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FUNDAMENTAL PRINCIPLES OF COOPERATION BETWEEN EXECUTIVE AUTHORITIES AND LOCAL SELF-GOVERNMENT BODIES

КЛЮЧОВІ АСПЕКТИ ВЗАЄМОДІЇ ОРГАНІВ ВИКОНАВЧОЇ ВЛАДИ ТА ОРГАНІВ МІСЦЕВОГО САМОВРЯДУВАННЯ

Summary. Introduction. The article is devoted to defining of forms and directions of interaction of executive bodies of power on basic level in a process of optimisation of the authorities of bodies of local self-government carried out as a result of the reform of decentralisation of power. The system of executive of power organized in Ukraine was defined by the author based on the analysis of regulatory and legal acts. It is proved that executive bodies which are formed under village, settlement, city and district in the city(when if they're formed)councils, represented only on one-local level.

Having gained independent and declaring democratic course of development of state institutions, Ukraine solves a number of acute problems about role and place, meaning and interaction of bodies of executive power and bodies of local self-government.

The success in development of state depends on efficiency of reform of decentralisation of power and the bodies of local self-government, implementation of sectoral reforms and forming new administrative territorial system. The ways of solving problems defying contours of the organisational model of all spheres of socio political activity, socio economic life of the population.

Purpose. The aim of the article is defining key aspects of interaction of executive bodies and bodies of local self-government.

Materials and methods. A number of methods are formed in the article, namely, the basis of the research was formed by the review of scientific sources and the analysis of empirical research and statistical analysis.

Results. Based on the analysis of the provisions of legislation of Ukraine the forms of interaction of state bodies of executive power and executive bodies of self-government on basic level are defined. Reasoned that the most common form of interaction of executive bodies is implementation of measures of state control and supervision in fulfilling of delegated powers by executive bodies of local self-government, particularly in sphere of landscaping, land protection and cultural heritage, social security and so on. It is proved that reporting state bodies of executive power to local councils as for realisation of authorities delegated to state bodies is one of the forms of interaction of executive bodies on basic level. It is established as for other forms of interaction of the bodies of executive power on basic level is information interaction and cooperation by forming executive bodies and conclusion of agreement of joint activities.

Discussion. In further scientific research, it is proposed to focus attention on the problems to make changes to the legislation that have mechanisms for delimiting the powers of local governments and military administrations, in particular, powers in the budgetary sphere.

Key words: bodies of executive power, local self-government, forms of interaction, authorities, reforming.

Анотація. Вступ. Статтю присвячено визначенню форм та напрямків взаємодії виконавчих органів влади базового рівня у процесі оптимізації повноважень органів місцевого самоврядування, здійсненої внаслідок реформи децентралізації влади. Автором на підставі аналізу положень нормативно-правових актів визначено систему органів виконавчої

влади, організовану в Україні. Доведено, що виконавчі органи, які утворюються при сільських, селищних, міських та районних у місті (у разі утворення) ради, представлені лише на одному – місцевому рівні.

Отримавши незалежність та проголосивши демократичний курс розвитку державних інституцій, Україна вирішує ряд гострих проблем з приводу ролі та місця, значення та взаємодії ОВВ та ОМС. Успішність розвитку держави залежить від ефективності реформи децентралізації влади та ОМС, впровадження секторальних реформ, формування нового адміністративно-територіального устрою. Шляхи вирішення проблеми визначають контури організаційної моделі усіх сфер суспільно-політичної діяльності, соціально-економічного життя, рівня життя населення.

Мета. Метою статті є визначення ключових аспектів взаємодії органів виконавчої влади та органів місцевого самоврядування.

Матеріали і методи. В статті сформовані ряд методів, а саме основу дослідження сформував огляд наукових джерел та аналіз емпіричного дослідження та статистичний аналіз.

Результати. На підставі аналізу положень законодавства України визначено форми взаємодії державних органів виконавчої влади та виконавчих органів місцевого самоврядування на базовому рівні. Доведено, що найбільш поширеною формою взаємодії виконавчих органів є здійснення заходів державного контролю та нагляду за виконанням делегованих повноважень виконавчими органами місцевого самоврядування, зокрема у сфері благоустрою, охорони земель та культурної спадщини, соціального забезпечення тощо. Доведено, що звітування державних органів виконавчої влади перед місцевими радами щодо реалізації повноважень, делегованих державним органам, є однією з форм взаємодії виконавчих органів на базовому рівні. Встановлено, що до інших форм взаємодії органів виконавчої влади на базовому рівні є інформаційна взаємодія та співробітництво шляхом утворення спільних виконавчих органів та укладення договорів про спільну діяльність.

Перспективи. В подальших наукових дослідженнях пропонується зосередити увагу на проблемах розмежування повноважень органів місцевого самоврядування та військових адміністрацій, зокрема повноважень у бюджетній сфері, механізмах контролю з боку військових адміністрацій, що мають забезпечити дотримання гарантій для органів місцевого самоврядування.

Ключові слова: органи виконавчої влади, місцеве самоврядування, форми взаємодії, повноваження, реформування.

Formulation of the problem. An important achievement of the reform of local self-government, which is on in Ukraine, is essential extension of power of bodies of local self-government, particularly in the sphere of land legal relations, other spheres, connected with urban planning, landscaping of populated areas, provision of administrative services and other, as a result of which the latter acquired functional opportunity to solve issues of local importance. So, interaction between bodies of executive power is conditioned by optimisation of the authorities of the bodies of local self-government, plays an important role in ensuring efficiency of local self-government in Ukraine, and that's why the research of this issue has scientific and practical meaning.

The analysis of latter research. Individual issues of interaction of bodies of state power and local self-government were researched by such scholars as Batanov O.V. [5], Buglak Yu. [6], Lytvyn I.I. [4] and others. At the same time, there is a lack of research in modern legal science., devoted to defining forms of interaction of executive bodies at the current stage of implementation of reform of decentralisation. The aim of the article is defining key aspects of interaction of executive bodies and bodies of local self-government.

Presenting main material. The system of executive bodies of power includes executive bodies of state power and executive committees local self-government. During the implementation of the reform of decentralisation of power is carried out between the bodies

of executive power and the bodies of local self-government. Research of problems of this topic lies in a plane of research of problems that are connected with reforming new basis of administrative territorial system, which provides for consolidation of communities, liquidation and creation of district of subregional level, transferring of authorities from bodies of power of higher level to bodies of lower level according to the principle of subsidiarity in the distribution.

The principle of interaction between different brunches of power in Ukraine, the status of state bodies of council and bodies of local self-government are defined for of all by the Constitution of Ukraine, as the main document as well as a number of legal and by-laws. The Constitution allows delegating authorities of local state administrations to executive committees of village, settlement and city councils and also regional and district councils — regional and district state administrations.

In legislation boundaries of the process of delegating authorities are clearly established and other forms of interaction between bodies of executive power and bodies of local self-government. It becomes understandable that local state administrations are the founders of the internal political doctrine of state and try to provide it in every possible way on local level and provide its fulfilling by bodies of local self-government.

It should be stressed that municipal policy of the executive power must rely on legal methods and principles of interaction between the bodies of exec-

utive power and bodies of local self-government, and not on the command and administrative methods as it was in the soviet times.

Interaction between bodies of executive power and bodies of local self-government covers a wide range of issues of vital activities of the state such as economic, social, cultural, ecological, religious, political, national household sphere and others. Bodies of executive power fulfill and provide interaction with bodies of local self-government [1].

It can be concluded that the Constitution of Ukraine established mechanism and law of bodies of executive power as for interacting with bodies of local self-government. Ukrainian legislation established boundaries of delegating and forms of interaction between bodies of executive power and bodies of local self-government.

According to article 2 The Law of Ukraine “About local state administrations” one of the main tasks of bodies of the executive power is interaction with bodies of local self-government by article 35 of the law concerning interaction of relations of executive power with bodies of local self-government, territorial communities, officials, it’s about that bodies of executive power in the relevant territory interact with village settlement and city councils, their executive bodies and with village, settlement and city heads, contribute to the exercise of their own powers of local self-government, particularly in solving issues of economic, social and cultural development of relevant territory [2].

But if speaking about practical realisation of the above mentioned interaction between the bodies of executive power and bodies of local self-government it leads to uncoordinated actions between levels of power, that it raises problematic issues as for establishment of boundaries of their functions and authorities, unspecified mechanism of deciding competence disputes in the sphere of fulfilling of powers (Fig. 1).

After the adoption of legislative basis in the sphere of state power and local self-government these issues got possibility of legal solution, because the mechanism of deciding powers in own and delegated was suggested, this distraction is inherent to most democratic countries.

That’s why boundaries of interaction cannot be solved within the framework of existing legal basis.

So, according to the above it can be concluded to the legislation the concept of “interaction” is considered to be basis of the relationships component between bodies of executive power and bodies of local self-government. In edition” Encyclopedic dictionary of public administration” interaction is interpreted as follows: “management interaction” is taking part in social activity of the subjects of management in the process of achieving socio necessary aims” [3].

Separation of powers between bodies of executive power (vest with executive and administrative power) and bodies of local self-government (to the sphere of competence of which own and delegated powers are to be fulfilled) depends on establishing clear relationships which are due to the following factors:

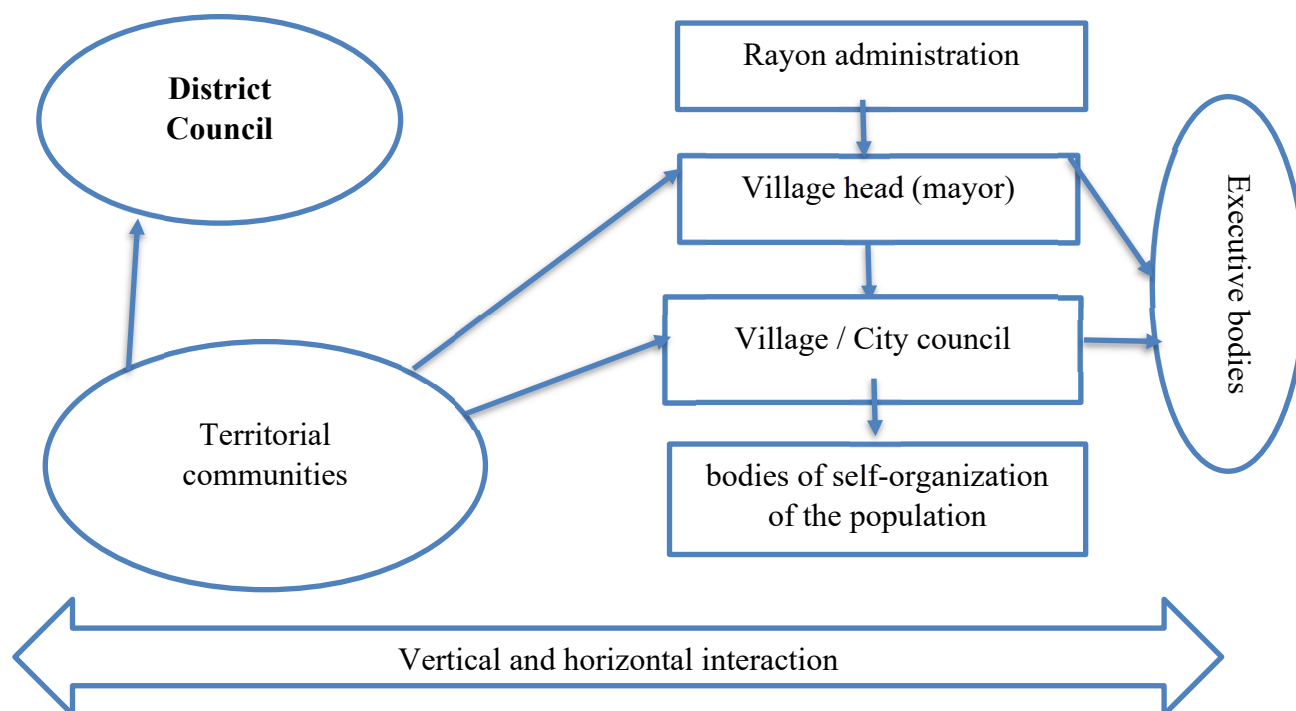


Fig. 1. Scheme of interaction of executive power bodies and local self-government bodies based on the principle of subsidiarity

Source: systematized by the author based on [2; 4]

- establishing political and judicial responsibility of these bodies of power for the normative and legal directions of work defined by them;
- restoring the broken balance established by the Constitution balance, connected with executive power;
- absence of mechanisms of clear distribution of competence sphere;
- imperfect legal framework which consists in the duplication of powers.

Analysing activity and interactions between bodies of executive power and bodies of local self-government it can be noted that bodies of power are important part of the development of territorial community, society and country.

On the opinion of Lytvyn I.I. the concept of ratio this researched part in the part of researched problem of interaction between bodies of executive power and bodies of local self-government has more comparative meaning and as for concept relationships it's more applying value which reflects not only relations between different subjects and reveals their independence and separateness. That in turn allows the most clearly follow interaction between bodies of executive power and bodies of local self-government.

The concept is wider than the concept of interaction and gives a possibility to watch the process of interaction through the prism of influence of different phenomena one on one, and uniting the parts into single whole.

However, untill this time it reminded open question about analysing kinds of interaction between bodies of state power and bodies of local self-government in the contex of implementation of reform of decentralisation and forming new administrative territorial system of Ukraine, an urgent need remains improving clear definition and separating spheres and competences relationship given the overwhelming compatibility of exercising powers and competences bodies of executive power and bodies of self –government [4].

That's why a question of distribution of authorities between bodies of executive power and bodies of local self-government arises which needs clear defining ana analysis of relationships, that has meaning, taking into account compatibility of competence and taking into consideration that processes, which arise as a result of interaction which depend on character you may separate some kinds of interaction of bodies of executive power and bodies of local self-government, each of which has certain peculiarities

For this reason the issue of delimitation of powers between the executive power bodies and the local government is acute, which requires a clear definition and analysis of the relationships that are important, taking into account the contiguity of competences and the exercise of powers by the exec-

utive power bodies and the local government, taking into account that the processes that are formed as a result of interaction that depending on the nature, it is possible to single out several types of interaction of local self-government Bodies and executive authority, each of which has certain characteristics.

In this context, it is necessary to cite the opinion of O.Batanov, who came to the conclusion that “the relations that arise during the exercise of the powers of local executive bodies and local self-government bodies have certain differences in the approaches to the exercise of powers, the order of the implementation of relations, the scope of competences of sub “objects of interaction” [5].

This assumption of the author leads to the opinion that there is no single established approach to defining mutual relations, therefore the problem requires the identification of types of mutual relations between executive power bodies and local government [6].

Conclusions. Thus, taking into account the above, we can come to the conclusion that the key aspects for the establishment of interaction between executive authorities and local self-government bodies and their effective interaction between local self-government Bodies and between executive authority are a clear separation of powers by transferring part of the powers from the central authorities. In our opinion, further improvement of the key aspects of the interaction of the local self-government Bodies and the executive authority should be carried out as follows:

- making changes to the laws “On local state administrations” and “On local self-government in Ukraine” regarding the interaction of these bodies in the context of the reform of power decentralization;
- changing some delegated powers of local government into self-governing (own) ones, with the aim of duplicating these powers;
- development of mechanisms for demarcation and correlation of competences of the local self-government Bodies and executive authority;
- changes to the structure of the local self-government Bodies in accordance with the new administrative-territorial system and consolidation of supervisory functions;
- formation of coordination councils at the sub-regional and regional level on issues of cooperation between the local self-government Bodies and the local government.

We believe that these measures will lead to the improvement of the effectiveness of the interaction between the executive authorities and the local government, in the context of the implementation of the reform of the decentralization of power, the local government and the distribution of powers according to the principle of subsidiarity.

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