

Analysis of the Work of Local Authorities and the Functioning of Public Structures in Ukraine

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Abstract: The purpose of the article is to carry out a comprehensive study of practical aspects of local self-government in the context of the functioning of territorial communities in Ukraine. The purpose of the analysis of regulatory legal acts in the field of local self-government of Ukraine is determining the impact of international standards of local self-government on local self-government of Ukraine, reviewing recent reforms in the field of local self-government. The study uses the methods of analysis and synthesis, comparative analysis, system analysis, description, generalization. The use of these methods allows us to establish what impact modern reforms have on local self-government in Ukraine and how the European experience of local self-government helps in the development of territorial communities in Ukraine. The obtained results of the study allow us to state that local self-government in Ukraine has undergone significant changes after the adoption of regulatory legal acts on decentralization and territorial communities. Foreign experience demonstrates that issues of local self-government have an impact on the functioning of settlements, the well-being of the population, and the development of economic conditions for the recovery of depressed regions. At the same time, local self-government in Ukraine requires further improvement, which will allow creation of an effective system where each member of the territorial community feels their direct influence on the development of a successful region. The obtained results are effective for establishing the practical aspect of the impact of local self-government reform in Ukraine on the real situation of territorial communities and their economic indicators. The value of the study lies in the fact that there was a comparison of indicators of the development of settlements before and after decentralization, which allows us to conclude about the effectiveness of the functioning of territorial communities as subjects of local self-government.

Keywords: public authority, local self-government, territorial community, human rights, human resident, human member of the territorial community, municipalism, globalisation.

Introduction

The issue of local self-government in Ukraine has always been relevant, due to the need for systemic reform of the organisation of power at the local level. This leads to the consideration of the problem of effective organisation of local self-government, in particular, more and more attention is paid to territorial communities. Territorial communities are a governing entity that has the scope of powers to exercise self-government at the local level and ensure state administration. They are the primary subject of local self-government and the primary link in public administration, and reflect the decentralisation policy. The significance of territorial communities lies in the fact that they ensure compliance with democratic principles at the local level and promote the development of local self-government. At the same time, almost all countries are now paying attention to local self-government since it is the key to economic growth [1].

The growing attention to territorial communities as a form of local governance is directly related to the phenomenon of globalisation. According to this phenomenon, all processes in the state and its international partners take place with due regard for the phenomena of consolidation and amalgamation, when organisations and social institutions form large complexes together. A key aspect of globalisation is municipalism. Its essence is manifested in the recognition of local self-government as an important part of public administration, which ensures public policy at the local level and promotes economic growth in the region [2].

The concept of municipalism is based on the understanding of the importance of a resident who is committed to the well-being of his or her region and who knows better what should be changed in his or her locality than a person who holds an important position at a higher level of government. As a member of the territorial community, such a resident has the opportunity to influence decisions regarding his or her region of residence and direct local policy in a more effective way [3].

Accordingly, it can be argued that territorial communities as subjects of local self-government and as units of public administration play an important role in the decentralisation policy. It is the concept of a territorial community that reflects the principles of democracy in the state. Therefore, the study analyses the practical aspects of local self-government in the context of the functioning of territorial communities in Ukraine.

Literature Review

The issue of analysing the practical aspects of local self-government in relation to the operation of territorial communities in Ukraine has been studied by a number of domestic researchers. In particular, the scholar Bobrovskiy [4] emphasises that territorial communities are of great value due to their influence on the social strata since they are able to formulate a socially oriented economic policy of the area. The creation of territorial communities has a positive impact on the welfare of the population, as a member of a territorial community has sufficient knowledge of the optimal use of resources and the economic potential of the region. As a result, the residents of such a community are aware of the importance of their locality for the national economy and understand that their community can compete with other cities and villages in attracting investment, providing jobs, introducing new approaches to the organisation of social infrastructure, and developing critical infrastructure enterprises.

The researcher Piddubna [5] draws attention to the legal aspects of community functioning. In her opinion, territorial communities have all the features of a legal entity since they can be independent subjects of civil legal relations, have separate property, and they are characterised by organisational unity, and participate in court hearings as a defendant and a plaintiff. In general, the scholar believes that territorial communities operate in accordance with civil law, as they are a public legal entity formed as a result of the reorganisation of village, town and city councils. From this perspective, it is important to note that the legal entity was joined by other local government entities, which allowed for the creation of a community with its own administrative centre.

This standpoint is also supported by scholars Poproshaeva and Shulepova [6]. In their opinion, the legal aspect of communities is one of the main ones in determining the status of communities in the local self-government system. In particular, its charter is the main legal act on the basis of which the community functions. It is characterised by the presence of sections or chapters that reflect municipal norms; it has mandatory and additional provisions; it is constructed according to the historical and cultural traditions of local self-government in the region. Mostly, all statutes of Ukrainian communities have a similar structure, in particular, they include general provisions, sections on local self-government in a city or village, sections on budgetary and property issues, sections on officials and authorities, guarantees of local self-government, sections on relations between the territorial community and other local self-government bodies, and final provisions.

The scientist Tarasenko [7] draws attention to the fact that the functioning of a territorial community as a legal entity is a legal innovation since it contradicts the norms of current legislation. The scholar explains that the community is an entity that has been artificially introduced into the system of local self-government and public administration without observing the basic principles of self-organisation of the population and public policy. In addition, civil law does not define communities as legal entities, which is inconsistent with other legislative provisions. Accordingly, pursuant to a ruling of the Supreme Court of Ukraine, a territorial community is not a legal entity since it can neither be registered nor acquire legal capacity. At the same time, communities have civil capacity, as they can perform the functions and powers assigned to them from the date of their establishment until the date of their reorganisation or termination. In addition, if a community is under occupation, it cannot change its status, as this would contradict the norms of state sovereignty. In general, the researcher considers the issue of community status as a problem that reflects inconsistencies in the legislation on local self-government.

The scholar Benovska [8] draws attention to the possibility of classifying territorial communities into basic and associated ones. The researcher classifies basic communities as settlement, village, and urban communities that are not divided into districts, and also those where the place of residence is a territorial unit. At the same time, associated communities are those that are divided into districts and within which local issues are resolved. This arrangement suggests that associated communities are larger in size than basic communities, and local self-government in these communities is aimed at addressing local issues. At the same time, regardless of the classification, the researcher defines a community as a social entity that addresses economic, political, environmental, and cultural issues within a certain territory. In addition, socio-cultural interests are the guideline for the implementation of local government policy.

The scientist Bezpalko [9] emphasises that communities as administrative-territorial units provide significant economic development at the local level. This is due to the fact that communities are united on the principle of voluntariness, and thus their formation allows for improving the level of service provision to the population, enhancing the regional healthcare and education systems, ensuring the development of social infrastructure and building a system of social protection bodies, improving the financial support of the territorial unit and budget allocation, and increasing the level of housing and communal services. At the same time, the issue of human resources is better resolved in communities compared to the system of division into districts since the human potential is optimised and specialists familiar with the problems of the territorial community are involved. At the same time, the community has the opportunity to build infrastructure on its own, as it decides on budget revenues and expenditures, redirects funds from one budget item to another, invests, attracts investments, and uses funds from the reserve fund at the local level. An important aspect of community influence on the economic development of the region is the ability to manage social transfers, which allows us to talk about the ability to determine the size and scope of social payments. Accordingly, the effective organisation of financial support for the territorial community and the rational allocation of funds determine the ability of the community to perform local government functions without attracting state budget funds or through subsidies.

The scholar Panchyshyn [10] draws attention to the functions of communities, emphasising that they are broader than the functions of local governments. In his opinion, the functions of communities can be divided into the following types: informational, material and technical, budgetary and financial, rule-making, planning and programming, environmental, social, and cultural. In addition, the scientist emphasises that it is possible to define the powers of communities themselves, executive committees at village and city councils, and bodies of self-organisation of the population.

The researcher Ladonko et al. [11] agrees with this classification, but adds her own classification, according to which the functions of territorial communities are their own and delegated. She classifies the functions of local self-government as administrative, law enforcement, stabilisation, political, and communication, that is, those functions that were performed by those local self-government bodies that existed before the formation of territorial communities. The delegated functions include those that were acquired by communities after they received their status. These functions include information functions, material and technical functions, budgetary and financial functions, planning and programming. In fact, after the start of decentralisation, communities began to perform more functions, their powers expanded, and they were able to represent public authorities more effectively. The scientist also determines that communities can also perform an advisory and consultative function, which means that territorial communities can submit decisions of a recommendatory and advisory nature to higher authorities and other local self-government bodies for consideration. Such decisions may be rejected, which may be due to insufficient number of votes, inexpediency of the decision, lack of resources for implementation of the decision.

The scholar Yaroshenko [12] determines that the main features of communities distinguish them from other self-government bodies. The researcher identifies the key feature of a community as a territorial one, which characterises the cohabitation of people on the territory of a particular community. The next important feature is the integrative one, which is manifested in the association of residents of the same territory permanently residing in the same place, regardless of their status (citizen of Ukraine, foreigner, stateless person). The scholar also highlights the intellectual feature, which is characterised by the fact that community residents have common interests; they are aware of community problems and try to make decisions to improve living conditions in the community through self-organisation. The property feature implies communal ownership, which reflects the fact that the territorial community owns property, local budget revenues, land, natural resources, and other income. The self-governing feature reflects the community's ability to exercise local government functions and implement state policy in the region. The fiscal feature is that the territorial community receives funds to the budget that are paid by local residents as taxes.

Materials and Methods

This study includes general scientific research methods and specifically scientific research methods. General scientific research methods include the method of analysis and synthesis, comparative analysis, description, and generalisation. The method of analysis and synthesis makes it possible to determine the essence of a territorial community as a unit of administrative and territorial division. The method of comparative analysis involves comparing the indicators of territorial communities with the indicators before the introduction of decentralisation. The method of description provides for the disclosure of the significance of a territorial community for local self-government. The method of generalisation involves summarising the results of the study.

The method of system analysis is a method of specific scientific research. It was used to reflect the relationship between the reform of local self-government and the formation of territorial communities, the influence of foreign experience on territorial communities in Ukraine, the legal aspects of the functioning of territorial communities and the practical experience of implementing decentralisation ideas.

The study was based on the Cherkasy amalgamated territorial community, in particular, an analysis of its indicators before 2018 and after 2018, which reflects the impact of decentralisation on the economic situation of the territorial community. The study was based on the official website of the territorial community.

Results

The issue of local self-government is important for our country since it is at the local level that the main issues related to the functioning of the central government of Ukraine are implemented. According to the Constitution of Ukraine [13], territorial communities have the right to resolve issues of local importance and ensure local self-government. The Law of Ukraine “On Local Self-Government in Ukraine” [14] defines systemic guarantees of functioning, legal status, and responsibility of local self-government officials. The key regulatory act in the field of local self-government is the Law of Ukraine “On the Voluntary Unification of Territorial Communities” [15], according to which territorial communities are formed by voluntary unification of villages, towns, cities, as well as their accession to other territories. The Law of Ukraine “On Cooperation of Territorial Communities” [16] defines the foundations and principles of partnership between territorial communities.

The Ukrainian experience shows that communities have a positive impact on the socio-economic situation in a particular area. The functioning of territorial units allows optimising resources, including human resources, as well as making local decisions, allocating finances and budgets more efficiently, and establishing relevant bodies if necessary [17]. The powers of communities include the management of communal property, which allows optimising the use of real estate and other objects that fall within the scope of management [18]. They have the authority to formulate the budget and control its implementation. The significance of territorial communities lies in the fact that they are able to resolve local issues without the involvement of central authorities, which allows them to make timely decisions and effectively solve local problems, which allows them to systematically and comprehensively improve the living standards of the community’s population [19].

The reform of local self-government in Ukraine is also heavily influenced by foreign experience. In particular, the European documents on this issue state that the importance of local governments lies in their ability to solve problematic issues of the local area in close communication with citizens. At the same time, the local level can modify its activities and functions if it allows solving the problems of the local settlement. According to the charter, financial systems are separate, which allows for optimal use of resources and budget equalisation, and as a result, funding sources are distributed evenly. This allows for the protection of the economic interests of local governments and community residents [20].

The experience of the European Union countries shows that territorial communities are key links in the development of public policy. Their functioning makes it possible to regulate social processes and determine their dynamics, focus on the development of individual territories and at the same time pay sufficient attention to all administrative units, ensure coordination of different levels of government and public administration, pay attention to urbanisation processes and develop rural areas, integrate the policy of protecting different territories into local government, ensure uniform financing of territories and improve the level of investment in “depressed regions”. The functioning of communities allows monitoring the targeted use of funds and the dynamics of regional development [21].

In order to determine the practical impact of community formation on the region's indicators, a study of the indicators of the Cherkasy amalgamated territorial community before 2018, when it was formed, as well as after 2018 [22] was carried out. The obtained indicators are shown in Table 1.

Table 1. Indicators of the Cherkasy amalgamated territorial community for 2017–2024

Evaluation parameter	Indicator for the year (in %)			
	2017	2018	2020	2024
Execution of the budget	81,0	99,2	98,2	100,7
Official transfers	83,0	99,4	99,9	99,7
Tax revenues	109,5	113,4	111,1	160,1
Trust funds	0,0	0,0	0,0	9,9
Non-tax revenues	0,0	0,0	131,7	81,4
Expenditures	91,2	96,3	99,4	121,9
Ensuring the operation of inclusive resource centres	0,0	0,0	94,8	89,7

Source: [22]

The obtained indicators suggest that the activity of this territorial unit has become more efficient compared to the previous period when the village of Orshanets and the city of Cherkasy existed as separate administrative units. In particular, the indicators of budget execution, tax revenues, expenditures and official transfers, and the provision of inclusive resource centres have increased. The indicators of trust funds and non-tax revenues have not changed significantly. This suggests that despite the optimisation of local self-government through the accession of settlements to territorial communities and their amalgamation, there are still problems with the functioning of territorial communities.

In particular, the allocation of resources is a problematic aspect. Thus, the idea of a separate settlement reflects the concept that the unification of different settlements allows for optimisation of resources and more sources of income, as well as more efficient spending. At the same time, not all communities can ensure the development of settlements in a given territory, which is related to demographic indicators, employment and unemployment rates, economic indicators, and the availability of social infrastructure. Territorial units with low incomes require state subsidies since the socio-economic situation may only deteriorate after amalgamation [23].

Attracting investment is a problematic aspect of community functioning. It is difficult to attract investment at the local level, as established mechanisms are required, and in order to attract partners' funds, it is necessary to convince them that such investments are profitable. If an area with developed infrastructure, human potential, natural and other resources needs investment, then it is relatively easy to attract investors to cooperate, while small communities that do not have strong resources have a hard time attracting investors [24].

In addition, few communities have the ability to improve infrastructure, including communal, road and social infrastructure. A problematic aspect is the real estate objects that take a long time to build and lose their significance due to the reorganisation of other objects. In particular, these are educational and healthcare facilities that may not be completed due to a lack of budget funds or a reduction in the number of relevant institutions in the system. Accordingly, if a settlement has been merged into another community, the need for a hospital to be located there is lost [25].

The functioning of communities promotes cooperation between different communities. However, the problematic aspect is that such communities may not have sufficient income and resources to take the minimum steps to achieve the desired results. Therefore, state support in this case is important, as such cooperation may be beneficial for some communities, while it may be inaccessible or unprofitable for others [26].

Therefore, it can be argued that despite the ability of communities to function effectively, to fulfil the powers of local self-government bodies, to ensure the development of the socio-economic situation in the region, state assistance is important for them, since it helps resolve issues with insufficient resources.

Discussion

The conducted research on the analysis of the practical aspects of local self-government in the context of the functioning of territorial communities in Ukraine has revealed that communities are key links in public administration. However, there are aspects that determine the problematic nature of the functioning of territorial communities in their current form.

For example, the researcher Notsyk [27] argues that foreign documents on this issue are those legal acts that establish basic standards for the functioning of communities. Our state, adhering to the Charter, can effectively form a modern system of local self-government and ensure the protection of various units of territorial division in terms of their economic development. However, it can be argued that this document takes into account the peculiarities of local self-government in European countries, therefore, it cannot directly guide Ukrainian policy makers in the development of local self-government. Guided by certain norms of the charter, it is necessary to form a system of self-government that will take into account the history and culture of local self-government, economic and social indicators of individual territories, and the potential for attracting additional resources. Therefore, more attention should be paid to the creation of regulations that will take into account the specifics of building local self-government in Ukraine and the adaptation of international treaties on territorial communities to domestic realities.

As it has already been identified, the formation of communities can lead to new problems that the amalgamated territories may face. This is especially true for those communities that were territorially part of different districts and thus were different administrative units. This suggests that the unification does not always guarantee an increase in the economic condition of the settlement and the region. At the same time, the scientists Stehnei and Lintur [28] are convinced that the formation of communities definitely leads to an increase in the economic power of the community and allows for more efficient use of human potential. The scholars also believes that with the establishment of a community, the standard of living of the population of the territory increases, although practice shows that the creation of a community does not mean that residents will live more comfortably.

It can be argued that the development of Ukrainian communities should be based on the ratio of real indicators of economic and social development of communities that have already been formed. The scientists Serohin et al. [29] are convinced that strategic and long-term planning does not reflect the real state of implementation of territorial community programmes. Therefore, European documents on local self-government are not suitable for implementation in our country.

Conclusions

The issue of local self-government in Ukraine is a key one in terms of globalisation processes affecting our country. The analysis of the literature on the practical aspects of local self-government in the context of community functioning in Ukraine shows that there is no unified position of researchers on the effectiveness of community functioning. The practical study has shown that despite the positive changes after the introduction of decentralisation and the improvement of regional development with the creation of communities, there are problems of practical importance that require a quick solution. Thus, the problems of territorial communities include a lack of resources, issues with investment, difficulties in cooperation between communities, and infrastructure problems. Solving these problems requires the comprehensive implementation of in-depth cooperation between the state and communities, the creation of support programmes for “depressed regions”, the involvement of specialists in communities with a lack of human resources, the development of cooperation between communities, and the attraction of foreign investment. Each community should focus on obtaining real indicators, rather than trying to demonstrate the best result, while hiding its problems or showing incorrect data. This is the only way to achieve effective local self-government organisation and promote the development of territorial communities.

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