

INTERACTION OF LOCAL SELF-GOVERNMENT BODIES AND LOCAL EXECUTIVE BODIES

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Annotation. *It was determined that the interaction of local self-government bodies and local executive bodies is a legally regulated, coordinated and coordinated activity of participants in public-legal relations who perform tasks and functions in the public interest within a defined administrative-territorial unit.*

Peculiarities of the interaction of local self-government bodies and local executive bodies are: 1) their activities are united by common goals and involve the performance of normatively defined tasks; 2) the spheres of their administration are clearly defined in the laws of Ukraine "On local state administrations" and "On local self-government in Ukraine", and the procedure is established by regulations; 3) public-legal relations arising in the process of interaction can be of different types (types): relations of coordination, subordination, reorientation; 4) can be both organizationally subordinated to each other and have independent rights and obligations; 5) control over the activities of subjects is carried out on a parity basis, i.e., the subject that delegated them controls the execution of delegated powers, and the one to whom such powers were delegated performs. Moreover, as noted above, local state administrations and local self-government bodies can delegate powers to each other; 6) regardless of the existence of different statuses of public authorities, the state and activity of one element are reflected in the state and activity of other elements related to it; 7) can be both between the subjects of interaction themselves, and between them and institutions of public society, that is, it is an agreed and coordinated activity of subjects of public administration both among themselves and with public organizations regarding the performance of joint tasks.

The interaction of local self-government bodies and local executive bodies is carried out in the following forms: 1. Appeal – a form of interaction in which local executive bodies and local self-government bodies can request and receive the necessary information both among themselves and, after preparing a joint appeal, apply to another body state power. 2. Assignment - a form of external interaction, in which the subject, endowed with the appropriate powers, gives instructions on the preparation of documents and the implementation of a system of measures to perform tasks in a certain area. 3. Recommendations - a form of interaction in which wishes, advice, instructions are expressed to organize and carry out certain administrative, organizational, legal and other types of measures, as well as to perform certain actions necessary for the fulfillment of the assigned tasks. 4. Organization of joint conferences, round tables and other scientific and educational events with the aim of developing public society institutions and protecting the rights, freedoms and interests of citizens. 5. Consultations and provision of conclusions.

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.

Public power at the local level is exercised by local state administrations and local self-government bodies (in terms of the performance of their delegated powers). Public power is a secondary category derived from the sovereignty of the people as the source of any form of power formation. Article 6 of the Constitution of Ukraine stipulates that state power in Ukraine is exercised on the basis of its division into legislative, executive and judicial. At the same time, such concepts as "state power" and "public power" should not

be equated, where the latter, in our opinion, is a broader concept. Thus, Article 7 of the Constitution of Ukraine recognizes and guarantees local self-government in Ukraine, which in its content represents the right of citizens to participate in the management of state affairs. Thus, local state administrations and local self-government bodies are subjects of public administration at the local level. These bodies are the closest to each other in their tasks and functions, their spheres of activity are similar, and powers can be delegated both from local state administrations to local self-government bodies and vice versa.

2. The state of development of this problem.

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3. The purpose of the article is the interaction of local self-government bodies and local executive bodies.

4. Presenting main material.

The etymological study of the term “interaction” is complicated by the fact that in dictionary literature it (as well as “coordination”) is defined through the word “agreement” [1]. Moreover, in dictionaries of foreign words, the term “interaction” is defined as a synonym for the term “coordination”. The military terminological system understands “interaction” as military actions shared in purpose, task, place, time and method of execution to achieve the goal of the operation [2, p. 219].

In our opinion, the peculiarities of the process of interaction of public administration subjects are: a) a type of agreed and coordinated activity; b) two- and multi-subject composition of subjects; c) normative and legal (legislative) regulation; d) performance of jointly targeted tasks; e) the state and activity of one element are reflected in the state and activity of other elements related to it, and the system as a whole; f) there is a rational distribution of the available forces and means when performing certain actions; g) takes place on a parity basis; g) has both internal organization and external relations; h) actions of interaction subjects have a common goal; i) systematicity and stability of connections during interaction.

Local state administrations exercise powers delegated to them by the respective regional and district councils. The delegation of powers by councils to local state administrations is accompanied by the transfer of financial, material and technical and other resources necessary for their implementation. Local state administrations are accountable and under the control of the respective councils in terms of delegated powers. The heads of local state administrations have the right to submit issues related to the implementation of delegated powers and other proposals to the relevant councils. Heads of regional state administrations have the right to an advisory vote at meetings of regional councils. The heads of district state administrations have the right to an advisory vote at meetings of district councils. The heads of local state administrations annually report to the relevant councils on budget execution, programs of socio-economic and cultural development of territories and delegated powers. Oblast and district councils can express no confidence in the head of the relevant local state administration, on the basis of which, taking into account the proposals of the higher-level executive authority, the President of Ukraine makes a decision and gives a reasoned answer to the relevant council [3, Article 34].

Local state administrations in the relevant territory interact with village, settlement and city councils, their executive bodies and village, settlement and city heads, contribute to the implementation of their own powers of local self-government, in particular, in solving issues of economic, social and cultural development of the relevant territories, strengthening the material and the financial base of local self-government, monitor the execution of the powers of executive authorities granted to them by law, consider and take into account in their activities the proposals of deputies, local self-government bodies and their officials. In the event that the local state administration considers issues that affect the interests

of local self-government, relevant local self-government bodies are notified in advance. Representatives of these bodies and officials of territorial communities have the right to participate in consideration of such issues by the local state administration, to express comments and suggestions. Heads of local state administrations, their deputies, heads of structural subdivisions of local state administration or their representatives have the right to attend meetings of local self-government bodies and be heard on issues related to their competence. Local state administrations do not have the right to interfere in the exercise of their own powers by local self-government bodies. In order to implement joint programs, local state administrations and local self-government bodies may enter into agreements, create joint bodies and organizations [3, Article 35].

Local bodies of executive power and bodies of local self-government interact with each other in the following directions:

1. social and cultural development by ensuring the availability and free of charge of education and medical care in the relevant territory, the possibility of receiving education in the state language, etc.

By decision of the Kyiv Regional Council No. 040-01-VIII on December 24, 2020, the Kyiv Regional Target Program "Care" for 2021-2025 was approved. The procedure for using the funds provided for in the regional budget for the provision of targeted monetary assistance to residents of Kyiv region who found themselves in difficult life circumstances and appealed to deputies of the Kyiv regional council was approved. The Department of Social Protection of the Population of the Kyiv Regional State Administration is determined to be the main administrator of budget funds and the responsible executor of the Program, and the Department of Social Protection of the Population of the Kyiv Regional State Administration, district state administrations to be determined to be the main executor of the Program [4].

2. use and protection of land, natural resources and environmental protection by submitting a proposal to the relevant local self-government bodies regarding the organization of territories and objects of the nature reserve fund of local importance.

3. ensuring legality, law and order, rights and freedoms of citizens by ensuring consideration of appeals from citizens and their associations, monitors the state of this work in local self-government bodies, enterprises, organizations and institutions located in the relevant territory.

4. economic development, which is expressed in the following actions: submits, in agreement with the relevant local self-government bodies, proposals for the creation of special (free) economic zones, changes in the status and territory of these zones; considers and makes decisions based on the proposals of local self-government bodies regarding draft plans and measures of enterprises, institutions, and organizations located in the relevant territory; develops proposals for financial and economic substantiation of the volumes of products to be sold for state needs at the expense of the state budget; on the proposal of local self-government bodies forms the volumes of products supplied for local needs at the expense of local self-government budgets and other sources of financing.

5. protection and defense of territorial communities take part in the introduction and implementation of measures of the legal regime of martial law.

The interaction of local self-government bodies and local executive bodies is carried out in the following forms:

1. Appeal is a form of interaction in which local executive bodies and local self-government bodies can request and receive the necessary information both among themselves and, after preparing a joint appeal, apply to another state authority.

Interaction with permanent commissions of local self-government bodies can also take place in the form of appeals. For example, an appeal to the Standing Commission of the Kyiv Regional Council on Ecology, Nature Management, Water Resources, Liquidation of the Consequences of the Chernobyl Nuclear Power Plant and other emergency situations to re-apply to the Department of Civil Protection, Defense and Cooperation with Law Enforcement Bodies of the Kyiv Regional Military (State) Administration with a request in advance and to submit in full for the consideration of the specialized permanent commission of the Kyiv Regional Council information on the planned changes to the activities and tasks of the

“Regional Target Program for the Protection of the Population and Territories from Emergency Situations of Man-made and Natural Nature for 2018-2023” (planning and implementation of purchases, changes and implementation activities, issues of creation and use of regional material reserve, purchase of special vehicles).

2. Assignment – a form of external interaction, in which the subject, endowed with the appropriate powers, gives instructions on the preparation of documents and the implementation of a system of measures to perform tasks in a certain area.

3. Recommendations – a form of interaction in which wishes, advice, instructions are expressed to organize and carry out certain administrative, organizational, legal and other types of measures, as well as to perform certain actions necessary for the fulfillment of the assigned tasks. For example, the Kyiv Regional Council recommended that the Department of Civil Protection, Defense and Cooperation with Law Enforcement Bodies of the Kyiv Regional Military (State) Administration take into account all the needs of the territorial communities of the Kyiv Region regarding shelter facilities and the alert system, etc.

4. Organization of joint conferences, round tables and other scientific and educational events with the aim of developing public society institutions and protecting the rights, freedoms and interests of citizens.

5. Consultations and provision of conclusions. Thus, consultations can be held regarding: 1) indicators of regional budget projects in terms of the distribution of investment subsidies for socio-economic development of territories and other programs between district budgets and budgets of cities of regional importance; 2) indicators of district budget projects in part: a) establishment of planned indicators for the formation of budgets of villages, towns, cities of district importance; b) distribution of interbudgetary transfers between the budgets of villages, towns, and cities of district significance; c) distribution of investment subventions for socio-economic development of territories and other programs between the budgets of villages, towns, and cities of district significance; 3) projects of regional socio-economic development programs [5].

A separate type of interaction between local executive authorities and local self-government bodies is international interaction.

Article 10 of the European Charter of Local Self-Government defines the right of local self-government bodies to freedom of association. Local self-government bodies have the right, exercising their powers, to cooperate and, within the limits of the law, to create consortia with other local self-government bodies to perform tasks of common interest. The right of local self-government bodies to be a member of an association for the purpose of protecting and promoting their common interests, as well as to be a member of an international association of local self-government bodies, is recognized by each state. Local self-government bodies have the right to cooperate with local self-government bodies of other states under conditions that may be provided by law [6, Article 10].

A necessary prerequisite for the implementation of international cooperation by local self-government bodies is the signing of protocols on intentions, agreements or contracts on cooperation (partnership, friendship and mutual assistance, joint activities, etc.), which fix the main goals and organizational and legal forms of joint interaction. It should be noted that these documents are not agreements of an international nature and refer to acts of local regulation, although they are concluded between subjects of different states. International cooperation of local self-government bodies has a multifaceted nature and creates a system of international relations at the local and regional levels, which, depending on various features, can be classified and identified as such organizational and legal forms of international cooperation [7, p. 24-25].

There are three levels of international cooperation of local self-government bodies. The first, general level includes the study, mastering and implementation of actual world standards for the formation, development and functioning of the local self-government system itself. This task is on the agenda at the state level (with its positive protectionism of local democracy) and at the level of local self-government itself, in whose existence territorial communities are interested. The second level covers the exchange of experience in the management of the local economy and the management of local and regional processes of the functioning of human settlements. It is about the study and implementation of global norms and standards of organizational and management activities and advanced management practices

on the ground. The third level involves the formation and development of multi-faceted and multi-level cooperation of local self-government bodies, public formations, business structures, residents of the relevant administrative and territorial units with foreign partners and is manifested through various connections. Interpersonal relationships play a crucial role in their implementation [7, p. 24].

Thus, within the framework of international cooperation between local bodies of public administration of Ukraine and foreign countries, several examples can be given:

1) a working meeting with the Mayor of Ferencvaros IX District of Budapest, Kristina Barani, and representatives of the Kyiv Regional Council in Kyiv, during which they visited Buchanska Hromada, Borodyanka, and other cities, towns, and villages of the region that suffered from Russian aggression;

2) a working meeting with the mayor of Brussels, Philippe Close, the state secretary of the Brussels Capital Region, Pascal Smet, and the delegation from the Belgian capital, who arrived in Kyiv, and with the mayor of Kyiv. As part of international cooperation, international colleagues handed over to Kyiv two modern ambulances, medical equipment, 20 wheelchairs for moving patients who cannot move on their own.

4) a working meeting of the mayor of Kyiv and the head of the Association of Cities of Ukraine and the vice-president of the Association of Municipalities of the Netherlands Sharon Dijksma. This international interaction has been going on for 20 years and embodies joint projects. Today AMU and VNG are implementing a project to restore Ukrainian cities, villages and towns. Currently, 4 communities from the Kherson and Mykolaiv regions are taking part in it (Kherson, Ochakiv, Beryslav, the village of Visokopillya);

5) participation in the Summit of Cities of North and South America in Denver, on the initiative of the US State Department and with the support of USAID, where the support of Ukraine, assistance in reconstruction that can be provided by cities of different countries to Ukrainian cities, its development and cooperation were discussed. About 2,000 city mayors and local self-government representatives from 35 countries took part. With the US Deputy Secretary of State for Economic Growth, Energy and Environmental Protection, Jose Fernandez, together with the mayors of 4 Ukrainian cities, they discussed the future reconstruction of Ukrainian cities, the reforms that need to be implemented today, even in war conditions."

Thus, we note that in the conditions of martial law, in our opinion, the issue of international assistance at the level of local self-government in the reconstruction of cities and entire regions of Ukraine is particularly acute. Before the full-scale invasion of the Russian Federation, such interaction took place only in the framework of the exchange of experience and in matters of Ukraine's integration into the European Union. At the same time, currently, local bodies of public administration and representatives of local self-government of foreign countries face other tasks, and the ways to solve them are complicated.

5. Conclusions.

Therefore, the interaction of local self-government bodies and local executive bodies is a legally regulated, coordinated and coordinated activity of participants in public-legal relations, who perform tasks and functions in the public interest within a defined administrative-territorial unit.

In our opinion, the peculiarities of the interaction of local self-government bodies and local executive bodies are:

1) their activity is united by common goals, involves the performance of normatively defined tasks;

2) the spheres of their administration are clearly defined in the laws of Ukraine "On local state administrations" and "On local self-government in Ukraine", and the procedure is established by regulations;

3) public-legal relations arising in the process of interaction can be of different types (types): relations of coordination, subordination, reorientation;

4) can be both organizationally subordinated to each other and have independent rights and responsibilities. For example, the executive body of the Kyiv City Council is the Kyiv City State Administration, which simultaneously performs the functions of the state executive power, which is a feature of the exercise of executive power in the city of Kyiv;

5) control over the activities of subjects is carried out on a parity basis, i.e., the subject that delegated them controls the execution of delegated powers, and the one to whom such powers were delegated performs. Moreover, as noted above, local state administrations and local self-government bodies can delegate powers to each other;

6) regardless of the existence of different statuses of public authorities, the state and activity of one element are reflected in the state and activity of other elements related to it;

7) can be both between the subjects of interaction themselves, and between them and institutions of public society, that is, it is an agreed and coordinated activity of subjects of public administration both among themselves and with public organizations regarding the performance of joint tasks.

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