DECENTRALIZATION OF PUBLIC POWER IN UKRAINE AND ITS IMPACT ON NATIONAL SECURITY IN THE CONDITIONS OF ARMED CONFLICT

Abstract. Despite the fact that the decentralization reform in Ukraine has not been completed, it has created functional local self-government bodies, which have demonstrated resilience and capacity to execute their functions in conditions of...
unprecedented military challenges. At the initial stage of the war, local self-government bodies participated in organization of national fight against the Russian aggression, in setting up of territorial defense, population evacuation and supporting the internally displaced persons etc. They have demonstrated their high capacity and resilience levels and communities have become “safe havens” responsible for ensuring the safety of their citizens. In conditions of full-scale war, local self-government bodies and military administrations joined efforts in reaching the common security goal, namely, fighting off the Russian military invasion and supporting the internally displaced persons. The unity of communities and the work of their executive committees demonstrates the efficiency of decentralization reform in creating safe environment. The promptness and constructive nature of community actions in supporting national resistance demonstrates that local self-government bodies are an effective part of the national security system. Local self-government bodies have sufficient legislative powers to create safe environment in the community. Their representative bodies approve the most important documents of local democracy - the Statute of the community, targeted territory development programmes, which may concern human security. Patriotic position of communities as well as of most local government officials, their resilience and capacity to perform their functions at the time of war increased the level of trust in the decentralization reform among the Ukrainian population and the desire to continue it in the post-war period. Thus, decentralization reform in Ukraine has to be continued; this is of interest to the national democratic forces and foreign partners as it ensures national security and stability in the eastern region.

Keywords: Ukraine, decentralisation, security, community, armed conflict

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ДЕЦЕНТРАЛІЗАЦІЯ ПУБЛІЧНОЇ ВЛАДИ В УКРАЇНІ ТА ЇЇ ВПЛИВ НА НАЦІОНАЛЬНУ БЕЗПЕКУ В УМОВАХ ЗБРОЙНОГО КОНФЛІКТУ

Анотація. Попри незавершеність реформа децентралізації публічної влади в Україні створила дієві органи місцевого самоврядування, які в умовах безпредпецедентних воєнних викликів проявили стійкість та спроможність виконувати свої функції і повноваження. На початковому етапі війни, який був найважчим, органи місцевого самоврядування взяли участь в організації національного спротиву російській агресії, матеріально-технічному забезпеченні територіальної оборони, евакуації населення та надання допомоги внутрішньо переміщеним особам тощо. Вони продемонстрували свою спроможність та життєстійкість, а громади стали осередком безпеки. В умовах війни відбулося об’єднання зусиль органів місцевого самоврядування та військових адміністрацій для забезпечення національної безпеки та організації відсічі російські збройній агресії. Ця згуртованість громад, конструктивне співробітництво з органами місцевої виконавчої влади існує й донині та демонструє важливість реформи децентралізації публічної влади для створення безпечного середовища. Оперативність та конструктивність дій громад під час забезпечення національного спротиву свідчить, що органи місцевого самоврядування є ефективною частиною системи національної безпеки. Органи місцевого самоврядування мають достатньо повноважень для того, щоб створити безпечне середовище в громаді. Їх представницькі органи затверджують найважливіші документи локальної демократії – статут громади, цільові програми розвитку територій, предметом яких може бути людська безпека. Патріотична позиція громад та більшості посадових осіб органів місцевого самоврядування, їхня стійкість і спроможність виконувати покладені функції і повноваження під час війни спричинила зростання довіри українців до реформи децентралізації та прагнення її продовження в післявоєнний період. У зв’язку з цим існує необхідність продовження
Introduction. The full-scale invasion of the Russian Federation became not only an unprecedented threat to the independence of Ukraine, democracy and human rights, but also a test of the stability and capacity of the communities formed as a result of the decentralization reform of public power. At the initial stage of the war, which was the most difficult, local self-government bodies took part in the organization of national resistance to Russian aggression, logistical support of territorial defense, evacuation of the population and assistance to internally displaced persons, etc. This cohesion of communities, constructive cooperation with local executive authorities exists to this day and demonstrates the importance of the reform of decentralization of public power to create a safe environment.

In the context of ensuring national security, the question of continuing the reform of the decentralization of public power, which has been suspended under martial law, is of great importance. Therefore, it is necessary to investigate the significance of the decentralization reform in Ukraine for the organization of life activities of communities, local self-government bodies in the conditions of martial law, as well as its prospects in the post-war period.

Analysis of recent research and publications. When considering decentralization in the context of national security, researchers often excessively narrow the understanding of this issue and highlight it mainly in terms of separatism of regions that may want more powers, «up to decisions that will go against the national interests of Ukraine» [1, p. 20]. As of today, these fears have not been confirmed in the face of Russian aggression, and decentralization, in its current form, has demonstrated a constructive impact on stability and security. The issue of decentralization has more facets and should be considered as a tool for shaping a number of aspects of social, cultural, economic, political and other types of «soft» security. And here, in our opinion, A. Umland is right, defending the position that decentralization increases the stability of the Ukrainian state and society, strengthens democratic accountability, promotes economic development, strengthens the cohesion of citizens and supports Europeanization [2].

The analytical report of scientists of the National Institute of Strategic Studies [3] is worthy of attention, in which they revealed the impact of decentralization of public power on the stability of communities in the rear, near-front zone, and temporarily occupied territories in Ukraine in the conditions of war.
O. Melnychuk and Yu. Khimich claim that «after the end of the war, the decentralization reform should be continued» [4].

However, the Russian-Ukrainian war caused changes in the organization and functioning of public authorities, including local self-government, and affected the course of reforms in the state. In this connection, there is a need to investigate the state of decentralization of public power, to find out the threats to this reform in the conditions of the war, and to justify the need for its continuation in the post-war period.

The purpose of this article is to reveal the state of the decentralization reform of public power in Ukraine in the conditions of armed conflict and justify the need to continue this reform in the post-war period in the context of ensuring national security.

Presentation of the main research material. Despite the incompleteness of the reform of the decentralization of public power, it is recognized by Ukrainians and the international community as «one of the most successful and consistent» [3, p. 4]. Unfortunately, its continuation was prevented by the full-scale invasion of Russian troops on the territory of Ukraine on February 24, 2022. In the face of threats to national security, the President of Ukraine signed Decree No. 64/2022 «On the introduction of martial law in Ukraine» [5], according to which military administrations with expanded powers were formed instead of civilian administrations. During the legal regime of martial law, some restrictions on the powers of local self-government bodies were introduced.

Since the full-scale invasion of Russian troops, the communities have found themselves in different situations, their level of security depends on the distance from the front line and the territory of active hostilities. In those communities where active hostilities are taking place and where officials of local self-government bodies cannot fulfill their powers, military administrations of settlements have been formed. However, it should be understood that the formation of military administrations and the strengthening of their powers does not mean the cessation of the functioning of local self-government bodies. They continue to exercise their powers in accordance with current legislation. In communities where hostilities are not taking place, the powers of village, settlement, and city heads have even been increased. This is done so that the main officials of local self-government have the ability to make operational decisions to ensure the livelihood of communities. Granting greater powers to single-person local self-government bodies than to collegial, i.e. councils, should have caused criticism if it had been in peacetime conditions. However, during the legal regime of martial law, we consider such a decision expedient and conditioned by the need to create conditions for ensuring national security. It can be stated that in the conditions of war there was a joining of efforts of local self-government bodies and military administrations to ensure the national security of...
communities and the organization of resistance to Russian armed aggression. Local self-government bodies have demonstrated their capacity and viability, and communities have become the center of security.

On the one hand, the war became a challenge for the reform of the decentralization of public power and the reason for its suspension until the end of the martial law regime in Ukraine. On the other hand, in the conditions of war, Ukrainians assessed the preliminary results of this reform in the context of ensuring national security and opposing the enemy. This was especially noticeable at the beginning of the full-scale invasion of Russian troops, when the cohesion of communities ensured national resistance and prevented the implementation of the decisions of the occupying power.

The positive role of communities in providing territorial defense, providing assistance to internally displaced persons, and organizing volunteering has been repeatedly noted by experts. Thus, according to Vitaly Bezgin, People's Deputy of Ukraine and one of the key organizers of the decentralization reform, «the absolutely vertical management system of the Russians, which does not have any autonomy and promptness of decision-making, in the best traditions of the USSR, did not expect that grassroots decisions on the organization of work in Ukraine can be adopted quickly and locally, in clear coordination of state and local authorities» [6].

Noting the role of the decentralization reform of public power and local self-government bodies in the organization of the country's defense, we point to the general trend that has developed in Ukraine. The activities of local self-government bodies and their officials in the east and south of Ukraine in the first days of the Russian offensive require further study. In fact, those persons who had a pro-Russian position even before the war turned out to be traitors. However, such cases cannot be considered systemic. Moreover, there is no clear correlation between the position of communities and the treacherous decisions of individual local heads. Therefore, we believe that the patriotic position of the communities and the majority of officials of local self-government bodies, their stability and ability to perform the assigned functions and powers during the war caused the increase in the confidence of Ukrainians in the decentralization reform and the desire to continue it in the post-war period. According to the results of a public opinion poll, «76.5% of Ukrainian men and women believe that the reform of local self-government and territorial organization of power (decentralization) should be continued and that the reform played a positive role in resisting the large-scale Russian invasion» [7].

Restoration of destroyed communities, continuation of the reform of decentralization of power - the task that Ukraine faces. And Ukrainians themselves should play a significant role in its implementation in the post-war period. Therefore, it is necessary to create safe conditions in communities for their return from abroad.
We believe that local governments have enough legislative powers to create a safe community environment. Their representative bodies approve the most important documents of local democracy - the charter of the community, target programs for the development of territories, the subject of which may be human security. The executive committees of the councils have their own and delegated powers in various areas: socio-economic and cultural development, planning and accounting; budget, finance and prices; management of communal property; housing and communal services, household, trade services, catering, transport and communication; construction; education, health care, culture, youth policy, physical education and sports, affirmation of Ukrainian national and civic identity; land relations and environmental protection; social protection of the population; foreign economic activity; defense work; organization and provision of civil protection; administrative and territorial system; registration of the place of residence of individuals; ensuring legality, law and order, protection of rights, freedoms and legitimate interests of citizens; provision of free initial legal assistance, etc. All the powers of the executive committees of village, settlement, and city councils are directly or indirectly aimed at creating proper conditions for human life in the community, and their implementation is necessary both in peacetime and in wartime, and in the postwar period.

Analysis of Ukrainian legislation shows that local self-government bodies are capable of ensuring community security, which is the basis of national security. Moreover, considering the functions and powers of local self-government bodies, the legislator attributes them to the state security system. Local self-government bodies perform their functions of ensuring national security in cooperation with other bodies. Even before the full-scale invasion of Russian troops, according to research by scientists, Ukrainians were ready to neglect some personal rights and freedoms for the sake of a sense of stability and security [8, p. 165].

As we can see, the reform of decentralization during the war showed that it has a positive effect on national security, but the martial law created such conditions that after the end of the armed conflict there is a risk of returning to centralized management. In the conditions of the inevitable post-war economic and socio-psychological crisis, the shortage of local resources, the high popularity of the power structures and the willingness of the population to give up their freedoms, the idea of recentralization can look quite attractive both for the central government and for the population of territorial communities.

In the future, the reform of decentralization of power should be resumed, which will consist in making changes to the Constitution of Ukraine and establishing a new status of communities, which should become not only the primary subject of local self-government (as at present), but also the basic administrative-territorial unit.
There should be a change in the organization of public power, according to which the institute of prefects will be introduced to carry out a coordination and supervisory function on the ground, in contrast to the old command-administrative one, which caused interference in the affairs of local self-government. Instead, local self-government bodies will be given broad competence in the field of public management of all local affairs. In order to ensure the effectiveness of local self-government at the regional and subregional level, it will be necessary to introduce executive committees at regional and district councils. A clear definition and legislative distribution of powers between local self-government bodies at all levels and between local executive authorities will eliminate competition between them and promote greater accountability for the implementation of their powers.

Conclusion. The reform of the decentralization of public power in Ukraine (despite its incompleteness) created effective local self-government bodies that, in the conditions of unprecedented military challenges, showed stability and the ability to perform the functions and powers defined by legislation. The promptness and constructiveness of community actions providing national resistance, material and technical assistance to territorial defense, support of internally displaced persons in the conditions of a full-scale invasion of Russian troops on the territory of Ukraine shows that local self-government bodies are an effective part of the national security system. They have enough powers to ensure security in communities, which, as the experience of war shows, cannot be narrowed down to only internal aspects of the functioning of the state. In this regard, there is a need to continue the reform of power decentralization in Ukraine, in which democratic forces within the country and foreign partners (states and international organizations) are interested in ensuring national security and stability in the eastern region.

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