

Transformation of interaction between the government and civil society institutions in the context of war: Legal and regulatory aspect

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Abstract. The year 2024 is marked by the relevance of considering the interaction between state bodies and public institutions, especially in the context of wars such as the Russian-Ukrainian war. Despite these difficulties, Ukrainian society has been active in confronting the aggressor and has received support from democratic countries. The study aimed to analyse the actual aspects of the interaction between the government and civil society structures during the period of martial law. A variety of scientific and legal methods were used, such as comparative legal, systemic, formal legal, formal-logical, descriptive analysis and forecasting methods. The current state of legal and regulatory framework for cooperation between government and civil society is considered, including an analysis of the experience of other countries, which highlights the key aspects of this interaction. It was established that in Ukraine, the processes of formation of a democratic state governed by the rule of law and institutionalisation of civil society are taking place in parallel, contributing to their mutual evolution. The interaction between political authorities and civic initiatives is important because it consists of interrelated factors: the influence of state structures on the activity of citizens and the

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influence of civil society itself on the formation of political decisions. The paper examined the root causes that delay or, on the contrary, facilitate the proper and effective exchange of ideas and initiatives between government agencies and the public, including imperfect legislation, ineffective existing mechanisms of interaction and their formal nature, as well as a lack of public trust in government agencies, and others. The paper formulated and substantiated recommendations that can be used to improve the legal framework for the creation and functioning of civil society institutions as active participants in interaction with the authorities. These proposals may be useful for educational programmes, the development of scientific recommendations and practical activities of civil society institutions and authorities

Keywords: international experience; official authority; legal regulation; martial law; social partnership

Introduction

The annexation of Crimea, the partial occupation of Donbas, and later Russia's full-scale invasion of Ukraine significantly accelerated the evolution of civil society in the country. There was a rapid transformation of the social architecture of public space intended for general use. Non-governmental organisations, charitable foundations, volunteer groups, trade unions, employers' initiative groups, non-state media and other structures quickly adapted their activities to the conditions of martial law, which was declared by Decree of the President of Ukraine No. 64/2022 "On the Introduction of Martial Law in Ukraine" (2022).

The process of forming and expanding the areas of activity of civil society organisations and their institutional potential is actively unfolding in modern Ukrainian society. This potential opens new opportunities for influencing various spheres of community life, including political processes, through systematic monitoring conducted by civic initiatives. Thus, the issue of interaction between governmental structures and civil society institutions remains at the intersection of attention, especially in the context of the Russian-Ukrainian war that has broken out in Ukraine. In such circumstances, it is important to ensure effective coordination to win the war and overcome its consequences.

The academic world is actively researching the interaction between the government and civil society. For instance, O. Pukhkal (2022) focused on analysing the unity of Ukrainian civil society as a key factor in resisting the Russian invasion. He addressed the main aspects of the interaction between civil society and the government in the context of the Russian-Ukrainian war. Based on this, it was determined that such unity is based on common values that have long been entrenched in Ukrainian society during its formation as a democracy.

According to N. Vasyniova (2023), the successful implementation of Ukraine's strategic course towards EU integration involves the active development of civil society, increasing public trust in government structures, finding effective mechanisms to create a transparent and open governance system. An essential element is to ensure a communication partnership between the authorities and the public, especially in the context of the Russian-Ukrainian war, as this has a direct impact on the promotion of society's values and the protection of citizens' national interests. The implementation of these approaches creates an opportunity for active participation of citizens in the governance process, facilitates the ability to express their opinions and suggestions and participate in solving social issues, thereby contributing to the processes of digital transformation of politics to facilitate and improve these processes.

V. Cherevatiuk (2022) notes that, in line with the current historical challenges facing Ukraine, it is necessary to establish a new system of interaction between science, society and state and public institutions. This includes not only

the promotion of scientific and technological progress and innovation but also the enhancement of the country's defence capability, strategic decision-making and the formulation of national development strategies. One of the key aspects of this process is the gradual implementation of successful public initiatives and programmes at the state level.

N.A. Lypovska *et al.* (2023) analyse the mechanisms of interaction between the government and the public to formulate and implement modern public policy in Ukraine. It is noted that public space is full of various actors, with the main pillar in a democratic society being the individual with his or her autonomy and ability to act, as well as public institutions and other public administration structures. Thus, the organisation of public space and the level of development of its main actors, institutions and mechanisms shape the nature of public policy and indicate possible ways of cooperation on mutually beneficial terms, which will contribute to the improvement of the level of governance of society.

O.M. Ivanytska and K.V. Yakymenko (2023) considered issues related to national security in Ukraine and the formation of an institutional framework for its solution, considering systemic challenges and threats to the country's sovereignty. The researchers substantiate the need to reform the public administration system to effectively ensure national security, including by improving the interaction between the state and citizens, creating an effective coordination system and involving the public in decision-making. Particular attention is paid to the importance of interaction between different levels of government, such as central and local authorities, as well as non-governmental organisations, to ensure the efficiency and coordination of management processes.

During his study of the interaction of public authorities with civil society, O. Vasylykovskiy (2024) identified several problems: a lag in the integration of digital technologies against the background of the development of digital democracy, the formal nature of the measures taken to support it, and insufficient attention to the development of e-democracy in the context of e-government. The author argues that there are serious problems in the interaction between government authorities and civil society, in particular in digital integration and the development of digital democracy. This problem is important and relevant, especially in the context of current trends towards the digitalisation of society.

The results of the research by scientists, in particular J. Pinckney *et al.* (2022), M. Nipa and M. Hasan (2023) highlight detailed understandings of good governance among actors, emphasising its broader significance beyond development as a fundamental cornerstone of social justice and citizen protection. While acknowledging the challenges faced by civil society institutions, including legal and resource constraints, the scholars identify opportunities to enhance their impact through collaborative efforts, the use

of technology, and the promotion of internal transparency and accountability. Limitations, such as potential participant bias and the qualitative nature of the research, are also highlighted and have significant implications for policymakers, civil society organisations and academics.

Even though there is a wide interest in this topic among legal scholars, there is a need for further research on this phenomenon, in the context of regulatory and legal support and martial law. Thus, the study aims to analyse the regulatory framework for interaction between the authorities and civil society institutions under martial law.

Materials and methods

A variety of philosophical methods were used to determine the prospects for improving the interaction between the government and civil society institutions. One of them is the dialectical approach, which allows for a deeper understanding of the essence of such interaction under martial law. In addition, the systemic method is used for a comprehensive study. It can be used to consider this problem in the context of the overall regulatory framework for interaction between the government and civil society, identifying the interrelationships and the impact of various factors on its formation and development. Other methods were also used to study the problems of transforming the interaction between the government and civil society in the context of the Russian-Ukrainian war. For instance, the comparative jurisprudence method was used to analyse the experience of the European Union countries in regulating the interaction between the state and civil society. A systematic approach was also used to organise various concepts of interaction between the government and civil society, especially in times of war, for their further analysis and classification. In addition, the method of descriptive analysis was used to identify the factors influencing the interaction between the government and civil society, as well as the current problems in this area at the present stage.

Formal legal analysis was used to organise and harmonise the key legal acts regulating the interaction between the government and civil society during martial law. This approach was used to assess the current state of the problem and identify possible areas for improving the interaction between the government and civil society in the changing environment of global challenges and wars. The formal and logical approach was used to formulate key conclusions and recommendations for improving the effectiveness of cooperation between the government and civil society in the current conditions of Ukraine. Comparative analysis and forecasting method was used to explore different approaches to understanding the interaction between the government and civil society, which helped to identify relevant areas for improving the legal regulation of this interaction. The institutional method aimed to understand the interaction of power through the prism of public institutions. The application of the institutional method in combination with the system-functional and system-structural approaches was used to investigate what needs and social structures ensure such interaction. The combination of these methods provided a more complete and comprehensive understanding of the issues related to understanding the current state of regulation of the interaction between the government and civil society institutions in wartime. This approach was used for a deeper study of the

peculiarities of the functioning of such interaction, as well as to identify potential problems and ways to solve them.

Regulations of various legal sources were used in the study and to fully understand and substantiate the issue, in particular: Decree of the President of Ukraine No. 64/2022 “On the Introduction of Martial Law in Ukraine” (2022), Decree of the President of Ukraine No. 487/2021 “On the National Strategy for Promoting the Development of Civil Society in Ukraine for 2021-2026” (2021), Decree of the President of Ukraine No. 86/2022 “Issues of the Adviser – Presidential Commissioner for Interaction with Public Associations and Volunteer Formations Involved in Ensuring National Security” (2022), Resolution of the Cabinet of Ministers of Ukraine No. 996 “On Ensuring Public Participation in the Formation and Implementation of State Policy” (2010), Resolution of the Cabinet of Ministers of Ukraine No. 909 “On Amendments to the Resolution of the Cabinet of Ministers of Ukraine dated 3 November 2010 No. 996” (2022), Draft Law of Ukraine No. 7283 “On Amendments to the Law of Ukraine “On Local Self-Government in Ukraine” and Other Legislative Acts of Ukraine on Democracy at the Level of Local Self-Government” (2022), Draft Law of Ukraine No. 4254 “On Public Consultations” (2020). Furthermore, various sources were used, such as scientific articles, books, dissertations, reports and other materials on the research topic.

Results

The interaction between civil society and government reflects the essence of the fact that civil society is not a mere component of the state, but rather constitutes its foundation, functioning in interaction with it. This interaction takes many forms, from conflict to cooperation and partnership, the latter being the highest level of engagement. Civil society and the state, as integral components of the same social system, mutually influence each other. Changes in the structure and maturity of civil society necessarily affect the form and direction of public policy, in particular in governance and administration. Civil society influences the functioning of public administration bodies through various mechanisms and areas of influence:

- Protecting the rights and freedoms of citizens enshrined in the Constitution and international legal documents through complaints, proposals and petitions initiated by both individuals and civil society organisations that influence government decisions.
- Participation of citizens and civil society organisations in policymaking and control over the activities of state structures, which involves the creation of open monitoring mechanisms and regular exchange of information between the authorities and society.
- Active participation in mass events, such as rallies, strikes and other forms of public protest aimed at fighting corruption and inefficiency of the state apparatus.
- Various lobby groups influence government decision-making processes to protect their interests.
- Ensuring the protection of the rights of state officials from illegal actions and pressure from citizens and their associations.

The first significant step in cooperation between the government and civil society in the history of Ukraine was the IV Universal of 25 January 1918 (1918 – Declaration of..., 2024). This historic document was marked by the words: “The Ukrainian People’s Republic becomes an

independent, sovereign, free, free state of the Ukrainian people". The Declaration of Independence of the Ukrainian People's Republic played a key role in the formation of the nation. This historic moment broke the link between autonomist and federalist concepts. The UPR's Basic Law, in paragraph 3, envisaged a system of government with three main branches, planning to transform the country into a parliamentary republic with significant powers of local self-government. However, external and internal political difficulties prevented the Central Rada from addressing this issue.

The next important stage of state-building was the activity of the Council of Ministers of the Ukrainian State in 1918 under the Hetmanate of P. Skoropadskyi. According to the Law on the Temporary State System, the Council of Ministers was a collegial executive and legislative body designed to guide and unite the work of several institutions in the legislative and executive spheres (Pshenyshna, 2009). The Council of Ministers synthesised both functions, as it was responsible for discussing and approving all draft laws. To support government activities, state agencies were formed with a clear division of management areas and approved charters and staffing structures. The State Chancellery developed regulations and coordinated the work of the agencies. The Council of Ministers' Administration performed organisational tasks. The newly established Small Council of Ministers helped to discuss and adopt some draft laws, allowing the Council of Ministers to focus on key state-building processes. The well-formed legal status and structure of the Cabinet of Ministers to some extent ensured the autonomy of legislative activity in the state affairs of the Ukrainian State of 1918.

Thus, the experience of the authorities of the Ukrainian People's Republic and the Ukrainian State of 1918 laid the foundations for the future institutionalisation of interaction between the state and civil society in Ukraine. War deepens the relationship between civil society and the government. The development of civil society continues, actively influencing the improvement of government institutions that act as intermediaries in the relationship between civil society and the state. The participation of civil society institutions in public administration helps to strengthen public authorities and makes them more accessible to the needs of the community. Such interaction is especially successful at the local and regional levels, where it stimulates effective decision-making with due regard to public opinion, which is extremely important in the context of martial law.

The results of the analysis conducted by the Ilko Kucheriv Democratic Initiatives Foundation revealed interesting differences in the views of citizens on civil society organisations. Throughout Ukraine, except for Crimea and the occupied districts of Donetsk and Luhansk oblasts, from 05-12 August 2022, 60% of respondents believed that the existence of non-governmental organisations is important for their city or village (18% believe it is unnecessary). This figure remains stable compared to 2013 when 58% believed that non-governmental organisations were necessary and 18% did not. The main areas of activity that respondents consider important for non-governmental organisations include protection of socially vulnerable groups (57%), control over the activities of the authorities (55% – 10% more than in 2013), provision of legal and other assistance in protecting rights (45%), uniting people with common interests (34%), and assistance to the military and volunteers in the war in Donbas (31%) (Oleg, 2018; Trust in the

State..., 2022). These results demonstrate the solidarity of Ukrainian civil society, which is manifested in a wide variety of civic initiatives and projects aimed at countering Russian aggression and overcoming its humanitarian consequences. These actions are marked by innovative forms of systematic cooperation between the public, government agencies, businesses and the military.

Due to the introduction of martial law in Ukraine, public initiatives aimed at volunteering and charity have become more active. This is especially important in the context of limited budget funding and ineffective state support mechanisms. However, it is worth noting that this initiative has a limited impact on the political and socio-economic dynamics of the country, as it does not improve the efficiency of government and local authorities, but rather may divert their attention from real problems that need to be addressed immediately. In practice, civil society organisations influence the work of the government by providing advisory assistance (through participation in public councils, in the development and analysis of legislative acts) and exercising control (fighting corruption, checking the effective use of public funds and the activities of officials).

An important document that demonstrated the development of regulation of the mechanisms of interaction between the authorities and the public was Resolution of the Cabinet of Ministers of Ukraine No. 996 "On Ensuring Public Participation in the Formation and Implementation of State Policy" (2010). This act approved the procedure for conducting public consultations and approved model regulations on public councils at various levels of government (Appeal of the Ukrainian..., 2014). In the current context, an important document that standardises the interaction between government and civil society is the Decree of the President of Ukraine No. 487/2021 "On the National Strategy for Promoting the Development of Civil Society in Ukraine for 2021-2026" (2021). This act differs from previous approaches, as it offers an in-depth analysis of the development of civil society in Ukraine and the role of the state in this process while considering Ukraine's international obligations and standards for the development of civil society.

Changes in the functioning of public councils during martial law were introduced with the Resolution of the Cabinet of Ministers of Ukraine No. 909 (2022). Particular attention should be devoted to Draft Law of Ukraine No. 4254 "On Public Consultations" (2020), which was adopted in the first reading. This law regulates public consultation procedures for all public authorities and local self-government bodies to improve the conditions for public participation in the formulation and implementation of public policy. According to the draft law, the President of Ukraine, state collegial bodies and the National Bank of Ukraine should also be included in the list of entities that are obliged to hold public consultations. It also provides for the obligation to hold public consultations by local governments.

It is worth noting the adoption of Draft Law of Ukraine No. 7283 (2022), which provides for the consolidation of public participation in the formation of management decisions at the local self-government level. Thus, the draft law stipulates that internally displaced persons, as well as persons who have changed their electoral address, will be able to use public participation tools. The draft also details the procedure for holding public hearings, expert examinations, general meetings, and local initiatives. At the same time, the law

enshrines the opportunity for community residents to participate in participatory budgeting, school participatory budgeting, and other forms of participation in the budget process.

The analysis of the development of legislative support for cooperation between state bodies and civil society during martial law has shown that the legal system is aimed at supporting effective interaction to defeat external threats to Ukraine. The Russian attack not only threatened the lives and freedom of millions of Ukrainians but also highlighted the need to unite to preserve independence. In this context, civil society has been actively mobilising to support the government and self-government in addressing defence and humanitarian challenges. The Ukrainian League of Industrialists and Entrepreneurs coordinated assistance to the Armed Forces and provided necessary temporary shelter for thousands of displaced persons. The diaspora has also been active in raising financial support and exerting political pressure on the governments of the countries where it lives, demonstrating untarnished support for Ukraine in its fight for freedom (Trust in the State..., 2022). Thus, the President called on the Ukrainian media to more actively report on the achievements of the Armed Forces and the enemy's losses, and on Ukrainian citizens to support the military. The next step in this direction was the Decree of the President of Ukraine No. 86/2022 (2022). This interaction is critical in countering the aggression against Ukraine, as non-governmental organisations assist the Armed Forces, solve the problems of internally displaced persons and relieve the burden on the government. Ukrainian society increasingly understands the importance of the role of civil society organisations in public life: they are active in various areas, including human rights protection, political analysis and participation in reforms, including decentralisation. Non-governmental organisations play an advisory and controlling role that influences the activities of governmental structures.

Thus, the conditions of martial law pose complex challenges to the authorities and local self-government, where interaction with the public is key in countering Russian aggression. Civil society has been highly active and willing to help the Armed Forces of Ukraine, volunteer groups and those affected by the hostilities. Civil society organisations have become important partners for the authorities, helping to solve problems arising from the hostilities. Establishing advisory bodies that engage the public in policy formulation and implementation is proving to be an effective tool for civil society development. These mechanisms of interaction can be implemented by different institutions, ranging from parliament to local governments, which confirms the diversity of approaches to cooperation between the state and non-governmental organisations. At the same time, it is important to note that the formation of civil society in various democratic countries is achieved through the creation of advisory bodies that enable the direct participation of citizens in the formation and implementation of policies at all levels of government. The development of public consultation mechanisms in the European Union is an essential element, as it is one of the methods of interaction between the EU supreme bodies and public institutions, which is a form of communication with the public (Foreign Experience, 2024).

In developed democracies, the overall strategy and priorities are set by the main governing body of the foundation, as in Hungary, where the Foundation Council has adopted the strategy and funding principles. Foundations play a key role in each country, as they are a source of institutional funding that supports the general operations of civil society organisations without being limited to specific activities (Foreign Experience, 2024). This international experience can be useful for implementation in Ukrainian practice (Table 1). Investment and project-based approaches can be effectively used for implementation in Ukrainian practice.

Table 1. Institutional mechanisms to promote the development of civil society (based on the experience of other countries)

Country	Institutional mechanisms for the development of civil society	Implementation means
Great Britain	Ministry for coordination and monitoring of the implementation of state policy documents aimed at promoting the non-governmental sector	Coordination of ministries' work on cooperation with civil society institutions
Denmark, Poland	Ministerial bureaus for the implementation and monitoring of state programmes aimed at promoting the non-state sector	Coordination of ministries' work on cooperation with civil society institutions
Estonia, Latvia	Parliamentary committees for monitoring the implementation of civil society development programmes	Implementation of programmes to promote the development of civil society
Canada, Netherlands	Civic forums	An independent platform for participation in state-level decision-making
Germany	Public juries	Public participation in decision-making at the level of federal states and local communities
Croatia	Government Bureau for monitoring the implementation of Civil Society Development programmes	Coordination of ministries' work on cooperation with civil society institutions
Czech Republic	Governmental council for non-governmental non-profit organisations (a permanent advisory, initiative and coordination body)	Creating favourable conditions for the existence and operation of non-governmental organisations, preparing recommendations for the government on subsidising the non-governmental sector
United States of America	Public-private advisory committees and specialised commissions; volunteering; forums for discussing strategic plans for urban development; supervisory boards; public councils (public advisory committees); training and professional development of heads and members of public councils and commissions, representatives of the volunteer movement	Participation of members of territorial communities in assisting the authorities during emergency crises; an alternative to public hearings in the system of self-government functions; formation of a public administration reserve

Source: compiled by the authors based on the documents of the Unified Web Portal of Executive Authorities (Foreign Experience, 2024)

The main reasons that complicate proper interaction between political structures and the public in the current period include imperfect legislation, inefficiency of existing mechanisms of interaction and their formal nature, as well as lack of trust in state bodies on the part of the public and “scepticism” of political structures in communicating with the population.

The imperfection of the legislation governing the interaction between the government and civil society manifests itself in various ways. Firstly, many laws can be formulated or interpreted ambiguously, leaving room for different interpretations and use by political or other groups. This can create situations where the authorities use their authority to suppress civil society or, conversely, where groups of citizens exploit the vacuum in the law to protect their interests in violation of the law. Second, existing laws may not address the wide range of situations or needs that arise in modern society. For example, rapid technological changes may result in legislation failing to keep pace with new challenges, such as the protection of personal information in the online space or the regulation of social media. Such gaps in legislation can create situations of insecurity for citizens and allow the authorities to restrict citizens’ rights and freedoms.

Given the active phase of the war against Ukraine, which caused political, economic and social instability, the interaction between civil society and political structures is of particular importance. To improve the effectiveness of their interaction, it is necessary to:

- to improve the legal framework for the establishment and functioning of civil society institutions as active participants in interaction with political structures, in particular by amending the current Law on Public Associations, in particular by expanding the rights and opportunities of these institutions in their interaction with political structures;
- to unify the scattered system of training and professional development of executive branch employees in public relations by adopting a special law that will standardise training and professional development programmes in public relations;
- to develop an effective model of financial support for civil society institutions by amending the Tax Code of Ukraine to ensure access to funding and introduce mechanisms to control its use;
- to improve the effectiveness of anti-corruption policy by focusing not on the number of corrupt officials detected, but on the number of convictions by amending the Criminal Code of Ukraine and other relevant legislation to improve anti-corruption mechanisms and ensure effective investigation and prosecution of corruption offences.

The effectiveness of interaction between political structures and civil society has a direct impact on the quality of the model of public administration, which is crucial for the state-building process. After the end of martial law, further decentralisation of power and the transfer of competencies to regional and local authorities should be considered. This is aimed at strengthening the state and forming a unified system of executive power at all levels, based on the principles of openness and transparency in governance and taking into account the reaction of society. To empower citizens in public administration, new forms of public consultations between government and civil society organisations should be introduced in Ukraine. This involves creating mechanisms for drafting legal acts and other decisions that consider public opinion and expert assessments. All important decisions

taken by executive authorities should be subject to a public discussion process that involves the involvement of public experts and analysis of public (professional) opinion.

Higher education is critical in shaping the future of society. Personal values and beliefs are formed during education, which influence the development of civil society. Successful civilisation education requires a rethinking of the educational paradigm, focusing on the development of critical thinking. This implies a change in communication between students and teachers, active participation in the learning process, and the use of a variety of methods, including interactive forms and research projects. School governance can strengthen management skills and teach young people how to apply knowledge to everyday problems, especially in times of crisis.

Despite the critical role of higher education in shaping civic values and developing critical thinking, Ukrainian universities still face several challenges. First, a significant gap remains between curricula and labour market needs, making it difficult for graduates to find employment. Secondly, insufficient funding for higher education leads to outdated facilities and low salaries for teachers, which negatively affects the quality of education. Reforming higher education should involve close cooperation with employers to update curricula, attract additional investment in university infrastructure, and create incentives for teachers to improve their skills and introduce innovative teaching methods. Only a comprehensive approach to the modernisation of higher education will allow it to become a real driver of civil society development.

Discussion

Scientific research and practical experience show a growing interest in the interaction between the government and the community, especially in the context of democratisation and the digital transformation of modern society. This process defines the key aspects of ensuring balance, equality and mutual responsibility between citizens, society and the state, which is especially relevant during the Russian-Ukrainian war and post-crisis recovery.

According to D.J. Kim (2022), a normal form of interaction between the state and citizens is the use of violence against those groups that reject established values and norms. The demands of society and political decision-making are an ongoing process of interaction between government and citizenship. Following W. Wong and A. Wu (2022), public solidarity actions can be provoked by the state, but they are less visible in the modern world compared to various forms of citizen solidarity that require the state to comply with its functions and laws. While partially agreeing with the above theses, it should be noted that the use of final, comprehensive and legitimate physical coercion is the prerogative of the state, and the political system is directly related to the conditions and directions of application of this coercion. However, it is important to recognise the right of society to protect its rights in case of violation of moral norms by the state or loss of a sense of justice.

The state plays a key role in the development of interaction between the state and society. This is primarily due to its control over the Internet infrastructure and, accordingly, the establishment of legal boundaries for this interaction (Petrovskyy, 2023). M. Koch (2022), M. Roman and K. Fellhofer (2022) identify three forms of democratic interaction: dissemination of information among citizens; creation

of opportunities for feedback; formation of partnerships between the state and citizens that include them in the political process. However, it should be understood that in actual practice, there is a variety of models and forms of interaction between the state and society that reflect the two opposing approaches. Strengthening state power is not always accompanied by restrictions on civil society and personal freedoms. However, when the state becomes a separate entity, outside the society that is subordinate to it, a dichotomy between the state and society arises.

Today, scholars distinguish three different stages of interaction between the state and the public. According to J. Pinckney *et al.* (2022), the first stage is that the state acts as a decision-making and implementing authority with limited regard for public influence. The second stage, following X. Thusi and M. Mashabela (2023), involves the growth of public influence on the state through the active participation of citizens in the political process, public debate and influence on the formulation and implementation of public policy. Finally, the third stage, according to S. Chaudhry (2022) and U. Jimmy *et al.* (2023), is characterised by a deepening partnership between the state and the public, where both parties cooperate in policy formulation and implementation, considering the needs and opinions of the public. All these approaches include co-optation, repression and legitimisation. These studies reveal that the interaction between the state and the public develops following three stages. However, given the complexity and dynamics of the modern world, it is possible to deny the unambiguous characterisation of these stages as a sequential process. At the first stage, when the state acts as a power, as described in the above study, it is important to note that there are cases when the state shows a high level of sensitivity to public opinion and includes it in decision-making processes. Such situations can occur even at the stage that the authors describe as the first. The second stage, where the public actively participates in the political process, may not always be a sharp contrast to the first stage. Even at this stage, the state may retain a significant level of control over decision-making and policy formulation, without allowing the public to influence them sufficiently (Dunayev *et al.*, 2024). At the third stage, when the partnership between the state and civil society is supposed to deepen, it is important to bear in mind that even in this context there are different levels of partnership and cooperation. The state can limit the influence of the public and choose which groups to include in cooperation, which calls into question the characterisation of this stage as a full partnership (Yeromina, 2023). Thus, while the above stages may serve as useful theoretical models, it is important to consider their limitations and variability in the real world.

The academic community recognises clear differences between the approaches to civil society in the United States and Europe. According to E. Del Pupo (2023), the US model is based on the principles of liberal constitutional democracy, where civil society plays a key role. In the European paradigm, according to the study by B. Setianto and B. Widianarko (2023), which is based on the principle of the sovereignty of the people, which is typical for many European countries, political parties play a crucial role. There are significant differences in the approaches to civil society in the United States and Europe, but these differences may not be as clear-cut as they seem at first glance. Thus, it is not clear

that civil society is crucial in the United States and political parties are crucial in Europe. The complexity of modern political systems lies in the fact that different actors, including both civil society and political parties, actively interact and influence the political process (Jeong *et al.*, 2023).

Following F. Çelik and N. Yücel Batmaz (2023), if the state begins to control all spheres of life, it can limit the freedom of development of society and the individual. This approach is also supported by N. Martin (2023), who argues that the power of the state should be limited in favour of civil society, as everyone has an innate right to community and interaction with others. The more developed a civil society is, the more effectively it can manage its internal affairs and the less it needs state intervention. Thus, civil society, as defined by legal scholars, is becoming a key aspect of social equality and an “ideal of the future”. At the same time, it should be understood that while civil society can be an important aspect of social equality, its role and influence cannot be reduced to an “ideal of the future” or a single key aspect. In many contemporary societies, there are complex political, economic and cultural factors that influence its development and functioning. Furthermore, idealising civil society can lead to ignoring its shortcomings and challenges. For example, some groups may have limited access to civic participation due to social or economic barriers. In addition, an uncontrolled civil society may give rise to conflicts of interest or even confrontation between different groups, threatening stability and social equality. Thus, while civil society is an important ideal, its role in modern society needs to be seen in the context of the realities and challenges it faces (Slobodeniuk, 2023).

Modern legal science is increasingly interested in the question: “What should the interaction between political authorities and civil society look like?” The general opinion is that both actors should be effective, not too strong or weak. From this perspective, it is relevant to address the words of C. Aguerre and C. Bonina (2023), who argue that the separation of civil society from the state leads to problems with citizen participation in government processes and important political decision-making, which is the basis of democracy and its activism. M. Nipa and M. Hasan (2023) emphasise that by recognising the state as part of civil society, democracy as a system of democratic procedures where citizens participate in political decision-making enshrined in the level of state power is discussed. In agreement with the aforementioned, it should be emphasised that the effectiveness of interaction between political authorities and civil society has a direct impact on the quality of governance and the process of state formation.

Recognition of civil society is therefore essential for the establishment of democratic governance, as without it there is no way for citizens to exchange views, choose their identities and fulfil their responsibilities within a legal system that ensures peace, effective government and social justice. Civil society creates the conditions for citizens to interact and control the activities of political structures, including the coordination of interests, control over the actions of government bodies, lobbying for citizens’ interests and maintaining communication links (Saliu, 2020). Today, civil society in politics is seen as a sphere of influence based on the principle of democratic associations and free discussion among intellectual groups.

Conclusions

The level of “maturity” of civil society determines its interaction with the government. If society is “vague and primitive”, the state is its external embodiment. But such a balance is possible only when civil society shows “maturity”. In the current environment, the interaction between the government and civil society institutions in Ukraine is facing new challenges. In this period, it is important to ensure the unity of society and jointly confront the threat. Citizens show greatness and determination to defend their country and help each other. This period strengthens national unity, reduces political divisions and unites every Ukrainian in defence of their homeland and freedom.

In the context of the Russian-Ukrainian war, the interaction between civil society and the political authorities is of particular importance, as this period is accompanied by instability in the political, economic and social spheres. To respond to the challenges posed by the conflict, Ukraine has adopted a range of legislative acts regulating the interaction between civil society and the political authorities. For example, one of the important laws that took effect after 24.02.2022 is the amendment to the current Law on National Security of Ukraine, which aims to ensure the effectiveness of measures to protect the state in the face of military aggression. It envisages strengthening cooperation between civil society and political authorities in the areas of security and defence, including the involvement

of citizens in the protection of the territorial integrity and defence capability of the country. In addition, due to the need to provide humanitarian assistance and support to internally displaced persons, laws were adopted to coordinate actions between the government and civil society in addressing the socio-economic problems arising from the war. The results of these changes demonstrate the growing importance of interaction between civil society and the political authorities in the context of the Russian-Ukrainian war and instability.

Given the rapid development of technologies, it is necessary to examine their impact on the regulatory aspect of interaction between the government and civil society institutions. This includes an analysis of the legal regulation of cybersecurity, personal data protection, and the use of information technology in the activities of civil society organisations and government agencies. The study of these aspects will help to better understand the complex relationship between the government and civil society in times of war and direct efforts to improve the legal and regulatory environment for the protection of citizens’ rights and interests.

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Conflict of interest

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Трансформація взаємодії уряду та інститутів громадянського суспільства в умовах війни: нормативно-правовий аспект

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Анотація. 2024 рік визначається актуальністю розгляду взаємодії державних органів та громадських інституцій, особливо у контексті війн, таких як російсько-українська. Українське суспільство, не дивлячись на ці труднощі, проявило свою активність у протистоянні агресору та отримало підтримку від демократичних країн. Метою дослідження було вивчення актуальних аспектів взаємодії влади та громадських структур у період воєнного стану. У даній роботі використовувалися різноманітні наукові та юридичні методи, такі як: порівняльно-правовий, системний, формально-юридичний, формально-логічний, методи описового аналізу та прогнозування. Розглянуто сучасний стан нормативно-правового забезпечення співпраці між урядом і громадянським суспільством, включаючи аналіз досвіду інших країн, що підкреслює ключові аспекти цієї взаємодії. Встановлено, що в Україні процеси формування демократичної правової держави та інституціоналізації громадянського суспільства відбуваються паралельно, сприяючи їхній взаємній еволюції. Взаємодія політичних органів та громадських ініціатив має важливе значення, оскільки вона складається зі взаємопов'язаних факторів: впливу державних структур на активність громадян та впливу самого громадянського суспільства на формування політичних рішень. У роботі розглядаються корінні причини, які затримують або, навпаки, сприяють належному та ефективному обміну ідеями та ініціативами між урядовими структурами та громадою серед яких: недосконалість законодавства, неефективність існуючих механізмів взаємодії та їх формальний характер, а також відсутність довіри до державних органів з боку громадськості та інші. У рамках роботи сформульовано та обґрунтовано рекомендації, які можуть бути використані для удосконалення правових основ створення та функціонування інститутів громадянського суспільства як активних учасників взаємодії з владою. Ці пропозиції можуть бути корисними для освітніх програм, розробки наукових рекомендацій та практичної діяльності громадянських інституцій та влади.

Ключові слова: міжнародний досвід; офіційна влада; нормативно-правове регулювання; воєнний стан; соціальне партнерство