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## ACTIVITY OF LOCAL SELF-GOVERNMENT IN THE LIGHT OF MODERN CHALLENGES: PROBLEMS AND PROSPECTS

*Local self-government is a powerful potential for state-building and one of the fundamental principles of democratic state-building, as it combines the interests of the state, society and the individual, and also combines the rights and freedoms of man and citizen with the interests of the state and society. According to the Constitution of Ukraine, local self-government is the right of a territorial community – residents of a village or a voluntary association of residents of several villages, towns and cities – to independently resolve issues of local importance within the framework of the Constitution and laws of Ukraine. In the course of studying the activities of local self-government bodies, urgent problems of the quality of staffing of local self-government bodies were identified. The most important ones include the lack of qualified personnel, retraining and advanced training of local government officials in the relevant educational institutions, ensuring proper interaction between executive authorities and local governments, and corruption. The experience of the European Union countries demonstrates a wide range of different specializations, which is facilitated by the availability of a common information and methodological base for the system of training and advanced training of municipal officials.*

**Keywords:** local self-government, local self-government bodies, activities of local self-government bodies, qualification of officials, territorial community.

**JEL classification:** R12

## ДІЯЛЬНІСТЬ ОРГАНІВ МІСЦЕВОГО САМОВРЯДУВАННЯ У СВІТЛІ СУЧАСНИХ ВИКЛИКІВ: ПРОБЛЕМИ ТА ПЕРСПЕКТИВИ

*Місцеве самоврядування є потужним потенціалом державотворення та однією з основоположних засад демократичного державотворення, оскільки воно поєднує інтереси держави, суспільства та особи, а також забезпечує поєднання прав і свобод людини і громадянина з інтересами держави та суспільства. Згідно з Конституцією України, місцеве самоврядування є правом територіальної громади – жителів села чи добровільного об'єднання у сільську громаду жителів кількох сіл, селища та міста – самостійно вирішувати питання місцевого значення в межах Конституції і законів України. У ході дослідження діяльності органів місцевого самоврядування були виявлені нагальні проблеми якості кадрового забезпечення органів місцевого самоврядування. Найважливішими з них є нестача кваліфікованих кадрів, перепідготовка та підвищення кваліфікації посадових осіб місцевого самоврядування у відповідних навчальних закладах, забезпечення належної взаємодії між органами виконавчої влади та органами місцевого самоврядування, а також корупція. Досвід країн Європейського Союзу демонструє широкий спектр різних спеціалізацій, чому сприяє наявність єдиної інформаційно-методичної бази системи підготовки та підвищення кваліфікації муніципальних службовців. Необхідно акцентувати увагу на досвід роботи в органах місцевого самоврядування. Окрім того, що посадова особа органу місцевого самоврядування повинна бути професіоналом у своїй справі, володіти відповідним освітньо-кваліфікаційним рівнем, вона також повинна мати досвід роботи в органах. Підтвердженням проблеми, яка полягає в тому, що з впровадженням реформ в напрямі децентралізації, що супроводжувалися розширенням повноважень ТГ, помітно зростає потреба у забезпеченні органів місцевого самоврядування кваліфікованими працівниками та працівниками з досвідом роботи. ТГ, які були створені навколо районних та обласних центрів, мають краще забезпечення кваліфікованими кадрами. Ситуація із кадровим забезпеченням органів місцевого самоврядування сільських ОТГ значно гірша. Як показує практика, у багатьох громадах проблему частково вирішують шляхом залучення працівників з районних державних адміністрацій, які були розформовані в умовах адміністративно-територіальної реформи на районному рівні.*

**Ключові слова:** місцеве самоврядування, органи місцевого самоврядування, діяльність органів місцевого самоврядування, кваліфікація посадових осіб, територіальна громада.

**Statement of the problem.** The active inclusion of the local self-government in the national economy and economic circulation requires in-depth study of the scientific basis for balanced practical steps on its effective use. Within the framework of the above-mentioned study, we analyzed the factors that influence or may influence the improvement of the efficiency of ATCs. Further improvement of local self-government bodies in Lviv region is investigated and substantiated, and whether its specialists are able to provide proper sci-

entific and practical support for the activities of local self-government bodies in the region.

**Analysis of recent research and publication.** The researching of local self-government of Ukraine devoted to the works of domestic and foreign scientists: Baimuratov M.O., Campo V.M., Kozyubra M.I., Kornienko M.I., Kravchenko V.V., Orzikh M.P., Pogorilko V.P., Skakun O.F., Todika Yu., Shapoval V.M., Fritsky O.F. and many others. In their works consider the essence of local self-government, the main approaches to its understanding, its func-

tions, concepts, models, etc. However, very little attention is paid to the prospects for the future development of local self-government in modern conditions.

**Objectives of the article** is to assess the local self-government in Ukraine and of the development of local self-government in modern conditions in the future.

**Summary of the main results of the study.** Local self-government is a powerful potential for state-building and one of the fundamental principles of democratic state-building. After all, it is local self-government that combines the interests of the state, society and the individual, and also combines the rights and freedoms of man and citizen with the interests of the state and society.

It should be noted that every resident of a village or city has the right to modern healthcare and education, accessible and high-quality administrative, communal, and social services, good roads, clean and lighted streets. However, citizens can only influence the quality of these services if those responsible for their provision are nearby. The authorities closest to community residents are local governments.

In the course of studying the activities of local self-government bodies, urgent problems of the quality of staffing of local self-government bodies were identified. The most important ones that should be addressed as a matter of urgency to ensure the life and development of the territorial community include: lack of qualified personnel, retraining and advanced training of local government officials in the relevant educational institutions, ensuring proper interaction between executive authorities and local governments, corruption (including lobbying and family ties).

Today, the problems of the lack of qualified personnel are in the center of attention of modern science and practice. The issue of staffing local self-government bodies is also becoming increasingly important. That is why it is necessary to conduct a detailed analysis of information on the level of education of local self-government officials (Table 1).

As shown in Table 1, more than 50% of respondents admit that problems in the activities of local self-government bodies arise due to the insufficient level of knowledge of employees, and 16.1% of respondents are completely convinced of this.

After all, in addition to being a professional in their field and having the appropriate educational and qualification level, a local self-government official must also have experience in the local government. As shown in Table 1, the largest number of local self-government employees in 2014-2019 was those with 5 to 20 years of experience. This confirms the problem that with the introduction of decentralization reforms, which were accompanied by the expansion

of the powers of the TCs, the need to provide local governments with qualified employees and employees with work experience has increased significantly. TCs established around rayon and oblast centers have a better supply of qualified personnel. The situation with the staffing of local governments in rural ATCs is much worse. As practice shows, in many communities the problem is partially solved by attracting employees from district state administrations that were disbanded in the context of the administrative-territorial reform at the district level. Unfortunately, in some cases, this does not work; as such specialists are not ready to work in the local governments of rural TCs [2].

For a more thorough assessment of the prerequisites for the formation of local government staffing, it is also important to analyze the overall level of ATCs' activities in certain areas. According to the results of the analytical report, which was conducted to study the training needs of representatives of local self-government bodies in Ukraine, it was possible to identify the key characteristics of the assessment of local self-government bodies.

In addition, the above-mentioned study analyzed the factors that influence or may influence the efficiency of ATCs. Although the lack of competence is not perceived by ATC representatives as one of the main difficulties in the activities of the self-government body, at the same time, 56.9% of respondents believe that it is the increase in the level of competence of executive body employees that is a factor in improving their work efficiency. Less frequently, the increase in remuneration (31.3%) and the introduction of a performance evaluation system (26.5%) were mentioned as factors for improving performance.

It is important to note that problems in the activities of local self-government bodies also arise for political reasons. In particular, there are cases of community heads being removed from their positions by a vote of no confidence by the local council. These cases indicate, on the one hand, the intensification of political struggle at the territorial level, and, on the other hand, the inability to negotiate, negotiate, and reach a compromise.

It should be noted that the main top 3 factors that influence the level of attractiveness of work in local self-government for the surveyed respondents personally are: team relationships (57.3%), interesting work (33.7%), and stable work (33.7%). At the same time, according to the heads of the TGs, the top factors that are most important for local government employees and make it an attractive place to work are: salary level (83.8%), good team relations (62.1%), job stability (39.1%), and opportunities for professional development (33.8%).

According to the State Employment Service, the structure of vacancies by type of economic activity as of May

Table 1

Level of education in local self-government bodies, %

Level of education	Local self-government bodies		
	Urban	Regional	Rural
The third level of higher education	2,8	1,4	0,3
The second level of higher education (master's degree)	90,1	81,8	74,5
The first level of higher education (bachelor's degree)	1,4	9,5	9,7
Initial level of higher education (junior specialist)	5,6	6,8	9,7
Vocational education and training	0,0	0,7	5,0
Complete general education	0,0	0,0	0,7
Incomplete general education	0,0	0,0	0,0

1, 2022, was as follows: 24% of vacancies were offered in agriculture; 18% – in the processing industry; 13% – in wholesale and retail trade; 7% – in transport; 7% – in education; 6% – in public administration and defense. It should also be noted that among the professions with the largest shortage of vacancies, civil service (local government) specialists rank third, with 68 vacancies for 3.7 thousand unemployed [3].

However, the opinion of local government employees on the attractiveness or unattractiveness of working for a local government in relation to other available offers on the labor market is important. Among the respondents, 49.9% are very satisfied or fairly satisfied with their work at the local self-government body, 28.8% are rather satisfied. At the same time, only 26.9% believe that working for a local government is very attractive or attractive compared to other offers on the labor market, and 33.1% consider it rather attractive. On average, respondents rated the attractiveness of their jobs at 4.8 out of 7 possible points.

To address the problem of improving the qualifications of local self-government officials, it is necessary to involve academic and research staff, representatives of local self-government bodies, experts, in seminars, meetings, etc. as a component of the system of professional development of local self-government officials, as well as to hold seminars, trainings, workshops, conferences for the purpose of educational, scientific, informational and methodological work among deputies and representatives of territorial communities of the regions. Regional councils, associations of local self-government bodies and higher education institutions should be responsible for implementing such measures. We consider it necessary to adopt a law on service in local self-government bodies (new version) to ensure equal access to service in local self-government bodies, increase the prestige of service in local self-government bodies, and motivate local employees to develop communities and their own development.

An important factor in the retraining and further improvement of local self-government bodies in Lviv Oblast is the presence of leading research institutions and educational institutions on its territory, whose specialists are able to provide proper scientific and practical support to the activities of local self-government bodies in the region.

For example, in the European Union, there is a wide range of different specializations, which is facilitated by the existence of a common information and methodological base for the system of training and professional development of municipal employees. In particular, the UK has no specific regulations on the rights of staff to training. Local governments are responsible for training their employees, the terms of which are agreed upon between the manager and the employee. In Germany, the law stipulates that a municipal employee must take care of raising his or her professional level to keep abreast of all new trends in the areas of his or her work. Additional education is a criterion for making a decision on promotion. Unlike in Germany and the UK, in France, local elected officials are entitled to professional training (18 days) adapted to their duties during their term in office [4]. The Council of Europe and its Congress of Local and Regional Authorities actively promote training and professional development of municipal officials and local councilors. In 1995, they initiated the establishment of the European Network of Training Institutions for Local Authorities (ENTO). ENTO

is a non-profit, non-governmental organization. The main tasks of ENTO are: providing methodological assistance; assisting local and regional governments, individual educational institutions in the development and implementation of curricula and individual training modules; organizing training seminars and holding conferences and round tables [5]. As for the financial support for the training of local self-government officials, the experience of most European countries shows that stable financing of the system of retraining and advanced training of local self-government officials provides for the legislative consolidation of mandatory standards of targeted deductions from local self-government budgets (a certain percentage – from 1% to 5% of the salary fund of municipal employees, or even a certain percentage of the total budget of the local self-government body). In Ukraine, this training should be financed by political parties that receive budgetary funding, by the respective local budgets, and by the association of local self-government bodies.

To solve these problems, it is necessary to ensure effective interaction of regional councils with local self-government bodies in solving common problems of territorial communities of villages, towns, and cities of the region to ensure the development of the region; creation of new and strengthening of existing interregional and international relations, establishment of inter-municipal cooperation; timely identification of problems in the work of local councils in various areas and their prompt resolution through cooperation with associations of local self-government bodies and state organizations.

It is important to note the need for public control over the activities of local self-government bodies, as modern public control of local self-government bodies is formed under the influence of relevant factors: reorganization of the country's controlling bodies and revision of their functions; creation of new anti-corruption bodies; ensuring transparency and accountability, etc.

In the current conditions of transition to European standards, the main tasks of public control are primarily to prevent corruption in local self-government bodies [6]. Indeed, in order to prevent the problem of the quality of personnel in local self-government bodies, the activities of public control should be directed to verify compliance with the requirements for the level of qualification of employees in local self-government bodies, namely, the availability, relevance of education to the position held, work experience in accordance with the requirements of the legislation established for the relevant positions, passing the appropriate competitive selection, documents confirming that such persons have Ukrainian citizenship.

In 2020, to identify the place and role of public control in ensuring the effective functioning of local budgets, researchers at the SI "Institute of Regional Research named after Dolishniy M.I. of National Academy of Sciences of Ukraine" conducted a sociological study by anonymously surveying members of the public and experts in the field of public administration and control (employees of public authorities, employees of the apparatus of the TC and other local self-government bodies whose activities are related to the budget process). The survey involved 91 civic activists and 54 experts in public and local administration and financial control from Lviv and Kharkiv oblasts.

Thus, among the proposed problems in the ATC budget process, 38.9% of surveyed civil society activists and

46.7% of experts chose corruption in the ATC governance bodies as the cause of the problems.

Since 2014, the Government of Ukraine has been implementing a reform program to create more democratic and decentralized governance structures, strengthen the rule of law, promote transparency and integrity of institutions, and, above all, reduce corruption risks in the activities of public authorities that are critical for all segments of society. However, despite significant institutional changes, increased openness and transparency, and the introduction of a systematic corruption risk assessment, major violations, including lobbying, nepotism, and abuse of power, remain a challenge for local governments.

In view of this problem of functioning of local self-government bodies, the Methodology for Assessing Corruption Risks in the Activities of Local Self-Government Bodies (taking into account the ISO 31000:2018 standard) was developed to create conditions for effective identification and elimination/minimization of corruption risks in the activities of local self-government bodies by identifying legislative and regulatory gaps that may lead to corruption or corruption-related offenses in the performance of the functions assigned to the body. This methodology was prepared within the framework of the Cities of Integrity project, implemented by the EU Anti-Corruption Initiative in Ukraine in partnership with the United Nations Development Program and funded by the European Commission and the Ministry of Foreign Affairs of Denmark. It can also be useful for city councils seeking to minimize corruption risks in their activities by developing and implementing effective mechanisms to ensure transparency and accountability and engage citizens in monitoring local government activities.

Today, we can observe the transition of communication between governing bodies and citizens to a virtual format. This process has resulted in positive trends on both sides, such as increased transparency of the financial and management activities of the self-government bodies of the community. Such trends are observed for different types of ATCs, in particular: an analysis of the transparency and accountability of Ukrainian cities (based on the indicators of the 100 largest cities in the country) shows that the average level of transparency of cities is 47.7 points out of 100 possible and 57 ATCs showed a positive increase in 2020-2021; the indicator of city accountability has also increased to 12.5 points on average, but most communities remain mostly unaccountable [10].

In order to address these problematic issues of local self-government, it is also necessary to provide qualified legal, scientific, practical, and advisory assistance to local self-government bodies and officials; improve the service in local self-government bodies and raise the prestige of service in local self-government bodies; organize events aimed at exchanging experience between councils of different levels in different regions (domestic and foreign); expand the interaction of local self-government bodies with state executive bodies.

In the current situation in Ukraine, namely Russia's armed aggression against Ukraine, the Verkhovna Rada adopted draft law No. 7153, which will ensure the activities of state authorities and local self-government for the period of war [11].

This draft law gives the community the opportunity to make any decisions quickly, as the rules on access to public information, regulatory policy, etc. are temporarily suspended (as was done during the first wave of the COVID-19 pandemic).

The draft law allows for the rapid appointment (without competition) and dismissal of local government employees and civil servants (with the preservation of labor rights after the end of martial law, as well as the possibility of employment for another job during the period of suspension). Namely, a person applying for a position in local self-government bodies does not submit a declaration of a person authorized to perform local self-government functions, a document confirming the level of proficiency in the state language, and such a person is not subject to a special inspection under the Law of Ukraine "On Prevention of Corruption" and an inspection under the Law of Ukraine "On Purification of Government" during this period. Thus, the problem of lack of qualified personnel and the problem of corruption in local self-government bodies has only become more acute.

By the Decree of the President of Ukraine No. 64/2022 dated 24.02.2022 (the "Decree"), martial law was introduced in Ukraine starting from 05:30 a.m. on 24 February 2022 for a period of 30 days. Pursuant to paragraph 3 of the Decree, in connection with the introduction of martial law in Ukraine, the constitutional rights and freedoms of a person and a citizen provided for in Articles 30-34, 38, 39, 41-44, 53 of the Constitution of Ukraine may be temporarily restricted for the period of martial law, as well as temporary restrictions on the rights and legitimate interests of legal entities may be introduced within the limits and to the extent necessary to ensure the possibility of introducing and implementing measures of the legal regime of martial law provided for in part one of Article 8 of the Law of Ukraine "On the Legal Regime of Martial Law".

In accordance with part 2 of Article 9 of the Law of Ukraine "On the Legal Regime of Martial Law", local self-government bodies exercise the powers granted to them by the Constitution of Ukraine, this and other laws of Ukraine.

Under martial law, district and regional councils are replaced by district and regional military administrations, respectively.

Despite the circumstances, local self-government continues to operate. Local governments at all levels cooperate with the military command and military administrations, and, if necessary, agree on certain powers.

On April 21, 2022, the Verkhovna Rada adopted as a basis the draft law No. 7269 on amendments to the Law of Ukraine "On the Legal Regime of Martial Law" regarding the functioning of local self-government, which significantly expands the powers of village, town and city mayors during martial law, almost equating them to the powers of local councils (i.e., the powers of the deputy corps as a collegial body).

According to the experts of the all-Ukrainian civic campaign "Certification of Local Council Deputies," on the one hand, these changes allow for quick and effective resolution of problems that arise in communities and significantly reduce the risks of negative influence on the decision-making process by deputies of "pro-Russian" political forces [12].

However, on the other hand, this creates risks of possible abuse of such broad powers by community leaders. The amendments provide for control over these decisions and, in case of abuse of authority, intervention by the head of the military administration.

The Ministry of Communities and Territories Development, citing data from regional military administrations,

notes that Russian criminals are abducting Ukrainian community leaders. The abduction of city, town and village heads endangers all community residents. After all, all critical management, life support, and important decision-making on which the fate of the community's residents depends are entrusted to its head. Another danger today is potential collaborators working for the occupiers.

Local self-government poses no danger to the country. Mayors and local deputies are standing up to the occupier. This is especially true of the cities that suffer the most from Russia's aggression against Ukraine. And individual examples do not violate the general rule.

**Conclusions.** To solve these problems, it is necessary to ensure effective interaction of regional councils with local

self-government bodies in solving common problems of territorial communities of villages, towns, and cities of the region to ensure the development of the region; creation of new and strengthening of existing interregional and international relations, establishment of inter-municipal cooperation; timely identification of problems in the work of local councils in various areas and their prompt resolution through cooperation with associations of local self-government bodies and state organizations. The article analyzes local self-government in Ukraine over the past 10 years and shows that it has been trending towards development. The scientific results obtained in the article are aimed at identifying tools and improving them in the development of the interests of the state, society and people.

#### References:

1. Analysis of the training needs of the amalgamated territorial communities of Ukraine. Available at: <https://nads.gov.ua/storage/app/sites/5/DIYALNIST/PROFF%20NAVCHANJA/PIDVISCH%20KVALIFICACII/prezentacia-tna-ukraine-2018-2019-final-report6-presentation-ukr.pdf>
2. Baldych N., Hnydiuk N., Trutkovsky C. (2019) Study of the training needs of representatives of local self-government bodies of Ukraine: analytical report. Available at: <https://nads.gov.ua/storage/app/sites/5/DIYALNIST/PROFF%20NAVCHANJA/PIDVISCH%20KVALIFICACII/analichnii-zvit-tna-ukraine-2018-2019-final-reportukr-f-1.pdf>
3. Batanov O.V. (2013) Konstytutsijnno-pravovyj status terytorial'nykh hromad v Ukraini [Constitutional and legal status of local communities in Ukraine]. Kyiv: Vydavnychij Dim «In Yure».
4. Batanov O.V. (2008) Territorial community – the primary subject of municipal government in Ukraine: concepts and features. *Visnyk Tsentral'noi vyborchoi komisii*, vol. 2, pp. 51–57.
5. State Employment Service of Ukraine. Available at: <https://www.dcz.gov.ua/>
6. Management of professional training of local government officials (French experience). Available at: [https://core.ac.uk/display/233892244?utm\\_source=pdf&utm\\_medium=banner&utm\\_campaign=pdf-decoration-v1](https://core.ac.uk/display/233892244?utm_source=pdf&utm_medium=banner&utm_campaign=pdf-decoration-v1)
7. Aspects of the development of the system of training and professional development of local self-government officials: Ukrainian practice and recommendations of the Council of Europe. Available at: <https://ukrreferat.com/chapters/samovyriad/aspekti-rozvitku-sistemnavchannya-ta-pidvishhennya-kvalifikatsii-posadovih-organiv-mistsevogosamovyriaduvannyaukrainska-praktika-ta-rekomentatsii-radi-evro.html>
8. Berezovsky D.O. (2014) Public and legal monitoring as a form of control over the activities of public administration. *Collection of scientific works of DonDUU: Modern trends in public administration in the context of socio-economic development*. Donetsk, issue 286, pp. 18–28.
9. Belya A.R. (2021) The system of budget control at the local level in the conditions of administrative and financial decentralization: Doctor of Philosophy in Finance, Banking and Insurance. Lviv, 239 p.
10. Corruption risks in the city council: how to assess and minimize. Available at: <https://www.ua.undp.org>
11. Holovko O.M. (1999) Evolution theory of local government in state-legal science, major trends and directions. *Visnyk Zaporiz'koho iurydychnoho instytutu*, vol. 3, pp. 3–11.
12. Hlukhachov Ye.F. (2001) Local government in Ukraine, especially its legal nature. *Aktualni problemy derzhavnoho upravlinnia*. Kharkiv, pp. 42–43.
13. Korniienko M.I. (2000) Osnovy munitsypalnoho prava Ukrainy [Fundamentals of municipal law of Ukraine]. Kyiv.
14. Kharkiv Regional Council. Available at: <http://www.oblrada.kharkov.ua/>
15. City Transparency and Accountability Ranking 2021. Analytical report (2021) Transparency International Ukraine. Available at: <https://transparentcities.in.ua/>
16. Draft Law on Amendments to the Laws of Ukraine "On Central Executive Bodies" and "On the Legal Regime of Martial Law" to Ensure the Governability of the State under Martial Law. Available at: <https://itd.rada.gov.ua/billInfo/Bills/Card/39203>
17. Certification of local council deputies. Available at: <https://attestation.in.ua/>