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Regulatory and legal principles of decentralization in the activities of public authority bodies

Today, public administration implements state policy at the level of bodies executive power, the definition of political and public spheres becomes important management activity at the regulatory and legal level. The development of a democratic and legal state creates a need for a clear scientific ideas about the characteristic features and peculiarities of management, characteristic of all societies at different stages of development. However, it is extremely important to understand the essence state (in a broad sense - public) management, especially in conditions decentralization. Disclosure of these issues allows us to outline the trend to the increase or decrease in the degree of control by the state.

The need for a clear separation of powers of local executive bodies and local self-government bodies is discussed, in particular, in the Concept of state regional policy and the Concept of administrative reform. In these documents, the solution to the problem of improving the distribution of powers and functions between territorial subdivisions of central executive bodies, local state administrations and local self-government bodies is connected with the formation of local self-government based on a clear demarcation of executive powers and the gradual transfer of part of the powers of territorial subdivisions of central executive bodies authorities and local state administrations to local self-government bodies, as well as in the reorientation of local state administrations to perform functions related to monitoring compliance with laws and other regulatory legal acts in the activities of local self-government bodies.

The main issues assigned to local self-government are determined by the Constitution of Ukraine. Thus, in Art. 143 of the Basic Law of our state stipulates that territorial communities of villages, towns, and cities directly or through the local self-government bodies formed by them manage the property that is in communal ownership; approve programs of socio-economic and cultural development and monitor their implementation; approve the budgets of the relevant administrative-territorial units and monitor their implementation; establish local taxes and fees in accordance with the law; ensure the holding of local referenda and the implementation of their results; form, reorganize and liquidate communal enterprises, organizations and institutions, as well as exercise control over their activities; solve other issues of local importance, assigned by law to their competence.

The relevant constitutional provisions are detailed and specified in the Law of Ukraine "On Local Self-Government in Ukraine" and other normative legal acts. It is worth noting that most of the powers of local self-government are exercised through the representative bodies of local self-government and their executive

bodies. The Law of Ukraine "On Local Self-Government in Ukraine" separately defines the competence of representative bodies of local self-government - village, settlement, city councils, their executive bodies, and village, settlement, city mayors. The Law of Ukraine "On Local Self-Government in Ukraine" defines the groups of powers of the executive bodies of village, settlement, and city councils in the following spheres and industries: socio-economic and cultural development, planning and accounting; budget, finance and prices; management of communal property; housing and communal management, household, trade services, public catering, transport and communication; construction; education, health care, culture, physical education and sports; regulation of land relations and environmental protection; social protection of the population; foreign economic activity; defense work; solving issues of administrative and territorial organization; ensuring legality, law and order, protection of rights, freedoms and legitimate interests of citizens; awarding with state awards, honors of the President of Ukraine and conferring honorary titles of Ukraine.

This is, first of all, general supervision of compliance with the Constitution and laws of Ukraine, acts of the President of Ukraine, the Cabinet of Ministers and local state administrations; relevant functions of management of state-owned objects; coordination of activities of territorial subdivisions (bodies) of ministries and other central bodies of executive power; issuance of licenses and permits provided for by law; control over the financial activities of local self-government bodies within the limits established by law. Establishing spheres in which local executive authorities and local self-government bodies interact is directly related to the list of issues assigned to these bodies. It is defined by a number of legislative acts. According to the 3 Constitution of Ukraine, local executive bodies also ensure interaction with 3 local self-government bodies. Such interaction concerns issues affecting their common interests and belonging to their competence. These can be issues of socio-economic and cultural development, environmental protection. Local state administrations, territorial subdivisions of central executive bodies and local self-government bodies have the right to enter into relevant administrative agreements and create joint commissions. In Ukraine, the constitutional foundations of local self-government have been established, the European Charter of Local Self-Government has been ratified, and a number of basic normative legal acts have been adopted that create the legal and financial basis for the activities of local self-government bodies.

However, the first disagreements appear starting with the definition of the concept of "local self-government", since we currently have different definitions at the level of the charter, the Constitution of Ukraine, the Law of Ukraine "On Local Self-Government" and at the level of doctrinal developments of domestic and post-Soviet scientists. Therefore, there is a primary need for a comparative analysis of the constitutional and legal content of the concept of "local self-government" and clarification of its theoretical concepts. The implementation of the provisions of the European Charter of Local Self-Government determines the formation of a qualitatively new local self-government as a systemic social phenomenon. The Ukrainian state makes significant efforts to promote its formation, functioning and development. At the same time, according to scientists, politicians, and experts,

domestic local self-government does not primarily fulfill its social mission - decentralization of state administration, organization of life activities at the local level, formation of democratic foundations of social development, which calls into question the correctness of the chosen foundations of its organization.

Understanding that the basis for the development of a management system is not only compliance legal norms, and their improvement, taking into account new needs, contributes to the development and implementation in national practice at the national and local levels relevant normative legal acts, in which the achievements are gradually consolidated management publicity levels. Activation of work on expansion regulatory and legal provision of public administration takes place together with the process of power decentralization in order to increase the level of system stability management in general, which actualizes the need to research this issue. Today, the national system of public administration needs to be refined and improve. In different periods, reforms were carried out that approximated the corresponding one system to the European level. However, the question of clarity remains unresolved delineation of the conceptual and categorical apparatus in this direction. In addition, creation regulatory and legal basis of public administration should be comparable to the administrative one appointment of relevant authorities and change of their powers in the process decentralization. At the national level, it is expedient to carry out public management mainly by executive authorities. Legislative and judicial branches of government can influence the organization of the public administration mechanism through relevant legal norms. The legal component of the management mechanism (regarding the formation legal prerequisites for its publicity) manifests itself in norm-making and can to be both inside and outside executive authorities.