

IMPROVEMENT OF THE IMPLEMENTATION OF STATE POLICY IN THE SPHERE OF EXECUTIVE PROCEEDINGS IN UKRAINE

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Annotation. The article substantiates theoretical provisions and develops practical recommendations for improving the mechanisms for implementing state policy in the field of enforcement proceedings in Ukraine. Conceptual and categorical approaches to understanding state policy, enforcement proceedings, and mechanisms for its implementation are systematized and generalized, on the basis of which the author's definitions of key concepts are formulated, in particular: "state policy in the field of enforcement proceedings" and "mechanism for implementing state policy in the field of enforcement proceedings".

A conceptual vision of the relationship between the effectiveness of enforcement proceedings and the level of implementation of state policy in the field of ensuring justice is formed. The current state is assessed and key problems in the functioning of regulatory, institutional, and organizational mechanisms for implementing state policy in the specified field are identified. Foreign experience of the functioning of executive bodies in such countries as Sweden, France, Poland, and the USA is analyzed and the possibilities of its adaptation in the Ukrainian context are identified.

The regulatory and legal mechanism for implementing state policy in the field of enforcement proceedings has been improved by developing proposals for amendments to the current legislation and adopting a new regulatory act, justifying the need for its adoption - the Enforcement Code, as well as optimizing the activities of the institutional mechanism, which involves creating a single digital environment based on the Automated Enforcement Proceedings System, which will ensure the integration of all involved entities. The introduction of a system of performance indicators and independent monitoring of the results of the activities of executors has been proposed.

Keywords: state policy; enforcement proceedings; implementation mechanisms; forced execution of court decisions; regulatory and legal support; organizational mechanism; digitalization of enforcement proceedings; efficiency of law enforcement.

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Introduction

The relevance of the topic is due to the low level of actual execution of court decisions in Ukraine, which has been repeatedly noted by international institutions, in particular the European Court of Human Rights. This indicates the presence of deep problems in the mechanisms of public administration related to the implementation of decisions of public authorities. Among such problems, it is worth highlighting: fragmentation of regulatory regulation, inefficiency of the organizational and institutional model, limited human resources potential, as well as insufficient level of professional training of state and private executors.

In the context of Ukraine's European integration course and the need to implement European standards of justice, the study of the mechanism for implementing state policy in the field of enforcement proceedings is of particular importance. The study of foreign experience and the possibility of adapting best practices to domestic conditions are also relevant, which will increase the effectiveness of the system of execution of court decisions.

The study of the comprehensive mechanism for implementing state policy in the field of enforcement proceedings meets the modern challenges of state formation, the needs of law enforcement practice, as well as the tasks of scientific research to improve the functioning of institutions for the enforcement of judicial acts in Ukraine.

Among Ukrainian researchers, the following scientists have made a significant contribution to the study of this issue: E. Afonin, V. Bakumenko, Ya. Berezhnyi, T. Brus, O. Valevskiy, N. Volkova, N. Golubeva, I. Kuzmina, M. Marchenko, P. Nadolishniy, E. Pronskiy, V. Romanov, V. Prytulyak, S. Shandruk, I. Yanitska.

Despite the significant number of scientific works devoted to the issues of implementing state policy in the field of enforcement proceedings [3; 4; 5; 6; 7], the issues of comprehensive research of mechanisms for implementing state policy in the field of enforcement proceedings, in particular in the context of modern challenges facing Ukraine, still remain insufficiently studied.

The purpose of the article is a comprehensive analysis of the mechanism for implementing state policy in the field of enforcement proceedings and the development of scientifically based proposals for its improvement in the context of modern legal transformations.

Presentation of the main material

Theoretical approaches to understanding the essence of enforcement proceedings, state policy in the relevant field and mechanisms for its implementation are generalized and systematized [3; 4; 5; 6; 7]. The relationship and mutual influence between the effectiveness of enforcement proceedings and the effectiveness of state policy in the field of ensuring the execution of court decisions are determined. The conceptual principles of the functioning of mechanisms for implementing state policy in the field of enforcement proceedings are outlined and characterized and foreign experience is studied.

In the context of the study of conceptual and categorical interpretations of understanding state policy, mechanisms for its implementation and enforcement proceedings in scientific discourse, the following main provisions have been formed. The lack of a unified approach to interpreting key concepts, such as "state policy in the field of enforcement proceedings", "implementation mechanisms" and "effectiveness of law enforcement", causes ambiguity in the terminological apparatus, which complicates the development of a holistic and effective model of public administration in this area. Therefore, the elaboration of the conceptual apparatus is considered as a primary condition for the formation of an effective system of enforcement of court decisions.

Having analyzed the various scientific approaches, the state policy in the field of enforcement proceedings within the framework of this study is understood as the systematic

activity of state authorities aimed at the formation, regulation, organization and control over the implementation of procedures for the enforcement of court and other decisions.

Mechanisms for implementing state policy in the field of enforcement proceedings are defined as a complex of legal, administrative, organizational, information and technological, financial and personnel means that ensure the performance of public functions in this area.

The effectiveness of enforcement proceedings is considered as a key criterion for the effectiveness of state policy in the field of justice, which directly affects the level of citizens' trust in state institutions, the stability of the legal order and the implementation of constitutional rights.

Revealing the conceptual principles of the formation of mechanisms for implementing state policy in the field of enforcement proceedings in Ukraine, in particular their types, principles and methods of functioning, our own vision of such a mechanism is proposed, which contains elements of scientific novelty. A structural and logical model of the conceptual principles of mechanisms for implementing state policy in the field of enforcement proceedings is described.

It is revealed that foreign experience in organizing enforcement proceedings and mechanisms for implementing the relevant state policy in European countries, the UK and the USA have different legal systems, but all are based on the principles of accountability and control. A draft regulation "On the necessity of adopting the Executive Code of Ukraine" has been proposed, which will allow transforming the current fragmented system into a modern, digitally-oriented and European-harmonized model of forced execution of decisions.

An analysis of the regulatory and organizational and institutional mechanisms for implementing state policy in the field of enforcement proceedings and the effectiveness of the interaction of their subjects has been carried out. The regulatory and legal mechanism for implementing state policy in the field of enforcement proceedings has been determined as a system of interrelated legal norms, institutional elements, procedures and instruments that ensure the implementation and compliance with political decisions aimed at the effective, timely and impartial execution of decisions of courts and other authorized bodies.

A conceptual understanding of the regulatory and legal mechanism for implementing state policy in the field of enforcement proceedings has been determined, which can be formulated as a systemic vision of key legal instruments, principles, procedures and subject-object relationships that ensure the effective organization and implementation of measures for the enforcement of decisions of courts and other bodies.

The main problems of the institutional mechanism for implementing state policy in the field of enforcement proceedings have been identified: the lack of clear, measurable indicators of the effectiveness of the work of enforcement bodies makes it difficult to monitor progress and determine the real impact of the policy; the declared principles of fairness, impartiality and objectivity often do not have sufficient regulatory support and tools for ensuring it; the vagueness of the functional division between state enforcement bodies, private enforcement agents and other entities leads to duplication, disputes and inefficiency; the lack of a coordinated approach to the use of administrative, legal and organizational methods complicates the implementation of a holistic policy; Insufficient integration of data on the status of enforcement proceedings, lack of access to objective information reduces transparency and public control; Outdated material and technical base of enforcement bodies, lack of digital solutions, in particular automated accounting and control systems, reduces the efficiency and speed of decision execution; Lack of clear regulation of powers and coordination between all management entities leads to waste of resources and incoherence of actions; Legal ignorance of debtors and creditors, lack of standards of legal culture in the field of decision execution creates additional barriers; Underdevelopment of coordination mechanisms between entities of the system, as well as low public involvement, complicates

prompt response to problems; Low level of actual execution of court decisions, insufficient control over the efficiency of private executors, low level of trust in the enforcement system require strategic reform.

The main problems in the sphere of interaction and effectiveness of the subjects of the mechanism for implementing state policy in the field of enforcement proceedings have been identified. In particular, a low level of coordination of actions between state authorities, imperfect regulatory and legal regulation, lack of proper information exchange and mechanisms for monitoring the effectiveness of the implementation of decisions of courts and other bodies have been established.

A conceptual vision of a comprehensive mechanism for implementing state policy in the field of enforcement proceedings has been proposed, which includes: improving the institutional structure of interaction between subjects of enforcement proceedings; introducing modern digital monitoring and reporting tools; forming a system for assessing the effectiveness and accountability of executive bodies; harmonizing the regulatory and legal framework in accordance with European standards.

Directions for improving the regulatory and legal mechanism for implementing enforcement proceedings in Ukraine have been substantiated. Investigating the organizational structure and functioning of the institutional mechanism for implementing state policy in the field of enforcement proceedings, there is a need for its reform and the introduction of information and digital technologies.

The proposed approaches are aimed at increasing the efficiency of this area. It is necessary to establish in the legislation clear principles of effective enforcement of court decisions, including accessibility of procedures, their timeliness, proportionality of coercive measures and proper control by the courts. It is important to provide mechanisms to prevent abuse of the enforcement process, as well as liability for unjustified delay in enforcement. It is advisable to implement institutional models that have proven their effectiveness in EU countries, in particular systems of professional self-government of private enforcement agents with elements of state supervision [3; 5; 7]. The Ukrainian model should be supplemented with provisions on ensuring the independence of the enforcement agent within the limits of legally defined responsibility and transparency of his actions. Creation of an effective system of monitoring and evaluation of the activities of the enforcement service, which will include independent audit, rating, public reporting and participation of civil society in control. Harmonization also involves the introduction of cross-border cooperation mechanisms in the field of enforcement of court decisions, in particular on the basis of EU Regulations, which allows for the recognition and enforcement of decisions made in other European countries without re-examining the case on the merits.

It was found that the integration component of optimization involves strengthening the interaction of the institutional mechanism with courts, local governments, administrative service centers, banking institutions and state registers. The creation of a single digital environment for information exchange will significantly reduce time costs, reduce the risks of data loss or distortion, and ensure transparency in the implementation of proceedings. Technological modernization of the institutional mechanism should include process automation, the introduction of electronic services for participants in proceedings, the use of online monitoring and digital control tools. This will increase efficiency, reduce corruption risks, and ensure the accessibility of enforcement proceedings for citizens in any region of the country.

A conceptual vision of the areas of reform is proposed: expanding the powers of territorial bodies of the Internal Affairs Directorate regarding personnel policy, reporting, and case management; decentralization of control - the creation of regional inspectorates or supervisory chambers; integration of private executors into a single digital administration

system with autonomous management functions; introduction of digital management dashboards and decision registers at the regional level. They outline a strategic vision for the development of the enforcement sector, which creates the basis for the formation of a more effective and balanced system for implementing state policy.

Key areas for increasing the functional capacity of institutions responsible for ensuring effective enforcement of decisions have been identified. It has been revealed that a barrier to the implementation of state policy is a weak system of institutional control and accountability in the field of enforcement. The reasons for institutional weakness are: the absence of a single digital system for auditing executors; lack of regulation of mechanisms for assessing the effectiveness of the work of executive bodies; lack of regulatory KPIs; impossibility of public control over executors; conflicts in the regulation of responsibility between public and private forms.

A conceptual vision of a comprehensive mechanism for implementing proposals to eliminate barriers to the implementation of state policy in the field of enforcement proceedings is proposed. The need for digitalization as a component of the enforcement proceedings reform is identified: increasing the efficiency and speed of decision execution as the key goal of digitalizing enforcement proceedings; reducing corruption risks as a key aspect of digitalizing the enforcement proceedings system; improving interaction between the subjects of the system as a strategic direction of digitalizing enforcement proceedings; availability of information and control by the participants of the process as a condition for effective digitalizing enforcement proceedings; harmonization with European standards as a strategic goal of digitalizing enforcement proceedings in Ukraine; rationalization of resources as a key advantage of digitalizing enforcement proceedings.

A number of practical proposals aimed at further improving digital mechanisms in the field of enforcement proceedings are outlined: to ensure a full-fledged digital transformation of the automated enforcement proceedings system with an emphasis on automating not only individual actions, but the full cycle - from the opening to the end of the proceedings; integrate the automated enforcement system with key state registers and electronic interaction systems, in particular the State Register of Property Rights, bank account registers, etc.; develop a "personal office of enforcement proceedings" interface for participants in the case, which will allow them to monitor the progress of the proceedings, receive notifications, submit applications and documents electronically; legislate the mandatory use of electronic document management and digital tools in the activities of enforcers, both public and private; ensure constant audit and modernization of digital platforms, taking into account technological progress and user needs, as well as introduce mechanisms for training enforcers in working with digital services.

Solutions are proposed to eliminate gaps in the digitalization of enforcement proceedings: improve the regulatory framework for the digitalization of enforcement proceedings (adopt a separate law or comprehensive amendments to the current legislation that will clearly define the concept, status, procedures and mandatory use of digital technologies in the enforcement process; enshrine at the law level the principle of "digital priority" - the superiority of the electronic format over the paper format in all aspects of the proceedings); ensure full integration of the automated enforcement proceedings system with all key state information systems (establish seamless integration with bank account registers, a unified register of debtors, tax and customs registers; create a unified platform with single access for enforcers to all registration and analytical data); expand the functionality of the electronic office of the participant in enforcement proceedings (provide full access to case materials, online submission of documents, the ability to initiate requests, complaints, messages; implement a system of digital notifications (SMS, email, push) about each action in the case); introduce a system of electronic monitoring and auditing of the actions of enforcers (each action of the

enforcer must leave a digital trace and be available for verification; create tools for analyzing the effectiveness of enforcers, automatic detection of inaction, pattern violations, etc.); develop and implement a digital literacy program for enforcers (introduce mandatory training for public and private enforcers on working with electronic platforms, cybersecurity, digital ethics; assess digital competence as one of the certification criteria); provide transparent budgetary support for the development of the IT infrastructure of the enforcement system (form a special fund for the digital transformation of the justice system; attract international technical assistance for the development of IT solutions, personnel training, and independent audit); improve the protection of personal data in digital enforcement systems (bring information security and data processing regulations in line with EU standards (in particular, GDPR); establish clear limits on access, administrator powers, and liability for data leakage or manipulation).

It has been determined that the use of artificial intelligence in enforcement proceedings as a tool for implementing the state policy of digital transformation will contribute to: automatic analysis of enforcement documents; forecasting the terms and results of enforcement; intelligent distribution of cases between enforcers; detection of fraud and abuse; online consultations and support for the parties to the proceedings; analysis of judicial and enforcement practice; modeling of enforcement strategies.

Conclusions

The possibilities of introducing modern information and digital technologies into the process of implementing state policy in the field of enforcement proceedings have been identified, which will lead to: increasing the efficiency and speed of decision execution as the key goal of digitalizing enforcement proceedings; reducing corruption risks as a key aspect of digitalizing the enforcement proceedings system; improving interaction between the subjects of the system as a strategic direction of digitalizing enforcement proceedings; accessibility of information and control by the participants of the process as a condition for effective digitalizing enforcement proceedings; harmonization with European standards as a strategic goal of digitalizing enforcement proceedings in Ukraine; rationalization of resources as a key advantage of digitalizing enforcement proceedings.

A conceptual vision of a comprehensive mechanism for implementing state policy in the process of enforcement proceedings through e-governance has been proposed: introduction of a single electronic platform for enforcement proceedings (currently through several integrated systems) - creation of a centralized automated system; improvement of the regulatory framework for the use of electronic technologies - development of a Strategy for the Digital Transformation of Justice; automation of enforcement decision-making processes - implementation of algorithmic analysis and artificial intelligence in typical enforcement procedures to minimize the influence of the human factor and ensure the objectivity of decisions made; increasing the level of digital literacy of enforcement subjects - organization of training programs, online courses and information campaigns; integration of mechanisms for monitoring and controlling the activities of enforcers - creation of real-time analytics and reporting tools to identify violations, ineffective actions or abuses in the process of enforcing court decisions; ensuring cybersecurity and personal data protection - implementation of information security standards that comply with international practices.

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