

## THE REFORM OF THE ADMINISTRATIVE AND TERRITORIAL STRUCTURE OF UKRAINE: RESULTS AND CHALLENGES

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### INTRODUCTION

The territorial organization of the state plays a key role in ensuring optimal solutions to the problems and functions of society and the state. Most modern countries differ in their internal organizational structure, i.e. the method of territorial division, the number of administrative-territorial units, autonomous units, their authorities, the method of formation, as well as the degree of centralization (decentralization) of state power. The organization of public power, stability of inter-government relations, ensuring sustainable development, meeting the needs and interests of the population depend on the administrative-territorial structure<sup>1</sup>. The Constitution of Ukraine defines the basic principles of the territorial structure of Ukraine, the system of administrative-territorial units of our country, taking into account economic, historical, geographical, environmental, demographic characteristics, ethnic and cultural traditions. However, since the declaration of independence of Ukraine, discussions have begun on the need to reform the existing administrative-territorial structure<sup>2</sup>. Attempts to implement constitutional, administrative, municipal, and other reforms in Ukraine have not yet led to successful results in this area. This issue is important in the current situation when the search for the optimal model of the administrative-territorial structure of Ukraine is being carried out. History shows that destructive trends in countries are a consequence of the lack of a balanced management system, its territorial organization, primarily a balanced administrative-territorial division, and the status of administrative-territorial units<sup>3</sup>. Optimally organized geographically and

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<sup>1</sup> Марова С. Ф. Публічне управління для сталого розвитку: виклики та перспективи на національному та місцевому рівнях. *Збірник матеріалів Міжнародної науково-практичної конференції*. Маріуполь : Донецький державний університет управління ; Український культурологічний центр, 2018. 284 с.

<sup>2</sup> Верменич Я. В. Територіальна організація в Україні, як наукова проблема: регіонально-історичний та політико-адміністративний виміри Київ : Ін-т історії України НАН України, 2008. 160 с.

<sup>3</sup> Войтович Р. В. Публічне управління в умовах інституційних змін : колективна монографія / за наук. редакції д. держ. упр. Р. В. Войтович та П. В. Ворони. Київ, 2018. 475 с.

properly functioning government is a problem of self-preservation of the state, as well as its effective work, effective adaptation to the conditions and needs of society, which are actively changing. Given this issue, the reform of the administrative-territorial structure of Ukraine is the subject of the constant attention of scientists, politicians, and experts<sup>3</sup>.

### **1. Decentralization of public power in Ukraine: distribution of powers at different levels of administrative-territorial structure**

The reform of the local self-government system in Ukraine, which began in 2014, is a response to the demand of society to develop a new ideology of governance, to build the readiness of management to make decisions in conditions of greater freedom of action, and increased personal responsibility. Undoubtedly, the reform of local self-government will not be successful without improving the administrative and territorial structure of the state. Under the decree of the Cabinet of Ministers of Ukraine No. 333-r of April 1, 2014, the concept of reform of local self-government and territorial organization of power in Ukraine was approved<sup>4</sup>. The concept defines the directions, mechanisms, and conditions for the formation of effective local self-government and territorial management organization to create and maintain a full-fledged living environment for citizens, provide high-quality and affordable public services, create institutions of direct democracy, and meet the interests of citizens in all spheres of life. Interests of the state and territorial communities<sup>4</sup>.

Achieving this goal is planned primarily by creating conditions for the sustainable development of territorial communities as independent and self-sufficient social communities, whose members will be able to protect their rights and interests by participating in local issues with the organizational and financial independence of territorial communities and local self-government bodies<sup>5</sup>. The concept states that due to the large fragmentation of territorial communities in Ukraine, local self-government bodies of such communities are practically unable to exercise their powers provided for by law. It's necessary to improve the system of Territorial Management Organization to increase the effectiveness of Social Development Management in the relevant territory. Storage of the disparity of administrative-territorial structure as the basis for the existence of an irrational territorial organization of power (the absence of an integral

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<sup>4</sup> Концепція реформування місцевого самоврядування та територіальної організації влади в Україні : Розпорядження Кабінету Міністрів України від 1 квіт. 2014 р. № 333-р. URL: <http://zakon2.rada.gov.ua/laws/show/333>.

<sup>5</sup> Котенко Я. Локальна ідентичність як умова розвитку об'єднаних територіальних громад (навчальний модуль). Київ : ІКЦ «Легальний статус», 2016. 44 с.

territory of an administrative-territorial unit of the basic level, the presence of a territorial community of villages, towns, cities in another territorial community or another administrative-territorial unit) leads to a conflict of jurisdiction both between local authorities and between local administrations and local executive authorities<sup>6</sup>.

The following changes are envisaged for territorial communities:

- a creation of a legal framework for a voluntary association of territorial communities, in which capable local self-government bodies capable of exercising their powers are formed;

- respect for the principle of subsidiarity, which provides for the transfer of functions from local executive authorities and territorial bodies of central executive authorities to local self-government bodies that have the closest contact with citizens;

- solving the problem of duplication of powers, functions, and tasks of local self-government at different levels;

- ensuring openness and responsibility of the population of territorial communities for the activities of local communities and their officials;

- creation of sufficient material, financial and organizational conditions to ensure the fulfillment of the tasks of local administrations;

- a transformation of state authorities at the local and regional levels based on the principle of optimal provision of administrative and social services to the population;

- development of mechanisms for quality control of public services;

- the greatest participation of residents of territorial communities in making managerial decisions that stimulate the further development of modern forms of direct democratic participation on the ground<sup>6</sup>.

Thus, the concept provides for an optimal distribution of competence between local self-government bodies and executive authorities at different levels of the administrative-territorial organization based on the principles of subsidiarity, decentralization and takes into account the human, financial, infrastructure potential, and resources of local self-government bodies at different levels. By transferring power on land, the Ukrainian state will benefit more. Structural changes are not a loss of authority, they allow optimal use of resources used by local authorities. Accordingly, the goal of the administrative-territorial reform should be to create administrative-territorial units at the basic level that could fulfill their powers<sup>6,7</sup>.

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<sup>6</sup> Лелеченко А. П. Місцеве самоврядування в умовах децентралізації повноважень : навч. посіб. / А. П. Лелеченко, О. І. Васильєва, В. С. Куйбіда, А. Ф. Ткачук. Київ, 2017. 110 с.

<sup>7</sup> Про місцеві державні адміністрації : Закон України від 9 квіт. 1999 р. № 586-XIV. URL: <https://zakon.rada.gov.ua/laws/show/586-14>.

According to the Ukrainian Law “On local self-government in Ukraine”, local self-government bodies are vested with their own powers, within which they act independently and are responsible for their activities. At the same time, local self-government bodies may be granted certain powers of executive authorities (delegated powers), the implementation of which is under the control of the relevant executive authorities. The law states: “Delegated powers – the powers of executive authorities granted to local self-government bodies by law, as well as the powers of local self-government bodies, which are transferred to the relevant local state administrations by decision of district and regional councils”<sup>7</sup>.

In general, the most important issues related to local self-government are defined in the Constitution of Ukraine, 4Art. 143 (Part 1), which provides: that the territorial communities of villages, towns, towns directly or through the local self-government bodies that form them, manage property that is in common ownership; approve programs of socio-economic and cultural development and control their implementation; approve the budgets of the relevant administrative-territorial units and control their implementation; determine local taxes and fees under the legislation; ensure the conduct of local referendums and the implementation of their results; create, reorganize and liquidate municipal enterprises, organizations and institutions and exercise control over their activities; to address other issues of local significance that refer to the law in their jurisdiction (table 1)<sup>8</sup>.

Further distribution 5 of the general powers of the territorial society and its authorities implemented by the Law of Ukraine “On local Self – Government in Ukraine”, which according to the Constitution of Ukraine distributes these rights and obligations among the subjects of their implementation-basic level: councils, their executive bodies (articles 26–41), Village, City chairman (article 42); regional level: competence of district and regional councils (article 43). A separate group consists of the powers of the district and regional councils concerning the relevant local state administrations (article 44)<sup>8</sup>.

As for the powers of representative bodies of local self-government, according to the basic law, there are two types of competence: general and exclusive rights and obligations. General competence is defined in 5 Article 25 of the law of Ukraine “On Local Self-Government in Ukraine”, according to which village, settlement, city councils have the right to consider and resolve issues provided for by the Constitution of Ukraine, this and other laws within their competence. Together with the general qualification 5Article 26 of this law lists issues that basic level councils resolve

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<sup>8</sup> Функції та повноваження місцевого самоврядування. URL: [www.cppk.cv.ua/i/2044348.doc](http://www.cppk.cv.ua/i/2044348.doc). – Назва з екрана.

exclusively at plenary sessions, which is the main organizational and legal form of councils. According to their content, the exclusive powers of these councils, based on the objects of competence, can be divided into the following eight groups.

Table 1

<b>Competence of local self-government<sup>9</sup></b>	
<b>TERRITORIAL COMMUNITIES</b>	
<b>(directly or through local self-government bodies created by them)</b>	
MANAGE	property that is in communal ownership
APPROVE	local budgets; socio-economic and cultural development programs
CONTROL	implementation of local budgets; programs of socio-economic and cultural development; activities of municipal enterprises, organizations, and institutions
ESTABLISH	local taxes and fees
FORM, REORGANIZE, AND LIQUIDATE	Public Utilities, organizations and institutions
PROVIDE	holding local referendums and implementing their results
SOLVE	other issues of local significance that fall within their competence by law
Local self-government bodies may be granted separate powers by law by executive authorities	

1. Powers related to the implementation by the population of forms of expression of Will and determination of the status of self-organization bodies of the population and voluntary associations of self-government bodies:

- making a decision on holding a local referendum;
- making decisions on the organization of referendums and elections of state authorities, local authorities and villages, cities, city heads under the legislation;
- making a decision on the allocation to the self-organization bodies of the population of certain own powers of local self-government bodies and on the transfer of funds, material, technical and other resources necessary for their implementation;

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<sup>9</sup> Лелеченко А. П. Місцеве самоврядування в умовах децентралізації повноважень : навч. посіб. / А. П. Лелеченко, О. І. Васильєва, В. С. Куйбіда, А. Ф. Ткачук. Київ, 2017. 110 с.

- making a decision on joining associations or joining associations, other forms of voluntary associations of local self-government bodies and withdrawing from them;

- making decisions on consent to the organization of cooperation of territorial communities, the subject of which is the territorial community of villages, settlement, towns, in the forms defined by Article 4 of the law of Ukraine “On the cooperation of territorial communities”, on approval of the draft Cooperation Agreement and other decisions related to implementation, following the specified law on the cooperation of territorial communities;

- hearing reports on the implementation following the Ukrainian law on the participation of territorial communities in cooperation of territorial communities, the subject of which is the territorial community of villages, settlement, cities <sup>8</sup>.

2. Powers arising from the supervisory function of the council:

- hearing reports of the chairmen on the activities of the executive bodies of the council;

- making a decision of no confidence in the village, settlement, or city chairman;

- hearing reports of standing committees, heads of executive authorities and officials appointed or approved by them;

- hearing reports of members on their work in the council;

- consideration of requests from members, making decisions on requests;

- making decisions on early termination of the powers of a member of the council under the procedure established by law;

- the cancellation of acts of the executive bodies of the council that do not comply with the Constitution or laws of Ukraine, other laws and decisions of the relevant council adopted within its competence;

- making a decision on early termination of the jurisdiction of a village, settlement, or city chairman in cases provided for by this Law<sup>8</sup>.

3. Powers to organize the work of the council and its established bodies:

- determination of the quantitative composition of the council following the law;

- approval of the provisions of the council;

- formation and liquidation of permanent and other commissions of the council, approval, and modification of their composition, election of committee chairmen;

- formation of the executive committee of the council, determination of its number, approval of the staff;

- change in the composition of the executive committee and its dissolution;

- election on the proposal of the president to the post and dismissal of the secretary of the council;

- confirmation at the suggestion of the village, settlement, city chairman of the structure of the executive bodies of the council, the total number of employees of the council and its executive bodies, the costs of their maintenance; formation at the suggestion of the village, settlement, city chairman of other executive bodies of the council;

- approval of the council's work plan and hearing a report on its implementation;

- creation of mass media of the relevant council, appointment, and dismissal of their heads;

- resolution of the issue of language in the languages used by the council, its executive body and used in official publications, following the law;

- making a decision on early termination of the powers of self-organization bodies of the population in cases defined by law;

Approval of agreements concluded by the village chairman on behalf of the council on issues falling within its exclusive competence<sup>8</sup>.

4. authority in programming and planning, as well as in the field of budget and finance:

- approval of programs of socio-economic and cultural development of the relevant administrative-territorial units, targeted programs on other issues of local self-government;

- approval of the local budget and amendments to it; approval of the report on the implementation of the relevant budget;

- determination of local taxes and fees following the Tax Code of Ukraine;

- a creation of trust funds, approval of regulations on these funds;

- making decisions on local borrowing;

- making decisions on the redistribution of funds from the relevant local budget;

- making decisions on granting benefits under the current legislation on local taxes and fees and land tax;

- establishment of a facility for enterprises, institutions, and organizations belonging to the common ownership of the relevant territorial communities, the amount of profit share is assigned to the local budget<sup>8</sup>.

5. Powers in the field of municipal property management:

- making a decision on alienation following the legislation on the communal property;

- approval of local privatization programs, as well as a list of municipal assets that are not subject to privatization;

- determination of the expediency, procedure, and conditions of privatization of municipal property;
- resolution of issues related to the acquisition of privatized property under the procedure established by law, on the inclusion in communal ownership of alienated real estate in the privatization procedure, the purchase and sale agreement of which was terminated or declared invalid, the granting of a concession of communal property, the establishment, liquidation, reorganization and reorganization of the profiling of enterprises, institutions and organizations of communal property of a separate territorial community;
- reorganization or liquidation of educational institutions of communal ownership is carried out by decision of the local council;
- making decisions on determining the criteria according to which the formation of the supervisory board is mandatory in municipal companies and in companies in the authorized capital of which more than 50 percent of the shares (blocks of shares) belong to the territorial community; on approving the procedure for creating the supervisory board, the procedure for appointing members of the Supervisory Board of a municipal Unitary Enterprise; on determining the type of issues that fall within the exclusive competence of the Supervisory Board of a municipal Unitary Enterprise; on determining the requirements for independent members of the Supervisory Board of municipal private owners and companies in the authorized capital of which more than 50 percent of the shares (blocks of shares) belong to the territorial community;
- determination of the criteria for selecting an independent auditor and classification criteria for municipal individual owners and companies in the authorized capital of which more than 50 percent of shares (blocks of shares) belong to the territorial community, whose financial statements (including consolidated ones) are subject to mandatory audit evaluation by an independent auditor; the procedure for such verification and the procedure for recruiting an independent auditor;
- making decisions on the transfer of certain powers to the management of property belonging to the communal property of the relevant territorial community to other bodies, determining the boundaries of these powers and the conditions for their implementation;
- if it is necessary to create bodies and services to ensure the implementation of joint projects with other subjects of communal ownership or joint financing of municipal enterprises, institutions, and organizations, determine the competence of these bodies;
- decisions under the legislation on the establishment of joint ventures by utility companies, including Foreign Investment <sup>8</sup>.

6. Powers in the field of nature protection, land use, and other natural resources:

- decisions following the law on Land Management;
- approval of land tax rates following the tax code of Ukraine;
- resolution following the law of issues on issuing a permit for special use of natural resources of local significance, as well as on revoking such a permit;
- making decisions on the organization of territories and objects of the nature reserve fund of local significance and other territories that are specially protected; making proposals to the relevant state bodies regarding the declaration of natural and other objects of ecological, historical, cultural, or scientific value, natural monuments, history or culture that are protected by law, making decisions on tenders for breeding and breeding sites of wildlife restriction of economic activity and production of wildlife;
- providing, under the legislation, consent for the construction of new facilities on the territory or objects for waste disposal, the scale of the environmental impact of which, according to current regulations, includes the relevant territory <sup>8</sup>.

7. Powers in the field of improvement and development of human settlements:

- approval under the established procedure of local urban planning programs, master plans for the development of relevant localities, and other urban planning documentation;
- establishment following the legislation of rules for the arrangement of the outskirts of a locality, ensuring cleanliness and order in it, trading in markets, observing silence in public places, for violation of which administrative responsibility is provided;
- making decisions on combating natural disasters, epidemics, epizootics, for violation of which administrative responsibility is provided;
- identification of territories where potentially dangerous activities can be carried out in the presence of the civilian population with the participation of personnel of the Armed Forces of Ukraine, other military formations, and law enforcement agencies with the use of weapons and military equipment;
- making decisions on the creation of special free and other zones, changing the status of these zones, making proposals to the relevant bodies on these issues; giving consent to the formation of such zones at the initiative of the president of Ukraine or the Cabinet of Ministers of Ukraine<sup>8</sup>.

8. Powers in the sphere of social protection of the population, ensuring public order and peace, protecting the rights, freedoms, and legitimate interests of a person and citizen:

- creation following the law at the expense of the local budget of institutions for the provision of free primary legal aid, appointment, and dismissal of the heads of these institutions, inclusion following the

procedure established by the law of individuals or legal entities of private law to provide free primary legal aid;

- hearing information from prosecutors and police leaders on the rule of law, crime-fighting, Public Order, and the results of activities in the district;
- resolving issues of administrative and territorial structure within the limits and under the procedure provided for by this and other laws<sup>8</sup>.

In addition, following the principle of distribution of powers of local self-government bodies, the law of Ukraine “On local self-government in Ukraine” provides for separate powers of executive bodies. The executive committee may consider and resolve issues referred by the law of Ukraine “On local self-government in Ukraine” to the executive bodies of the council. In particular, the executive council: pre-considers drafts of local programs of socio-economic and cultural development, target programs on other issues, the local budget, draft decisions on other issues submitted to the relevant Council; coordinates the activities of departments and other executive authorities, enterprises, institutions, and organizations belonging to the communal property of each territorial community, hears the reports on the work of their leaders; it has the right to make changes or cancel acts of subordinate departments, departments, other executive bodies of the Council, as well as their officials<sup>8</sup>. A village, settlement, or city council may decide on the distribution of responsibilities between its executive committee, departments, administrations, and other executive bodies of the council and rural, populated, and City heads within the limits of the powers granted by law to the executive bodies of the village, settlement, and city councils<sup>10</sup>.

Today, as part of the reform of local self-government and territorial organization of management, the competencies of various state and local self-government bodies are changing. At this stage of decentralization, the community’s powers in the field of land need to be expanded. Legislative regulation of the management of all lands belonging to territorial communities, including those outside localities, is important<sup>9</sup>. Several laws address the issue of extending the land jurisdiction of communities to their territory. In addition to draft legislation No. 4355, which was considered for two years, the Verkhovna Rada of Ukraine registered Government Law No. 7118 and its alternative version No. 7118-1 and draft legislation No. 7363, submitted by the president of Ukraine<sup>11</sup>. Also, a draft law of Ukraine “On amendments to certain legislative acts of Ukraine concerning

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<sup>10</sup> Функції та повноваження місцевого самоврядування. URL: [www.cppk.cv.ua/i/2044348.doc](http://www.cppk.cv.ua/i/2044348.doc).

<sup>11</sup> Надолішній П. І. Етнонаціональний фактор адміністративної реформи в Україні: проблеми теорії, методології, практики : монографія / П. І. Надолішній. К. : Вид-во УАДУ, 1998. 264 с.

the management of land resources within the territory of United territorial communities” was developed to transfer to united communities the authority to dispose of state property in the territories of the respective territorial communities<sup>12</sup>.

The draft legislation introduces amendments to the Land Code of Ukraine, the laws of Ukraine “On local self-government in Ukraine” and “On land lease”, which provide for the transfer of powers to the village, settlement, and city councils of United territorial communities:

disposal of state-owned land, transfer of state-owned land to the ownership of citizens and legal entities, provision of land for use from state-owned land within the limits established by the Code;

– changes in the purpose of private land concerning land located within the locality, as well as on the territory of United territorial communities;

– sale to citizens and legal entities of state-owned land (except for the land plot on which objects subject to privatization are located) and communal property for the needs defined by this Code;

– Withdrawal of land for public and other needs from state and municipal ownership, which is transferred for permanent use, if the local self-government body has these plots<sup>13</sup>.

The draft legislation also defines the list of state-owned land that cannot be transferred to communal ownership.

Delegated powers should be considered separately (fig.2.). The transfer of several powers to local self-government bodies is accompanied by a simultaneous increase in the responsibility of these bodies. Strengthening the position of local self-government in Ukraine will increase the responsibility of citizens to ensure an adequate standard of living. In recent years, there have been changes in the delegated powers of the executive bodies of village, settlement, and city councils, namely:

– participation in the implementation of state regulatory policy within the framework and following the procedure provided for by the law of Ukraine “On principles of state regulatory policy in the sphere of economic activity”;

– organizational support for the provision of administrative services by executive authorities through administrative service centers<sup>14</sup>.

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<sup>12</sup> Про внесення змін до Конституції України (щодо децентралізації влади) : проект закону України № 2217а від 1 черв. 2015 р. URL: [http://search.ligazakon.ua/l\\_doc2.nsf/link1/JH1PL68A.html](http://search.ligazakon.ua/l_doc2.nsf/link1/JH1PL68A.html).

<sup>13</sup> Лелеченко А. П. Місцеве самоврядування в умовах децентралізації повноважень : навч. посіб. / А. П. Лелеченко, О. І. Васильєва, В. С. Куйбіда, А. Ф. Ткачук. Київ, 2017. 110 с.

<sup>14</sup> Ibid.

Table 2

**Own and delegated United territorial community powers**

<b>UNITED TERRITORIAL COMMUNITY OWN POWERS</b>	
- development of local infrastructure: maintenance and construction of roads; water, heat, gas supply and sanitation and landscaping	- provision of Housing and communal services (Heat Supply and sanitation, waste management, maintenance of communal property objects)
- Community Development Planning and budget formation	- maintenance of roads on the territory of the community
- Land Management, granting of construction permits, acceptance of buildings into operation	- monitoring the implementation of council decisions and public safety by the municipal guard
- Organization of passenger transportation on the territory of the community	- Fire Department
- ensuring local economic development (attracting own and foreign investment, developing entrepreneurship, especially at small and medium-sized levels)	- provision of social assistance and administrative services through relevant territorial centers, as well as provision of primary emergency medical care services
<b>DELEGATED AUTHORITY</b>	
- maintenance and organization of work of cultural centers, clubs, libraries, stadiums, sports grounds	- social assistance through territorial centers (in communities)
- administrative services through their provision centers (in communities)	- managing schools and kindergartens
- primary health care	

The concept provides for the distribution of the largest list of powers between communities (villages, settlements, cities). Local authorities receive the necessary human and financial resources and infrastructure to properly exercise their powers. Let's take a closer look at the powers granted to United territorial communities. It should be noted that communities united following the law and the long-term plan are granted the full range of powers that cities of regional significance currently have<sup>15</sup>. The list of permits for United territorial community expenditures is defined, in

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Filipishyna L.M. "E-government as a tool of public administration". *Причорноморські публічно-правові читання* : матеріали Міжнародної наукової конференції, Миколаїв, 10–12 вересня 2021 р. Миколаїв: Видавничий дім «Гельветика», 2021. Ч. 1. С. 173–176)

<sup>15</sup> Формування спроможних територіальних громад : практичний посібник (видання друге). URL: <https://www.auc.org.ua/sites/default/files/library/posibnyk.tergrweb.pdf>.

particular, in articles 89, 91 of the Budget code of Ukraine (Article 89 – expenditures from the budgets of cities, district budgets, budgets of United territorial communities created following the law and the long – term community development plan; 91-expenditures of local budgets can be covered from all local budgets)<sup>16</sup>.

Structural divisions of territorial bodies of central executive authorities at the basic level will provide services for:

- sanitary and epidemiological protection;
- social protection of the population (payment of pensions, subsidies, allowances, provision of benefits);
- Treasury service;
- Civil status registration<sup>17</sup>.

The main responsibilities of local authorities at the district level are to ensure:

- upbringing and education of children in general education boarding schools;
- provision of secondary medical services<sup>18</sup>.

The main responsibilities of local authorities at the regional level are to ensure:

- regional development;
- environmental Protection;
- vocational and technical education;
- providing highly specialized medical care;
- development of culture, sports, and tourism<sup>4</sup>.

In general, the state delegates powers to local self-government bodies operating at the level of an administrative-territorial organization, in which they can and should be carried out by the human, financial, infrastructure potential, and resources necessary for the exercise of powers at this level.

For the optimal distribution of competence between local and executive authorities at different levels of administrative-territorial structure, it is determined:

- improving the system of public involvement in the development of management decisions and monitoring their implementation;

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<sup>16</sup> Децентралізація, управління землями та розвиток громад: матеріали конференції від 14 грудня 2017 р., м. Київ. URL: <http://www.minregion.gov.ua/press/news/nadto-dovgo-diskutuyemoyak-viddati-zemelni-povnovazhennya-gromadam-treba-vzhe-priyamatirishennya-v-yacheslav-negoda/>.

<sup>17</sup> Концепція реформування місцевого самоврядування та територіальної організації влади в Україні: Розпорядження Кабінету Міністрів України від 1 квіт. 2014 р. № 333-р. URL: <http://zakon2.rada.gov.ua/laws/show/333>.

<sup>18</sup> Ibid.

- determination of a sufficient tax base that will allow exercising your powers, taking into account objective criteria for state financing of delegated powers;

- formation of representative bodies of local self-government with their executive bodies at each administrative-territorial level;

- effective state control over compliance with the requirements of the Constitution and laws of Ukraine by local self-government bodies<sup>4,23</sup>.

Therefore, it is necessary to create appropriate material, financial, organizational conditions and personnel to ensure the exercise of local authorities' own and delegated powers in accordance with the following principles:

- availability of resources necessary for the exercise of the statutory powers of local self-government bodies;

- calculation of the amount of compensation subsidy based on uniform standards;

- providing transfers from the state budget directly to each local budget;

- development of regional infrastructure, primarily regional highways, a network of intercity and interregional public transport routes;

- determination of the financial base for local self-government bodies to exercise their powers concerning taxes and fees related to the territory of the relevant administrative-territorial unit;

- provision for local budgets of a part of the funds received from the payment of personal income tax of newly created legal entities within five years from the date of investment in the legal entity;

- granting local self-government the right to regulate the rates of local taxes and fees;

- preventing other local self-government bodies and executive bodies from granting tax incentives that reduce their revenues of local budgets;

- local access to local self-government bodies to attract credit resources for investment development by simplifying procedures for granting loans and local guarantees and balancing them with state control methods aimed at preventing the bankruptcy of municipal property;

- increasing the transparency and efficiency of budget expenditures by introducing a program-target method for all local budgets;

- determination of the material basis of local self-government property, especially land owned by territorial communities;

- granting territorial communities the right to dispose of land resources on their territory, to combine their property and resources within the framework of cooperation of territorial communities for the implementation of joint programs and more effective provision of public services to the population of neighboring territorial communities;

- maximum involvement of the population in making managerial decisions on local issues and promoting the development of forms of direct democracy;

- introduction of effective mechanisms for public participation in the development of important management decisions by local self-government bodies, in particular when determining the development strategy of a territorial community, approving the Charter of territorial communities, projects of urban planning documentation;

- granting the meeting of citizens at the place of permanent residence in accordance with the law and in accordance with the Charter of the territorial community the right to initiate an extraordinary report of local officials of the local community and determining the obligation of local authorities and their officials to justify their decisions;

- a creation of advisory bodies under local self-government bodies to conduct public consultations, facilitate public review of draft decisions and decisions of local self-government bodies;

- ensuring the right of territorial communities to a local referendum;

- improving the process of forming self-organization bodies of the population, establishing a clear procedure for transferring part of the powers to local self-government bodies, as well as providing funds for the exercise of these powers, spending such funds, and reporting on their use;

- spreading the practice of forming self-organization bodies of the population, especially in territorial communities that include residents of several localities;

- introduction of a mechanism for local state administrations to exercise state control over compliance with local government decisions with the Constitution and laws of Ukraine and the quality of public services for the population;

- deprivation of local councils of the right not to express no confidence in the heads of the relevant local state administrations<sup>4</sup>.

Thus, decentralization is understood as the process of redistribution of powers and powers between the central and local levels of state power by shifting the emphasis to the local level in terms of performing pre-defined and guaranteed state functions. When solving the problems of decentralization, it is important to find a balance between centralization and decentralization as a certain need to ensure the effective functioning of local and central authorities. Reasons for transferring greater competence to local authorities include higher levels of efficiency and accountability of local authorities, better opportunities for local development, and the introduction of participatory democracy and the protection of human rights.

## **2. Results and challenges of reforming the administrative-territorial structure at the level of local self-government in Ukraine**

Regulation of regional development in Ukraine is carried out using several tools that at the time of their use prove different degrees and effectiveness. It should be noted the success of the budget and fiscal reform, which significantly strengthened the fiscal and budgetary potential of the community, the creation of the National Regional Development Fund, which strengthened the ability of communities to implement specific projects to address pressing issues of local development. However, such tools are point-based with delays in obtaining and evaluating the result. Since 2014, another important institutional tool for influencing the development and management of Regions has been added to these regulatory tools – the decentralization of power at the level of territorial communities. Decentralization is both the basis for reforming the management of Regions and territorial units, as well as the basis for building local democracy and spreading the principles of local self-government in accordance with European standards<sup>19</sup>.

The legal framework for decentralization reform remains the subject of more attention from politicians, experts, and public figures. This emphasis is due to the need to create and adapt mechanisms for decentralizing power in accordance with current priorities for strengthening statehood and promoting democratic transformation in Ukraine. Among the challenges of implementing decentralization in this area is the problem of consistency of the expected and established regulatory framework of the reform, in particular regarding the creation of viable territorial communities<sup>20</sup>.

The overall vision of the expected changes to the Decentralization Reform was outlined in the concept discussed above. In addition, the Sustainable Development Strategy “Ukraine – 2020” included the decentralization of power in the list of priority reforms necessary to ensure the European standard of living of the country. The goal of the decentralization policy was to move away from the centralized model of governance in the country, ensure the ability of local self-government and build an effective system of territorial structure in Ukraine, fully implement the European Charter of local self-government, subsidiarity, universality, and financial self-sufficiency.

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<sup>19</sup> Жаліло Я. А. Децентралізація влади: порядок денний на середньострокову перспективу: аналітична доповідь / Я. А. Жаліло, О. В. Шевченко, В. В. Романова та ін. ; Національний інститут стратегічних досліджень. Київ, 2019. 115 с.

<sup>20</sup> L.Filipishyna, O. Lomakina. Social and economic, and legal preconditions of the risk of illllegal takeover. Social and legal aspects of the development of civil society institutions: collective monograph. Part I. Warsaw : BMT Erida Sp.z o.o., 2019. 536 p. P. 421–432.

According to the action plan for the implementation of the concept of June 18, 2014, the key priorities of the reform are the creation of approximately 1,500 able-bodied local communities capable of contributing to local development and providing high-quality and affordable local government services. In the context of this task, it was planned to solve the problem of “duplication” of powers between state and local government bodies at different levels<sup>21</sup>.

In 2015–2017, it was planned to complete the process of unification of territorial communities, then reorganize local self-government and local executive authorities on a new territorial basis and merge and unify local public services. At the same time, it is planned to amend the Constitution of Ukraine in terms of forming executive bodies of regional and district councils, modeling administrative-territorial units in the regions<sup>22</sup>.

Due to challenges to territorial integrity, the possibility of making decisions on constitutional changes within the framework of decentralization of power in 2014–2015 was limited<sup>23</sup>. In such circumstances, the main focus is on creating territorial communities capable of developing and providing high-quality and affordable local public services<sup>24</sup>.

The first step in this direction was the adoption of the law on the cooperation of territorial communities of June 17, 2014, which allowed communities to join forces to solve common economic and other problems and implement joint development projects<sup>25</sup>. An additional incentive for the participation of territorial communities was the support of inter-municipal cooperation projects from the State Regional Development Fund.

Forms of inter-municipal cooperation were the implementation of joint projects, including coordination of activities of subjects of cooperation and accumulation of their resources for a certain period for joint implementation of relevant activities; joint financing (maintenance) by subjects of cooperation of companies, institutions, and organizations that are in communal ownership; creation of Joint Economic Services, Institutions and organizations by subjects of cooperation. According to the official register of

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<sup>21</sup> Жаліло Я. А. Децентралізація влади: порядок денний на середньострокову перспективу: аналітична доповідь / Я. А. Жаліло, О. В. Шевченко, В. В. Романова та ін. ; Національний інститут стратегічних досліджень. Київ, 2019. 115 с.

<sup>22</sup> Децентралізація в Україні: досягнення, надії і побоювання. Київ : Український незалежний центр політичних досліджень, 2017. 28 с.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Про створення обласної робочої групи з підготовки пропозицій щодо проекту законодавчого акта про удосконалення адміністративно-територіального устрою Запорізької області : Розпорядження голови Запорізької ОДА від 3 груд. 2018 р. № 635. URL: <http://www.zoda.gov.ua/article /85/rozporyadzhennya-golovi>.

cooperation agreements, 368 were concluded in mid-March 2019, including administrative services, collection, and disposal of household waste, utilities, education and healthcare, etc.<sup>26</sup>.

A turning point in the formation of affluent communities was the adoption of the law “on the voluntary association of territorial communities” of February 5, 2015, and the approval of the methodology for the formation of affluent territorial communities developed by the Ministry of regional development, construction and housing and communal services of Ukraine<sup>27</sup>.

The law granted United territorial communities the same powers as cities of regional significance; normalized direct inter-budgetary relations between United territorial community and the state budget; to provide financial support to United territorial community (the total amount of specific state support is distributed among United territorial community budgets in proportion to their area and size), etc. According to the law, voluntary associations of communities must take into account historical, cultural, and ethnic factors, and the quality and accessibility of public services provided by the united territorial community cannot be inferior to those that existed before the association<sup>28</sup>. The methodology for the formation of viable territorial communities regulates the requirements for long-term plans for the formation of community territories in a particular region, as well as defines the criteria for possible administrative centers of the united territorial community<sup>13</sup>. Thus, the expansion of the competence of local self-government bodies of wealthy communities and financial incentives for the processes of voluntary association of communities have created a legal framework for the rapid dynamics of the formation of a united territorial community.

An additional incentive to increase the speed of formation of wealthy communities was legal support for the voluntary annexation of territorial communities to already formed United territorial communities. This was made possible by the law on amendments to certain legislative acts of Ukraine concerning the voluntary annexation of territorial communities in 2017. According to the law, the chairman of the united territorial community, to which the neighboring community has joined, is not re-elected, and the election of Deputies of the united territorial community council takes place only in the territory that has joined. At the same time, the

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<sup>26</sup> Реєстр договорів про співробітництво територіальних громад / *Офіційний портал Міністерства регіонального розвитку, будівництва та житлово-комунального господарства*. URL: <http://www.minregion.gov.ua/napryamki-diyalnosti/regional-dev/rozvytok-mistsevoho-samovryaduvannya/rejestr/>.

<sup>27</sup> Жаліло Я. А. Децентралізація влади: порядок денний на середньострокову перспективу: аналітична доповідь / Я. А. Жаліло, О. В. Шевченко, В. В. Романова та ін. ; Національний інститут стратегічних досліджень. Київ, 2019. 115 с.

<sup>28</sup> Ibid.

united community becomes the head district of the relevant united territorial community, and the leader of the united community becomes the headman and is a member of the executive committee of the united territorial community. As in the case of voluntary association of communities, the initiator of joining can be residents of the united territorial community, deputies, and the chairman<sup>29</sup>.

In one year, the accession mechanism was applied to cities of regional significance – key centers of economic activity. Thus, on April 3, 2018, the law of Ukraine “On amendments to the law of Ukraine “On the voluntary association of territorial communities” was adopted<sup>30</sup>.

This law simplified the possibility of uniting individual communities on the principle of involving territories, which does not require re-election of the mayor and the corresponding City Council but provides for the mandatory inclusion of the united community in the executive committee of the city council. The adoption of this law gave an impetus to the process of forming a united territorial community. At the same time, the position of this law that urban territorial communities bordering cities of regional significance are legally deprived of the possibility of such an approach is problematic<sup>31</sup>.

The form of approach to cities of regional significance is one of the driving forces of voluntary community reunification at a new stage of reforms.

The beginning of a new phase of the Decentralization Reform is reflected in the action plan for the implementation of a new stage of the reform of local self-government and territorial management organization in Ukraine for 2019–2021, approved on January 23, 2019, at the community level by completing the process of voluntary community reunification. The public demand to further build up the capacity of communities and the political will after the 2020 local elections on a new territorial basis underscore the need to complete the process of forming United communities with additional incentives. We are talking about speeding up the presentation of long-term united territorial community plans for all districts with 100 % territorial coverage; maximum promotion of voluntary integration, especially in cities of regional significance; approval of the territory of the community of all regions, that is, completing the creation of administrative-territorial units of the basic level. This means that in 2019, the process of uniting territorial communities will remain voluntary, while the probability of using the

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<sup>29</sup> Жаліло Я. А. Децентралізація влади: порядок денний на середньострокову перспективу: аналітична доповідь / Я. А. Жаліло, О. В. Шевченко, В. В. Романова та ін. ; Національний інститут стратегічних досліджень. Київ, 2019. 115 с.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

administrative method of approving the territory of communities in all regions will increase in 2020<sup>32</sup>.

Taking into account the progress made in the creation of viable territorial communities and sectorial decentralization, it's necessary to identify the current difficulties that arise in the process of implementing the reform and which may hinder the achievement of its strategic goals. Thus, the process of reviewing and adopting some key laws on decentralization remains unnecessarily slow. Delays in the adoption of legislation slow down the implementation of the Decentralization Reform and may indicate a lack of political will to implement the new phase. Without qualitative changes in the regulatory field, it is impossible to achieve quantitative changes in the formation of affluent territorial communities and the construction of a new district administration. Instead, effective teamwork and the joint efforts of key government officials in formulating the rules can lead to the timely adoption of important legislative changes. This is not a competition for leadership in this context, but an awareness of the need to consolidate the efforts of the president, parliament, and government for further progress in joint reform.

One of the biggest problems of the legal sphere is the delay in implementing amendments to the Constitution necessary to implement the tasks of reforming local self-government. Such changes, in particular, should provide for a clear definition of the administrative-territorial structure, the powers of local self-government bodies at the subregional level, and clarification of the responsibilities of state administrations. According to the content of the reform, United territorial communities should form a new basic level of administrative-territorial structure and create the basis for the transformation of the district level of Public Power.

Now the uncertainty of the new competence of districts leads to the parallelism of administrations, resistance to decentralization, difficulties in distributing services between United territorial community and local self-government bodies that continue to be subordinate to the district. Meanwhile, draft law No. 8051 "On the basics of administrative-territorial structure" has not been considered since its registration in the Verkhovna Rada of Ukraine in February 2018. The absence of such a law increases a certain unpredictability of changes in the territorial organization of power. In addition, the lack of constitutional changes raises doubts about the irreversibility of the Decentralization Reform<sup>33</sup>.

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<sup>32</sup> Жаліло Я. А. Децентралізація влади: порядок денний на середньострокову перспективу: аналітична доповідь / Я. А. Жаліло, О. В. Шевченко, В. В. Романова та ін. ; Національний інститут стратегічних досліджень. Київ, 2019. 115 с.

<sup>33</sup> Ibid.

Further successful implementation of the reform of local self-government and decentralization of power, the reform of territorial communities as elements of the basic level of Territorial Administration should take place in the context of a systematic reform of the administrative-territorial structure. The completion of the process of unification of territorial communities, the holding of regular local elections in 2020 should correspond with the formation of a new system of administrative-territorial structure, the reform of the territorial organization of power at the subregional level, synchronization of this process with the introduction of educational, medical and other sectoral reforms. The criteria that administrative-territorial units of all levels should meet should be established based on the adoption of basic legislation on the new system of administrative-territorial structure and the acceleration of the unification of territorial communities exclusively under the long-term plans for the formation of territorial communities of regions and the requirements of the methodology for determining their ability<sup>34</sup>.

According to the action plan for the implementation of a new stage of reforming local self-government and territorial organization of power in Ukraine for 2019–2021, the first task of the measures is “formation of a new territorial basis for the activities of government bodies at the level of communities and districts”. Within the framework of this task, it is planned, among other things, to develop and submit a draft law of Ukraine on the settlement of the issue of approval of the administrative-territorial structure of the basic level, as well as support in the Verkhovna Rada of Ukraine of the draft law of Ukraine “On the basics of the administrative-territorial structure of Ukraine”.

The draft legislation contains provisions that expand the powers of the Verkhovna Rada of Ukraine. Constitution of Ukraine (paragraph 29 of Part One 2485) the powers of the Verkhovna Rada of Ukraine included such issues as “formation and liquidation of districts, establishment, and modification of borders of districts and cities, assignment of settlements to the category of cities, naming and renaming settlements and districts”. Draft law No. 8051 gives the parliament additional powers regarding, for example, the adoption of laws “On the formation, reorganization and liquidation of communities” (parts one-four, seven 24Art. 15) “On the transfer of the administrative center of the community” (parts five-seven 24Art. 15) “On the formation, reorganization and liquidation of districts” (parts one-five, seven-eighths 24Art.16). These powers of the Verkhovna Rada of Ukraine, if the law “On the basics of administrative-territorial structure” is adopted,

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<sup>34</sup> Жаліло Я. А. Децентралізація влади: порядок денний на середньострокову перспективу: аналітична доповідь / Я. А. Жаліло, О. В. Шевченко, В. В. Романова та ін. ; Національний інститут стратегічних досліджень. Київ, 2019. 115 с.

will be considered such that they do not comply with the Basic Law of Ukraine<sup>35</sup>.

This conclusion is made by experts based on an analysis of the Constitution of Ukraine, which defines that the Verkhovna Rada of Ukraine, in addition to the powers established by Article 85 of the Constitution, “also exercises other powers that, according to the Constitution of Ukraine, are assigned to its jurisdiction.” That is, the powers of the Verkhovna Rada of Ukraine defined in the Constitution of Ukraine and its amendments are exhaustive, and their expansion by adopting laws is not allowed<sup>36</sup>.

One of the norms that leads to a delay in the consideration of draft law No. 8051 is the definition of the concept of “district”, proposed by Article 8 of the draft law. Thus, a district is an administrative-territorial unit of the sub-regional level, which consists of communities with a total population of at least 150 thousand inhabitants<sup>37</sup>.

The introduction of such a term “district”, according to the main scientific and Expert Department of the Verkhovna Rada of Ukraine, will reduce the number of districts in Ukraine by about three times, since there are a significant number of districts up to 150 thousand inhabitants<sup>13</sup>. The new action plan for the Decentralization Reform for the period up to 2020 aims to approve the new territorial basis of the country – 100 capable districts. This view was reflected in the presentation “decentralization: a new stage. Main tasks for the period up to 2020”<sup>38</sup>.

It should be noted that in some regions of Ukraine, work has already been carried out to create a new administrative-territorial structure by developing and submitting appropriate projects for the creation, abolition, and modification of district borders. The draft law” on the creation, liquidation, and modification of the borders of districts of the Poltava region “ dated October 16, 2018, was registered by the Verkhovna Rada of Ukraine. The law legislation provides for the creation of 4 districts in the Poltava region instead of 25 existing ones. Similar law legislations were also submitted to the Verkhovna Rada of Ukraine on the formation of a new district level in the regions of Chernihiv, Mykolaiv, Sumy, Kirovohrad, Kherson, and Ivano-Frankivsk. Thus, the relevant draft laws in Chernihiv region provide for the formation of 4 districts instead of 22 existing ones, Mykolaiv Region – 4 districts instead of 19 existing ones, Sumy Region –

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<sup>35</sup> Крестовська Н. М. Теорія держави і права : підручник / Н. М. Крестовська, Л. Г. Матвеева. К. : Юрінком Інтер, 2015. – 584 с.

<sup>36</sup> Жаліло Я. А. Децентралізація влади: порядок денний на середньострокову перспективу: аналітична доповідь / Я. А. Жаліло, О. В. Шевченко, В. В. Романова та ін. ; Національний інститут стратегічних досліджень. Київ, 2019. 115 с.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

5 districts instead of 18 existing ones, Kirovohrad Region – 3 districts instead of 21 existing ones, Kherson region – 4 districts instead of 18 existing ones, Ivano-Frankivsk region – 3 instead of 14 existing ones<sup>39</sup>.

The disadvantage is the lack of clear economic, social, demographic, and other types of justification for the models of the proposed expanded territories. The territorial accessibility of remote localities to the Centers of the proposed expanded districts and the location of territorial representative offices of central executive authorities were not analyzed. In addition, the draft legislations don't provide for amendments to the laws "On local self-government in Ukraine", "On local state administrations", "On local elections". Their adoption will lead to formal consolidation of districts and will not solve problematic issues of duplication of powers between United territorial community councils, district state administrations, and district councils. The provisions of the draft legislation on the exercise of the powers of Deputies of district councils that are part of consolidated districts for the next local elections to district councils of expanded district centers are also contradictory since this contradicts the provisions of the law "On local self-government in Ukraine".

The need to address the issue of streamlining the district level of management and a clear distribution of responsibility between district executive authorities and local administrations of united territorial communities is mainly related to solving the problems of creating district budgets, in which newly created united territorial communities fully cover their territory, and the problems of sharing the property of such territories.

With the creation of the United territorial community that fully covers the territory of a certain district, district councils lose their sources of funding and powers, but there is no legislative framework for stopping their activities. In the process of functioning of United territorial community, they are faced with the fact that the legislative level does not regulate the distribution of competence between district councils, district state administrations, and Rural, Settlement, city councils of United territorial communities in areas whose territory mainly or completely covers the established United territorial communities. There is a district state administration and a district council with corresponding maintenance costs and executive bodies of the united territorial community. Resolving the above-mentioned conflicts of authority and resources should significantly increase the effectiveness of Management in this area<sup>40</sup>.

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<sup>39</sup> Жаліло Я. А. Децентралізація влади: порядок денний на середньострокову перспективу: аналітична доповідь / Я. А. Жаліло, О. В. Шевченко, В. В. Романова та ін. ; Національний інститут стратегічних досліджень. Київ, 2019. 115 с.

<sup>40</sup> Ibid.

With an increase in the number of united territorial communities, the number of districts whose territory is fully or mainly covered by established united territorial communities also increases. Thus, according to the latest data in Ukraine, the territory of 18 districts is already fully covered by the established united territorial community. In 144 districts, the territory is covered by 50–99 % of established united territorial communities, in 206 districts – by 1–49 %. However, no united territorial communities have been formed in 97 districts<sup>41</sup>.

In districts whose territory is fully or mainly covered by established united territorial communities, there is a situation when the resources that make up the district budget of these districts are fully transferred to the budgets of the newly created united territorial communities. In addition, the common property of territorial communities of such districts is fully transferred to the communal ownership of the united territorial community<sup>42</sup>.

When developing models for newly expanded districts, it's necessary to take into account those united territorial communities that are formed by territorial communities from neighboring districts. In other words, it is more expedient not to take as a basis the borders of certain districts that are not currently established, but the borders of united territorial communities that are created by combining territorial communities from other districts. So, a prerequisite for reforming the sub-regional (district) level should be the completion of work on the completion of long-term plans for the formation of territorial communities of the regions and their approval in the final version<sup>43</sup>.

As of January 11, 2019, the government has approved 23 long-term plans for the development of the community in the regions, of which only one hundred percent cover the territories of the respective regions<sup>44</sup>.

The specifics of implementing educational, medical, and other sectoral reforms should be taken into account when changing long-term plans for creating territorial communities.

Based on consultations with the representative bodies of local self-government of territorial communities of cities of regional significance and

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<sup>41</sup> Про засади адміністративно-територіального устрою України : проект закону України № 8051 від 22 лют. 2018 р. URL: <http://w1.c1.rada.gov.ua/pls/zweb2/webproc4>.

<sup>42</sup> Жаліло Я. А. Децентралізація влади: порядок денний на середньострокову перспективу: аналітична доповідь / Я. А. Жаліло, О. В. Шевченко, В. В. Романова та ін. ; Національний інститут стратегічних досліджень. Київ, 2019. 115 с.

<sup>43</sup> Ibid.

<sup>44</sup> Як регіони працювали у 2018 році над перспективними планами формування територій громад : дані моніторингу Мінрегіону. URL: <https://decentralization.gov.ua/news/10468>.

neighboring rural and settlement communities, long-term plans for the creation of territorial communities should provide for the possibility of joining territorial communities of cities of regional significance. The methodology for the formation of able-bodied territorial communities should define the criteria and ensure further unification of territorial communities only under the long-term plans of territorial communities of Regions and the methodology for the formation of capable territorial communities.

Some regions began to form an administrative-territorial structure at the district level through broad public and professional discussions<sup>45</sup>. Thus, a regional working group was created in the Zaporizhia region to prepare proposals for a draft legislative act on improving the administrative and territorial structure of the Zaporizhia region<sup>46</sup>. Before the creation of the working group, there was a broad public discussion of models for reforming the administrative-territorial structure and organization of management at the district level, which was carried out within the framework of the project “model for reforming the administrative-territorial structure and organization of management at the district level of Dnipropetrovsk and Zaporizhia regions”<sup>47</sup>. The discussion covered all 20 districts of the Zaporizhia region and summarized the proposals of representatives of united territorial communities councils, district state administrations, district councils, civil society institutions on the number and forms of future expanded districts, approaches to the organization of Management in these expanded districts. This approach is more favorable for the implementation of administrative and territorial reform since when creating a new district level, it is necessary to take into account not only the totality of socio-economic indicators but also certain regional and local features<sup>48</sup>.

Zaporizhia region is one of the top three national leaders in the process of decentralization and reform of local self-government. According to the monitoring conducted by the Ministry of regional development, construction

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<sup>45</sup> Експерти за «круглим столом» обговорили актуальні питання процесу децентралізації. URL: <http://zor.gov.ua/content/eksperty-za-kruglym-stolom-obgovoryly-aktualni-pytannya-procesu-decentralizaciyi?fbclid>.

<sup>46</sup> Про створення обласної робочої групи з підготовки пропозицій щодо проекту законодавчого акта про удосконалення адміністративно-територіального устрою Запорізької області : Розпорядження голови Запорізької ОДА від 3 груд. 2018 р. № 635. URL: <http://www.zoda.gov.ua/article /85/rozporyadzhennya-golovi>.

<sup>47</sup> Експерти НІСД взяли участь у круглому столі на тему «Модель реформування адміністративно-територіального устрою та організації управління на районному рівні Дніпропетровської та Запорізької областей». URL: <http://www.niss.gov.ua/articles/3181/>.

<sup>48</sup> Жаліло Я. А. Децентралізація влади: порядок денний на середньострокову перспективу: аналітична доповідь / Я. А. Жаліло, О. В. Шевченко, В. В. Романова та ін. ; Національний інститут стратегічних досліджень. Київ, 2019. 115 с.

and housing and communal services of Ukraine, the Zaporizhia region ranks first in terms of indicators: “Area of United territorial community, cities of regional significance”-68.4 % of the territory of the region is covered by communities, “Areas not covered by association, accession” – in each district of the region created; “coverage with long – term plans” – 100 % of the territory of the region. In second place – in terms of “the number of territorial communities that have not united” – 33.1 % and in third place – in terms of “the number of United territorial communities, cities of regional significance” – 88.2 % of the total population of the region.

Currently, 67 united territorial communities have been created in the region, which has taken responsibility for the development of their territories. Of these, the first local elections were held in 48 territorial communities.

Meanwhile, the region continues to actively unite communities and join existing United territorial communities and cities of regional significance in village and settlement councils.

Thus, the results of the study confirm the conclusion that the issue of coordinating the results of creating united territorial communities and determining the boundaries of expanded areas is relevant since the process of forming united territorial communities has led to the absorption of a large number of districts. In addition to the issue of creating an appropriate territorial base for the functioning of local authorities at the district level, an important task is to determine their competence, structure, relationship with the executive branch, role, and place in the local government system.

## **CONCLUSION**

Expanding the competence of local self-government bodies at the community level and financially stimulating the processes of voluntary association of communities have created a legal framework for the rapid dynamics of the formation of united territorial communities. Since April 2019, the territory of the formed united territorial community has accounted for more than a third (38.5 %) of the total area of Ukraine. More than 9.1 million people live in such communities (which is 25.7 % of the total population of Ukraine). In general, almost 70 % of the country’s population lives in united territorial communities and cities of regional significance. The average number of territorial communities united in one united territorial community is 4.6, and the average population of one united territorial community is 10,284 people. As of January 1, 2022, Dnipropetrovsk, Lviv, and Zaporizhia regions are among the top three regions in terms of local government reform procedures.

The concept of reform of local self-government and territorial organization of Management in Ukraine provides for the optimal distribution

of responsibility between local authorities and executive authorities at various levels of administrative-territorial structure based on the principles of subsidiarity and decentralization and takes into account the human, financial, infrastructure potential and resources of local self-government bodies.

An important step in regulating the territorial foundations of the functioning of local self-government bodies at the district level should be the introduction of appropriate amendments to the Constitution of Ukraine. The existing draft of such changes provides for fixing the principle of subsidiarity as the basis of the administrative-territorial structure of the state; institutional differentiation between local executive authorities and state executive authorities at the regional and district levels based on the creation of the Institute of prefects, which will represent the state at the local level and the creation of its executive bodies of regional and district councils. The key task of the administrative-territorial reform is to create an appropriate territorial base for the functioning of local authorities at the basic, district, and regional levels. This should lay the foundations for strengthening the ability of local self-government as a form of public power to perform self-governing functions and powers, as well as for developing forms and means of solving local issues. Reasons for facilitating the transfer of greater authority to local authorities include higher levels of efficiency and accountability of local authorities, better opportunities for local development, and the introduction of participatory democracy and the protection of human rights.

## **SUMMARY**

The organization of public power, the stability of intergovernmental relations, the provision of sustainable development, the satisfaction of the needs and interests of the population depend on the administrative-territorial structure. Optimally organized territorially and properly functioning power is a problem of self-preservation of the state, as well as its effective work, effective adaptation to actively changing conditions and the needs of society. Given this issue, the reform of the administrative-territorial structure of Ukraine is the subject of constant attention of scientists, politicians and experts.

Along with the considerable attention of researchers to this issue, there is still a need to deepen knowledge about European standards of the administrative-territorial structure, the status of administrative-territorial units and compliance with the administrative-territorial structure of Ukraine. There is also a lack of scientific theoretical, practical and useful aspects of reforming the administrative-territorial structure in Ukraine.

The paper reveals the problems and prospects of reforming the administrative-territorial structure of Ukraine, namely, the concept and content of the administrative-territorial reform are analyzed; disclosed the specifics of the administrative-territorial structure of Ukraine; the distribution of responsibility at different levels of the administrative-territorial organization in the context of the decentralization of power in Ukraine was determined; studied the results of the reform of local self-government in Ukraine and identified approaches to the territorial organization of power at the district level.

The object of the study is public relations in the field of regulation of issues of administrative-territorial structure. The subject of the study is the reform of the administrative-territorial structure of Ukraine.

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