

## DEVELOPMENT OF PARTICIPATION IN LOCAL GOVERNMENT OF UKRAINE: ADMINISTRATIVE AND LEGAL RELATIONS

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### Citation:

Yushchuk, R., & Zabolotnya, V. (2024). DEVELOPMENT OF PARTICIPATION IN LOCAL GOVERNMENT OF UKRAINE: ADMINISTRATIVE AND LEGAL RELATIONS. *Public Administration and Law Review*, 2(18), 12–20. <https://doi.org/10.36690/2674-5216-2024-2-12-20>

Received: May 21, 2024

Approved: June 28, 2024

Published: June 30, 2024



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**Abstract.** The article reveals trends in the development of participation in local self-government of Ukraine. The purpose of the article is to study trends in the development of participation in local government. The methodology in this article is based on a number of normative legal acts of Ukraine, which today regulate the components of participation in local self-government, in particular the Constitution of Ukraine, normative legal acts on local self-government and public participation in local self-government, as well as international reports and norms. The main result of the research is the study of the development of local self-government from the foundations of democracy to its implementation in the national legislation of Ukraine at the current stage. After all, understanding the essence of partisanship is impossible without the concept of the essence of "participatory democracy", which is an innovative concept and is a mixed form of direct and representative democracy. The concept of participatory democracy as a basis for the development of participation in local self-government of Ukraine is revealed, the legal basis of the concept of "territorial community" as a subject of participation in local self-government is analyzed, and the basis the principles of community coexistence and local self-government are synthesized. The main problems of participation are identified and the main forms of public participation in local self-government are presented as a promising innovative method of management at the local and local levels. This article successfully delineates the transformation of participatory democracy in Ukraine, marked by a profound commitment to enhancing the mechanisms of public participation within local government structures.

**Keywords:** local self-government, territorial community, local development, participation, participatory democracy, innovative development.

**JEL Classification:** H12, H56, H75

**Formulas:** 0; **fig.:** 1 **table:** 1; **bibl.:** 20

**Introduction.** It is generally accepted that the basis of a developed civil society lies in the active work of public institutions. Moreover, until recently, the concept of “civil society institution” was more of a philosophical or political science category. Back in November 2007, Government Order No. 1035-r [1] approved the Concept of Assistance to the Development of Civil Society by Executive Bodies, and Resolution of the Cabinet of Ministers of Ukraine dated November 5, 2008 No. 976 [2] approved the Procedure for Facilitating Public Expertise of the Activities of Executive Bodies. The implementation of the Concept should have made it possible to: ensure the further development of civil society and strengthening of its institutions: establish communications between executive authorities and these institutions; increase the level of civic culture of society, intensify the participation of citizens in the activities of institutions, the formation and implementation of public policy; develop the volunteer movement, charity and philanthropy. The domestic legal field today determines several forms of participation in local government. Thus, the Law of Ukraine “On Local Self-Government in Ukraine” [3] guarantees the right of members of a territorial society to influence the decision-making process at the local level in the forms of a local referendum, a general meeting of citizens, public hearings, submitting a local initiative for consideration by a local government body, initiating the creation self-organization bodies of the population.

**Literature review.** The basis and development of participatory democracy was studied by G. Almond, B. Barber, N. Bobbio, S. Verba, R. Dahl, K. Pateman and others. The features of political participation and its modern forms were analyzed by S. Yves, B. Barber, N. Nagelsa, R. Darenforf, L. Sanistebana, A. Sungurov, etc. Electronic participation and its prospects were considered by R. Coleman, P. Lieber, L. Diamond, P. Dunleavy, B. Wirtz, P. Deiser and others. Among domestic authors, I. Popova, A. Rudenko, I. Pavlenko, A. Danilyak, G. Makarov addressed the key problems of participation; certain aspects of the problem were analyzed by H. Kohalik, M. Latsyba, A. Khmara, A. Orlovsky, etc. d.

The research in this article is based on a number of regulations of Ukraine, which today regulate the components of participation in local government, including the Constitution of Ukraine, regulations on local government and public participation in local government.

The article "Development of Participation in Local Government of Ukraine: Administrative and Legal Relations" could potentially explore the evolving nature of citizen engagement and legal frameworks within Ukrainian local governance. The context of local government in Ukraine is multifaceted, characterized by a blend of local self-governance and state administration, which can occasionally result in jurisdictional ambiguities and conflicts (Portal COR).

A robust literature review for this topic might include studies on the structure of local government reforms in Ukraine, such as the reforms initiated in 2014 that aimed to enhance local autonomy while aligning with the European Charter on Local Self-Government. These reforms introduced a three-tier territorial system designed to decentralize powers and improve local governance efficiency (Portal COR).

*European Commission reports* on public administration reforms in EU member states, which provide comparative insights that could inform Ukraine's ongoing reform efforts (Demchyk, N. & etc., 2023).

Studies on citizen participation in governance, like those by Fung (2006) and Thomas (1995, 2012), which discuss the dimensions of participatory governance and could provide theoretical underpinnings for understanding local engagement in Ukraine (Mititelu, C., 2019).

Analyses of administrative legal relations in the broader European context, which might offer a comparative perspective on Ukraine's administrative challenges and legal solutions as seen in similar governance structures across Europe (Karpa, M., Akimova, L., Akimov, O., Serohina, N., Oleshko, O., Lipovska, N., 2021).

For a more detailed exploration of these themes, reviewing the specific legislative framework, such as Ukraine's Law on Local Self-Government and the constitutional provisions related to local governance, would be crucial. This would help in understanding the legal bases for participation, the roles of different local government bodies, and the complex interplay between central and local authorities in Ukraine (Portal COR).

We believe that it is necessary not only to highlight specific existing administrative and legal mechanisms, but also to contextualize them with broader trends in public administration and citizen involvement in the governance process.

**Aims.** The purpose of the article is to study trends in the development of participation in local government. In particular, we traced the development from the foundations of democracy to its implementation in the national legislation of Ukraine at the present stage. After all, understanding the essence of participation is impossible without the concept of the essence of “participatory democracy,” which is a broader concept and a mixed form of direct and representative democracy. Therefore, the objectives of the article were to correlate the concept of participatory democracy as the basis for the development of participation in local self-government of Ukraine, to reveal the legal basis of the concept of “territorial community” as a subject of participation in local self-government, to analyze the principles of coexistence of the community and local self-government and the main forms of public participation.

**Methodology.** The methodology in this article is based on a number of normative legal acts of Ukraine, which today regulate the components of participation in local self-government, in particular the Constitution of Ukraine, normative legal acts on local self-government and public participation in local self-government, as well as international reports and norms.

**Results.** To understand why the issue of public participation in local development is important and what problems new approaches to understanding public participation entail from both the public and the authorities follows through the prism of challenges, including:

- the problem of the so-called democratic deficit, civil apathy, decreasing level of legitimacy;
- resource limitations, public finance deficit – the need to determine priorities;
- there are insufficient existing mechanisms for representing interests;

- strong skills of “social veto” – the need for pervasion – social rules;
- imbalance of privileges and expectations in relation to obligations (simultaneously excessive expectations regarding power and lack of loyalty to it);
- social reality becomes less hierarchical and acquires a more networked grassroots character;
- increasing the role of media, new technologies, the emergence of new actors (civil society, initiative groups);
- new types of problems appear - there is a need to develop new models for responding to them (another form of leadership - not experts and not “commanders”);
- democracy acquires features of a personal, direct and daily nature - problems of traditional organizations, incl.
- development of new technologies and their ambivalent role from the point of view of social activity;
- planning of investment projects, development of the space of parks, squares, playgrounds, small towns, bazaars, shopping centers.

The participatory approach to public administration is based on the classical principles of democracy, which require active public participation in discussion and decision-making on issues of public life in society. The theory considers democracy as one of the basic principles of organizing all areas of public life and social relations, which should extend not only to the political life of society and the procedure for forming power, but also to relations in the economy, the education system, the family, etc. The theory states that there are no areas that are isolated from politics, therefore, under the influence of the classical understanding of democracy, they are all within the sphere of the democratic political process.

Understanding the essence of participation is impossible without the concept of the essence of “participatory democracy”, which is a broader concept and a mixed form of direct and representative democracy. Having synthesized these forms of democracy, we come to the conclusion that participatory democracy is organized as a hierarchical system with direct democracy at the base and a number of delegated representatives at each level, starting from the base (Fig. 1.).

	TYPE	MEMBERS INVOLVED	
LEVELS	representative democracy - national level - regional level - local level	representatives through delegation	Participatory democracy
BASIS	direct democracy	all of them	

**Figure 1. The essence of participatory democracy as a prerequisite for participation in local government**

Source: compiled based on [3, 13-17]

So, the model of participatory democracy presupposes the active participation of citizens in discussing and making decisions on the main issues of life. It includes tools that are used by local authorities to involve citizens in the process of collective decision-making. There are three forms of participation:

- participation as influence on government officials (elections, public opinion polls, individual and collective appeals, petitions, rallies and pickets);
- participation as decision-making (referendums or other types of voting on the basis of which decisions are made);
- participation as discussion (public initiatives and public discussions of political projects, hearings on public life, assessment of the possible consequences of decisions made).

Civic participation is a social science definition that deals with various mechanisms for public expression and allows the community to influence public decisions. Participatory decision making can be applied to any area of social activity, including economics, politics, government, culture and family. A distinction should be made here between the concepts of “community participation” and “citizen participation”, since the concept of “society” focuses on a group, although “citizen participation” is also used to refer to a subset of “community participation”.

During its formation, in particular, when constituting the institution of local self-government, the legislator used different terms: “territorial self-organization of society”, “citizens living in the territory”, “territorial collective of citizens”, etc. It is also obvious that until recently this concept was not used in any of the social sciences. Despite the fact that few people reject the definition of a territorial society as a subject of local self-government, the legislation of many countries around the world, oddly enough, ignores this concept. In addition, there is no definition of it as a subject of local self-government in developed democracies at all. It is also absent from the legislation of Ukraine, although the Constitution of Ukraine provides the very concept of territorial society (Table 1).

The functioning of a territorial society as a subject of self-government is closely related to management. Therefore, it is inappropriate to separately consider these concepts in their pure form.

The following principles should be adopted as the basis for the coexistence of the community and local self-government:

- *Transparency* - transparency in local government means the access of stakeholders to public data and information - regarding policy actions taken by officials and related results, as well as openness in the public decision-making process.

- *Accountability* - accountability refers to the relationship regarding the responsibility and duty of local governments, government agencies, officials and decision makers to provide transparent information about their actions, activities and performance results and to be held accountable for them. It also includes the right and responsibility of citizens and stakeholders to have access to this information, as well as the ability to question the government and reward/sanction its performance through electoral, institutional, administrative and social channels.

- *Virtue* - virtue means the consistent alignment and adherence to shared ethical values, principles and norms to support and give priority to public interests over private ones in the public sector.

- *Stakeholder participation* - stakeholder participation is all the ways in which stakeholders (any interested party and/or party concerned, such as individuals - regardless of their age, gender, sexual orientation, religious or political affiliation, organization civil society (CSOs), journalists, trade unions, academics) can be involved in the policy cycle, as well as in the design and delivery of services from information sharing to planning consultations and enhancing engagement and collaboration at all stages of the decision-making process.

**Table 1. The legal basis of the concept of “territorial community” as a subject of participation in local government**

The name of the law	Norm of the law /excerpt/
Constitution of Ukraine	Article 5. The bearer of sovereignty and the only source of power in Ukraine is the people. The people exercise power directly and through state authorities and local self-government bodies. Article 140. Local self-government is the right of a territorial community - residents of a village or a voluntary association of residents of several villages, towns and cities into a rural community - to independently resolve issues of local importance within the limits of the Constitution and laws of Ukraine.
About the voluntary association of territorial communities	A united territorial community, the administrative center of which is a city, is an urban territorial community, the center of which is a village, - a settlement, the center of which is a village, - rural. The administrative center of a united territorial community is defined as a settlement (village, settlement, city) that has a developed infrastructure and, as a rule, is located closest to the geographical center of the territory of the united territorial community and in which the representative body of local self-government of the united territorial community is located community
About local self-government in Ukraine	Territorial community - residents united by permanent residence within the boundaries of a village, town, city, which are independent administrative and territorial units, or a voluntary association of residents of several villages, towns, cities that have a single administrative center
About bodies of self-organization of the population	Bodies of self-organization of the population - representative bodies created by residents who legally live in the territory of a village, town, city or their parts, to solve the tasks provided for by this Law; Bodies of self-organization of the population are house, street, neighborhood committees, microdistrict committees, district committees in cities, village, settlement committees.

Source: compiled based on [3, 13-17]

Citizens of Ukraine exercise their constitutional right to participate in the management of public affairs (Article 38 of the Constitution of Ukraine) both directly and through representatives elected to government bodies. Such a right is more likely to relate to direct democracy and is closer to the present, since it is clearly stated in the legal framework. According to this approach, the influence of the public is quite localized, inconsistent, with a low level of participation and decision-making capabilities. In contrast, participation is a promising and poorly implemented mechanism. The concept has roots in the English term to participate - to be part of something, to participate, which in turn comes from the Latin word participatio with the same content. Since the Ukrainian language does not have a one-word correspondence, there was a borrowing-calque from the English language, which

sounds like participation. In essence, this corresponds to the Ukrainian phrase civic (or public - the concept is also not stable in science) participation. A developed civil society is a condition for democratic governance, since its presence simplifies the protection of personal and public interests of people, restrains the usurpation of power, and ensures the accountability of power to society. Civil society actively contributes to the processes of political democratization, the acquisition of legal characteristics by the state, defending the material and spiritual independence of a person from the state, seeking a legal guarantee of such independence, and the protection of private and public interests of people.

A direct form of community participation in local self-government can be considered “public management”, according to which the territorial community independently and independently resolves issues of local importance. It has the right to resolve issues within its competence through public hearings, local referendums, general meetings, local initiatives, etc. The functioning of a territorial society as a subject of self-government is not always clearly visible in the legislation of countries. But the development trends of society as a subject of local self-government are developing, and will soon take a high position. Thus, scientists and practitioners discuss the effectiveness of management in the development of a direct form of public participation in local government. It is generally accepted that the basis of a developed civil society lies in the active work of public institutions. Moreover, until recently, the concept of civil society institutions was more of a philosophical or political science category.

The Open Governance Recommendation was adopted by the OECD Council on 14 December 2017, following a proposal from the Committee on Public Administration. The recommendation aims to help advocates develop and implement successful open government policies and initiatives. This involves defining a clear, actionable, evidence-based and internationally accepted understanding of what open governance entails, and in particular what the characteristics of such governance should be to maximize impact.

Countries are increasingly recognizing the role of open government as a catalyst for good governance, democracy, trust and inclusive growth. Embracing the principles of open governance - transparency, virtue, accountability, and stakeholder participation - is a paradigm shift in the relationship between governments and citizens, making it more dynamic, mutually beneficial, and based on mutual trust. This has profound implications for deepening and strengthening democratic governance. The Recommendation defines open government as a governance culture that promotes the principles of transparency, virtue, accountability and stakeholder participation in support of democracy and inclusive growth. This trend can be traced both at the state and local government levels, local territories, and communities.

**Discussion.** The article highlights the dynamic landscape of participatory democracy in Ukraine, emphasizing the evolution of legal and administrative frameworks that enable citizen participation in local governance. The discussion underscores a significant shift from traditional top-down governance to a more inclusive and participatory model, rooted in the principles of democracy and public

involvement. The integration of electronic participation and other modern forms of engagement reflects an adaptive response to the contemporary challenges and opportunities presented by new technologies and societal expectations. Furthermore, the emphasis on the legal definitions and the role of the territorial community as a subject of self-government indicates a progressive approach to recognizing and formalizing the capacities and rights of local populations in the governance process.

**Conclusions.** This article successfully delineates the transformation of participatory democracy in Ukraine, marked by a profound commitment to enhancing the mechanisms of public participation within local government structures. The progression from theoretical concepts to practical implementations of democratic principles in local governance demonstrates Ukraine's efforts to strengthen its democratic institutions and promote a civil society. By examining the administrative and legal relationships and the increased role of public involvement, the article not only highlights the current state of participatory democracy in Ukraine but also suggests a forward-moving trajectory towards more transparent, accountable, and inclusive governance. As Ukraine continues to refine its local governance models, the ongoing reforms and public participation are expected to play pivotal roles in shaping a robust democratic society, aligning with broader European standards and expectations.

**Author contributions.** The authors contributed equally.

**Disclosure statement.** The authors do not have any conflict of interest.

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