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RURAL COMMUNITY AS A SUBJECT OF LOCAL GOVERNMENT

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The processes of development of market relations in all segments of Ukrainian society are determined primarily by the development of rural areas and opportunities for social security of their inhabitants. The formation of a stable rural territorial community with sufficient financial and economic potential as the basis of socio-economic conditions of its development, together with its organizational and technological features, in which the main tool is land, is possible only if effective state policy, where one of the directions is creation of rural united territorial communities. Rural territorial communities play an important role in this process. In recent years, the problems associated with the management of rural areas have intensified, as their quality characteristics and livelihoods depend on state development, and the level of their development determines the ability to intensify economic activity and provide a favorable environment for human existence.

The basis of economic relations, the stimulus for development is the economic interest, which is primarily determined by living conditions and the boundaries of rural areas. Thus, the formation of able-bodied rural communities within the new administrative-territorial system will contribute to the construction of a new model of governance based on the principles of balancing national interests with the interests of residents in villages and settlements.

It is necessary to pay attention to the features of rural areas, namely: in rural areas much lower population density; fewer enterprises and entrepreneurs per thousand rural population; predominant employment in agricultural production; lower mobility of the population; low level of innovation, scientific activity; stretched communications; lower level of public services.

The above is a reason to consider the development of rural areas in the new economic conditions: “as a complex process that can occur only under certain conditions and in a sequence that has its own characteristics and corresponds to the nature of the environment, requires appropriate procedures Ukrainian society, which is based on large-scale economic, organizational, social and political and legal transformations, the core of which is the land — the most important means of production. In accordance, agrarian, economic, political relations are formed, developed and operate around it”. [1, p. 16].

The rural community in Ukraine is the basis of local self-government. Therefore, the adoption of effective management decisions by both local executive bodies and local governments, taking into account the historical, natural, economic factors of the territorial community, region, country, becomes especially important. Since the “successful functioning of rural areas, the creation of conditions for them depends on the perfection of the structure of the management mechanism.” [2, p. 11]

In accordance, one of the main issues that needs to be considered is to determine the place and role of rural territorial communities in the current realities of Ukraine’s economic development and taking into account the focus on local government reform.

Local self-government occupies a special place in the current realities of Ukraine’s economic development. What Baimuratov M. notes: “... first, it is the primary and natural form of existence of human communities; secondly, it made a decisive contribution to the formation of statehood, because it historically preceded the development of a state-organized society, which borrowed and raised to the state level many organizational and organizational-legal forms of interaction between government and society; thirdly, it

plays an important role and is of special importance for the formation and functioning of modern democratic statehood, which is formed on the principles of democracy and the priority of human rights over the rights of the state; fourth, local self-government today is included in the list of issues that are the subject not only of national but also international legal regulation — hence the phenomenology of local self-government is based on the synergy of national and international legal order “[3, p. 24–29.]

A study of the existing legal and regulatory framework revealed that the Constitution approved a provision that is the basis for reform, namely Article 5 states that: “The only source of power in Ukraine is the people. The people exercise power directly and through state authorities and local governments...” [4], and in accordance with Art. 140 of the Constitution of Ukraine stipulates that: “local self-government is the right of a territorial community — villagers or voluntary association in a rural community of residents of several villages, towns and cities — to decide local issues within the Constitution and laws of Ukraine” [4].

It is in the Constitution that the importance of local self-government is emphasized and since then it has been an important part of the current legislation and practice of the state. In particular, in Part 3 of Art. 140 of the Constitution of Ukraine contains a clarification that: “local self-government is carried out by the territorial community in the manner prescribed by law, both directly and through local governments: village, town, city councils and their executive bodies” [4]. This means that all the powers of local governments, except those delegated by the state (Article 33 of the Law of Ukraine “On Local Self-Government in Ukraine”), are the functions of the territorial community as a subject of local self-government.

In accordance with the Law of Ukraine “On Local Self-Government in Ukraine”, the definition of “territorial community” is interpreted as: “... residents united by permanent residence within a village, town, city, which are independent administrative-territorial units, or voluntary association residents of several villages, towns, cities, which have a single administrative center” [5].

In accordance with Part 1 of Art. 140 of the Constitution of Ukraine [4], the following types of territorial communities should be distinguished: territorial community of a village or voluntary association of residents of several villages into a rural community; territorial community of the settlement; territorial community of the city. It is possible to draw a similar conclusion and having analyzed item 1 of Art. 6 of the Law of Ukraine “On Local Self-Government in Ukraine” which states that: “the primary subject of local self-government, the main bearer of its functions and powers is the territorial community of the village, town, city” [5].

This interpretation of the definition of “rural territorial community” corresponds to the historical traditions of the Ukrainian people, namely the organization of local self-government in Kievan Rus, Magdeburg law in the cities of medieval Ukraine (based on community rights, etc.).

Ukrainian researcher M. Baimuratov notes that: the term “territorial community” entered Ukrainian science from the book “Elementary Concepts of Sociology” by the Polish scientist J. Szczepanski, as a synonym of the categories “territorial collective” and “local community”. [3]

Polish researcher Szczepanski I defines a territorial community as: “a group of people whose members are bound by the bonds of common relations to the territory in which they live and the bonds of relations arising from the fact of living in the common territory”. [6, p. 160]. That is, we are talking about a sustainable form of social life, with the main emphasis on the common territory of residence, which is also noted in domestic regulations.

Understanding of the concepts of “rural territorial community” and “local self-government” meets the established international standards. The fundamental international document that reflects the doctrine and practical experience of local self-government of the European Community is the “European Charter of Local Self-Government”, adopted in 1985. “European Charter of Local Self-Government” interprets the definition of “territorial community” as: “the right and ability of local governments within the law to regulate and manage a significant share of public affairs,

under their own responsibility, in the interests of the local population” [7].

However, it should be noted that in Western European countries, attention is paid not to the very definition of “territorial community” in our understanding, but to the style of behavior of residents of territorial communities, local communities, ie community communities (Figure 1).

In particular, K. Jonassen [8] and G. Hillery [9] singled out the following elements of the community: “population; territory; interdependence of community groups; division of labor within the community; common culture and social system that integrate the activities of community members; awareness of residents of unity and belonging to the community; the opportunity to act on a corporate basis to achieve the goals. They concluded that the

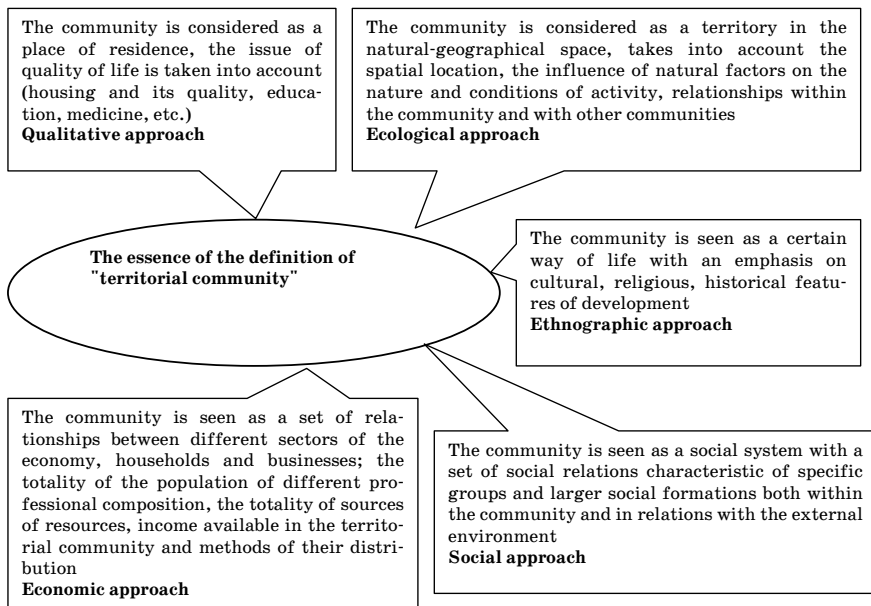


Figure 1. The essence of the definition of “territorial community” in Western research

* Developed by the author

most important features of the territorial community are: social interaction, territory and the general relationship (or relationships) “[8].

Studies of domestic and foreign theoretical and practical research on the essence of the definition of “territorial community” allowed to clarify the definition of “rural territorial community”, which is that: rural territorial community should be considered as the primary subject of local government, and its members from one parties as residents of a certain rural area (at the local level), and on the other as citizens of Ukraine, foreign citizens, stateless persons, displaced persons and refugees. “Rural territorial community” is an established community, the members of which are its inhabitants who work or own real estate in the common territory, within one or more rural settlements with a single administrative center, is characterized by a set of permanent relationships and common interests in the issue. quality of life, is a representative of the local community in the political arena and the owner of communal property in this area, a payer of local taxes and fees.

In Ukraine, the legal personality of the territorial community as the main element of local self-government is constitutionally enshrined [4]. It has been empirically verified that the definition of “territorial community” does not have a single definition in domestic science. Studies confirm that the state of the territorial community has never been static, it is always in a state of change (development, decline).

“Great explanatory dictionary of the modern Ukrainian language” defines the definition of “development” as: “the process by which there is a change in the quality of something, the transition from one qualitative state to another, higher” [10].

In this context, Pidkuyko O. reveals the essence of the definition of “development of the territorial community” as: “... the process of its transition to a certain new state, characterized by changes, including -territorial units “[11, p. 6].

A critical review of the literature on the terminological identification of the essence of the definition of “rural territorial

community”, made it possible to identify the main features that characterize the territorial community (Figure 2).

We consider it necessary to emphasize that the study of the territorial community as a subject of local self-government should be comprehensive, as an open system with a set

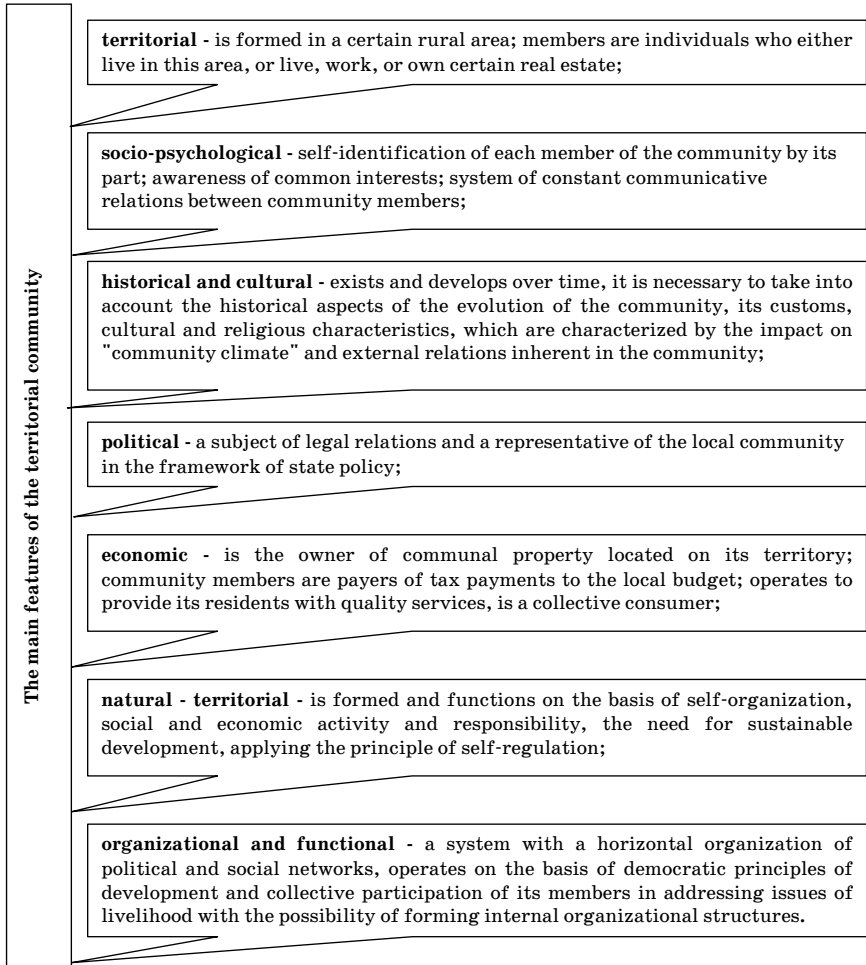


Figure 2. The main features of the rural territorial community

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of exogenous and endogenous relationships and the appropriate spatial location, characteristics of the appropriate level of development and economic, psychological, social, historical conditions (Figure 3.)

The implementation of the rural community development strategy requires the involvement of workers in various fields, but the key role belongs to local residents, who are able to objectively

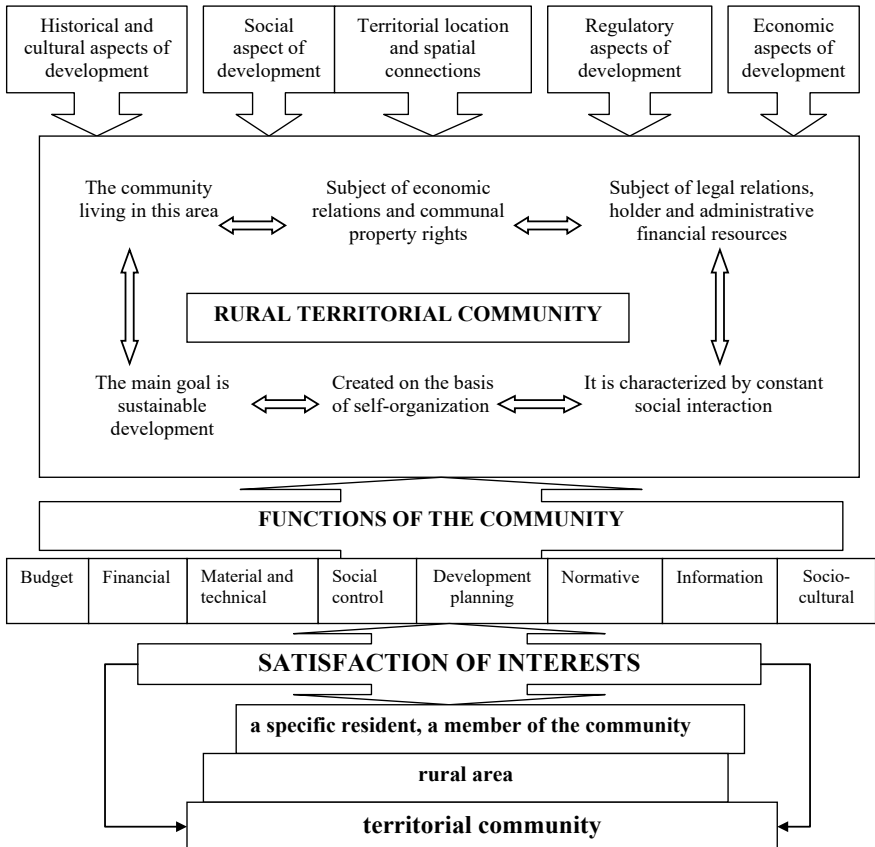


Figure 3. Model of functioning of the territorial community as a subject-object of local self-government

*Developed by the author

assess their capabilities, identify aspirations and intentions, unite all stakeholders, select effective community leaders.

The main directions of development of the rural territorial community in the conditions of decentralization are the formation of a full-fledged subject of local self-government with all the features of a modern, dynamically developing territorial community, becoming a full partner in the European and world community; creation of such a system of functioning, which through economic, productive, ecological, responsible and socially oriented development will achieve general social goals.

Rural territorial community should be considered as a local civil society and it is a prerequisite for the formation of viable territorial communities, as public institutions are catalysts for the development of territorial communities, which is a complex system that develops and has a structure and functions.

The results of the research confirm that democratic institutions function effectively where civil society has already formed, and the development of an administrative-territorial unit depends primarily on an effective, efficient, self-development-oriented community.

Thus, the conducted research allowed to confirm that in the normative-legal aspect of the existence of the rural territorial community the conditions of functioning as a subject of administrative relations and economic development are substantiated and specifically defined. Rural communities have “municipal legal capacity”, independently decide local development issues (defined by the Constitution of Ukraine and other regulations), have a set of municipal rights and freedoms, realize themselves as bearers of rights and freedoms.

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