



NORWEGIAN JOURNAL OF DEVELOPMENT OF THE INTERNATIONAL SCIENCE

№54/2021

Norwegian Journal of development of the International Science

ISSN 3453-9875

VOL.3

It was established in November 2016 with support from the Norwegian Academy of Science.

DESCRIPTION

The Scientific journal “Norwegian Journal of development of the International Science” is issued 24 times a year and is a scientific publication on topical problems of science.

Editor in chief – Karin Kristiansen (University of Oslo, Norway)

The assistant of the editor in chief – Olof Hansen

- James Smith (University of Birmingham, UK)
- Kristian Nilsen (University Centre in Svalbard, Norway)
- Arne Jensen (Norwegian University of Science and Technology, Norway)
- Sander Svein (University of Tromsø, Norway)
- Lena Meyer (University of Gothenburg, Sweden)
- Hans Rasmussen (University of Southern Denmark, Denmark)
- Chantal Girard (ESC Rennes School of Business, France)
- Ann Claes (University of Groningen, Netherlands)
- Ingrid Karlsen (University of Oslo, Norway)
- Terje Gruterson (Norwegian Institute of Public Health, Norway)
- Sander Langfjord (University Hospital, Norway)
- Fredrik Mardosas (Oslo and Akershus University College, Norway)
- Emil Berger (Ministry of Agriculture and Food, Norway)
- Sofie Olsen (BioFokus, Norway)
- Rolf Ulrich Becker (University of Duisburg-Essen, Germany)
- Lutz Jäncke (University of Zürich, Switzerland)
- Elizabeth Davies (University of Glasgow, UK)
- Chan Jiang (Peking University, China) and other independent experts

1000 copies

Norwegian Journal of development of the International Science

Iduns gate 4A, 0178, Oslo, Norway

email: publish@njd-iscience.com

site: <http://www.njd-iscience.com>

CONTENT

ARTS

Opanasiuk O.

IDENTIFICATION, OR MODERN MUSICAL CULTURE IN
CONTEXT OF POLYSEMIC ACCENTUATIONS..... 3

HISTORICAL SCIENCES

Bespalov A.

THE FUNCTIONING OF THE REAR SUPPORT SYSTEM
OF THE SWEDISH ARMY DURING THE REIGN OF
CHARLES XI AND CHARLES XII (1660-1718).....12

JURISPRUDENCE

Kolesov V.

THE RELATIONSHIP BETWEEN CIVIL AND FAMILY LAW
AT THE BEGINNING OF THE THIRD MILLENNIUM 26

Pravdiuk A.

CONSTITUTIONAL BASE FOR UNIFICATION OF
TERRITORIAL COMMUNITIES 28

Feschin M.

REGARDING THE PECULIARITIES OF INTERROGATION
OF SUSPECTS, VICTIMS AND WITNESSES IN THE
INVESTIGATION OF PICKPOCKETING36

PHILOSOPHICAL SCIENCES

Nesprava M.

THE CHRISTIAN GUIDELINES FOR ECOLOGICAL
PHILOSOPHY.....41

POLITICAL SCIENCES

Krylov D.

EFFECTIVE DESPOTISM IN THE TWENTY-FIRST
CENTURY PARADIGM (The amount of reflection).... 50

5. Гонгало, Б. М. Гражданское право. Жилищное право. Семейное право. Избранное / Б.М. Гонгало. - М.: Статут, **2016**. - 256 с.
6. Ивашин, Д. И. Семейное право: моногр. / Д.И. Ивашин, И.И. Кубарь, С.С. Желонкин. - М.: Юнити-Дана, Закон и право, **2014**. - 168 с.
7. Капитова, О. В. Правовая природа механизма алиментирования в семейном праве Российской Федерации / О.В. Капитова. - М.: Юриспруденция, **2017**. - 136 с.
8. Корнеева, И. Л. Семейное право / И.Л. Корнеева. - М.: Юрайт, **2017**. - 368 с.
9. Кравцова, Л. Н. Семейное право / Л.Н. Кравцова. - М.: Феникс, **2016**. - 320 с.
10. Малышев Обычное семейное право киргизов / Малышев. - М.: Книга по Требованию, **2014**. - **307** с.

CONSTITUTIONAL BASE FOR UNIFICATION OF TERRITORIAL COMMUNITIES

Pravdiuk A.

Candidate of Law Sciences, Associate Professor of the Department of Law of Vinnytsia National Agrarian University, Faculty of Management and Law

Abstract

The article analyzes the constitutional base for unification of territorial communities. The main approaches to defining the essence of the concept of "territorial community", "unification of territorial communities" in the modern science of constitutional law are considered. The need to clearly define the constitutional status of the territorial community is emphasized, since it is the territorial community that is a primary subject of local self-government, the main bearer of its functions and powers. It is found that territorial communities cannot exist without an inherent set of functions and powers, including the right to unification of territorial communities.

The compliance of the legislation regulating the process of voluntary unification of territorial communities with the constituent constitutional norms is analyzed. The main stages of voluntary unification of territorial communities are considered, in particular, initiation of voluntary unification of territorial communities, formation of a proposal for unification, public discussion of the proposal, preparation and approval of decisions on voluntary unification of territorial communities, formation of the united territorial community and reorganization of local governments. It is proved that the Constitution of Ukraine guarantees the right to unite territorial communities, and the main task of the legislator should be further improvement of the legal framework in order to comply with the constitutional principles of local self-government.

Keywords: Constitution of Ukraine, territorial community, unification of territorial communities, local self-government.

Formulation of the problem. Building of a democratic state involves the development of an effective decentralized system of public power based on the rule of law and priority of a man as the highest social value. These goals cannot be achieved without the development of an adequate system of local self-government and adequate legal support for the functioning of territorial communities. Integration into the European Union presupposes compliance with the level of European and world legal standards. In addition, Ukraine has ratified the European Charter of Local Self-Government [4], which defines new principles of organization and functioning of local self-government bodies as well as directions of their reformation.

Local self-government as the right of a territorial community to govern its territory provided and guaranteed by the Constitution and laws of the country is an unconditional sign of democracy. Ukraine recognizes and guarantees local self-government, and thus it builds a civil society, a democratic state governed by the rule of law, the priority of human rights, and the separation of powers.

Today Ukraine is experiencing powerful processes of decentralization and administrative-territorial reform as well as unification of territorial communities. In accordance with the Concept of reformation of local

self-government and territorial organization of power [13], a new legal framework, which provides legal conditions and mechanisms for the formation of capable territorial communities, is being formed. Therefore, an important objective of the science of constitutional law is to study and research local self-government as a constitutional and legal institution, a system of local self-government, guarantees and mechanisms for implementing local self-government to ensure fundamental rights of the territorial community.

Analysis of recent research. Local self-government and the status of territorial communities have been examined in the scientific works by M.O. Baimuratov, O.V. Batanov, V.I. Bordeniuk, I.P. Butko, O.I. Vasylieva, N.V. Vasylieva, I.V. Drobush, A.A. Kovalenko, M.I. Korniienko, V.V. Kravchenko, V.S. Kuibida, Y.O. Kutsa, V.F. Pohorilko, M.O. Pukhtynskyi, Y.M. Todyka, V.L. Fedorenko, O.M. Chernezhenko and other scientists. However, in the context of decentralization and administrative reform, the constitutional principles of unification of territorial communities in Ukraine need to be studied in detail.

The purpose of the article. The purpose of the article is to analyze the constitutional and legal principles of unification of territorial communities in Ukraine and the system of normative and legal acts that regulate

functioning of the united territorial community, to determine the main directions for improving the legislation in order to comply with and implement the constitutional principles of local self-government.

Presentation of the main material. The Constitution of Ukraine defines local self-government as the right of a territorial community, i.e. “residents of the village or voluntary unification of residents of several villages, settlements and towns in a rural community, to independently solve local issues within the Constitution and laws of Ukraine” [11]. In fact, two concepts have been defined in this norm, namely “local self-government” and “territorial community”. Hence, if we assume that a territorial community is the residents of a village or a voluntary unification of the residents of several villages, settlements and towns into a rural community, then the definition of local self-government can be simplified. Thus, local self-government is the right of a territorial community to independently resolve issues of local significance within the framework of the Constitution and laws of Ukraine.

The territorial community is the center of building civil society and the rule of law in Ukraine. A socio-legal structure of such a multifaceted phenomenon as the territorial community includes the concept of population as a social community of residents united by common activities, interests and goals to meet the needs of life, living environment, recreation, education, and communication. A territorial community is a complex form of social organization, a set of people (local residents who are not only citizens of Ukraine, but also foreigners, stateless persons, refugees) united on a public basis within a certain territory [12, p. 972].

Nowadays, in Ukraine the foundations of the continental “community” model of local self-government have been established at the constitutional level, and its basic values, tasks and principles have been stated in the Constitution and laws of Ukraine. Thus, the main features of the “public” model of local self-government have been specified in the normative content of the Constitution of Ukraine (Article 140) [13], the European Charter of Local Self-Government [4], the Laws of Ukraine “On Local Self-Government in Ukraine” [7], “On the Bodies of Self-Organization of Population” [8], “On Cooperation of Territorial Communities” [9], “On the Principles of the State Regional Policy” [6], “On Voluntary Unification of Territorial Communities” [5], and other acts of current legislation. The civic concept of local self-government is stated in the Constitution of Ukraine, which stipulates that local self-government is the right of a territorial community, i.e. residents of villages or voluntary unification of the residents of several villages, settlements and towns, to resolve local issues within the Constitution and laws of Ukraine [15, p. 23].

Decentralization and reforms of local self-government, which are being actively implemented in Ukraine, are aimed to eliminate a number of problems in the functioning of territorial communities, since a vast majority of territorial communities have appeared to be unable to fulfill all local government powers due to their excessive fragmentation and extremely weak material and financial base. One of the ways to improve

the system of local self-government is to unite territorial communities and form capable territorial communities.

Many scholars and experts argue that unification of communities is a new progressive stage in the implementation of administrative-territorial reform and local self-government reform. A capable territorial community is a community in which local sources of budgeting, infrastructure and human resources are sufficient to address their own issues of local significance provided by law in the interests of community members. According to the European Charter of Local Self-Government, local self-government is “the right and ability of the bodies of local self-government to regulate and manage a significant share of public affairs, which are under the competence of local self-government bodies, in the interests of local population” [3].

For the science of constitutional law, a clear definition of the constitutional status of a territorial community is extremely important, because it is the territorial community that is the primary subject of local self-government, the main bearer of its functions and powers. A territorial community cannot exist without its inherent set of functions and powers, including the right to unification of territorial communities.

The Law of Ukraine “On Local Self-Government in Ukraine” stipulates that “territorial community is the residents united by permanent residence within a village, settlement, town, which are independent administrative-and-territorial units, or voluntary unification of residents of several villages that have a single administrative center” (Article 1). The primary subject of local self-government, the main bearer of its functions and powers is the territorial community of the village, settlement, and town (Article 6). Thus, the citizens of Ukraine exercise their right to participate in local self-government precisely on the basis of belonging to the relevant territorial communities [7].

Article 3 of the Law of Ukraine “On Voluntary Unification of Territorial Communities” stipulates that “a united territorial community, the administrative center of which is a town is called a town territorial community, if the center of the territorial community is a settlement then it is defined as a settlement territorial community” [5].

According to V. F. Pohorilko, M. O. Baimuratov, Y. Y. Baltzii, in the system of local self-government the main producer of its interests is the local community that is defined as a territorial community, and the conceptual term “territorial community” has been introduced in the contemporary domestic law science as synonym to “territorial collective”, “local community” [16, p. 247, 254].

According to O.V. Batanov, the category of “territorial community” most optimally reveals the essence of the phenomenon, which it characterizes, concentrating in itself the value-semantic content of local self-government (its basic values, place and significance in the social and constitutional mechanism) [1, p. 68]. He offers his definition of the territorial community (indicating that it is a collective) as a territorial community consisting of individuals – residents who permanently live, work in the village (or voluntary unification of

several villages in a single community), settlement or town, directly or through the municipal structures formed by them, resolve the issues of local significance, have common communal property, own real estate in the area, pay communal taxes and are connected by territorial-and-personal relations of a systemic nature [1, p. 77].

Fedorenko V. L. emphasizes that local self-government is the right of the territorial community determined by the Constitution and laws of Ukraine to resolve the issue of local significance independently, upon its responsibility, directly or through local self-government bodies formed by the territorial community [19, p. 576].

Summarizing the analysis of different approaches given above, there can be identified the following main features of the territorial community, which are stated in the legislation of Ukraine:

- territorial – cohabitation of persons (residents) who are part of the community in a certain territory (within a certain administrative-and-territorial unit – village, settlement, town – Part 1 of Article 140 of the Constitution);

- integrative – territorial community arises on the basis of unification of all residents living in a certain territory, regardless of whether they are citizens of the state, i.e. members of the territorial community may be citizens of this state, as well as foreign citizens, stateless persons who permanently reside in a certain area. It is possible to include refugees and displaced persons in the territorial community;

- intellectual – the constitution of the territorial community is based on the common interests of residents that have a specific nature and manifest themselves in a wide range of systemic individual-and-territorial relations (the main object of activity of the territorial community is the issues of local significance – Part 1 of Article 140 of the Constitution of Ukraine);

- property – territorial community is a subject of communal property (it owns movable and immovable property, local budget revenues, other funds, land, natural resources owned by the territorial communities – Part 1 of Article 142 of the Constitution of Ukraine);

- fiscal – members of the territorial community are payers of local taxes and fees (Article 67 of the Constitution of Ukraine) [11].

A constitutional definition of the territorial community emphasizes that local self-government as a specific form of public power is characterized, first of all, by the availability of a special entity, namely the territorial community, which exercises its power both directly and through local government bodies and officials. In addition, it holds a special place in the political system of Ukraine: local self-government, its bodies are not part of the mechanism of state power, although this does not mean its full autonomy from it.

The relationship between local self-government and the state is quite close. It is manifested in the fact that local self-government and state power have a single source, i.e. the people, as well as in the fact that local self-government bodies may be given separate executive powers by law. At the same time, local self-government as an element of the political system shows

that in the country, along with the interests of the individual and the state, local (municipal) interests related to solving the issues of direct livelihoods are recognized and guaranteed. At the same time, municipal interests are considered not as subordinate to the state, but as equal.

Finally, local self-government has a special object of activity, namely the issues of local significance, the list of which in the form of subjects of jurisdiction of local self-government bodies and officials is defined by the Law “On Local Self-Government in Ukraine”. In addition, provisions of Part 1 let us argue that the state recognizes a special right in the system of constitutional rights and freedoms of a man and citizen, i.e. the right of the territorial community to local self-government. Thus, declaring local self-government as the basis of the constitutional order (Article 7 of the Constitution), the legislator, on the one hand, treats local self-government as the right of the territorial community – villages or voluntary unification of residents of several villages, settlements and towns in a rural community, and on the other hand, he considers local self-government as a means of resolving issues of local significance noting that the rights of local self-government are protected in the court (Article 145 of the Constitution). Another situation can be observed in the Law “On Local Self-Government in Ukraine”, in which Article 3 deals with the right of citizens of Ukraine to participate in local self-government. At the same time, the most important “components” of the rights of citizens to participate in local self-government are provided in this Law separately: the right to elect and be elected to local self-government bodies (Article 45); the right to participate in a referendum (Article 7); the right to participate in the general meeting of citizens at the place of residence (Article 8); the right to initiate any issue referred to the jurisdiction of local self-government (in the order of local initiative) in local councils (Article 9), etc. Therefore, there are several aspects of the constitutional interpretation of the right to local self-government including the rights of citizens of Ukraine, collective law of the territorial community and guarantees of realization and protection of these rights [12, p. 972-973].

The content of provisions of Chapters I, II and XI of the Basic Law gives grounds to single out the following principles of local self-government: a) the rule of law in the activities of local self-government; b) inalienability of the citizens’ right to local self-government; c) democracy, primarily electability and changeability of representative bodies of local self-government; d) equal access of citizens to service in local self-government bodies; e) transparency of the organization and activity of local self-government bodies; e) subsidiarity; f) decentralization of public authority at places; g) voluntary unification of territorial communities [11].

Having defined in Chapter XI of the Constitution of Ukraine the basic principles of local self-government, its bodies, material and financial basis, etc., the Constitution of Ukraine referred other issues of organization of local self-government, formation, activity and responsibility of its bodies to those defined by law (Article 146 of the Constitution). Thus, at the constitu-

tional level, it provides for the creation of legal conditions for further legislative regulation of public relations in the field of local self-government. After all, issues of local self-government that are not regulated by the Constitution of Ukraine, including the conditions and procedure for uniting or separating territorial communities of villages, settlements, cities, must be determined by law (Article 146 of the Constitution of Ukraine). Part 1 of Article 140 of the Constitution of Ukraine provides for the possibility of voluntary unification of residents of several villages into a rural community, but it does not establish the procedure for unification or separation of communities. This procedure is provided by the relevant laws [17].

With the adoption of the Law of Ukraine "On Local Self-Government in Ukraine" in 1997 and until 2015, voluntary unification of territorial communities into a rural community and withdrawal from its membership could take place only by the decision of local referendums. However, such procedure of unification appeared to very difficult for implementation. The Law of Ukraine "On Voluntary Unification of Territorial Communities" is designed to ensure the constitutional right of voluntary unification of territorial communities. Its main task is to regulate relations arising in the process of voluntary unification of territorial communities of villages, settlements, towns and voluntary accession to united territorial communities [5].

Since by content of the relevant provisions of the Constitution and the Law of Ukraine "On Local Self-Government in Ukraine" the system of local governments (and hence the system of territorial communities that form them) is inextricably linked with the system of administrative-territorial organization, which is defined in Part 1 of Article 133 of the Constitution of Ukraine, it is quite obvious that voluntary unification or separation of territorial communities by local referendums should always be accompanied by the creation of appropriate administrative-territorial units, within which local self-government should be carried out.

This conclusion can be drawn based on Article 1 of the Law of Ukraine "On Local Self-Government in Ukraine", according to which the territorial community is the residents united by permanent residence within the village, settlement, town, which are independent administrative-territorial units, or voluntary unification of residents of several villages that have a single administrative center".

This means that territorial communities cannot arbitrarily unite into one territorial community or leave it solely by the decision of local referendums.

According to the provisions of paragraph 13 of Part 1 of Article 92, Article 132 and Part 1 of Article 133 of the Constitution of Ukraine, the issues determining the internal territorial organization of the state, including the formation, liquidation, change of administrative-territorial units, are mostly the issues of national importance referring to the population of the respective administrative-territorial units as well as society as a whole. Therefore, the solution of these issues involves direct participation of the state in the face of the rele-

vant public authorities, which is, in particular, reproduced in paragraph 29 of Part 1 of Article 85 of the Constitution of Ukraine.

To ensure the constitutional right of voluntary unification of territorial communities, amendments were made to the Law of Ukraine "On Local Self-Government", according to which territorial communities, in the manner prescribed by law, may unite into one village, settlement, town territorial community, form a single local government and elect a village, settlement, town mayor, respectively. Territorial communities of a village, settlement, town, which have voluntarily united into one territorial community, may leave the united territorial community according to the procedure prescribed by law" [7].

The Law of Ukraine "On Voluntary Unification of Territorial Communities" is consistent with the requirements of Article 132 of the Constitution of Ukraine, according to which creation of administrative-territorial units should be carried out considering primarily economic, political, environmental, geographical, demographic, historical, cultural and other factors, not only the will of the relevant territorial communities.

Voluntary unification of territorial communities of villages, settlements, towns is carried out in compliance with the principles of constitutionality and legality, voluntariness, economic efficiency, state support, ubiquity of local self-government, transparency and openness, responsibility.

Voluntary unification of territorial communities of villages, settlements, towns in accordance with Article 4 of the Law of Ukraine "On Voluntary Unification of Territorial Communities" approved on February 5, 2015 is carried out in compliance with the following conditions:

- there can be no other territorial community, which has its own representative body of local self-government, within the united territorial community;
- the territory of the united territorial community must be inseparable, the boundaries of the united territorial community are determined by the external boundaries of the jurisdiction of the councils of the united territorial communities;
- the united territorial community must be located within the territory of the Autonomous Republic of Crimea, one oblast;
- historical, natural, ethnic, cultural and other factors influencing socio-economic development of the united territorial community are taken into account when making decisions on voluntary unification of territorial communities;
- the quality and availability of public services provided in the united territorial community may not be lower than before the unification.

According to the procedure established by the law, territorial communities can unite in one village, settlement, town territorial community, form uniform bodies of local self-government and elect the village, settlement, town mayor, respectively. Territorial communities of the village, settlement, town, which have voluntarily united into one territorial community, may leave the united territorial community in accordance with the procedure established by law.

The administrative center of the united territorial community is defined as a settlement (village, settlement, town), which has a developed infrastructure and, as a rule, is the closest to the geographical center of the territory of the united territorial community. Voluntary unification of territorial communities does not change the status of settlements as rural or urban areas [5].

The law defines the procedure for voluntary unification of territorial communities, which includes the following stages: 1) initiation of voluntary unification of territorial communities; 2) formation of a proposal for unification; 3) public discussion of the proposal, preparation and approval of decisions on voluntary unification of territorial communities; 4) formation of a united territorial community and reorganization of local self-government bodies.

Thus, in accordance with Article 5, initiators of voluntary unification of territorial communities of villages, settlements, and town can be a village, settlement, town mayor; not less than one third of deputies from the general structure of village, settlement, town council; members of the territorial community in the order of local initiative; bodies of self-organization of the population of the corresponding territory (provided that they represent the interests of at least one third of the members of the corresponding territorial community).

The village, settlement, town mayor ensures the study of the proposal to initiate a voluntary unification of territorial communities and its public discussion, which is held within 30 days from the date of receipt of such a proposal. After the public discussion, the proposal is submitted to the relevant council for the next session to make a decision on giving the consent to the voluntary unification of territorial communities and delegation of the representative (representatives) to the joint working group.

When the decision of the relevant council to give the consent to the voluntary unification of territorial communities is made, the village, settlement, town mayor sends a proposal for such unification to the village, settlement, town mayor of the adjacent territorial community. In his turn, the village, settlement, town mayor of the adjacent territorial community ensures the study of the proposal for voluntary of territorial communities and its public discussion, which is held within 30 days from the date of the proposal receipt. After the public discussion, the proposal is submitted to the relevant council for the next session to make a decision on giving the consent to voluntary unification of territorial communities and delegation of representative (representatives) to the joint working group or on the refusal to consent (Article 6) [5].

As it can be seen, Articles 5 and 6 of the Law correspond to the constitutional principle of democracy, which stipulates that territorial communities, in accordance with the Constitution and laws of Ukraine, exercise their power directly at places (local referendums, local elections, general meetings, local initiatives) and through representative bodies (local councils, village, settlement mayors, village headmen).

In the case the decision on giving the consent to voluntary unification of territorial communities is

made, the village, settlement, town mayor, who initiated unification, makes a decision on the formation of the joint working group (formed of an equal number of representatives from each territorial community) to make draft decisions on voluntary unification of territorial communities. Formation of the joint working group is the beginning of the procedure of voluntary unification of territorial communities.

The goal of the joint working group is to prepare relevant draft decisions on the voluntary unification of territorial communities, which undergo a procedure of public debate and only then they can be approved (Article 7). Draft decisions on voluntary unification of territorial communities approved by village, settlement, and town councils are submitted to the regional state administration within five days to provide an opinion on the compliance of the draft decision with the Constitution and laws of Ukraine.

If the draft decision on voluntary unification of territorial communities complies with the Constitution and laws of Ukraine, village, settlement, and town councils make decisions on voluntary unification of territorial communities or on holding a local referendum to support unification of territorial communities.

The united territorial community is considered to be formed from the date of coming into force of the decisions of all councils that decided on voluntary unification of territorial communities, or from the date of coming into force of the decision to support voluntary unification of territorial communities at the local referendum or under the condition of compliance of such decisions with the resolution [5].

The powers of village, settlement, and town councils as well as village, settlement, and town mayors elected by the united territorial communities are terminated on the day of taking powers by the village, settlement, and town council elected by the united territorial community (Article 8).

After completion of powers of village, settlement, town councils elected by the united territorial communities, their executive committees continue to exercise their powers until the approval of members of the executive committee by the village, settlement, town council elected by the united territorial community. During this period, the village, town, town mayor elected by the united territorial community heads such executive committees and becomes their member.

Upon completion of powers of the village headman, who alone performed the functions of the executive body of the village council in the territorial community that became part of the united territorial community, the relevant functions are performed individually by the village, settlement, town mayor elected by the united territorial community from the day he is given powers until the approval of the members of the executive committee by the relevant village, settlement, town council (Article 8) [5].

The united territorial community is a legal successor of all property, rights and obligations of the united territorial communities from the date of taking powers by the village, settlement, town council elected by such united territorial community.

From the date of taking powers by the village, settlement, town council elected by the united territorial community, in the manner prescribed by this Law, relevant legal entities – village, town, town councils elected by the united territorial communities and located outside the administrative center of the united territorial community are reorganized by joining them to a legal entity – village, settlement, town council located in the administrative center of the united territorial community. After the completion of reorganization, relevant legal entities – village, settlement, town councils are terminated.

The legal entity – village, settlement, town council located in the administrative center of the united territorial community is the legal successor of the rights and obligations of all legal entities – village, settlement, town councils elected by the united territorial communities from the date of taking powers by the village, settlement, town council elected by the united territorial community [5].

The name of the representative body of local self-government of the united territorial community as a legal entity consists of the part that derives from the proper name of the settlement determined by its administrative center, in the form of an adjective and a corresponding general name of the representative body of local self-government (village, settlement, town council) (Article 8).

The legislation ensures state support for voluntary unification of territorial communities and accession to united territorial communities. Thus, the state provides informational, educational, organizational, methodological and financial support for the voluntary unification of territorial communities and accession to the united territorial communities.

Hence, the state provides financial support for the voluntary unification of territorial communities of villages, settlements, towns and accession to the united territorial communities through the provision of the united territorial community with funds in the form of subventions for the formation of appropriate infrastructure in accordance with the plan of socio-economic development of such territorial community. The principle of state support and guarantee of local self-government develops normative regulations of Article 7 and Article 142 of the Constitution of Ukraine.

The total amount of financial support is distributed between the budgets of the united territorial communities according to the area of the united territorial community and the number of rural population in such a territorial community with equal value of both factors (Articles 9-10 of the Law of Ukraine “On Voluntary Unification of Territorial Communities”).

In villages, settlements determined by the decision of the local council of the united territorial community formed in accordance with the Law of Ukraine “On Voluntary Unification of Territorial Communities”, except for its administrative center, the village headman is elected for the term for which the local council is empowered.

The headman is an official of the local self-government body, and he is empowered to perform the following tasks:

- representation of interests of residents of the village, settlement in executive bodies of village, settlement, town council;
- assistance to villagers in the filling in the documents submitted to local government bodies;
- participation in the development of the draft budget of the territorial community in part of financing programs implemented on the territory of the particular village, settlement;
- submission of proposals to the executive committee of the village, settlement, town council on the activities in the particular village or settlement, executive bodies of the village, settlement, town council, enterprises, institutions, organizations of communal ownership and their officials;
- performance of other duties defined by the Regulations on the Headman (Article 14).

The principle of the rule of law, defined in Part 1 of Article 8 of the Constitution of Ukraine as a common one to all legal relations, including the field of local self-government, is one of the main principles, implementation of which should be ensured by the legislation when uniting the territorial community. After all, the violation of natural rights, both of the territorial community itself and those of residents who form it, is unacceptable at the level of the territorial community in a democratic society. Since the principle of the rule of law in local government justifies the completeness and inalienability of power of the territorial community at the local level, its subordination exclusively to the Constitution and laws of Ukraine, as well as the collective legitimate interests of residents of a particular territorial community [20, p.211].

The principle of legality presupposes that local self-government in Ukraine is based exclusively on the provisions of the Constitution and laws of Ukraine. The content of this principle is set out in Part 1 of Article 19 of the Basic Law, which obliges local governments and their officials in the process of unification of territorial communities to act exclusively “in the manner and within the limits set by the Constitution and laws of Ukraine”. Violation of the provisions of the Constitution and laws of Ukraine on local self-government causes constitutional, administrative, criminal, and sometimes material and disciplinary liability [11].

An important component of the process of unification of territorial communities is the principle of public town (openness, transparency), according to which all local governments, especially local governments and their officials, exercise their powers publicly and openly. For example, the decision to unite territorial communities is made at the public discussion, and it is open.

At the same time, cooperation of local self-government entities with state bodies is based on such an important principle of local self-government as the principle of combining local and state interests. This principle provides for close and mutually responsible cooperation of local self-government with state authorities, i.e. higher and central state authorities, as well as with local state administrations, in particular on the implementation of state programs of socio-economic and

cultural development of districts and regions. In addition, according to Part 3 of Article 143 of the Constitution of Ukraine, the state participates in the formation of revenues of local government budgets and financially supports local government.

The Laws of Ukraine “On Local Self-Government in Ukraine” and “On Voluntary Unification of Territorial Communities” also ensure implementation of the principle of election and change of local self-government bodies: deputies of local councils, village headmen, as well as village, settlement and town mayors are elective and removable.

An important principle of local self-government is the legal, organizational as well as material and financial independence of local self-government within the powers defined by law. This principle combines some general foundations, principles, each of which has its own value: legal, organizational and financial independence. For example, a united territorial community is the legal successor of all property, rights and obligations of the united territorial communities from the date of taking power by the village, settlement, town council elected by such united territorial community.

The principle of legal independence (autonomy) of local governments and their bodies is based on the fact that they must have their own powers defined by the Constitution and laws of Ukraine. In accordance with Part 1 of Article 16 of the Law of Ukraine “On Local Self-Government in Ukraine”, local governments are legal entities and they are provided with their own powers by this or other laws, within which they act independently and are responsible for their activities in accordance with the law.

The principle of material and financial independence (autonomy) of local self-government is based on the right of territorial communities and local self-government bodies formed by them to own, use and dispose the property being communal ownership, which is independent, separate from state ownership as well as individual financial resources that are sufficient, as stated in Article 9 of the European Charter of Local Self-Government, for the exercise of individual powers of local self-government and its bodies [4].

An important organizational and legal principle of local self-government is the principle of accountability and responsibility of their bodies and officials to territorial communities, which stipulates that the activities of representative bodies and officials of local self-government are subject to public control by territorial communities, including public hearings.

According to Article 13 of the Law of Ukraine “On Local Self-Government in Ukraine”, territorial community has the right to hold public hearings, meetings with deputies of local councils and local government officials, during which members of the territorial community can hear them, raise issues and make mandatory proposals on the issues of local significance related to local self-government [20, p.214-215].

Based on the analysis of the norms of the Law of Ukraine “On Voluntary Unification of Territorial Communities”, it can be stated that they correspond to the basic constitutional principles of local self-government,

including the democracy; rule of law; legality; publicity; collegiality; combination of local and state interests; election; legal, organizational and material independence within the powers defined by the legislation of Ukraine; accountability and responsibility to territorial communities of their bodies and officials; state support and guarantees of local self-government; judicial protection of the rights of local self-government.

Conclusions. Nowadays, Ukraine is experiencing the process of constitutional regulation of the status of territorial communities, the main task of which is the development of local democracy and adequate formation of capable and united territorial communities that are able to resolve issues of local significance. The Constitution of Ukraine guarantees the right to voluntary unification of territorial communities in order to independently resolve issues of local significance within the Constitution and laws of Ukraine. Analysis of current legislation let us argue that in Ukraine there has been developed a system of normative-legal acts, which ensure implementation of the constitutional legal principles of unification of territorial communities that regulate functioning of the united territorial community, clarification of the main directions of improvement of the legislation in order to comply with and realize constitutional principles of local self-government. The main task of the legislator should be further improvement of the legal framework, appropriate changes to current laws of Ukraine, adoption of new laws and bylaws relating to the functioning of territorial communities in order to comply with the constitutional principles of local self-government.

REFERENCES:

1. Batanov O. V. Konstytutsiino-pravovyi status terytorialnykh hromad v Ukraini: Monohrafiia [Constitutional and legal status of territorial communities in Ukraine: Monograph]. Ed. V. F. Pohorilko. K.: Concern Publishing House “In Yure”. 2003. 512 p.
2. Vasylieva O. I., Vasylieva N. V. Kontseptualni zasady staloho rozvytku terytorialnykh hromad [Conceptual principles of sustainable development of territorial communities]. *Investytsii: praktyka ta dosvid [Investments: practice and experience]*. 2018. No 8. P. 74–78.
3. Yevdokimov O. V. Orhanizatsiine zabezpechennia funktsionuvannia ta rozvytku obiednanykh terytorialnykh hromad. Dysertatsiia na zdobuttia naukovooho stupenia kandydata ekonomichnykh nauk (doktora filosofii) za spetsialnistiu 08.00.05 – Rozvytok produktyvnykh syl i rehionalna ekonomika. Kharkivskiy natsionalnyi universytet miskoho hospodarstva imeni O.M. Beketova. DVNZ “Prykarpatskyi natsionalnyi universytet imeni Vasylia Stefanyka”. [Organizational support for the functioning and development of united territorial communities. Thesis for a scientific degree of Candidate of Economic Sciences (Doctor of Philosophy) in specialty 08.00.05 – Development of Productive Forces and Regional Economy. Kharkiv National University of Municipal Economy named after O.M. Beketov. Vasyl Stefanyk Precarpathian National University]. Ivano-Frankivsk, 2019. 203 p.

4. Ievropeiska khartiia mistsevoho samovriaduvannia m. Strasburh [European Charter of Local Self-Government]. October 15, 1985. URL: https://zakon.rada.gov.ua/laws/show/994_036#Text (data zvernennia 22.11.2020).
5. Zakon Ukrainy "Pro dobrovilne obiednannia terytorialnykh hromad" vid 5 liutoho 2015 roku N 157-VIII [The Law of Ukraine "On Voluntary Unification of Territorial Communities" of February 5, 2015 N 157-VIII]. URL: <https://zakon.rada.gov.ua/laws/show/157-19#Text> (access date January 1, 2021).
6. Zakon Ukrainy "Pro zasady derzhavnoi rehionalnoi polityky" vid 5 liutoho 2015 roku N 156-VIII [The Law of Ukraine "On the Principles of the State Regional Policy" of February 5, 2015 N 156-VIII]. URL: <https://zakon.rada.gov.ua/laws/show/156-19#Text> (access date November 27, 2020).
7. Zakon Ukrainy "Pro mistseve samovriaduvannia v Ukraini" vid 21 travnia 1997 roku N 280/97-VR [The Law of Ukraine "On Local Self-Government in Ukraine" of May 21, 1997 N 280/97-BP]. URL: <https://zakon.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80#Text> (access date January 7, 2021).
8. Zakon Ukrainy "Pro orhany samoorhanizatsii naseleння" vid 11 lypnia 2001 roku N 2625-III [The Law of Ukraine "On the Bodies of Self-Organization of Population" of July 11, 2001 N 2625-III]. URL: <https://zakon.rada.gov.ua/laws/show/2625-14#Text> (access date 10.01.2021).. URL: <https://zakon.rada.gov.ua/laws/show/2625-14#Text> (access date January 10, 2021).
9. Zakon Ukrainy "Pro spivrobitnytstvo terytorialnykh hromad" vid 17 chervnia 2014 roku N 1508-VII [The Law of Ukraine "On Cooperation of Territorial Communities" of June 17, 2014 N 1508-VII]. URL: <https://zakon.rada.gov.ua/laws/show/1508-18#Text> (access date November 22, 2020).
10. Kyrychenko Y. M. Terytorialna hromada yak bazovyi element systemy mistsevoho samovriaduvannia Ukrainy: teoretychne vyznachennia [Territorial community as a basic element of the system of local self-government of Ukraine: theoretical definition]. *Forum Prava [Forum of Law]*. 2012. N 4. P. 451-457.
11. Konstytutsiia Ukrainy vid 28.06.1996 r. N 254/k/96-VR [The Constitution of Ukraine of June 28, 1996 N 254/k/96-VR]. URL: <http://zakon2.rada.gov.ua/rada/show/254%D0%BA/96-%D0%B2%D1%80> (access date January 10, 2021).
12. Konstytutsiia Ukrainy. Naukovo-praktychnyi komentar [The Constitution of Ukraine. Scientific and practical commentary]. Ed. V. Y. Tatsii, O. V. Petryshyn, Y. H. Barabash et al.; National Academy of Law Sciences of Ukraine, 2nd Ed., Kharkiv: Pravo. 2011. 1128 p.
13. Kontseptsiiia reformuvannia mistsevoho samovriaduvannia ta terytorialnoi orhanizatsii vlady, zatverdzhena rozporiadzhenniam Kabinetu Ministriv Ukrainy vid vid 1 kvitnia 2014 r. № 333-r [The Concept of Reformation of Local Self-Government and Territorial Organization of Power approved by the Order N 333-r of the Cabinet of Ministers of Ukraine on April 1, 2014. URL: <https://zakon.rada.gov.ua/laws/show/333-2014-%D1%80#Text> (access date January 5, 2021).
14. Maidannyk O.O. Konstytutsiine pravo Ukrainy: Navch. posib. [Constitutional Law of Ukraine: Textbook] .Kyiv: Alerta. 2011. 380 p.
15. Metodyka formuvannia spromozhnykh terytorialnykh hromad, zatverdzhena postanovoiu Kabinetu Ministriv Ukrainy vid 08.04.2015 r. [Methodology of Formation of Capable Territorial Communities approved by the resolution of the Cabinet of Ministers of Ukraine on April 8, 2015]. URL: <https://zakon.rada.gov.ua/laws/show/214-2015-%D0%BF> (access date 22.11. 2020)
16. Pohorilko V. F., Baimuratov M. O., Baltsii Y. Y. Munitsypalne pravo Ukrainy: pidruchnyk [Municipal Law of Ukraine: Textbook]. Ed. Baimuratova M. O. 2nd Ed. Kyiv: Pravova yednist. 2009. 720 p.
17. Rishennia Konstytutsiinoho Sudu Ukrainy vid 18 chervnia 2002 r. N 12 rp/2002 (sprava pro obiednannia terytorialnykh hromad) [Resolution of the Constitutional Court of Ukraine of June 18, 2002 N 12rp/2002 (case on the unification of territorial communities)]. URL: <https://zakon.rada.gov.ua/laws/show/v021p710-03#Text> (access date January 11, 2021).
18. Terytorialni hromady v umovakh detsentralizatsii: ryzyky ta mekhanizmy rozvytku: monohrafiia [Territorial communities in terms of decentralization: risks and mechanisms of development: a monograph]. Ed. Kravtsiva V.S., Storonyanska I.Z. Lviv: SI "Institute of Regional Studies named after M.I. Dolishny of NAS of Ukraine, 2020. 531 p. (Series "Problems of Regional Development"). URL: <https://ird.gov.ua/irdp/p20200001.pdf> (access date January 11, 2021).
19. Fedorenko V. L. Konstytutsiine pravo Ukrainy: pidruch.; Do 20-oi richnytsi Konstytutsii Ukrainy ta 25-oi richnytsi nezalezhnosti Ukrainy [Constitutional law of Ukraine: textbook; To the 20th anniversary of the Constitution of Ukraine and the 25th anniversary of Ukraine's independence]. Kyiv: Lira Publishing House. 2016. 576 p.
20. Fedorenko V. L., Chernezhenko O. M. Konstytutsiini modeli mistsevoho samovriaduvannia u derzhavakh- uchasnytsiakh YeS, Shveitsarii ta Ukraini: monohraf [Constitutional models of local self-government in the member states of the EU, Switzerland and Ukraine: monograph]. Ed. V. L. Fedorenka. Kyiv: Vydavnytstvo Lira-K. 2017. 288 p.
21. Shapoval T.B., Chubina A.S. Mistseve samovriaduvannia v Ukraini yak konstytutsiino-pravovyi instytut [Local self-government in Ukraine as a constitutional and legal institution]. *Vcheni zapysky TNU im. Vernadskoho. Serii: yurydychni zapysky [Scientific Notes of TNU named after Vernadsky. Series: Legal Notes]*, Volume 29 (68), N 6 (18). P. 33-38. URL: http://www.juris.vernadskyjournals.in.ua/journals/2018/6_2018/8.pdf (access date January 10, 2021).