

Світлана Григорівна Серьогіна

*Національна академія правових наук України
Харків, Україна*

*Науково-дослідний інститут
державного будівництва та місцевого самоврядування
Національна академія правових наук України
Харків, Україна*

*Кафедра державного будівництва
Національний юридичний університет імені Ярослава Мудрого
Харків, Україна*

Ірина Іванівна Бодрова

*Науково-дослідний інститут
державного будівництва та місцевого самоврядування
Національна академія правових наук України
Харків, Україна*

*Кафедра державного будівництва
Національний юридичний університет імені Ярослава Мудрого
Харків, Україна*

Марина Олександрівна Петришина

*Науково-дослідний інститут
правового забезпечення інноваційного розвитку
Національна академія правових наук України
Харків, Україна*

*Кафедра державного будівництва
Національний юридичний університет імені Ярослава Мудрого
Харків, Україна*

МУНІЦИПАЛЬНО-ПРАВОВА ПОЛІТИКА ЯК ПРІОРИТЕТНИЙ НАПРЯМОК ПРАВОВОЇ ПОЛІТИКИ В УМОВАХ РЕФОРМУВАННЯ ТЕРИТОРІАЛЬНОЇ ОРГАНІЗАЦІЇ ВЛАДИ ТА ЄВРОПЕЙСЬКОЇ ІНТЕГРАЦІЇ УКРАЇНИ

Анотація. У статті досліджено проблеми формування та реалізації муніципально-правової політики в Україні. З'ясовано, що сутність муніципально-правової політики України, зважаючи на проваджену реформу децентралізації, полягає у тому, що це відносно стабільна, організована, цілеспрямована діяльність органів державної влади та місцевого самоврядування, яка має на меті побудову спроможного місцевого самоврядування, адекватного потребам та інтересам територіальних громад. Охарактеризовано елементний склад муніципально-правової політики. Встановлено, що до її елементного складу можна віднести: концепцію системно-структурної та організаційно-функціональної організації та діяльності місцевої влади на різних рівнях адміністративно-територіального устрою; узгоджену систему нормативно-правових актів, які регулюють питання організації та діяльності місцевих органів державної виконавчої влади та місцевого самоврядування, встановлюють обсяг та межі їх компетенції, визначають особливості взаємодії та порядок вирішення спорів між ними; нормативно-правову основу ресурсного забезпечення місцевого самоврядування; законодавче визначення органу або посадової особи в структурі органів державної виконавчої влади, який представляє інтереси держави на відповідній території, має право здійснювати контрольні повноваження, а також є сполучною ланкою між територіальною громадою, органами місцевого самоврядування та системою органів державної виконавчої влади; формально-визначений алгоритм прийняття рішень з питань, що стосуються місцевого самоврядування; систему моніторингу муніципально-правової політики держави. Визначено основні блоки питань в межах дослідження, що у подальшому потребують використання комплексного наукового підходу до їх законодавчого вирішення

Ключові слова: муніципальна влада, місцеве самоврядування, децентралізація, муніципальна правова політика

Svitlana H. Serohina

*National Academy of Legal Sciences of Ukraine
Kharkiv, Ukraine*

*Scientific Research Institute of
State Building and Local Government
National Academy of Legal Sciences of Ukraine
Kharkiv, Ukraine*

*Department of State Building
Yaroslav Mudryi National Law University
Kharkiv, Ukraine*

Iryna I. Bodrova

*Scientific Research Institute of
State Building and Local Government
National Academy of Legal Sciences of Ukraine
Kharkiv, Ukraine*

*Department of State Building
Yaroslav Mudryi National Law University
Kharkiv, Ukraine*

Maryna O. Petryshyna

*Scientific Research Institute of
Legal Support of Innovative Development
National Academy of Legal Sciences of Ukraine
Kharkiv, Ukraine*

*Department of State Building
Yaroslav Mudryi National Law University
Kharkiv, Ukraine*

MUNICIPAL POLICY AS A PRIORITY AREA OF LEGAL POLICY IN THE CONTEXT OF REFORMING THE TERRITORIAL ORGANISATION OF POWER AND EUROPEAN INTEGRATION OF UKRAINE

Abstract. *The present study investigates the problems of development and implementation of municipal policy in Ukraine. It was found that the essence of municipal policy of Ukraine, given the ongoing decentralisation reform, is that it is a relatively stable, organised, purposeful activity of public authorities and local governments, which aims to build a capable local government, adequate to the needs and interests of territorial communities. The study describes the elemental composition of municipal policy. The authors of this study established that its elemental composition includes: the concept of system-structural and organisational-functional organisation and activities of local authorities at different levels of administrative-territorial organisation; a coordinated system of regulations that govern the organisation and activity of local bodies of state executive power and local self-government, establish the scope and limits of their competence, determine the features of interaction and the procedure for resolving disputes between them; regulatory basis of resource provision of local self-government; legislative definition of a body or official in the structure of state executive bodies, which represents the interests of the state in the corresponding territory, has the right to exercise control powers, and constitutes a link between the territorial community, local governments and the system of state executive bodies; formally defined decision-making algorithm on issues relating to local self-government; system of monitoring the national municipal policy. The authors also identified the main blocks of issues under study, which require further use of a comprehensive scientific approach to their legislative solution*

Keywords: *municipal government, local self-government, decentralisation, municipal policy*

INTRODUCTION

The leading world trends in modern democracies are the recognition, consolidation, and implementation of the principles of regionalisation and decentralisation, subsidiarity and local self-government, both within internal and external policy and within the constitutional regulation of legal phenomena, institutions, and mechanisms.

International recognition of local self-government as the basis of any democratic system has significantly expanded the boundaries of municipalisation of the constitutional life of democratic countries [1].

Ukraine, which has nationally recognised the need to accelerate the reform of local self-government and territorial organisation of power, is not far behind global trends. The transformation processes transpiring in the present-day Ukraine are much more complex than some set of actions aimed at changing the form of government, establishing ties in the system of public authorities, local self-government, forming new political and legal institutions, etc. Instead, the establishment of democracy in Ukraine is a universal process that affects both the state and public authorities, as well as the territorial community and local governments. Most importantly, this refers to the development of capable self-government at the basic, district, and regional levels with the establishment of councils, optimisation of administrative-territorial organisation and the existing model of territorial organisation of power, introduction of effective mechanisms of local democracy. Furthermore, the successful implementation of local government reform will contribute to the effective implementation of Ukraine's policy of European integration, the development of cooperation with European institutions, in particular, the Council of Europe and the European Union.

Issues relating to the development and implementation of municipal policy in Ukraine remain unexplored to this day. Therewith, the problems of legal policy development have repeatedly become the centre of scientific discussions [2]. Thus, such researchers as O.Yu. Bytiak, M.I. Panov, O.V. Petryshyn, A.O. Selivanov, O.V. Skrypniuk, V.Ya. Tatsii and others investigated the problems of development and implementation of the national policy. The studies concerning certain aspects of municipal policy include the articles by O.O. Akhmerov, M.O. Baimuratov, O.V. Batanov, P.M. Liubchenko, R.V. Khvan and some others.

Thus, among complex scientific studies in this subject area the authors of the present paper highlight the dissertation by B.V. Popovych on the topic: "Conceptual Principles of National Municipal Policy in Ukraine in the Context of European Integration", which singles out and investigates the theoretical and methodological principles of national municipal policy, institutional mechanism and policy cycle of its development and implementation, ways of developing the European-standard national municipal policy in Ukraine. At the same time, researchers have substantiated the legitimacy of identifying the institutional content of national municipal policy with public administration activities, which are carried out to create institutional conditions for the effective performance of local government functions. The study demonstrates that the content of national municipal policy is implemented at two levels of state regulation of local self-government – legislative and administrative. The role of public administration standards as elements of the methodology of the European national municipal policy, its conceptual legal bases and key factors of their implementation in Ukraine are highlighted. The study demonstrates that they are based on the principles, regulations and standards of local self-government, which are harmoniously combined in the concept of "good self-government" [3].

However, despite the strengthening of local self-government and local democracy in the world, the development of a global trend towards its effective development, both at the doctrinal and constitutional levels, the search for the best model of its organisation and activities, including the correlation with the system of state authorities is ongoing. The importance of local self-government for building a constitutional order based on the rule of law, democracy, and recognition of human rights necessitates a response on the part of the state by developing and implementing an appropriate legal policy as a system of principles, areas, and means of targeted legal influence on the course and aims of corresponding social processes and development of appropriate social institutions and norms.

The relevance and urgency of solving the above issues is confirmed, *inter alia*, by the growing scientific interest in the development and reform of public administration in general, including increasing attention of both theorists and practitioners to revise and amend the current legislation aimed at the establishment of an open, transparent, efficient, and effective system of public authorities and local self-government in Ukraine, establishment of various capable public services in terms of both competence, financial support, and professionalism, and solving everyday and development problems of territorial communities and regions [4]. Rethinking the essence and significance of local self-government towards the realisation of the impossibility of existence, normal functioning and development of a modern democratic state without capable and active local self-government leads not only to the development national municipal policy, but also to the possibility of transition to municipal policy as a system of strategic management of self-government activities [5]. Therefore, the purpose of this study is to identify and analyse the political and legal foundations for the development of capable local government in Ukraine in terms of ongoing reform of local government and territorial organisation of power.

1. MATERIALS AND METHODS

The methodological framework of this study includes both general and special methods. A dialectical approach

was used to clarify the essence and content of public authorities in the field of municipal policy as a phenomenon of reality in its dynamics, constant development and interrelation with other political and legal phenomena, namely with the reform of local self-government and territorial organisation of power, public administration reform, European integration of Ukraine, including public relations at the level closest to the citizens – at the level of local self-government (regions, individual communities), including the provision of sustainable socio-economic local development, development of affluent communities, etc.

The study employed the method of system analysis to investigate various levels, manifestations, actors in the development and implementation of municipal policy. The system-structural and functional methods were used to single out and examine the elements of national municipal policy, namely: the concept of system-structural and organisational-functional organisation and activity of local government at different levels of administrative-territorial structure; system of regulations, which govern the issues of organisation and activity of local bodies of state executive power and local self-government; regulatory framework of resource provision of local self-government; a body or official in the structure of bodies of state executive power, which represents the interests of the state in the relevant territory, has the right to exercise control powers in this area; formally defined decision-making algorithm on issues relating to local self-government; system of monitoring the national municipal policy.

Functional-instrumental method allowed identifying the main aspects and patterns of various methods of state regulation of local government and determine their impact on the further development of local government, its institutions and mechanisms for exercising municipal power. In particular, the study establishes that the national municipal policy as a set of measures aimed at legalisation and statutory regulation of public relations in the organisation and exercise of municipal power, is described by a constant search within the framework of conceptually different systems of local government, inhibiting its development through imperfection, inconsistencies, gaps in legal regulation.

The formal legal method enabled a consistent analysis of the content of legal norms and features of regulatory support for the establishment, development and reform of local self-government. The provisions of numerous acts of different legal force are subject to analysis, since the adoption of the Concept of Reforming Local Self-Government and Territorial Organisation of Power in Ukraine, approved by the Cabinet of Ministers of Ukraine on April 1, 2014, which defined the main areas and logic of reform. In particular, the present study established that since the adoption of the Concept, the regulatory framework for the reform has been developed and adopted, and numerous laws have been adopted that lay the foundation for the development of capable local self-government and community cooperation. Therewith, numerous acts have remained drafts to this day. Thus, regulatory resolution is pending for important problems of the existence and functioning of an effective and efficient system of local self-government in Ukraine (problems of state supervision and/or control; statutory regulation of the organisation and conduct of local referendums, including their procedural requirements and rules of rule-making of territorial communities, bodies and officials of local self-government; introduction of an effective system of monitoring the implementation of not only regional but also local municipal policy, etc.). The logical-semantic method provided an opportunity to formulate recommendations on areas that require further scientific substantiation and legislative support, including comprehensive and systematic measures to develop a capable local government. The forecasting method helped outline the prospects for the development of municipal policy, in particular, as a system of strategic management of self-government, including the development of strategies, development programmes, and the implementation of best modern European and world practices of providing quality and affordable public services with simultaneous adaptation to the concepts of good governance, e-governance, including the use and coordination with the principles, individual mechanisms and means of “new public management”, etc.

2. RESULTS AND DISCUSSION

Strengthening local self-government and local democracy has become one of the trends in state and social development on a global scale. The importance of local self-government for building a constitutional order based on the rule of law, democracy, and recognition of human rights necessitates a response on the part of the state by developing and implementing an appropriate legal policy as a system of principles, areas, and means of targeted legal influence on the course and aims of corresponding social processes and development of appropriate social institutions and norms.

Municipal policy is a kind of legal policy on the subject of legal regulation; it is a scientifically substantiated system of goals, priorities, areas, tasks and concrete measures for creation of an effective mechanism of municipal legal regulation, for development and modernisation of local self-government in the country. The implementation of such a policy must be rational and consistent, comply with the principles of the constitutional order and the international obligations of the state, be focused on the priority of human rights

and ensure the capacity of territorial communities. In a democratic, legal statehood, municipal policy is the main tool for influencing the system of public relations in the field of local self-government and is dialectically combined with other forms and types of national policy [6]. It includes the coordinated activities of public authorities, local governments, their officials and officials, civil society institutions, territorial groups and individuals, which is carried out with a common purpose and in the manner prescribed by applicable law, and orients society to optimise municipal legal regulation. Municipal policy is designed to organise the process of municipal construction, because it cannot happen spontaneously, and in the municipal legal sphere requires its own strategy and tactics, internal logic and systematic action [7].

The specificity of municipal policy is that it is, on the one hand, the closest to the place of residence of citizens, and hence to their daily needs and interests, and on the other hand – it has a complex nature, because such are the issues of local importance. Municipal policy should develop legal algorithms to address the problems faced by communities and their elected authorities, ways to resolve conflicts and overcome crises, propose mechanisms that could work proactively, and thus related to scientific forecasting and planning at the local level. Modern Ukraine clearly lacks consistency, moderation and soundness in the development of municipal policy, as well as political will in its implementation, as evidenced by the constitutional reform of decentralisation, which was announced in 2014, but still not implemented, having managed to substantially change during this time not only its content, but also strategic guidelines.

Referring to Ukrainian scientific sources, which to a certain extent investigate the municipal policy, the authors of the present study agree that municipal policy is a legal policy pursued jointly by public authorities, local governments, civil society institutions involving members of local communities to development of local self-government [8]. The state is the leading subject of municipal policy development in Ukraine. It would seem that this is quite understandable given the sovereignty of state power, but not in the case of local self-government, the “top-down” construction of which contradicts the very nature of self-government, where the subject and object of power coincide in the face of the territorial community. Local self-government in Ukraine was initiated by state enforcement, as a result of which the local population was simply confronted with the fact that it currently has a different status, and the “power landscape” has changed radically. Therewith, the decrepit nature of local self-government persists throughout the years of Ukraine's independence, the most striking evidence of which is that all reforms in the municipal sphere are carried out at the initiative of the state and within the state vision of social development. As a result, contrary to the declared independence and autonomy from the state, local self-government remains the object of reform and even experimentation, being unable to oppose the will of the sovereign state power. Territorial communities and their authorities in the process of reforming their own existence are given, at best, an advisory role, while the centre of decision-making is concentrated in the capital, represented by the highest political bodies of the state. As a result, two parallel realities are formed: the abstract-idealised system of local self-government, which is seen in central government projects and reflected in strategies, concepts and laws, and a realistic system of local self-government, which is observed daily and which members of territorial communities face daily when solving their current issues.

In the process of voluntary and compulsory unification of territorial communities, the socio-territorial basis of local self-government was effectively destroyed, which conventionally was territorial communities as natural communities united by common interests and needs arising from living together within a single settlement. Newly created (united) territorial communities are artificial formations; members of such communities have no common ground. As a result, local self-government is transformed into a purely territorial administration and thus finally nationalised. Accordingly, initiative, democracy, reliance on the masses, publicity and local uniqueness of local self-government are lost, and thus all the creative potential embedded in the model outlined in the 1995 European Charter of Local Self-Government is levelled [9].

The starting points of the national municipal policy are the concepts of reform, strategies, plans for the development of local self-government, etc. Such documents underlie further transformation of the system of national legislation in the field of local self-government. The revision of the provisions of Ukrainian legislation on a new conceptual basis, in turn, is aimed at ensuring the purposefulness and systematisation of the state's transformations in the municipal sphere. Thus, the essence of municipal policy of Ukraine, given the decentralisation reform, is that it is a relatively stable, organised, purposeful activity of public authorities and local governments, which aims to build a capable local government, adequate to the needs and interests of territorial communities.

National municipal policy, its elemental composition (subjects, objects, purpose and means of activity, mechanisms of realisation, and also results of this activity and their estimation), depend on the following factors and conditions: 1) political value of a social problem (concept, strategy, recommendation, etc.); 2) the presence or possibility of developing a political administrative programme (legislation); 3) political-administrative

structure (vertical and horizontal connections of state authorities and local self-government), which makes provision for the definition of key actors (stakeholders), including institutional norms that affect their activities (specialised, sectoral laws); 4) the presence of an action plan, programme or their development (plans for the implementation of steps and stages, state target programmes, etc.); 5) acts of implementation (orders, instructions, methods, administrative documents of local nature), which are provided by the current legislation and correspond to the political administrative programme; 6) policy impact assessment (statistics and monitoring, administrative and financial audit, etc.) [10].

Therefore, the elemental composition of municipal policy is as follows:

1. Existence of the developed concept of system-structural and organisational-functional organisation and activity of local government (local bodies of state executive power and local self-government bodies) at different levels of administrative-territorial structure, including basic, intermediate, and regional levels.

2. An agreed system of regulations that govern the organisation and activity of local bodies of state executive power and local self-government, establish the scope and limits of their competence, including determine the features of interaction and the procedure for resolving disputes between them.

3. Regulatory framework of resource provision of local self-government (most importantly, financial and budgetary).

4. The definition of a body or official in the structure of state executive bodies, which represents the interests of the state in the relevant territory, has the right to exercise control powers and is a link between the territorial community, local governments and the system of state executive bodies.

5. Formally defined algorithm for decision-making on issues relating to local self-government (in particular, involves the participation of representatives of associations of local governments, including local needs and interests).

6. The system of monitoring the national municipal policy.

Taking the elemental composition as a basis, it is possible to investigate the ongoing changes by analysing the theoretical and conceptual and regulatory support of the reform.

1. The processes of regionalisation, decentralisation of public power, the development of a system of capable local self-government based on the principle of subsidiarity and universality are inherent in modern states with a liberal-democratic political regime. Decentralisation is usually understood as the reform of the system of public power in the state in the following main areas: 1) territorial reform (involves the reorganisation of territorial organisation, usually through the consolidation (agglomeration) of administrative-territorial units (voluntary, forced or mixed) 2) institutional reorganisation (redistribution of powers and relevant financial and other resources); 3) procedural reorganisation (reform of the system of public services (including administrative services), introduction of e-government, due (good) governance at different levels and in different subsystems of public authority, best world practices of organisation and activity, etc.) [11]. Reforms in these areas were comprehensively and meaningfully carried out in countries such as Poland, Latvia, Lithuania, the Czech Republic, Slovakia, Estonia, Italy, Portugal, Denmark, Finland, and others [12; 13]. In many other countries of the world, these areas of reform are at an early stage (awareness of the need, search for a model, development of a concept, planning and forecasting, etc.).

The main issues to be addressed by the decentralisation reform, including in Ukraine, are as follows: 1) significant deterioration in the quality and accessibility of public services due to the resource failure of the vast majority of local governments; 2) catastrophic deterioration of heat, sewage, water supply networks, housing in general, including the risk of anthropogenic disasters in conditions of serious lack of material, financial, and other resources; 3) difficult demographic situation in most territorial communities; 4) inconsistency, and often separation of local policy on socio-economic development with the interests of territorial communities; 5) lack of unified state regulation of forms of local democracy of participation, inability and lack of initiative of members of territorial communities to take solidarity actions aimed at protecting their rights and interests; 6) reducing the level of professionalism of local government officials, including due to the weak competitiveness of local governments in the labour market, reducing the prestige of positions, which leads to low quality of vital decisions for the community; 7) corporatisation of the system of local self-government bodies, high degree of secrecy and non-transparency of their activity, increase of corruption, which can lead to decrease in efficiency of use of own and involved material and financial resources, decrease of investment attractiveness of territories, increase of social tension; 8) politicisation of the decision-making process in this area of legal regulation, when representatives of the dominant party in Parliament pursue national interests without focusing on the affairs of territorial communities, while opposition parties, on the contrary, often sabotage the implementation of national policy, ignoring the interests of communities; 9) excessive centralisation of powers of executive bodies and financial and material resources, even considering changes in the budget and tax spheres; 10) increasing social tensions due to failure to ensure the ubiquity of local self-government, etc. [14].

Thus, the areas and logic of the reform were defined by the Concept of reforming local self-government and territorial organisation of power in Ukraine, approved by the Cabinet of Ministers of Ukraine on April 1, 2014. [15]. The reform is based on the following starting points: transfer of powers from the centre to the periphery; the relevant delegated powers must be provided with sufficient financial resources; determination of forms and limits of control over the activity of local self-government bodies.

2. Since the adoption of the Concept, the regulatory framework for the reform has been developed and adopted, and numerous laws have been adopted that lay the foundation for the development of capable local self-government and community cooperation. Furthermore, in 2015, the Law of Ukraine “On the Principles of National Regional Policy” was adopted [16], which defines the basic socio-economic, legal and other principles of national regional policy as a component of internal policy of Ukraine, including defines the purpose, principles, levels, objects and subjects of national regional policy, their powers in this area, financial support measures, including monitoring their implementation.

Substantial changes were also introduced to the Tax and Budget Codes of Ukraine (in terms of fiscal decentralisation – changes in the structure of the budget system with corresponding changes in the powers of local governments, etc.). In particular, in pursuance of the Decree of the President of Ukraine “On Urgent Measures to Ensure Economic Growth, Stimulate Regional Development and Prevent Corruption”, the State Strategy for Regional Development for 2021-2027 was developed [17] This document provides not only objective changes, but also changes in approaches to regional development, subjective changes (until 2020, the relevant policies were developed and implemented the by central government; starting from 2021, it is expected that the development and implementation of this policy will be performed at all levels: central, regional, local, including with the involvement of non-governmental organisations), substantial changes in the funding of relevant regional development programs, including monitoring of relevant measures by the Government of Ukraine and, finally, all these efforts to strategically plan development and efficient management of resources, etc.

At the same time, the reorganisation of the administrative-territorial system was initiated. On the one hand, this process should have been facilitated by the adoption of the Laws of Ukraine “On Cooperation of Territorial Communities” [18], “On Voluntary Association of Territorial Communities” [19] of 2014 and 2015, respectively. These regulations laid the foundations for future territorial reorganisation, namely by defining the legal framework for cooperation of territorial communities, principles, forms, subjects and areas, mechanisms of such cooperation, its promotion, financing and control, and settlement of relations arising in the process of voluntary association of territorial communities of villages, settlements, cities, including voluntary accession to the united territorial communities, purpose, subjects of initiation, including decision-makers, funding issues, etc.

Therewith, the draft law, which should determine the principles of development of administrative-territorial organisation, conditions, and procedure for creating administrative-territorial units, their reorganisation, status of settlements, procedure for naming and renaming settlements and administrative-territorial units was not adopted by the Verkhovna Rada of Ukraine. The current situation, especially considering that the reform of local self-government and territorial organisation of power in Ukraine, administrative-territorial structure and national regional policy take place simultaneously, has an adverse impact on the ongoing process of territorial reorganisation, transfer of functions and powers, relevant resources, etc. Furthermore, the above issues, which were caused by a consistent and ill-considered policy in the field of territorial reorganisation, resulted in problems of establishment and organisation of new local governments, starting with the appointment and holding of elections to district councils of large communities and ending with financial and property and competence issues (unwillingness to take property on balance; unwillingness to take responsibility; problems of determining administrative centres and their proximity, accessibility, etc.).

At the same time, the Verkhovna Rada of Ukraine adopted some legislative acts on zoning, including amendments to the election legislation. In particular, according to the Resolution of the Verkhovna Rada of Ukraine “On the Formation and Liquidation of Districts” [20], a consolidation occurred and 136 districts were created instead of 490. Furthermore, considering the introduction of new types of electoral systems for local council elections by the Electoral Code, and considering the need to hold not only regular but also the first local elections in a pandemic, the Law of Ukraine “On Amendments to Certain Laws of Ukraine Concerning the Improvement of Electoral Legislation” [21] eliminated gaps and inconsistencies, adjusted deadlines, simplified and unified election procedures to ensure compliance with international standards for elections and to ensure the sustainability of democratic principles and procedures in Ukraine.

The above issues are complex and reflect the inconsistency and unsystematic nature of actions in the development of the national system of legislation in the field of local self-government. Thus, the national

municipal policy as a set of measures aimed at legalisation and statutory regulation of public relations in the organisation and exercise of municipal power, is described by a constant search within the framework of conceptually different systems of local government, inhibiting its development through imperfection, inconsistencies, gaps in legal regulation.

3. It is clear that the territorial reorganisation, including the transfer of power (legal responsibilities of bodies and/or officials), and hence the responsibility involves the provision of appropriate material and financial resources. This provision is reflected both in the Concept of Reforming Local Self-Government and Territorial Organisation of Power in Ukraine and in the State Strategy for Regional Development for 2021-2027. Furthermore, substantial changes have been introduced to the current legislation of Ukraine.

Thus, the Law of Ukraine “On Amendments to the Budget Code of Ukraine Concerning the Reform of Intergovernmental Relations” [22] makes provision for increasing budgetary and financial independence of local budgets, stimulating communities to unite and forming capable territorial communities through the mechanism of transition of budgets of united communities to direct interbudgetary relations with the state budget, expanding the existing revenue base of local budgets, decentralisation of expenditure powers in socio-cultural areas and a clear division of competences, formed on the principle of subsidiarity, the introduction of new types of transfers, the establishment of a new system of equalisation of national taxes, simplification of local guarantees and borrowing from international financial institutions, etc. Legislative changes also gave local governments the right to approve local budgets regardless of the date of adoption of the Law on the State Budget.

Accordingly, the Law of Ukraine “On Amendments to the Tax Code of Ukraine and Certain Legislative Acts of Ukraine Concerning Tax Reform” [23], albeit not directly related to the reform of local self-government, makes provision for substantial changes in the tax system that affect all actors. In particular, the united territorial communities received powers and resources at the level of cities of regional significance, while revenues from such taxes and fees as property tax, single tax, including the fee for parking spaces, tourist tax remained on the ground. Moreover, with the entry into force of the Law of Ukraine “On Amendments to the Tax Code of Ukraine to Improve Tax Administration, Eliminate Technical and Logical Inconsistencies in Tax Legislation” [24], local governments shall not oblige to make annual decisions on the establishment of local taxes and/or fees. Local governments may not decide to impose local taxes and fees in the current year. In this case, subject to the adopted changes: 1) the single tax and property tax will handle the application of rates that were in effect until December 31 of the year preceding the budget period in which it is planned to apply such local taxes and/or fees; 2) property tax, fee for parking spaces for vehicles, tourist tax and land tax for forest lands (if established) – at the rates specified in the current decisions. In case of local self-government decisions, the provisions of which stipulate amendments to existing decisions only in part of the change of year or its exclusion in the title of the decision (indefinite decision), such decisions will not have the features of a regulation, and their adoption will not require procedures established by the Law of Ukraine “On the Principles of National Regulatory Policy in the Economic Activity Sector”.

The Law of Ukraine “On Amendments to the Budget Code of Ukraine to Bring the Legislative Provisions in Line with the Completion of the Administrative-Territorial Reform” [25] continued the initiated transformations, making provision for the creation of an adequate resource base for the exercise of local government powers on a new territorial basis, in particular by dividing revenues and expenditures between budgets of districts and territorial communities, establishing the composition of revenues and expenditures of new communities (formed by the Cabinet of Ministers of Ukraine) in the amounts assigned to the budgets of cities of regional significance and united territorial communities, as well as establishing equal conditions for territorial communities (rural, settlement, urban) in budget support. The main sources of revenue of district budgets are revenues from the management of communal property (rent, income tax of communal enterprises, part of net profit) and administrative fees. The legislatively determined powers of district councils may be exercised within the limits of revenues to district budgets, including by attracting funds from village, town, and city budgets for joint social, infrastructural, economic, and other projects on a contractual basis. Therewith, due to a certain inconsistency of the transformation process (territorial and institutional reorganisation without prior proper regulatory framework: adoption of laws of Ukraine, including amendments to the Constitution of Ukraine, etc.), some terminological issues remain unresolved, such as clear definition and unambiguous understanding of the following terms: “local government budget”, “territorial community budget”, including the issue of some restriction of revenues to district budgets and their exclusion from the system of horizontal equalisation in favour of communities of villages, towns, and cities.

Both cumbersome and progressive are the competence and resource changes provided by the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Concerning the Optimisation of the Network and Functioning of Centres for Provision of Administrative Services and Improvement of Access to

Administrative Services Provided in Electronic Form” [26]. Thus, on the one hand, it is assumed that the changes can improve and enhance the quality of administrative services provided to individuals and legal entities, including ensure budget revenues. On the other hand, such institutional and functional changes in practice are manifested in such problems as: the presence of the building or the need for its construction and/or equipment/re-equipment; staff training and encouragement; connection to registers; ensuring the availability of services by creating remote jobs and/or by concluding agreements on cooperation of territorial communities in common interests, etc.

4. The issues of transformation of local state administrations and/or introduction of the institution of prefect as a representative of the President of Ukraine in connection with structural and competence changes envisaged for the system of central executive bodies by the Public Administration Reform Strategy for 2016-2020 remain relevant and no less complicated, including in connection with the structural and competency changes provided for the system of local self-government by the Concept of Reforming Local Self-Government and Territorial Organisation of Power in Ukraine of 2014. Therewith, from a conceptual standpoint, the issue of transformation of local state administrations as state executive bodies on the ground and their interaction with local governments remains understudied, and the organisation and activities of these bodies still correspond to the outdated notion which is formed under the influence of the idea of centralised public administration with elements of excessive “guardianship” over local self-government [27]. Furthermore, the legislation does not contain a definition of the concept of administrative supervision and/or control over the activities of local governments and a clear mechanism for their implementation, which raises the issue of amending the Constitution of Ukraine [28], the Law of Ukraine “On Local State Administrations” [29] and/or the adoption of a separate regulation in this area.

According to Part 4, Article 143 of the Constitution of Ukraine, local governments on the exercise of powers of executive authorities are controlled by the latter. The Law of Ukraine “On Local Self-Government in Ukraine” [30] addresses these issues in several articles: 1) Article 20 stipulates that such control may be exercised only on the basis, within the powers, and in the manner prescribed by the Constitution and laws of Ukraine, and shall not lead to interference of public authorities or their officials in the exercise of local authorities' powers; 2) Part 10, Article 59 states that “acts of bodies and officials of local self-government on the grounds of their inconsistency with the Constitution or laws of Ukraine are recognised as illegal in court. “In this case, Part 2, Article 71 of the Law emphasises that executive bodies and their officials have no right to interfere in the lawful activities of bodies and officials of local self-government, including to resolve issues referred by the Constitution and laws to the powers of the latter, except in cases delegated by councils and in other cases stipulated by law. This provision is detailed in Part 2, Article 76, which stipulates that bodies and officials of local self-government on the exercise of their delegated powers of executive bodies are under the control of the relevant executive bodies. Furthermore, the principles of relations of local state administrations with local governments, which also apply to the implementation of administrative supervision and control are defined in Article 35 of the Law of Ukraine “On Local State Administrations” (interaction; assistance; restriction of supervision and control by law; considering the proposals of local governments and officials; prior notification of local governments in case of important issues at the local level, central authorities, etc.).

In this case, Paragraph 1, Article 8 of the European Charter of Local Self-Government stipulates that any administrative supervision and/or control (currently, should consider not only the specifics of the translation, but also the specifics of the concept of the origin of local self-government, system and model of local self-government in each country, including in different regions (constituent parts) within one state) by local authorities may be carried out only in accordance with the procedures and in cases provided by the constitution or law. The purpose of administrative supervision and/or control can only be to ensure compliance with the law and constitutional principles (Paragraph 2, Article 8). However, instances may exercise administrative supervision over the timeliness of the tasks assigned to local governments. This provision establishes a standard for combining oversight of legality with control over expediency (administrative oversight of the municipal authority's powers is exercised solely over legality; for delegates, control over legality and expediency is permissible if the latter meets the requirements of legal certainty and is not opposed to legality). Therewith, the lack of special procedures, the general nature of the competence of local state administrations, the excessive amount of delegated powers, their functional intertwining with their own powers allow controlling the activities of local governments in violation of legal certainty and legality. Furthermore, Part 3, Article 8 of the Charter emphasises the principle of proportionality of the measures of the controlling body to the importance of the interests it intends to protect. Instead, the principle of proportionality manifests itself differently depending on the subject of supervision or control and regarding which powers of local self-government bodies (own or delegated) such supervision and/or control is exercised. According to this principle, the supervising/controlling body in the exercise of its powers must act in such a way as to have the

least possible effect on local autonomy, while achieving the desired result. Furthermore, Recommendations of the Congress of Local and Regional Authorities of the Council of Europe No. R (98) 12 “On supervision of local authorities” [31] contain guidelines that determine the scope of administrative supervision.

The authors of the present study believe that despite the imperfection of the doctrinal base and the presence of numerous gaps in the field of administrative supervision and/or control in the municipal law sphere, the state administrative supervision and/or control can be distinguished 1) in the exercise of local government powers; 2) in the sphere of exercising the delegated powers of local self-government bodies. Therewith, the current legislation does not contain a single and clear procedure for state control and/or supervision.

In turn, the principles of the mechanism of state control and supervision over the observance of the Constitution and laws of Ukraine by local governments are defined in the Draft Law of Ukraine “On Amendments to the Constitution of Ukraine (on decentralisation of power)” and in the Draft Law of Ukraine “On Amendments to the Law of Ukraine “On Local State Administrations” and Some Other Legislative Acts of Ukraine on Reforming the Territorial Organisation of Executive Power in Ukraine” (No. 4298 of October 30, 2020) [32], which, according to the explanatory note, makes provision for the creation of a system of local state administrations of the prefectural type. Therewith, it is assumed that local state administrations continue to implement district and regional budgets, including some powers of local self-government by delegation, etc. Therefore, this does not refer to the fact that the system of local state administrations will be structurally and functionally built and will act as “prefecture-type” bodies (although this term is not explained in the draft), but that apart from the usual set of tasks and powers, the latter acquire additional legal responsibilities for “ensuring the rule of law in the exercise of local self-government”. In particular, a new chapter “Ensuring the rule of law in the exercise of local self-government” (Chapter 6, Section II) is proposed, which defines the general principles and principles of ensuring the rule of law in the exercise of local self-government; the system of bodies (central, regional and district level) that ensure the rule of law, their functions and powers; certain measures to ensure legality (including appeals against decisions of local governments, proposals, appeals to relevant bodies, consultations, etc.).

A detailed study of certain provisions of this project suggests that the power to “ensure the rule of law in the implementation of local self-government” in combination with the implementation in practice of the role of their own executive bodies of district and regional councils can lead to redundancy and even direct interference in local government, which contradicts the very essence of the ongoing reform. After all, given the main goals of the reform of local self-government and territorial organisation of power in Ukraine, the creation of capable local self-government, primarily at the basic, subregional and regional levels is possible only if decisions can be made and implemented independently (including the implementation monitoring) within one subsystem of public authority (given the nature of local government). Instead, the Draft Law factually refers to the transformation of local state administrations into public authorities, which simultaneously “replace” their own executive bodies of local self-government at the subregional and regional levels and ensure: implementation of the Constitution of Ukraine, laws of Ukraine, acts of the President of Ukraine, Cabinet of Ministers and other executive bodies; law and order; observance of the rights and freedoms of citizens; implementation of state and regional programmes of socio-economic and cultural development, other programmes, reporting on their implementation; interaction with local self-government bodies and territorial bodies of central executive bodies. The implementation of such a project will not lead to the liquidation of local state administrations, as envisaged by the 2014 Concept and the draft constitutional reform on decentralisation in 2015, but to their further strengthening and even transformation into full-fledged, dominant bodies in the territory.

5. One of the determining factors in the establishment of capable local self-government is the optimisation of the decision-making process relating to local self-government. Most importantly, this refers to the coordinated and mutually coordinated activity of various public authorities, including their interaction both among themselves and with citizens. After all, over the past few years, relations between the government and citizens have deteriorated, in particular due to too high a degree of “secrecy” or “estrangement of the ruling elite” from the average citizen, and lack of real opportunity to influence decision-making, both state and local levels. In this context, the development of an active society that is ready to defend its interests and take part in rule-making, both at the national and local levels, is vital. Establishing interaction between the rulemaker and the public is one of a set of steps that can bring Ukraine closer to European standards of democracy. The primary need in such a situation is the revision of the current legislation on appeals (petitions) of citizens, public discussions and consultations, including the development of legal foundations for the introduction of new practices of public opinion.

Furthermore, to ensure a full opportunity for citizens to take part in the management of both state and local affairs, it is necessary to create an appropriate legal framework for not only national but also local

referendums, the organisation and conduct of which is currently not governed by Ukrainian legislation. This, in turn, implies: a) the need for a clear definition of the subject of the referendum; b) bringing the regulation of the procedure for preparing and holding referendums in line with the provisions of the election legislation; c) introduction of mechanisms that would prevent the use of the institution of referendums to achieve the political goals of a government; d) creation of legal foundations for conducting local public polls, separating their subject from the subject of relevant referendums, simultaneously consolidating the non-imperative nature of decisions made through public polls and the obligation to consider their results by corresponding public authorities. Important, but understudied and insufficiently regulated is the issue of involving specialists, experts in the decision-making process on local self-government issues, both in the development and during the examination and discussion of draft decisions, including in the ongoing decentralisation reform, which should become an effective basis for ensuring the broad rights of citizens in modern conditions, including direct involvement in addressing pressing issues of community development, regions, state.

Therefore, the implementation of concerted and coordinated actions of both public authorities and local governments, including members of the public to improve the legal regulation of rule-making activities in Ukraine in general, including the process of developing local regulations of local government in particular, further harmonisation of Ukrainian legislation and European Union, which is manifested in the convergence of the national legal system and its subsystems with the legal system of the European Union and the requirements of international law and standards, including training of qualified personnel, in our opinion, are determinants of successful development of Ukraine [33]. This may include, inter alia, the following measures: determining the types and legal force of regulations (including regulations of local self-government), establishing the procedure for their preparation, adoption, entry into force, rules of interpretation, accounting and systematisation; training of specialists in this field; improving mechanisms for involving citizens in decision-making, including by reviewing current legislation on the organisation and conduct of referendums, access to public information, consideration of citizens' appeals, organisation of public control, public examination of draft decisions, etc.; termination of the practice of adopting acts, the successful implementation of which is not ensured by the relevant financial and other conditions, revision of available regulations on their security.

6. Finally, a unified approach to the design and development of municipal policy of Ukraine, its definition and conceptualisation will help define a common strategy and tactics of legal development of society, improving the mechanism of legal regulation, ensuring human and civil rights and freedoms. The combination of efforts of leading theorists and practitioners around the scientific substantiation of the development of capable local self-government can have a positive impact on improving the system of local self-government and the development of individual territorial communities, and hence the state in general.

In this context, it is important to monitor the implementation of municipal policy. When considering this issue, it is vital to understand the very concept of legal monitoring, the list of officials/bodies, organisations, and persons authorised to implement it, including the mechanism for ensuring its implementation. However, these issues are not described by the unity of scientific approaches to their understanding, as well as the legal regulation of subject-object composition, powers (rights and responsibilities), and other elements.

In particular, the Law of Ukraine "On the Principles of National Regional Policy" stipulates that monitoring of the implementation of national regional policy is carried out by establishing appropriate indicators, the list of which is determined by the Methodology for Monitoring the Implementation of National Regional Policy approved by the Cabinet of Ministers of Ukraine [34]. Thus, in accordance with the provisions of the Law, the effectiveness of the Council of Ministers of the Autonomous Republic of Crimea, oblast, Kyiv, and Sevastopol city state administrations is monitored and evaluated to supervise the implementation of national regional policy, identify regional development issues and their causes, and improve managerial decisions of executive bodies in the field of regional development. The implementation of the national regional policy is monitored by determining the list of indicators, tracking their dynamics, preparation and publication of the results of such monitoring and includes: monitoring the implementation of indicators of the objectives of the documents that determine the national regional policy; monitoring of socio-economic development of the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol.

For example, ministries, other central executive bodies, the Council of Ministers of the Autonomous Republic of Crimea, oblast, Kyiv, and Sevastopol city state administrations submit an analytical note to the Ministry of Regional Development on socio-economic development of regions and urgent problems together with proposals for their solution in accordance with the form established by the Ministry of Regional Development. In particular, the Methodology includes the following indicators (subject to quarterly evaluation): economic efficiency; investment development and external economic cooperation; financial self-sufficiency; labour market efficiency; infrastructure development; renewable energy, and energy efficiency. Evaluation of the results lies in a certain comparison of the obtained data according to the corresponding formula.

Therewith, the essence and meaning of the term “monitoring”, and specifically “monitoring the implementation of municipal policy”, does not fit exclusively within the economic indicators (certain statistics), and is much more extensive. As an element of the legal system of society, legal monitoring is one of the tools to ensure the effectiveness of regulations and the practice of their application, which allows determining the current state of legislation (its quality), assess the effectiveness of legal regulation, identify reasons that hinder or prevent the achievement of the legal goals set. It is quite logical that the purpose of legal monitoring is to ensure the effective operation of the entire process of effective regulation of public relations. Therefore, the object of legal monitoring is public relations, which are covered by the scope of law and require appropriate legal regulation, and the subject — the relevant regulations and public relations, which are under the regulatory influence of such norms. In this regard, the main tasks of legal monitoring include identifying shortcomings in legal regulation and determining the effectiveness of legal norms for the systematisation and improvement of legislation; identifying trends and needs in the legal regulation of a certain scope of public relations; establishing the possibility and necessity of perception of foreign experience in the development of democratic legal institutions. These activities should be performed within the constitutional powers of public authorities and local governments, public organisations [35]. The essence of this activity is to collect and summarise information on the state of legislation, practice of its application, and its purpose – to identify their compliance with the projected result of legal regulation, including the expectations of participants (officials, civil society institutions, citizens). Monitoring should be performed at different levels and stages and in accordance with the tasks. The current legislation is yet to introduce a comprehensive approach to understanding the essence of this activity, especially in the context of monitoring the implementation of municipal policy. On the contrary, it is described by disorganisation, fragmentation, unprofessionalism, misunderstanding of the significance of its results for the further socio-economic development of the state and local self-government, etc.

Given these problems, which are addressed by a set of measures to decentralise reform, given the substantial ideological, cultural changes, including the complexity of modern socio-economic transformations, today one of the important tasks of the state as a whole is to ensure the development of capable local government, stimulating local innovative development, transition from the national municipal policy to the development of municipal policy as a system of strategic management of self-governing activities. After all, the modern socio-economic development of regions, individual territories and communities must be ensured based on the implementation of effective mechanisms of municipal policy. The mechanism of state regulation of regional development should be determined at both regional and local levels and based on the use of local resources, economic restructuring, environmental, demographic, social and numerous other problems, and municipal – considering the interests of the state and prioritising local interests.

The authors of the present paper believe that ensuring high results and dynamic, balanced regional and local development is possible only through close cooperation of all levels of government and administration. Therewith, today, as never before, there is a detachment of different levels of government, an inability to accept and listen to each other's problems and suggestions, etc.

In turn, the main activities of local authorities (currently local state administrations and local governments) in the regulation of socio-economic development at the regional and local levels include: 1) involvement in the development and further implementation of not only national, but also regional and local development strategies and programmes; 2) assistance and support of economic entities of the relevant territory, region in matters of organisational and methodological support, logistical and advisory assistance (new approaches and mechanisms are gradually being introduced); 3) assistance in the acquisition of new technologies and implementation of local innovative projects of enterprises (mainly on the initiative of business entities themselves, with the involvement of local governments); 4) promoting the development of infrastructure (currently with great difficulty given the ongoing reform process, including medical, educational, and other reforms); 6) stimulating the manufacture of new products (given the substantial slowdown in global economic development, including through the threatening scale of the pandemic and other threats); 7) improvement of resource provision by financing from local budgets and attraction of investment resources, etc. (only in some communities, subject to cooperation between local governments and businesses of interest) [36].

The ongoing process of reforming local self-government and territorial organisation of power in Ukraine, including the processes of improving all levels of the executive branch due to the spread of decentralisation and reorganisation of public administration considerably complicate the development of municipal policy as a system of strategic self-government.

CONCLUSIONS

Based on the above, the authors of this study outline the following main blocks of issues that require the use of a comprehensive scientific approach to their legislative solution:

1. Completion of the ongoing reform of territorial organisation of government and local self-government requires the development of appropriate municipal policy as a system of goals, priorities, areas, tasks and concrete measures for creation of an effective mechanism of municipal legal regulation, for development and modernisation of local self-government in the country. Both the development and implementation of this policy should involve not only public authorities, but also local governments, interested civil society institutions and local communities.

2. A local regulatory framework for the establishment and development of affluent communities should be created (at the level of Strategies, Action Plans for the implementation of the latter, etc.).

3. It is necessary to ensure a clear division of powers between local state administrations and local self-government bodies, including the redistribution of powers in the system of local self-government bodies, considering the principle of subsidiarity.

4. Training and advisory centres of local self-government bodies should be established to improve the skills of deputies of local councils, officials, and officers of local self-government bodies on the above-mentioned development issues at the local level.

5. It is necessary to redistribute funds in favour of local budgets and finance local projects within the objectives of the ongoing reform.

6. The goals, objectives, and ways of reform stated in the Concept of Local Self-Government Reform should be reflected and stipulated in other strategies, plans, and programmes of goals, in particular regulations issued by the state. One of the means of forming a consistent and coordinated national municipal policy should be the deepening and detailing of legal regulation in the municipal sphere through the development and adoption of the Municipal Code and others.

7. The implementation and protection of municipal rights and freedoms of members of territorial communities requires regulatory support, including through the development and adoption of the Law “On Local Referendum”, and improving the legal regulation of other forms of local participatory democracy.

The basis for such transformations should be the reform of decentralisation of public power, which makes provision for the redistribution of powers and functions between different branches and levels, including subsystems of public power, in particular, considering the foreign practices of decentralised European countries. After all, the said practices demonstrate that the introduction of decentralisation reform has resulted not only in a substantial reduction in the effects of crises, solving many socio-economic problems, but also in the implementation of strategic objectives of national development of both leading and modern European countries.

Therefore, the highlighted issues require a comprehensive approach and concerted action of the main actors – the state, local government, the private sector, including specialists in the field of local self-government. The legislative implementation of the best modern European and world practices of providing quality and affordable public services while adapting to the concepts of good governance, e-governance, including the use and compliance with the principles, mechanisms and means of new public management will increase trust in public authorities and local self-government, ensure social harmony, increase economic benefits, etc. The authors of this study argue that changes in the system of government and the territory will open wide opportunities to meet the vital needs and interests of citizens, ensure a high level of quality and structure of consumption of material, social, cultural goods, because they correspond to human nature and purpose and create optimal conditions for its self-fulfilment. Furthermore, a comprehensive approach is required in the implementation of strategies, concepts and plans for the digitalisation of state and public life.

Thus, a certain result of the ongoing decentralisation reform should be an awareness not only of the nature of local government as a special form of public authority, but, above all, awareness of the indisputable fact that local governments, considering the legislative and practical implementation of the principles of subsidiarity and decentralisation, underlying their organisation and activities should become those entities that will be organisationally, legally and financially capable of ensuring local socio-economic development.

REFERENCES

- [1] Batanov, O.V. (2020). The paradigm of contemporary unitarism in Ukraine: Issues of formation and implementation. *Constitutional and Legal Academic Studies*, 2, 78-89.
- [2] Petryshyn, O.V. (2012). The main directions of formation and development of legal policy. In O.M. Rudneva (Ed.), *Legal policy of Ukraine: Conceptual principles and mechanisms of formation* (pp. 28-31). Kyiv: NISDb.
- [3] Popovych, V.V. (2014). Conceptual principles of state municipal policy in Ukraine in the context of European integration (Doctoral dissertation, Ivano-Frankivsk National Technical University of Oil and Gas, Ivano-Frankivsk, Ukraine).

- [4] Kravchuk, M., & Matola, V. (2018). Legal policy in modern Ukraine: Essence, features of formation and realization. *Actual Problems of Jurisprudence*, 1 (13), 29-35.
- [5] Batanov, O.V. (2014). Political and legal principles of decentralization of public power in foreign countries in the context of municipal reform in Ukraine. *Legal Bulletin*, 4, 64-70.
- [6] Kozhina, A.V. (2015). Priorities of state policy on local self-government in the context of decentralization of power and development of civil society. *Governance. Investments: Practice and experience*, 9, 98-101.
- [7] The EU's obstacle course for municipalism. (2018). Retrieved from <https://corporateeurope.org/en/economy-finance/2018/10/eu-obstacle-course-municipalism>.
- [8] Hwan, R.M. (2020). Municipal state policy: Ontological and normative approaches to determining the elemental composition. *Journal of Kyiv University of Law*, 2, 173-179.
- [9] European charter of local self-government: Charter, international document of 15.10.1985, Council of Europe. Retrieved from https://zakon.rada.gov.ua/laws/show/994_036#Text.
- [10] Poister, H.T., & Streib, G. (2005). Elements of strategic planning and management in municipal government. *Public Administration Review*, 65, article number 1.
- [11] Petryshyn, O.O., & Petryshyn, O.V. (2018). Reforming Ukraine: Problems of constitutional regulation and implementation of Human Rights. *Baltic Journal of European Studies*, 8(1(24)), 63-75.
- [12] Petryshyn, O.O. (2020). Reform of local self-government: experience of Latvia. *Information and Law*, 2(33), 158-169.
- [13] Petryshyn, O.O. (2020). Development of local self-government in the Republic of Lithuania in the post-occupation period: Experience for Ukraine. *Legal Bulletin*, 2, 195-206.
- [14] Monitoring the process of decentralization of power and reform of local self-government as of September 10, 2020. Retrieved from <https://cutt.ly/jETPew6>.
- [15] Resolution of the Cabinet of Ministers of Ukraine No. 333-r "On Approval of the Concept of Reforming Local Self-Government and Territorial Organisation of Power in Ukraine". (2014, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/333-2014-%D1%80#Text>.
- [16] Law of Ukraine No.156-VIII "On the Principles of National Regional Policy". (2015, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/156-19#Text>.
- [17] Resolution of the Cabinet of Ministers of Ukraine No. 695 "On Approval of the State Strategy for Regional Development for 2021-2027". (2020, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/695-2020-%D0%BF#Text>.
- [18] Law of Ukraine No. 1508-VII "On Cooperation of Territorial Communities". (2014, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/1508-18#Text>.
- [19] Law of Ukraine No. 157-VIII "On Voluntary Association of Territorial Communities". (2015, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/157-19#Text>.
- [20] Resolution of the Verkhovna Rada of Ukraine No. 807-IX "On the Formation and Liquidation of Districts". (2020, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/807-20#Text>.
- [21] Law of Ukraine No. 805-IX "On Amendments to Certain Laws of Ukraine Concerning the Improvement of Electoral Legislation". (2020, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/805-20#Text>.
- [22] Law of Ukraine No. 79-VIII "On Amendments to the Budget Code of Ukraine Concerning the Reform of Intergovernmental Relations". (2014, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/79-19#Text>.
- [23] Law of Ukraine No. 71-VIII "On Amendments to the Tax Code of Ukraine and Certain Legislative Acts of Ukraine Concerning Tax Reform: (2014, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/71-19#Text>.
- [24] Law of Ukraine No. 466-IX "On Amendments to the Tax Code of Ukraine to Improve Tax Administration, Eliminate Technical and Logical Inconsistencies in Tax Legislation". (2020, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/466-20#Text>.
- [25] Law of Ukraine No.794-IX "On Amendments to the Budget Code of Ukraine to Bring the Legislative Provisions in Line with the Completion of the Administrative-Territorial Reform". (2020, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/794-IX#Text>.
- [26] Law of Ukraine No. 943-IX "On Amendments to Certain Legislative Acts of Ukraine Concerning the Optimisation of the Network and Functioning of Centres for Provision of Administrative Services and Improvement of Access to Administrative Services Provided in Electronic Form". (2020, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/943-20#Text>.
- [27] Serohina, S., Bodrova, I., & Novak, A. (2019). Delegation of state powers to local self-government bodies: Foreign experience and Ukrainian realities. *Baltic Journal of European Studies*, 9(3), 262-285.
- [28] Constitution of Ukraine. (1996). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.
- [29] Law of Ukraine No. 586-XIV "On Local State Administrations". (1999, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/586-14#Text>.
- [30] Law of Ukraine No. 280/97-VR "On Local Self-Government in Ukraine". (1997, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80#Text>.

- [31] Recommendation of the Congress of Local and Regional Authorities of the Council of Europe No. R (98) 12 “On supervision of local authorities”. Retrieved from <http://www.slg-coe.org.ua>.
- [32] Draft Law of Ukraine No. 4298 “On Local State Administrations” and Some Other Legislative Acts of Ukraine on Reforming the Territorial Organisation of Executive Power in Ukraine”. (2020, October). Retrieved from http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70293.
- [33] Training Needs Analysis of Local Self-Government Authorities of Ukraine. (2019). Retrieved from https://decentralization.gov.ua/uploads/library/file/445/TNA_Ukraine-2018-2019-Final-Report_eng.pdf.
- [34] Resolution of the Cabinet of Ministers of Ukraine No. 856 “On Approval of the Procedure and Methodology for Monitoring the Implementation of National Regional Policy”. (2015, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/856-2015-%D0%BF#Text>.
- [35] Rudneva, O.M, & Yarmysh, O.N. (2013). Legal policy of Ukraine: State, problems of conceptualization and increase of efficiency (analytical report). In O.M. Rudneva (Ed.), *Legal Policy of Ukraine: Conceptual Principles and Mechanisms of Formation* (pp. 6-26). Kyiv: NISDb.
- [36] Damon, C.N. (2018). The structure of municipal political ideology. *State and Local Government Review*, 50(1), 37-45.

Svitlana H. Serohina

Doctor of Law, Professor

Corresponding Member of the National Academy of Legal Sciences of Ukraine

61024, 70 Pushkinska Str., Kharkiv, Ukraine

Director of the Scientific Research Institute of State Building and Local Government

National Academy of Legal Sciences of Ukraine

61002, 80 Chernyshevska Str., Kharkiv, Ukraine

Head of the Department of State Building

Yaroslav Mudryi National Law University

61024, 77 Pushkinska Str., Kharkiv, Ukraine

Iryna I. Bodrova

PhD in Law, Docent,

Vice director of the Scientific Research Institute of State Building and Local Government

National Academy of Legal Sciences of Ukraine

61002, 80 Chernyshevska Str., Kharkiv, Ukraine

Associate professor of the Department of State Building

Yaroslav Mudryi National Law University

61024, 77 Pushkinska Str., Kharkiv, Ukraine

Maryna O. Petryshyna

PhD in Law, Docent

Leading researcher of the Scientific Research Institute of Legal Support of Innovative Development

National Academy of Legal Sciences of Ukraine

61002, 80 Chernyshevska Str., Kharkiv, Ukraine

Associate professor of the Department of State Building

Yaroslav Mudryi National Law University

61024, 77 Pushkinska Str., Kharkiv, Ukraine

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