

ISSN 2336-5439 (Print)
ISSN 2336-5447 (Online)

EVROPSKÝ POLITICKÝ A PRÁVNÍ DISKURZ

Svazek 6
3. vydání **2019**



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MUNICIPAL REFORMS IN EU COUNTRIES IN THE CONTEXT OF REALIZATION OF THE PRINCIPLES OF DECENTRALIZATION AND DECONCENTRATIONS OF THE AUTHORITIES

The article deals with the issues of radical constitutional reforms in the countries of Europe, among which an important place is given to the reorganization of power in the field, which is connected with the revival of the institution of local self-government; the factors influencing the formation of municipal systems are analyzed and the general tendencies of development of local self-government are revealed; the degree of correlation of self-governing mechanisms with state administration on the ground is determined, the peculiarities of the organization of local self-government of the countries of the European Union and its adaptation to Ukrainian realities are clarified.

Keywords: democracy, deconcentration, decentralization, European charter of local self-government, local self-government, local government, reforms, centralization.

Formulation of the problem. The development and establishment of the local self-government institute in Ukraine at the present stage of state formation is characterized by the center's efforts to carry out a large-scale reform of the decentralization of power, to improve the "rules of the game" between the center and the regions, distributing not only powers, competencies, but also control over their implementation. As is known, the division of power is the fundamental principle of the democratic nature of the state system, the formation of mechanisms for minimizing conflicts and contradictions, inconsistencies that hamper overall development at all levels of government.

At the same time, the experience gained in our country during the last four years (2015-2018) has witnessed the presence of not only positive changes, but also "raised" a number of problems that need to be addressed at the local level, taking into account the mistakes and miscounts of past practice. Such a situation requires a more effective state policy to create an optimal system of governance and self-governance, taking into account European practice.

The purpose of the article is to reveal the political and legal mechanisms for the implementation of municipal reforms in certain European countries, the peculiarities, trends that are traced during their conduct, the identification of the most important positive foreign product that is appropriate to adapt to Ukrainian realities.

An analysis of recent research and publications on the problems of the article shows that Ukrainian scientists are interested in studying these issues. In their research, we find a lot of evidence that there is an intensified interaction between central and local authorities on a global scale. This is reflected in the theory of dualism of the municipal government: local authorities are seen as government partners, and at the same time as its agents on the ground. Foreign and Ukrainian scholars Württenberger T., Ronald L. Watts, Andrew Sexton, Jennifer Smith, Matvienko A.S., Naumenko R.A., Rylska V.V., Yevtushenko O.N., Kribida V.S., Tkachuk A.F., Grobova V.P. and other researchers point out that radical changes have occurred in the countries of Europe due to democratic revolutions and constitutional reforms since the early 1990's, which once again confirm the axiom: without the development of local self-government, the creation and functioning of democratic states and effective economies of the states are impossible.

In the scientific literature of foreign countries concerning the development and establishment of the institution of local self-government, local authorities are recognized by the majority of authors as part

of the state machinery. Scientists also say that the nature of reforms is significantly influenced by national, historical, state-legal traditions, political systems, ideas, mentality, peculiarities of a national character, a specific country, its territorial extent, population size, etc.

The constitutions of the states of regulation of the principles of local self-government and administration are devoted to special units (chapters), which consolidate the positions relating to the functioning of local self-government and governance, in particular the role of local self-government in the political system of society and its function, the main principles of organization of power on the ground, bases of administrative-territorial division, organizational forms of implementation of local self-government and management, their competence and internal structure and relations with other subjects, the basic principles of organization of power on the ground; administrative supervision, guarantees of local self-government (judicial, material-financial, legislative), etc.

Ukraine's state, on the path to its independent development, for the most part, can largely benefit from the experience of European reforms, which are based on the fundamental principles of world practice: decentralization, deconcentration, and the distribution of power over the vertical and horizontal.

Presentation of the main material. First of all, the author considers it necessary to emphasize the concepts of "local government", "local self-government", "administrative-territorial system", "administrative-territorial division", "administrative-territorial unit", since these concepts are not identical and quite often different in content. In our opinion, local government is understood as bodies designated by the center and representing state structures on the ground, while local self-government is the local representative bodies and therefore, they should not be contrasted, but viewed in proportion as parts to the whole.

The system of local self-government and management, as a rule, is built up in accordance with the administrative-territorial division of a country. It should be noted that the laws of many countries and the state-building practice use the terms "administrative-territorial system" and "administrative-territorial division" quite widely. However, if we proceed from the understanding of local self-government as a non-state unit, then self-governing groups of administrative-territorial units are called inappropriate.

At the same time, recognizing local government elements of the state mechanism (which acts on the basis of the principles of the distribution of power), these contradictions are eliminated. Moreover, in many Western countries, local self-government bodies, including representative ones, are included in the administrative circle. On this basis, the preservation of the terms "administrative-territorial system", "administrative-territorial units" in a scientific way is, to a certain extent, lawful and does not degrade self-governance as the basis for the organization of appropriate local communities.

If you consider the administrative-territorial units separately, then they can be divided into self-government and those managed by the central government – depending on which management mechanism dominates in one or another country.

Consequently, local government is an integral part of the state mechanism, which has a significant specificity and independence, independence in comparison with other management structures.

As you know, European reforms are characterized by diversity, diverse, covering important areas of life support of the population. In Europe, local self-government is characterized by the following features: a) the existence of its own competency established by law, freedom and responsibility within its borders in determining issues of local importance; b) own material base, i.e. municipal property and municipal budget; c) presence of a priority organizational form of a representative body elected by the population and having its own executive committee; d) the absence of direct (vertical) subordination of the lower representative bodies to higher¹.

In practice, there are three models of local self-government, which in general correspond to the main legal systems of the present: Anglo-Saxon (English), Continental (French) and Soviet, which is a past heritage, and now its study is of purely academic interest to scholars.

¹ Ткачук, А., Агранофф, Р., Браун, Т. (1997). *Місцеве самоврядування: світовий та український досвід*: посібник. Київ: «Заповіт»; Пухтинський, М.О., Ворона, П.В., Власенко О.В та ін. (2009). *Зарубіжний досвід організації роботи місцевої влади*: монографія. Харків: Вид-во ХаРІ НАДУ.; Куйбіда, В.С., Толкованов, В.В. (2013). *Досвід впровадження стандартів доброго врядування на місцевому рівні в Україні та інших європейських країнах. Збірник науково-аналітичних та навчально-методичних матеріалів, нормативно-правових актів з питань впровадження стандартів*. Київ: Крамар, 58-78.

Therefore, we note that contemporary political theory considers local government through the prism of concepts such as "decentralization" and "deconcentration". Despite the fact that they have a number of common features, they are also "two" different types of transfer of power from the center to the seats. Thus, "deconcentration" refers to more techniques of government, which by itself is not equivalent to the development of democracy, since all administrative levers are at the disposal of the center or its representatives. In deconcentration, although these bodies are subordinate to the state, minister or state representative, they have the right to delegate some of their powers to prefects-representatives of the state on the ground, which is only a way of organizing government within the state.

Somewhat differently, relations are formed in a decentralized form of government. Here there is a direct subtraction of powers of the state as a legal entity in favor of another legal entity, which is a local administrative team – a commune or a department, or a state institution. These public legal structures are administrative ones and they are not legally or lawfully empowered. At the same time, decentralized management contributes to the shredding and dispersion of political power, thus creating a sort of system of checks and balances between the branches of power.

If we talk about centralized management, its feature is to combine power and management powers, financial resources in a single center.

In general, European reforms of local governance can be classified as structural, functional, organizational, interacting and complementing each other. Self-government in Europe has always been a problem around which the struggle of political parties, supporters of centralization and decentralization, deconcentration, that is, the weakening of local control by the representatives of the central government, unfolded. Although the reforms themselves became an answer to the rise in the level of the economy, which required new rules of governance, the unification of efforts of self-government and state structures, entrepreneurs and representatives of the business sector, since self-governance, which is directly related to the population, its daily lives, to a large extent depends on the coherence of action of all entities engaged in activities within the respective administrative-territorial unit.

If, in general, structural reforms are considered in European countries, they relate more to organizational relations between different levels of local government. In particular, the countries of Western Europe, taking into account the history of the development of their lands, reorganized territorial units, eliminating the smallest units in Scandinavian countries, Belgium, Austria, the Netherlands, Germany. In Sweden, the number of communes decreased from 1037 to 279; In Norway, the number of municipalities has decreased from 7444 to 451, in Denmark from 1100 to 275, the number of communities in Germany has decreased by almost three times: in 1968, there were 24282, whereas in 1980 there were already 8500. In countries such as France and Belgium appeared new education – regions with their representative and executive structures¹.

The second group of reforms is functional. They involve the redistribution of functional relationships between local, regional and central levels of government. Traditionally, such changes are carried out at the same time as structural ones, and they are most often associated with the notions of centralization and decentralization, since they lead to the division of rights, responsibilities, competences, responsibilities, and financial resources.

Regarding the legal field of functional reforms, they are initiated by the relevant law and do not require fundamental constitutional changes. Organizational reforms relating to the internal organization of government and governance, which regulate relations between local representative and executive bodies, are less visible than structural and functional ones. Thanks to them, new mechanisms of preparation and decision-making in various spheres of local government are introduced into management.

World experience shows that local government inevitably combines with local government in almost all modern democratic countries. Of course, there are a number of reasons for this, as a political, economic, and legal order. First, the trends of decentralization, embodied by local self-government bodies, naturally oppose the tendency of centralism, which creates a mechanism for reconciling local interests with the national ones; and secondly, the possibility of forming a local budget at the expense of local taxes and fees is sufficiently limited (tax increases can lead to dissatisfaction with the population) and its resources often turn out to be insufficient to fulfill the tasks and functions of local self-government. Hence – the need for

¹ Місцеве управління в Західній Європі. <<https://sites.google.com/site/igroupteamsite/municipalne-pravo-ukraieni/misceve-samovraduvanna-v-zahidnij-evropi>>; Ткачук, А. Місцеве самоврядування у Франції. <<http://pdp.sirko.net.ua/analytics/local-government/979-28a-a5>>.

centralized maintenance of the functioning of the local self-government institution persists. In turn, this entails the need for central government control over municipal authorities in this area, thirdly, the natural constraints on the autonomy of municipalities in areas of national importance, which are associated with the provision of appropriate management standards; in the end, fourthly, the legislative regulation of local self-government includes the regulation of the competence and bases of the order of local authorities activity, motivating administrative control over the lawfulness of local self-government acts.

It is no coincidence that many researchers believe that now local authorities act as agents of the state, and local government in general is an integral part of the entire political mechanism of state governance. The status of the local authorities largely depends on their support from the state. They are directly related to the tax and financial systems of the state and, most likely, are part of a single whole governing body, rather than independent territorial units. In addition, the ability to initiate something at the municipal level depends more on the general situation in the state than on specific local circumstances.

In many European countries, there is a general trend towards a clear division of functions and powers of state and local administration (primarily at the regional level). For example, in France, where the Decree on the Decentralization was adopted in 1982, the functions of direct state administration on the ground and local administration were distributed. Previously, the powers of the local administration in the departments and regions were, in essence, assigned to the prefects. With the liquidation of their posts, their functions as the executive body of the respective administrative-territorial unit were transferred to the heads of general and regional councils. At the same time, instead of posts of the Prefect and Suprefect, the posts of the commissioner of the republic and his deputies were introduced, which began to act exclusively as representatives of the center on the ground. In addition, the Commissioner, in accordance with his authority, is a trustee of the Minister of the Interior, and in this status on behalf of the government has the right to dispose of the police, manage the activities of peripheral government services, participate in the development of the state plan for the development of the territory, allocate resources within the various programs of economic and social development¹.

The practice of many foreign countries shows that direct state administration on the ground plays a significant role in the functioning of both local government and the whole political system as a whole. It contributes to the strengthening of state fundamentals in local government, subordinating to the necessary measure the activities of local bodies to national interests. This increases the efficiency of the activity of the entire executive branch, promotes greater coordination of local government with other structures of the state machinery. At the same time, it cannot be ruled out that direct local government administration can change local self-government, which directly reduces the democratic potential of the political system, makes it less flexible and dynamic, breaking the two-way communication of the population with the state.

Consequently, in each state for the proper functioning of local government, effective local self-government is needed. And European practice is a solid confirmation.

The very concept of "local self-government" covers two types of organs: a local representative body elected by the population of the respective administrative-territorial unit and which makes decisions on the most important issues, as well as an executive body (mayor, mayor, etc.), which is called to fulfill the decision of the representative body and carry out operational guidance.

The European practice of local governance is a very specific element of the state machinery, which has considerable autonomy and feature. This is explained above all by the fact that local councils are in fact the only center beyond national sovereignties that have legitimacy based on elections and popular voting. However, this sovereignty has a slightly different nature than autonomy, since local authorities usually do not have their own legislative powers and operate on the basis and within the limits of the laws adopted by the higher representative bodies. They are not empowered to establish their own competence, that is, they cannot independently determine the scope of their powers, since the latter are established by the higher authorities, as well as by the courts. Unlike the state, local government does not have sovereignty and therefore generally does not restrict the rights of state power structures.

Self-government, as already mentioned above, is one of the main elements of any system built on the democratic principles of the state system, it has always been a problem around which the struggle of political parties, supporters of centralization and decentralization unfolded.

¹ Ткачук, А. (1997). Децентралізація, що змінила державу: особливості місцевого самоврядування у Французькій республіці. *Місьцеве самоврядування*, 1-2, 84-98.; Фролов, О. (2011). Державна підтримка і гарантування місцевого самоврядування: досвід Німеччини та Франції. *Право України*, 2, 299-309.

As you know, the volume and nature of self-government affect the general relations of the authorities in the country, the relations between the center and the regions. Thus, the Anglo-Saxon system, which provides broad autonomy to local authorities, leads to relatively weak participation of these bodies in the exercise of central authority. In England, for example, the concept of sovereignty of the parliament contributes to the fact that reforms are seen as an open intervention in the autonomy of local units¹. At the same time, the active participation of municipalities in the election of the upper chamber of the French Senate, the possibility of combining the mandates of a parliamentarian and a member of local representative institutions opens up the possibility of influence on central government².

It is also impossible to ignore the practice of moving to a new concept of local government organization in former post-socialist countries, since the organization of local power in the form of self-government was to the greatest extent consistent with the task of forming a social-market economy and rule of law, democratization and decentralization of governance processes. In turn, this resulted in significant independence and active role of territorial bodies in the management of the affairs of society.

The local authorities have the greatest opportunities to implement such a mission, because without a sufficiently developed local government it is impossible to create and operate a democratic state and an efficient economy. But if we analyze in detail the systems of local self-government and governance in the post-socialist countries, then the reforms took place under the influence of a number of factors.

First, the formation of municipal systems in these countries was carried out against the backdrop of global trends in this area. Priority among them is to increase the role of territorial bodies, convergence of the two main types of municipal systems (Anglo-Saxon and French), consolidation of municipal units and strengthening their apparatus, regionalization; and secondly, in these countries, self-government revived in the ruins of the former social order; thirdly, the establishment of the institution of local self-government took place against the backdrop of radical transformation of the entire social system, the crisis of economic and political systems, the lack of traditions and skills of democratic governance of the state.

As you know, the institution of local self-government is one of the manifestations of the general constitutional principle of the division of powers, covering both aspects of the content of the latter – both political and organizational (this aspect of the division of powers is reduced to the need for a rational distribution of functions between different bodies for the purpose of effective management, political aspect involves dispersing state power between different types of bodies in order to prevent its usurpation). It should be noted that the principle of the distribution of power is recognized in democratic states as fundamental to the organization and operation of the state mechanism and as such is fixed in the constitutions³.

In Western political science, the understanding of the content of the principle of the division of power has long been established: both as a "vertical" and a "horizontal". Thus, the distribution of power "horizontally" involves the division of competences between different types of state bodies of the same level. Distribution "by vertical" means the delineation of spheres of activity and powers between similar bodies of the same type, operating at different levels of territorial organization of the state.

The author cannot bypass the discussion that has been going on among scholars for a long time as to whether local self-government and its bodies are an integral part of the state machinery and whether it has a state-legal nature in general. Without going into the depth of these discussions, we note that the non-state nature of local self-government in the constitutions of foreign countries is not fixed. However, scholars who are investigating the problems of local self-government, their bodies recognize part of the state mechanism – partners (or even agents) of the central government.

To tell the truth, in Western constitutions and literature, representative bodies of local self-government and their executive agencies are often called state because they belong to a number of administrative bodies (state authorities are called only central state bodies, and in federations – also the higher authorities of subjects federation)⁴.

¹ Система місцевого самоврядування Великобританії.

<https://pidruchniki.com/1098120558778/pravo/sistema_mistsevogo_samovryaduvannya_velikobritaniyi>.

² Грובה, В.П. (2015). Система місцевого самоврядування Франції: досвід для України. *Науковий вісник Ужгородського національного університету. Серія: Право*, 32(1), 108-119.

³ Ткачук, А., Агранофф, Р., Браун, Т. (1997). *Місьцеве самоврядування: світовий та український досвід*: посібник. Київ: «Заповіт».

⁴ Сміт, Д. (2001). *Роль законодавчої влади в ліберально-демократичних суспільствах*. Харків: Центр освітніх ініціатив.

It is worth pointing out that the scope and nature of the powers conferred upon local governments in European countries affect the general nature of the relations between the center and the regions, the stability of the political system. It should be noted that this applies to all self-governing systems, even those developed as Anglo-Saxon, which provides broad autonomy to local authorities, is moderate in terms of control of the center by region. So, in some member states of the Council of Europe there is no regional level of government (Liechtenstein, Malta); in other European countries there is only one intermediate level between the lower level of governance and the central one: in Luxembourg it is districts, in the Netherlands – provinces, in Ireland – counties, in Sweden – places, etc.¹

An analysis of the current local management practices in the Anglo-Saxon countries shows that local authorities use different approaches when transferring powers, and local authorities themselves are approaching central government agents by their status. Thus, in England, the principle of "positive regulation" of local authorities has been established. The scope of powers, rights and responsibilities is determined by their specific list in the normative document. Consequently, local authorities carry out only those actions that are directly determined by law. In this country, the idea is dominated by the fact that local authorities must be agents of the central government in order to clarify 'the issue of national policy on the ground. Local authorities are political institutions with independent powers and functions that have their own political life, independent of the central government. Indeed, if we take a closer look at the actions of local authorities, we can conclude that they are close to the status of central government agents. In this country, the authority of the municipal authorities, the principles of relations with the central authorities, ministers, their departments are regulated by acts of parliament. It should be noted that the decisive mission in this sense is to fulfill private and local statutes.

The modern system of municipal authorities was created by two parliamentary acts on local governance: the 1972 Local Government Act (England and Wales) and the similar 1973 Local Government Act (Scotland). These parliamentary laws cover most of the norms of the previous legislation on local governance. The law is interesting because many municipal activities are determined by the relevant state secretary, who exercises general control over the implementation of many contracts and applies sanctions in case of deviations from any contract conditions.

As for the municipal bodies of London, they operate on the basis of the London Management Act, which was adopted in 1963, and provided the formation of the Council of Greater London, the preservation of City Corporation and the law firm in central London. In total, the London management system included 32 urban areas controlled by elected municipal councils. The municipality of Greater London included head, aldermen and advisers. It was a kind of corporation. The counselors were elected for three years, the aldermen for six. The chairman, vice chairman was appointed for one year. Significant changes to the London management system introduced the law on local government in 1985. The interaction between the bodies of the new management system, the improvement of the mechanism of their cooperation and the coordination of actions, ensuring the proper functioning of the economic and socio-cultural complex – the priority objective of the new law.

The Scotland Local Government Act of 1973 established a new system of municipal districts. By this time there were 431 of them. As a result of the reforms, 9 areas with corresponding councils, 53 district councils, 3 island and 1343 public councils were formed. It is important to note that in England, after the abolition of the Council of Greater London and six metropolitan district councils, the formation of a rather specific system of local authorities was started that had no analogy in previous British history and had no analogs in continental municipal systems.

This trend has been consolidated in the Public Act on Local Government in 1988, which included the norms of previous laws and judicial precedents governing the activities of municipal authorities. At the same time, any action of the local authority must be confirmed by reference to the relevant legal act. To obtain additional authority, local authorities may apply to the parliament for the issuance of a so-called "private" law.

In this parliamentary act, the municipalities' responsibility to the central government was most fully defined. The relationship between the center and the municipalities is based on *ultra vires* doctrine and *inter vires* (to act within their authority). The 1988 Act gave the Secretary of State almost unlimited rights to

¹ Григорьев, В.А. (2005). *Эволюция местного самоуправления. Отечественная и зарубежная практика*. монография. Киев.

control the economic activities of municipal authorities. In case of non-performance of the shares, the secretary had the right to stop the financing of contract and other work and in general to exclude the municipality from participation in these works, which inevitably would lead to a clarification of this issue in court. In general, the vires doctrine (ultra or intra) provides government departments with the opportunity to inspect municipalities, verify their activities, impose appropriate sanctions, or temporarily transfer the authority and services of municipalities to other local authorities or government officials appointed by the minister. The most rigorous control is in the field of finance (subsidies, loans, local taxes) and in personnel policy¹.

As for the borrowing of the experience of England by the Ukrainian state, it is expedient to apply a system of control over the use of budget funds coming to local authorities in the form of subsidies, subventions, various kinds of grants. In our domestic practice statutory law, norms of the municipality, the procedure for appeal to the parliament, departments should be wider used; the relationship with the center should be improved. It would be advisable to remember one more important personnel aspect – the presence of advisers who carry out an important mission together with the heads of municipalities, are legally bound and legally responsible for their own activities.

In the countries where the continental (French) model of local government operates, the principle of "negative regulation" is used, according to which local authorities have the right to act directly, but those that are not prohibited by law.

If we talk more specifically about the reforms of the local administration of France, it should be noted that the priority reforms of the territorial administration in this country were not carried out quite often. France is one of the few countries in the world with four levels of governance: municipal, departmental, regional and national. Considering the reform of 1982, it covered the first three levels. However, since in France local government and self-government are governed by administrative law, the reform was called administrative. There are a number of factors that motivate changes in local management. The main one is the discrepancy of existing administrative-territorial structures with the needs of economic development. In addition, local management faced with the need to perform tasks of a new level. It began to deal with issues that had not existed before. The structure of local government itself was also needed. In the country there are 36 thousand communes, the so-called "primary units of management", departments that are distributed to the districts and cantons. At the same time, there are no elected bodies in the latter, but their existence is explained by the expediency and convenience of management.

The French local government, which laid the foundations for a complete system of governance in foreign countries (along with the Anglo-Saxon system), has always been characterized by a rigid hierarchy of subordination of the center. Regarding the views on the reorganization of local government, they have always depended to a large extent on the nature of the actions of political parties. In particular, the parties that were in power have always sought to introduce certain reforms into the current system of local governance.

If to characterize the reforms themselves, they were both individual and complex, covering all levels of government. The same transformations took place in several directions. The first is the creation of regional units that have taken an intermediate position between departments and the national level of government. The new phase of regional reform came in 1969, when the country's president, Charles de Gaulle, solved the problem radically, giving the regions a new meaning and giving them a wide range of powers and financial resources. The region was included in the Constitution of the state. The law of 1972 changed the region to an administrative unit with the status of a public territorial establishment. The region did not have its own management functions, it was delegated to individual activities by either the state or territorial teams.

The second direction was the conduct of events at the communes' level, since their number was quite significant. In the 70th years of the twentieth century the process of uniting communes commenced, which took place with considerable resistance on the ground. The third direction was carrying out various kinds of reforms in the administrative order. They addressed various aspects of local governance, among other things institutional. Administrative decentralization provided for the transfer of powers from the national level to the ground.

¹ Науковий вісник Міжнародного гуманітарного університету. Серія: «Юриспруденція» (2018). Місцеве самоврядування у Великобританії. <http://www.vestnik-pravo.mgu.od.ua/archive/juspradenc10-1/part_1/24.pdf>. (2018, April, 21).

In 1981, when communists and socialists came to power in this country, the reform of local government was re-launched, although these attempts were not supported by right-wing parties. Parliament passed separate laws that expanded the powers of the communes, departments, at the regional level, the most significant transformations took place. The region became a territorial group with its own budget, a tax collection fund administered by a regional council, and a significant number of powers delegated to it by the state, it received additional powers owned by departments, but of a higher level.

An important aspect of the reform was the transformation of state control over local government, which was agreed with the requirements of Article 72 of the 1958 Constitution. In practice, this has led to the fact that since then a more sophisticated control system has been in place, which has protected the observance of laws and national interests.

As a result of the reforms carried out in accordance with the Law of 1982, the autonomy of local groups increased, control over decisions of local authorities became legal, and the political component became less relevant in their activities. The situation of the public services on the ground was changed, especially the prefects. They lost their three core competencies: executive power in departments, management of regions and administrative oversight over communes and departments. And although the prefects gave way to some authority, their role on the ground was reduced to the minimum. Thus, the commissioner of the republic observes the proper exercise of authority by departmental services; he is second in office after the chairman of the general council, manager of cases in the department. This official protects the power of the state in the department, speaks in the General Council on her behalf.

It should be noted that the Law of July 22, 1982 on the redistribution of competences between communes, departments, regions and the state became a logical continuation of the law of March 2 of the same year, which determined that there should be no competition between different levels of government, each level complements each other. The communes, departments and regions must cooperate with the state in matters of governance, territorial organization, economic, social, sanitary and scientific development, as well as on environmental protection and improving the quality of life of people.

Consequently, the named administrative structures are the institutional limits for the participation of citizens in local life. Reforms have laid the foundations for the functioning of the local government of France. As a result of the decentralization of 1982, changes took place in the organization of elected bodies, the institutional structure of the country improved, and territorial teams received much greater autonomy and powers that they had not possessed by that time. Further reforms in this country only corrected some aspects of local government. Reforms themselves helped to attract the population to participate in community affairs. At the same time, the center retained sufficiently strong positions on the ground, forms and methods of control were transformed in accordance with national interests¹.

If we recall the most appropriate aspects of French experience for Ukraine, the author singles out a few of them: a) a clear division of powers between different levels of government in the state; b) lack of competition between different levels of government; c) preserving the control functions of the state, especially regarding the distribution of finance; d) openness of power and involvement in the process of local governance of public associations, trade unions.

In addition, it should be noted that the mission of trade unions as defenders of the rights and freedoms of citizens to participate in local self-government may be more significant and more effective and weightier.

In general, the legislation of the European countries distinguishes between several types of powers that are transferred to the local representative bodies: compulsory and optional (voluntary), "delegated". The first group includes those of national importance and are executed in a mandatory manner. The optional powers are realized taking into account the urgent needs of the community. Delegates are so-called "entrusted", which involve delegating certain functions to local authorities. In its value, the last authority is similar to the mandatory².

¹ Грובהва, В.П. (2015). Система місцевого самоврядування Франції: досвід для України. *Науковий вісник Ужгородського національного університету. Серія: Право*, 32(1), 108-119.; Григорьев, В.А. (2005). *Эволюция местного самоуправления. Отечественная и зарубежная практика: монография*. Киев.

² Вюртенбергер, Т. (2005). *История та легітимація децентралізованої держави. Організація регіональної та місцевої влади: досвід держав – членів Європейського Союзу. Спеціальне доповнене видання Українсько-європейського журналу з міжнародного та порівняльного права*. Київ: вид-во ТОВ «Українська консалтингова група».

It is worth pointing out that the scope and nature of the powers conferred on local governments in European countries affect the general nature of the relations between the center and the regions, the stability of the political system. At the same time, this applies to all self-governing systems, even those developed, such as Anglo-Saxon, which provides broad autonomy to local authorities, is moderate in terms of control of the center by region.

Summarizing the problems of local governance and reforms in the European countries, the frequent reforms of local government were conditioned by the need for stabilization in these countries. One of the problems was the "crisis of cities", urbanization has changed the ratio of urban and rural population, the tax system, the introduction of new administrative structures. In practice, often there was a confrontation between elected members of the councils and executive bodies, the bureaucracy and the local elite. This required reducing weak municipalities, combining them into more capable units, signing state agreements with local teams and various public-law institutions. The process of reforming local governance was also influenced by the ruling regimes, which to some extent appeared to be a destabilizing factor in the state machinery, violated the continuity of its development.

Practice shows that local government is a complex mechanism, which is to an extent autonomous (the election of local representative bodies, the presence of their own executive committee, municipal property institutions, etc.), which functions under the control of the center, is largely integrated into the state machinery, performs a lot of functions that have a national significance, the number of which at the same time increases with the expansion of social functions of the modern state.

In general, recognizing the priority direction of the development of political systems of decentralization of power, it should be warned against its absolutization as a possible panacea for solving all problems, challenges associated with the life support of the population. At certain stages of development of states, the centralization of power is no less important, which, besides its negative features, can provide the benefits of a unified government, free from local political discussions and prevent usurpation of power from the local "princes". In addition, centralized management helps to better coordinate the activities of local services, while reducing the cost of services they provide.

Consequently, decentralization and absolute autonomy of local government are not an absolute blessing, since the full autonomy of local government may impede the harmonization of national efforts, create conditions for abuse, and the fragmentation of administrations, which may ultimately affect the effectiveness of governance itself.

Centralization and decentralization ultimately recognize that they are not diametrically opposed, such that they mutually exclude each other as forms of a political and administrative organization. All effective control systems include elements of centralization, decentralization and deconcentration of power. However, the main problem when implementing local government reforms is not to make a choice between centralization and decentralization, but to find the right balance between them, adequate to the real conditions of a country, as well as the tasks addressed to local government and local self-government bodies.

As you know, the European Charter of Local Self-Government, adopted in 1985, which proclaimed the implementation of European standards in local and regional self-government, played an important mission in reorganizing local government in Europe. The Charter consolidated the basic principles that local self-government must respect, considered as one of the foundations for the preservation of democracy and the protection of human rights in the broadest sense of the word, and which guarantees the basic rules and political, administrative and financial independence of local self-government bodies¹.

Our country ratified the European Charter of Local Self-Government in 1997, and therefore the study of the mechanism of decentralization and deconcentration in foreign countries motivates the need for

¹ Пухтинський, М.О., Ворона, П.В., Власенко О.В та ін. (2009). *Зарубіжний досвід організації роботи місцевої влади*: монографія. Харків: Вид-во ХАРІ НАДУ.; Європейська Хартія місцевого самоврядування. *Збірка договорів Ради Європи*(2000). Київ: Парламентське видання, 197-207.; Євтушенко, О.Н. (2016). *Державна влада і місцеве самоврядування: принципи взаємовідносин у контексті Європейської хартії місцевого самоврядування. Місцеве самоврядування в умовах децентралізації влади в Україні*: колективна монографія. Київ: Рідна Мова, 41-59.; Науменко, Р.А., Рильська В.В. (2015). *Перспективи використання європейського досвіду при впровадженні моделі децентралізації влади в Україні. Державне управління: удосконалення та розвиток*, 9. <<http://www.dy.nayka.com.ua/op=1&z=902>>; Rylska, V.V. (2017). *Decentralization effect in North land countries experience for Ukraine. Публічне управління: збірник*, 2, 181-189.

changes in the system of local government in Ukraine, due to a number of factors, to which the author counts the set of internal problems to the first group. This is primarily a failure of the current system of management to meet the social and collective needs of people in full, the inconsistency of existing administrative-territorial structures with the needs of the economic, political and social state of the state. In addition, the existing level of autonomy of local structures, their resource constraints, the nature of relations formed between the representative bodies of self-government and state bodies, administrative and financial care of the representatives of the state – all this until recently hampered the formation of capable territorial communities and, as a consequence, the latter did not provide the required quantity and quality of services for residents.

The second group of factors is associated with the ineffectiveness of the political system itself, which failed to ensure the economic equilibrium of the administrative-territorial units and political stability. The political elite, having broken off at a dangerous distance from its own people, its needs and interests, significantly "influenced" on the standard of living and social protection of people. If the aforementioned one also adds corruption at each level of government, then it becomes obvious that the state as an institution of the political system is extremely unbalanced and cannot effectively withstand modern challenges, provide democratic, legal and social standards to society.

The third group is the long-term polarization of the interests of the center and the regions, which for a long time required no cosmetic repainting, but a decisive reset of relations on new constitutional, political, economic and administrative grounds. Ukrainian practice shows that the center used a variety of control tools to influence the lives of the population of the territorial communities. Mostly controlled are financial and personnel issues; therefore, the problem of the division of power lies not only in the elimination of contradictions, inconsistencies between the center and the regions, but also in the formation of an efficiently functioning model capable of ensuring the territorial integrity and stability of the state.

By the fourth group of factors, the author counts the current state of the economy and the activation of civil society institutions, which objectively requires more adequate action from territorial entities. It is known that the capacity of local authorities directly depends on the ability of structures, their interaction with other actors, the scope of competence they possess, and the available financial support.

And in the end, the fifth group is external factors. Cooperation with the world community in order to find constructive political and military mechanisms for resolving the conflict in the East of Ukraine, the return of the annexed Crimea is a priority aspect of our country's foreign policy, which, in its turn, requires effective management in all spheres and at all levels.

Conclusion. In view of the above, it should be noted that Ukraine is experiencing difficult times in its independent history. The initiated reform on the principles of decentralization of public authority generally contributes to the improvement of the institutional structure of the country, territorial teams received much more autonomy and authority than they had had. Ultimately, the legal framework that balances the interests of communities within the district, the oblast, sets the foundation for active living of residents within their territorial communities, transforms the consciousness, mentality of ordinary Ukrainians, harmonizes the relations of power and society, center and regions. At the same time, the initiated reforms, as evidenced by the European experience, should be accompanied by greater openness, transparency, quality of those positive changes taking place at each level of government, and not by the quantitative indicators of the enlarged administrative-territorial units.

It is worth remembering that the changes that take place do not exclude miscalculations, and therefore they need to be promptly identified and solved. In our opinion, newly formed congregations have the opportunity to develop a mutually beneficial inter-community partnership, and regions to expand it at the interregional level in order to form competitive areas, develop inter-budgetary relations and constructively dialogue with business representatives, entrepreneurs, all interested entities operating within corresponding administrative-territorial unit. In addition, the difference in financial resources owned by the local government of Europe and our country makes unacceptable local arbitrariness or mechanical copying of foreign samples. It is expedient to avoid exaggeration, to form an optimal tax system that would ensure the self-sufficiency of self-governing structures. Thus, services to the population should be provided not at all, but taking into account the needs of each inhabitant of a territorial community. In the context of this, if for example to take the medical sphere, then the services in it should be provided not from the general statistics of the inhabitants of a certain territory, but on the basis of their actual state of health.

In order to protect the rights of citizens to participate in local self-government, it is advisable to establish a local ombudsman institution that operates effectively in European countries, helping residents to jointly identify community issues.

The initiated decentralization of power should lead to a new level of development of the state, to withstand internal and external challenges. But whether it combines Ukrainian society is a matter of time. In our opinion, everything will depend on the political will of the center, the elite, which not only must be able to declare ideas for improving the territorial organization of power, but also to bring them to a logical conclusion and which, after all, will realize that European values and standards are a prosperous life of every Ukrainian, not of separate layers of it.

Despite all the troubles experienced by Ukrainian society, it still has the hope that the elite will not forget the mistakes of past reforms, and that the current ones, implemented on the basis of decentralization, will take place through more effective political and legal mechanisms based on subsidiarity, deconcentration taking into account Ukrainian realities, and European experience will become a pivotal guide on this path.

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Table of contents

INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

Inna Zavorotko, ACCOUNTABILITY FOR CONFLICT-RELATED SEXUAL AND GENDER-BASED VIOLENCE AS INTERNATIONAL CRIME: RESEARCH METHODOLOGY	6
Olha Blyzniak, GERMANY'S ROLE IN THE DISCUSSIONS ABOUT THE INTENSIFICATION OF EU'S EASTERN POLICY WITH THE PARTICIPATION OF THE "NEW EUROPE" COUNTRIES	11
Vadym Popko, EXTRADITION IN TRANSNATIONAL CRIMINAL LAW	20

THEORETICAL AND HISTORICAL PROBLEMS OF LAW AND POLITICS

Borys Kofman, CHARACTERISTICS OF THE CONCEPT OF "PERSONALITY" FROM THE POSITIONS OF THE CONSTITUTIONAL LAW	29
Yulia Reminska, REVISITING MODERN APPROACHES TO THE RULE OF LAW UNDERSTANDING: WHY THE CONTENT OF THE RULE OF LAW MATTERS? ...	38
Oleksandr Pokhyl, EVOLUTION OF THE RIGHT TO PROTECT ONE'S RIGHTS: FROM THE FIRST MENTIONS TO THE FIRST CONSTITUTIONS	43
Alina Voichuk, THE ORIGIN AND ESTABLISHMENT OF THE INSTITUTE OF PRESIDENCY IN UKRAINE	54
Lidiia Marfobudinova, THE IMPLEMENTATION OF GENDER PARITY IN THE LEGISLATIVE POWER OF UKRAINE	61
Svitlana Bevz, GENERAL CHARACTERISTICS OF REGULATORY FRAMEWORK FOR STATE MANAGEMENT OF ECONOMIC ACTIVITIES	68

POLITICAL INSTITUTIONS AND SOCIO-POLITICAL DISCOURSE

Olha Tit, THE EVOLUTION OF FORMS OF POLITICAL ACTIVISM IN UKRAINE	74
Liliia Hyrenko, MEASUREMENT OF UKRAINIAN SOCIETY'S READINESS TO THE TRANSFORMATION OF YOUTH'S SOCIAL STATUS: THE INFLUENCE ON THE ACTIVITIES OF LOCAL SELF-GOVERNMENT	80
Anastasiia Nekriach, Ivan Lopushynskiy, Viktor Vinogradchii, MUNICIPAL REFORMS IN EU COUNTRIES IN THE CONTEXT OF REALIZATION OF THE PRINCIPLES OF DECENTRALIZATION AND DECONCENTRATIONS OF THE AUTHORITIES	87
Yevhenia Slavna, USE OF THE CZECH EXPERIENCE IN THE PROCESS OF DECENTRALIZATION IN UKRAINE	99