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AUTHORITY OF LOCAL GOVERNMENT BODIES TO ENSURE THE ECONOMIC SECURITY OF THE COMMUNITY

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Annotation. The content of the scientific article corresponds to its title and consists in determining the powers of local self-government bodies to ensure the economic security of the community. It was emphasized that an important aspect of the effective provision of the economic security of Ukraine is an optimally constructed and functioning system of public administration bodies, whose activities, among other things, should ensure the economic security of the state, ensuring proper control of the implementation of the relevant policy. Subordination to political power, enforcement and application of laws are essential features of such a subject of public administration as local self-government bodies; activity in the public interest, the presence of the prerogative of public authority. The powers of local self-government bodies to ensure economic security include: obtaining from enterprises the necessary information about draft plans, mandatory coordination of enterprise plans; submitting proposals to projects on issues related to meeting the needs of the population; preparation of proposals for the privatization of municipal enterprises; receiving payment for land use; establishing cooperation with managers of enterprises of all forms of ownership in the direction of improving the state of development of the economic sphere of the region, analyzing and forecasting the development of the economic potential of the territory; development and implementation of models for the recovery of the local economy, entrepreneurship, diversification of production, etc. In order to improve the activities of military administrations in the field of ensuring economic security, along with the competences for ensuring national security, we suggest: streamlining the provisions of the legislation regarding their powers to make decisions on banning the trade in weapons, potent chemical and poisonous substances, alcoholic beverages and substances produced on an alcohol basis; to attribute to the competence of regional and district military administrations the authority to assist the activities of judicial and law enforcement bodies, bodies of the bar; carrying out joint analysis and holding meetings with the prosecutor's office and other law enforcement agencies on security issues, in particular in the economic sphere in the relevant territory; participation in the preparation, approval and organization of the

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implementation of relevant regional and local programs. It is substantiated that the introduction of appropriate changes to the legislation will make it possible to standardize the principles and methods of activity of local self-government bodies and military administrations, to reflect the issues of responsibility and guarantees of legal status and, among other things, to formulate powers in the field of ensuring economic security.

Key words: security, economic security, local self-government bodies, military administrations, legal regime of martial law

Formulation of the problem. An important aspect of effective provision of Ukraine's economic security is an optimally constructed and functioning system of public administration bodies. After all, they ensure the determination of specific steps on the way to achieving the public interest, in particular, in the field of ensuring the economic security of the state, their implementation and proper control of their implementation.

The term "subject of public administration" is used to denote a body of state executive power, a local self-government body, or other subjects that are empowered with public administrative powers to ensure public interests in the state. Subjects of public administration in the field of national security of Ukraine represent a system of complementary and interconnected bodies of state power and local self-government, as well as public associations, whose purposeful activity contributes to the effective provision of national security [1, p. 41].

The system of executive authorities consists of ministries; central bodies of executive power (agencies, services, inspections); central bodies of executive power, the activities of which are directed and coordinated by the Cabinet of Ministers of Ukraine through the relevant members of the Government. Local self-government bodies include: village, settlement, city councils and their executive bodies, as well as district and regional councils, which represent the common interests of territorial communities of villages, towns, and cities. The essential features of these entities are: subordination to political power (ie, parliament, head of state); ensuring the implementation and application of laws (that is, the practical implementation of political decisions of the parliament); activity in the public interest; the presence of the prerogative of public authority (that is, the authority to give binding instructions to private individuals) [2, p. 67].

Issues related to the provision of economic security on the ground by local self-government bodies and military administrations are relevant in today's conditions. The role of these entities in the implementation of state policy in the economic sphere has gained special importance in the context of the decentralization reform in Ukraine [3] and in connection with the introduction of martial law in the country [4].

The state of development of this problem. The problems of legal regulation of the functioning of the system of public administration bodies in ensuring security were actively studied by such scientists as O. Bandurka, V. Boyko, O. Vlasyuk, Ya. Zhalilo, M. Zhitar, T. Zubko, I. Kozyakov, I. Kolomiets, M. Koretsky, O. Korystin, M. Kovalenko, S. Lekar, A. Ruban, Yu. Samoilenko, O. Skoruk, T. Tokarsky, V. Shemchuk, V. Shlemko, I. Yakovyuk and others.

Despite the significant progress of these specialists in the field of security studies, the problems of determining the set of powers of local self-government bodies related to ensuring the economic security of the community in the conditions of today's Ukraine remain not fully resolved in domestic science.

The purpose of the article consists in the analysis of scientific and legislative approaches to the powers of local self-government bodies, distinguishing from them those related to ensuring the economic security of the community.

Presenting main material. Today, the issue of stabilizing the economic security of both Ukraine in general and individual territorial communities is one of the most acute, because for more than two years a full-scale war has been ongoing on the territory of Ukraine, which has changed both the lives of all citizens and economic entities, and affected activities of state and self-government institutions.

According to the content of Art. 140 of the Constitution of Ukraine, local self-government should be understood as the state-guaranteed right and real ability of a territorial community – residents of a village or a voluntary association of residents of several villages, towns, cities into a rural community – independently or under the responsibility of local self-government bodies and officials to resolve issues of local importance within the limits of the Constitution and laws of Ukraine [5]. Local self-government as a form of self-organization of local collectives has its own institutional and legal mechanism, which includes a set of social institutions with a corresponding status and resource structure, as well as a system of normative and legal acts of various legal force, which contain norms for solving issues of local importance [6, p. 14-15].

City (village), district and region councils are the lowest level of management in the system of ensuring national security and belong to subjects whose activities have a significant impact on a number of processes to ensure the functioning of the economic security system of Ukraine. They are legal entities and have organizational, legal, material and financial independence established by law. In addition to their own, the specified bodies of executive power, in accordance with the legislation, carry out delegated (entrusted to the relevant state bodies) management measures directly on the ground, based on the needs of one or another administrative-territorial unit. Considering the specificity of the activities of the councils, their executive bodies carry out their own activities systematically, ensuring their work.

An important component of the administrative and legal status of local self-government bodies is their state control powers, which should be classified as security powers. They exercise control over: compliance with prices and tariffs, compliance with legislation on consumer protection; the state of apartment registration and compliance with housing legislation; ensuring the reliability and safety of buildings and structures, regardless of the forms of ownership; in compliance with land and nature protection legislation, etc. [7].

The powers of local self-government bodies in terms of ensuring economic security include: receiving from enterprises the necessary information about draft plans, mandatory coordination of enterprise plans; submitting proposals

to projects on issues related to meeting the needs of the population; preparation of proposals for the privatization of municipal enterprises; receiving payment for land use [8, p. 169]. Local self-government bodies are responsible for a number of issues related to establishing cooperation with managers of enterprises of all forms of ownership in the direction of improving the state of development of the economic sphere of the region, analyzing and forecasting the development of the economic potential of the territory, developing and implementing models for the recovery of the local economy, entrepreneurship, diversification of production, etc.

Also, in order to effectively ensure national security during the period of martial law, the head of a village, settlement, or territorial community, on the territory of which hostilities are not taking place and a decision has not been made on the formation of a military administration of the settlement, exclusively for the implementation of measures of the legal regime of martial law, may make a decision on: transfer of funds from the relevant local budget for the needs of the Armed Forces of Ukraine and/or to ensure measures of the legal regime of martial law [4].

The analysis and generalization of normative legal acts and the points of view of scientists made it possible to single out the following main areas of activity of local self-government bodies in matters of ensuring the functioning of the economic security system of Ukraine: approval of the socio-economic development program and control over its implementation; development of state security programs at the local level; establishment of local taxes and fees in accordance with the law; approval of relevant budgets and control over their implementation; management of communally owned property; formation, reorganization and liquidation of communal enterprises, organizations and institutions, as well as control over their activities; submitting submissions, requests to state authorities; appeal to the court to recognize the relevant acts of the executive authorities as illegal; consideration of citizens' appeals, implementation of public hearings on security issues; monitoring, prevention and elimination of the consequences of threats and dangers in the field of national, in particular, economic security; resolution of other issues of local importance, which are assigned by law to their competence, or delegated by them.

In the Concept of Reforming Local Self-Government and Territorial Organization of Power in Ukraine, approved by the Decree of the Cabinet of Ministers of Ukraine dated 01.04.2014 No. 333-r, from the point of view of promoting the development of the economy, it is pointed out: the inconsistency of local policy regarding socio-economic development with the real interests of territorial communities; the corporatization of local self-government bodies, the closedness and non-transparency of their activities, a high level of corruption, which leads to a decrease in the efficiency of the use of resources, a deterioration in the investment attractiveness of territories; excessive centralization of powers of executive authorities and financial and material resources. Among the tasks of the reform, the improvement of the procedure for the formation of self-organization bodies of the population, the

determination of a clear procedure for granting them part of the powers of local self-government bodies; the spread of the practice of forming bodies of self-organization of the population [9].

Other problems do not lose their relevance, such as: insufficient capacity of local self-government bodies to exercise their own and delegated powers; improper performance of the function of administration of local taxes and fees by tax authorities; lack of clarity in the demarcation of powers between local self-government bodies and local executive bodies.

At the same time, even under martial law, Ukraine continues the reform of local self-government and territorial organization of power. In particular, the Ministry of Infrastructure has developed an action plan for the implementation of the Decentralization of Power reform until 2027, which states that the new regional development policy is based on taking into account during strategic and spatial planning key challenges that affect people, infrastructure, the economy, and the surrounding natural environment, and key measures for the implementation of the reform, in particular from the standpoint of ensuring economic security, are defined as: reformatting of local state administrations into prefecture-type bodies; development of forms of direct popular government; strengthening the institutional capacity of associations of local self-government bodies, etc. [10].

The full-scale armed aggression of the Russian Federation against Ukraine also actualized the issue of material support by local self-government bodies to the security and defense sector. However, the national legislation lacks clear and transparent mechanisms for ensuring the possibility of involvement of local self-government bodies in the material support of the Armed Forces of Ukraine. In particular, in accordance with Art. 140, 143 of the Constitution of Ukraine, the purpose of local self-government bodies is to independently resolve issues of local importance [4]. At the same time, according to the content of Part 2 of Art. 8 of the Law of Ukraine "On the National Security of Ukraine", local self-government bodies inform the public about their activities in the performance of tasks related to ensuring national security and defense, local self-government bodies may form deputy commissions for civil control, and in local executive bodies appropriate subdivisions can be created [11].

Under such circumstances, in the conditions of war, the state entrusts local self-government bodies with powers that are not inherent to them, related to the material support of the security and defense forces. The absence of a clear regulation of the relevant legal relations can lead to an ambiguous interpretation of individual provisions of the legislation by the controlling bodies and groundless accusations of local self-government bodies of inappropriate use of local budget funds and community property. In order to ensure economic security, prevent the risks of inappropriate use of funds and corruption risks, the legislation should define an exhaustive list of permitted expenses.

In this regard, certain legislative initiatives were implemented, including the issue of economic security in the defense sphere. In particular, the Draft Law on the Register. No. 9559-d dated 08/30/2023 proposed amendments to the

Law of Ukraine “On Local Self-Government in Ukraine” in terms of empowering local self-government bodies: to provide financial and material support to the security and defense sector during the period of martial law; preparation, submission for approval, organization of implementation and implementation of local programs supporting the security and defense sector [12].

The current system of local self-government in Ukraine does not fully satisfy the needs of the community, not properly ensuring the creation and maintenance of a favorable living environment for the comprehensive development of a person and his self-realization, protection of rights, provision of high-quality and affordable administrative, social and other services to the population in the relevant territories. We note the insufficient capacity of local self-government bodies to exercise their own and delegated powers; lack of clarity in the demarcation of powers between local self-government bodies and local executive bodies; improper performance of the function of administration of local taxes and fees by tax authorities.

The most difficult and, at the same time, priority task for local self-government bodies, as well as all state authorities, in the conditions of large-scale military aggression, should be achieving a balance between the need for sufficient financing of the defense sector, liquidation of the consequences of enemy attacks on civilian and critical infrastructure, support for internally displaced persons, on the one hand, and by supporting the financial security of the state and territorial communities – on the other.

Since security powers are vested in state authorities, not local self-government bodies, we believe that expanding the powers of local self-government by providing financial and material support to the security and defense sector during the period of martial law contradicts the principle of delimitation of expenditures between budgets, defined in Art. 87 of the Budget Code of Ukraine, where expenditures made from it include expenditures on national defense (except for activities and works on mobilization training of local significance) [13].

Since the introduction of the legal regime of martial law in Ukraine, the list of subjects of public administration, which are endowed with administrative powers of different content and scope, has changed due to its addition by newly created subjects to ensure the goals of averting the threat and ensuring national security by providing the relevant state authorities, which are endowed with exclusive powers in a certain territory - military administrations. From the analysis of Art. 15 of the Law of Ukraine “On the Legal Regime of Martial Law” it is understood that, among other powers (household services, transport, communication and telecommunications, social protection of the population; regulation of land relations, etc.), military administrations are responsible for areas of activity that directly or indirectly related to ensuring economic security, in particular in the areas of: budget and finance; property management; urban planning, housing and communal services, trade [4].

In our opinion, military administrations in settlements should not usurp powers that do not belong to them in local self-government bodies, and their powers should only concern security and defense issues. The existence of

military administrations in settlements in parallel with local self-government is inappropriate, and issues related to the implementation of state policy in the field of ensuring the economic security of the community should be within the competence of local self-government bodies. At the same time, some of these powers in one way or another relate to issues of ensuring economic security, which require regulatory regulation.

On the basis of the conducted research, in order to improve the activities of military administrations in the field of ensuring economic security, along with the competences for ensuring national security, we suggest: streamlining the provisions of the legislation regarding their powers to make decisions on banning the trade in weapons, powerful chemical and poisonous substances, as well as alcoholic beverages and substances, produced on an alcohol basis; to attribute to the competence of regional and district military administrations the authority to assist the activities of judicial and law enforcement bodies, bodies of the bar; carrying out joint analysis and holding meetings with the prosecutor's office and other law enforcement agencies on security issues, in particular in the economic sphere in the relevant territory; participation in the preparation, approval and organization of the implementation of relevant regional and local programs; determine the rule according to which the orders and orders of the heads of military administrations on security issues (with the exception of orders and orders containing information with limited access) must be made public on the official websites of the military administrations, be brought to the attention of the residents of the relevant communities at another time determined by the military administration way. The Cabinet of Ministers of Ukraine, as the highest body in the system of executive authorities, should be empowered to direct, coordinate and control the activities of military administrations.

We believe that making appropriate changes to the Law of Ukraine "On the Legal Regime of Martial Law" will make it possible to standardize the principles and methods of operation of military administrations, reflect issues of responsibility and guarantees of legal status, and, among other things, formulate powers in the field of ensuring economic security.

The conducted research does not exhaust all problematic issues related to the definition and implementation of the powers of local self-government bodies and military administrations as subjects of the implementation of state policy to ensure national, including economic, security. In particular, the question of the distribution of competence of regional (district) military administrations and regional (district) councils remains relevant, including if they continue to function under martial law. This issue should become the subject of further scientific research in other and related specialties.

Conclusions. An important aspect of effectively ensuring the economic security of Ukraine is an optimally constructed and functioning system of public administration bodies, whose activities, among other things, should ensure the economic security of the state, ensuring proper control of the implementation of the relevant policy. Subordination to political power, enforcement and application of laws are essential features of such a subject

of public administration as local self-government bodies; activity in the public interest, the presence of the prerogative of public authority.

The powers of local self-government bodies in terms of ensuring economic security include: obtaining from enterprises the necessary information about draft plans, mandatory coordination of enterprise plans; submitting proposals to projects on issues related to meeting the needs of the population; preparation of proposals for the privatization of municipal enterprises; receiving payment for land use; establishing cooperation with managers of enterprises of all forms of ownership in the direction of improving the state of development of the economic sphere of the region, analyzing and forecasting the development of the economic potential of the territory; development and implementation of models for the recovery of the local economy, entrepreneurship, diversification of production, etc.

In order to improve the activities of military administrations in the field of ensuring economic security, along with the competences for ensuring national security, we suggest: streamlining the provisions of the legislation regarding their powers to make decisions on banning the trade in weapons, potent chemical and poisonous substances, alcoholic beverages and substances produced on an alcohol basis; to attribute to the competence of regional and district military administrations the authority to assist the activities of judicial and law enforcement bodies, bodies of the bar; carrying out joint analysis and holding meetings with the prosecutor's office and other law enforcement agencies on security issues, in particular in the economic sphere in the relevant territory; participation in the preparation, approval and organization of the implementation of relevant regional and local programs. Making appropriate changes to the legislation will make it possible to standardize the principles and methods of activities of local self-government bodies and military administrations, to reflect issues of responsibility and guarantees of legal status, and, among other things, to formulate powers in the field of ensuring economic security.

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