

Decentralization of Authorities in Ukraine; As an Efficient Instrument for Strengthening Local Democracy in The Modern Stage Of Government

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Abstract The article deals with the issue of the decentralization of power in Ukraine, the unification of territorial communities, the development of a democratic local government, the establishment of local democracy, the factors that influence this process, the forms of participation of residents in solving everyday problems of the community.

The purpose of the research paper is to reveal the mechanisms of decentralization of power at the local level, identify the main tendencies that appear during its implementation, ways to improve local governance and develop local democracy in the current crisis.

In result, the study has established that the found in the developed democratic countries, the Institute of Local Self-Government – is a unique area that promotes the introduction of such signs of democracy as a community of tasks, joint responsibility, universal agreement, brotherhood, tolerance, equality. So, local democracy is necessary; it should be developed, strengthened in all directions. Has been established that the active form of citizen participation in community affairs is the implementation of the idea of the participation budget or public budget. The project had supported in virtually all regions of Ukraine and, thanks to it, people managed to solve a large number of local affairs under its responsibility, while increasing transparency and accountability of management structures and deepening decentralization processes on the ground.

Keywords: Governance, Democracy, Territorial communities, Self-governing environment, local referenda..

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I. INTRODUCTION

History of the Ukrainian state requires systemic changes in all areas of life support for people. The decentralization reform initiated in 2014 has confirmed its priority, feasibility and irreversibility.

The transfer of powers and financial resources helps regions to resolve a large part of local affairs under their responsibility. So, the internal and external transformations experienced by Ukrainian society require a systematic study of reforms initiated in the country, including power decentralization reforms, the synthesis of trends that occur in the territorial communities unification process, factors that influence the consolidation of local democracy and ways of improving efficiency of local government as an essential component of the local self-government bodies capacity.

They recognize the certain measure taken at the local level. It is necessary to analyze the impact of decentralization processes on the establishment of local democracy, the extent to which residents are directly involved in the development process and in what way the openness and transparency of the activities of officials, local authorities have achieved. Without a well-established communication between the local elite and the inhabitants, the proper trust in each other, it is difficult to achieve the ultimate goal embodied in the decentralization reform. Taking into account the mentioned aspects of the issue on the decentralization of authorities in Ukraine as an efficient instrument for strengthening local democracy in the advanced stage of government requires further research and innovative studying. The specified causes the choice of topics and research direction.

II. LITERATURE REVIEW

On this issue suggests that scientists are quite interested in exploring these issues. In particular, theoretical and practical developments are disclosed in the writings of such scholars as: Batanov (2003), Neudorfer (2004), Sellers and Lidström (2007), Kolodii (2008), Matviienko (2015), Naumenko (2015), Rylska (2015; 2017), Lopushinskij and Olenkovska (2015), Ishcheikin (2018) and many others. As scientists rightly point out, the current decentralization reform is a crucial stage in the improvement of the

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governance system in the Ukrainian state, the development of capable territorial communities, the establishment and development of local democracy is the necessary precondition for our country's entry into a united Europe.

The problem of decentralization was systematically studied by the authors of the collective monograph *Local Self-Government in the Decentralization of Power in Ukraine* (2016) in general editorship by R. Pliushch, which presents an expanded approach to reforming public authority at the local level, means of its adapting and responding to the new challenges of society and providing an understanding of its actions by the public. An increase in the number of publications on the topic mentioned above has facilitated by the ongoing study of international experience and support of local initiatives by public organizations. So, the scientist Rytska (2017) generalized in her study the processes of decentralization in the Nordic region, in which many positive approaches have been developed to ensure an adequate standard of living for the population, which in turn confirms the high legitimation of local authorities. The research Neudorfer B., Neudorfer N. (2014) states that, on the one hand, decentralization has certain advantages, but on the other hand, it is not fully implemented to offer and increase state accountability. The described advantages and disadvantages do not take into account possible factors of influence on the final financial results in the process of decentralization itself. Oates (1972) considers decentralization as the right of independent decision-making by decentralized units, and Onyshko (2015) it is presented as subject control, the competition of government and local coordination.

However, these works do not fully disclose the management of the decentralization process, but only a possible factor of competition between centralized and decentralized power. In the research paper, Andhika (2018) decentralization has defined as the transfer of significant powers and budgets from state bodies to local governments, in order to have as many powers as possible for those authorities that are closer to people, where such resources can realize most successfully. However, the issue remains open as to the mechanism for the distribution of such powers. Hulst, Mafuru, Mpenzi (2016) and Smoke (2015) argue that decentralization should be used as an instrument of reform in various areas of state activity, but does not indicate with which mechanisms they can apply. At the same time, domestic realities make significant adjustments and require the study of the whole spectrum of issues related to decentralization, mechanisms that reveal opportunities for residents of territorial communities to participate in solving everyday problems of the community, defending their interests.

Problem Definition. The internal and external transformations experienced by Ukrainian society require a systematic study of reforms initiated in the country, including power decentralization reforms, the synthesis of trends that occur in the territorial communities unification process, factors that influence the consolidation of local democracy and ways of improving efficiency of local government as an essential component of the local self-government bodies capacity.

III. METHODOLOGY

The approach based on the concentration of human, financial, land resources and developed infrastructure by involving the instruments of direct and participatory democracy in this process, forms a comfortable and safe for people self-governing environment, in line with the new standards and value orientations.

The construction of a self-governing model on a new basis has enshrined in the Government Concept for Local Self-Government Reform and the Territorial Organization of Power in Ukraine, which has aimed at the establishment of capable territorial communities and the development of our country as a civilized democratic state with European standards. The world community has recognized such approaches. In particular, the United States Agency for International Development (USAID) has initiated partnership cooperation with the 25 new UTCs (united territorial communities) in order to support them in the decentralization process, the ability to respond effectively to community priorities through proper resource management, improved utilities, stimulating the local economy and attracting citizens to decision-making.

Towards this purpose has oriented the Laws of Ukraine: On the voluntary association of territorial communities, Laws of Ukraine: On cooperation of territorial communities, Budget and Tax Code has amended.

Based on those as mentioned above legal and regulatory framework, an institution of old age has introduced, Regional Development Agencies were set up, Local Government Development Centers, agreements were concluded between communities to solve common issues, strengthen local budgets through financial decentralization. Thus, according to statistics for 2017-2018, budgets grew by 123.4 billion hrv. (Ukrainian Currency), and their share in incomes of the consolidated budget of Ukraine exceeded 50%. Most of them facilitated direct inter-governmental relations among centre and regions. (on Approval of Methodology for Formation Capable Territorial Communities, 2015). These data provide additional evidence of the success of the decentralization that has begun.

In practice, this allowed a transparent redistribution of powers and finance, responsibilities between the centre and the regions, to expand the legal framework for improving management and business, and to improve the quality and accessibility of administrative, communal, and public services. According to international practice, in the developed democratic countries the Institute of Local Self-Government is a unique area that promotes the introduction of such signs of democracy as a community of tasks, joint responsibility, universal agreement, brotherhood, tolerance, equality is a participating school for political education. An increase in the political consciousness of citizens and their participation in political life and in solving community affairs. However, how do the activities of domestic local government ensure these democratic principles? First, let us look at different points of view on this problem. The first,



because local self-government has considered as a tradition protected by the community and contrary to democratic principles. The second, and this is the rule of the majority, egalitarianism, the community of standards for all, cannot be adapted to the needs of local self-government, which in its nature is diverse in forms of activity, diverse in services and which to some extent does not exclude corruption, oligarchizing. The third approach considers democracy and management practice as interdependent and interdependent links of a single process that provides people with vital functions.

To a large extent, the essence of the theory of democracy lies in the fact that it had based on the very nature of man, his mission in society, state-building processes. In the context of this, it is essential to understand that the inhabitants living in the same administrative unit in the same territory need the services they need and, therefore, should have a representative body through which they could express socio-cultural, organizational and financial requirements. Moreover, in turn, this representative body should be able to make decisions based on proposals, wishes of interests of different categories of the population. From the practical point of view, the complexity is that local governance allows for some contradictions that are incompatible with the goals of representative and direct democracy. So, if the first one had based on elections and activities of the parliamentary corps, which are responsible to the electorate, then the latter needs direct access of the residents to the management so that they know what has done on their behalf and understand what resources are needed to meet needs. It is the observance of such a participatory policy that makes it possible to realize the inhabitants' significance, provides a degree of control over the activities of local authorities, and confirms their ability to meet common interests. In order to implement this participatory policy at the local level, it is expedient to reconsider existing approaches, to refuse even authoritative but outdated forms, stamps, stereotypes and to develop other tools, types of participation, while expanding the circle of persons, regardless of their property status, sex, ethnicity or religious affiliation.

IV. RESULTS

The authors of the article, sharing the position of scientists from different schools about democracy, at the same time, believe that local democracy is necessary; it should be developed, strengthened both horizontally and vertically. Democracy should strengthen the right of citizens to participate in local self-government, and nobody can restrict it. Moreover, it is not subject to sanctions or prohibitions. It is a natural human right: to take part in solving those cases that directly concerns his life-support. Regarding the nature of the participation of citizens, it is disparate and diverse. These are general meetings (conferences) at the place of residence, consultations, local initiatives, public hearings, activities of bodies of self-organization of the population, condominiums (multistoried buildings co-owners associations), public associations, public juries, recall of deputies, civic initiatives, associations of inhabitants, poll, advisory polls. Participation in them helps residents to express their proposals, demands, seek

concerted action to resolve common issues and openness of management. The direct forms of democracy can be added to the forms mentioned above: elections, local referenda, electronic petitions. They promote the implementation of the principles of democracy in real terms.

It should note that since the launch of a large-scale unifying process, starting in 2015, 874 united territorial communities are formed (UTGs) in Ukraine, which includes 4004 former communities. Already more than 9 million Ukrainians live in newly formed UTGs. As of the end of 2018, the elections had held in 782 of the newly created 874 UTGs. In particular, on December 23, 2018, elections were held in 77 UTGs in 13 oblasts of Ukraine. They have consisted of 345 local councils (urban-9, township-19, rural – 317). Forty-six political parties fought deputy mandates. As a result of the elections, more than 11 parties were the ablest to delegate their representatives to local councils. Most successful in this were Petro Poroshenko's Bloc, Solidarity, A.U. Fatherland, Agrarian Party, Opposition bloc, Radical party, Ukrop, Our land, A.U. Freedom, Civic Position, People's Front. A significant portion of the candidates had made by the self-nominees (41%). As of the total number of elected heads and deputies, the representatives from the Petro Poroshenko's Bloc and Solidarity, which makes up 38.5%, the next highest rates are in Fatherland.

Based on the results, 782 goals were elected. Among them, 389 or 49.7% are representatives of the Petro Poroshenko's Bloc. All-Ukrainian association Fatherland with the indicators of 35.7% is ranked second. Thus, the first elections to the united territorial communities showed the support of the inhabitants of the decentralization process, which provides a solid foundation of confidence in the newly elected heads and deputies. The task of local self-government bodies is to consolidate this vote of confidence in real affairs for the benefit of the population that people felt the changes that have been achieved through the reform of local government (List of united communities. Statistics, 2019). In total, 1450 UTGs are planned to create in Ukraine by 2020, which will prove the completion of the reform of the primary level of local self-governance – community level.

An analysis of prevailing trends that manifests itself at the local level suggests that a modern resident becomes more demanding in terms of the quality of services he receives. As a consumer, he tends to evaluate officials, local executives not by what they say, but what they do in the public interest. Moreover, these discontents are manifested most during the election.

Therefore, elections as a direct form of democracy should ensure the restoration of confidence of voters in democratic institutions. The following form of direct democracy can attribute to local referendums, which are voting on a concrete proposal concerning local life. However, the lack of a law on local referendum limits the participation of

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citizens in the exercise of power this way. Although Art. 28 of the Constitution of Ukraine (1996) guarantee every citizen the right to participate in all-Ukrainian and local referendums. It has also provided in the European Charter of Local Self-Government. In particular, Art. 1 of this document states that local self-government means the right and ability of local self-government bodies to regulate and manage a significant proportion of public affairs, under their responsibility, in the interests of the local population, within the limits of the Law. This right has exercised by councils or assemblies whose members are freely elected and in no way interfere with the use of citizens' meetings, referenda, or any other form of direct participation of citizens if permitted by law (European Charter of Local Self-Government, 1985).

It should note that the overwhelming number of issues initiated by referendums had implemented, and in the period from 1991 to 2012, they were initiated by 178, the decisions passed to the vote were approved. Only a small number, only 8% of the questions were rejected. The highest activity in conducting referendums had demonstrated by Rivne, Transcarpathian, Ivano-Frankivsk, Zhytomyr regions. Most of the referendum questions were related to the administrative-territorial structure, changes in the names of settlements and organizational nature (Onyshko, 2015).

Local referenda or plebiscites are universally recognized international practices and a universal form of decision making, an instrument for shaping public opinion, counteracting wrong decisions, and protecting social standards of the population. In particular countries such as Belgium, Finland, Italy, Portugal, Sweden do not have a separate law on local referendums; however, there is a constitutional consolidation that ensures the impartiality of the authorities conducting them, a transparent system of appeals against decisions and inactivity of officials, compliance with legislation at all stages of the referendum, date and time, order of publication of results (Kovryzhenko et al., 2007).

In general, this allows communities, communities, and communities to successfully use this form of direct democracy while solving a significant number of local affairs.

Such approaches should use in private practice. It is precisely on its implementation that the Laboratory of Legislative Initiatives is engaged in the implementation of the project Reform of the Institute of the Local Referendum: Citizen Participation in Governance. The organization conducts work on popularizing local referendums in Ukraine, expanding the circle of supporters of direct democracy. According to the expert of this Laboratory, A. Zaslavsky, «the project mentioned above is a coalition and implemented by the organizations that are part of the Reform Support Network in 8 regions of Ukraine» (Zaslavsky, Kravchenko, Yanchuk, 2012). The same time, despite expediency of form, it was not used during the unification of territorial communities, which, in my opinion, narrowed the democratic and «voluntary» of this process. Is relevant the adoption of the law on local referendums, in order to fully take into account the positions of the inhabitants of the territorial communities in decision-making (Monitoring of the process of power decentralisation and local governance reform, 2019).

Moreover, in the conditions of the relevant law absence, local self-government bodies may initiate holding consultative referenda, polls in order to take into account the voice of the inhabitants of the territorial communities, as their participation in the previous stages of decision making, as practice shows, is insufficient. The adoption of the law on local referendums is provided for by State Strategy of Regional Development for the period until 2020. Local referendums can strengthen local democracy, increase the legitimacy of local authorities, and positively influence its effectiveness.

The form of direct democracy is electronic petitions, which are one of the innovative forms of interaction and communication between local authorities and citizens. Launched in 2015 as an instrument of e-democracy, they have become widespread throughout the country. Petitions represent an individual or collective appeal to the subject of power in the form of a complaint text, or a proposal.

The petition had posted on the website of the authority or the public association web site, which collects signatures in support of the petition. Three days have considered for consideration. The Kyiv City Council demonstrates an example of successful work with petitions. Almost 70% of petitions have decided positively. The site of the KSCA provides not only the petition itself but also the chronology of its consideration. In the city of Lviv for 2016-2018, 32 petitions had considered and resolved.

In particular, it concerned improving the operation of the transport system, bringing the city's roads to the proper condition, processing plastic and glass containers, building landfills, reconstruction of architectural monuments, and restoration of buildings in the city centre. The inhabitants of Kropivnitsy expressed their position on the opening of the McDonald's fast-food facility (Unified local petitions system, 2019). According to Zakirova (2019) for two years of functioning of the electronic petitions system, 30 thousand of them were filed on the website of the President of Ukraine, 11 thousand – on the official site of regional centres. On the whole, recognizing e-petition as an essential tool of participatory democracy, one can predict that the residents will use it in the future in the process of preparing, taking management decisions and controlling their implementation.

According to Art. 13 of the Law of Ukraine: On Local Self-Government, in Ukraine, public hearings, which have conducted on the principles of voluntarism, openness and freedom of expression, are a necessary form of citizens' participation in solving local affairs. Hearing is one form of training of officials of communication with residents of a territorial community, the formation of value orientations among its participants, which would allow realizing their rights and freedoms as a man and a citizen, to develop their attitude to social processes, to take an active life position in community life. Such a form of communication contributes to the active discussion of urgent issues, the coordination of different positions, contradictions and disagreement, coordination of actions of actors, establishing partnerships,

identifying the most problematic issues, finding ways to resolve them, the ability to conduct open dialogue, discussion, and demand better quality services from the government. A reasonably stable form of citizen participation in community affairs is the implementation of the idea of the participation budget or public budget. Launched in the Brazilian city of Porto Alegre, it quickly became popular on all continents of the planet (Lopushynskiy, 2016). The starting point of the budget of participation – the provision of opportunities for residents to dispose of the public good – part of the budget, offering their projects aimed at improving the living conditions of people.

The project had supported in virtually all regions of Ukraine and, thanks to it, people managed to solve a large number of local affairs under its responsibility, while increasing transparency and accountability of management structures and deepening decentralization processes on the ground. So, decentralization becomes a simple preventive tool in lobbying decisions, a guarantee of obtaining reliable information from residents about what the local elite is engaged in, which tactics and strategies have respected in order to fulfil the powers given to them. Therefore, the issue of responsibility becomes a priority in management activities. It is possible to make the officials responded by submitting their work to the requirements of professional standards, public discussion, appeals to the court, as well as the establishment of the institution of the local ombudsman. For the latter, this person must possess several features and namely: the art of establishing interpersonal relationships, the ability to negotiate, the skill of critical thinking. Its main task is to help the community and individual members to solve common issues, resolve existing conflicts between officials and residents, consult, unite stakeholders' involvement in the work of local community organizations, participate in discussing relevant issues, express their position with local authorities regarding the violation of the rights of residents to participate in local self-government, provide legal assistance, prevent the criticism of issues in the early stages of their discussion and reviewing of other problems.

In our opinion, the local ombudsman will promote the creation of an environment of trust, which establishes such democratic values as justice, openness, compassion, which becomes value orientations and practical tools in the process of controlling the activities of local structures. Inhabitants need to convey the legal mechanism for handling complaints about the actions of officials, which is an additional source of information, conditions for the prevention of manifestations of unfair treatment of people.

Of course, the equality of both formal and actual is central to democracy. Equality as value becomes an essential principle of social justice and the foundation of a civilized society. Given that, on the one hand, equality can be reduced to the expansion of electoral rights, the concept of local government, based on the idea of a citizen as a consumer of services, the taxpayer and the owner of the property, and the other hand, equality can be seen as equality of attention and equality of opportunities in the distribution of power, wealth, education and other resources. Unfortunately, most community residents can not always

count on the attention of officials and access to the affairs of the local authorities. Quite often, officials can hear thoughts about the fact that residents are reluctant to participate in local government. To a certain extent, it is true because the inhabitants are interested in the first place in the effectiveness of local services and the satisfaction of their services.

Therefore, it is not a non-initiative in the direct sense, but more pragmatic. The insufficient activity does not entirely correlate with its apathy to everything that happens in the community. It is worth remembering that participation as a skill, as value, does not come on its own. It should learn. The best way to succeed, to involve people in the realization of specific cases. Even if it concerns a form of participation as a protest, by the way, the latter is not a direct threat, as it has feared by officials, but an integral part of an open civil society. Because if citizens do not see real cases for a long time, but they are witnesses of inactivity of local structures, then it creates the environment of the same apathy or motivates them to the most radical form of protest.

Democracy is impossible without awareness. Mass media is the most accessible source for the public. However, there is a real threat that information is not always objectively oriented to it, which always seeks to have reliable, accessible, accurate and complete information, primarily to control the life of the community.

Note that information has horizontal and vertical dimensions. Horizontal includes relations that are drawn up between deputies, committees, administrations, sectors, officials, public organizations. Vertical – between the board and the public. Moreover, in this situation, it is crucial: who owns access to information controls its content. In conditions of building an open society, local authorities publish separate information about their activities.

In particular, this applies to the information on expenses, minutes of meetings of the council, executive committee, reports of deputies, officials. The part of day average citizen has little to do with statistics. One can not underestimate in this situation the influence of party cells, which are connecting links and in conjunction with interest groups, groups of pressure, the media can significantly change the public opinion within the territorial communities.

In general, the information and communication network, the local press, editors and journalists, reporters are not always impartial subjects of the transfer of information, since they depend on the same local bureaucracy, the elite. Therefore, the press, while the radio is a public source of news of the activities of local self-government bodies, but their contribution to the development of local democracy today cannot be considered sufficient.

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V. DISCUSSION

Despite some positive progress in the implementation of the decentralization of power, a significant problem is the alienation of a large part of the people from the management of local affairs, which makes them indifferent to the affairs of society, pushes towards group interests, apathy, loss of faith in democratic politics, and contributes to the formation of oppositional sentiment. It is possible to change them by involving them in solving specific problems of the community.

Local government bodies are local and, in a sense, that they have managed by people from places, taxpayers who share a general interest in the quality and availability of services. At the same time, local authorities are the governing bodies. Above them, there is no direct state guardianship; they are responsible for their budgets, the level of tax collection based on having the constitutional right to manage. Therefore, management must be useful in providing services to people at an appropriate level.

On the whole, recognizing the positive approach to decentralization, one should take into account those principles on which it can strengthen: these are the values laid down in local governance, the expectations of people, the quality of local services as an integral part of democratic local governance. Finally, local self-government in Ukraine despite the existing internal and external disorder, political transformations, geopolitical «landslides» in which our country was pincered (the annexation of the Crimea. The occupation of some eastern regions the newly formed communities, demonstrated their ability to adapt and survive in these severe conditions although their full growth is still a significant path to the consolidation of local democracy.

VI. CONCLUSIONS

In any democratic society, the ideals of freedom give people the right to hope that there are many ways in which their interests have taken into account, and their immediate needs met. In everyday life, people have needs, many problems, and help in solving them needs to be provided promptly, promptly and at the appropriate level. To ensure this in full decentralization reform must be initiated, which is undoubtedly an advanced step in improving the governance system in the state. It is only necessary to consolidate its first positive steps, involving as many community members as possible in this process.

Strengthening local democracy requires more specific legislative provision. These are the laws on local referenda, the administrative-territorial system, the new wording of the law on local self-government. The overwhelming part of the contradictions, conflicts, controversies could settle through the institution of the local ombudsman, which, by involving residents in active public participation, helped solve the most problematic issues of the community.

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It should note that the establishment of local democracy would facilitate by the implementation of the budget idea of

participation, or the public budget. Residents would be able to dispose of a real public good - part of the local budget and could see the concrete result of this participation. Its expediency is confirmed by international experience, which successfully uses participatory and advisory forms of democracy. For this, at the local level, it is more worthwhile to use direct forms of democracy, in particular, conducting local referenda, advisory polls, e-petitions that would promote self-identity, realize their significance, self-sufficiency of the individual, increase democratic legitimacy, and form political culture.

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