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***Dyriw Anatolii Borysovych,***

*Postgraduate student of the Department of  
Parliamentarism and Political Management,  
National Academy of Public Administration  
at the President of Ukraine, 04050, Kyiv,  
Str. Pugachova, 12/2, tel.: (067) 925 00 73,  
e-mail: dyrivab@ukr.net*

*ORCID: 0000-0002-5688-0831*

***Дирів Анатолій Борисович,***

*аспірант кафедри парламентаризму та  
політичного менеджменту, Національна  
академія державного управління при  
Президентові України, 04050, м. Київ,  
вул. Пугачова, 12/2, тел.: (067) 925 00 73,  
e-mail: dyrivab@ukr.net*

*ORCID: 0000-0002-5688-0831*

***Дырив Анатолий Борисович,***

*аспирант кафедры парламентаризма и  
политического менеджмента, Национальная академия государственного управления  
при Президенте Украины, 04050, г. Киев, ул. Пугачева, 12/2, тел.: (067) 925 00 73, e-mail:  
dyrivab@ukr.net*



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## **DECENTRALIZATION: THE MAIN THEORETICAL APPROACHES TO THE CONCEPT**

**Abstract.** The article defines and analyses the theoretical aspects of decentralization as a component of a democratic model of governance; summaries general approaches to decentralization of power as an important component of democratic reforms in Ukraine; analyses the legislative basis for reform conduction; pointes to the problems of decentralization in Ukraine and proposes solutions for the improvement of democratic reforms; it is determined that the introduction of decentralization processes will contribute to the further development of democracy in the state and the stabilization of the social and economic situation.

It is noted that decentralization is to provide local authorities with the maximum amount of authority and budget revenues that will become a solid foundation for the stable development of the joint territorial communities, will increase the responsibility of local self-government bodies for fulfilling their commitments on community development and ensure compliance with legislative documents. It is grounded that the process of decentralization of government bodies is a push which is possible with certain quantitative changes in society, the result of the

transformation of state power, division of powers, democratization of society, provision of the population of new political rights and freedoms.

It has been proved that today a considerable number of preconditions have emerged in the socio-economic, political, and cultural spheres of life of Ukrainian society, which can become the basis for decentralization of government.

It has been determined that for the further development the necessary condition is the mutual co-ordination of various legislative and normative documents concerning issues of territorial communities expansion, independence and responsibility in solving problems of life support and development of territories of cities, settlements and other settlements taking into account local specifics due to effective decentralization process on the part of bodies executive.

**Keywords:** decentralization, local self-government, public administration, globalization and democratic reforms.

## **ДЕЦЕНТРАЛІЗАЦІЯ: ОСНОВНІ ТЕОРЕТИЧНІ ПІДХОДИ ДО ПОНЯТТЯ**

**Анотація.** У статті визначено та проаналізовано теоретичні аспекти децентралізації як складової демократичної моделі управління; узагальнено сучасні підходи до децентралізації влади як важливої складової демократичних реформ в Україні; проаналізовано законодавчу базу проведення реформи; вказано на проблеми децентралізації в Україні та запропоновано рішення для удосконалення демократичних реформ; визначено, що впровадження децентралізаційних процесів сприятиме подальшому розвитку демократії в державі та стабілізації соціально-економічної ситуації.

Відзначено, що децентралізація полягає у наданні місцевим органам влади максимальної кількості повноважень та бюджетних надходжень, що стане міцним підґрунтям стабільного розвитку об'єднаних територіальних громад, сприятиме зростанню відповідальності органів місцевого самоврядування за виконання взятих на себе зобов'язань щодо розвитку громади та забезпечить дотримання законодавчих документів. Обґрунтовано, що процес децентралізації органів влади — це поштовх, який можливий при певних кількісних змінах у суспільстві, результат трансформації державної влади, поділу влади, демократизації суспільства, забезпечення населення нових політичних прав та свобод.

Доведено, що на сьогодні виникла значна кількість передумов у соціально-економічній, політичній, культурній сферах життя українського суспільства, які можуть стати фундаментом для децентралізації органів влади.

Визначено, що для подальшого розвитку необхідною умовою є взаємоузгодження різних законодавчо-нормативних документів стосовно питань розширення територіальних громад, самостійності та відповідальності у вирішенні завдань життєзабезпечення та розвитку територій міст, селищ та інших населених пунктів з урахуванням місцевої специфіки за рахунок ефективного децентралізаційного процесу з боку органів виконавчої влади.

**Ключові слова:** децентралізація, місцеве самоврядування, публічне управління, глобалізація, демократичні реформи.

## ДЕЦЕНТРАЛИЗАЦИЯ: ОСНОВНЫЕ ТЕОРЕТИЧЕСКИЕ ПОДХОДЫ К ПОНЯТИЮ

**Аннотация.** В статье определены и проанализированы теоретические аспекты децентрализации как составляющей демократической модели управления; обобщены современные подходы к децентрализации власти как важной составляющей демократических реформ в Украине; проанализирована законодательная база проведения реформы; указано на проблемы децентрализации в Украине и предложены решения для совершенствования демократических реформ; определено, что внедрение децентрализационных процессов будет способствовать дальнейшему развитию демократии в государстве и стабилизации социально-экономической ситуации.

Отмечено, что децентрализация заключается в предоставлении местным органам власти максимального количества полномочий и бюджетных поступлений, станет прочной основой стабильного развития объединенных территориальных общин, будет способствовать повышению ответственности органов местного самоуправления за выполнение взятых на себя обязательств по развитию общества и обеспечит соблюдение законодательных документов. Обосновано, что процесс децентрализации органов власти — это толчок, который возможен при определенных количественных изменениях в обществе, результат трансформации государственной власти, разделения властей, демократизации общества, обеспечения населения новых политических прав и свобод.

Доказано, что сегодня возникло значительное количество предпосылок в социально-экономической, политической, культурной сферах жизни украинского общества, которые могут стать фундаментом для децентрализации органов власти.

Определено, что для дальнейшего развития необходимым условием является взаимосвязка различных законодательно-нормативных документов по вопросам расширения территориальных общин, самостоятельности и ответственности в решении задач жизнеобеспечения и развития территорий городов, поселков и других населенных пунктов с учетом местной специфики за счет эффективного децентрализационного процесса со стороны органов исполнительной власти.

**Ключевые слова:** децентрализация, местное самоуправление, общественное управление, глобалізація, демократические реформы.

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**Problem statement.** The strategy of development of local self-government represents one of the priority directions of the formation of the state policy, therefore considerable attention is paid to one of the largest democratic re-

forms, which should completely change the system of governance and promote its improvement as decentralization at the current stage of development of the Ukrainian independent state. This issue is rather sharp and widely discussed in the scientific community, experts and the public.

**Analysis of recent research and publications.** There are many approaches to defining the definition of 'decentralization'. Certain aspects of the implementation of local governance were considered in the works of O. Batanov, S. Berezovska, I. Bondarenko, O. Boryslavska, Yu. Hlushchenko, M. Ilzha, I. Lytvyn, Yu. Torokhtii, A. Tkachuk and M. Honda, etc.

The issues of decentralization were studied as one of the means of increasing the efficiency of the functioning of public power as domestic scientists and experts (I. Hrytsiak, M. Dolishnii, I. Koliushko, I. Koziura, O. Kopylenko, S. Maksymenko, N. Plakhotnyuk and M. Kharitonchuk, etc.) as foreign ones (M. Kitting, S. Lipset, M. Porter, V. Rokkan and E. Thompson, etc.).

M. Butko, S. Pysarenko, S. Pukhyr, O. Khomyk, S. Shultz emphasized the need to harmonize the strategic priorities of state policy in Ukraine with the European integration vector of social development, emphasized the formation of the foundations of a new policy.

The following scholars A. Buriachenko, O. Vasylyk, I. Volokhova, V. Demianyshyn, V. Kravchenko, T. Reva and others have been devoted their research to issues concerning the local budgets. The researchers examined the formation, execution of local budgets, and the problems of intergovernmental relations in their works.

It becomes urgent and requires clarification and resolution of the issue of a clear division of powers between local self-government bodies and executive authorities.

**The purpose of the article** is a detailed analysis of the concept of 'decentralization', clarification of the implementation of this process in Ukraine and the definition of solutions for improving the system of public administration.

**Presentation of the main material.** Among the most important documents of international law with regard to local self-government is the European Charter of Local Self-Government. This document is one of the main sources of municipal law of European states.

The local self-government reform, which is being conducted in Ukraine, is designed to make the management system more capable. The basis of reform is the following principles of local self-government [1]:

- *Principle of decentralization*, primarily financial, according to which most of the powers and finances for their implementation are transferred to the community level;

- *Principle of widespread*, which means that local self-government should be carried out throughout the territory of Ukraine, that is, there are no territories that are not subject to the jurisdiction of territorial communities.

- *Principle of subsidiarity*, which provides for the solution of specific problems at the closest to everyday needs of people of the power stage;

Subsidiarity is organizational and legal principle according to which the community is unable to any measures only if they are more effective for ap-

appropriate measures at the national, regional or local levels (the exceptions are the areas exclusive competence of the Community); one of the fundamental principles of the European Union. It means the constant assessment of the validity of EU action in terms of available opportunities at the national, regional and local levels [2, p. 17].

Principle of subsidiarity is the distribution of the types of spending between the state budget and local budgets, as well as between local budgets based on the necessity of maximum possible approximation of providing guaranteed services to their immediate consumer [3].

The principle of subsidiarity is worded in Article 4 Clause 3 of the European Charter of Local Self-Government as follows: 'Municipal functions are generally carried out mainly by the authorities that have the closest contact with the citizen. In providing any other functions of the authority, it is necessary to take into account the scope and nature of the task, as well as the requirements for achieving efficiency and economic stability'.

The basis for the reform conducting is the legislative basis. Therefore, the Concept for the Reform of Local Self-Government and Territorial Organization of Power in Ukraine was approved [4] on April 1, 2014, which was the start of the reform, known as 'decentralization'. The concept defines the directions, mechanisms, stages and expected results of the reform, and provides for the creation of a system of providing accessible public services, the establishment of institutions of direct democracy, satisfaction of the interests of citizens in all spheres of life in

the respective territory, harmonization of interests of the state and territorial communities. There are several different approaches to the concept of 'decentralization', in particular:

- Decentralization means this way of defining and demarcating tasks and functions, in which most of them are transferred from the level of central bodies to a lower level and become their own task and powers of the lower level bodies [5];

- Decentralization is a set of principles or institutional mechanisms established at the level of laws that delegate some governmental authority to lower authorities, local associations or decentralized units [6, p. 28];

- Decentralization is a management system, the reverse centralization, that is, the expansion of the networks of authority and authority of local administrative bodies and institutions of public administration [7, p. 752];

- Decentralization is a way of a territorial organization of power in which the state transfers the right to make decisions on specific issues or in a specific area of the local or regional level structures that are not part of the system of executive power and are relatively independent of it [8];

- Decentralization as a delegation of powers is the temporary transfer of powers by some state authorities to other bodies of state power or bodies of local self-government, enterprises, institutions and organizations [9, p. 54];

- Decentralization is often understood to mean the redistribution of powers and competences between central and local levels of public administration, shifting the emphasis on the local level in the implementation of

functions predefined and guaranteed by the state [10];

- Decentralization is related to the restructuring or reorganization of the authorities, resulting in a system of co-responsibility between central, regional and local governance institutions in accordance with the principle of subsidiarity, thus increasing the overall quality and efficiency of the management system, while contributing to the strengthening of the power and capabilities of the subnational levels [11, p. 5].

The following conclusion can be drawn after analysing different approaches to substantiating the concept: decentralization is a prerequisite for the formation of effective directions of regional development and the introduction of effective reforms at the local, regional and state levels.

The goal of decentralization is 'to increase the efficiency of the state mechanism and increase the development of regions and municipalities on the basis of democracy, and indicators of such efficiency and activation are full ensuring the rights, legitimate interests and responsibilities of the local population, structured in communal and municipal and regional groups, and also bodies of territorial self-organization' [12, p. 140].

According to the definition, decentralization is divided into two types as follows:

- Administrative decentralization, which implies the expansion of the competence of local administrative bodies that act within this competence independently and to a certain extent, irrespective of the central authority;

- Democratic decentralization, which envisages the creation of a rami-

fied system of local self-government, when local issues are solved not by representatives of the central government, but by individuals elected by the local population [13, p. 152].

By the subjects and spheres of influence, the following main types of decentralization are distinguished:

- Subjective decentralization is professional self-government as a system of managerial relations between all representatives of a particular profession, implemented by a representative organization under the supervision of state bodies;

- Territorial decentralization is the formation of public administration bodies that provide governance in the administrative-territorial units independently and independently of state authorities, being outside their hierarchical system and subordination;

- Functional decentralization is the recognition of independent and independent specialized organizations by the authorities of the authorities with the delegation of the right to carry out a certain amount of tasks of a public character, in particular, with regard to the management and execution of the corresponding functions in the areas of public life determined by the legislation and in accordance with the established procedure [14, p. 15].

In the opinion of O. Boryslavska, decentralization is a rather complicated concept that can be disclosed because of its influence on the administrative and territorial structure of the state, the system of public administration bodies, the division of functions, powers and financial resources between them.

'The structure of a democratic state should contribute to the maximum re-

alization of the preferences and priorities of citizens living in its territory. In view of this, it is advisable to investigate under what conditions collective decisions are in line with the preferences of citizens: when they are adopted at the level of a huge unitary state or numerous small administrative units', argued the well-known German scholar Sh. Blankart on decentralization [15, p. 74].

Decentralization of public administration involves the transfer of part of the powers of the national level of government to the local level. Certain changes in the sphere of local self-government are directed at the necessity of realization of the right of citizens to participate in the management and creation of an effective system of state power at all levels. Otherwise, local authorities are ineffective. Their structure does not meet the needs of the local population, thus slowing down the reform process.

It should be noted that the authorities try to balance each year and introduce an effective system of governance through legislative documents. Thus, on June 17, 2014, the Law 'On Cooperation of Territorial Communities' was approved. It is the first document on the implementation of the reform, which enables the territorial communities to move towards strengthening their own capabilities.

The next step is the adoption of amendments by the Supreme Council of Ukraine to both the Tax Code of Ukraine and Budget Code of Ukraine. The changes introduced define a new financial strategy of local self-government bodies, establish a new distribution of national taxes and introduce new local taxes.

Further documents were the Law of Ukraine 'On Voluntary Association of Territorial Communities' [№ 16] № 157-VIII of February 5, 2015 (the main document that allows for the consolidation of communities without amending the Constitution of Ukraine), Resolution of the Cabinet of Ministers of Ukraine № 214 'On Approval of the Methodology for the Formation of Capable Territorial Communities' dated April 8, 2015 and the approval by the Supreme Council of Ukraine of amendments to the Constitution on decentralization of power of August 31, 2015.

According to Article 133 of the Constitution of Ukraine [17], the system of administrative and territorial organization of Ukraine consists of: the Autonomous Republic of Crimea, regions, districts, cities, districts in cities, urban villages and villages. The structure of Ukraine includes: Autonomous Republic of Crimea, Vinnytsia, Volyn, Dnipropetrovsk, Zhytomyr, Zakarpattia, Zaporizhzhia, Ivano-Frankivsk, Kiev, Kirovograd, Lviv, Mykolaiiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytskyi, Cherkassy, Chernivtsi, Chernihiv regions, the cities of Kyiv and Sevastopol. The cities of Kyiv and Sevastopol have a special status, which is determined by the laws of Ukraine. According to the Law of Ukraine 'On special procedure for local governments in some parts of the Donetsk and Luhansk regions', a special procedure is introduced there. Thus, there is a three-level system of administrative and territorial organization of Ukraine in Ukraine.

As of June 2017 [18], according to the Register of Treaties on Cooperation of Territorial Communities, 84 agreements

on cooperation between territorial communities of Ukraine were concluded. As a rule, these treaties deal with rather local projects of cooperation, although there are some projects on the creation and maintenance of a common landfill for solid household waste. In general, this law will be most actively applied in the zone of influence of large cities on the surrounding communities.

As of July 15, 2017, there were already 413 united territorial communities in Ukraine that had formed local self-government bodies, and more than 120 expected the appointment of elections. Currently, 3,6 million citizens live in the united territorial communities. Their share of the territory is 16,7 % of the entire sovereign territory of Ukraine. These decisions of the executive authorities lead to an increase in people's trust in local authorities. Today, local authorities enjoy a much greater confidence than central government: the president is trusted 7 %, the government is 3 %, the Supreme Council is 2 %, the local authorities are trusted 12 %, experts and scholars are 11 %. The highest level of trust has power in small municipalities of village or urban type (according to a poll conducted by the Council of Europe in December 2016) [19].

Implementation of a decentralized management system is a rather complex and long-lasting process that should be clearly and carefully defined. Decentralization reform requires constant attention and correction, political and technical support from the government. It should be noted that global practice still does not have a single decentralized management model that could be recommended for use in all countries.

The population of the country must understand the essence and significance of its activities, see the final result of their work, understand that welfare depends on each other, stable economic development of territorial units, their financial support, implementation of programs of social and economic development [20].

**Conclusions.** The process of decentralization of power and the reform of local self-government involves the formation of a new effective system of governance at the state, regional and local levels in today's conditions of the formation of Ukraine as an independent democratic country. Decentralization consists in providing the local authorities with the maximum amount of authority and budget revenues that will become a solid foundation for the stable development of the joint territorial communities. It will increase the responsibility of local self-government bodies for fulfilling the commitments on community development and ensure compliance with legislative documents.

The process of decentralization of government is a push that is possible with certain quantitative changes in society, the result of the transformation of state power, separation of powers, democratization of society, provision of the population of new political rights and freedoms.

To date, a significant number of pre-conditions have emerged in the social and economic, political, and cultural spheres of life of Ukrainian society, which could become the basis for the decentralization of government bodies.

On the basis of the considered problem for further development, the necessary condition is the mutual co-



ordination of various legislative and normative documents concerning issues of territorial communities expansion, independence and responsibility in solving problems of life support and development of territories of cities, urban villages and other settlements taking into account local specifics due to effective decentralization process from the side executive bodies.

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