анотація
статті Цукан Оксани Миколаївни на тему:
«Правові засади місцевої демократії в Україні: стан, проблеми та перспективи розвитку»

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An extended abstract of a paper on the subject of:
«Legal basis of local democracy in Ukraine: state, problems and development prospect»

This article discloses legal basis of local self-government in Ukraine founded on the analysis of the Constitution of Ukraine, the European Charter on Local Self-Government and the Local Self-Government law of Ukraine. The hierarchy of legal regulations is also represented concerning process of local self-government in Ukraine.

Problem setting. Local self-government in Ukraine has been renewed and developed during period of independence. Today local democracy is inherent integral part of public authority system in the country.

At the same time both particular elements and local self-government system in general haven’t attained yet a level of influence on economic and humanitarian development of territorial communities and society existing in the majority of democratic states of Europe and all over the world.

Recent research and publications analysis. Today there is a lot of discussions at all levels of public authority in Ukraine, among politicians, municipal officials and scientists regarding problem-solving of further development of local self-government, bringing into accord with European and world standards of local democracy.

A lot of national and foreign experts make opportunely mention that many problems in organization and functioning of local self-government in Ukraine are connected with incomplete, imperfect and contradictory legal regulation of municipal relations. In its turn adequate legal adjustment of local democracy relations is impossible without clear definition and appropriate fixation of legal basis of local self-government.

Paper objective. Due to legal basis it’s possible to define unified principles of construction and functioning of local self-government in the territory of Ukraine, to make clear its nature, dominant features and differences.

Paper main body. In general it is necessary to mention that different parties of the Constitution of Ukraine contain 26 articles which dispositions directed on regulation of basic public relations in the sphere of organization and functioning of local self-government.
The achievements in process of formation of legal basis of local self-government are also fixation of its principles in special normative legal document – Local Self-Government Act of Ukraine.

Constitutional definition of local self-government is developed in appropriate act that defines it as “right guaranteed by the state and real capability of territorial communities – inhabitants of village or voluntary association in rural community of inhabitants of a few village, township and town – to solve autonomously or under responsibility of bodies and officials of local self-government, questions of local importance within the limits of the Constitution and legal acts of Ukraine (p.1 article 2).

Above mentioned definition was formulated under direct influence of the Charter which Ukraine has acceded before the moment of adoption of the Local Self-Government Act. Consequently local self-government is not defined in the Act as possibility but as capability of a territorial community to act in its own interests. In elaboration of this approach the legislation of Ukraine on local self-government must determine clearly a sphere of questions which solving is possible by own forces of territorial communities and their bodies. In other words it is necessary to define the content of concept “question of local self-government” in the legislation of Ukraine.

This approach of the European Charter to definition of main subject of local self-government is much complaint with actual European standards and above all – with real practice of local self-government.

It is possible to conclude that today the Part XI of the Constitution including definition of local self-government needs to be profoundly reformed. Taking into consideration regulations of the European Charter, local self-government in Ukraine could be defined as state-guaranteed right and real capability of local self-government bodies to regulate independently a significant part of public affairs and administer them acting within the limits of the Constitution and legislation of Ukraine, on their responsibility and in the interests of a territorial community – inhabitants of village, voluntary association of few village, township, town.

Conclusions of the research.

As a conclusion it’s allowed to note certain positive results in formation of legal basis of local self-government in Ukraine. However the needs of socio-economic and cultural development of communities in Ukraine advance new increased claims to local democracy in connection with that these basis have to be permanently improved.

This process must be effectuated only in the direction of implementation of approved European and world standards into national legislation of local self-government.