16] have enabled to make sure that the logical structure of the first period is generally recognized, and it is universal for all branches of knowledge, that is, for administrative and information law. Thus, we emphasize that during this period, the system of scientific knowledge is designed in relation to local self-government authorities of Ukraine as the subjects of administrative and information law, which the researcher intends to create. In addition, the design period includes the following main phases: 1) conceptual; 2) hypothesis formation. 3)designing; 4) technological preparation of the research. By the way, the stage names are taken from a system analysis publication [21].

First and foremost, it should be noted thatthe conceptual stage of our study primarily involves a preliminary step - determining the type of study. Given the theory-practice criterion, our study is more of a fundamental nature,and by the criterion of "generality" has disciplinary significance.

It should be noted that there is another stage, the most important method of cognition - the identification of scientific contradictions. It is of great importance today that the development of legal science in Ukraine shows that the executive and local self-government bodies of Ukraine are considered mainly as subjects of administrative law [15, p. 33-52]. At the same time, these bodies are participants in information relations that are dynamically formed under the development of information society in Ukraine, as evidenced, in particular, by the provisions of relevant regulatory legal acts (for example, the Law of Ukraine "On Basic Principles of Development of the Information Society in Ukraine for 2007- 2015" [22]).

The above works of the scientists have enabled to make sure that some experts in the field of administrative law, recognizing, on the one hand, the participation of executive authorities in information relations, on the other hand, believe that the legal regulation of information relations with the participation of these bodies is connected with the implementation of administrative law. It is found out that: 1) the legal form of information public relations is administrative legal relations; 2) bodies of the executive power of Ukraine are the subjects of administrative legal relations and, consequently, the subjects of administrative law [23, 24].

In our opinion, information relations are not subject to administrative law that is confirmed by the analysis of this subject, which is presented, for example, in [25, p.25-32]. This means that the subjects of information relations may be a target of the law, that is, be covered by the law [26, p. 509,510], namely, information law. They are recognized as an abstract legal entity, a possible carrier of information rights and responsibilities. For this study, this means that the public authorities of Ukraine may, under certain conditions, be subjects of information law, as well as potential subjects of information relations. Realizing the importance of the fact that the mentioned public authorities of Ukraine are generally recognized in the legal environment as subjects of administrative law,

there is every reason to investigate these bodies as subjects of information law as well.

By the way, later, after the conceptual stage of the study, the stage of building a hypothesis will be worked out and a model (system) will be formed that develops a plan for its implementation. It should be emphasized that it is at this stage that it becomes possible to put forward a hypothesis, according to which these public authorities may be both subjects of administrative law and subjects of information law during the development of information society, and carry out its thorough examination at the technological stage already.

At the same time on the conceptual stage of our research, it is appropriate to define the main principles to be guided during the development of a plan of implementing the model and test hypotheses. It is expedient to emphasize, in our opinion, the following:

1) the existence of informational relations (as one of the types of social relations) is the confirmed fact: a) information relations, for example, occur during the creation, collection, processing, accumulation, storage, search, dissemination of information; obtaining (at the request) of public information (which are currently the basic one), etc.; b) the legislation has also recognized the existence of informational relations, as well as their subjects (including the executive authorities and local self-government) and the object (information) – the Law of Ukraine "On Information", Article 4 [27];

2) a significant amount of information relations requires its legal regulation; the development of information society in Ukraine leads to the growing social importance of information relations, and, consequently, their proper ordering, by any legal means;

3) there is a need in the formation of a new branch of law – "right to information", which is considered to be an independent complex branch of law and has its specific subject and methods borrowed from other fundamental areas of law – mandatory and discretionary [13, p. 45]; specific groups of information relations

constitute a separate subject of regulation, which, at the same time, closely interacts with other branches of law;

4) there is a classification of the law on the subject of legal regulation (that is, branches of law): the rules of constitutional, administrative, criminal, civil, information and other rights. [28, p. 281];

5) the concept of "standards for information law" is interpreted in the following way: a system of legal rules regulating in an integrated manner permits, positive obligations and prohibitions, the totality of social relations, which appears as a subject of information law [12, p. 31]. On the basis of the fundamental postulates of information society built on knowledge, there is a tendency of redistribution of the number of rules of information law by "different ways of legal regulation": there is an increase in number of laws that are dispositive [13, p. 45];

6) the rule of information law means a binding rule of conduct that regulates social information relations [29, p. 40] that is, the rule of information law is a regulator of information public relations. The rule of information law regulates the behavior of the parties to public information relations and ensures that the mutual information rights and obligations of the subjects as participants in such relations are consistent [30, p. 21];

7) legal relationship is understood as any public information relationship regulated by the rules of information law, which has developed in an indissoluble unity of the legal and material (actual) component of the content [12, p. 221];

8) **deepening the essence** of the informational relations is due to the following: a) the understanding of information relationships as a legal means of transfer of general rules of information law (objective law) into the specific (subjective) information rights and obligations of participants of information relations; b) actual participants of information relations are the subjects of information relations; potential participants of information relations are the subjects of information law due to the provisions of theory of state and law, as well as the correlation of notions "subject of law" and "subject of legal relations" [28];

9) information law as an independent complex branch of law closely interacts primarily with the main branches of law, special branches of law. For example, administrative law interacts with the information law, primarily through the presence of subordination in one and another relationship. At the same time, interaction does not erase the boundaries that exist objectively between the public sphere and activities related to information, and other spheres of social relations regulated by rules of a different industry sector. For example, information regulation differs from administrative law in the fact that although there exist the relations of power and subordination, but they relate to "control" of only a part of the spectrum of information relations, beyond which such subordination comes to an end [31, p. 28-30];

10) if it is impossible to achieve the goal of legal regulation through one legal relationship, there is a need, for example, to form a complex legal relationship [32]. This may be a so-called complex legal relationship, each component of which is governed by the rules of different branches of law, such as administrative and information law. If the administrative relationship is the main one, and the information relationship is enforcing (that is, there is an administrative information relationship), then it is considered that a complex legal relationship is formed. Subject to the involvement of, for example, executive authorities and local self-government bodies of Ukraine in both legal relationships, these bodies should be considered both as subjects of administrative law (first legal relationship) and subjects of information law (second legal relationship). In other words, the paper assumes that the executive and local self-government bodies of Ukraine may be both subjects of administrative law and subjects of information law.

It should be emphasized that despite the participation of the public authorities of Ukraine in information relations, these bodies are considered by a considerable number of scholars only to be the subjects of administrative law (for example, [15, pp. 33-52]). It should be noted that the contradiction is understood as inconsistency, a mismatch between the desirable (in terms of information law theory) and the real (which takes place in the theory of administrative law).

It is claimed that the researcher is able to identify the problem of research, which characterizes another stage of the conceptual stage of the study, reality, and the state of scientific knowledge about this reality [16, p. 112]. It is important that the problem provides a purposeful mobilization of previous knowledge and the organization of the acquisition of new knowledge acquired during their research. This means that the problem has a special function - the purpose of scientific research. The article defends the point of view that [16, p. 113] it is expedient to highlight certain steps in the problem statement process:

1) problem statement. Formulation of the problem is facilitated by the process of finding questions that bring the researcher (subject) closer to the most adequate fixation of unknown knowledge. For example, in case of scientific research of the mentioned public authorities of Ukraine as subjects of administrative and information law, such questions may be: a) are there any such informational social relations, the subjects of which are the public authorities of Ukraine (first of all the executive authorities and local self-government bodies) ? ; b) do the conditions of building an information society influence the emergence and institutionalization of a new function of the public authorities of Ukraine - information?; c) does the legislation provide for the need to implement the information function by the above bodies and fulfill tasks in the information sphere of Ukraine?; d) is there a necessary condition (information legal personality) for acquiring the status of an information law subject by the mentioned bodies ?; e) whether the legal information powers of public authorities of Ukraine for the exercise of their information function are provided by law?; e) are the public authorities of Ukraine able to realize their information and legal status in information relations ?; f) are the public authorities of Ukraine able to be the subjects of different branches of law (in particular, administrative, information law)?;

2) evaluation of the problem. At this stage, it is necessary to identify all the necessary conditions for solving it. To conduct this research, we must identify: a) sources of information. We believe that these are: doctrinal studies in the theory of state and law, constitutional, administrative, civil, information, municipal and

international law; laws and other regulations, international documents; statistics; assessments of experts (scientists and practitioners); b) research methods. Our study will use: an interdisciplinary approach; a system of general scientific and specific research methods, the list of which was given above; c) the results of the intermediate and final stages will be discussed at scientific conferences and published in leading national and international journals in order to obtain feedback from the scientific and practical community;

3)problem justification, which provides for the following steps: a) defining the connection of our problem to those that have been solved before, and those which solution depends on addressing our problem. Of course, there are links, for example, to the study of the subjects of law, subjects of administrative law, the implementation of legal status of various subjects of law in legal relations. Regarding the second aspect, the solution to our problems will contribute both to the creation of the theory of information law of Ukraine (which is under formation), and the proper implementation of information functions of public authorities in the development of the information society based on knowledge. However, the executive authorities and local self-government bodies in order to achieve the objectives of legal regulation may be members of complex relationships and emerge as subjects of administrative legal relations and information (as noted before); b) bringing the scientific or the practical necessity and importance of solving the problem. In our opinion, the need to address our problem due to the necessity of formation of legal bases for the development of information society, the defining component of which in civilized countries, the European Union and the world is the information law. First and foremost, it should be noted that the information law is an integral component of the national law system. It should be noted that it is the system formation, the essential elements of which are the institutes of information law, in particular, the institute of legal status of relevant subjects (e.g. public authorities). It is obvious that there is an objective demand for the study of the mentioned public authorities as subjects of information law.

It should be noted that on the other hand, the achievement of strategic goals to implemente-Governance, according to our preliminary hypotheses, requires the implementation of information and legal status of these bodies, and administrative law. The problem is the existence of a constant position of individual specialists of administrative law regarding the inclusion of, in particular, bodies of executive power and local self-government authorities only in the system of administrative law subjects, despite the existence and development of a new branch of law – information law. In other words, since the problem is a specific form of organization of knowledge, the object of which is the state of scientific knowledge on the subject of reality [16, p. 112], we can state the following. The system of scientific knowledge about the separate types of public authorities (executive authorities and bodies of local self-government) does not take into account the emergence of new scientific (legal) knowledge that due to the current objective reality, namely: 1) the rapid penetration of information in all spheres of public life, both within the Ukraine and the European Union; 2) the dynamic development of new information technologies; 3) digitalization of society and the state; 4) the intensification of the informational functions of the state and law; 5) the formation of the information sphere of public life, increasing role of information relations and the necessity of their legal regulation under a new independent complex branch of law – information law; 6) the creation of the institutions of information law, in particular, institute of the legal status of relevant actors (in particular, public authorities).

The next conceptual stage is the structuring of a problem. It is claimed that after localization of the problem it is advisable, in accordance with the logic of scientific research, to build a kind of "network schedule" for solving issues. Realizing the importance of defining, it is difficult to anticipate all such issues at the beginning of the study. We believe that the search continues throughout the process of solving the problem. It is important to emphasize that: 1) whether there is a classification of legal status, legal personality by the criterion of "branch of

law"; 2) what is the subject of information law?;3) in what way is the information function of public authorities different, for example, from the administrative one?

The importance of peculiarities of the first step of the conceptual stage of the design phase of the scientific study of the legal status of public authorities of Ukraine (bodies of executive power and bodies of local self-government) as subjects of administrative and information law have been highlighted. It is important to emphasize that only the first step has been made towards the formation of the legal status of public authorities of Ukraine with the help of an adapted methodology of scientific research of a specific problem in the field of administrative and information law in the context of the project form of organizing the relevant research. Realizing the importance of defining the existence of different approaches to the definition of the methodology of legal research, we propose to intensify the efforts of scientists towards their testing and selection of the most effective ones. At the same time, it is important to emphasize that feedback on the results obtained in this article is also important. In our opinion, the main results of scientific research are as follows.

4. Conclusions

1. Based on the fact that the methodology of scientific activity in the field of administrative and information law is understood as the doctrine of the organization of scientific activity, and based on the existing approach to the formation of the scheme of methodology of scientific research, it is found out that: a) public authorities of Ukraine (on the example of executive authorities and local self-government bodies) include the characteristics of scientific activity in relation to these bodies, logical structure of the relevant scientific activity and the temporal structure of the said scientific activity; the features of the research area do not affect the route of the scheme; b) the appearance of features of the scheme of methodology of scientific research of the legal status of these public authorities of Ukraine is explained by the existence of various substantive characteristics of the elements of the scheme, such as object, object, means, methods, etc ; c) the

peculiarities of generating scientific knowledge regarding the legal status of these public authorities of Ukraine in the conditions of development of the information society are connected with the necessity to adhere to the basic principles of scientific knowledge (the principle of determinism, the principle of conformity, the principle of additionality) in scientific research.

2. The new role of the means and methods of scientific research of the legal status of the mentioned public authorities of Ukraine is clarified: the toolkit is one of the components of the logical structure of scientific research (subject, object, subject, form, means, methods, results of scientific activity), and is not decisive in interpreting the concept of "methodology". Emphasis is placed on the need to intensify the use of the simulation method, which is a way of constructing new scientific knowledge, in particular, regarding the legal status of executive authorities and local self-government bodies in the context of the information society and European integration.

3. Despite the effectiveness of project organization forms of scientific research of the legal status of these bodies of public power in conditions of information society development, examined the individual stages of the first phase of research that has enabled to do the following: a) to identify the scientific contradictions – the most important method of knowledge; it is found out that the contradictions in our study are understood as inconsistency, discrepancy between desirable from the point of view of the theory of information law (executive bodies and bodies of local self-government of Ukraine in the conditions of information society can also be the subjects of information law, and subjects of administrative law) and real as in the theory of administrative law (specified public authorities are the only subjects of administrative law, even when they become subjects of information relations); b) at the conceptual stage of research to identify the basic principles that should govern the development of the plan of implementation of the hypothesis model and test hypotheses; c) to reveal the scientific controversy contributed to the production, evaluation and justification of our research; since the problem is a specific form of organization of knowledge, the object of which is a

new state of knowledge on the subject of reality, the wording of the following problems: the system of scientific knowledge about the separate types of public authorities (executive authorities and bodies of local self-government) does not take into account the emergence of new scientific (legal) knowledge due to the current objective reality in the development of the information society and integration of Ukraine into the European Union.

The next publication will be devoted to further study the temporal structure of the research activities concerning the legal status of public authorities in the information society and European integration (temporal structure) is an integral part of the scheme of the methodology of the specified research.

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