

3. Improving the organizational structure of local self-government bodies in the conditions of decentralization of power

Local self-government in Ukraine is a state-guaranteed right and real ability of a territorial community – villagers or voluntary association of residents of several villages, settlements, cities – independently or under the responsibility of bodies and officials of local self-government – to decide local issues within Constitution and Laws of Ukraine. Local self-government is carried out by territorial communities of villages, settlements, cities both directly and through village, settlement, city councils and their executive bodies, as well as through district and regional councils representing common interests of territorial communities of villages, settlements, cities.

One of the tasks that needs to be urgently addressed is the implementation of state and legal reform, the most frequent component of which is the construction of effective systems of state executive power and local self-government. To a large extent, its effectiveness will depend on the correct choice of strategy for further development of public administration institutions, the implementation of the Constitution of Ukraine, the state of legal culture in society, the perfect organization of local authorities and local governments. Implementation of administrative reform, improvement of the activities of the local administrative apparatus and local self-government bodies are impossible without a deep scientific substantiation, without research of their organizational and legal aspects. When studying the problem, special attention should be paid to the specifics of the regions, because its consideration to some extent determines the effectiveness of local authorities [38].

Real, not declarative expansion of local government rights. Not a competition between the government and the President – who will lead local administrations, but the transfer of power to local councils and their executive bodies. The key task is to ensure the financial and resource self-sufficiency of local councils. At the same time, the expansion of the powers of local self-government should not destroy the integrity and unity of the system of public administration. Each level of organization of power (self-government) must perform its own, unique functions, and the system of power

must act as a single organism. The main problem in the formation of effective local government in Ukraine and socio-economic development of the state is the formation of the institution of communal property, the scope of powers of local governments in exercising ownership of communal property [39].

The need to strengthen the political status of local self-government as a grassroots level of public authority is argued in many scientific papers, but this should be supported not only by references to generally accepted European standards and principles of democracy, but also by more real factors that would emphasize decentralized governance. The systematization of reforms in terms of priority should be set by the updated Constitution, which would guarantee a higher political status and European standards of local self-government. World experience and practice show that the reform process should begin with the development of the foundation of the territorial organization of power, with the formation of an economically viable community, with the reform of the administrative-territorial system [40].

During the centuries of foreign domination, Ukrainian society, being under various state formations, still maintained unity not because of the government, but against it, and accumulated a certain civic potential of self-government. The transformation of civil society requires an in-depth study of the constitutional and legal aspects of the organization and implementation of local self-government in Ukraine, time and practice pose new doctrinal and specific legal challenges.

Using the experience of European democracy in Ukraine, the rule of law and civil society are being built at the same time, including local self-government with its own socio-cultural and historical traditions, culture and mentality of Ukrainians.

The Constitution of Ukraine of 1996 created the constitutional and legal preconditions for the development of local self-government, defined the general principles of the constitutional model of territorial organization of local government and conceptual areas of activity of executive bodies of local self-government in Ukraine. In accordance with Part 2 of Art. 5 of the Constitution of Ukraine, the bearer of sovereignty and the only source of power in Ukraine is the people. The people exercise power directly and through public authorities and local governments.

According to the Constitution of Ukraine, local self-government is the right of a territorial community – villagers or voluntary association of residents of several villages, towns and cities – to decide on local issues within the Constitution of Ukraine and laws of Ukraine. Thus, in Ukraine, local self-government is recognized and guaranteed (Article 7 of the Constitution of Ukraine) [41].

The Constitution of Ukraine enshrines only the self-governing principle of local issues, based on self-organization and self-responsibility of local residents – members of territorial communities of villages, towns and cities, as well as their elected bodies and officials of local self-government [41].

The paradigm of civil society development formulated in the Constitution of Ukraine is the basis for harmonizing the interests of all its institutions. Local self-government is important in the system of civil society, appears as a factor in intensifying political and social activity of the population, which allows local communities to effectively address issues of local importance.

O.Yu. Todyka rightly noted that local self-government plays a special role in the formation of civil society in Ukraine, while being both a mechanism for its formation and an integral part of it. Involvement of members of the local community in the process of making socially significant decisions is one of the important mechanisms of real democracy [42].

Conceptual principles for the construction and functioning of the local self-government system are defined and set out in the World Declaration on Local Self-Government and the European Charter of Local Self-Government. Thus, in accordance with Art. 3 of the European Charter of Local Self-Government is the right and real ability of local self-government bodies to regulate and manage a significant part of public affairs, acting within the law, under their own responsibility and in the interests of the local population. This right is exercised both by elected and executive bodies and directly by the territorial community through the use of various forms of direct democracy. This Charter was ratified by the Law of Ukraine “On Ratification of the European Charter of Local Self-Government” of July 15, 1997 [43] without any reservations. It should be noted that most of the provisions of the current Constitution

of Ukraine are based on the provisions of the Charter, which objectively and naturally correspond to the European choice of Ukraine.

Thus, the European Charter of Local Self-Government is now formally a component of Ukrainian legislation and should be directly applied in real life. The definition of the Charter refers not only to law, but also to real ability, which means a simple thing. There can be no local self-government where there is no capacity to exercise the powers granted [43].

Conceptual analysis of official and other versions of draft laws amending the Constitution of Ukraine, developed in 2003-2014, allows us to conclude that the authors (or at least declare them) of almost all of these bills change the philosophy of the whole model of local government regulation.

In essence, it is proposed to move from the current conservative model of local self-government, in which local self-government is carried out only at the level of territorial communities, and at the level of regions – regions and districts – is actually symbolic, to a full system of local self-government at all levels. Implementation of the principle of universality of local self-government known in world municipal practice in Ukraine would create legal conditions for intensification of vital activity of territorial communities, clear territorial boundaries of their municipal activity, promote decentralization of public power, delimitation of functions and powers of central and local executive bodies, expanding the independence and responsibility of territorial communities in solving problems of livelihood and development of territories, cities, towns and other settlements, taking into account local specifics, socio-economic characteristics and cultural and historical traditions of communities and regions [43].

Approved by the Cabinet of Ministers of Ukraine on April 1, 2014, the Concept of Reforming Local Self-Government and Territorial Organization of Power in Ukraine defines the main ways to solve the problems of the existing system of local self-government. The key issues that determine the essence of changes in this system are: determining a reasonable territorial basis for the activities of local governments and executive authorities; creation of appropriate material, financial and organizational conditions to ensure the exercise by local governments of their own and delegated

powers; separation of powers between local self-government bodies and executive bodies at different levels of the administrative-territorial structure according to the principles of subsidiarity and decentralization; maximum involvement of the population in management decisions, promoting the development of forms of direct democracy [44].

The adoption of the Law of Ukraine “On Cooperation of Territorial Communities” of June 17, 2014 [45], the Law of Ukraine “On Voluntary Association of Territorial Communities” of February 5, 2015, and the Law of Ukraine was aimed at ensuring the development of local self-government. “On Principles of State Regional Policy” of February 5, 2015. The adoption of new legislation has led to changes in such a conceptual concept as “local self-government system”, which is reflected in the amendments to the Law of Ukraine “On Local Self-Government in Ukraine” February 2015. After finalization, the list of elements of this system includes: territorial community; village, settlement, city council; village, settlement, city mayor; executive bodies of village, settlement, city council; the mayor; district and regional councils representing the common interests of territorial communities of villages, settlements, cities; bodies of self-organization of the population [46].

The Sustainable Development Strategy "Ukraine – 2020" of January 12, 2015 defines the purpose and priority conditions – defense, socio-economic, organizational, political and legal, the implementation of which will ensure full membership in the EU. It is necessary to reach a consensus in the relations between the government, business and civil society, which must exercise control over the government, live in accordance with the principles of the Constitution of Dignity and strictly adhere to the Constitution of Ukraine and the laws of Ukraine.

The priority direction of the state policy in the field of local self-government was to ensure the implementation on the ground of the Development Strategy of Ukraine – 2020, namely: directing the activities of local governments on such vectors of movement as: sustainable development of the country; security of the state, business and citizens; responsibility and social justice; pride in Ukraine in Europe and the world; decentralization and local government reform; public administration reform;

involvement of local self-government bodies in the implementation of 10 priority reforms in total.

Following the decisions of the III Warsaw Summit of Heads of Government and Heads of State of the Council of Europe, the European Strategy for Innovation and Good Governance at Local Level was developed and approved by the Committee of Ministers of the Council of Europe in 2008. Adoption of this Strategy local democracy, as one of the most important prerequisites for reforming the system of local self-government in Ukraine and other European countries is the ability of local self-government to effectively exercise the growing number of powers delegated to them by central authorities to provide better services. The implementation of the Strategy should contribute to the achievement of the following results: citizens should be at the center of all the most important democratic processes in society; local governments must constantly improve the management and delivery of services in accordance with the 12 principles set out in the European Strategy, namely:

1. Fair elections, public representation and participation, in order to ensure a real opportunity for citizens to participate in local affairs.
2. Sensitivity – the appropriate response of local authorities to the legitimate expectations and needs of citizens.
3. Efficiency and effectiveness, the most rational use of local community resources.
4. Openness and transparency, ensuring public access to official information in order to understand the local community how public affairs are managed.
5. Rule of law, in order to ensure justice and political neutrality of local authorities in their activities.
6. Ethical behavior – the predominance of public interests over private ones.
7. Competence and ability. Ensuring professional performance of duties by representatives and officials of local self-government.
8. Innovation and openness to change – the application of new approaches and practices in management.
9. Reliable financial management, ensuring economical and productive use of

public finances and other material resources.

10. Sustainable development and focus on long-term results, in order to take into account the interests of future generations in preserving the national (local) cultural heritage and the environment.

11. Human rights, cultural diversity and social cohesion, in order to ensure the protection and respect of all citizens.

12. Accountability – the responsibility of local government officials for their actions [47].

International practice shows that local self-government is an essential element of civil society, although quite specific. On the one hand, it is a power structure without which civil society cannot exist. On the other hand, it is a part of civil society that represents the whole community in government structures and ensures the realization of the rights of the population to exercise local self-government.

In all Western European countries, local self-government is seen as an essential part of governance, a necessary complement and counterbalance to central governance, and a guarantee of democratic public health.

The system of local self-government of European countries was formed over many centuries under the strong influence of general cultural and political traditions, peculiarities of administrative-territorial structures, the level of political and legal regulation of central authorities. This explains the specificity and diversity of local self-government systems on one continent. It is obvious that such systems were not copied from any one model, but matured in the depths of a society. In recent years, there has been a tendency to gradually reduce differences and strengthen common features in the structure, nature, functionality of local governments in different countries.

The precondition for the constitutional reform of local government was the desire to borrow from the positive experience of foreign countries, to bring Ukrainian municipal institutions closer to European civilization, to guarantee the protection of local self-government, its independence, and democratic principles of municipal government.

At the constitutional and legislative level, Ukraine can use the positive world

experience in forming its own model of local self-government. It is necessary to focus on: analysis of national conditions of organization and activity of the relevant authorities, taking into account the administrative-territorial structure; decentralization of management and transfer of greater powers to the local level; historical, financial and other conditions of development of territories and the state as a whole.

Thus, the process of transferring powers from state authorities to local governments is gradual and is not complete due to the need to improve the legislation of Ukraine.

It should be noted that the revival of local self-government in Ukraine is impossible without its reform, which is a necessary prerequisite for overcoming the systemic crisis in our country. Despite the announced reforms, today neither Ukrainians nor international experts show real changes in Ukraine. The indicator is the place of our state in various international rankings. The state of local self-government does not meet the needs of Ukrainian civil society, and the principles of local self-government are hardly implemented in practice.

To overcome the calls for federalization, violations of domestic law and state sovereignty, it is necessary to improve and implement an effective mechanism for implementing constitutional and legal norms that will ensure the existence of effective local self-government in our country.

The history of a decentralized state is a history of contradictions related to the search for the best form of organization of state power. Over the last few decades, the concept of decentralization has been central to Europe, and it has also become unifying in terms of the economic development of regions in this part of the world. Decentralization as a concept takes many forms, given the history of countries, levels of development, culture and approaches to public administration.

Public power comes in two forms – state power and local self-government. The system of public authority exists and operates at the expense of taxes on the population and enterprises in order to act in the public interest. However, under the current conditions of Ukraine's transition to democracy, the mechanism of public authority needs further development and improvement.

One of the ways to optimize public administration is decentralization – the transfer of some powers to bodies that are not subordinate to the central government, but are elected or created by the community. The process of decentralization, for example, is still going on in France and Germany – some improvements and adjustments are still being made from time to time. The traditionally established view of decentralization as a process in which independent units are formed within the centralized state, which are the bearers of local self-government (community), requires the development of new approaches to the analysis of its content.

The problem of decentralization of power in Ukraine is not new, but remains relevant, because under the current system of state-building – management is too concentrated in the center, lacks resources and, consequently, the functioning of local executive power is not dynamic enough, there are conflicts between local authorities and , as a result – the alienation of people from it. In view of this, the legal regulation of these problems needs to be improved and brought into line with the Constitution of Ukraine. First of all, it concerns the development of local self-government, strategic planning, and especially the state budget policy. Improving local government, in particular the interaction of public administration and local self-government, remains relevant today.

An effective solution to local issues requires a model that would ensure the necessary unity of state power with the simultaneous independence of territorial communities. The maximum possibilities of self-government in order to develop democracy and ensure the sovereignty of the people, and the optimal ratio of public administration and self-government, their ratio at the local level should be determined in society. In the context of reforming Ukrainian society, solving this problem is extremely important.

The topic of decentralization of power in the Ukrainian practice of state-building has always occupied an important place since the proclamation of Ukraine's independence. This problem was especially acute in 2014. The domestic political development of the state and the external situation around Ukraine have exacerbated

the issue of decentralization of power – the transfer of powers and resources to lower levels of public administration.

Decentralization is one of the forms of democracy development, which allows preserving the state and its institutions, expanding local government, activating the population to address their own needs and interests, narrowing the sphere of state influence on society, replacing this influence with self-regulatory mechanisms developed by society. and taxpayers for the maintenance of the state apparatus and its material appendages – the army, police, etc.

In Ukraine, during the years of independence, the first steps were taken to institutionalize democratic decentralization in terms of creating a legal basis for the decentralization process. The current Constitution enshrines the system of organization of power at the local level, established in 1992. The next step in creating a legal basis for decentralization of power was the Laws on Local State Administrations (1997) and the Law on Local Administrations (1999). A milestone in this path was the Concept of Local Self-Government Reform, aimed at decentralizing power. The next real step was the proposals to amend the Constitution of Ukraine, based on the provisions of the European Charter of Local Self-Government, the work of the Constitutional Assembly and the Constitutional Commission of the Verkhovna Rada, groups of experts in constitutional law and local self-government.

In recent years, many scientific studies have been conducted on various aspects of the theory and practice of local self-government in European countries, but a comprehensive analysis of the possibilities of using European experience in the Ukrainian realities is somewhat superficial. The concept of local self-government, developed by developed foreign countries, is based on the axiomatic statement that the right of citizens to participate in local government is an integral part of building most modern democracies in the world, and territorial communities are one of the basic elements of any democracy. In this regard, the main directions of problem development are considered, which are considered by both domestic and foreign experts.

At the present stage, Ukraine is undergoing municipal reform, which is an integral part of administrative reform and provides for the elimination of shortcomings

that significantly affect the implementation of management activities. At the same time, it should be noted that the full functioning of the institution of local self-government in Ukraine is also hampered by financial and economic independence of territorial communities, excessive concentration of power in central and local executive bodies, limited powers and resources of local self-government. understanding the need for balanced implementation of foreign experience.

To solve these problems it is necessary to scientifically substantiate and make changes in organizational and legal mechanisms governing local government processes, develop institutional design and conceptual models of local government and on this basis – to introduce European Union standards for administrative and public services. through improving the structure and functions of local executive bodies and local self-government. After all, by joining the Council of Europe and signing the European Charter of Local Self-Government, our state has committed itself to the development of local democracy on the European model.

Ukraine, as a democratic state that has chosen the course of European integration, has identified decentralization as one of the three priority areas of reform.

In the constitutional dimension, decentralization is embodied in the implementation of the principle of people's sovereignty: the people exercise power directly and through public authorities and local governments (Article 5 of the Constitution of Ukraine); division of state power into legislative, executive and judicial (Article 6); constitutional law, according to which public authorities and local governments, their officials are obliged to act only on the basis, within the powers and in the manner prescribed by the Constitution and laws of Ukraine (Article 19); constitutional definition and distribution of powers in relation to the Parliament, the President, the Government, other executive bodies, local self-government bodies (Chapters IV, V, VI, XI of the Constitution of Ukraine); principles of territorial, administrative-territorial organization of Ukraine (Chapters IX, X).

Depending on the subject of research, there are numerous ideas about the axiology of decentralization of public, state, executive power, public administration, its definition, features of typology, classification.

Thus, the Encyclopedia of Public Administration defines decentralization as a method of territorial organization of power in which the state transfers the right to make decisions on certain issues or in a certain area to local or regional structures that do not belong to the executive branch and are relatively independent. , is a complex, complex phenomenon in a state governed by the rule of law, a democratic state, which consists in the transfer of a certain amount of power by central government bodies to lower-level government entities that have the necessary rights, responsibilities and resources. The ultimate goal of such redistribution of power is the ability to make effective management decisions at the state, regional and local levels.

The official government website on decentralization reform defines decentralization as the transfer of significant powers and budgets from state bodies to local governments so that those bodies closest to the people where such powers can be most successfully exercised have as much power as possible.

Based on the definition, the main goal of decentralization in Ukraine is to strengthen the role of local self-government, empower representative bodies of territorial communities to manage local affairs, deprive local authorities of powers to prepare and implement district and regional budgets.

Laws of Ukraine "On Local Self-Government in Ukraine" and "On Local State Administrations" became important acts in creating a legal basis for decentralization of power. An important step in this direction is the adoption of the Order of the Cabinet of Ministers of Ukraine "Concept of reform of local self-government and territorial organization of power in Ukraine."

The purpose of the Concept of Reform of Local Self-Government and Territorial Organization of Power in Ukraine is to determine directions, mechanisms and deadlines for forming effective local self-government and territorial organization of power to create and maintain a full living environment for citizens, provide high quality and affordable public services. citizens in all spheres of life in the relevant territory, coordination of the interests of the state and territorial communities.

This Concept is implemented in two stages: the first (preparatory) stage, which was conducted in 2014 and the second stage, the implementation of which is planned

for 2015-2017.

On June 17, 2014, the Law of Ukraine “On Cooperation of Territorial Communities” was adopted, and in February 2015 a practical commentary was prepared by the Civil Society Institute in cooperation with the Council of Europe at the request of the Ministry of Regional Development, Construction and Housing of Ukraine in the framework of the Action Plan to implement the provisions of this Law. The purpose of the adoption of this Law is to create conditions for the implementation of the existing territorial communities in Ukraine of the constitutional right to pool their resources to address issues of local importance.

The Cabinet of Ministers of Ukraine has approved the State Strategy for Regional Development until 2020. The strategy defines the goals of state regional policy and the main tasks of central and local executive bodies and local governments aimed at achieving these goals, and also provides for the coordination of state regional policy with other state policies aimed at territorial development.

The strategy aims to identify tasks and tools to solve social problems, increase the economic potential of territories, productivity of their economy, business profitability and income and, consequently, create conditions for overall improvement of social standards, quality of life and business environment. However, such interdependence requires the definition and implementation of an effective fiscal and redistribution mechanism, otherwise there is a real threat of excessive polarization and growing disparities between economically developed cities and the rest of the country. The development of the Strategy was carried out taking into account the changes that have taken place in the development of the regions of the state in recent years (Fig. 1). In September, the Verkhovna Rada of Ukraine ratified the Additional Protocol to the European Charter of Local Self-Government on the Right to Participate in Local Government Affairs, according to which Ukraine undertakes to create conditions for citizens' rights to participate in local government decision-making and local democracy. . This Additional Protocol is now part of national law, as is the Charter. In connection with the entry into force of the Law of Ukraine "On Amendments to the Tax Code of Ukraine and Certain Legislative Acts of Ukraine on Tax Reform" of

December 28, 2014, the State Fiscal Service of Ukraine adopted an Information Letter "On special rates of local taxes ", Which specifies the provisions of the Law on increasing the financial capacity of local councils, determining the list of local taxes (property tax and single tax) and local fees (fee for parking spaces and tourist tax).

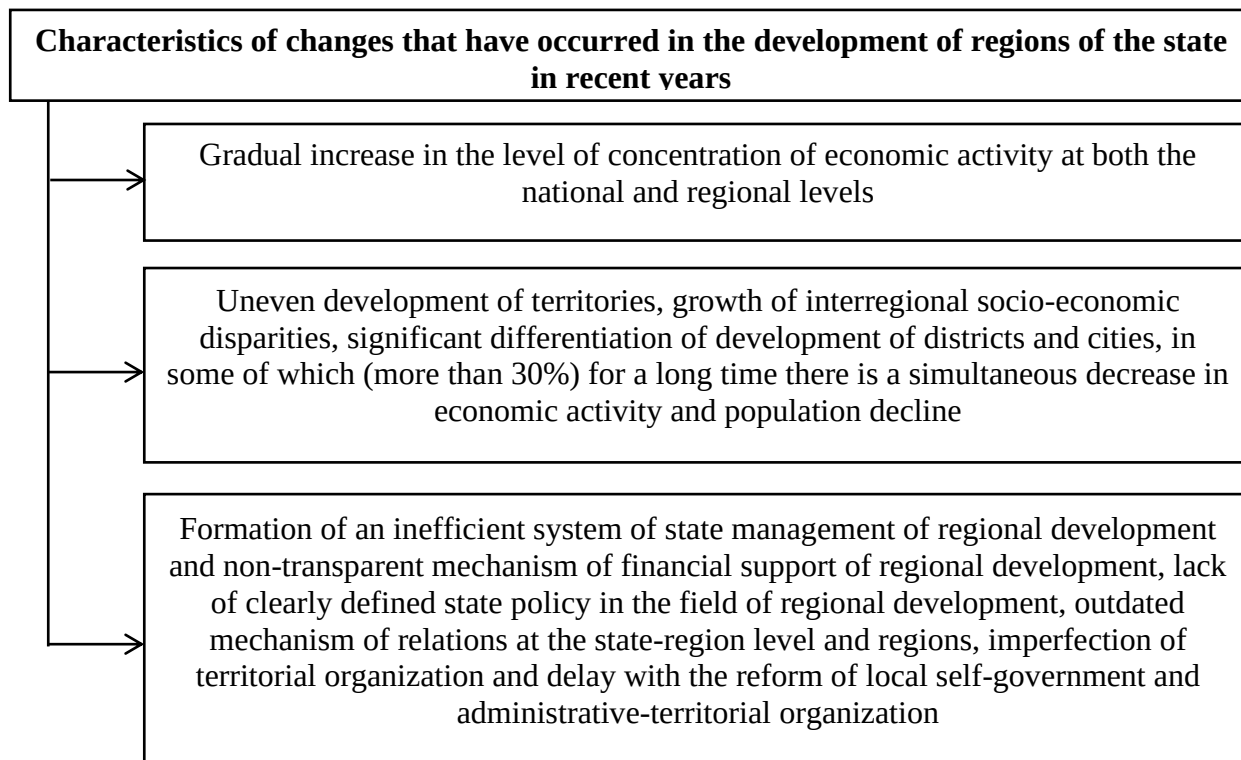


Fig. 1. The concept of decentralization

Source: generated by the author based on [46-48]

At the second stage of the Concept implementation, the Law of Ukraine "On Principles of State Regional Policy" [48] was adopted, which creates a legal basis for the implementation of the new state regional policy, which should cover much more issues than just supporting regional development.

At the same stage, the Law of Ukraine "On Voluntary Association of Territorial Communities" [45] was adopted, which defines a specific mechanism for voluntary association of territorial communities, which did not exist before.

Voluntary association of territorial communities of villages, settlements, cities is carried out in compliance with the following principles:

- constitutionality and legality;
- voluntariness;

- economic efficiency; state support; ubiquity of local self-government;
- transparency and openness; responsibility.

The basic principle is voluntariness, which will be preceded by mechanisms to create incentives for the unification of local governments.

Thus, decentralization is the key to effective territorial development, the path to democratization, real democracy. At the stage of direct implementation of the Concept of Local Self-Government Reform and Territorial Organization of Power in Ukraine, we have a newly created legal framework for exercising the rights of local territorial communities, which corresponds to the vector of European development of local self-government. The process of reforming local self-government is complex and requires a further multifaceted approach to the development and implementation of changes in current legislation of Ukraine in this area.

The state power in providing functions must have considerable resources at its disposal. If it is argued that the state is formed on political and legal education, then its strength and durability should be characterized from the 38th level of development of the apparatus of state power with the appropriate allocation of appropriate resources. The implementation of state functions, and, above all, the functions of the executive branch (through the implementation of public administration), should be carried out based on the real state of the object of influence of power (civil society, individuals and legal entities). This leads to the creation of new principles, forms, procedures and methods in the implementation of public administration, in which special importance is given to processes aimed at decentralization, deconcentration and delegation of powers. Most European countries have chosen the path of administrative reforms through processes of decentralization and deconcentration, which are essentially elements of transfer of functions and certain powers vertically to lower levels of government, local governments with the formation of autonomous organizational structures (communities), which should be financially independent and take full responsibility for performance.

Reforming local self-government in Ukraine and changing the territorial organization of power is based on:

- clear delineation of functions and powers between local state administrations (public authorities) and regional and district councils (local governments) in order to eliminate their duplication;

- definition of procedures in delegation of powers between councils and administrations and procedures of the system of realization of delegated powers;

- implementation of transformation processes of territorial communities, formation of their communal associations and delimitation of responsibilities in the provision of public services. Despite the formality of consolidating the need for deconcentration, decentralization and delegation of powers in Ukraine in the reform process, their actual implementation has the following problems:

- lack of formal definition of the content of these concepts. Ukrainian legislation provides for the formal definition of only the term of delegated powers, which means the powers of executive bodies that are transferred to local governments on a legal basis, as well as the powers of local governments that are transferred to local state administrations respectively (decisions of district and regional councils);

- lack of unified form of concepts in theoretical research. Decentralization, which is the subject of the largest number of studies, is defined as a phenomenon characteristic of the public administration system. This is, to some extent, the opposite of centralizing public administration. Also, in the perspective of the study of decentralization, it is necessary to emphasize the definition of the concept of redistribution of power and the scope of competencies between the central and regional levels of the organization in public power. Decentralization is often seen as the process of transferring responsibility for the planning and implementation of resources, distribution and other components of social governance from the central government to regional and local executive bodies.

The main tasks of decentralization in the field of public administration are determined by the division of functions between central and local institutions, between the Cabinet of Ministers and ministries. Today there are 4 main forms of decentralization: political, market, spatial and administrative. In addition, they include such forms as financial and budgetary, as well as decentralization in the provision of

public services.

Deconcentration in scientific works is understood as the transfer of powers of the central government to local authorities (not representative), and representatives of the central executive power in the field. Decentralization should be considered in more detail as a concept enshrined in law in the field of public administration.

Scholars define decentralization as the process of transferring executive power to local governments, while delegation is only a coordinated mutual transfer of power to different levels of government. In this aspect, deconcentration is the process of dividing functions horizontally and vertically in the executive branch. Uncertainty of formal approaches, diversity of theoretical views and diversity of practice in the implementation of procedures fix the need to determine the essential characteristics of these concepts.

The decentralization procedure has the following essential characteristics:

- the goal of bringing services closer to the population, developing democratic foundations and limiting state intervention in the management of affairs;
- participants: the state in the person of parliament, which is the redistribution of functions and powers; public administration bodies that should lose part of their powers; local self-government bodies represented by the territorial community to which the relevant powers and functions have been delegated;
- consolidation of powers and functions at the legislative level;
- consolidation at the legislative level of resources that provide the transferred powers and functions;
- consolidation at the legislative level of the types and measures envisaged for the responsibility of local governments as a result of non-performance of powers and functions;
- the state as a central authority reserves the right to control the exercise of powers and functions;
- consolidation at the legislative level of the procedure for the timing of this procedure.

The deconcentration procedure has the following essential characteristics:

- goal in improving the implementation of powers and functions of the state, focusing public and administrative services on the population;
- participants: public authorities such as parliament, head of state or government, which have the right to determine the powers of government; public administration bodies that have lost their respective powers; public administration bodies that have received the appropriate powers;
- transfer of powers from the highest executive body in the hierarchy to the lowest, namely, from the representative of the central administration to its representative on the ground (in the format of vertical deconcentration) or within one level (in the format of horizontal deconcentration);
- consolidation at the legislative level of legal grounds for the transfer of powers through an act adopted by a higher body of the state, according to which the transfer of powers from higher to lower executive bodies or redistribution between equal parties by status;
- inability to set a deadline for the exercise of delegated powers;
- public administration bodies from which the powers are transferred receive the right to exercise control over the implementation of these powers;
- consolidation at the legislative level of the types and measures envisaged for the responsibility of local governments as a result of non-performance of powers and functions.

The delegation procedure has the following essential characteristics: the purpose of exercising the powers of those subjects of power who can do it in the best way; participants represented by public administration bodies and local self-government bodies that have an agreement on the transfer of powers; the authorities have the opportunity to delegate only their own powers; participants in the procedure are involved in mutual agreement on the terms of the transfer of authority (this applies to terms, resources, control, responsibility); mutual consent must be formalized through the issuance of a joint act or administrative agreement or through the issuance of acts by each of the participants in the delegation process; the delegation process can be done both vertically and horizontally.

Thus, decentralization is more a procedure for the transfer of state executive power, deconcentration is the dispersal of state power, and delegation is a redistribution of power.

The implementation of these procedures in Ukraine, first of all, requires elements of delimitation of the subject of jurisdiction of local government and public administration, as well as resources entrusted to local governments.

To a large extent, this trend is due not only to the lack of a clear formal list of functions in the Ukrainian state, but also to the political will to bring a functional survey of executive bodies. To a large extent, the practical implementation of these processes is the transfer of authority to adopt regulations from the government to the central executive body.

It should be emphasized that, despite the use of the term delegation, the transfer of powers in this order is much more like a deconcentration of executive power, although not fully consistent with its theoretical model. In general, the term of deconcentration is not used by Ukrainian legislation.

There is no unequivocal statement about the need to formally enshrine the essence of this term, as well as the adoption of legislation on deconcentration. Deconcentration is rather a generalized theoretical concept, which should not be considered as a one-time state action aimed at the transfer of certain powers.

It should be a more systematic process with organizational and functional and governmental influence. The study of such concepts as decentralization, deconcentration and delegation, as well as the corresponding procedures allowed us to identify the following main ideas for the long-term development of this issue:

- in order to successfully consolidate and implement the voiced procedures, it is necessary to agree on a clear definition of the functions of the state (functions of public administration), to distinguish between these functions and the functions of local self-government. This requires consistent and clear political will in consolidating and implementing these processes.

- political will on the part of the territorial community is needed to implement decentralization processes. Citizens in territorial communities should understand their

own ability to manage the territory without the use of constant care from the state with the appropriate expression of their own interests through local governments. In Ukraine, this process should begin with the deprivation of the right of a public authority official to have representative mandates in local self-government bodies.

- legal regulation of decentralization processes should solve two main problems: ensuring the implementation of guarantees of local self-government and clarity of enshrined powers.

In other words, the world experience provides examples when the state, in determining its powers in local self-government, largely focuses not on the problem of equal or reasonable distribution with local executive bodies, but on problems in providing constitutional and legal guarantees in local self-government.

- the decentralization procedure considers the status and significance (legal and factual) of the territorial community especially intensively. In particular, according to research by French and German legislators, the status of a legal entity should be given first to the community, and then to the representative bodies.

- current regulations provide for the substitution of the concepts of delegation and deconcentration.

This, in turn, causes the similarity of different nature of public administration procedures with the deprivation of the executive branch of financial and other guarantees in the implementation of delegated or delegated powers, which requires consolidation of concepts at the legislative level. – Success in the implementation of voiced processes is possible only in the presence of well-trained managerial staff. The program of preparation for work in the civil service should take into account these trends with the development of the necessary knowledge, skills and abilities in the implementation of these processes.

Today, Ukraine is in a transitional period of statehood formation associated with the association with the European Union, which inevitably requires the transformation of the public administration system envisaged by the strategy for improving public administration for 2016-2020.

In such conditions, the need to change the paradigm of the executive branch, the

transition to its new model is clearly recognized. There is an urgent need to change the role of the executive branch (RIA) in almost all areas of public administration: from the provision of services to the regulator of market processes. The basis for the effective implementation of these functions of the IBA is compliance with the principles of transparency, decentralization, innovation, a combination of state and market regulation, individual freedom and new forms of collective and personal responsibility. The solution of the set tasks is possible by the development of public administration aimed at increasing the level of information reliability, transparency of actions of executive bodies, creation of models of interaction between the state, business and society.

Therefore, the modern paradigm of executive power in a transitional society must have an updated structure. It is formed as a result of the transition from the traditional "paradigm of domination" to a fundamentally different configuration of its content, legal nature, strategy, tactics of building relations within government and in relations with citizens. Thus, the new challenges facing society and the state in the context of globalization and European integration require new approaches to the formation of the system of executive bodies and its activities. The system of ensuring national security is given a special place in defending national interests and protecting state sovereignty.

Given the potential for threats from, for example, geopolitical change or pressure from powerful foreign powers, this is perfectly justified. Today, ensuring national interests is the first thing our state should strive for. National security as an important function of the state, designed to ensure favorable living conditions and productive activities of citizens, institutions of civil society, protection of vital interests of man, society and the state from external and internal threats.

The system of national security is formed by both state and non-state institutions with the use of theoretical and methodological, regulatory, information-analytical, organizational-administrative, intelligence, counterintelligence, operational-search, personnel, scientific-technical and other measures to ensure the implementation of national interests of Ukraine, the welfare of the people and the effective functioning of

the national security system. The functions of the national security system of Ukraine include:

- forecasting and identifying threats and dangers to national security;
- development and implementation of a set of operational, tactical and strategic measures to manage threats and dangers;
- maintaining the required level of national security;
- ensuring general and regional security in accordance with international treaties ratified by Ukraine.

This is closely related to all directions, forms and manifestations of interaction in the system "nature – man – society". The priority of these levels is determined by the action of many external and internal factors of subjective and objective nature, social relations, political system, economic Constitution, the state of external relations with other countries and other factors. Chief among them is the tendency to the role of social factors in human life and understanding of the economic nature of the problems that accumulate in the biosphere and require them to address the joint efforts of the world community, taking into account domestic and international situations.

The primary basis for the creation and development of the National Security System of Ukraine (NSSS) is the Constitution of Ukraine and other legal acts, according to which the regulation of public relations in the field of national security management.

Describing any system, we note that it is not perfect, because inside each there are flaws. However, it is worth realizing that the price of such a shortcoming may be too high, which will affect the operation of the entire mechanism of the system. This rule directly applies to the national security system: the situation that has arisen requires detailed and rational consideration, the proportional ratio of threats and challenges that may face Ukraine in modern conditions.

Based on the structure of the NNS (National security system), we note that its main purpose is to achieve national security goals, namely – to prevent real and potential threats, which are phenomena, trends and factors that prevent or complicate or may prevent or complicate the realization of national interests and preservation of

national values of Ukraine.

Ukraine's integration into the European administrative space cannot be imagined without the process of adapting national legislation to EU legislation. Adaptation of legislation is a priority component of Ukraine's EU integration process, which is a priority of Ukrainian and foreign policy. Given the above, we note that in order to ensure the national security of Ukraine in the context of European integration, special attention needs to be paid to the process of improving the activities of local governments in the National Security System. Therefore, we approach the definition of priorities and main directions of reforming the National Security System.

We note that the system of national security is not just a set of interacting structures, but also a specific process of forming the legal field and making political decisions in the field of national security. The structure of the National Security System should be a subsystem, the main function of which is not only the development and adoption of public administration decisions on the implementation of national security policy, but also the formation of the legal framework of this policy. This function is performed by the system of public administration of national security, which is a subsystem of the National Security System, which is recognized as a priority for reform of the entire system.

Determinants that affect the national security of Ukraine are the political situation, foreign policy and the effectiveness of public policy in the security sector.

These are national security priorities, but their list is not exhaustive. It is noteworthy that with the changing geopolitical situation, economic development, other social processes, ways of reform and options for improving the activities of local governments in the field of national security are also changing.

With this in mind, we highlight the main ways to improve the activities of local governments in the system of national security of Ukraine, justifying their feasibility and relevance in modern conditions. In the light of the analysis of the factors of the international situation and the existing external and internal political problems, there is an urgent need to form an effective system of protection of national interests of the state, able to adequately respond to current threats and challenges.

To do this, you need to look for effective proposals that seem appropriate and available in the current situation. According to the study, we note several stages in improving the opportunities for improving the activities of local governments in the system of national security of Ukraine in the context of European integration (Table 1).

Table 1

Stages for improving opportunities to improve the activities of local
governments

1. Defining a group of legal acts that regulate the activities of local governments in the field of national security.
2. Translation of acts of European legislation on national security by local governments into Ukrainian.
3. Carrying out a comprehensive comparative analysis of domestic and foreign groups of legal documents on these issues.
4. Development of recommendations on the integration of European provisions on national security by local governments into Ukrainian legislation.
5. Forecasting the results of the implementation of recommendations.
6. Preparation of drafts and normative-legislative acts, which are among the draft laws on the issue of improving the activities of local self-government bodies in the system of ensuring national security of Ukraine in the conditions of European integration.
7. Monitoring the implementation of tasks.

Source: generalized on the basis of [42-49]

At the same time, the state can initiate a review of proposals to reform the governance system of local governments to ensure national security. The powers of self-government bodies in the management of the security sector are divided into own and delegated.

Delegated powers are the powers of executive bodies that are delegated to local authorities in accordance with the law to ensure law and order in the state, as well as to protect the rights, freedoms and legitimate interests of individuals and citizens to manage the security sector. The self-powers of self-government bodies in the management of the security sector are those that have the relevant provisions of the law that give local authorities the right to act in the security sector.

Self-government bodies carry out their responsibilities for the management of the security sector in cooperation with its member bodies. In addition, local governments are subject to democratic civilian control over Ukraine's security sector,

and local governments may establish deputy commissions to exercise such control. We note that the structure of local self-government bodies includes units authorized to address issues of European integration. The current institutional support of Ukraine currently indicates the lack of vertical links with local governments.

However, given the fact that they are directly close to the citizens, they must provide public services to the population in accordance with EU norms and standards. Given the fact that Ukrainian and European documents in the field of local self-government differ significantly, and the former are characterized by a number of significant shortcomings, there is a need to reform the Ukrainian system of local self-government and executive bodies. There are plenty of examples in the European experience from which to draw ideas for relevant reforms.

The European integration vector of Ukraine's development and the steps already taken in this direction have significantly expanded the ground for solving the problems of national security with the involvement of local governments.

In the process of ensuring national security and taking into account the European integration trends of Ukraine's foreign policy, such potential for cooperation between local governments and state bodies is due to:

- a significant improvement in the sensitivity of the management system to threats arising in certain regions with the potential to spread throughout the country;
- mobility of resources and subjects of management in solving problems of national security, their operative transfer from one level of management to another for the purpose of effective use where they are most necessary;
- high level of standards for the implementation of national security policy (taking into account the requirements of the EU and NATO's defense policy system);
- gaining unique experience in overcoming military and terrorist threats by introducing a mechanism of military-civil government and its interaction with local governments.

Given the above, we approach the formulation of the following conclusions:

1. International experience in the field of local self-government development shows that its bodies are full-fledged subjects of international cooperation and

European integration, this experience is very relevant for domestic practice of public administration.

2. The state should provide local governments with appropriate legal and institutional support that would allow them to more effectively implement the processes of integration into the European administrative space in order to realize the European integration aspirations of our state.

In this regard, we make the following suggestions. First, pursuing the goal of creating a solid basis for the development of legislation in the field of European integration, reforming the system of local governments and improving their activities in this area, as well as promoting national security of Ukraine, we put forward the following proposal in accordance with Constitutional provisions: within its own competence, cooperating with local governments of foreign countries, public organizations, international non-governmental institutions and other bodies interested in such cooperation, without violating the legislation in the field of national security of Ukraine.

Secondly, revise the Law of Ukraine “On Local Self-Government in Ukraine” in order to change and supplement the norms that affect:

- exercise of powers (own and delegated);
- division of functional responsibilities and powers;
- use of modern terminological apparatus in the research area;
- legislative definition of permits for local self-government bodies of Ukraine regarding their full rights in international cooperation, European integration and conclusion of relevant agreements with foreign partners, taking into account the peculiarities and specifics of national legislation.

Thirdly, it is necessary at the legislative level to introduce norms that allow to promote the balanced application of the project methodology in a mandatory manner. In Ukraine, which is actively reforming local governments, attention is paid to such important issues as international cooperation and European integration, which is why this necessitates further research.

We believe that local governments in the current conditions of state

development, Ukraine's integration into the EU and confronting real military, terrorist and economic threats, while able to overcome the open aggression of the neighboring state, should take a more active position and gain greater opportunities in regional and local issues. .

There is a need to develop an appropriate regional security strategy for each region. This strategy should include a number of scenarios, each of which should include specific measures of influence by local governments, determining the level and scope of use of regional security policy resources, and so on. It is necessary to introduce models of interaction of self-government bodies of neighboring regions in case of intensification of threats to national security that have a local character or origin from a particular region. Such interaction should be legalized at the level of a separate law and take place within the framework of specially implemented programs and response scenarios developed by the competent local self-government bodies. Fourth, it is necessary to develop and implement a mechanism for coordinating the activities of local governments and authorities in matters of national security. Such coordination should concern not only managerial relations but also resources. Prospects for further research in this area may relate to the definition of the essence and functions of territorial defense as an element of the national security system of Ukraine.

Foreign experience shows that the practical application of decentralization and one of its four forms – deconcentration – led to the emergence of phenomena and processes of regionalization in European countries (ie regionalization), which, in turn, influenced the transformation of established forms of government in these countries. That is why in many countries of the world it has historically happened that during the XIX–XX centuries new forms of government were established, which are not only the basis of municipal and regional autonomy, but also ensure their effective functioning. According to Western scholars, the leading principles of European policy are deconcentration, decentralization and regionalization, and "local and regional autonomy have become the principles of European constitutional law, ie a constitutional law common to all European countries." This is due to at least two circumstances.

First, it is through their familiar and transparent spheres of life that municipal (local) and regional autonomy make it possible to solve social problems as close as possible to the interests of citizens.

Secondly, municipal and regional peculiarities, as well as knowledge of local and regional problems by citizens and public associations can be considered and solved directly only at the municipal (local) and regional levels, which allows for the implementation of people-oriented municipal and regional policy.

Despite the fact that the classic forms of government in different countries remain unitarism, federalism and confederalism, research in recent decades shows that each of these forms has its own characteristics, which gave grounds not only to make a proper classification of individual states, but also to derive such forms. state system, as unitary decentralized and unitary regionalized.

There are currently 168 unitary states, of which 130 are republican and 38 are unitary monarchies. There are 27 federal states in the world, of which 21 are republican and 6 are federal monarchies. To carry out administrative reform in the EU before the 2004 enlargement, European experts regionalization in these countries, classified them on certain grounds.

The unitary system is preserved by Greece, Ireland, Luxembourg and Portugal, which became members of the EU in the second half of the twentieth century. What these countries have in common is that they are relatively small in territory (Ireland, Luxembourg) or only a few decades ago freed from authoritarian regimes (Greece, Portugal). Therefore, if the preservation of unitarism in Ireland and Luxembourg can be seen primarily in the presence of small territories (Luxembourg) and homogeneity of the population (Ireland), the Greek and Portuguese unitarism, in addition to homogeneous factors, continues to persist historically, and possibly due to short-term authorities.

Poland, the Czech Republic, Slovakia, Slovenia, Hungary, Romania, Bulgaria, Croatia, Estonia, Lithuania and Latvia, which joined the European Union at the beginning of the XXI century (2004, 2007 and 2013), also retain the classic unitary form of government.

Unitary regionalized states are the subject of research not only by European but also by many other foreign scholars, who have significantly expanded their list to include Ukraine.

Foreign experience shows that a regional state is more centralized than a federation, but more decentralized than a unitary state. On the other hand, regional states include federations in which power has become more centralized, and unitary states where some power has been transferred to regional government. Subnational (subnational) regions are the intermediate level between local and national government in both forms of government.

The need for a fundamental study of world experience in the formation and development of new forms of government is actualized by the current situation in Donetsk and Luhansk regions, separatist phenomena and processes which have led to the elimination of the state system in some areas. Separatist-Russian terrorist groups continue to violate the territorial integrity of our state by fighting, and their leadership is trying to impose federalism on Ukraine in a so-called diplomatic way. Given this, it is necessary to actively seek answers to questions [41]:

- to what extent is it necessary to deconcentrate and decentralize power and administration in order to preserve, on the one hand, the territorial and administrative integrity of the state, and on the other – to create an effective municipal (local) and regional levels of government?

- Should the existing unitary regionalized form of government be improved and developed, filling it with adequate, modern realities, or should it be left "preserved", or should a federal form of government be introduced?

These and many other similar issues are on the agenda of scientists, experts, politicians and government officials as never before. Problems related to the form of government and accumulated over the decades have been reflected in the many solutions to various reforms and in a number of political and legal documents developed over the past two decades, which today are a good basis for reform. .

In many countries around the world there is a situation where new ways of organizing the territorial (regional, local) level of government are introduced to

increase efficiency and improve democracy, despite the old ways and approaches, so regional and local levels of government are becoming increasingly difficult [49].

The emergence of new forms of government in recent years (unitary decentralized and unitary regionalized) is explained primarily by the application of the principles of deconcentration, decentralization and regionalization, which are key in modern territorial governance.

Unitarianism should remain a form of government in Ukraine, which in the context of decentralization and regionalization phenomena and processes (as more democratic) that take place in the world, should be gradually filled with qualitatively new content permeated with historical, ethnopsychological, socio-economic, political legal and other features and traditions that have accompanied Ukrainian statehood for centuries.

The optimal organizational structure of public administration in practice is also related to the problem of choosing between centralization and decentralization. The division of powers between the state, regional and local levels of government is an important factor in the state's ability to improve the provision of services to the population, as well as to help create an appropriate environment for regional economic development.

A similar effect can be achieved both through decentralization (political and administrative approach) and through deconcentration (mostly) administrative approach, or a combination of both.

According to the system of deconcentration, the powers of the local level are transferred to public administration bodies, which perform them within separate territorial units. Control is exercised through the introduction of financial and disciplinary measures. In combination with parliamentary governance, deconcentration usually has an important centralizing effect, as it is the prime minister who, if necessary, decides on governance and decentralization policies. Instead, decentralization involves the transfer of power to the government or its bodies to representatives of local territorial groups, and the latter have no direct responsibility to either the government or its bodies. In contrast to the federal system, in the model of

decentralization of the unitary state there are local authorities, which are formed by the central government. This means that they are endowed only with the powers delegated to them by the government.

Administrative decentralization in Poland contributed to the independent development of local self-government, improved the quality of life of its citizens and, finally, after the country's accession to the EU, allowed newly created administrative units to act as equal partners in international cooperation. Studying foreign experience in the implementation of decentralization reforms can help to avoid some biased and incorrect approaches typical of modern Ukrainian practice of governance "from the center", so best practices of decentralization for Ukraine at the stage of strengthening statehood are primarily meaningful.

Foreign experience confirms that even in politically, economically and socially successful countries (France, Great Britain, Italy, Poland) they had great problems in the process of decentralization of power. In the context of a deep political, economic and social crisis, this factor should be taken into account in advance in order to prevent the possible negative consequences of decentralization. In this regard, it is necessary to ensure consistency in the implementation of this process, in particular, the authorities are obliged to ensure the ability of the people to participate in the management of socio-political and socio-economic processes in the state.

Many foreign countries have developed a set of procedures aimed at improving the effectiveness and efficiency of public financial control, improving the activities of executive bodies and other bodies that use state resources, as well as increasing transparency of executive bodies and other budget recipients. to be able to determine personal responsibility for decisions and actions taken by government agencies. The purpose of implementing these procedures is to independently, effectively and objectively assess the performance of the executive and other bodies that use public funds.

In France, these indicators are enshrined in the Budget Organization Law (LOI organique n 2001-692 du 1 aout 2001 relative aux lois de finances: LOLF). The law obliges each Ministry to draw up an Annual Implementation Plan, which sets out for

each program: the tasks to be achieved; performance indicators for performance evaluation (Indicateur d'efficience) and their target values; performance indicators (Indicateur d'efficience) and their significance.

In addition, each Ministry must prepare an Annual Executive Report on the results of its work, which must be submitted to Parliament after the end of the financial year. In the Communication to each Ministry it is necessary to clearly indicate for each program such elements as: the degree of implementation of tasks; the degree of achievement of target values of performance indicators to assess their effectiveness.

Therefore, an extremely important area of decentralization in Ukraine is the introduction of mechanisms to unite the efforts of different territorial communities to implement certain functions, both by combining them into one municipality and through inter-municipal cooperation. At present, the first attempts to unite territorial communities according to the method approved by the government are being implemented in Ukraine. In general, this is in line with current European trends, although it should take into account a number of caveats.

Thus, the processes of consolidation of the basic level of administrative-territorial organization took place in all European countries. In particular, since 1950, the total number of local governments in Europe has decreased by almost 40,000. Lithuania, Sweden and Denmark have reduced the number of local governments by 80%, the United Kingdom – by 77%. Germany once halved the number of communities. The reforms of 1965–1977 either united small communities into larger units or grouped them into associations of municipalities under joint management.

This trend was initiated in the Nordic countries, whose governments were the first to decide on the consolidation of territorial units to the size that is optimal for the implementation of government social programs. The motivation for such reforms, in addition to political factors, was based on balancing the goals of economic efficiency of public services and democracy at the local level, ie community participation in governance. Theoretically, as the size of the community increases, the economic benefits increase due to the effect of scale, but the level of community influence on decision-making decreases.

Accordingly, management is moving away from residents. The study of the empirical experience of the association of territorial communities and the impact of community size on the effectiveness of its management has revealed mixed results.

In general, there are two generalized schemes of unification of territorial communities among European countries: the northern European one, in which large municipalities were formed (Sweden, England) and the southern European one – with the amalgamation of communities into relatively small municipalities (France, Italy). Accordingly, municipalities of different sizes and powers were formed. In Sweden, the average size of the community is 34 thousand inhabitants, in Denmark – 55 thousand, in England – 120 thousand. In some German states, reforms have led to an increase in the average size of the municipality to 45 thousand inhabitants.

The voluntary phase of the community reunification process mainly concerned the details of the adaptation of the communities to the territorial structure plan proposed by the government. If consensus could not be reached voluntarily, the decision to merge was made centrally. Such experience of voluntary association of communities should be taken into account when implementing similar events in Ukraine. Obviously, there will be a lot of subjective conflicts in this area, which will not allow to make the optimal decision from the standpoint of improving management efficiency.

Another model for the formation of effective local self-government is in Spain, Switzerland, Italy and France, where the number of municipalities has not changed. The latter is the leader in Europe in the number of local governments, there are more than 36 thousand, and the population of most of them does not exceed 2 thousand.

However, most of the functions there are implemented through the institutions of inter-municipal cooperation, of which more than 2.5 thousand have been established in France. Such institutions may have different organizational forms and perform different functions. Their creation and operation is voluntary and is initiated by the communities whose tasks they are called to perform. This approach differs significantly from the centrally planned association of communities and provides individual solutions to various territorial problems.

In general, the main trend in the processes of administrative-territorial reform is

the formation of strong basic administrative-territorial units capable of exercising local self-government. However, the question of the size and functions they have to perform is individual not only for the country, but even within individual regions. Therefore, it should be addressed with the direct participation of local communities.

Obviously, it will not be possible to unite all communities in Ukraine voluntarily, so while leaving room for small communities, it is important to provide them with tools to solve common problems with neighboring communities. Among Ukraine's 12,000 territorial communities, half are small with a population of less than 3,000. Therefore, the main reform efforts should be focused on them, because in the current conditions they have no chance of effective self-government.

Much more important is the quality of municipal governance and the institutional provision of conditions for the consolidation and cooperation of local governments in the provision of certain public goods. Nobel Laureate in Economics E. Ostrom has formulated a number of principles, adherence to which will solve the problems of territorial governance from the standpoint of optimality and democracy.

1. Local communities can effectively manage public resources, and the quality of this process depends on the community's ability to self-regulate.

2. The results of the creation of public goods depend not so much on the form of ownership, but on the rules governing the creation and use of public goods.

3. Decentralization of power becomes possible and expedient if all participants in the process are interested in its implementation, the interests of users of public resources are agreed, and the quality of life of the population improves.

In the process of European administrative convergence, aimed at unifying the organization and activities of public administrations of European countries, the modern significance of fundamental principles of standards, standards and rules common to these legal systems was systematized, generalized and revealed. issues of organization of the national public administration.

Unfortunately, the current content and significance of many European principles of public administration in relation to the organization of public administration (conditionally – "institutional" principles) have not yet been enshrined in current

legislation of Ukraine, need to review approaches to their interpretation and practice [50].

In historical retrospect, some countries have applied some of these basic institutional principles, or a combination of them, so their analysis requires consideration of the specific historical stage of development of social formation. In connection with the creation of the EU, it is important to take into account the application of the principle of subsidiarity in the national legal systems of member states, as this principle plays an important role in determining the competence and authority of public authorities at EU level.

In domestic science, the provision was substantiated that "the exercise of executive power is provided by a certain organizational and legal mechanism, which in legal science is considered as a combination of a set of subjects, the process of their activities, and regulations that provide a proper legal basis both the existence and functioning of these entities. "

We consider it expedient to analyze the principle of decentralization separately. The primary analysis of the content of this principle is due to its importance for the current stage of development of the domestic administrative and legal sector, administrative and legal reform, including the reform of the administrative-territorial structure of Ukraine. According to the definition given in the French reference and encyclopedic dictionary of public administration, the principle of decentralization is defined as a way of organizing public power, which has two main forms:

- 1) territorial decentralization (or political);
- 2) functional (or technical) decentralization (Table 2).

In Ukraine, the fundamental basis for the organization of state power are enshrined in Art. 132 of the Basic Law stipulates that "The territorial structure of Ukraine is based on the principles of unity and integrity of the state territory, combination of centralization and decentralization in the exercise of state power, balance and socio-economic development of regions, taking into account their historical, economic, environmental, geographical and demographic features, ethnic and cultural traditions ". In our opinion, the presented constitutional model of

combining two different principles reflects the transitional stage of development of the principles of organization of state power in Ukraine from the Soviet totalitarian to the perspective legal, social, democratic state.

Table 2

The principle of decentralization (on the example of France)

PRINCIPLE OF DECENTRALIZATION	
territorial decentralization (political)	functional decentralization (technical)
Main elements: 1. recognition by the state of the existence of "administrative-territorial entities" (ATU); 2. granting ATU the status of a legal entity; 3. organization of ATU on an elective basis; 4. transfer of state powers on the basis of law to the relevant decentralized authorities.	Main elements: 1. separation from the total volume of public activity of a certain type of activity (for example, in France, functional decentralization is manifested in the division of the specified volume of public activity for services provided by public administration, is called "decentralization for services"; 2. granting authority to manage this type of activity to a separate specialized institution (organization); 3. granting the status of a legal entity to the relevant decentralized authorities.

Source: systematized by the author on the basis of [46-54]

Thus, the domestic doctrine of public administration requires the development of legal thought in the direction of studying the content and modern features of the principle of decentralization, separating its content from the requirements of the principle of hierarchy, which in European science of public administration determines the procedure and rules.

Particular attention in the decentralization of the Russian invasion and refusal to import energy from Belarus and Russia is to find ways to provide the Ukrainian economy with alternative sources of energy resources is necessary in the short term. The fastest solution is to use the existing potential of the agro-industrial complex for the production of energy from biomass and products of the processing industry.

Conducted research Gontaruk Y.V. confirm the importance of the issue of processing waste from the production of personal farms for biofuels. The implementation of the developed directions of development of biogas and solid biofuel production in private farms in the short term will reduce Ukraine's energy independence from energy imports and create additional jobs in rural areas. The use of

digestate in private farms will increase the yield of crops and reduce the cost of their production due to the lower cost of this fertilizer compared to nitrogen fertilizers. Dual purpose of the corresponding equipment will allow to provide fodder to subsidiary farms. Stimulating the production of solid biofuels through government subsidies to private farms to compensate for the cost of equipment will provide in the short term will significantly reduce natural gas consumption [55].

Research Mazur K.V. confirm the fact that private farms can partially or completely provide their own fuel needs for heating through self-processing of straw and other residues from their own agricultural production. Today, in addition to semi-automatic presses for the production of pellets, the cost of which ranges from 12 thousand UAH to 30 thousand UAH, there are offers on the market manual presses worth 1.5-2.5 thousand UAH per unit. With the help of which it is possible to produce solid fuel briquettes from straw of cereals and legumes and fallen leaves at home [56].

As a result of the study, an important scientific and practical task on the formation of the organizational structure of local government in the decentralization of power on the example of Vinnytsia Regional Council and analyzed problems and develop ways to improve it. As a result, the following conclusions were made:

1. The functions of local self-government bodies should be grouped into the following groups: general, special and support (auxiliary). Since the activities of local governments cover a wide range of issues of local importance, which, moreover, are the object of their activities, but have not received proper legislation, which complicates the distinction between categories such as "local issues" and "national issues", it is impossible to investigate the whole complex of their functions.

2. In Ukraine, the model of building a system of public administration bodies should be simplified, taking into account the principle of functional decentralization according to the main types of public services provided by them.

3. The main goal of decentralization in Ukraine should be to strengthen the role of local self-government, empower the representative bodies of territorial communities with greater powers to manage local affairs, deprive local authorities of powers to prepare and implement district and regional budgets.

4. The creation of OTG is a very promising area that ensures the development of local self-government in a decentralized environment, will allow communities to use property and income at their own discretion and satisfy their own interests.

5. European and world practice show that local problems can be effectively solved only at the local level. Decentralization involves the transfer of the power to solve local problems to the level closest to the people – from central government to local governments – directly to communities, and to provide them with their own financial resources that will enable them to solve these problems. The responsibility of local self-government bodies to the voters for the efficiency of their work is being introduced, and the responsibility to the state for legality is being introduced to the state.

6. There is no universal model or methodology in any country that can be fully and unchanged applied in Ukraine. Different historical conditions of development have contributed to the formation of several models of local government, specific features of which are the types and forms of relations between local governments and public authorities. Currently, in European countries there are three main models of organizational structure of local government, which emerged during the municipal reforms, namely: Anglo-Saxon, continental, mixed.

7. The main ways to implement decentralization reforms in Ukraine are: separation of powers, rights and responsibilities of different levels of government in accordance with the rule of law, democracy and civil society, which will achieve a balance of interests in public relations; development and implementation of operational regional policy aimed at ensuring balanced local and regional development; ensuring the implementation of the principle of subsidiarity as a way of overcoming conflicts of interest between local executive bodies and local self-government bodies; ensuring the expansion of the rights of territorial communities to address their livelihoods.

8. It is necessary to develop a program to support private farms in rural communities, which will provide compensation for interest on loans for the purchase of equipment for biofuel production.

We believe that the necessary steps to implement the reform of local self-

government and territorial organization of power in Ukraine at the legislative and practical levels should be:

- introduction of a three-level system of administrative-territorial organization of Ukraine (region, district, community – with the capacity of local self-government);
- transfer of executive functions from local administrations to executive bodies of councils of the appropriate level;
- distribution of powers between local self-government bodies on the principle of subsidiarity and endowment of communities with the widest possible range of powers;
- clear provision of the powers of local self-government bodies with the necessary financial resources, including through their participation in the distribution of national taxes;
- liquidation of state administrations and creation instead of state representations with control-supervisory and coordination, instead of executive functions.

Carrying out local government reforms will require adequate staffing. Therefore, the problem of formation and implementation of effective personnel policy on the ground, improving the system of training, retraining, advanced training of officials, employees of local governments, deputies of local councils, the introduction of professional training programs for local governments and more.

The basis for successful decentralization should be the maximum transfer of the united territorial communities to self-sufficiency, meaning the development of entrepreneurship in rural areas.