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ПОЛІТИКО-ПРАВОВІ ПРИНЦИПИ ТА АДМІНІСТРАТИВНА ПРАКТИКА В КОНТЕКСТІ ФОРМУВАННЯ ПРАВОВОЇ ДЕРЖАВИ В УКРАЇНІ

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У статті комплексно досліджується процес формування правової держави в Україні як багатовимірне та динамічне явище, що поєднує політичні, правові та адміністративні складові. Обґрунтовано, що становлення правової держави передбачає не лише формальне закріплення відповідних принципів у законодавстві, а й їхню реальну імплементацію в діяльності органів державної влади та практиці публічного управління. Проаналізовано сучасний етап розвитку української державності в контексті утвердження верховенства права, гарантування прав і свобод людини і громадянина, а також упровадження ефективних, прозорих і підзвітних механізмів державного управління відповідно до демократичних стандартів. Розкрито зміст ключових політико-правових принципів – законності, демократичності, поділу влади, відповідальності, підзвітності та відкритості органів публічної влади – як нормативної та ціннісної основи функціонування державної адміністрації. Визначено їхню роль у формуванні стабільної правової системи, здатної забезпечити баланс між інтересами держави та суспільства. Також увагу приділено аналізу адміністративної практики як інструменту реалізації зазначених принципів у процесі регулювання публічних відносин, прийняття управлінських рішень, здійснення контролю за виконанням законів і забезпечення належного функціонування державних інституцій. Здійснено оцінку існуючих проблем у сфері державного управління, зокрема недостатнього рівня прозорості, ефективності та узгодженості управлінських процедур, а також визначено перспективні напрями їх удосконалення. Підкреслено значення конституційних гарантій, національних правових норм і міжнародно-правових стандартів у процесі утвердження правової держави та гармонізації українського законодавства з європейськими вимогами. Доведено, що взаємозв'язок політичних принципів і правових механізмів у межах адміністративної діяльності є ключовою умовою підвищення якості управлінських рішень, зміцнення довіри громадян до державних інституцій та формування високого рівня правової культури в суспільстві.

Ключові слова: правова держава, політико-правові принципи, адміністративна практика, органи державної влади, державне управління, верховенство права, публічна адміністрація, законність, поділ влади, підзвітність, ефективність управління.

Blikhar Mariia. Political and legal principles and administrative practice in the context of forming a law-governed state in Ukraine

The article provides a comprehensive examination of the process of formation of the rule-of-law state in Ukraine as a multidimensional and dynamic phenomenon integrating political, legal, and administrative components. It substantiates that the establishment of a rule-of-law state requires not only the formal enshrinement of relevant principles in legislation, but also their effective implementation in the activities of public authorities and in the practice of public administration. The current stage of Ukrainian state development is analyzed in the context of consolidating the rule of law, guaranteeing human and civil rights and freedoms, and introducing effective, transparent, and accountable mechanisms of public governance in accordance with democratic standards. The content of key political and legal principles – legality, democracy, separation of powers, responsibility, accountability, and openness of public authorities – is

elucidated as the normative and axiological foundation for the functioning of state administration. Their role in shaping a stable legal system capable of ensuring a balance between the interests of the state and society is determined. Particular attention is paid to the analysis of administrative practice as an instrument for implementing these principles in the regulation of public relations, decision-making processes, oversight of law enforcement, and the proper functioning of state institutions. The study also assesses existing problems in the field of public administration, including insufficient levels of transparency, efficiency, and coherence of managerial procedures, and identifies prospective directions for their improvement. The significance of constitutional guarantees, national legal norms, and international legal standards in the process of consolidating the rule-of-law state and harmonizing Ukrainian legislation with European requirements is emphasized. It is demonstrated that the interrelationship between political principles and legal mechanisms within administrative activity constitutes a key condition for enhancing the quality of managerial decisions, strengthening public trust in state institutions, and fostering a high level of legal culture in society.

Key words: rule-of-law state, political and legal principles, administrative practice, public authorities, public administration, rule of law, public administration, legality, separation of powers, accountability, governance effectiveness.

The formation of a rule-of-law state in Ukraine constitutes one of the key directions in the development of national statehood and contemporary democracy. This process determines not only the legal framework governing societal functioning, but also the political culture of the state, the interaction among branches of power, and the effectiveness of public administration. A crucial aspect of establishing a rule-of-law state lies in the integration of political principles with legal norms, ensuring a balance between individual freedoms and state interests, accountability of public authorities, and the supremacy of law.

At the present stage, the Ukrainian state faces a number of challenges related to the practical implementation of these principles in the activities of public authorities and local self-government bodies. Despite the existence of a substantial regulatory framework, including the Constitution of Ukraine, statutory laws, and subordinate legislation, there remains a need to improve administrative practice and align it with European standards of public governance.

Political and legal principles such as legality, democracy, separation of powers, accountability, and transparency constitute the foundation for building an effective system of governance, establishing a stable legal order, and ensuring public trust in state institutions. Administrative practice, in turn, serves as a key instrument for the implementation of these principles, as it defines the specific mechanisms of interaction between public authorities and

the population, decision-making procedures, oversight of law enforcement, and optimization of administrative processes. The analysis of these aspects makes it possible to identify both the strengths and weaknesses of contemporary public administration, reveal deficiencies in the realization of political and legal foundations in specific managerial contexts, and outline directions for their improvement.

Particular importance attaches to examining the relationship between national legislation and international standards in the fields of human rights, public administration, and democratic development. The implementation of such standards contributes to enhancing the effectiveness of administrative decisions, ensuring transparency and accountability of public authorities, and strengthening the legal culture of society. Accordingly, the relevance of this topic is caused by the necessity of a comprehensive analysis of political and legal principles and administrative practice in order to establish a sustainable mechanism for building a rule-of-law state in Ukraine that complies with European democratic standards and meets citizens' expectations.

Given the relevance of the research topic, its objective is to conduct a comprehensive study of political and legal principles and their practical implementation in the administrative activities of Ukrainian public authorities, with a view to identifying effective pathways for consolidating the rule of law, democracy, transparency, and accountability of state institutions. Achiev-

ing this objective requires the fulfillment of several tasks.

First, it is necessary to analyze the principal political and legal principles underlying the formation of a rule-of-law state in Ukraine and to determine their significance for the development of public administration. Second, the regulatory framework governing the activities of public authorities and administrative procedures should be examined, and its compliance with international standards and the requirements of a democratic society should be assessed. Third, it is important to investigate the specific features of administrative practice that ensure the implementation of political and legal principles, identify problematic aspects of its application, and reveal barriers to effective governance. Fourth, the interrelationship between political principles and legal mechanisms in public administration should be analyzed, including oversight of legality, the effectiveness of managerial decisions, and procedural transparency. Finally, the research involves identifying concrete measures for improving administrative practice in Ukraine to ensure the stable functioning of a rule-of-law state and to enhance public trust in state institutions. The accomplishment of these tasks enables the formation of a holistic understanding of the state of political and legal foundations and administrative practice, their impact on the development of the rule-of-law state, and the formulation of recommendations aimed at increasing governance effectiveness under contemporary conditions.

In democratic states, the realization of the principle of the rule of law is determined by the proper functioning of the political and legal system and the social order, which presupposes compliance with a set of interrelated conditions at various levels of societal organization. At the political level, this entails the guaranteed right of the majority of citizens to choose the political system, ensuring not only a formal-legal but also a substantive possibility of their legal existence, the institutionalization of political opposition, and the operation of mechanisms for the peaceful transfer of power. At the social level, the fundamental rights and freedoms of the individual and the citizen serve as the

defining basis of the social order and possess a priority status. At the economic level, the institution of private property and the principles of a free market are recognized as the foundation of the economic system.

Civil rights and freedoms perform a system-forming function, as they delineate the public sphere – within which the state exercises authoritative and administrative powers – from the private sphere, interference in which is normatively restricted. A democratic state governed by the rule of law and civil society operates in the presence of developed institutions of private property and a market economy, which create preconditions for the activity of organizations and public associations that acquire both legal and factual autonomy from the state, provided that their existence is guaranteed [1, p. 64–73; 2, p. 62–76; 3, p. 17–25].

According to the Constitution of Ukraine, the achievement of general welfare is associated with the consolidation of independence, sovereignty, the rule of law, and respect for human dignity. These components also include internal and external security, economic development, preservation of national heritage, and the safeguarding of both public and individual freedom.

In the general theoretical dimension, the concept of the “rule of law” is used to characterize a state governed by law that operates on democratic principles. This implies that every adult citizen is endowed with equal rights, has equal access to public office, and possesses a genuine opportunity to influence, through fair electoral procedures, the formation of a competent composition of the highest bodies of state power. Democratic procedures in such a state are mandatory and institutionally entrenched. In accordance with the Constitution of Ukraine, Ukraine is defined as a democratic state governed by the rule of law, which presupposes that state authority is exercised exclusively on the basis of, within the limits of, and in the manner prescribed by law.

A necessary condition for establishing Ukraine as a democratic state governed by the rule of law is the prevention of arbitrary decisions in the legal sphere by pub-

lic authorities. Citizens must have the right to stable and unambiguous legislation that does not fluctuate depending on political expediency; to decision-making by central and local authorities in accordance with applicable law and the principle of equality; and to the effective functioning of an independent judiciary in which cases are adjudicated by impartial judges.

The failure of administrative bodies to fulfill their duties often leads to inactivity and fosters among citizens a sense of legal insecurity. This state of affairs is partly обусловлено imperfections in Ukrainian legislation, which contribute to the impunity of public officials. A similar problem is observed in the sphere of political responsibility: references to the principle of the presumption of innocence are often used as an argument to evade responsibility, although this principle primarily applies in the field of criminal proceedings and does not extend to political accountability. Disciplinary procedures are either not properly implemented or are excessively protracted and ineffective. At the same time, a general degradation of legal and ethical standards in the public sphere can be observed.

In Ukrainian realities, manifestations of the undemocratic nature of the judicial system include widespread corruption, which has a systemic character and permeates various levels of public administration. Particular concern is caused by public statements of politicians that undermine the foundations of judicial independence. It should be noted that the state does not sufficiently ensure citizens' access to justice. High court fees, arbitrariness in the application of mechanisms for exemption from their payment, difficulties in exercising the right to legal assistance guaranteed by the Constitution of Ukraine, as well as delays in judicial proceedings and numerous adjournments of hearings call into question the principle of concentration of evidence and the overall effectiveness of justice.

A state governed by the rule of law is regarded as a state of a higher evolutionary type. Its essence comprises both formal and substantive aspects. The formal aspect lies in limiting state power by law, establishing clear boundaries for its interference in the private sphere, and implementing the

postulates of natural law theory. In such a state, public authority seeks to minimize interference in private life while retaining the capacity to perform governance functions. The substantive aspect consists in recognizing human rights and freedoms as the highest social value and ensuring their normative consolidation.

In particular, the Constitution of Ukraine, as an act of direct effect, not only proclaims the primacy of human rights and freedoms but also defines mechanisms for their implementation through a system of normative legal acts of varying legal force. Thus, the essence of a state governed by the rule of law lies in the integration of formal-legal and socio-value dimensions.

A state governed by the rule of law is an institution for regulating the life of society that ensures reliable protection of life, liberty, property, and human dignity from arbitrariness. The degree of effectiveness of such protection determines the level of a state's civilization. The rule-of-law state is not a static constant but a socio-cultural category that evolves depending on historical conditions. As an internally balanced social system, it presupposes the primacy of law over power and the introduction of legal constraints that preclude arbitrariness, prohibit interference in the private life of law-abiding citizens, and ensure the observance of constitutional rights and freedoms, including freedom of speech, association, assembly, inviolability of the home, and secrecy of correspondence.

The characteristics of a rule-of-law state as a balanced social system include: (1) the primacy of law over power; (2) the primacy of natural law over positive law. The social foundation of such a state is a self-regulating civil society, while its moral foundation consists of universal principles of humanism, justice, equality, and freedom. Sovereignty reflects the political nature of the state and affirms its exclusive right to perform representative functions and to adopt normative legal acts binding on all members of society [4, pp. 113–142; 5, pp. 43–49].

Thus, the conceptual essence of a state governed by the rule of law lies in the legal limitation of state power as an institutionally organized force, the affirmation of the prin-

principle of the supremacy of law rather than the arbitrary will of individuals, and the of human security in the course of interaction with the state. The key doctrinal foundation of a rule-of-law state is a complex system of values and principles aimed at the normative restraint of public authority. This limitation is manifested in the obligation of state bodies and their officials to act exclusively on the basis of and within the limits of current legislation, while the freedom of citizens is determined by the principle of general permission—everything is permitted unless explicitly prohibited by law.

Within this concept, law emerges as a decisive element and a guarantee of the fair and effective functioning of the state. In democratic states, the central place in the system of sources of law belongs to the constitution as an act of the highest legal force, which establishes the foundations of the organization and exercise of power and defines the limits of discretion of public authorities. In particular, the Constitution of Ukraine acts as the fundamental normative act that determines the legal guidelines for the activity of public authorities and ensures their subordination to law. Compliance with the principles of the rule of law is ensured through the activities of competent bodies and institutions authorized to exercise supervision and control over the functioning of state power. Such institutions have been formed as a result of the long evolution of European political and legal thought and state-building practice. Among the conceptual sources of the modern model of the rule-of-law state, the German doctrine of *Rechtsstaat* and the English concept of the rule of law are traditionally distinguished. Their theoretical justification was based on three fundamental principles: first, constitutionalism as the defining basis of the organization and functioning of the state and the supremacy of the constitution over acts of lower legal force, including statutes; second, the principle of separation of powers as a mechanism for preventing usurpation and abuse of power; and third, the independence of the judiciary and judges as an institutional guarantee of a fair trial.

The works of Ukrainian scholars have played an important role in renewing the

theory of the rule-of-law state, as they have analyzed not only its basic features but also the socio-historical preconditions for its formation. Domestic legal scholarship has critically assessed Western concepts of the rule-of-law state, which was caused by the need to take into account specific historical conditions, the social structure of society, and the peculiarities of political development. Such an approach made it possible to avoid the idealization of Western models of statehood and their uncritical transplantation into the Ukrainian context [6, pp. 13–22].

A new understanding of the concept of the rule-of-law state in Ukrainian legal science became possible in connection with the dissolution of the USSR, the proclamation of Ukraine's independence, and the democratization of the political regime. Despite the absence of a well-established tradition of rule-of-law statehood, the very idea of the rule-of-law state has deep historical roots in the theory of state and law. In the early 1990s, it experienced an active revival in scholarly discourse and an expansion of the categorical and conceptual apparatus [7, pp. 8–33]. The ideas of the rule-of-law state were conceptually integrated into the content of the Constitution of Ukraine [8, pp. 128–144].

Despite the lack of a historically established tradition of rule-of-law statehood, the discussion of its essential characteristics in the process of Ukrainian state formation objectively contributes to the practical implementation of this idea. The content of the rule-of-law state was developed by Bohdan Kistiakivskyi, who characterized it as the highest form of state organization, a kind of "school and laboratory" for shaping the foundations of the future social order. In this context, the study conducted by T. Tsuvina on the principle of the rule of law in the case law of the European Court of Human Rights is also of particular relevance [9, pp. 373–379].

At the same time, despite the declared orientation toward the principles of the rule of law, legality, and the priority of human rights, the process of building a rule-of-law state in Ukraine remains slow. One of the conceptual errors is the reduction of state-building efforts primarily to the creation of new legal institutions without due

attention to the development of civil society as the social foundation of rule-of-law statehood. It is civil society, given the historical and mental characteristics of Ukrainian society, that constitutes a decisive factor in the establishment of democracy and the rule-of-law state. In cases where traditional state institutions are unable to ensure the realization of constitutional rights and freedoms, institutions of civil society assume a compensatory function.

Global experience convincingly demonstrates that the formal proclamation of the features of a rule-of-law state without their real implementation is insufficient. Rule-of-law statehood will remain declarative without the effective functioning of public authorities in compliance with legal requirements, ensuring the supremacy of law in all spheres of social life and the conformity of legislation with social ethics, as well as without a harmonious combination of legitimate authority and individual freedom [11, pp. 376–384; 12, pp. 137–148].

The formation of a rule-of-law state is significantly influenced by the level of legal culture, legal consciousness, and legal ideology of society. Legal culture performs a number of functions: transformative (the formation of institutional foundations of rule-of-law statehood), axiological (the development of a value-based attitude toward law), regulatory (ensuring the stability of the legal system), communicative (facilitating effective interaction among legal actors), and legal-socializing (the formation of the legal qualities of the individual) [10, pp. 37–43].

According to the generalization by Yu. P. Krysiuk, on the path toward building a rule-of-law state, Ukraine faces a complex of systemic problems, including a crisis in the main spheres of social life, institutional dysfunctionality of power, corruption, a low level of respect for law, violations of human rights and freedoms, insufficient effectiveness of reforms, and other factors [13, pp. 46–52; 14, pp. 115–121]. Addressing these problems requires achieving European standards in various spheres of social development, defining strategic guidelines for state-building, and consistently implementing the chosen model of development.

European integration processes contribute to the establishment in Ukraine of European legal and political values and require the adaptation of the public administration model to new conditions, while simultaneously ensuring national interests [15, pp. 106–114; 16, pp. 114–122].

A guarantee of Ukraine's sustainable development as a democratic state governed by the rule of law is the formation of citizens' political and legal culture, the orientation of public authorities toward a service-oriented model of governance, the development of public opinion institutions, and the activation of citizen participation in local self-government. It is also necessary to ensure comprehensive modernization of key state and social institutions, as well as the transformation of legal consciousness from a paternalistic to an individual-rights-based model, which presupposes active civic oversight of public authorities.

Only under such conditions will the rule-of-law state acquire real substance as an integrating constitutional principle and become not a declarative formula but an actually implemented model of organizing public authority and social life. The central institution in this process is civil society, which ensures the representation of citizens' interests, exercises public oversight over the executive branch, and fosters societal intolerance toward unlawful and unjust decisions of public officials.

Thus, within the framework of this study, it has been substantiated that the system-forming principle of the existence and effective functioning of a democratic state governed by the rule of law is the principle of the rule of law. A set of prerequisites for its implementation has been identified, including the observance of electoral rights, the protection of fundamental human and civil rights and freedoms, the guarantee of the right to private property, and the functioning of a free market. The levels of implementation of this principle – political, social, and economic – have also been distinguished, within which the practical realization of the rule of law in democratic states is ensured. A democratic rule-of-law state emerges as the result of a long process of political-legal and socio-cultural

development of society, functioning as an internally balanced social system. Such development leads to the establishment of the primacy of law over power and of natural law over positive law. In a rule-of-law state, institutional safeguards prevent arbitrariness of public authority, preclude the misuse of power to the detriment of civil society, guarantee non-interference in the private life of law-abiding citizens, and ensure compliance with constitutional principles, as enshrined, in particular, in the Constitution of Ukraine.

The contemporary socio-political and legal situation in Ukraine and Europe has necessitated a reconsideration of the content of the concepts of "democracy" and the "rule-of-law state" through the prism of constitutionalism. In a rule-of-law state, it is precisely the system of civil rights and freedoms that ensures the distinction between the public and private spheres. Democracy, in this context, is understood as a form of organization of power based on the participation of the people in governing state affairs. The concepts of the rule-of-law state and democracy are organically interconnected with the constitution as the fundamental law of the state, which defines the foundations of the organization of power, the limits of its exercise, and the mechanisms for the protection of human rights. This updates the issue of forming

a national model of democracy capable of responding to the socio-political realities of Ukrainian society.

A key factor in establishing a rule-of-law state in Ukraine is the phenomenon of a legal civil society which, taking into account historical traditions, mental characteristics, and the social experience of the Ukrainian people, acts as a decisive subject of democratic transformations. In cases where state institutions are unable to fully guarantee constitutional rights and freedoms, these functions are assumed by civil society institutions, which exercise public oversight and shape a legal culture of interaction between the individual and the state. A significant factor in the actualization of the issue of rule-of-law statehood has been the armed aggression of the Russian Federation against Ukraine, which has substantially transformed public consciousness and increased the importance of Ukraine's own political-legal and socio-cultural experience in the process of state-building. These developments contribute to the consolidation of Ukrainian civil society, the revival of national values, and the formation of new development orientations, thereby creating a foundation for strengthening Ukraine as an independent and full-fledged subject of international relations and for further establishing it as a democratic state governed by the rule of law.

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