

## ANALYSIS OF THE PRACTICAL ASPECTS OF LOCAL SELF-GOVERNMENT IN THE CONTEXT OF THE FUNCTIONING OF TERRITORIAL COMMUNITIES IN UKRAINE

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### ABSTRACT

**Objective:** This study aims to address the evolving landscape of local self-government in Ukraine, focusing on the practical aspects of its functioning within territorial communities. The objective is to analyze the effects of recent reforms and modernization efforts on the structure, functions, and citizen interaction of local self-government.

**Methods:** The research employs systematic analysis, comparative analysis, and critical review methods to examine the dynamic changes in local self-government within territorial communities in Ukraine. These methods facilitate a comprehensive assessment of the challenges and opportunities arising from recent transformations.

**Results:** The authors' findings indicate that local self-government in Ukraine is undergoing significant changes, impacting its structure, functions, and relationships with higher levels of government and neighboring communities. Furthermore, it highlights the importance of adaptability to evolving socio-economic conditions and population needs for effective governance. The study underscores the necessity for the development of new mechanisms for intergovernmental and citizen interactions, as well as the improvement of existing governance approaches to enhance local self-government efficiency.

**Conclusions:** In conclusion, this research provides valuable insights into the evolving landscape of local self-government in Ukraine. It emphasizes the need for adaptive governance structures and mechanisms to facilitate effective interaction between different levels of government and citizens. Additionally, the study underscores the importance of institutionalizing monitoring mechanisms for local self-government bodies, both internally and externally, with a significant role played by non-governmental organizations. The findings have practical implications for enhancing the efficiency and responsiveness of local self-government in the context of ongoing reforms and modernization efforts.

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## ANÁLISE DOS ASPECTOS PRÁTICOS DO AUTOGOVERNO LOCAL NO CONTEXTO DO FUNCIONAMENTO DAS COMUNIDADES TERRITORIAIS NA UCRÂNIA

### RESUMO

**Objetivo:** Este estudo visa abordar o panorama em evolução do governo autónomo local na Ucrânia, centrando-se nos aspectos práticos do seu funcionamento nas comunidades territoriais. O objectivo é analisar os efeitos das recentes reformas e esforços de modernização na estrutura, funções e interacção cidadã do governo autónomo local.

**Método:** A pesquisa emprega análise sistemática, análise comparativa e métodos de revisão crítica para examinar as mudanças dinâmicas no autogoverno local nas comunidades territoriais na Ucrânia. Estes métodos facilitam uma avaliação abrangente dos desafios e oportunidades decorrentes das transformações recentes.

**Resultados:** As conclusões dos autores indicam que o autogoverno local na Ucrânia está a passar por mudanças significativas, impactando a sua estrutura, funções e relações com níveis superiores de governo e comunidades vizinhas. Além disso, destaca a importância da adaptabilidade à evolução das condições socioeconómicas e das necessidades da população para uma governação eficaz. O estudo sublinha a necessidade do desenvolvimento de novos mecanismos para as interações intergovernamentais e dos cidadãos, bem como a melhoria das abordagens de governação existentes para aumentar a eficiência do governo autónomo local.

**Conclusões:** Em conclusão, esta investigação fornece informações valiosas sobre o cenário em evolução do autogoverno local na Ucrânia. Enfatiza a necessidade de estruturas e mecanismos de governação adaptativos para facilitar a interacção eficaz entre os diferentes níveis de governo e os cidadãos. Além disso, o estudo sublinha a importância de institucionalizar mecanismos de monitorização para órgãos de governo autónomo local, tanto interna como externamente, com um papel significativo desempenhado por organizações não governamentais. As conclusões têm implicações práticas para melhorar a eficiência e a capacidade de resposta do governo autónomo local no contexto das reformas em curso e dos esforços de modernização.

**Palavras-chave:** autogoverno local, comunidade territorial, democratização, unificação de comunidades territoriais.

### 1 INTRODUCTION

As the right and actual ability of a territorial community to resolve issues within its legal jurisdiction, local self-government is a leading institution within the political system of society. No economically developed state with a high level of rule of law and a corresponding level of democracy has achieved this without an adequate level of local



self-government (Magnusson, 2023, 39, 40). Developing countries today attach great importance to the development of local self-government as a key factor for economic growth (Thanh & Nguyen, 2023, 631; Sun & Razzaq, 2022; Richey, 2023). Ukraine is no exception in this regard.

In the context of the democratization of society, local self-government serves as an essential means of ensuring citizen participation in local governance. However, lack of experience and competence can lead to conflicts and dissatisfaction among the population (Pegan, 2023, 19; Setyonagoro et al., 2023, 414; Thanh Dinh, S., & Nguyen, 2023; Masuda et al., 2022, 83). The effectiveness of local administration, coordination of actions, planning, and control become key success factors in the implementation of new governance mechanisms (Robson, 2022; Meny, 2023, 149).

Local self-government in Ukraine is undergoing active reforms, the most important of which are the decentralization of power and the transfer of numerous powers and resources, including material and financial, to the local level (Myhovych, 2019, 160). Such changes directly affect the lives of citizens, the quality of services they receive, their participation in decision-making processes, and the socio-economic development of regions.

The consolidation of territorial communities provides an opportunity to acquire additional resources for autonomous management and development. However, disparities in the provision of resources to individual communities can lead to discrepancies in their development capabilities (Baimuratov & Kofman, 2022; Kovalenko, 2019, 113; Liubchenko, 2019, 196; Moroz, 2021, 42). This aspect deserves detailed analysis to identify weaknesses in the resource allocation system and develop recommendations for optimization.

Of course, such reforms are accompanied by new challenges. The proposed article will analyze the practical aspects of the implementation of local self-government in the national socio-economic context.

## **2 THEORETICAL REFERENCE FRAMWEORK**

Considering the importance and the resulting prominence of the chosen topic, the amount of literature on it is quite significant. In addition, we will review the most important studies relevant to our research.



In his recent work, W. Magnusson (2023) studied the right to local self-government, considering it as a fundamental principle of local and regional governance in different European countries. He emphasized the constitutional norms and standards that govern the autonomy rights of communities in their relations with the central authority. His ideas largely coincide with the views of some national researchers. For example, V. Filippova, M. Huba, O. Pronina, D. Lohachov, and A. Mykolayets (Filippova et al., 2023) examined historical aspects of the development of local self-government and state administration in their work, concluding significant similarities such as the origins of domestic and European models of local self-government.

The digital aspects of the transformation of public administration at the local level were the subject of research by K. Andersson, A. Hellin, and K. Aivori (Andersson et al., 2022). They studied the configuration of work during automation in local government. Similarly, S. Kuhlmann and M. Heuberger (2023) studied digital transformation at the local level from a German perspective, analyzing its implementation, impact, and limitations. R. Briffault, L. Reynolds, N. Davidson, E. Sharff, and Su (Briffault et al., 2022) devoted their work to the study of state and local governance issues, analyzing contemporary materials and cases. L. de Sousa and S. Fernandes (de Sousa et al., 2023) focused on the quality of local democracy, conducting an institutional analysis. R. Fisher (2022) examined state and local public finance issues. Meanwhile, P. Gourevitch (2023) studied the reform of local governance in France from the perspective of the requirements of the European Charter. E. Haustein and K. Lorson (2023) analyzed the transparency of local government financial reports in a sociological dimension, considering citizens' expectations and reactions.

D. King's research (King, 2022) analyzed the economics of local government from both theoretical and practical perspectives. In the study of T. Im (2022), the issues of local government and decentralization in the context of the transformation of Korean politics and administration were examined. I. Khozhylo, Z. Nadiuk, O. Antonova, O. Tarasenko, and T. Serokhina (Khozhylo et al., 2020) studied local self-government in the context of medical reform in Ukraine, analyzing, in particular, the powers of local authorities in this area. L. Hou, Z. Ding, and S. Yuan (Li et al., 2022) examined the factors that drive "green" development in countries, mainly whether it is influenced by public pressure or the desires of local governments.



The evolution of local governance in Northern Ireland as a prime example of local self-governance was examined by N. Mansergh. This work provides a comprehensive view of regional government in a part of Great Britain (Mansergh, 2022). H. Masuda et al. (2022) investigate the role of local government as an intermediary in forming partnerships to achieve sustainable development goals, emphasizing the importance of intersectoral collaboration in local self-governance in this context. B. Mbaso, A. Sarvatt, and I. Zilihona (2022) examine local government revenues and their role in sustainable social and economic development. J. Meny (2023) examines financial transfers and local governance in France, focusing on the peculiarities of national policy in a country with 36,000 municipalities.

The study by Pegan (2023) deals with strategic planning for the co-creation of local self-government based on the experiences of Croatia and Slovenia. The study by A. Ploszka (2023), a Warsaw-based legal scholar, is fascinating and provocative. He analyzes how local governance can negatively impact human rights, examining the case of "LGBT ideology-free zones" in Poland. S. Richey (2023) examines the impact of so-called "local patriotism" on participation in local politics, civic engagement, trust in local government, and collective action. The author argues that these factors are crucial in shaping the idea of government accountability, thus underscoring the pivotal role of local self-government in contemporary democracy. Finally, W. Robson examines the crisis of local governance, exploring the key challenges and possible avenues for its resolution (Robson, 2022).

D. Sarantis, D. Soares, D. Susar, and V. Akvaro (Sarantis et al., 2022) examined the development of e-governance at the local level, in particular, the results of an international survey on the implementation and use of electronic tools. The study by P. Setyonagoro, T. P. Alfath, S. H. Sutanto, and G. P. Mulyono (Setyonagoro et al., 2022) examined the implementation of legal status regulation for local government heads of services/agencies. W. Sun and A. Razzaq (2022) analyzed the interplay between fiscal decentralization and "green" innovation based on the study of institutional reforms in OECD countries. S. Thanh Dinh and S. P. Nguyen (2023) examined the impact of local government potential on the overall growth of productive factors in the Asian economy. The work of A. Varga (2023) reflected on the semantic content of the principle of local autonomy and its significance in modern management approaches.



In the works of national researchers, a significant part of the issues related to the subject of our research was also analyzed. For example, in one of the works of the leading expert in national constitutional law, V. Fedorenko (2016), it was proved that the success of reforms in the field of local self-government is based on respect for democracy and the rule of law. N. Kovalenko (2019) studied the role of local self-government in the system of modern public administration. P. Liubchenko (2019) analyzed the interaction of people's power and local self-government, emphasizing their significant importance for the development of democracy in Ukraine. T. Myhovych (2019) considered the role of local self-government in ensuring the country's sustainable development. V. Serohin and S. Serohina (2019) discussed decentralization and local self-governance in the context of strengthening democracy in Ukraine.

M. Baimuratov and B. Kofman (2022) emphasize the role of local self-government as a key concept in the institutionalization of civil society. They see the development of civil society as an integral part of Ukraine's European integration. The research of O. Moroz (2021) focuses on the interaction between the state and local self-government in Ukraine as institutions that contribute to the assertion of people's authority. The author examines the key aspects of this interaction and its impact on the processes of democratization in the country.

N. Kovalenko (2019) focuses on the role of local self-government in the modern public administration system. The author analyzes the structural, functional, and other aspects of local self-government, its interconnection, and its interaction with other public authority institutions. The study of I. Tolkachova and V. Sokolvak (2020) present a comparative legal analysis of local self-government in Ukraine and EU countries. The authors examine the basic principles, practices, and approaches to the organization of local self-government, highlighting commonalities and specificities.

Each of these studies provides a unique perspective on various aspects of local self-government, its role, and its functions in contemporary conditions. This, in turn, allows for a deeper understanding of this pertinent issue for Ukraine. However, it wouldn't be an exaggeration to say that a comprehensive study of the practical aspects of the implementation of local self-government in the context of the functioning of territorial communities is currently lacking. This gap concerns three main aspects:

- Resource and human support for local self-government reform.
- Ensuring feedback and interaction with the population.



- Cooperation with civil society institutions.

This gap will be addressed, at least in part, by the proposed article.

This research aims to characterize and address practical issues related to the functioning of local self-government. These issues have arisen from its reform and concern the provision of resources, staffing, and the establishment of communication channels between local public authorities and territorial communities. The hypotheses of our study are the following:

- a) The reform of local self-government has not yet resolved all the issues that prompted its implementation;
- b) The implementation of the idea of bringing power closer to the people (one of the driving forces behind the aforementioned reform) can only be realized by establishing effective mechanisms for interaction between public authorities and civil society.

### **3 RESEARCH METHODOLOGY**

The proposed article is based on general scientific and special cognitive methods. Among the general scientific methods, systemic and structural-functional methods are used in the research. The systemic method allows for revealing the concept of local self-government as a set of interrelated legal relations for exercising territorial community powers defined by law. The structural-functional method allows to study of the components of the local self-government reform in Ukraine in their interrelation and to identify the main obstacles to its successful implementation. The research also uses special cognitive methods, such as interpretation of legal norms and content analysis, to process regulatory material and doctrinal sources.

### **4 RESULTS**

Despite the positive changes in the development of local self-government in Ukraine, practical problems hinder the effective functioning of unified territorial communities. Analysis of these problems is crucial for developing strategies to overcome them.

First and foremost, some municipalities face challenges related to resources. Ideally, the unification of communities should provide additional resources, but, in reality, this is not always possible. Inequitable distribution of budgets, inadequate



infrastructure development, or weak economies in certain regions can contribute to this problem.

One of the main goals of the decentralization reform in Ukraine was to ensure more effective distribution of resources at the local level, mainly through the merging of territorial communities. It was expected that larger municipalities would receive a larger budget and thus be able to implement more ambitious projects for the development of their territory. However, in the context of Ukrainian decentralization, some merged municipalities have encountered problems with resource allocation. While their budgets should theoretically increase, in practice, this growth could be minimal, or conversely, the community could end up with a reduced budget due to uneven distribution of budgetary funds. This situation can arise because of complex formulas for allocating budget resources or the lack of a clear methodology for calculating them.

Infrastructure development also remains a pressing issue for many communities (Serohin & Serohina, 2019, 161-162). Unified territorial communities, which include several settlements, often need to modernize their road, municipal, and social infrastructure. Sometimes the allocated funds are not sufficient to address all the urgent tasks. In addition, the economic situation in certain regions of Ukraine is an additional factor affecting the resources available to municipalities. Communities in economically disadvantaged areas have fewer opportunities to attract investment, promote entrepreneurship, and create new jobs, further limiting their financial capacity.

Therefore, despite initial hopes and ambitions, the resource provision of unified territorial communities in Ukraine requires additional attention and correction to achieve the desired results of the reform.

Another important aspect is the coordination of actions between different levels of authority. Despite the delegation of powers to the local level, there are situations where there is a lack of cooperation between central and local authorities. This makes it challenging to carry out specific tasks. Decentralization in Ukraine has given local communities more autonomy and power in various areas of governance. However, one of the major challenges in effectively carrying out these responsibilities has been the need for harmonious cooperation between central and local authorities.

In the context of the new governance system, interaction and coordination between different levels of authority have become particularly important. Sometimes, central authorities may leave certain ambiguities in regulatory documents, leading to





misunderstandings and contradictions in their implementation at the local level (Baimuratov & Kofman, 2022). In addition, local self-government bodies often develop and implement projects that require coordination with central executive authorities. The lack of a clear communication and coordination system can lead to delays, additional costs, or unsuccessful outcomes in the implementation of such projects.

These problems can manifest as bureaucratic hurdles, incomplete information sharing between different departments, or conflicts of interest. Addressing these challenges requires in-depth reflection and the development of effective cooperation mechanisms to fully enable local communities to exercise their new responsibilities under the decentralization reform.

Human resource management issues should also be highlighted. Not all municipalities have qualified professionals capable of efficiently managing municipal resources and implementing large-scale projects. Preparation and retraining of personnel for work under new administrative realities become crucial (Moroz, 2021, 43).

The success of any administrative reform depends mainly on human resources. This is especially true in decentralization processes, where local authorities are responsible for implementing innovations. The challenge of providing human resources has become one of the key challenges for the unified territorial communities of Ukraine.

A significant volume of new powers transferred to the local level requires the presence of qualified professionals with in-depth knowledge not only in traditional management areas but also in specific fields related to the implementation of decentralization. Unfortunately, not all municipalities have the ability to attract such professionals. Central cities often attract better professionals due to better career opportunities, education, and other social advantages. Unified municipalities, especially in remote regions, may face a shortage of qualified personnel to develop and implement development strategies, manage budgets, coordinate projects, and perform other tasks.

The issue of training and retraining personnel becomes critical. There is a great need for specialized training programs, seminars, and workshops to prepare local officials to work under new conditions. Given the complexity and specificity of the tasks facing local governments, it's also crucial to promote cooperation among municipalities to share experiences and best practices in governance. There are also challenges related to citizen participation. Despite intentions to make government more open and transparent, some



municipalities struggle to organize public hearings, consultations, and other forms of interaction with the population.

Democratic social development requires the active participation of citizens in local governance and decision-making. In the context of decentralization in Ukraine, the importance of such interaction increases as local authorities gain more power and resources. As a result, the responsibility to citizens to make correct and timely decisions grows. However, in the reality of Ukrainian municipalities, problems often arise in organizing effective communication with citizens. This may be due to limited resources for holding public hearings, insufficient public awareness of the possibilities and mechanisms of interaction, as well as stereotypes and mistrust towards local authorities.

Organizing public hearings, consultations, and other forms of interaction requires certain resources, professional preparation, and, most importantly, the willingness of the authorities to share information and consider citizens' opinions. On the other hand, citizens need to be aware of their rights, duties, and opportunities, as well as have tools and channels to express their opinions.

That's why, to increase the effectiveness of interaction with citizens, it is necessary to develop and implement comprehensive public education programs, strengthen the culture of dialogue between authorities and the public, and involve representatives of civil organizations, the media, and other key stakeholders.

## 5 DISCUSSION

Our analysis allows us to identify several "key" points of discussion related to the study of the proposed topic. First and foremost is the concept of local self-government. This is the first and most fundamental question from which all discussions in this direction can begin. If a consensus is not reached on this issue, all other issues will be deadlocked. Despite attempts to standardize the concept, the question of the nature of local self-government remains open.

According to the European Charter of Local Self-Government (hereinafter referred to as the Charter), the corresponding concept is defined in terms of "right" and "capacity," which correlates with the definition of the Law of Ukraine "On Local Self-Government" (hereinafter referred to as the Law), where the corresponding concept is defined in terms of "right" and "real capacity." However, then the definitions diverge, which creates a collision in the legal system of Ukraine: the Charter establishes that this



right belongs to local self-government bodies, while the Law establishes that this right belongs to the "territorial community." It seems that the definition presented in the Charter is conditionally "weaker" since it does not provide the territorial community with any substantial rights. At the same time, this definition is more versatile and adaptable through implementation to many legal systems of the Charter member states. On the other hand, the definition in the law reflects a long-standing synthetic formula of local self-government. It is a combination of statist and autonomous theories of local self-government. The former denies the independent nature of local self-government because the only source of power here is the people (Polontoh & Liauw, 2023).

Meanwhile, the idea of autonomy of local self-government is based on the premise that local self-government has a separate source of power: the territorial community. Since both Ukrainian legislation and international law leave ample room for discussion here, opposing positions have emerged in the doctrine. In our opinion, the theory of the autonomy of local self-government defines the territorial community as the source of local authority. This theory is much more in line with Ukrainian democratic traditions (Febrianty, 2023).

The second "key" issue concerns the degree of autonomy that local authorities should have. Should they be utterly subordinate to the national government, or should they have a significant degree of independence in decision-making? According to research, Liubchenko (2019) and Serohin & Serohina (2019) express divergent viewpoints on this topic. Recognizing the permissive nature of local self-governance can resolve this discussion. Local self-government bodies should have full authority over matters that do not concern Republican interests.

The third and final key issue pertains to the structuring principle of relations between the center and the periphery. How should the central government establish relationships with local authorities? What role does decentralization play in modern state systems?

The relationship between the central government and local authorities has been a lively subject of debate among scholars and practitioners. Let us analyze this aspect based on the sources mentioned.

W. Robson (2022) sees local self-government as a key instrument for institutionalizing civil society. Accordingly, he believes that the interaction between the center and the periphery should be based on principles of partnership and cooperation.



The center should provide political and economic support but not interfere in matters within the purview of local authorities. Conversely, S. Ritchie (2023) asserts that the interaction between the state and local self-government should ensure the assertion of popular power (p. 359). He posits the necessity of a vital role of a central authority, which would control and provide strategic guidance to the activities of local bodies. In his view, such an approach ensures national unity and prevents divergent approaches to key issues.

The optimal approach is to strike a balance between decentralization and centralization. Local authorities should have sufficient powers to address local issues, considering their territory's specificities. At the same time, the central authority must retain the right of control and strategic direction to ensure the unity of state policy.

## 6 CONCLUSION

Local self-government in Ukraine is a crucial aspect of modern democratic processes and European integration efforts. The analysis of the presented research points to several main directions that require additional attention and consideration.

Thus, local self-government becomes not only a means of decentralization of administrative functions but also a crucial instrument for the institutionalization of civil society. This, in turn, underscores the importance of developing mechanisms for effective interaction between local authorities and citizens. Citizens should feel that local government bodies are acting for the benefit of the community rather than narrow interests. On the other hand, governing bodies should operate in conditions where citizens actively and positively participate in public life. In this regard, the interaction between the state and local self-government is a rather complex process that requires continuous monitoring and response to potential conflicts and problems that arise between these two levels of governance. Therefore, the question of institutionalizing mechanisms for such internal and external monitoring, mediated primarily through the activities of non-governmental civic organizations, becomes acute.

In view of the above, continued research focusing on the practical aspects of the implementation of local self-government is essential. Special attention should be paid to the study of mechanisms of effective interaction between local self-government bodies and the public, the development of approaches to the optimization of management structures at the local level, and the adaptation of the European experience to the Ukrainian context.



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