MECHANISMS OF PUBLIC GOVERNANCE: SOCIAL DIALOGUE AND DIGITAL DEMOCRACY

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Abstract. This paper examines social dialogue and digital democracy as two complementary mechanisms of contemporary public governance and argues that their effectiveness depends on institutional integration rather than on technological sophistication alone. Drawing on the theory of new public governance, collaborative governance and digital-era governance, as well as on the legal framework of Ukraine and the practice of the European Union, the paper shows that digital tools expand the evidentiary, coordinating and legitimating functions of dialogue between public authorities, employers, trade unions and civil society, while dialogue institutions give digital participation the binding procedural character that it otherwise lacks. The paper identifies the principal risks of digital governance in a wartime and post-war setting, namely the digital divide, tokenistic consultation and cybersecurity vulnerability, and outlines directions for the institutional design of an integrated mechanism in Ukraine.

Keywords: public governance; social dialogue; digital democracy; e-democracy; e-government; digital governance; public participation; collaborative governance; Ukraine; European Union.

1. Introduction

The transformation of public administration over the past three decades has been characterised by a gradual displacement of hierarchical, state-centred models of decision-making by network-based arrangements in which public authorities share the formulation and implementation of policy with non-state actors. Osborne's conceptualisation of the new public governance captures this shift by treating public policy as the product of interorganisational relationships and negotiated interdependence rather than of administrative command (Osborne, 2006). Within this paradigm, two institutional mechanisms occupy a particularly important place. The first is social dialogue, defined by the International Labour Organization as all types of negotiation, consultation or simple exchange of information among representatives of governments, employers and workers on issues of common interest relating to economic and social policy (ILO, 2013). The second is digital democracy, understood as the use of information and communication technologies to broaden citizen access to

information, to enable consultation and deliberation, and to make the exercise of public authority more transparent and accountable (Noveck, 2015; Margetts & Dunleavy, 2013). Although the two mechanisms have developed in different intellectual and institutional traditions, the first rooted in industrial relations and the European social model and the second in the literature on e-government and civic technology, they address the same underlying problem: how to ensure that public decisions are informed by those whom they affect and are accepted as legitimate by them.

For Ukraine this problem has acquired exceptional urgency. The country is simultaneously pursuing European integration, the digital transformation of public administration, decentralisation of power to territorial communities, and the preparation of post-war recovery under conditions of martial law, which limits the capacity for traditional forms of mass participation and increases the dependence of governance on digital channels. The purpose of this paper is to clarify the conceptual relationship between social dialogue and digital democracy, to analyse the legal and institutional foundations on which their integration can rest in Ukraine, and to formulate principles for the design of an integrated governance mechanism. The study is conceptual and comparative in character and relies on the analysis of scholarly literature, European Union legislation and Ukrainian normative acts.

2. Social Dialogue and Digital Democracy as Complementary Governance Mechanisms

The theoretical justification for linking the two mechanisms begins with the deliberative understanding of democratic legitimacy. In his theory of discourse, Habermas argued that the legitimacy of law and policy derives from the possibility of rational public deliberation in which all affected parties can participate (Habermas, 1996). Fung and Wright, developing the idea of empowered participatory governance, demonstrated that deliberation produces durable results only when it is institutionally connected to the decision-making centres of the state and endowed with real authority over resources and outcomes, rather than remaining an advisory forum without consequences (Fung & Wright, 2001). The same point was made in a different register by Arnstein, whose ladder of citizen participation distinguished genuine partnership and delegated power from the manipulation and tokenism that frequently accompany formally open procedures (Arnstein, 1969). These approaches converge on the proposition that the quality of participation is determined by its institutional embeddedness, and this proposition applies equally to tripartite negotiation between the government and the social partners and to online consultation with citizens.

Collaborative governance theory offers a further analytical link. Ansell and Gash, on the basis of a systematic review of empirical cases, identified the starting conditions, facilitative leadership, institutional design and collaborative process as the critical variables that determine whether cooperation between public agencies and non-state stakeholders succeeds, and highlighted face-to-face dialogue, trust-building and the development of shared understanding as the core of the process (Ansell & Gash, 2008). Social dialogue institutions, with their established procedures of representation, negotiation and monitoring, supply precisely those institutional design features, while digital platforms can reduce the transaction costs of communication, extend the circle

of participants and create a verifiable record of positions and decisions. At the same time, the literature on digital-era governance warns against treating technology as a neutral instrument. Dunleavy and colleagues argued that the fragmentation inherited from the new public management can be overcome through reintegration, needs-based holism and digitisation of administrative processes, but that this requires a deliberate reorganisation of governance rather than the mere installation of information systems (Dunleavy et al., 2006). Empirical studies of e-government implementation, including the analysis of small countries by Glyptis and co-authors, confirm that organisational, managerial and human-resource constraints are at least as important as technical ones (Glyptis et al., 2020).

The European experience demonstrates both the potential and the limits of the digitalisation of dialogue. At the level of the European Union, the legal infrastructure of digital participation is formed by instruments such as Regulation (EU) No 910/2014 on electronic identification and trust services (eIDAS), which makes it possible to authenticate participants and to give legal effect to electronic signatures on collective agreements and consultation submissions (European Parliament & Council, 2014), and by the Council Recommendation of the OECD on Digital Government Strategies, which calls on states to move from the digitisation of existing procedures to a genuinely user-driven and open digital government in which citizens and businesses participate in the design of policies and services (OECD, 2014). Comparative research on the response of social partners to digitalisation shows, however, that the institutional maturity of digital dialogue remains uneven. Ilsøe, comparing Denmark, Sweden and Germany, found that the actors are considerably more active in the unilateral and bipartite arenas than in the tripartite arena, and that national traditions of collective regulation shape the way in which digital change is negotiated (Ilsøe, 2017). Prosser and Perin, assessing the new phase of European social dialogue through the lens of tripartite theory, concluded that despite the engagement with innovative topics the output of the process remains peripheral and its implementation piecemeal (Prosser & Perin, 2015). These findings are an important corrective to any assumption that digital platforms automatically produce substantive dialogue: they show that the decisive variables are the representativeness of participants, the binding force of outcomes and the willingness of public authorities to take the results into account.

The Ukrainian normative framework contains a considerable base for the integration of the two mechanisms, although it was constructed largely in separate legal tracks. The Law of Ukraine "On Social Dialogue in Ukraine" establishes the principles, subjects and levels of social dialogue, including the national tripartite social and economic council, and provides for collective bargaining and consultation among the executive authorities, the trade unions and the employers' organisations (Verkhovna Rada of Ukraine, 2010a). The right of citizens to obtain information is secured by the Law of Ukraine "On Access to Public Information", which obliges managers of information to publish information proactively and in open formats and thereby creates the data foundation without which online participation cannot be informed (Verkhovna Rada of Ukraine, 2010b). Participation in the formation of public policy is regulated by Resolution of the Cabinet of Ministers of Ukraine No. 996 of 3 November 2010,

which establishes the procedure for consultations with the public, including electronic consultations, and the operation of public councils at executive bodies (Cabinet of Ministers of Ukraine, 2010). Electronic interaction with citizens is further supported by the Law of Ukraine "On Citizens' Appeals", which provides the basis for appeals and petitions in electronic form (Verkhovna Rada of Ukraine, 1996), by the Law "On Electronic Identification and Electronic Trust Services", which regulates electronic signatures and the identification of persons in electronic interaction (Verkhovna Rada of Ukraine, 2017), and by the Law "On Local Self-Government in Ukraine", which provides for such forms of local democracy as general meetings, local initiatives and public hearings (Verkhovna Rada of Ukraine, 1997). The conceptual framework for the development of electronic governance was approved by the Cabinet of Ministers (Cabinet of Ministers of Ukraine, 2017).

Ukrainian scholarship has analysed the digitalisation of relations between authorities and communities primarily from the point of view of participation instruments. Kuibida, Karpenko and Namiesnik systematised the basic categories of digital governance in Ukraine and emphasised that it should be understood as a qualitatively new model of interaction in which technologies serve the goals of openness and citizen-centred administration (Kuibida et al., 2018). Solovykh, studying the interaction of authorities and communities under digitalisation, developed a typology of interaction models in the digital environment and identified both the advantages of e-petitions, online consultations, open data and participatory budgeting and the challenges connected with cybersecurity, personal data protection, and unequal access to technologies (Solovykh, 2023). These conclusions correspond to the diagnosis made in the international literature: the formal availability of digital channels does not guarantee the real influence of participants on decisions, and in a number of cases consultation procedures remain formal or are activated only when a question causes a wide public response.

The analysis suggests that the integration of social dialogue and digital democracy should perform three functions that are mutually reinforcing. The first is the evidentiary function. Open data on the labour market, public finance and regional development, made accessible in machine-readable form, allow the social partners and civil society organisations to prepare their positions independently and to challenge the analytical monopoly of the executive authorities, which transforms consultation from a ritual into an exchange of arguments. The second is the coordination function. A single digital environment, built on common identification and interoperability standards, can connect the national tripartite level, the regional and sectoral levels, and the municipal level of local democracy, which is particularly important in a decentralised state in which territorial communities exercise broad competences and where the lack of vertical coordination was among the main weaknesses of earlier participatory practices. The third is the legitimating function. When the submissions of participants, the reasoning of the authority and the final decision are recorded and published, the process becomes verifiable, and the public can distinguish genuine consideration of proposals from the imitation of dialogue. This function is especially important for restoring trust

in institutions in a society affected by war, displacement and the unequal distribution of burdens.

At the same time, the realisation of these functions in Ukraine encounters a set of risks that must be addressed at the design stage. The digital divide remains a significant limitation: the territories and social groups that are most vulnerable, including residents of rural and front-line communities, older persons and internally displaced persons, often have the weakest access to infrastructure and the lowest level of digital competencies, so that exclusively online consultation threatens to reproduce and even deepen inequality of voice. A second risk is the formalisation of participation. Where the law establishes the obligation to consult but not the obligation to give reasoned feedback, digital procedures can multiply the number of contributions without increasing their influence, which in Arnstein's terms would correspond to the lower rungs of the ladder of participation. A third risk is related to security. Platforms for dialogue accumulate sensitive information about the positions of trade unions, employers and citizens, and under conditions of sustained cyber aggression the protection of such platforms and of the personal data processed on them becomes a precondition of their legitimacy, which requires adherence to European standards of cybersecurity and data protection and the systematic development of the digital competencies of public servants and of social partners.

Conclusions

The analysis supports the conclusion that social dialogue and digital democracy should be treated not as parallel tracks of modernisation but as elements of a single mechanism of public governance. Digital instruments broaden the evidentiary basis, speed and inclusiveness of dialogue, whereas institutions of social dialogue provide the representativeness, procedural regularity and binding character that give digital participation real weight. The comparative evidence from the European Union indicates that the maturity of such a mechanism depends less on the technology deployed than on the representativeness of participants, the obligation of authorities to respond, and the reliability of the infrastructure of identification, open data and cybersecurity. For Ukraine, the existing legal base, which includes the legislation on social dialogue, access to public information, public consultations, electronic trust services and local self-government, creates the preconditions for integration, but it requires harmonisation. Practical priorities include the establishment of a unified digital environment for consultations with mandatory publication of reasoned feedback, the linking of national tripartite bodies with regional and municipal platforms, the maintenance of offline and assisted channels to avoid exclusion, and sustained investment in cybersecurity and in digital competencies. Further research should be directed at the empirical evaluation of existing Ukrainian platforms of participation and at comparative studies of pilot regional mechanisms of digital dialogue in the course of post-war recovery.

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