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**PRIORITIES AND WAYS TO IMPROVE THE INTERACTION OF LOCAL AUTHORITIES AND SELF-GOVERNMENT IN THE PROCESS OF IMPROVING THE SYSTEM OF TERRITORIAL ORGANIZATION OF POWER IN UKRAINE**

*Ensuring effective interaction in the system of public authorities is one of the main problems in the development of public administration in Ukraine. In recent years, the current political situation has provided many examples of problematic situations in the relationship between the authorities along the lines: centre - regional level, centre - local level, regional level - local level, local government - local government, government - private sector, public authorities - public organizations, triads of public authorities - the private sector - public organizations, which in some cases resulted in open conflicts between various institutions and public authorities. As the analysis shows, the common cause of problems and conflicts is the lack of regulation of powers, responsibilities, various bases of exercising the competence of the relevant structures. All this significantly affected the effectiveness of the government system in Ukraine.*

**Key words:** *local authorities, process of improving, territorial organization, power in Ukraine*

The proposed new model of public authority on the ground is based on the proposed system of administrative-territorial organization of the state. It includes simplification of the typology of administrative-territorial units, which should be reduced to 3 levels:

Level 1 (basic) – urban and rural communities. Reforming this level involves consolidating the current village and much of the village councils.

Level 2 (sub regional) – districts, including cities with the status of districts.

Level 3 (regional) – regions; cities of Kyiv, Sevastopol and other cities of national importance.

The new administrative system should be based on the following principles:

1. Avoidance of hierarchical subordination of local governments at different levels in defining their functions.

2. Avoidance of subordination of territorial communities and settlements (in particular, this applies to cities and towns that are members of city councils).

Based on this model of administrative-territorial division, the reform of public authorities on the ground should be carried out in the following areas:

2. Development of a new structure of public power.

Delimitation of executive bodies at the regional and sub regional levels into those exercising powers within the competence of the state and those operating in the system of local self-government: - Reforming the system of local state administrations, which form the vertical of state executive power. The most optimal option is for local state administrations at the regional level, and at the sub regional level – representations of state administrations as their territorial subdivisions.

Establishment of executive committees of regional and district councils, which are local governments.

II. Improving the competence of local governments at the regional and sub regional levels, which should be carried out on the principles of maximum possible avoidance of joint powers of public authorities at different levels:

1. Preservation of the following issues in the sphere of competence of local self-government bodies at the regional level (except for cities of national importance):

- development and implementation of programs and implementation of construction projects of inter-district significance;

- powers provided for in part 2 of Article 44 of the Law of Ukraine “On Local Self-

Government in Ukraine”, which will not be redistributed in favour of local state administrations.

- powers delegated by local governments at the sub regional level;
- powers delegated by state administrations and other public administration bodies.

2. Delegation of the following powers to the executive committees of district councils:

- development and implementation of strategic plans, general and targeted development programs of the respective territories;
- development and implementation of draft local budgets, disposal of relevant budget funds;
- control over the implementation of decisions and regulations issued by representative bodies of local self-government;
- management of sanitary and epidemiological stations and quality supervision in the field of construction and trade;
- ensuring the activities of secondary special educational institutions;
- management of health care institutions (except those subordinated to regional public authorities).
- other powers defined by Article 44 of the Law of Ukraine “On Local Self-Government in Ukraine”, except for those that will be assigned to state administrations as exclusive.

Local self-government bodies of cities with the status of districts should simultaneously receive powers belonging to the relevant bodies of territorial communities and districts, and cities of national importance should also receive powers belonging to local self-government bodies of oblasts [12].

### III. Defining a new list of powers of local state administrations.

The following powers should be assigned to local state administrations:

- Monitoring the decision-making of local governments on their compliance with the Constitution of Ukraine.
- Initiation of sanctions against local governments in case of systematic violation of

the Constitution and laws of Ukraine. Local state administrations should have the right to apply to the central executive and judicial authorities, but not to make such decisions on their own. At the same time, their powers should be differentiated from the powers of the bodies of the Prosecutor's Office of Ukraine.

- Control over the implementation by local self-government bodies of the powers delegated by the state, as well as over the use of budget funds allocated to local self-government bodies for the implementation of targeted programs.

- Coordination of the activities of the relevant territorial subdivisions of the central executive bodies.

- Facilitating the performance of defence functions by state bodies, in particular: ensuring the mobilization of citizens for military service; management of civil defence of territories; assistance in ensuring the livelihood of military units; implementation of measures of military-patriotic education of the population.

- Implementation of measures defined by national development programs (while approving such programs through the adoption of laws).

- Preparation of decisions on determining the territory in the manner prescribed by law, selection, withdrawal (redemption) and provision of land for urban planning needs, defined by urban planning documentation.

- Preparation of decisions on assignment of forests to the category of protection in accordance with the procedure established by law.

- Participation in the management of state-owned property (except for property under the Ministry of Defense of Ukraine, the Security Service of Ukraine).

- Coordination of activities of land management and land use bodies, law enforcement agencies, fire protection, etc.

- Informing the state executive bodies of the highest level about the state of affairs and development trends in the territories under their responsibility.

At the same time, the state administration will have the right to determine the list of issues that it will provide to its representations at the sub regional level.

III. Improving the institution of delegated powers, which should include:

- maintaining the possibility for the state to delegate its powers to local self-government bodies by signing relevant agreements. The procedure for such delegation must be determined by law;

- abolition of the practice of delegating the powers of local self-government to local state administrations. Instead, it is expedient to improve the procedure for delegating powers to higher-level local self-government bodies in accordance with the administrative-territorial division;

- establishing the procedure for making decisions on the delegation of powers and their abolition;

- development and implementation of the procedure for supervision by administrations over the implementation of delegated powers. It should include an analysis of the appropriateness of the decisions taken.

Powers that can be delegated by local state administrations to local governments include:

- organization of protection, restoration, use of monuments of history and culture, architecture and urban planning, palace and park, park and manor complexes, nature reserves of local importance;

- management of fire protection and law enforcement agencies.

Powers that can be delegated by the state exclusively to local self-government bodies at the regional level should include [9]:

- use of natural resources and environmental protection;

- use and development of recreational areas.

IV. Abolition of the institution of expression of no confidence in the heads of local state administrations simultaneously with the abolition of powers delegated to local state administrations.

The new system of public authority will require the following ancillary measures:

1. Expanding the financial independence of local governments at the local and sub regional level and increasing the efficiency of its use, which should take place through:

- setting clear requirements for the mandatory establishment of local budgets;

- receipt by local budgets of a certain share of revenues from corporate income tax;
- streamlining the system of distribution of equalization subsidies, in particular through the formation of direct inter-budgetary relations with the state budget of Ukraine for territorial communities;

- increase in contributions to local budgets from taxes and fees for nature and subsoil use; more active use of loans by local governments.

2. Formation of the legal framework of new mechanisms of inter-municipal cooperation through associations of territorial communities – united territorial communities and urban agglomerations.

Another important task of improving and optimizing the system of local self-government is to resolve the problem of ensuring its financial capacity. Amendments to the relevant regulations should concern the empowerment of local governments to mobilize additional sources of budgets and reduce their legal dependence on local executive bodies. The current legislation regulating local budgets, in fact, does not provide clearly defined sources of sufficient funding for activities in the regions to comprehensively address issues of local importance. In most regions of Ukraine, the formation of the revenue side of local budgets is carried out mainly not from their own sources of income. For local budgets, most of their revenues are the result of inter-budgetary relations. In addition, the financial independence of local governments is affected by their lack of interest in increasing tax collection in their territory [8].

In 1998, the Council of Europe undertook considerable work to study the situation in Ukraine and, as a result, developed the Recommendations on Local and Regional Democracy in Ukraine, which focused on issues and ways to create and provide conditions for the full development of local and regional self-government. Basic element and manifestation of democracy.

The main proposals and recommendations of the Council of Europe were:

- administrative-territorial reform in the country and development of regional self-government;
- delimitation of the scope of activities and powers between local authorities - local

governments and local state administrations;

- providing local governments with the necessary resources to fulfil their responsibilities;

- improving the system of legal protection of local self-government.

The Ukraine 2020 Sustainable Development Strategy, approved by the Decree of the President of Ukraine of January 12, 2015 № 5/2015, aims to solve these problems. The reform should result in the creation of an effective, transparent, open and flexible public administration structure using the latest information and communication technologies (e-government), which is able to develop and implement a comprehensive public policy aimed at sustainable social development and adequate response to internal and external challenges.

According to the Strategy, the goal of decentralization policy is to move away from the centralized model of governance in the country, ensure the capacity of local self-government and build an effective system of territorial organization in Ukraine, fully implement the European Charter of Local Self-Government, the principles of subsidiary [7].

Due to the peculiarities of the formation and development of the model of organization of state executive power and local self-government in Ukraine, one of the most difficult problems in this area has arisen, namely the problem of separation of functions and powers between local state administrations and local governments. Thus, local state administrations are created not only to exercise control and oversight functions over local self-government and its bodies, but also to perform the main scope of authority for territorial management. The complexity of this problem is due to the fact that functionally (substantively) it is essentially homogeneous systems, as they deal with almost the same issues. In addition, district and oblast local state administrations are assigned by the Constitution of Ukraine responsibilities for the exercise of executive power in districts and oblasts (Article 118) and control over local self-government bodies over the exercise of executive powers (Article 143) delegated to them by law.[ 10].

It should be noted that the delegation of powers of state executive bodies to local

governments is a well-known phenomenon in the world practice of state formation, which is discussed, in particular, in the European Charter of Local Self-Government. This practice does not violate the autonomy of local self-government within its own powers and at the same time is one of the most important forms of saving financial and human resources, as it eliminates the need to create other local executive bodies along with local governments, especially at the primary level. division of the state [6].

In addition, the division of powers of local self-government into "own" and "delegated" does not carry a serious conceptual burden, as all their powers local self-government receives in the law, which embodies the state will of the people. Therefore, within the limits of power, the local self-government body acts completely autonomously, and within the limits of the delegated ones - under the control of the relevant state bodies.

According to the current laws, the delegation of powers also takes place at the horizontal level - from district and regional councils as local governments to district and regional administrations as local bodies of state executive power. This is because these councils are local governments that represent the common interests of local communities, but do not have their own executive bodies, whose powers are forced to delegate to local state administrations. Therefore, there is a problematic issue of the effectiveness of such councils, which have a number of powers in the management of their territories, but are not able to fully implement them [2].

From a scientific point of view, this form of relationship between self-government and state bodies is an exception to the general rule, as the delegation of powers, if such a right is granted to a body, is its right, not duty. This can lead to conflict situations in the practice of these bodies. Although, on the other hand, local state administrations are accountable to and under the control of district and oblast councils in terms of delegated powers.

Another component of the problem of delegated powers is the functioning of executive bodies of village, settlement, city councils and district and regional local state administrations, whose powers are not delimited, which also creates problems in their implementation, as the relevant laws do not specify who has the right to apply these



powers as the first instance and how to be in the case when both the executive body of local self-government and the local state administration make decisions on the same issue, which differ significantly in their content. Therefore, it should be borne in mind that duplication of powers of executive bodies and local self-government, the predominance in law of two thirds of delegated state powers over their own in relation to local self-government de facto put local self-government under direct state control [11].

Thus, the local state administration strengthens the link between state power and local self-government, directing its bodies to solve not only local, but also national tasks set by the central government. State control is designed to ensure the development of local self-government, in which it would solve its tasks within the framework of national legislation, as well as local regulations, and would provide certain standards of services provided to the population. The disadvantage in this case is that representatives of local state administrations sometimes try to subordinate local self-government bodies. Due to the reduction of the democratic potential of the entire political system, it becomes less efficient and flexible [1].

The weakness of the territorial community, its dependence on the state is also due to the difficult economic component of its existence. In the modern economic system of Ukraine in terms of accumulation of funds, the territorial community within its administrative-territorial units can not create sufficient financial resources to ensure its full functioning. Therefore, it is necessary to restructure the current system of accumulation and distribution of funds by delimiting (decentralizing) economic relations between the state and the regions. For such a distinction, a long-term national program of structural adjustment of the economy should be developed, which should become the ideology of regional economic policy in the national context. At the same time, such a program should ensure the creation of a broad financial base of local authorities, which should continue to consist of their own revenues and revenues from higher authorities, but with an emphasis on own revenues in the amount that will guarantee self-sufficiency of the local community. The existing dualistic nature of the accumulation of funds will ensure, on the one hand, self-government in the activities of local governments and their

certain separation within the state mechanism, political system of the region, and on the other - the participation of local authorities in solving problems of national importance [4]. However, it should be noted that only the state, represented by its higher bodies, and not local governments, has macroeconomic thinking and is capable of long-term economic strategy.

Thus, the political and economic components of the problematic issues of interaction between local self-government and state bodies have led to the inability of territorial communities to operate effectively and independently in their administrative-territorial units.

Reform should contribute to the restoration of full-fledged local self-government at the regional level, especially since in conditions of differentiation and individualization, any state apparatus is so distant from the individual that it can not take into account local characteristics and other specific living conditions. Although the state should play a leading role in the continuous improvement of mechanisms for implementing regional policy and specific local projects and programs, this is not happening. Therefore, the functions of local state administrations should be reduced to the representation of state interests at the regional level.

Local authorities should focus in their relations with local governments not on control, but on effective cooperation with them, participating in various joint programs and activities. Local state administrations, as the main state authority and direct executor of state policy in the territories of relevant territorial communities and local governments, as an independent and legitimate representative of the interests of the respective territorial community, are able to effectively meet the needs of each person. The functions of control over the activities of local self-government bodies and the legality of their decisions may be exercised by courts. Therefore, it is important to increase the role of judicial control in this area to the level that currently exists in developed countries of Anglo-Saxon law [3].

The choice of forms of decentralization of power largely depends on how the state, represented by the political forces in power, treats local self-government: whether it trusts its citizens and local self-government bodies in matters of self-management of local

affairs, or ready territorial communities to the exercise of power.

Thus, having studied the relationship between the power of local government and local government, we identified problems of interaction between such authorities. These problems concern the powers of the authorities and their effective implementation. The political and economic components of the problem of decentralization of state power and strengthening of local self-government bodies in solving local issues make the problem multifaceted and complicate its successful solution. Therefore, it is necessary to look for ways to solve it systematically and consistently, especially since Ukraine can use the European experience in carrying out such reforms [3]

Addressing the problems of territorial bodies must be comprehensive, it will depend not only on improving the mechanisms of transfer and implementation of some state powers by local authorities, but also the completeness of decisions, goals and objectives of the state and society as a whole.

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