

DOI: 10.15276/EJ.02.2020.4
 DOI: 10.5281/zenodo.4012466
 UDC: 352.071
 JEL: G18, G28, H83, R58

APPROACHES TO THE DEVELOPMENT AND FUNCTIONING OF LOCAL SELF-GOVERNMENT SYSTEM REFLECTED IN THE EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT

ПІДХОДИ ДО РОЗВИТКУ ТА ФУНКЦІОНУВАННЯ СИСТЕМИ МІСЦЕВОГО САМОВРЯДУВАННЯ, ЯКІ ЗНАЙШЛИ ВІДОБРАЖЕННЯ У ЄВРОПЕЙСЬКІЙ ХАРТІЇ МІСЦЕВОГО САМОВРЯДУВАННЯ

Nataliia V. Husarina, DEcon, Associate Professor
 Odessa National Polytechnic University, Odessa, Ukraine
 Email: gusarina@ukr.net

Yevheniia M. Syta, PhD in Economics
 Odessa National Polytechnic University, Odessa, Ukraine
 ORCID: 0000-0002-3574-8137

Marcela Slusarciuc, PhD, Associate Professor
 Stefan cel Mare University of Suceava, Suceava, Romania
 ORCID: 0000-0003-3323-4666
 Email: slusarciuc.marcela@usv.ro

Received 02.02.2020

Гусаріна Н.В., Сита Є.М., Слусарчук М. Підходи до розвитку та функціонування системи місцевого самоврядування, які знайшли відображення у Європейській хартії місцевого самоврядування. Оглядова стаття.

Розбудова української демократичної держави значною мірою залежить від налагодження взаємо-відносин між органами державної влади та органами місцевого самоврядування на місцях, від розширення сфери діяльності органів місцевого самоврядування. Ті зміни, які сьогодні впроваджуються, передбачають реалізацію принципів субсидіарності, повсюдності місцевого самоврядування, фінансової самодостатності, широкого застосування механізмів демократії. Перед нами стоїть завдання приведення місцевого самоврядування та територіальної організації влади у відповідність до європейських стандартів і виконання взятих державою міжнародних зобов'язань у цій сфері. Тому в статті сформувано підходи до розвитку та функціонування системи місцевого самоврядування, що знайшли відображення у Європейській хартії місцевого самоврядування, які здатні активізувати політичний, економічний, соціальний, культурний розвиток територіальних громад, і забезпечити підвищення рівня життя та якості адміністративних послуг, що надаються населенню.

Ключові слова: підходи, розвиток, функціонування, система, місцеве самоврядування, Європейська хартія місцевого самоврядування

Husarina N.V., Syta Ye.M., Slusarciuc M. Approaches to the Development and Functioning of Local Self-Government System Reflected in the European Charter of Local Self-Government. Review article.

The development of a Ukrainian democratic state largely depends on the establishment of relations between public and local authorities on the ground, and on the expansion of the sphere of local self-government bodies' activities. The changes that are being implemented today include the realization of the principles of subsidiarity, the ubiquity of local self-government, financial self-sufficiency, and the widespread using the democratic mechanisms. We are faced with the task of bringing local self-government and territorial organization of power in line with European standards and fulfilling the state's international obligations in this sphere. Therefore, the article represents approaches to the development and functioning of local self-government system, reflected in the European Charter of Local Self-Government, which can enhance political, economic, social, cultural development of local communities and improve living standards and quality of administrative services provided to the population.

Keywords: approaches, development, functioning, system, local governance, the European Charter of Local Self-Government

Since the early 1990s, a European model of the relationship between public authority and local self-government has been gradually being built in Ukraine. The European Charter of Local Self-Government, ratified by the state on 15 July 1997, is a key guideline in the decentralization and reform of local self-government in Ukraine. It is known that the European Charter of Local Self-Government is the main international legal document for the Council of Europe member states, as it contains standards for the organization of local governance on the basis of local self-government. Therefore, in accordance with Article 9 of the Constitution of Ukraine, the European Charter of Local Self-Government is a part of national legislation. In this regard, the provisions of the European Charter of Local Self-Government have direct effect and have supremacy over the norms of law created by the national state itself. The European Charter of Local Self-Government is aimed to protect and strengthen local autonomy in Europe, as it obliges the parties to apply basic

rules that guarantee the political, administrative and financial independence of local self-government bodies from public authorities.

Therefore, the Ukrainian democratic state development largely depends on the establishment of relations between public and local authorities on the ground, on expanding the activities scope of local self-government bodies which can enhance the political, economic, social and cultural development of territorial communities and ensure the living standard improvement and the administrative services quality to the population. The changes that are being realized today include the implementation of the subsidiarity principles, the ubiquity of local self-government, financial self-sufficiency, and the widespread use of democratic mechanisms. We are faced with the task of bringing local self-government and territorial organization of power in line with European standards and fulfilling the state's international obligations in this sphere.

The analysis of recent researches and publications

Researches of key approaches to the development and functioning of local self-government system, reflected in the European Charter of Local Self-Government, which are able to enhance the political, economic, social, cultural development of local communities and improve living standards and quality of administrative services were studied by many well-known scholars from state and regional government.

Thus, O. Boryslavska, I. Zaverukha, E. Zakharchenko [1] emphasize that the emergence of the European Charter of Local Self-Government was caused by the strengthening of multilevel integration, including at the local and regional level, which led to the need to compare local government systems in different countries and to find harmonized approaches to further development. However, V.B. Hroisman [4] notes that the rather long period of this document development indicates that the problem of the relationship between local and central government is very complex, even for long-established and better developed democratic systems, in particular in countries Western Europe. Aimed at protecting and strengthening the local authorities independence in various European countries, this document provisions are a significant contribution to laying the foundations of such a Europe based on the democracy principles and power decentralization.

In addition, some domestic experts on public administration [5] take into account the fact that in the more than half-century history of the Council of Europe, this Charter is one of the few documents aimed at assisting member states in developing common approaches, principles and norms of cooperation with local self-government. The European Charter of Local Self-Government obliges each of the participants to abide by the legal norms that guarantee the administrative, financial and political independence of local authorities.

The study of the main provisions of the European Charter of Local Self-Government, which have the character of international standards that are of general importance for the formation, development and functioning of local self-government, and profile - in the context of their implementation in individual countries' legislation, states that local self-government is an integral part of the democratic system. Moreover, the European Charter of Local Self-Government emphasizes the importance of civil rights, which is relevant in the researches of such scholars as H.S. Odyntsova, H.I. Mostovyi ta O.Yu. Amosov [3].

Unsolved aspects of the problem

According to the conducted results, it has been determined that it is necessary, first of all, to emphasize the basic position of the Council of Europe member states that local authorities are one of the foundations of any democratic order. They also believe that citizens' right to participate in public affairs management is not only a democratic principle, but it can be exercised directly at the local level. It is also stated that the protection and strengthening of local self-government in various European countries represent a significant contribution to building a new Europe on the democracy principles and power decentralization.

According to V.V. Kravchenko, M.O. Baimuratov and O.V. Batanov [8], the state theory of local self-government is based on the European Charter of Local Self-government. This follows, first of all, from the fact that local authorities have to regulate, ie actually implement a significant part of public affairs. In addition, the primary subject of local self-government, according to the European Charter of Local Self-Government, is not the territorial community, but local self-government bodies. The definition of local self-government enshrined in the European Charter of Local Self-Government is partly accepted by the Article 2 of the Law of Ukraine "On Local Self-Government in Ukraine" of 21 May 1997, especially as regards understanding local self-government as the "right and real ability" to cope with urgent issues, but such a subject in Ukraine is the territorial community.

Moreover, according to M.O. Pukhtynskyi and V.V. Tolkovanova [5], the norms of the European Charter of Local Self-Government, which are put in the Article 12, are of great importance, namely, firstly, that the instrument can enter into force only if a member state implements the Charter 20 of the 30 paragraphs of the first part of the European Charter of Local Self-Government. 14 particularly important items are also listed here, of which 10 items must be selected by the state for mandatory and strict compliance. The European Charter of Local Self-Government is a closed international legal document to which only the Council of Europe member states can accede by ratifying, accepting or approving it and subsequently depositing it with the Secretary General of the Council of Europe the relevant document to that effect.

In this regard, the study of the compliance of local self-government with democratic European traditions has identified the following features, which require a reasonable solution to the following tasks: lack of legislation on local self-government, especially in terms of a clear powers division between local executive bodies and

local self-government bodies; a large number of delegated powers and their imperfect status deprives local self-government entities of financial and organizational legal independence; the administrative reform implementation at the local and regional levels on the basis of decentralization, deconcentration of powers, subsidiarity, resources consolidation and strategic planning for the development of territorial communities; lack of transparent procedures for resolving so-called competent disputes and conflict situations at the local and regional levels, primarily through court; non-compliance and non-implementation in full into national legislation of the European Charter of Local Self-Government provisions; ignorance of its content by representatives of local authorities, civil servants, citizens.

The aim of the article is to formulate approaches to the development and functioning of local self-government, reflected in the European Charter of Local Self-Government, which can enhance the political, economic, social, cultural development of local communities and improve living standards and quality of administrative services provision to the population.

The main part

As it is known, the European Charter of Local Self-Government, like most similar instruments, consists of a Preamble and 18 articles grouped into three parts. The Preamble contains conceptual provisions explaining the reasons for this document adoption by the Council of Europe member states and their attitude towards local democracy. Here, first of all, it is necessary to highlight the main position of the Council of Europe member states, which is that local self-government bodies are one of the foundations of any democratic system. Thus, P.V. Vorona [2] considers that citizens' right to participate in public affairs management does not only belong to the democratic principles, but it can be directly exercised at the local level. It is also stated that the protection and strengthening of local self-government in various European countries represent a significant contribution to building a new Europe on the democracy principles and power decentralization.

As for the first part, it explains the essence of the democratic concept of local self-government, defines its competence area, legal protection methods, funding sources and mechanisms for monitoring its activity. In particular, according to it, the essence of local self-government is the population's ability and right to manage public affairs within the law. The first part of the European Charter of Local Self-Government also states that the real self-government is impossible without free elections. The second part indicates the amount of commitments that the participants make. Thus, the local self-government principle is recognized in national legislation and, as far as possible, in the Constitution.

But, according to O. Lysenko [6], the very conceptual nature of the Article 3 of the Charter contains the definition of local self-government and includes the basic approaches and principles of local authorities autonomy and their relationship with the state in which the local democracy institution operates. Local self-government means the right and real ability of local authorities to regulate a significant part of state affairs and manage it, acting within the law, under their own responsibility and in local population's interests. Based on the state and community approaches to local self-government in Ukraine, several conclusions can be drawn. Thus, the local significance issues as a specific object of local democracy are not defined or singled out. Indirect reference to them is contained in that part of the definition, which states that public affairs should be decided in the local population's interests.

Moreover, Part 2 of the Article 3 of the Charter establishes a list of local self-government entities that directly or indirectly exercise the self-governing powers of territorial communities. This right is exercised by councils or assemblies, the members of which are freely elected by secret ballot on the basis of direct, equal, universal suffrage and which may have executive bodies accountable to them. This provision in no way precludes the use of citizens' assemblies, referendums or any other form of direct citizen participation, if permitted by law [6].

R.M. Pliushch [7] emphasizes that, according to this article [7], first of all, the dependence of local self-government and its powers on sovereign state power is clearly apparent. However, this provision does not preclude the granting of certain specific powers to local authorities in accordance with the law. Secondly, the

autonomy and independence of local self-government bodies within their own competence is established, i.e. local self-government bodies within the limits defined by law have a certain freedom of action to carry out their own initiatives on any issue that is not excluded from their competence and are not subject to the competence of another authority. Thirdly, the principles of optimal decentralization and real manageability of the territory are enshrined - the exercise of state powers, as a rule, should rely mainly on the authorities closest to the citizens. The granting of any of these powers to other authorities should take into account the scope and nature of the task, as well as the requirements of efficiency and economy.

Fourthly, the scope of powers of local self-government body and the grounds for their limitation and abolition are determined, i.e. the powers granted to local self-government bodies should, as a rule, be complete and exclusive. They may be challenged or restricted by another authority, central or regional, only within the limits established by law. Fifthly, the possibility of transferring state and other powers to the local level through the implementation of the unity principle of local and state interests is provided - this is when delegating powers to central or regional authorities, local authorities may, as far as possible, be free to adapt their implementation to local interests.

Finally, the principle of local self-government in the respective territorial units and the autonomy of local authorities through the correct relationship between the centre and places, the synergy of their interests are immediately interpreted, recognized and consolidated. Therefore, in the process of planning and making any decisions directly related to local self-government bodies, it is necessary to consult with these bodies, as far as possible, doing so in advance and in an appropriate form [7]. It is noted that the Article 5 of this document establishes the integrity principle of the territory in which the local government operates. According to it, the requirement is standardized that in case of any change in the local government of local territorial delimitation, consultations with the relevant local self-government bodies would be carried out, and where this is decided by law, by holding a referendum.

However, the Article 6 defines the right to implement the principle of freedom and independence of local self-government bodies in determining its organizational structure that meets local needs. The second part of the Article 6 of the European Charter of Local Self-Government contains requirements for the creation of appropriate working conditions and professional development of local government officials, ie the working conditions of local government officials should be such as to ensure the selection of highly qualified personnel based on experience and competence, for this it is necessary to provide appropriate conditions for professional training, payment and promotion.

Since, in accordance with the Article 7, the European Charter of Local Self-Government lays down standard conditions for the exercise of elected office at local level, the most important of these is the rather imperative requirement that the status of local elected officials be free to exercise their powers. The other conditions contained in this article supplement and specify this requirement, revealing the essence and elements of the legal status of the deputy corps, elected directly by the population: the local elected officials' status should allow them to receive appropriate monetary compensation for expenses in the exercise of their powers, as well as, if necessary, compensation for revenue loss or earnings and appropriate social insurance; functions and activities incompatible with the mandate of a local elected person may be established by law or basic legal principles.

In addition, according to A.F. Tkachuk [9], this article of the Charter lays down international rules on administrative supervision of the local self-government bodies activities. It is established that such control: should be carried out only in the forms and cases provided by the constitution or the law; should be intended only to ensure compliance with the rule of law and constitutionality, including control over the exercise by local self-government bodies of the powers delegated to them; should be carried out in such a way that the intervention degree of the supervisory authority corresponds to the importance of the interests that the interference must protect.

As for the Article 9 of the European Charter of Local Self-Government, it regulates the of financial sources of local self-government, which constitute the financial and economic base of local self-government, on the basis of which it independently realizes local interests, performing specialized functions. The main principles of financial sources formation of local self-government bodies, in accordance with the Charter, are: their legal existence, recognized and sanctioned by the state, as well as the freedom to dispose of such sources in the exercise of self-government functions; compliance of these funds with the powers of local self-government bodies provided by the constitution or law; availability of local revenue sources covering at least part of the financial needs of local self-government and the right of its bodies to set rates of local taxes and fees; availability of multivariate financial systems of local self-government in order to adapt them to the diversity of tasks and functions of local democracy; availability of financial equalization procedures or equivalent measures to adjust the results of unequal distribution of possible funding sources for local self-government bodies, to protect financially weaker similar bodies, without restricting the freedom of action of these bodies within their competence limitation; conciliation procedure of the centre and places at finances redistribution; independence of local self-government bodies in using the allocated subsidies and the possibility of their access to the domestic market of loan capital.

According to the Article 10 of the European Charter of Local Self-Government, local self-government bodies have the right, in the exercise of their powers, to cooperate and, within the limits of the law, to form consortia with other local self-government bodies to carry out tasks of common interest. This gives them a mutual opportunity to protect and support their common interests. At the same time, this article provides for the right to cooperate with local self-government bodies of other states. Firstly, local self-governments bodies have the right, in the exercise of their powers, to cooperate and, within the limits of the law, to form consortia with other local self-government bodies to carry out tasks of common interest. Secondly, the Charter entitles local self-government bodies to be members of the association to protect and promote their common interests, as well as to be a member of the international association of local self-government bodies recognized by each state. Thirdly, local self-government bodies have the right, under conditions that may be provided by law, to cooperate with local self-government bodies of other states. The main entities of such cooperation are international non-governmental organizations of local authority and local self-government bodies of other states. [1, 4].

However, the necessary prerequisite for international cooperation by local self-government bodies is the signing of protocols of intent, agreements or cooperation agreements (partnership, friendship and mutual assistance, joint activities, etc.), which set out the main objectives and organizational and legal forms of joint cooperation. It should be noted that these documents are not agreements of an international nature and refer to local regulation acts, although they are concluded between different states' entities. International cooperation of

local self-government bodies is multifaceted and creates a system of international relations at the local and regional levels, which, depending on various characteristics, can be classified and distinguish such organizational and legal forms of international cooperation (Figure 1).

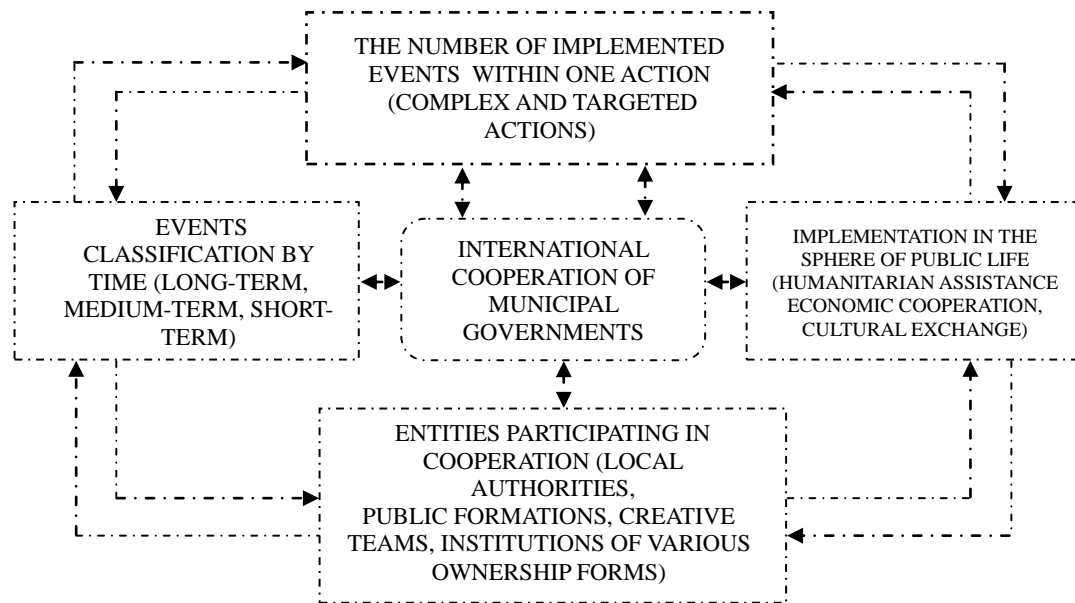


Figure 1. Conceptual Basis of the International Cooperation System of Municipal Governments

Source: authors' own development

It is proved that one distinguishes three levels of international cooperation of local self-government bodies. The first one, the general level, consists in studying, mastering and introducing the very world standards for the establishment, development and functioning of the local self-government system itself. This task is on the agenda at the state level (with its positive protectionism of local democracy) and at the local self-government level itself, in the existence of which territorial communities are interested. The second level covers the exchange of experience in running the local economy and managing local and regional processes of human settlements. The point at issue is studying and implementation of world norms and standards of organizational and managerial activities and best administrative practices on places. The third level provides for the formation and development of multifaceted and multilevel cooperation of local self-government bodies, social organizations, business structures, residents of the relevant administrative and territorial units with foreign partners and is manifested through various links. Interpersonal relationships play a crucial role in their implementation [8].

At the same time, this article of the European Charter of Local Self-Government completes the main part of the instrument and defines the right of local self-government bodies to use legal remedies to ensure free exercise of their powers and respect for local self-government principles embodied in the constitution or national legislation. In general, the main part of the Charter regulates the most important competence and functional aspects of the local self-government bodies activities, enshrining the relevant framework norms of the international nature. They are essential for the establishment and operation of the local democracy system in the territory of the modern democratic state of Ukraine.

According to M.O. Pukhtynskyi and V.V. Tolkovanov [5], without the recognition by specific states of these norms, in particular Ukraine, which are relevant international standards, by enshrining them in domestic law and further implementation, it is very difficult to talk about common approaches of European countries to the formation and functioning of local communities and their representative bodies as one of the democratic system foundations, on the harmonization of their national legislation in this area and, consequently, on the unconditional dominance of integration trends within a united Europe.

The third part of the Charter contains provisions explaining the peculiarities of ratification, signature and entry into force of this document. That is, the accession procedure to the European Charter of Local Self-Government allows the choosing the principles to be applied by each state. The state is expected to commit to at least 20 principles. At least 10 of the selected principles have to belong to the main group. It is determined that the process of choosing the principles that Ukraine intends to adhere to is essentially the national model construction of local self-government [9].

In addition, the provisions of the Article 17 of the European Charter of Local Self-Government, which establish the procedure for its denunciation, are of some pragmatic interest. It is important that a member state may not denounce the Charter before the expiration of five years from the date on which the Charter enters into force for this country. This provision, obviously, is aimed not only at stable participation in the international

agreement, but also should stimulate the process of detailed consideration by a particular state during the accession to the European Charter of Local Self-Government. This provision of the European Charter of Local Self-Government aims to establish participation in the Charter and encourages prudence in accessing to it.

As for the process of Ukraine's accession to the European Charter of Local Self-Government, it is not a one-time act of its formal ratification by the country's parliament. It must consist of at least several stages. At the first stage, the country should clearly define its desire to accede to the Charter and define the categories of self-government bodies to which the Charter will apply and the territories to which it will not apply. At the same time, the relevant parliamentary structures and executive power units (Presidential Executive Office, the Cabinet of Ministers, Ministry of Foreign Affairs, etc.) should start studying the European Charter of Local Self-Government by experts' group on state building, self-government, international law and prepare an official translation of this document.

At the second stage, the country, as the Council of Europe member state, must decide when it will accede to the Charter. At the same time, an action plan and a timetable for the fullest implementation of the Charter's commitments into national law and practice are being prepared. It is also necessary to publish the text of the European Charter of Local Self-Government in the media, to acquaint the government agencies representatives and citizens with the document content. At the third stage, specific editorial and textual proposals will have to be prepared to bring national legislation into line with the European Charter of Local Self-government provisions. This work must take place in parallel with the documents preparation on the ratification of the European Charter of Local Self-Government, its ratification by the Verkhovna Rada of Ukraine and the Council of Europe notification.

At the fourth stage, national legislation should be amended in accordance with the state's obligations at the time of ratification. On 20 October 2011, the Additional Protocol to the European Charter of Local Self-Government was signed on behalf of Ukraine, which was approved by the Parliament only on 2 September 2014. The Additional Protocol to the European Charter of Local Self-Government significantly expands the citizens' rights to participate in the affairs of local self-government bodies, contains warnings against bribery or the use of force and coercive forms of participation in the public life of local communities. Signing of the Additional Protocol, its implementation in the national legislation and practical application of the standards provided in it will promote the society's democratization [2].

It is clear that this multifaceted organizational, legislative, expert and representative work should be coordinated and carried out with the stakeholders' participation, especially representatives of local and regional authorities. The scope of work on entering the European legal space is obvious. According to current practice, the Council of Europe constantly monitors the compliance condition of member states with their commitments. In general, the most promising action course for the implementation of the Charter in the Ukrainian model of local self-government is the realization of most provisions of current national legislation in the territorial communities' daily practice.

Therefore, it should be borne in mind that the fundamental reason for the slowdown with the implementation of the European Charter of Local Self-Government in full and with the formation of effective local self-government is the underdevelopment of civil society in Ukraine in general and in each local community in particular. The community acts, manifests and influences through public organizations, the totality of which in each city, rural settlement, village is a local civil society, as well as through direct democracy forms. The direct democracy forms are rarely used in the life of territorial communities, usually on the initiative of local self-government body [7].

In this regard, the process of reforming local self-government in Ukraine requires its integrated system creation, improving the regulatory framework of local self-government. In the long run, it is necessary to gradually release local state administrations from executive and administrative functions and transfer them to the councils, followed by the elimination of the latter. At the same time, further strengthening the organizational and legal bases of local self-government in Ukraine should be carried out taking into account: integrated approach to the legislative regulation subject; consistency and coherence of legislative activity; approbation of lawmaking projects in practice, their coordination with local self-government bodies and their associations; the necessary financial justification of the draft laws; constant scientific monitoring, support and examination of lawmaking projects, conducting nomothetical and state-legal experiments in the field of local self-government. The priority of Ukraine's state policy should be the organization of personnel's training, retraining, advanced training for working in local self-government bodies.

Thus, it is established that in the draft laws on the development of local self-government system it is necessary to take into account these features, and when adopting them it is advisable to subject them to international expertise, which will facilitate the approximation of Ukrainian legislation to European standards. The expertise should not be conducted when the law has already been adopted and it has been signed by the Head of the State. International structures should be involved in the draft laws preparation and at the discussion stage. To this end, agreements must be reached between the Directorate for Cooperation in Local and Regional Democracy of the Secretariat of the Council of Europe and the Verkhovna Rada of Ukraine.

The practice of European countries shows the need for consultations with local self-government bodies and their associations in making important decisions. Due to the fact that the implementation of large-scale reform of local self-government continues in Ukraine today, one of its main goals is the decentralization and

deconcentration of power, strengthening the organizational, legal and financial and economic independence of local self-government; formation of self-sufficient, capable territorial communities, providing them with the necessary material and financial resources; reforming the country's administrative-territorial structure.

Conclusions

It is determined that the fundamental reason for the slowdown with the implementation of the European Charter of Local Self-Government in full and with the formation of effective local self-government is the underdevelopment of civil society in Ukraine in general and in each local community in particular. The community acts, manifests and influences through public organizations, the totality of which in each city, rural settlement, village is a local civil society, as well as through direct democracy forms. The direct democracy forms are rarely used in the life of territorial communities, usually on the initiative of local self-government body.

It is proved that the process of reforming local self-government in Ukraine requires its integrated system creation, improving the regulatory framework of local self-government. In the long run, it is necessary to gradually release local state administrations from executive and administrative functions and transfer them to the councils, followed by the elimination of the latter. Further strengthening the organizational and legal bases of local self-government in Ukraine should be carried out taking into account: integrated approach to the legislative regulation subject; consistency and coherence of legislative activity; approbation of lawmaking projects in practice, their coordination with local self-government bodies and their associations; the necessary financial justification of the draft laws; constant scientific monitoring, support and examination of lawmaking projects, conducting nomothetical and state-legal experiments in the field of local self-government. The priority of Ukraine's state policy should be the organization of personnel's training, retraining, advanced training for working in local self-government bodies.

The approaches to the development and functioning of the local self-government system are considered and formulated, and are reflected in the European Charter of Local Self-government, which is able to enhance the political, economic, social and cultural development of territorial communities, and to improve the standard of living and the quality of administrative services to the population.

It is elucidated that in the draft laws on the development of local self-government system it is necessary to take into account these features, and when adopting them it is advisable to subject them to international expertise, which will facilitate the approximation of Ukrainian legislation to European standards. The expertise should not be conducted when the law has already been adopted and it has been signed by the Head of the State. International structures should be involved in the draft laws preparation and at the discussion stage. To this end, agreements must be reached between the Directorate for Cooperation in Local and Regional Democracy of the Secretariat of the Council of Europe and the Verkhovna Rada of Ukraine.

Abstract

It is determined that the underlying development of civil society in Ukraine in general, and in each local community in particular, is a fundamental reason for slowdown both with the full implementation of the European Charter of Local Self-Government and with the effective local self-government formation. The community acts, manifests and influences through public organizations, the totality of which in each city, rural settlement, village is a local civil society, as well as through the direct democracy forms. The direct democracy forms are rarely used, in the life of territorial communities usually on the initiative of local government.

It is proved that the process of reforming local self-government in Ukraine requires its integral system creation, the regulatory framework improvement of local self-government. In the future, it is necessary to gradually release local state administrations from executive and administrative functions and transfer them to the councils, followed by the elimination of the latter. Further strengthening of the organizational and legal framework of local self-government in Ukraine should be carried out taking into account: a comprehensive approach to the subject of legislative regulation; consistency and coherence of legislative activity; legislative developments approbation in practice, their coordination with local self-government bodies and their associations; the necessary financial justification of the draft laws; constant scientific monitoring, support and examination of lawmaking projects, conducting nomothetical and state-legal experiments in the field of local self-government. The priority of Ukraine's state policy should be the organization of personnel's training, retraining, advanced training for working in local self-government bodies.

The approaches to the development and functioning of the local self-government system are considered and formulated, which are reflected in the European Charter of Local Self-Government, which are able to intensify political, economic, social, cultural development of territorial communities and improve living standards and administrative services quality.

It is established that in the draft laws on the development of the local self-government system it is necessary to take into account these features, and when adopting them it is expedient to subject them to international expertise, which will help bring Ukrainian legislation closer to European standards. The expertise should not be conducted when the law has already been adopted and it has been signed by the Head of the State. International structures should be involved in the draft laws preparation and at the discussion stage. To this end, agreements

must be reached between the Directorates for Cooperation in Local and Regional Democracy of the Secretariat of the Council of Europe and the Verkhovna Rada of Ukraine.

Список літератури:

1. Бориславська О. Децентралізація публічної влади: досвід європейських країн та перспективи України / О. Бориславська, І. Заверуха, Е. Захарченко. – К.: ТОВ «Софія», 2014. – 128 с.
2. Ворона П.В. Місцеве самоврядування України в контексті розвитку представницької влади: [моногр.] / П.В. Ворона. – Полтава: ПУЕТ, 2016. – 341 с.
3. Державне управління і менеджмент: [навч. посіб.] / Г.С. Одинцова, Г.І. Мостовий, О.Ю. Амосов. – Х.: ХарРІ УАДУ, 2012. – 492 с.
4. Досвід децентралізації у країнах Європи / Заг. ред. В.Б. Гройсмана. – К.: Інститут законодавства Верховної Ради України, 2015. – 766 с.
5. Європейська хартія місцевого самоврядування та розвиток місцевої і регіональної демократії в Україні: [наук.-практ. посіб.] / За ред. М.О. Пухтинського, В.В. Толкованова. – К.: Крамар, 2013. – 396 с.
6. Лисенко О. Трансформація правового статусу органів місцевого самоврядування відповідно до європейських / О. Лисенко // Право України. – 2019. – № 4. – С. 132-139.
7. Місцеве самоврядування в умовах децентралізації влади в Україні: [моногр.] / За заг. ред. Р.М. Плюща. – К.: РІДНА МОВА, 2014. – 744 с.
8. Актуальні проблеми становлення та розвитку місцевого самоврядування в Україні: [моногр.] / За ред. В.В. Кравченка, М.О. Баймуратова, О.В. Батанова. – К.: Атака, 2017. – 864 с.
9. Ткачук А.Ф. Місцеве самоврядування та децентралізація. Законодавство / А.Ф. Ткачук. – К.: ІКЦ «Легальний статус», 2018. – 180 с.

References:

1. Boryslavska, O. (2014). Decentralization of public power: experience of European countries and prospects of Ukraine. Kyiv: Sofiya [in Ukrainian].
2. Vorona, P.V. (2016). Local self-government of Ukraine in the context of development of representative power. Poltava: PUET [in Ukrainian].
3. Odynczova, G.S., Mostovyj, G.I. & Amosov, O.Yu. (2012). Public administration and management. Harkiv: HarRI UADU [in Ukrainian].
4. Grojsman, V.B. (2015). Experience of decentralization in European countries. Kyiv: Instytut zakonodavstva Verkhovnoyi Rady Ukrayiny [in Ukrainian].
5. Puxtynskyj, M.O. & Tolkovanov, V.V. (2013). European Charter of Local Self-Government and Development of Local and Regional Democracy in Ukraine. Kyiv: Kramar [in Ukrainian].
6. Lysenko, O. (2019). Transformation of the legal status of local governments in accordance with European ones. Pravo Ukrayiny, 4, 132-139 [in Ukrainian].
7. Plyushh, R.M. (2014). Local self-government in the conditions of decentralization of power in Ukraine. Kyiv: RIDNA MOVA [in Ukrainian].
8. Kravchenko, V.V., Baymuratov, M.O., & Batanov, O.V. (2017). Actual problems of formation and development of local self-government in Ukraine. Kyiv: Ataka [in Ukrainian].
9. Tkachuk, A.F. (2018). Local self-government and decentralization. Legislation. Kyiv: Legalnyj status [in Ukrainian].

Посилання на статтю:

Husarina N.V. Approaches to the Development and Functioning of Local Self-Government System Reflected in the European Charter of Local Self-Government / N. V. Husarina, Ye. M. Syta, M. Slusarciuc // Економічний журнал Одеського політехнічного університету. – 2020. – № 2 (12). – С. 29-36. – Режим доступу до журн.: <https://economics.opu.ua/ejoru/2020/No2/29.pdf>. DOI: 10.15276/EJ.02.2020.4. DOI: 10.5281/zenodo.4012466.

Reference a Journal Article:

Husarina N.V. Approaches to the Development and Functioning of Local Self-Government System Reflected in the European Charter of Local Self-Government / N. V. Husarina, Ye. M. Syta, M. Slusarciuc // Economic journal Odessa polytechnic university. – 2020. – № 2 (12). – С. 29-36. – Retrieved from <https://economics.opu.ua/ejoru/2020/No2/29.pdf>. DOI: 10.15276/EJ.02.2020.4. DOI: 10.5281/zenodo.4012466.

