ред. А. Маковский и др. 2-е изд., доп. Москва : Волтерс Клувер, 2008. 896 с.

29. Покровский И. Основные проблемы гражданского права. 6-е изд., стереот. Москва : Статут, 2013. 353 с.

30. О модернизации Гражданского кодекса и внесении изменений в некоторые законодательные акты : Закон Республики Молдова от 15 ноября 2018 г. № 133. URL: http://base.spinform.ru/show_doc.fwx?rgn=112397.

31. Беешу С. Правова природа володіння. *Право України.* 2019. № 2. С. 196–206.

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PRINCIPLE OF LEGAL CERTAINTY IN CIVIL PROCEDURE

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SUMMARY

The article addresses various manifestations of the principle of legal certainty in civil procedure, which is recognized as a fundamental aspect of the rule of law. This principle is analyzed through the prism of the right to a fair trial (Article 6 § 1 of the European Convention on Human Rights), the latter being considered as an international standard of justice at the European level. Basing on the provisions of the European Convention on Human Rights, the author mentions the following elements of the principle of legal certainty: foresee ability in application of the norms of civil procedural law; non-retroactivity of civil procedure legislation; the principle of *res judicata*; mandatory execution of court decisions; consistency of judicial practice.

Key words: legal certainty, right to fair trial, rule of law, res judicata, consistency of judicial practice.

ПРИНЦИП ПРАВОВОЙ ОПРЕДЕЛЕННОСТИ В ГРАЖДАНСКОМ СУДОПРОИЗВОДСТВЕ

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АННОТАЦИЯ

В статье рассматриваются различные проявления принципа правовой определенности, который признается одним из основополагающих аспектов верховенства права, в гражданском процессе. Указанный принцип анализируется сквозь призму права на справедливое судебное разбирательство (пункт 1 статьи 6 Европейской конвенции по правам человека), который является международным стандартом правосудия в европейских государствах. Основываясь на положениях Европейской конвенции по правам человека, автор выделяет следующие элементы принципа правовой определенности: предсказуемость в применении норм гражданского процессуального права; отсутствие обратной силы гражданского процессуального законодательства; принцип *res judicata*; обязательное исполнение судебных решений; единство судебной практики.

Ключевые слова: правовая определенность, право на справедливое судебное разбирательство, верховенство права, res judicata, единство судебной практики.

Introduction. Nowadays in Europe the principle of legal certainty is recognized as one of the basic and indispensable elements of the rule of law. In the literature it is often described as a fundamental [1] and general [2; 3] principle. Despite the growing interest in this issue (as evidenced by the numerous original works by scientists from all over the globe), it is worth emphasizing that the vast majority of the studies are of general theoretical value. Thus many authors focus on such aspects of legal certainty as quality of the law and the procedural requirements for the law-making process [1; 3; 4; 5]. Meanwhile very few works deal with legal certainty in terms of particular area of law such as criminal law [6], civil law [7], labor law [7], tax law [8] etc. However, we believe that such studies are of vital importance because they demonstrate the implementation of general law principles in particular spheres of legal practice. From this perspective the study of specific manifestations of legal certainty in civil procedure deserves special attention, since it is the court that is vested with a function to ensure effective protection of everyone's rights and freedoms even

where the applicable substantive law is unclear and hence produces legal indeterminacy. The court has to guarantee fair trial which is hardly possible without observing procedural requirements stemming from legal certainty.

Methodology. In the literature on civil procedural law there are not many studies addressing issues of legal certainty. Thus, the components of legal certainty in civil procedure include: certainty and stability of judicial opinions, avoiding of contradictory decisions and indirectly reducing the burden of Judiciary by using new techniques for the resolution of repetitive cases [9]. However, we proceed from the fact that the ECtHR in its case law consistently emphasizes the interconnection between the principle of legal certainty and the right to a fair trial. In particular, the ECtHR considers certain elements of legal certainty as the guaranties of the right to a fair trial. The article is aimed at the detailed analysis of the manifestations of legal certainty in civil procedure from the perspective of the ECtHR's case law considering interpretation the right to fair trial (Art. 6 § 1 ECHR).

Results and Discussions. The principle of legal certainty has been firmly established both in the national legal orders of European states, and at the supranational level. Thus, it is recognized as "the general principle of EC law" [2] and "the basic principle of the European legal order" [7]. The ECtHR as well as European Court of Justice consider this principle to be a fundamental. Much attention ispayed to legal certainty in recommendations of the Committee of Ministers of the Council of Europe [10; 11]. Moreover, the Venice Commission of the Council of Europe has adopted the Rule of Law Checklist, in which legal certainty is mentioned as marker for the rule of law. The Commission enumerates the following indicators of the legal certainty: (1) accessibility of legislation; (2) accessibility of court decisions; (3) foresee ability of the law; (4) stability and consistency of law; (5) legitimate expectations; (6) non-retroactivity of legislation; (7) *nullum crimen sine lege* and *nulla poena sine lege* principles; (8) *res judicata* [12]. As we shall see below, the above criteria are consonant with those developed in the practice of the ECtHR due to the evolutionary interpretation of the provisions of the ECHR.

The right to a fair trial in civil cases is enshrined in Art. 6 § 1 ECHR that reads: "in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". At first glance the principle of legal certainty is not mentioned in this provision. Nevertheless, the ECtHR due to evolutionary interpretation has recognized particular requirements of legal certainty as indispensable elements of the right to a fair trial. Thus, the ECtHR underlines that provision of Art. 6 § 1 ECHR has to be treated "in the light of the Preamble to the ECHR, which declares <…> the rule of law to be part of the common heritage of the Contracting States"; and identifies legal certainty as "one of the fundamental aspects of the rule of law" (*Ryabykh v. Russia*, № 52854/99, § 51, Reports of Judgments and Decisions, 2003–IX). The analysis of the ECtHR's case law allows listing the following aspects of legal certainty relevant in civil procedure.

1. Foresee ability in application of the norms of civil procedural law. Pursuant to the principle of legal certainty, everyone may expect that the norms are applied to his or her case in the same way they are applied in other similar cases. The unpredictability of the application of the procedural law rules usually is caused by arbitrary interpretation and violation of civil procedure by the courts. For example, in a number of cases, the ECtHR holds a violation of Art. 6 § 1 ECHR where national courts contrary to the law accept cassation appeals lodged by the persons that did not take part in previous stages of proceedings and hence not entitled to initiate cassation proceedings (*Diya 97 v. Ukraine*, № 19164/04, § § 48–52, 21 October 2010). In another case the lack of legal certainty was caused by the fact that national court miscalculated time-limit for lodging an appeal: court of appeal considered the time limit to start at the day of pronouncing the district court decision whereas the time should have started one day later according to general rules of procedural time limits calculation (*Kravchenko v. Ukraine,* № 46673/06, § 47, 30 June 2016).

2. Non-retroactivity of civil procedure legislation. Prohibition of retroactivity of legislation constitutes one of the generally accepted postulates of the principle of legal certainty. The ECtHR applies this postulate to civil procedure legislation in particular, emphasizing that retroactivity of civil procedure legislation that deprives person of effective remedies is contrary to legal certainty requirement. For instance, the ECtHR found violation of the right to a fair trial in a case where the national court applied a new procedural law that reduced the terms of the cassation appeal, although the legal relationship arose prior to its entry into force (*Melnik v. Ukraine*, № 72286/01, 28 March 2006).

3. Res judicata. In the realm of judicial practice legal certainty rests on the idea that final court decisions must be respected by the parties to the dispute, society in general and the state. Therefore, a final court decision in a particular case should not be questioned by anyone. The principle of *res judicata* is the principle of the finality of court decisions. In the ECtHR's case law this provision is specified in several aspects. Firstly, "no party is entitled to seek a review of a final and binding judgment merely for the purpose of obtaining a rehearing and a fresh determination of the case". Secondly, the task of the higher courts is to correct mistakes made by lower courts and their powers should be used in accordance with this task, and not for the re-examining the merits of the case. Thirdly, "the review should not be treated as an appeal in disguise, and the mere possibility of there being two views on the subject is not a ground for re-examination" (*Brumarescu v. Romania*, № 28342/95, § 61, ECHR 1999–VIII).

The ECtHR founds violation of *res judicata* requirement in several situations.

First, in its early case-law the ECtHR found that the institute of "protest" (at that time established in many post-Soviet states, viz. Ukraine, Russia, Moldova etc.) contravenes the principle of legal certainty as well as *res judicata* rule. The institute of "protest" entitled state officials to lodge an appeal to the highest court in respect of the judgments and decisions that have become final; moreover, the power of the above mentioned officials to lodge an appeal was not limited in time. The review of the decision

initiated by state official was known as "supervisory" review. The point was to entitle the officials empowered to supervision over legality to challenge the court decisions whenever they thought there was a violation of substantive or procedural legislation. It is noteworthy that the ECtHR's judgments (*Brumarescu v. Romania*, № 28342/95, ECHR 1999–VIII; *Ryabykh v. Russia*, № 52854/99, Reports of Judgments and Decisions, 2003–IX; *Svetlana Naumenko v. Ukraine*, № 41984/98, 9 November 2004) caused changes in national legislation. For instance, in Ukraine the above mentioned institute was abolished in 2004 with the adoption of the new Civil Procedural Code of Ukraine. Along with this, it still exists in the Russian Federation, though in recent years it has undergone serious transformations.

Second, *res judicata* includes prohibition of groundless extension of the time limits for appeal. Whenever the time limit has already expired the court can accept the appeals only if there were valid reasons for missing the time limit (proved by relevant evidences) and there is a request of the appellant to extend the limit. Having weighted the evidence presented by the appellant national courts have to give good reasons in order to justify the interference into *res judicata* rule. Thus in *Ustimenko v. Ukraine* the ECtHR found violation of a right to a fair trial due to the fact that national court extended the time limit for appeal having merely alleged that there was a valid reason for it without any further specification as to what exactly the reason was (*Ustimenko v. Ukraine,* № 32053/13, 29 October 2015).

Third, the problem of non-compliance with the rule of *res judicata* deserves special attention in terms of review due to newly discovered circumstances. This type of review is common for European states. Nevertheless, in judicial practice the question still remains of how to distinguish between "new" and "newly discovered" circumstances as grounds for such review. Thus, the ECtHR distinguishes these concepts using the following criteria. The ECtHR recognizes as "newly discovered" the circumstances that (a) concern the case; (b) existed during the trial; (c) remained hidden from the judge; and (d) became known only after the trial. In contrast, circumstances that took place only after the trial are "new", but not "newly discovered" (*Bulgakova v. Russia*, № 69524/01, § 39, 18 January 2007). For example, the ECtHR did not recognize as a newly discovered circumstance an instruction that provided a new interpretation of the law applied in the applicant's case (*Pravednaya v. Russia*, № 69529/01, § § 27–34, 18 November 2004).

Four, another threat to *res judicata* rule is quashing lower court's decisions on merely formal grounds as a result of so-called "legal purism". The very civil procedure reflects the formal aspect of legal certainty connected with the necessity to follow formal rules of civil proceedings; nevertheless the ECtHR warns national courts against so-called "excessive formalism" or "legal purism" in administrating justice in civil matters. The eminent case in this respect is *Sutyazhnik v. Russia.* In this case final and binding decision of the commercial courts was quashed by the Supreme Commercial Court through the supervising review procedure (mentioned above) due to the fact that the case should have been heard by the courts of general jurisdiction. However, the decision of commercial court on the merits of the case was in accordance with the relevant substantive law and had the case been heard by a proper court the decision would have been the same. The case raises an important issue of balancing *res judicata* principle and formal rules of judicial procedure. Eventually the ECtHR concluded that despite the importance of the rules of jurisdiction in this particular case "there was no pressing social need which would justify the departure from the principle of legal certainty" (*Sutyazhnik v. Russia,* № 2869/02, 23 July 2009).

4. Mandatory execution of court decisions that have become final. It follows from the *res judicata* principle that as long as a court decision has become final it has to be fully executed. Having become final a court decision is considered to be binding, hence, there should be no obstacles to its execution and if needed a compulsory execution has to be conducted. Although in the ECtHR's early case-law right to execution of court decision was seen as an element of access to court (*Hornsby v. Greece*, № 18357/91, 19 March 1997) in resent judgments delayed execution and non-execution of court decisions are regarded to be separate violations of the right to a fair trial. There are several reasons for the new approach. First, the guarantee of execution of court decision has an inherent value in terms of the rule of law principle. The protection of a person's rights and freedoms is completed only after the court decision has been executed; until that time plaintiff does not obtain restoration. As the ECtHR puts it: "The court proceedings and the enforcement proceedings are stages one and two in the total course of proceedings" (*Stadnyuk v. Ukraine*, № 30922/05, § 21, 27 November 2008). Second, the growing attention to the problem of non-execution of court decisions in Europe is justified by the high frequency of such type violations and by the systemic character of this problem which causes significant concern of the ECtHR. Thus the ECtHR has delivered a number of pilot judgments against different states (*Yuriy Nikolaevich Ivanov v. Ukraine,* № 40450/04, 15 October 2009; *Burdov v. Russia (№ 2)*, № 33509/04, 15 January 2009; *Olaru and Others v. Moldova*, № 476/07, 28 July 2009) in which it recognizes the systemic problem of non-execution of court decisions where the debtor is the state or public enterprise. Perhaps, the most illustrative case in this respect is *Burmych and Others v. Ukraine* in which the ECtHR joined 12 148 applications against Ukraine and found a violation of the applicants' right to execution of court decisions within the reasonable time (Art. 6 §1 ECHR) and violation of the right to effective remedy (Art. 13 ECHR) (*Burmych v. Ukraine* [GC], № 46852/13, 12 October 2017).

5. Consistency of judicial practice. Uniformity in application of the law in similar situations is an indispensable requirement of legal certainty that ensures public confidence in judicial system in democratic society where the rule of law operates (*Hayati Çelebi and Others v. Turkey*, № 582/05, § 52, 9 February 2016). At the same time the ECtHR does not function as the fourths instance for national courts and does not assess their decisions from the standpoint of questions of law or fact because national courts are fully autonomous and their judgments have to be respected. Moreover, some level of divergence in practice of different

courts within one national system or even divergence in practice of one and the same higher court seems to be inevitable and not always constitute a violation of legal certainty, since the divergence can be justified by different facts of cases or the need for evaluative and dynamic interpretation (*Nejdet Sahin and Perihan Sahin*, № 13279/05, § § 51, 58, 20 October 2011; *Albu and Others v. Romania*, № 34796/09, § 34, 10 May 2012). For instance, in *Atanasovski v. The Former Yugoslav Republic of Macedonia* the ECtHR concluded that the departure of the national court from its previous position *per se* does not contravene Art. 6 § 1 ECHR since the departure was caused by the necessity to develop judicial practice; however the lack of sufficient reasoning for the change in the judgment violates the right to a fair trial (*Atanasovski v. The Former Yugoslav Republic of Macedonia*, № 36815/03, 14 January 2010).

At the same time lack of the uniformity in judicial practice at national level can cause gross violation of the right to a fair trial. In its case-law the ECtHR has worked out the criteria for assessing whether there is such a violation or not. Thus it should be found out (1) "whether "profound and long-standing differences" exists in the case-law of supreme court"; (2) "whether the domestic law provides for machinery for overcoming these inconsistencies"; and (3) "whether that machinery has been applied and, if appropriate, to what effect" (see *Iordan Iordanov and Others v. Bulgaria*, № 23530/02, § 49, 2 July 2009).

With regard to the first criterion, the ECtHR insists on the need for "profound and long-standing differences", hence rare and isolated examples of inconsistent interpretation of the law by courts are not sufficient to find a violation of Art. 6 § 1 ECHR. For instance, in *Lupeni Greek Catholic Parish and Others v. Romania* long-standing differences within case-law were recognized due to the fact of inconsistent interpretation of the law from 2007 till 2012 by the highest court (*Lupeni Greek Catholic Parish and Others v. Romania*, № 76943/11, § 126, 29 November 2016).

The ECtHR distinguishes between two possible types of case-law divergence: where the lack of unity of judicial practice results from the different application of legal norms by one and the same highest court (*Lupeni Greek Catholic Parish and Others v. Romania*, № 76943/11, 29 November 2016; *Beian v. Romania (№ 1)*, № 30658/05, ECHR 2007–V; *Tudor Tudor v. Romania*, № 21911/03, 24 March 2009) and where the divergence exists between several higher courts neither of which is subordinated to the other (*Nejdet Şahin and Perihan Şahin, Ştefănică and Others v. Romania*, № 38155/02, 2 November 2010). It is the court of highest instance that is vested with the task to ensure the uniformity of judicial practice and to resolve conflicts of interpretation that arise at lower courts level. If such highest court itself delivers conflicting judgments it becomes itself "a source of legal uncertainty" (*Beian v. Romania (№ 1)*, № 30658/05, § 39, ECHR 2007–V) and hence undermines confidence in judicial system. In this case inconsistency of highest court's case-law affects the quality of lower court's law application. In contrast lack of consistency in case-law of lower courts does not constitute the violation of the right to a fair trial, since it is the task of the highest court to correct this kind of mistakes. In the view of the above the ECtHR considers that only the inconsistency at the highest judicial level contravenes the ECHR. This approach reflects the vital importance of the highest courts' mission – to eliminate essential mistakes in law application and to warrant the uniformity thereof.

The other criterion that has to be taken into consideration is the existence of effective mechanism ensuring uniformity of judicial practice and rendering it certain and foreseeable. According to the ECtHR even the "profound and long-standing differences" do not suffice to constitute a violation of Art. 6 § 1 ECHR as long as national legislation provides a machinery for ensuring the consistency of case-law and this machinery was utilized effectively. Thus in *Albu and Others v. Romania* the ECtHR found no violation of Art. 6 § 1 ECHR despite numerous conflicting decisions of the highest court, because national legislation allowed for "appeal in the interests of the law" to the High Court. The High Court was empowered to deliver a decision explaining the proper interpretation of law with a view to warrant consistency in law application (*Albu and Others v. Romania*, № 34796/09, § 34, 10 May 2012).

Conclusions. The principle of legal certainty is one the most vital elements of the rule of law which ensures the stability of judicial practice. In this respect a court being a warrant of the rule of law has to provide everyone with guaranties of fair trial and due process. One of such guaranties (which, at the same time, constitutes an international standard of fair trial) is legal certainty. In civil procedure legal certainty manifests itself through the following requirements: foresee ability in application of the norms of civil procedural law; non-retroactivity of civil procedure legislation; the principle of *res judicata*; mandatory execution of court decisions that have become final; and consistency of judicial practice. Observance of the above mentioned requirements (alongside with other requirements of the right to a fair trial) allows to ensure public confidence both in judge hearing particular case and in judicial system as a whole in state based on rule of law and respect for human rights and freedoms.

References:

1. Popelier P. Five Paradoxes on Legal Certainty and the Lawmaker. *Legis-prudence.* 2008. Vol. II. № 1. P. 47–66.

2. Raitio J. The Principle of Legal Certainty in EC Law. *Springer Science and Business Media.* 2003. 387 p.

3. Maxenier J. Legal Certainty: A European Alternative to American Legal Indeterminacy? *The Tulane Journal of International and Comparative Law.* 2007. Vol. 15. P. 541–607.

4. Predescu I., Safta M. The Principle of Legal certainty, Basis for the Rule of Law Landmark Case-Law. URL: https://www.ccr.ro/ccrold/ publications/ buletin/8/predescuen.pdf.

5. Fenwick M., Siems M., Wrbka S. The Shifting Meaning of Legal Certainty in Comparative and Transnational law. *Hart Publishing.* 2017. 328 p.

6. Suominen A. What Role for Legal Certainty in Criminal Law within the Area of Freedom, Security and Justice in the EU? *Bergen Journal of Criminal Law and Criminal Justice.* 2014. Vol. 2. Issue 1. P. 1–31.

7. Index of Legal Certainty. Report for the Civil law Initiative. 2015. URL: https://www.fondation-droitcontinental.org/fr/wp-content/uploads/2015/04/ILC-Report-june 2015_EN.pdf.

8. Gribnau H. Equality, Legal Certainty and Tax Legislation in the Netherlands Fundamental Legal Principles as Checks on Legislative Power : A Case Study. *Utrecht Law Review.* 2013. Vol. 9. Issue 2 (March). P. 52–74.

9. Gidi A., Zaneti H. Brazilian Civil Procedure in the "Age of Austerity". *Erasmus law Review.* 2015. № 4, December. P. 245–257.

10. Recommendation № R (84) 5 on the principles of civil procedure designed to improve the functioning of justice. Committee of Ministers of Council of Europe, 28 February 1984. URL: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804e19b1.

11. Recommendation № R (95) 5 concerning the introduction and improvement of the functioning of appeal systems and procedures in civil and commercial cases.Committee of Ministers of Council of Europe, 7 February 1995. URL: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680505f3c.

12. Rule of Law Checklist. Venice Commission of the Council of Europe. Council of Europe. 2016. URL: https://www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule_of_Law_Check_List.pdf.

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THE STATE AS A SERVICE INSTITUTE FOR THE PUBLIC ADMINISTRATION REALISATION

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SUMMARY

Analysis of the state as a service institute of the public administration was carried out. It allowed to systematize basic research approaches to its identification. Methodological and technological criteria for structuring the service potential of a modern postmodern state was disclosed; basic directions of the development of state services and their normative-political and legal regulation, which serves as the development of a "strong" service state, were given. It was proved that the state as a service institute takes the form of a multifunctional structural element of the public administration system, which ensures the development and implementation of state policy strategies in any sphere of public life that create a service product as a management service.

Key words: public administration, service potential, services, state policy, state-management activities, effectiveness.

ГОСУДАРСТВО КАК СЕРВИСНЫЙ ИНСТИТУТ РЕАЛИЗАЦИИ ПУБЛИЧНОГО УПРАВЛЕНИЯ

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АННОТАЦИЯ

Осуществлен анализ государства как сервисного института публичного управления, что позволило систематизировать основные исследовательские подходы к его идентификации. Раскрыты методологические и технологические критерии структурирования сервисного потенциала современного постмодернистского государства; приведены основные направления развития сервисных услуг государства и их нормативная политико-правовая регламентация, которая служит развитию «сильного» сервисного государства. Доказано, что государство как сервисный институт предстает в форме многофункционального структурного элемента системы публичного управления, обеспечивает разработку и внедрение стратегий государственной политики в любой сфере общественной жизни, которые создают сервисный продукт как управленческую услугу.

Ключевые слова: публичное управление, сервисный потенциал, услуги, государственная политика, государственно-управленческая деятельность, результативность.

Statement of the problem. In modern conditions of postmodern development there is a gnostic and technological transformation of conceptual and resource potential of the state. By retaining the traditional methodology of its functioning and development, it acquires the updated essence of the realization of tools that blur the fine lines between its framework and service synergy, thus demonstrating the genesis of public statehood.

In this way, it characterizes in a certain way a conceptual and pragmatic attempt to rebuild the state and its resource potential in the direction of expanding its service space, turning the state into an institution that serves the function of guarding the interests and needs of the citizen or the respective institution. To this end, systemic administrative reforming is taking place in most states. Such a reforming permeates its public sector and concerns the provision of an economically efficient state, its administrative self-sufficiency, the effectiveness of bureaucratic procedures and the style of public administration development.