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**ПУБЛІЧНЕ УПРАВЛІННЯ
ДЛЯ СТАЛОГО РОЗВИТКУ:
ВИКЛИКИ ТА ПЕРСПЕКТИВИ
НА НАЦІОНАЛЬНОМУ
ТА МІСЦЕВОМУ РІВНЯХ**

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4. ПРАВОВІ ПИТАННЯ ЗАБЕЗПЕЧЕННЯ УМОВ СТАЛОГО РОЗВИТКУ

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LEGAL STATUS OF SMALL CITIES IN UKRAINE IN TERMS OF DECENTRALIZATION

It is commonly known that the development of local self-government in Ukraine is most active at the level of major cities of the state. At the same time, small cities of Ukraine, which play a major role in the creation, development and improvement of democratic rule of law, are still at the rear, although the state has created appropriate organizational and regulatory conditions to stimulate self-government processes in these cities. Thus, on March 4, 2004, the Verkhovna Rada of Ukraine adopted the Law No. 1580-IV "On Approval of the National Program for the Development of Small Cities" (hereinafter - the Program) [1].

Without going into the details of the particular definition of the "small cities" category and the criteria for classifying settlements as small towns, the authors use the definition given in the Program, according to which small cities are towns with a population of up to 50,000 people. They, as stated in the Program, have a special place in the historical development of Ukraine. They formed a national culture; they are the basis of progress and the creation of large industrial and

urban development complexes, a guarantee of stability for the state and society. Small cities are the largest in terms of a number of towns, and many of them are administrative centers of districts. Nearly 22 million urban and rural residents are directly connected to small cities. These cities play an important role in the formation of the settlement network and the development and deployment of Ukraine's productive forces [1]. Given the above-mentioned, it is essential that it is in small cities where the state tries to pay considerable attention by approving a program of their development at the legislative level.

However, despite its existence, it is worth agreeing with the opinion of domestic scientists (S. Bugai, V. Melnichuk, A. Slivak, M. Baimuratov, T. Derun, N. Zhukov, I. Borschos) who state that there are no significant changes in solving the majority of problems in small cities and that they need to take additional measures to solve them.

Decentralization has become a major challenge for small cities. It is known that attempts to improve the administrative and territorial structure of the state and to adapt it to the realities of the current situation have not ceased since the beginning of Ukraine's independence. The next phase began after the Revolution of Dignity. Thus, over the past few years, a number of laws and by-laws aimed at changing the sector have been adopted. The main ones include “The concept of reforming local self-government and territorial organization of government in Ukraine (approved by the decree of the Cabinet of Ministers of Ukraine on April 1, 2014)”, Laws of Ukraine “On Cooperation of Territorial Communities”; “On the voluntary association of territorial communities”; “On the Principles of State Regional Policy”; “On Amendments to the Tax Code of Ukraine and Some Legislative Acts of Ukraine on Tax Reform”; “On Amendments to the Budget Code of Ukraine on Intergovernmental Relations Reform”; methods of formation of capable territorial communities (approved by the Resolution of the Cabinet of Ministers of Ukraine dated April 8, 2015 No. 214).

However, despite the efforts of the state to make qualitative changes, it is difficult to name systematic and consistent administrative actions on administrative reform that have not ceased since the adoption of the Constitution.

Furthermore, as defined in the Preamble of the European Charter of Local Self-Government in 1985 [2], the protection and strengthening of local self-government in different countries based on the principles of democracy and decentralization of power is an important contribution to the development of Europe.

The basic provisions of decentralization were embedded in the text of the Yerevan Declaration of Decentralization on 28 April 1999 [3]. The participants (elected representatives and civil servants of local and central levels from more than 20 Central and Eastern European and CIS countries) recognized the importance of decentralization in the process of democratization and transformation of the economy and society, which were previously centralized and over-politicized. Among other things, it was noted that the legal basis for decentralization ought to be the Constitution and basic regulatory documents. It is also necessary to achieve a clear delineation of the areas of competence of the state administration and local self-government bodies, as well as of different levels of government in the self-government system.

At present, there are no amendments to the Constitution of Ukraine regarding the establishment of at least basic principles in the context of decentralization which would be related to changes in the relations between state authorities and local self-government bodies, as well as between different local self-government entities.

It is worth mentioning that issues regarding the definition and realization of the legal definition of the city, its functions and the competence of the city council have existed for a long period of time. However, with the process of decentralization, these uncertainties have only been intensified. Currently, out of more than 1,000 newly created communities, nearly 150 have come together around small cities [4]. As a result of the merger, the small city additionally acquires the status of an administrative centre and receives part of the responsibilities that were entrusted to public authorities. At the same time, the functions and competence of the city government, as well as its legal responsibility by the laws are not detailed. The national researcher M. Baymuratov notes: "The issue of the powers of territorial communities and the competences of the bodies formed by them becomes of strategic importance during the implementation not only of municipal reform but also of the whole

complex of constitutional and legal transformations" [5, p. 16]. The authors' views on this issue are that the above strategic issues can also be applied to determine the legal status of small cities precisely during the period of decentralization reform, especially in the context of the creation of united territorial communities created to optimize such territorial communities, their organizational and resource support. While implementing the provisions of the current legislation on decentralization, in the process of determining the legal status of small cities, it is essential to pay attention to the preservation of identification of small cities, but already as the centre of a united territorial community, which will determine its further existence and development. After all, "the city, as V. Shkabarо points out, occupies an important place in the system of the administrative-territorial structure of the state, since it is not only an administrative-territorial unit or a settlement. First of all, it is a space in which diverse interests arise, are realized and protected: individual and collective, state and local, social and economic. Cities not only reflect all social, economic, political, and economic processes that take place in society, they have their own patterns of development and functioning, they are centres of economic, political and spiritual life of a person"[6, p. 3]. It is obvious that in order to solve the formulated task of completing the processes aimed, in particular, at implementing the provisions of the Concept of reforming local self-government and territorial organization of power in Ukraine in accordance with international legal standards, it is necessary to take into account all possible features, including the legal status of small cities, which these transformations will certainly relate to. The prospects of the study are to determine the legal status of small cities of Ukraine, which will allow implementing the basic principles of local self-government defined by the state and European countries, which, in turn, will serve as a basis for solving key, most urgent problems of small cities.

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