Ukraine, which will provide for methods and ways of ensuring a favorable information space, and the information sector should be prioritized at the same level as the economy and politics. The creation of a secure information environment requires complex and decisive work by the state leadership: the introduction of effective state institutions, the adoption of relevant normative legal acts that would regulate information security issues, perhaps even a codified law in the field of information security.

Therefore, information security is a priority area, like the economy or the social sphere. Success in the field of information security can only be achieved through a comprehensive approach that combines proper management (administrative level), the company's efforts to convince employees of the need to improve information security (procedural level), the creation of legislation and state control over the level of information security (legislative level), use of domestic software and information technologies (software and technical level).

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SOFT LAW ACTS IN THE SYSTEM OF ADMINISTRATIVE LAW SOURCES

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Soft law refers to informal guidelines, recommendations, and most important practices that do not have the legal weight of formal law or regulation. Despite lacking legal force, soft law acts can still influence administrative law and governance. However, using soft law in the system of administrative law sources can present challenges related to accountability, legitimacy, and legal certainty.

One issue is the difficulty of enforcing soft law due to its non-binding nature, creating uncertainty for those impacted by administrative decisions. Another concern is the lack of democratic legitimacy since non-elected entities or experts typically develop soft law. This can raise questions about the transparency

and accountability of decision-making. Public authorities may also use soft law to bypass formal legal procedures, which can lead to arbitrary or discriminatory decision-making, undermining the rule of law. Soft law may conflict with other administrative law sources, such as formal laws or court decisions, and it can create confusion for those affected by administrative decisions.

To address these challenges, it is essential to use soft law in a transparent and accountable manner that aligns with other sources of administrative law. It can be accomplished through public consultation, judicial review, and independent oversight. To enhance the democratic legitimacy of soft law, stakeholders can participate in its development. Besides, its foundation should be based on sound legal principles.

The aim of this study is to explain the meaning of the term "soft law" in administrative law and how it contributes to regulating relationships within the areas of international affairs, public administration, and safeguarding the rights and freedoms of citizens.

Firstly, it would be logical to define the notion "soft law", since there is no single approach to understanding the term "acts of soft law" either in the doctrine of international law or in the theory of state and law. Indeed, there are a large number of definitions of soft law. The difficulty lies in the fact that, as T. Fajardo notes, "the general concept of "soft law" covers a wide range of instruments of different nature and functions, which make it difficult to define it using a single formula" [1].

I. I. Lukashuk notes that the analysis of doctrine and practice shows that this term is used to denote two different notions. In one case, it refers to a special type of international legal norms, in the other to non-legal international ones. The first case refers to such norms that, unlike hard law, do not clarify rights and obligations, but only provide a general guideline, which subjects are obliged to follow them. The second type of soft law norms includes those contained in non-legal acts, resolutions of international bodies and organizations, joint statements, communiqués. A special type of this type of soft law norms are treaties pending entry into force" [2, p. 144-145]. Having analyzed the works by I. I. Lukashuk, we can conclude that there are two understandings of "soft law" based on the way international legal norms are generated. After all, in the first case they have a special legal status, and in the second one they do not generate legal consequences at all.

A similar opinion is shared by K. Chinkin, who emphasizes that soft law should generally be divided into "legal soft law" and "non-legal soft law". In particular, acts of "legal soft law" comprise international treaties that include only weak obligations, and acts of "non-legal soft law" include resolutions and codes of conduct drawn up and adopted by international and regional organizations that are generally non-binding and voluntarily implemented, and even statements of individuals aimed at forming international principles [3, p. 58].

On the contrary, H. Hillgenberg argues that soft law norms have legal nature, not moral or political, and therefore they are generally binding [4].

To sum up, it can be noted that there are different approaches of scholars regarding the interpretations of the criterion of legal consequences generated by soft law acts: some believe that such acts do not generate obligations at all, while others agree that soft law creates weak obligations (e. g.: international treaties). The third group of scholars is of the opinion that soft law acts are generally binding. That is why, it is impossible to give the exact definition of the term. However, the essence and nature of soft law give grounds to consider this category as a set of legal norms that are advisory and auxiliary in nature, but in most cases do not have legal consequences. They are primarily used by intergovernmental international organizations in their activities.

As for the types of "soft law" acts, they are found in international and national law in different forms, which suggests the need to systematize such acts and identify their main types. Thus, first of all, soft law acts include recommendations, which can be can be adopted both at the international level and in the national legal system.

At the international level, soft law acts in the form of recommendations are adopted by the Committee of Ministers of the Council of Europe (e.g., Recommendation CM/Rec (2010) 12 of the Committee of Ministers of the Council of Europe to member states on judges: independence, effectiveness and duties [5], Recommendation CM/Rec (2012) 1 of the Committee of Ministers to member states on the governance of Ministers of the Council of Europe on the management of public service media [6]).

In addition, one of the main types of soft law is the legal doctrine, which has a significant impact on legal relations in cases where there are no other sources that can regulate this area, or when the certainty of the obligations arising from it is questionable. However, the legal doctrine refers to the sources of law only in international law and only in the part of the doctrine that has had a formative influence on international law (in particular, the works by G. Grotius, F. Suarez, C. Bluntschli, L. Oppenheim, A. Ferdros, F. Martens, L. Kamarovsky and some other scholars).

The second type of soft law acts is the case law of higher judicial authorities. This type of soft law at the international level is created, first of all, by the European Court of Human Rights, and at the national level by the Supreme Court of Ukraine, High Administrative Court, High Commercial Court and High Specialized Court of Ukraine for Civil and Criminal Cases.

The third type of soft law acts comprises draft laws that have not been adopted in the national legal system of Ukraine: Before they were rejected in the first or second reading, they had all the signs of a legal norm, except for the forced nature and formal certainty. This does not deprive them of the features of legal acts and once again emphasizes the function of pre-law performed by acts of soft law [7].

The types of soft law acts also include model laws. For example, those adopted by the Interparliamentary Assembly of the Commonwealth of Independent

States (CIS) member states to further unify the legislation of the member states in a particular area of social relations and bringing them in compliance with the minimum standards set forth in a particular model law [8].

Another type of soft law acts includes ethical codes, which contain deontological norms (e.g.: regulations and recommendations in the field of ethical behavior, developed in the early 60s by the US Council on Business Ethics, or sectoral codes of ethics or even codes of conduct that are created within specific companies or groups of companies, such as Johnson & Johnson, Sony and others) [7].

To sum up, the main sources of soft law include the following: the Parliamentary Assembly of the Council of Europe recommendations; legal doctrine; case law of the highest judicial authorities; model laws; conventional norms of international agreements; codes of behavior.

In general, soft law is not legally binding, but it provides important recommendations and promotes coordination among public administration bodies. It also helps to shape legal culture and allows to response quickly to contemporary challenges. Thus, soft law is an important tool for regulating relations in modern society and it is important in the system of administrative law sources.

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