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## INTERACTION OF PUBLIC AUTHORITIES AT THE REGIONAL AND LOCAL LEVELS ON REALIZATION OF OWN POWERS IN THE FIELD OF SOCIAL PROTECTION OF THE POPULATION

*The article deals with the actual issues of interaction between the bodies of state executive power and local self-government bodies at the regional and local levels, outlines the main models of such interrelations, and investigates the types of structural relations. The article analyzes the changes in the system-organizational links of these bodies in the conditions of decentralization of power taking the care of management in the sphere of social protection of the population. The authors developed recommendations for the creation of an effective mechanism for interaction between state executive authorities and local self-government bodies.*

**Key words:** *state executive body, local self-government body, interaction, model of relations between state executive authorities and local self-government bodies, structural relations, subordination, coordination, reorganization, multilevel governance, decentralization of power, territorial communities, social protection of the population, provider of social services.*

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## ВЗАЄМОДІЯ ОРГАНІВ ПУБЛІЧНОЇ ВЛАДИ НА РЕГІОНАЛЬНОМУ ТА МІСЦЕВОМУ РІВНЯХ ЩОДО РЕАЛІЗАЦІЇ ВЛАСНИХ ПОВНОВАЖЕНЬ У ГАЛУЗІ СОЦІАЛЬНОГО ЗАХИСТУ НАСЕЛЕННЯ

*В статті розглянуті актуальні питання взаємодії органів державної виконавчої влади і органів місцевого самоврядування на регіональному та місцевому рівнях, окреслені основні моделі таких взаємовідносин, досліджені види структурних зв'язків.*

*Зазначені основні науковці, сферою інтересів яких є питання взаємодії органів державної виконавчої влади та органів місцевого самоврядування.*

*Проаналізовані зміни в системно-організаційних зв'язках зазначених органів в умовах децентралізації влади на прикладі управління сферою соціального захисту населення.*

*В статті є посилання на чинне законодавство, яке регулює питання взаємодії органів державної виконавчої влади та органів місцевого самоврядування. Проаналізовані Методичні рекомендації Мінсоцполітики України щодо організації та забезпечення діяльності об'єднаної територіальної громади у сфері соціального захисту населення та захисту прав дітей з позиції організації взаємозв'язків між органами державної влади та органами місцевого самоврядування, які здійснюють повноваження в сфері соціального захисту.*

*Досліджені зміни в складній мережі взаємодій в рамках багаторівневого управління регіональним розвитком в системі соціального захисту населення в умовах децентралізації влади.*

*Авторами надані рекомендації щодо створення ефективного механізму взаємодії органів державної виконавчої влади та органів місцевого самоврядування.*

**Ключові слова:** *орган державної виконавчої влади, орган місцевого самоврядування, взаємодія, модель взаємовідносин органів державної виконавчої влади і органів місцевого самоврядування, структурні зв'язки, субординація, координація, реординація, багаторівневе управління, децентралізація влади, територіальні громади, соціальний захист населення, надавач соціальних послуг.*

Постановка проблеми

The interaction of state executive bodies and local self-government bodies at the regional and local levels is one of the main problems in the development of public administration in Ukraine.

In recent years, there have been many examples of problematic situations that, in some cases, have resulted in an open conflict between two types of public administration. As the analysis of the events taking place in Kyiv, Vinnytsya, Zaporizhye, Mariupil, Mykolaiv, Odessa reveals that the reason for the confrontation was the lack of clear regulation of powers and responsibilities but in latent form was observed almost in all cities that are the centers of oblasts or raion, in particular: the dualism of territorial and financial and economic bases in exercising of competence of both local self-government bodies and state executive authorities at the local level. In a number of cases, there was a personal conflict that was aggravated by the reasons of ideological and political nature. All that influenced the system of both local and state (first of all, regional levels) management [9, p. 7; 10, p. 53]. As a rule, the system of social protection suffers mostly from such facts, since the decisions taken in this area are closely related to the inhabitants of the local communities.

Аналіз останніх досліджень і публікацій

An analysis of recent studies and publications showed that the problems of cooperation between public authorities and local governments are analyzed in the works of a number of well-known Ukrainian scholars and practitioners: V. Bakumenko, V. Kampo, V. Karpenko, A. Krujian, P. Nadolishnoy, N. Nizhnik, L. Prikhodchenko, S. Sahaninka and others.

Виділення не вирішених раніше частин загальної проблеми

The article is devoted to the resolution of inconsistencies and existing imperfections in the mechanism of interaction between the bodies of state executive power and local self-government in the sphere of social protection of the population.

Мета

The purpose of the article is to analyze the interaction of public authorities at the regional and local levels taking the case of mutual relations in the field of social protection of the population and to develop recommendations for improving the mechanism of interaction between the bodies of state executive power and local self-government.

Вклад основного матеріалу

According to Article 35 of the Law of Ukraine «On Local State Administrations», local state administrations in the relevant territory interact with village, settlement and city councils, their executive bodies and village, town and city mayors, and assist local self-government in the implementation of their own powers, in particular in resolving issues of economic, social and cultural development of the respective territories, in strengthening of the material and financial base of local self-government the executive authorities, control the implementation of the powers provided to by law of consider in their work and take into account the proposals of councillor, local self-government bodies and their officials [2].

According to Article 76 of the Law of Ukraine «On Local Self-Government in Ukraine», bodies and officials of local self-government are responsible for the violation by them of the Constitution or laws of Ukraine. Bodies and officials of local self-government, exercising their delegated from the executive bodies powers are subject to the relevant executive authorities [1].

In the domestic and foreign literature one can find several different approaches to the analysis of the relationship between the government and local self-government. The «model of partnership» that emerged from the comprehension of the experience of states that arose through the unification of various local communities into a single state, considers the relations of local self-government and state power at the local level as partnerships that pursue common goals and provide the necessary services to the population [9, p. 7; 10, p. 53]. The positive experience of the public authorities of the Mykolayiv region, where the «Integrated program of social protection of the population Care for the period up to 2020», is approved by the decision of the oblast council dated 22.12.2016 № 5 (with amendments and additions) [12]. The program envisages social protection and support anti-terrorist operations participants and their families, in particular: the purchase of housing for combatants from the number of military personnel who participated in the anti-terrorist operation and need improvement of living conditions on co-financing (50% to 50%) from city budgets, villages, settlements, township or consolidated local communities and raions of the region. In the oblast budget for 2018, the funds for this purpose are estimated at UAH 10000.0 thousand. By September 1, 2018, rayon and city budgets have been allocated to: Berezhneuvatsky rayon – 100.0 thousand UAH; Snihuri rayon – 300.0 thousand UAH; Yuzhnoukrainsk – 600,0 thousand UAH; Mykolaiv – 5205.0 thousand UAH. Unfortunately, this practice is not widespread in other regions of Ukraine.

The so-called «agency model,» widely studied by Ukrainian researchers, focuses on the leading role of the state in relations with self-government. Local governments are considered to be a kind of instrument by which the state implements its policy at the level of communities. According to the supporters of this model, the state has a more powerful mandate, as well as a much broader vision in the decision-making process. Therefore, the state, represented by its own territorial bodies, has the full right to direct and direct the activities of local self-government [9, p. 7; 10, p. 53]. For example, the oblast state administration carries out coordination (control) over the implementation of delegated powers by local self-government bodies, in particular delegated powers on social protection of the population defined in Article 34 of the Law of Ukraine «On Local Self-Government in Ukraine» [1].

In contrast to these concepts that emerged in the early twentieth century, in contemporary studies, the model of relations between state power and local self-government, based on the «concept of interdependence», is more and more commonplace. The relationship between the two types of public authority is characterized by a degree of independence and interdependence, and are determined by the real power potential of the parties at their disposal, resources and pressure levers. A significant role in this is played by a personality factor, the right choice of a

particular strategy. Since the state is currently unable to fully control local self-government, it builds its relations with it on the basis of negotiations, compromise, information exchange, and reordination. Consequently, not only local self-government is politically and financially dependent on the state, but also the state gets into a certain dependence on local self-government in realizing its political and economic course.

The political-managerial relations that arise between state power and local self-government can be varied in nature. In particular, depending on the nature of the managerial relations that arise between local self-government and state authorities, they determine the following types of structural relationships, as subordination, coordination and reordination [9; 10; 8, p. 56].

First of all, state power, unlike the local government, being sovereign, has exclusive competence with regard to local self-government. Local government authorities have the right to make binding legal and regulatory decisions from a certain range of issues on which the management process depends in specific settlements. An analysis of the current regulatory framework provides assumption that the state is gradually changing its policy on local self-government, taking into account the interests of members of territorial communities. This is primarily about the development of new self-government principles enshrined in the Constitution of Ukraine, a number of laws based on the recognition of local self-government as an independent form of public administration, the primacy of territorial communities in the system of self-government. Almost every act of a local state administration addresses the issue of competence of local self-government bodies on a specific subject, which is regulated by this normative act, and therefore contains the norms that they attribute to the sphere of state management of local development.

Thus, the acts of the local state administration, adopted within its competence, are mandatory for executive bodies of local self-government and are an element of subordination relations that arise in the system of relations between state authorities at the local level and executive bodies of local self-government.

An indicator of the existence of subordinate links in the system of relations between state authorities and local self-government is the right of state authorities to expand their competence through the competence of local self-government. A variety of subordinate links is the right of state authorities to provide methodological guidance, suggestions and recommendations.

In the conditions of a gradual transformation of the mechanism of administrative management of self-government, coordination in the system of relations between the state and local self-government becomes of increasing importance. Coordination is a form of interaction between public authorities and local self-government, in which there is no relationship of subordination or superiority. Coordination relations are based on the mutual interest of the bodies of various types of public authorities in coordinating their managerial influences. The main vector of interaction within the framework of such a model are functions of management, such as coordination, the establishment of functional interdependence of actions and means of achieving goals. The main task that is solved in the course of coordination is coordination of interests of the local community and national interests.

In the process of coordinating activities between local self-government bodies and state authorities, several types of coordination relations are formed. One of the most widespread type of them is the creation and operation of special coordination authorities at the heads of local state administrations or at the heads of oblast (rayon) councils. For example, in the Mykolayiv oblast State Administration, a Coordinating Council on Family and Women has been established, the composition and provisions of which were approved by the order of the head of the Mykolayiv oblast State Administration dated November 8, 2013, N 330-p (in the wording of the order of the head of the Mykolayiv oblast State Administration dated October 24, 2018, N 454- p) [11].

A significant variety of coordination links between public authorities and local self-government is the holding of joint meetings on topical issues of local development. As a rule, they are conducted in separate areas of local politics consisting of representatives of state authorities and local self-government to coordinate actions on certain issues.

Regular information exchange is the next type of coordination interactions. We are talking about information that is essential for both the self-government bodies to exercise their own powers and for the exercise of their functions by public authorities. An example of such coordination interaction could be regular working meetings of heads of oblast state administrations with heads of local councils, which discuss the issues that require coordination of efforts and concerted actions [9; 10; 8, p. 57-61].

At the stage of reforming the system of state administration and local self-government bodies, the problem of improving local government, in particular interaction between public administration and local self-government bodies, is very topical. To address effectively local issues, a model is needed to ensure the necessary unity of state power with the simultaneous independence of territorial communities, and to promote the effectiveness of cooperation between public authorities and local self-government bodies. Interaction between public administration and representative bodies of local self-government is needed and logically grounded. This allows the most effective implementation of the principle of combining state and local interests with the implementation of local management. The implementation of delegated powers by oblast state administrations allows improving the quality of public administration, since state tasks are solved with an understanding of the essence of the problems of the population of oblast or raion and taking into account local opportunities. Such delegation avoids the creation of bulky and numerous executive bodies of oblast and raion councils for maintaining the quality of execution authority. The Laws of Ukraine «On Local Self-Government in Ukraine» and «On Local State Administrations» defined the areas of competence of local self-government bodies and local (oblast and raion) executive authorities. Some procedural issues remain unsolved, most of which may aggravate the conflict between local administrations and local councils at all levels [1; 2; 9].

Another type of relationship between public authorities and local self-government bodies is reordination (from latin «reordering» – reciprocal interaction). The content of

the reordering relations in the system of management, the reorganization of structural relations in particular can be expressed by the formula: «You manage me, but I in some aspects and in a certain way direct you». These aspects do not reduce, but increase the efficiency of management [8, p. 56-62; 9; 10].

As it seems, in the relationship between state authorities and self-government there are the following types of reordination.

First, local self-government has exclusive competence on a number of issues of local importance. Local government recognizes the right to make final decisions on a certain range of issues. Such decisions, which, in their compliance with the law, can not be canceled or terminated by state authorities, even if the latter consider them inappropriate. The response of the state authorities to such decisions is limited to only critical remarks and recommendations for their cancellation or subsequent adjustment. Such decisions are mandatory for execution in the respective territory.

Secondly, the right of local self-government bodies to violate the jurisdictional process in relation to public authorities, in the person of its bodies and officials operating in the territory, has a reordering character.

Thirdly, the right of local self-government to speak with a rule-making initiative to executive bodies of state power is also an example of a reordinating relationship between state power and local self-government.

Fourthly, local self-government bodies also have such a re-ordination right as participation in the appointment and dismissal of heads of local units of executive power bodies. Thus, according to the Law of Ukraine «On Local Self-Government in Ukraine», the councils have the right to raise the issue of dismissal of heads of local bodies of internal affairs after of the recognition of their activities unsatisfactory for the relevant authorities [1].

The next type of reordination is the right of local self-government bodies to participate in the preparation of decisions by the public administration if they affect the interests of local communities.

One of the forms of reordinative interaction between local self-government and state power may be the agreements made between the local administration, territorial subdivisions of central bodies of executive power and self-government.

A part of the redevelopment of relations between state authorities and local self-government is also the institution of delegation of powers of bodies of joint competence of local communities to local state administrations [8, p. 56-62; 9; 10].

The Law of Ukraine «On voluntary consolidation of local communities» (February 5, 2015) opened the process of the consolidation of local communities. One of the priorities of the newly formed local communities is the approach of providing high-quality social services and their approach to the inhabitants of the settlements that are part of the local community. At the same time, with the creation of CLC, the challenge arose about the change in the mechanism for providing not central but decentralized social services. [3].

Under decentralization, the actual issues are the study of domestic experience of multi-level management of regional development in the system of social protection of the population.

The signs of multilevel governance are the existence of different management levels the competences of which are mutually intersecting, but the main attention is paid to the interaction of participants at different levels of management. Under such conditions, there is a complex network of interactions that covers all levels of management simultaneously. Multi-level governance involves not just redistribution of powers between different levels of decision-making, but the adoption of agreed solutions by multilevel non-hierarchical supranational and national institutions, in particular involving non-state actors [6]. According to this approach, the multilevel governance can be considered as an activity carried out by the executive authorities and local self-government bodies to ensure socio-economic development [7].

In order to ensure the fulfillment of powers in the field of social protection of the population, a responsible subdivision is established in the executive body of the village, township/settlement, town/city council of the local community, which ensures the implementation of the state policy in the field of social protection of the population [1; 4; 5]. It is envisaged that social service providers, in particular: local social service centers, social service centers, non-state organizations, and individual entrepreneurs will provide social services [4; 5].

The Ministry of Social Policy of Ukraine has developed «Methodological Recommendations for the Organization and Support of the Activity of the Consolidate Local Community in the Sphere of Social Protection of the Population and the Protection of the Rights of Children» (hereinafter referred to as the Methodological Recommendations). The indicated Methodological Recommendations are aimed at creating a model for organizing the provision of administrative services of a social nature based on the principle of a «one-stop shop» and ensuring the exercise of powers on social protection of the population and the protection of the rights of the children by the executive bodies of village, township, town, city councils of the united local communities within a single social space [5].

In order to ensure the executive of powers in the field of social protection of the population and the protection of the rights of children, a structural unit (an official) is formed in the executive body of the village, settlement, city council of the consolidated local communities, which ensures the implementation of the state policy in the field of social protection of the population, the development of local programs social support, as well as the service for children [5].

In its activities, the authorized social unit (an official) interacts with the structural subdivision on social protection of the population of the raion state administration, social service providers, the Pension Fund of Ukraine, the social security bodies of Ukraine and the State Employment Services [5]. In its work, the Children Affairs Office interacts with children's affairs services of oblast and raion state administrations, other subjects of social work with families, children and youth, institutions of all forms of property, and public organizations [5].

The recommendations also approved the indicative list of social support services provided by structural subdivisions of raion state administrations and can not be provided by local communities.

Taking into account the aforementioned, an analysis of the organization of interrelations between the state

authorities and local self-government bodies that exercise powers in the field of social protection is of great interest.

Under decentralization there are certain changes in the system-organizational ties of the respective bodies.

During the transition to the creation of a new decentralized mechanism for the provision of social services, there is a risk for the residents of the settlements that are part of the local community not to receive the social services, they are accustomed to receive under the old centralized system.

Висновки

The system of public administration needs to be improved in the area of delimitation of the powers of local bodies of executive power and local self-government. At present, there is no clear mechanism for the distribution of state and self-government services. At the same time, both power centers are responsible for the inhabitants of the region, and it forces them to look for certain forms and methods of cooperation. This is especially true for local self-government bodies, since they are the closest ones to the population. The main goal of local self-government, based on European experience, is the formation of consolidate local communities that will provide citizens with high quality of life through the full use of local resources and the broad involvement of all citizens in solving local issues.

In order to organize an effective mechanism for cooperation between public authorities and local governments, it is necessary to develop a draft model memorandum on cooperation between state authorities and executive bodies of local self-government.

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