

DIRECTIONS FOR IMPROVING THE ACTIVITIES OF LOCAL SELF-GOVERNMENT BODIES IN UKRAINE

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Annotation. *This article reveals directions for improving the local self-government institute in Ukraine.*

The areas of improvement of the local self-government institute in Ukraine are singled out: 1) liquidation of local administrations, and formation of the institute of prefects; 2) development of cross-border cooperation of territorial communities and united territorial communities; 3) international cooperation, exchange of experience and implementation of joint international projects; 4) improving the qualifications of employees of local self-government bodies; 5) monitoring the results of the activities of local self-government bodies and evaluating the results of the activities of council deputies and the council itself by introducing a rating of council deputies; 6) ensuring digitization of information collection and processing processes between different levels of local self-government bodies; 7) ensuring accessibility of territorial community residents to public information about the activities of the local self-government body, as well as participatory planning of territorial community development programs; 8) creation of a favorable investment climate, which will make it possible to attract private investments in local development; 9) implementation of regional deurbanization policy; 10) creation of opportunities to provide greater and faster access to receiving administrative services through TsNAPy; 11) application of the reorientation method of municipal management; 12) promote civic education to increase the level of population participation in local self-government.

Key words: *local self-government, executive committee of the local self-government body, territorial community, united territorial community, legal responsibility, offense, illegal act, subject of offense, interaction of local self-government bodies and local executive bodies.*

1. Formulation of the problem.

Ensuring local democracy is one of the main tasks of state authorities. The right to local self-government is a constitutional right that determines the possibilities of its free exercise. Taking the course for membership in the European Union, Ukraine should adopt international experience in a more integrated and mobile manner, implement certain norms into national legislation, improve the institutionality and functionality of the institute of local self-government in Ukraine. After the adoption of the Law of Ukraine "On Local Self-Government in Ukraine" (1997), colossal work was carried out to reform local self-government, the foundations were laid and the stages of decentralization of local self-government were implemented, the legal principles for the creation and functioning of territorial communities and united territorial communities were defined, etc. . However, the process of development of the institution of local self-government is dynamic, and the modern challenges facing this institution are innovative and should contribute to increasing the effectiveness of citizens' right to local self-government.

Thus, based on the international experience of the Institute of Local Self-Government and the results of the completed dissertation research, in our opinion, it is worth highlighting the directions of development of local self-government in Ukraine.

2. The state of development of this problem.

Place of the territorial community in the system of local self-government of Ukraine experts administrative law: V.B. Averyanova, V.I. Andreytseva, G.I. Balyuk, V.I. Boreyko, A.P. Hetman, V.A. Zueva, R.A. Kalyuzhny, T.S. Kichilyuk, V.K. Kolpakova, V.V. Kostytsky, N.R. Kobetskaya, M.V. Krasnova, V.I. Kurila, K.A. Ryabets, O.O. Pogrebny, Yu.S. Shemshuchenko.

3. The purpose of the article is the directions for improving the local self-government institute in Ukraine.

4. Presenting main material.

One of the important areas of improvement of the local self-government institute is the continuation of the decentralization reform and the liquidation of local administrations, and the formation of the institute of prefects.

In the resolution of the Cabinet of Ministers of Ukraine "Some issues of implementation of the Concept of reforming local self-government and territorial organization of power in Ukraine", it is determined that one of the types of measures for the implementation of the reform of decentralization of local self-government and local authorities is the development of a number of legislative acts that determine the features of decentralization. One of such legal acts was supposed to determine the administrative-legal status of prefects.

According to the conceptual provisions of the decentralization reform, prefects should be assistants not only to the central government, but also to the territorial community itself and to perform clearly defined powers. The powers of the prefect should be clearly defined in the Law of Ukraine "On Prefects" in order to avoid the abuse of powers, usurpation of power and corruption risks. The prefect must perform representative, distributive, coordinating and control-supervisory functions.

The prefect's representative function assumes that the prefect is a representative of local executive bodies and is in constant interaction with representatives of local self-government bodies; the coordination function provides for coordination of actions of local self-government bodies and territorial units of central executive bodies; the control and supervision function is the implementation of control over the legality of acts of local self-government bodies; distributive - takes part in the implementation of development programs of territorial communities, including the allocation of funds from the local budget.

The next direction, which, in our opinion, needs improvement is the development of cross-border cooperation of territorial communities and united territorial communities.

The main principles of cross-border cooperation of Ukraine with the member states of the European Union are determined by Chapter 27 of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand, ratified by the Law of Ukraine dated September 16, 2014 year No. 1678-VII [1].

According to the state program for the development of cross-border cooperation for 2021-2027, the main goal is to strengthen good-neighborly relations and deepen cross-border cooperation, which is especially relevant for Ukraine in the conditions of current challenges and external threats and taking into account the European vector of our state's development. Cross-border cooperation is one of the effective tools for deepening the interaction of its subjects and participants for the joint performance of tasks related to local and regional development, support of economic growth, stimulation and implementation of innovations, which contributes to the acceleration of the processes of bringing the standard of living of the population of the regions of Ukraine closer to the average European level and the implementation of European integration measures at the regional level [2].

The main principles of state support for the development of cross-border cooperation are: objectivity, openness and economic validity of the selection of projects (programs) of cross-border cooperation for

the provision of state support; concentration of financial resources on priority and most justified projects (programs) in order to achieve the maximum effect from their implementation; ensuring conditions for using the organizational, financial, and institutional capabilities of subjects and participants of cross-border cooperation of Ukraine in the development and implementation of measures for the implementation of projects (programs) of cross-border cooperation; preventing the use of targeted state support to finance the current needs of socio-economic development of the regions. State support for the development of cross-border cooperation involves: determination of priority areas of state support for the development of cross-border cooperation; selection of cross-border cooperation projects (programs) that require state support; development and implementation of state programs for the development of cross-border cooperation; provision of legal, organizational, methodical, informational assistance and support to subjects and participants of cross-border cooperation of Ukraine [3].

Before the full-scale invasion of the Russian Federation into Ukraine, the following Euroregions functioned on the borders of Ukraine and neighboring states: "Bug" (Ukraine, Poland, Belarus), "Carpathian Euroregion" (Ukraine, Poland, Slovakia, Hungary, Romania), "Lower Danube" (Ukraine, Moldova, Romania), "Upper Prut" (Ukraine, Moldova, Romania), "Dnipro" (Ukraine, Russia, Belarus), "Slobozhanshchyna" (Ukraine, Russia), "Yaroslavna" (Ukraine, Russia), "Donbas" (Ukraine, Russia), "Black Sea" (Bulgaria, Armenia, Greece, Georgia, Moldova, Russia, Romania, Turkey and Ukraine), "Dniester" (Ukraine, Moldova) [4].

At the same time, during the period of the administrative and legal regime of martial law, the implementation of individual programs of cross-border partnership of territorial communities within the Euroregions "Bug", "Dnipro", "Slobozhanshchyna", "Yaroslavna", "Donbas", "Black Sea" will certainly be impossible.

Subjects of cross-border cooperation of Ukraine: · organize and coordinate work on the preparation and implementation of projects (programs) of cross-border cooperation; participate in the development of joint projects (programs) and coordinate their implementation; develop or participate in the development of state programs for the development of cross-border cooperation; ensure, within the limits of their competence, allocation of funds from local budgets for the development of cross-border cooperation in the established manner [5, p. 114].

However, regardless of the state of war in Ukraine, territorial communities that do not have common borders with the Russian Federation and its friendly Republic of Belarus must develop and implement in the interests of territorial communities and the population of Ukraine.

International cooperation, exchange of experience and implementation of joint international projects are important for the development of local self-government.

International cooperation of local self-government bodies, in general, has an important progressive and integrative value for the improvement and development of residents of territorial communities. However, during the war, cooperation in the field of health care, education, the provision of grants and the development of startups, the implementation of defense and security measures, the provision of humanitarian and charitable aid, the signing of programs for internally displaced persons, etc., is especially important.

This direction is especially important for rural, township, and urban administrative-territorial units, which are further away from decision-making centers of territorial communities and have fewer opportunities for such cooperation. That is why it is important to ensure the unity and cooperation, above all, of the vertical of local self-government bodies.

Ensuring advanced training of local self-government officials, i.e. investing in professional management and local development specialists by investing in training, advanced training courses, etc., with the aim of obtaining (improving) special management, financial knowledge, skills and abilities of municipal employees. Service in local self-government bodies is one of the types of public service. And in accordance with Part 3 of Article 3 of the Law of Ukraine "On Civil Service", the requirements of the legislation on civil service do not apply to deputies of local councils, officials of local self-government. It is possible to organize the improvement of the qualifications of employees of local self-government bodies both at the national and at the regional level. This would allow local governments to invest in human capital and support it, allocate special resources for training and professional development of employees in the field of municipal government.

Monitoring the results of the activities of local self-government bodies and evaluating the results of the activities of council deputies and the council itself by introducing a rating of council deputies. Evaluation of the activities of deputies is possible through the quantitative indicator of reception of citizens, statistics of responses to citizens' appeals, involvement of local self-government deputies in solving cases, etc.

Currently, the public campaign "Attestation of Local Council Deputies" deals with the issues of openness and transparency of the activities of deputies of local councils and their accountability. This initiative is aimed at promoting positive changes in the level of responsibility of deputies of local councils and increasing voters' awareness of deputy activities. The campaign is implemented jointly with the Odesa regional organization of the VGO "Committee of Voters of Ukraine" and partners from 16 regions of Ukraine. The report of the deputy of the local council is not just a formal act required by law. This is another effective form of communication between a deputy and voters. And although the Law does not establish an exhaustive list of forms of reporting by a deputy to citizens, it emphasizes that the report should take place in the form of an open meeting [6].

It should be noted that the inconsistency of the deputy's practical activity with the main principles and provisions of his pre-election program, failure to fulfill obligations to report to the voters and hold meetings with them are grounds for starting the procedure for revoking the deputy's mandate.

The next area of development of local self-government, in our opinion, is to ensure digitalization of the processes of collecting and processing information between different levels of local self-government bodies, concerning the activities of territorial communities, as well as the possibility of posting (filling in) electronic forms for citizens' appeals, including complaints about decisions, actions and inaction of local self-government management subjects.

Ensuring accessibility of residents of the territorial community to public information about the activities of the local self-government body, as well as participatory planning of development programs of the territorial community. This can be done by facilitating access to public information, using participatory budgeting to encourage stakeholder participation in local development, and adopting national guidelines on how to involve a wide range of stakeholders in strategic planning.

The creation of a favorable investment climate, which will make it possible to attract private investments in local development by demonstrating how profitable it can be to invest in local self-government, and the introduction of national instruments of tax benefits in combination with a more local use of financial instruments, as well as the development of public-legal relations of the state - private partnership. The implementation of this direction requires the development of an investment approach to local development through the development of local economic plans with the participation of the private sector, which support the development and implementation of local development programs and the adoption of new fiscal decentralization mechanisms to strengthen the fiscal and financial potential of local self-government bodies.

The use of new and innovative financing mechanisms should be accompanied by an assessment of their benefits, risks and local opportunities for their use. Implementation of this direction is especially relevant in the period of post-war reconstruction, when local infrastructure is damaged or destroyed, and reintegration of territories from local budgets is unlikely.

Implementation of the regional policy of deurbanization is especially important in the war and post-war period, when processes of internal displacement occur, changes in the specific population density of certain territories and regions, the main directions of the state's regional policy change, and new challenges arise related to the effect of martial law.

Creation of opportunities to provide greater and faster access to receiving administrative services through TsNAPy. The possibility of providing administrative services through the electronic office of the subject of the appeal becomes relevant in the conditions of global digitization and digitization. The COVID-2019 pandemic and hostilities on the territory of Ukraine create the need to introduce an electronic procedure for the provision of administrative services through TsNAPy.

Streamline the planning process to align priorities, goals, and implementation efforts across management levels. The application of the reorientation method of municipal administration should be strengthened

in the consultation process to ensure the active participation of local self-government in public administration.

Strengthen inter-municipal cooperation by adopting a strategy of supra-local development and cooperation schemes. Seek and engage in dialogue at national and regional levels, as well as with other key relevant stakeholders. Local self-government bodies should systematically participate in official consultations organized by other levels of government.

Promote civic education to increase the level of population participation in local self-government. This will contribute to the formation of a culture of participation in public decision-making in the future. Involvement of citizens is a set of tools and technologies that allows to involve members of the territorial community in decision-making within the competence of the community and implementation of real self-government guaranteed by legislation. On the other hand, it is the use of expert, consulting and other resources of the territorial community to solve local problems [7, p. 14; 8, p. 9].

The usefulness of citizen involvement in decision-making within the powers of local self-government lies in the fact that such involvement: guarantees that legislative requirements regarding citizen involvement will be met; supports and legitimizes the directions of allocation of local budget funds; provides new approaches and solutions to complex issues, establishes policy priorities of local self-government bodies; ensures compliance of decisions made by local self-government bodies with the needs of city residents; offers deputies of local councils the most acceptable ways to ensure the publicity of the decision-making process; creates a basis for the involvement of citizens in the adoption of the most important decisions as a norm of activity, not an exception; ensures controllability and consistency of actions of all units of local government regarding methods that can be used to meet citizens' information needs; increases the efficiency of information exchange between citizens, businesses, public organizations and authorities; stimulates the involvement of volunteers to support the activities of local self-government bodies [8, p. 11].

The implementation of this direction is relevant in the context of the further development of the participation of self-organization bodies of the population in the management activities of local self-government bodies.

5. Conclusions.

Therefore, in our opinion, in order to improve the institution of local self-government, the following areas of its activity should be introduced or improved:

- 1) liquidation of local administrations, and formation of the institute of prefects;
- 2) development of cross-border cooperation of territorial communities and united territorial communities;
- 3) international cooperation, exchange of experience and implementation of joint international projects;
- 4) improving the qualifications of employees of local self-government bodies;
- 5) monitoring the results of the activities of local self-government bodies and evaluating the results of the activities of council deputies and the council itself by introducing a rating of council deputies;
- 6) ensuring digitization of information collection and processing processes between different levels of local self-government bodies;
- 7) ensuring accessibility of territorial community residents to public information about the activities of the local self-government body, as well as participatory planning of territorial community development programs;
- 8) creation of a favorable investment climate, which will make it possible to attract private investments in local development;
- 9) implementation of regional deurbanization policy;

- 10) creation of opportunities to provide greater and faster access to receiving administrative services through TsNAPy;
- 11) application of the reorientation method of municipal management;
- 12) promote civic education to increase the level of population participation in local self-government.

References:

1. Uhoda pro asotsiatsiiu mizh Ukrainoiu, z odniiei storony, ta Yevropeiskym Soiuzom, Yevropeiskym spivtovarystvom z atomnoi enerhii i yikhnimy derzhavamy-chlenamy, z inshoi storony [Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand] zakon.rada.gov.ua zakon.rada.gov.ua Retrieved from https://zakon.rada.gov.ua/laws/show/984_011#n2653 [in Ukrainian].
2. Postanova Kabinetu Ministriv Ukrainy «Pro zatverdzhennia Derzhavnoi prohramy rozvytku transkordonnoho spivrobitnytstva na 2021-2027 roky» [Resolution of the Cabinet of Ministers of Ukraine “On Approval of the State Program for the Development of Cross-Border Cooperation for 2021-2027”] (2021, April 14) zakon.rada.gov.ua zakon.rada.gov.ua Retrieved from <https://zakon.rada.gov.ua/laws/show/408-2021-%D0%BF#Text> [in Ukrainian].
3. Zakon Ukrainy «Pro transkordonne spivrobitnytstvo» [Law of Ukraine “On Cross-Border Cooperation”] (2004, 24 June) zakon.rada.gov.ua zakon.rada.gov.ua Retrieved from <http://zakon3.rada.gov.ua/laws/show/1861-15> [in Ukrainian].
4. Association of European Border Regions. URL: http://www.aebr.eu/en/members/list_of_members.php&usg=ALkJrhiL3e1H4VMCt2dUVFCFTbn7CrY7lw [in English].
5. Tymchko, I.I. (2019) Territorial community in the cross-border space: factors, regularities, development priorities: monograph. Lviv: State University “Institute of Regional Studies named after M.I. Dolishniy of the National Academy of Sciences of Ukraine”, 444 p. [in Ukrainian].
6. Zvit deputata mistsevoi rady: formalnist, komunikatsiia chy otsinka doviry vybortsiv? [The report of the deputy of the local council: formality, communication or assessment of voter trust?] Retrieved from <https://uplan.org.ua/analytics/zvit-deputata-mistsevoi-rady-formalnist-komunikatsiia-chy-otsinka-doviry-vybortsiv/> [in Ukrainian].
7. Ilkiv N.I., Karyi O.P. (2003) Rada ta hromada abo yak zaluchaty hromadian do mistsevoho samovriaduvannia. Posibnyk dlia pratsivnykiv orhaniv mistsevoho samovriaduvannia. K.: Akadempres. 132 s.
8. Karyi O.I., Panas Ya.V. (2015) Mistsevi initsiatyvy ta zaluchennia hromadskosti do zdiisnennia mistsevoho samovriaduvannia. Navchalnyi posibnyk dlia posadovykh osib mistsevoho samovriaduvannia. Asotsiatsiia mist Ukrainy. K., TOV «Pidpriumstvo «VI EN EI». 176 s.

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