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LOCAL SELF-GOVERNMENT IN UKRAINE: CURRENT STATE AND MAIN DIRECTIONS OF DEVELOPMENT

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SUMMARY

The research paper explores the problems related to the development of local self-government institutions in Ukraine. The analysis of these issues is undertaken through defining the directions in which the local self-governance system should be developed, which requires a thorough understanding of the municipal policy and its conceptual foundations outlined by the Constitution of Ukraine and the European Charter of Local Self-Government. In addition, the paper studies the system of principles underpinning local self-government, as well as considering the elements of a local self-government system. This paper focuses on the concept of local self-government, its features and its essence as a form of self-organization of the local population. The formation and functioning of self-government institutions are also analyzed.

This paper explores topical problems and challenges related to the formation of local self-governance in Ukraine. It is noted that there has been no comprehensive study devoted to the development of local self-government in the light of its modernization and integration, and, furthermore, the latest international trends of municipal management and domestic social-transformations are not taken into account. This context makes a comprehensive study regarding the theoretical and practical aspects of the state and prospects of local self-government in Ukraine extremely relevant. This paper highlights existing problems and proposes some solutions for building operational and efficient local self-government in Ukraine.

Key words: local self-government, decentralization, autonomy, territorial communities, democracy, competences.

МЕСТНОЕ САМОУПРАВЛЕНИЕ В УКРАИНЕ: СОВРЕМЕННОЕ СОСТОЯНИЕ И ОСНОВНЫЕ НАПРАВЛЕНИЯ РАЗВИТИЯ

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АННОТАЦИЯ

В работе исследуются проблемы, связанные с развитием институтов местного самоуправления в Украине. Анализ этих вопросов осуществляется путем определения направлений, в которых должна развиваться система местного самоуправления, требующая глубокого понимания муниципальной политики и ее концептуальных основ, изложенных в Конституции Украины и в Европейской хартии местного самоуправления. Кроме того, в статье изучается система принципов, лежащих в основе местного самоуправления, а также рассматриваются элементы системы местного самоуправления. Основное внимание уделяется концепции местного самоуправления и его особенностям, его сущности как формы самоорганизации местного населения. Также анализируется формирование и функционирование институтов самоуправления.

В статье рассмотрены актуальные проблемы и вопросы, связанные с формированием местного самоуправления в Украине. Отмечается, что не было проведено комплексное исследование, посвященное развитию местного самоуправления в свете его модернизации и интеграции, а также не учитываются последние международные тенденции муниципального управления и внутренних социальных преобразований. Этот контекст делает всестороннее исследование теоретических и практических аспектов состояния и перспектив местного самоуправления в Украине чрезвычайно актуальным. В статье освещаются существующие проблемы и предлагаются некоторые решения для построения оперативного и эффективного местного самоуправления в Украине.

Ключевые слова: местное самоуправление, децентрализация, автономия, территориальные общины, демократия, компетенции.

Introduction. At the present stage of power decentralization in Ukraine, the challenges facing the development of local self-government institute present topical issues. The aim is to improve the state model based on political, economic, social and historical traditions. Decentralization of power is a complex and multifaceted task for state policy. It involves the partial transfer of pow-

ers from central authorities to those at the local and regional level. Decentralization requires the devolution of authority to local self-governing institute.

The topicality of analyzing the challenges stems from the need to improve the theory and practice of modern state-building caused by transformations in the political system and is also connected to the implementation

of administrative, territorial and regional reforms as well as the introduction of constructive social partnership between the Centre and the regions.

In fact, the success of all sectoral reforms depends on the successful reformation of local self-government, since it should ensure the actual participation of Ukrainian citizens in transformations that are pending.



The main task is to determine the ways of developing a system of local self-government, which requires a thorough understanding of municipal policy and its conceptual foundations, as outlined in the Constitution of Ukraine and the European Charter of Local Self-Government. This necessitates a comprehensive analysis of the formation and functioning of self-government institutions.

Local self-government is one of the fundamental democratic principles behind the constitutional system in Ukraine. Therefore, the processes of its constitutional reform are the most important factors in the development of the entire system of Ukrainian statehood. This issue is particularly acute today, when calls for federalization, violation of the constitutional order and destabilization of power resonate.

The Constitution of Ukraine needs to define a decentralized model of government, which will envisage the formation of a comprehensive system of local self-government at all levels of the country's territorial structure, and the broadening of the powers, resources and responsibilities of local self-government. This will set out the conditions for achieving greater autonomy in making important managerial decisions regarding the sustainable and balanced development of the regions and in solving other issues of local importance.

The aim of the article. This study aims to comprehensively analyze the problems related to the development of local self-government in Ukraine. There are a number of issues that have to be reconciled in the course of this research:

- 1) to study the system of principles and elements of a local self-government system;
- 2) to analyze the formation and functioning of self-government institutions;
- 3) to explore topical problems and challenges related to the formation of local self-governance in Ukraine.

Core material presentation. Local self-government belongs to the democratic principles of public affairs management. It is based on the idea of promoting community values; namely, independence (autonomy) and a population's active participation in administering community affairs. Local self-government brings administrative management closer to the population and is the most transparent decentralized form of government.

As a complex and multifaceted phenomenon, local self-government is:

– the basis of constitutional order and one of the important principles underlying the organization and governance in the state, as well as a necessary characteristic of a democratic society;

– a form of democracy, which, in accordance with Article 5 of the Constitution of Ukraine [7], constitutes the realization of power by the people: directly and through the bodies of local self-government. At the same time, the latter occupies a separate (distinct) place in the political system and is not a part of the state mechanism, which gives grounds to consider local self-government as a separate form of the realization of power by the people;

– the right of a territorial community to independently resolve issues of local significance within the framework outlined by the Constitution and laws of Ukraine.

There are different definitions of "local self-government". Thus, some authors point out that local self-government simultaneously combines state and public elements, and that bodies of local self-government perform two kinds of duties: those relating to self-government and also those delegated to them by state authorities [6].

According to Article 140 of the Constitution of Ukraine, *local self-government* is the right of a territorial community – the residents of a village (or a voluntary association – a rural community – created by the residents of several villages), a settlement or a city to independently resolve issues of local importance within the framework of the Constitution and laws of Ukraine. This definition does not clearly define such an important aspect of local self-government as its actual ability to manage local affairs.

Article 2 (Part 1) of the Law of Ukraine "On Local Self-Government in Ukraine" [9] provides a normative definition of this concept: "Local self-government in Ukraine is a state-guaranteed right and real ability of a territorial community – residents of a village or members of a voluntary association of villagers created by several villages, as well as residents of a settlement or city – to independently or within the responsibility of bodies and officials of local self-government resolve issues of local significance within the framework of the Constitution and laws of Ukraine". An analysis of the notion of local self-government and its peculiarities makes it possible to determine local self-government as the right and real ability of local authorities to independently manage a part of state affairs within the framework of the law in

the interests of the population and to regulate this part.

The definition of local self-government in the Constitution and laws of Ukraine, no matter how perfect, is far from exhaustive as far as the content of this socio-political phenomenon is considered; therefore, it cannot be limited to the state-guaranteed right of territorial communities and self-governing bodies they choose to independently decide on a part of public affairs. When studying local self-government, it should always be remembered that it is one of the fundamental principles of organizing government in situ, in a state that seeks to be bound by the law, as well as a form of self-organization of the local population.

Local self-government as a principle of organizing government directly from the ground up, in accordance with Article 2 of the European Charter, is embodied in the Constitution of Ukraine (Article 7), and, consequently, has become one of the constitutional pillars of our state.

The essence of this principle can be summarized as follows: within the state, a decentralized system of governance is established, and the basis of relations between the center and regions, central and local authorities within such a structure is different from the one present in the system of executive bodies that create a government vertically; moreover, these relations are not founded on the principle of subordination inherent in the government vertical (vertical governance), but rather on the principle of legal, organizational, material and financial independence (autonomy) of local authorities.

The *legal autonomy* of local self-government lies in the fact that they have their own powers as defined by the Constitution or the law. These powers, as stated in the European Charter, should be total and exclusive, that is, such that do not simultaneously belong to other bodies of authority. Within their powers, local self-government and its bodies have full freedom of action to implement their own initiatives regarding any matter assigned to the authority of local self-government. Citizens of Ukraine exercise their right to participate in local self-government by their belonging to respective territorial communities. Any restrictions on the right of Ukrainian citizens to participate in local self-government (based on race, color, political, religious and other beliefs, gender, ethnic and social origin, property status, term of residence in the respective territory, language or other grounds) are prohibited.



Organizational autonomy is constituted by the fact that local self-government and its bodies should be able to define their own internal structure so that it meets local needs and provides effective management. Most importantly, local self-government bodies operating within the law are not subject to the authority of other bodies, and any administrative control over their activities is possible only to ensure the lawfulness and constitutional principles of local self-government.

The *material and financial autonomy* of local self-government involves the right of territorial communities and their bodies to own, use and dispose of property in their possession – the so-called communal or municipal property – as well as their own financial means sufficient for the realization of the powers of local self-government and its bodies. At least part of the said funds should, as stated in the European Charter, originate from local taxes and fees, whose rates are to be determined within the bounds of the law by the local self-government bodies themselves [6].

The organization and functioning of local self-government in Ukraine is carried out in accordance with principles established by the Constitution of Ukraine and specified in the Law of Ukraine “On Local Self-Government in Ukraine” (Article 4). It should be noted that the system of local self-government principles is not limited to the principles outlining its legal, organizational, material and financial independence (autonomy). The law also delineates other principles that can be divided into two groups:

- those that are unique to local self-government bodies and significantly differentiate them from local executive bodies (appointment by election, collegiality, accountability and responsibility to territorial communities, judicial protection of their rights);
- those that are universal, that is, characteristic of both local self-government bodies and local executive bodies (democracy, lawfulness, transparency, a combination of local and state interests).

These principles play a crucial role in all spheres of local self-government.

The essence of local self-government as a form of a self-organization local population lies in the fact that, from the functional and organizational point of view, it is a social system or an organizational and legal mechanism by which territorial communities directly and through the bodies they elected exercise functions and powers of local self-government [6].

Approved by the Cabinet of Ministers of Ukraine on April 1, 2014, “The Concept of Local Self-Government and Territorial Organization of Power Reform in Ukraine” defines the main ways of resolving issues relating to the existing local self-government system. The key issues that determine the essence of changes in this system are as follows: defining a thorough territorial basis for carrying out the activities of local self-government bodies and executive authorities; creating proper material, financial and organizational conditions for ensuring the implementation of inherent and delegated powers of local self-government bodies; division of powers between local self-government bodies and executive authorities at different levels of the administrative and territorial system based on the principles of subsidiarity and decentralization; maximum involvement of the population in managerial decisions, promoting the development of direct democracy [10]. Subsequently, the adoption of such Laws of Ukraine as “On the Cooperation of Territorial Communities”, dated June 17, 2014, № 1508-VII; “On the Voluntary Association of Territorial Communities”, dated February 15, 2015, № 157-VII; “On the Principles of State Regional Policy”, dated February 5, 2015, № 156-VIII, targeted the development of a system of local self-government. The adoption of new legislative acts resulted in the introduction of changes to the conceptual notion of “local self-government system”, which were reflected in the amendments (adopted on February 5, 2015) to the Law of Ukraine “On Local Self-Government in Ukraine”. After its finalization, the list of elements constituting this system includes:

- territorial community;
- village, settlement, city council;
- village, settlement, city head;
- executive bodies of the village, settlement, city council;
- the elder;
- district (raion) and regional (oblast) councils representing the common interests of the territorial communities of villages, settlements, cities;
- bodies of self-organization of the population [9].

In addition, the law stipulates that district (raion) councils may be formed in cities with district (raion) divisions, in accordance with the decision of the territorial community of the city or the city council. That is, such an optional element to the system of local self-government as a district (raion) council within the city has retained its right to exist.

Considering the elements of local self-government also makes it clear that the issue of further development of a city district remains uncertain. In Ukraine, the organization of management within cities that have district divisions is based on three management models at the level of districts in cities: the existence of district administrations (including district state administration as an executive body in the city of Kyiv and as executive bodies of the city council); the existence of city district councils with their own executive bodies; the existence of both district councils within the city and district administrations. As in previous years, after the changes introduced in 2015, they retain the status of an optional or associate element of local self-government in the Law of Ukraine “On Local Self-Government in Ukraine”. The peculiarity of the status of districts in cities is that they have no constitutional standing, and the task of organizing management over districts in cities falls within the competence of city councils. An analysis of domestic practice suggests the existence of a trend towards the liquidation of district councils in cities following the adoption of respective decisions by city councils. This tendency is caused by the gradual limitation of the activities of local self-government bodies at the level of city districts by city councils, through the withdrawal of previously granted powers. The “Concept of Local Self-Government and Territorial Organization of Power Reform in Ukraine” offers no solution regarding the further development of the aforementioned situation. With regard to city districts, the concept only mentions the existence of a conflict of competences between local authorities, arising from the presence of the territorial community of the city within the territorial community of the city district. The search for solutions to this problem requires systematic analysis and reflection from both theorists and practitioners. The most significant recent changes in the system of local self-government include revision of the approach to defining “territorial community” as a basic element in Ukrainian local self-government system.

In previous years, Article 6 of the Law of Ukraine “On Local Self-Government in Ukraine” [9] mentioned that territorial communities of neighboring villages can be united into one territorial community, create unified local self-government bodies and choose one village elder. The association of villages into one territorial community and exit from village community were to take place based on the decision achieved



at local referendums of respective village territorial communities. That is, the law only foresaw the case when united territorial communities were formed by neighboring villages based on a referendum.

In 2015, after the adoption of the Law of Ukraine "On the Voluntary Association of Territorial Communities", Article 6 ("Territorial communities") of this specialized law was amended. Thus, the article now states that territorial communities can be united into one rural, settlement or urban territorial community, form common bodies of local self-government and choose the village elder, settlement head or city mayor, respectively. Such voluntarily united territorial communities may withdraw from a united territorial community in the manner prescribed by law [8].

Therefore, the opportunity for creating voluntary associations of territorial communities not only of adjacent villages, but of settlements and cities as well has been introduced into the present-day legal and regulatory field. This provision is also specified further by stating that "the united territorial community where a city is appointed to be the administrative center is defined as urban territorial community, the community where a settlement is appointed to be the center is settlement territorial community, and the community where a village is appointed to be the center is rural territorial community [8]. That is, a change of approach to the definition of boundaries of a territorial community has taken place: it is now seen as an entity wider than one populated locality such as village, settlement or city. Accordingly, conditions are created for revising the existing territorial basis underlying the organization of local self-government, as well as for updating the "basic level" of administrative-territorial system constituted by communities as administrative-territorial units. What remains unchanged is the status of territorial community as the primary subject of local self-government, the main carrier of its functions and powers embodied in a territorial community of a village, settlement or city [3].

The establishment of democracy in Western Europe, the United States, Canada and democratic transformations in Eastern European countries that were in the former Warsaw Pact have all resulted from the search for effective means of governance in a society. The contradiction between the state and its citizen has been resolved, ostensibly in the latter's favor. Consequently, having become the center of politics, an individual began to evaluate

the operation of administrative authorities from the perspective of the quality of services they offer. Decentralization processes, the introduction of the subsidiarity principle, a competitive environment, the rising level of demands regarding the variety and quality of services received by an individual and the increase of his/her influence on authorities led to the search for new models of constructing and organizing the activities of municipal institutions based on the modern paradigm of management.

While analyzing some of the current problems pertaining to the establishment of operational, efficient and economic local self-government in Ukraine, it should be noted that in Europe, local self-government is seen as a social mechanism that guarantees democratic government, whereas in Ukraine local self-government is not only a tribute to democracy, but also, to a large extent, an effective managerial mechanism. Local self-government institution has a complex nature as far as society and state are concerned. As a component of society, local self-government objectively finds itself in "constructive opposition" to the state, especially in matters related to the protection of local communities' interests. This circumstance needs to implement one of two options: either to construct a complex procedure for reconciling the interests of state and territorial communities, or to increase state authorities' pressure on local self-government. Thus, a contradiction arises: on the one hand, in order to ensure its stability the state is objectively interested in strengthening local self-government; on the other hand, it often responds to "constructive opposition" with pressure implemented through administrative mechanisms. Another contradiction has become clear in the process of reforming local self-government ("reform from the top down"): it concerns the methods and approaches used in the execution of local self-government powers. By its nature, local self-government contradicts the dictate of the state and can only develop on condition of its freedom. Within the framework of a unified administrative system, local self-government and state administration are incompatible. This is indicated by the Constitution of Ukraine, which does not include local self-government bodies in the state's system of authority. Local self-government must grow and develop "from the bottom up", organically/naturally, with appropriate state support and under its control. In other words, local self-government cannot be formed without state sup-

port, but at the same time, it needs reliable protection from the state [2, p. 12].

Recognizing local self-government as the basis of a constitutional system means establishing a democratic-decentralized-governance system founded on the principle of the independence of territorial communities and local self-government bodies in solving all issues of local importance. According to Article 5 of the Constitution of Ukraine, the people exercise power directly as well as through the organs of state authority and bodies of local self-government. It is clear from this constitutional provision that local self-government bodies do not belong to a single unified state mechanism; therefore, local self-government can be considered as a separate form of the realization of power by the people.

Local self-government performs the extremely important role of linking society and the system of state administration, between contractual self-regulation and self-organization on the one hand, and on the other hand, compulsory regulation of social relations by the state which uses its power to achieve this; it promotes the independent development of democracy. Effective functioning of local self-government bodies is only possible in the condition of developed civic society, as every citizen should not only become aware of his/her personal responsibility, but also be prepared to take these duties upon himself/herself when solving local community problems [1, p. 17].

The development of local self-government bodies which constitute a factor in the mechanism of local self-organization and solving these problems are key to the success and effectiveness of public administration at its basic level of interaction with communities and individuals.

Optimizing a local self-government institution in Ukraine and bringing it to the European standards level is only possible through the establishment and implementation of its legal, organizational and financial autonomy.

The legal autonomy of a local self-government body consists in the constitutional and legislative recognition of the rights and powers granted and delegated to it. These powers, as outlined in the European Charter of Local Self-Government, should be full and exclusive, that is, these powers do not simultaneously belong to other bodies of authority. Within the limits of its authority, a local self-government body has full freedom to act on its own initiatives regarding any matter assigned to its competence. This rule should also apply in the case of dele-



gated powers: in exercising them, a local self-government body must be free to adapt these to local conditions. Since Ukraine is a member of the Council of Europe, the institution of local self-government should be regulated in accordance with the European Charter of Local Self-Government, which our state has joined. As stipulated by the European Charter of Local Self-Government, in Ukraine the main powers and functions of local self-government bodies are defined by the Constitution of Ukraine and its legislation.

The widely advertised political reform, which included no provisions on local self-government, has also clearly demonstrated how its core idea can be misunderstood; although it is obvious[apparent] that we first of all need to strengthen local self-government by decentralizing state power, and only then deconcentrate the said power. At the level of local self-government itself, the functions and powers of its bodies have to be streamlined, eliminating their duplication and rationalizing their distribution. Operational methods of local self-government bodies are also in need of improvement, to ensure that they correspond to its principles.

Another concern, and an acute one, is the dearth of trained personnel, especially in rural and territorial communities as well as the communities of small towns. The problem of synchronizing the mechanisms of public administration, local self-government and self-organization, in need of more research, also needs to be addressed, since the lack of coordination between their activities leads to wasting already limited resources. As for the municipal reform, its current state can be explained by a number of factors in Ukraine: lack of readiness demonstrated by a managerial elite, including that of the local level; absence of state constructed ideology; loss of municipal managerial traditions; prevailing reluctance to act which resulted from a long period when local initiatives were suppressed by state authorities. Therefore, in view of the above, we can conclude that in order to construct operational and efficient local self-government it is necessary:

- to universally introduce local self-government in Ukraine and define the territorial basis of local self-government;
- to differentiate between the competences and powers of state authorities and local self-government, as well as between different elements of a local self-government system, based on the subsidiarity principle;
- to introduce regional self-government or develop a mechanism for the identification

and realization of territorial communities' common interests;

- in accordance with the competence and functions exercised, to determine, on a long-term basis, the sources of local budgets' revenue, providing a legal mechanism for the independent formation of the latter on the grounds of social standards approved by the Cabinet of Ministers of Ukraine;
- to ensure that local budgetary finance is sufficient for the quality provision of legal and managerial services guaranteed by law;
- to define control mechanisms which can be used by representative authorities and the public to monitor the quality of law-guaranteed services provided by local self-government bodies;
- to enable territorial communities to independently choose the model of local self-government according to which the activities of this type of public authority are to be organized in the territory within the jurisdiction of the community;
- to provide for the possibility of delegating powers, both from the bottom up and from top down, exclusively on the basis of agreement and with the corresponding material and financial support for their implementation;
- to develop and ensure the functioning of mechanisms for the financial and economic equalization of territorial communities as well as their development;
- to improve the mechanisms for managing budget funds and control over their spending, ensuring the transparency of the process and accountability to representative bodies;
- to change decision-making procedures within local self-government bodies, making them transparent, with the view of overcoming corruption [5, p. 13].

The formulated tasks can be tackled by adopting new laws or introducing appropriate amendments to the laws currently in force. First of all, these are such legislative acts as the Laws of Ukraine "On Local Self-Government in Ukraine", "The Budget Code of Ukraine", "On Local State Administrations", "On the Transfer of State and Communal Property Objects", "On the Budget System of Ukraine".

Conclusions. Consequently, acceleration of the reform of local self-government and territorial organization of power constitutes one of the most topical and urgent challenges which have to be resolved in order to help Ukraine develop as a modern, democratic, competitive and unified state, to ensure its sustainable economic growth.

To begin with, we need to ensure the organization of an actual and efficient self-government system at the basic, district (raion) and regional (oblast) levels accompanied by the formation of appropriate institutions; optimize the administrative-territorial structure and the current model of territorial power distribution; introduce local democracy mechanisms and bring them in line with European principles and international standards.

Based on the experience of other countries, the issue of implementing economic, social and political reforms in Ukraine should be considered in the light of European integration. Effective implementation of this course requires the following coordinated measures from the authorities at all levels: implementation of major institutional changes; reforming the principles and methods of work, including training, retraining and the professional development of personnel; providing financial and economic opportunities for stimulating the development of local self-government.

Crisis-phenomena in economic, social and political spheres, protest rallies, current manifestations of nationalism or separatism taking place in Ukraine – these are largely the result of excessive centralization of power and the underdevelopment of democracy and democratic forms of social development management. The imperfection of legal instruments and lack of a clear financial mechanism for implementing local self-government reform, the latter's formal, imitative nature, concentration of power in ministries and departments at the central level, corruption in state authorities and local self-government bodies, no strategic vision of the country's development – all of these hinder the modernization of local self-government in Ukraine.

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МИНИСТЕРСТВО ВНУТРЕННИХ ДЕЛ УКРАИНЫ КАК СУБЪЕКТ БЮДЖЕТНЫХ ПРАВООТНОШЕНИЙ

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АННОТАЦИЯ

В статье рассмотрены бюджетные правоотношения и особенности участия в них Министерства внутренних дел Украины. Исследованы отличия между бюджетными и финансовыми правоотношениями. Рассмотрена классификация субъектов бюджетных правоотношений. Дано определение субъекту бюджетных правоотношений. Обозначены основные черты правосубъектности Министерства внутренних дел Украины, которые характеризуют его правовой статус в бюджетных правоотношениях как специфический, что является следствием современных условий развития экономики и предоставляет право органам Министерства внутренних дел вести хозяйственную деятельность.

Ключевые слова: бюджетные правоотношения, Министерство внутренних дел Украины, правовой статус, субъект права, участник бюджетных правоотношений, субъект бюджетных правоотношений, правосубъектность.

THE MINISTRY OF INTERNAL AFFAIRS OF UKRAINE AS THE SUBJECT OF BUDGETARY LEGAL RELATIONS

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SUMMARY

The author of the article has studied budgetary legal relations and features of the participation of the Ministry of Internal Affairs of Ukraine in these legal relations. The differences of budgetary legal relations as a kind of financial legal relations have been researched. The classification of the subjects of budgetary legal relations has been considered. The definition of the subject of budgetary legal relations has been provided. The author has defined the main features of the legal personality of the Ministry of Internal Affairs, which characterize the legal status of the Ministry of Internal Affairs in budgetary legal relations as specific, which is a consequence of modern conditions for the development of the economy and entitles the agencies of the Ministry of Internal Affairs to conduct economic activity.

Key words: budgetary legal relations, Ministry of Internal Affairs of Ukraine, legal status, subject of law, party of budgetary legal relations, subject of budgetary legal relations, legal personality.

Постановка проблеми. На сьогоднішній день государство регламентує правові форми в більшості публичних фінансових відносин, в частині бюджетних. Основні параметри бюджетних правоотношень можуть бути описані, виходячи з положень загальної теорії правоотношень, але також вони мають яскраво виражені ознаки, присутні тільки їм. Характер бюджетних правоотношень визначається багатьма особливостями: задачами і місцем в механізмі правового регулювання і правового впливу, функціональним

назначенням, конкретним предметним змістом, основами виникнення, суб'єктивним складом, матеріально-правовим і процедурно-процесуальним вираженнями, самостійною нормативно-правовою регламентацією.

Актуальність теми дослідження. Сучасний стан розвитку економіки України свідчить про зміну повноважень бюджетних установ, органів державної влади і місцевого самоврядування, що пов'язано з правом займатися господарською діяльністю і отримувати