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цифрових продуктів (сервісних додатків), що враховують потреби та специфіку організаційно-економічного механізму функціонування ринку зерна; діджиталізація бізнес процесів, логістичних і транспортних ланцюгів та процедур організаційно-економічного механізму функціонування ринку зерна; налагодження сервісної підтримки учасників зернового ринку щодо використання інформаційної загальнодоступної цифрової платформи для координації взаємодій, комунікацій й обміну інформацією.

Розроблені пропозиції щодо удосконалення інформаційної підтримки організаційно-економічного механізму функціонування ринку зерна на основі діджиталізації, за рахунок поінформованості, швидкості інформаційних потоків та неупередженості інформації дозволять: знизити виробничі та ринкові ризики; мінімізувати інформаційні шуми; підвищити врожайність зернових культур; розширити базу інформаційних джерел; підвищити якість планування, прогнозування та стратегій для учасників ринку; запобігти дублюванню функцій різних інституцій; знизити трансакційні витрати; сформувати систему інформаційної прозорості; підвищити оперативність координації взаємодій; оперативно здійснювати моніторинг індикаторів результативності організаційно-економічного механізму; зберігати та обробляти великі інформаційні масиви з використанням хмарних технологій; забезпечити гнучкість ринкових рішень; проводити постійний моніторинг ситуації на ринку зерна.

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FORMATION OF ORGANIZATIONAL STRUCTURE OF LOCAL SELF-GOVERNMENT IN THE MODERN CONDITIONS OF DECENTRALIZATION

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Abstract

Modern Ukraine is in a difficult economic and political situation, one of reasons of it there is inefficiency of the operating management system of state administration, and also administrative-territorial device, that is why reformation of country needs substantial changes, that must be sent to creation of political open system, and also development of civil society and increase of level of prosperity of every separate citizen. Decentralization became basis of reformation of state administration today, redistribution of plenary powers between the branches of power, change as between citizens and power, but the questions of decentralization go out on the first plan in the conditions of crisis period of development of the Ukrainian state system, as exactly this process is one of base terms of independent and effective activity of organs of local power.

Keywords: public policy, reformation, decentralization, development, regional programming, territorial society, management, self-government.

Introduction.

Local self-government - it the form of public power that will be realized by specific subjects - territorial collectives and organs formed by them has the special object - question of local value, and comes true on the basis of the use of separate type of public property - communal (municipal).

Local self-government comes true by territorial communities of villages, settlements, cities both directly and through village, settlement, municipal soviets and them executive branches, and also through district and regional soviets, that present general interests of territorial communities of villages, settlements, cities.

Legal practice and activity of city governments convincingly testify to the presence of considerable circle of unsolved practical problems, that is why the special actuality is today acquired by researches of theoretical and especially practical moments of activity of representative organs of local self-government in Ukraine.

The works of Ukrainian scientists had a significant influence on the development of this issue: Berezyuk S. [4], Goncharuk I.V. [5], Kaletnik G. [9,10], Kolesnik T. [14,15], Lutkovska S. [18,19], Mazur K. [21], Pronko L. [24, 25], Samborska O. [28, 29] in their works the greatest attention is paid to improving the institutions of local self-government, in particular the activities of local councils, the problem of local self-government as a form of democracy or the right of citizens to participate in local self-government of Ukraine, local referendums.

The purpose of this article is to clarify the problem areas of local government and the formation of legislative ways to improve it.

However, they are mainly based on the theory of legal positivism, which ignores (abstracts) the real state of these communities. Insufficient attention is paid to the critical analysis of the positive and negative aspects of the functioning of territorial communities of foreign countries, their interaction with other local governments.

Territorial organization of self-government in Ukraine is based on a combination of national and local interests. The essence of which is the state-guaranteed right of the territorial community, citizens and their bodies to resolve a significant part of local affairs and manage them, acting within the law.

Local self-government bodies are structurally organized groups of employees or one employee, endowed with power in the system of local self-government for the implementation of government decisions. The essence of local self-government is the state-guaranteed right of the territorial community, citizens and their bodies to resolve a significant part of local affairs and manage them, acting within the law, under their own responsibility and in the interests of the population [19].

Among the most important features of local governments are their legal, organizational, material and financial autonomy. Legal autonomy means that local governments are endowed with their own powers under the Constitution and current legislation of Ukraine.

Within these powers, local governments have complete freedom of action.

Organizational autonomy of local governments is manifested in their ability to independently determine and build their internal structure in order to meet local needs and ensure effective governance. Acting within the law, local governments are not subordinate to other bodies. Control over local governments is exercised only to ensure the legality of their actions.

Material and financial autonomy of local governments is manifested in their right to own and dispose of funds and property to perform their functions and powers [3].

Local self-government has its own system, consisting of the territorial community, village, settlement and city council, village, settlement and city mayor, executive bodies of village, settlement, city council, district and regional councils.

Local self-government is carried out by the territorial community both directly and through local selfgovernment bodies - village, settlement, city councils and their executive bodies.

In turn, village, settlement, city councils can allow on the initiative of residents to create house, street, neighborhood and other self-organizations of the population and give them part of their own competence, finances, property. Among the "other" bodies of local self-organization of the population, the Law of Ukraine "On Local Self-Government in Ukraine" of May 21, 1997, in addition to house, street, neighborhood, also names forms of direct expression of will - local referendums, general meetings, public hearings. Local self-government bodies of villages, settlements, cities for more active exercise of their rights and responsibilities may also unite in associations, other forms of voluntary associations [25].

The constitution of local self-government bodies, which represent the common interests of territorial communities of villages, settlements and cities, the Constitution of Ukraine and the Law of Ukraine "On Local Self-Government in Ukraine" include district and regional councils. The issue of organizing district management in cities belongs to the competence of city councils.

According to Art. 143 of the Constitution of Ukraine, territorial communities of villages, settlements, cities directly or through the local self-government bodies formed by them manage communally owned property, which consists of movable and immovable property, local budget revenues, other funds, land, natural resources, etc. They approve socio-economic and cultural development programs and monitor their implementation; approve the budgets of the relevant administrative-territorial units and control their implementation; establish local taxes and fees in accordance with the law; ensure the holding of local referendums and the implementation of their results; form, reorganize and liquidate utility companies, organizations and institutions, as well as exercise control over their activities; resolve other issues of local importance, referred by law to their competence [15].

Territorial communities of villages, settlements and cities may unite on a contractual basis objects of

communal property, as well as budget funds for joint projects or for joint financing (maintenance) of communal enterprises, organizations and institutions, create appropriate bodies and services.

On behalf of and in the interests of territorial communities, the rights of the subject of communal property are exercised by the relevant councils.

Regional and district councils approve programs of socio-economic and cultural development of relevant regions and districts and monitor their implementation; approve district and oblast budgets formed from the State budget for their appropriate distribution among territorial communities or for the implementation of joint projects and from funds raised on a contractual basis from local budgets for the implementation of joint socio-economic and cultural programs, and monitor their implementation; resolve other issues referred by law to their competence.

In accordance with Part 3 of Art. 143 of the Constitution of Ukraine, local governments may be granted by law certain powers of executive authorities. In this case, the state finances the exercise of these powers in full at the expense of the State Budget of Ukraine.

In turn, local councils (oblast and rayon) may delegate part of their powers to oblast and rayon state administrations, respectively, and monitor the implementation of these powers.

Local governments within the powers defined by law, make decisions that are binding on the territory (Article 144 of the Constitution of Ukraine) [8].

All this suggests that local governments have features that bring them closer to the executive branch, with which they work closely in addressing issues of local importance.

With regard to the exercise of the powers of executive bodies, local self-government bodies shall be under the control of the relevant executive bodies. Legal acts of local self-government bodies adopted in violation of the Constitution and legislation of Ukraine may be suspended until the issue of their legality is resolved in court. Damage caused as a result of illegal decisions, actions or inaction of local governments is reimbursed by them in full at their own expense [12].

Local councils are also under the control of the Verkhovna Rada of Ukraine, territorial communities, and courts. Thus, according to the Law of Ukraine "On Local Self-Government in Ukraine", the powers of a local council may be terminated by a local referendum if the council made a decision in violation of the Constitution and other laws of Ukraine, rights and freedoms, ignoring the requirements of competent authorities. on bringing these decisions in accordance with the law, as well as if the sessions of the council are not held without good reason within the period prescribed by law or the council does not resolve issues within its competence

In the presence of a court decision declaring the acts of the council illegal, the conclusions of the relevant committee of the Verkhovna Rada of Ukraine, the latter may call early elections of village, town, city, district in the city, district, regional council.

The composition of the village, settlement, city council includes deputies elected by the inhabitants of

the village, settlement, city on the basis of universal, equal, direct suffrage by secret ballot for a term of four years (Article 141 of the Constitution of Ukraine) [8].

Village, settlement, city councils and city district councils have their own executive bodies - executive committees. The Executive Committee is a legal entity. It is formed by the council for the term of its powers consisting of the chairman of the relevant council, deputy (deputies) of the village, settlement, city mayor on the activities of executive bodies of the council, managing affairs (secretary) of the executive committee, as well as heads of departments, offices and other executive bodies. other persons [25]. The executive committee of the village, settlement, city council also includes the secretary of the relevant council. The quantitative and personal composition of the executive committee is determined by the relevant council on the proposal of its chairman. The main structural subdivisions of the executive committee are departments and administrations.

In village councils representing territorial communities with up to 500 inhabitants, executive committees may not be established by a decision of the relevant territorial community or village council. In these cases, executive and administrative functions (except for the disposal of land and natural resources) are performed by the chairman of the council alone.

The Executive Committee of the Council preliminarily considers draft local programs of social, economic and cultural development, targeted programs on other issues, the local budget, draft decisions, which are submitted to the relevant council; coordinates the activities of departments, offices and other executive bodies of the council, enterprises, institutions and organizations belonging to the communal property of the respective territorial community, hears reports on the work of their heads; has the right to change or cancel the acts of its subordinate departments, offices, other executive bodies of the council, as well as their officials. The Executive Committee also exercises certain powers delegated to it by the state.

The current legislation gives significant powers to the heads of villages, settlements and cities. They are elected by the relevant territorial community for a term of four years. They chair the council and its executive committee. The village, settlement, city mayor ensures the exercise of the powers of executive bodies granted by law in the relevant territory, observance of the Constitution and laws of Ukraine, implementation of acts of executive bodies; organizes the work of the relevant council and its executive committee, appoints and dismisses heads of departments, offices and other structural units of the council, enterprises, institutions and organizations belonging to communal property and relevant territorial communities; convenes a general meeting of citizens at the place of residence; represents the territorial community, council and its executive committee in relations with other state and non-state bodies; appeals to the court to declare illegal acts of other local governments, local executive bodies, enterprises, institutions and organizations that restrict the rights and interests of the territorial community, as well as the powers of the council and its bodies; concludes agreements

on behalf of the territorial community, council and its executive committee in accordance with the legislation, and on issues referred to the exclusive competence of the council, submits them for approval to the relevant council; conducts personal reception of citizens.

The Council, within its powers, adopts normative and other acts in the form of decisions, acts of such form are also adopted by the executive committees of the council. Decisions of the council are made at its plenary session after discussion by a majority vote of deputies from the general membership of the council (except for some cases provided by current legislation). Decisions of the council of normative-legal character come into force from the date of their official promulgation, if the council has not established a later term of entry into force of these decisions.

Decisions of the executive committee are made at its meeting by a majority vote of the general membership of the executive committee and signed by the village, town, city mayor, chairman of the district council in the city.

The village, settlement, city mayor, the chairman of the district in the city, the district, regional council within the limits of the powers issues the order, therefore, the local council, in the person of constant deputy commissions, carries out control over execution of decisions of executive committee.

The council consists of deputies elected in the relevant local elections. The general composition of the council (number of deputies) is determined by law. The Council conducts its work in sessions. The session consists of: meetings of standing committees; plenary meetings of the council.

The session is open and public. Closed meetings of standing committees or closed plenary meetings of the council are prohibited.

The council adopts acts in the form of council decisions. The procedure for holding the first session of the council, the procedure for electing the chairman and deputy (deputies) of the district in the city, district, regional council, secretary of the village, settlement, city council, convening regular and extraordinary sessions of the council, appointing plenary sessions, preparation and consideration of plenary meetings, decision-making of the council on approval of the agenda of the session and on other procedural issues, as well as the order of the session are determined by the rules of procedure of the council. Prior to the adoption of the regulations of the council of the next convocation, the regulations of the council in force in the previous convocation shall apply.

The beginning of the rule-making process in the council begins with the introduction of draft decisions. Proposals on issues for consideration by the council may be submitted by the village, settlement, city mayor, standing committees, deputies, the executive committee of the council, the head of the local state administration, the chairman of the district, regional council, general meeting of citizens.

Almost all draft decisions (more than 90%) are submitted to the council by the mayor. In second place in terms of the number of submitted projects are deputies (parliamentary factions and groups). Next are the

standing committees. I am not aware of any cases where the executive committee has submitted a draft decision to the council. Draft decisions from citizens as a local initiative are just as rare.

A draft decision is a general form determined by the council (in fact or legally). Council regulations usually describe the mandatory requirements that a draft decision must meet (introductory, motivational, regulatory part).

Most local councils are required to submit an explanatory note to draft decisions, a practice that is justified and useful for both MPs and the public, but explanatory notes are often formalized and uninformative.

The vast majority of local councils have such a requirement for draft decisions as visas for council employees. The essence of the visa is that the employees of the council (profile deputy, relevant head of the executive body (bodies), legal service of the council, secretary of the council, head of the secretariat) put their signatures on the back of the draft decision, indicating their attitude to the project. It is clear that the draft decision, which is submitted by the mayor, quickly and easily obtains visas of subordinates of the mayor. Conversely, a draft decision prepared by a deputy, deputy group or faction has major problems with collecting signatures of officials.

There are two types of sights - "preliminary" and "notifying". Preliminary approval is an approval without which the project is not recognized as a project and is not accepted for consideration by the council. There are facts from the activities of some local councils, when visas were issued for two or three months. At the same time, it is impossible to appeal anything, because the law does not stipulate the obligation of an official to issue a visa at a certain time.

Notification approval is an approval that takes place in the period from the moment of submission of the draft decision until its consideration at the session of the council. Such a visa, although it simplifies the life of the authors compared to the previous visa, but often visas for council employees can have a negative impact on the project.

For example, council employees deliberately put negative conclusions (visas) on the project of a certain deputy or deputy faction (group). Then, during the consideration at the meeting of the standing commissions or the plenary session, this fact is pointed out by the chairman as a critical shortcoming, as if all the specialists of the council spoke negatively. Of course, rarely does anyone in the public pay attention to the fact that all these "specialists" are subordinates of the mayor and, perhaps, we have a political confrontation, corrupt interests or personal hostility. At the same time, this has a significant impact on the voting results. Yes, the mayor can show "who in the council is the owner" and to whom it is necessary to go for the decision of questions. Ineffective voting negatively affects the rulemaking activity of deputies, deputy factions (groups), standing commissions; reduces the initiative and effectiveness of activities.

The agenda of the session is formed on the basis of the submitted draft decisions by the mayor. There are

also frequent manipulations by the mayor. There are cases when certain draft decisions are not formally included in the agenda of the session. It is clear that this does not apply to the mayor's projects. The sequence of consideration of issues is also important, because at the beginning of the plenary session the public's attention is greater, there are more deputies in the hall and, accordingly, less opportunities for manipulation and a higher probability of project approval. Therefore, mayors often try to raise non-acute issues at the beginning of the agenda and place "unprofitable" or opposition issues at the very end of the agenda. Such simple tricks give "good results" for manipulators. The agenda is subject to approval at the beginning of the plenary session of the council, but often due to lack of cohesion or initiative among deputies, the agenda is approved by the mayor's office or with minor changes.

After the issuance of the mayor's order to convene a session, meetings of the standing deputy commissions are held, at which draft decisions are considered in advance. Based on the results of the review, the standing commission adopts a corresponding conclusion (support the project, speak negatively, etc.) [24].

The meetings of the standing commissions are an extremely important part of the council session, but the attention of the public and the media to this process is unjustifiably low. Often the community does not understand these processes. The issue is that the standing commissions are a kind of filter, the issues can be studied in more depth at their meetings, and the commissions themselves have a certain specialization (issues of education, legality, health care, budget, etc.). Deputies do not have a practical opportunity to study in detail all the draft decisions submitted to the session.

Also at the meeting of the standing committee you can get important information about the reasons for the decision, hidden motives, levers, stakeholders. Of course, all this depends on the normal and active work of deputies at the meeting of the standing commission, but the public can also participate in the work of the commission, because its meeting is open.

Procedural issues of the work of the standing commission are fixed in the Regulations on standing commissions, which are adopted by the decision of the council. The content of this provision may provide the public with additional rights to participate in the work of the standing committee, so the community must fight for the right to participate in the meeting of the standing committee, participate in the discussion, etc. It is necessary to have a negative attitude to the commission's attempts to meet closed or semi-closed, to vote in the absence of the public, to hide the commission's minutes.

The Standing Commission is authorized provided that at least half of its members are present and makes decisions by open voting of the members of the Commission. The decision of the commission is considered adopted if more than half of the total membership of the commission voted for it. The course of the meeting is recorded. The minutes of the commission meetings are subject to mandatory publication.

After the meetings of the standing commissions, a plenary meeting of the council takes place. This is a

meeting in which all deputies of the council take part. The plenary session is authorized provided that a majority of the general membership of the council is present. The plenary session is chaired by the mayor. After resolving the procedural issues (approval of the agenda, determination of the mode of work, etc.), the chairman proceeds to consider the issues on the agenda on the merits.

Consideration of issues begins with a speech by the speaker (co-speaker). After that, deputies have the right to ask questions to the speaker and the author of the project (if they are different people). The discussion ends with a short concluding remarks by the speaker. After that, the chairman of the meeting puts the question to a vote.

After the decision is made, it is signed by the mayor and made public. Publication is provided by the mayor, and the personal responsibility for timeliness and completeness of publication is borne by the mayor and the secretary of council.

The mayor has the right to suspend (veto) the council's decision. In accordance with the law, the decision of the village, settlement, city council within five days from the date of its adoption may be suspended by the village, settlement, city mayor and submitted for reconsideration to the relevant council with justification of comments. The council is obliged to reconsider the decision within two weeks. If the council rejects the remarks of the village, settlement, city mayor and confirms the previous decision by two thirds of the votes of the deputies from the general membership of the council, it enters into force.

It should be noted that in practice, deputies rarely manage to collect 2/3 of the votes to overcome the veto of the mayor. Therefore, a suspended decision usually means "cancellation" of the decision. Draft council decisions and council decisions are usually published on the local council's website. Particularly important decisions can be published in the print media. Publication of the decision is mandatory.

The control over the implementation of the council's decisions is entrusted to the standing deputy commissions. The issue of control is defined in the text of the decision. There is a practice where the control over the implementation of the decision is entrusted to the mayor or his deputies, it is a gross violation. The essence of this violation is discussed in the previous chapter.

Acts of the council, village, settlement, city mayor, chairman of the district council in the city, executive committee of the village, settlement, city, district council in the city (in case of its creation), adopted within the powers granted to them, are binding on all located in the relevant territory of executive authorities, associations of citizens, enterprises, institutions and organizations, officials, as well as citizens who permanently or temporarily reside in the relevant territory.

When making decisions, the local council must comply with the requirements of the law and not exceed its powers. Bodies and officials of local self-government are responsible for their activities to the territorial community, the state, legal entities and individuals. Bodies and officials of local self-government shall be

liable in case of violation of the Constitution or laws of Ukraine. Damage caused to legal entities and individuals as a result of illegal decisions, actions or inaction of local governments is reimbursed from the local budget, and as a result of illegal decisions, actions or inaction of local government officials - at their own expense in the manner prescribed by law.

The powers of the village, settlement, city, district in the city, district, regional council may be terminated ahead of schedule in the following cases:

- if the council made a decision in violation of the Constitution of Ukraine, laws, rights and freedoms of citizens, ignoring the requirements of the competent authorities to bring these decisions in line with the law;

- if the sessions of the council are not held without good reason within the time limits established by this Law, or the council does not resolve issues related to its jurisdiction.

If there are grounds provided by law, a court decision declaring acts of the council illegal, conclusions of the relevant committee of the Verkhovna Rada, the Verkhovna Rada of Ukraine may call early elections of village, town, city, district in the city, district, regional council. The issue of calling early elections of village, settlement, city, district in the city, district, regional council by the Verkhovna Rada of Ukraine may be raised before the Verkhovna Rada of Ukraine by the village, settlement, city mayor, regional, Kyiv, Sevastopol city state administration [18].

Implementation of local self-government reform is impossible without updating the regulatory framework. The modern system of legislation on local self-government needs to be improved on the basis of strengthening the organizational, legal, financial, material, administrative independence of local self-government, building a European model of administrative-territorial organization and the principles of decentralization, universality, subsidiarity, system unity.

Regional approaches to the management of economic processes are becoming increasingly relevant and are increasingly being discussed by scholars and representatives of public authorities and local governments. The task of creating effective mechanisms of territorial management systems should solve the problem of balancing the interests of state and regional economic policy and ensure appropriate regulation of economic development.

The optimal management process should ensure an ever-increasing standard of living based on the efficient use of local resources.

The system of local self-government in structural and organizational terms is a set of local governments, self-organization of the population and organizational forms through which the relevant territorial community or its components carry out tasks and functions of local government, address issues of local importance.

The process of managing the socio-economic development of the region is a special type of activity carried out by central authorities, local state executive bodies and local governments.

Central public authorities are responsible for implementing regional economic development strategies and their compliance with the strategic development of the state as a whole in order to ensure the most effective use of the region's potential on the one hand and national needs on the other. In addition to the task of the central government is to regulate relations between the regions and ensure the implementation of national programs, which involve several regions.

At the same time, the central bodies of state executive power provide [31]: compliance with current legislation throughout the country and a particular region, the functioning of a single monetary, budgetary and customs systems, infrastructure development of national importance, management of national property, creating conditions for social-economic development of the region.

Regional bodies of state executive power carry out: formation and execution of local budgets, management of objects of communal property, creation of conditions for development of business, social protection of the population, maintenance of environmental protection.

Local self-government in Ukraine is carried out on the principles of: democracy; legality; publicity; collegiality; combination of local and state interests; election; legal, organizational and material-financial independence within the powers defined by this and other laws; 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.

According to Art. 5 of the Law, the system of local self-government includes: territorial community; village, settlement, city council; village, settlement, city mayor; executive bodies of village, settlement, city council; district and regional councils representing the common interests of territorial communities of villages, settlements, cities; bodies of self-organization of the population [25].

In cities with district division, district councils may be formed in the city by the decision of the territorial community of the city or the city council. District councils in cities form their executive bodies and elect the chairman of the council, who is also the chairman of its executive committee.

Territorial community - residents united by permanent residence within a village, town, city, which are independent administrative-territorial units, or a voluntary association of residents of several villages that have a single administrative center.

In paragraph 1 of Art. 6 of this law clearly enshrines the principle of the status of the territorial community. In particular, it is noted that the territorial community of the village, settlement, city is the primary subject of local self-government, the main bearer of its functions and powers.

The territorial community is endowed with a specific legal personality, namely: the right to form relevant bodies; the right to hold local referendums; the right to manage local budgets and communal property.

A representative body of local self-government is an elected body (council) consisting of deputies and, in accordance with the law, is given the right to represent the interests of the territorial community and make decisions on its behalf. Taking into account the peculiarities of the administrative-territorial structure of our state, the system of representative bodies of local self-government consists of two levels: village, settlement, city councils (hereinafter - local councils); district and regional councils.

Village, settlement, city councils are bodies of local self-government that represent the relevant territorial communities and perform on their behalf and in their interests the functions and powers of local self-government defined by the Constitution of Ukraine, this and other laws.

Regional and district councils are local governments representing the common interests of territorial communities of villages, settlements, cities, within the powers defined by the Constitution of Ukraine, this and other laws, as well as the powers delegated to them by village, settlement, city councils.

Thus, local councils as representative bodies: these are elected bodies consisting of deputies elected directly by the territorial community; accumulate the interests of territorial communities and have the right to represent them; have the exclusive right to make decisions on behalf of the territorial community.

In accordance with paragraph 2 of Art. 5 of the Law "On Local Self-Government in Ukraine" in cities with district division by the decision of the territorial community of the city or city council may be formed district councils in the city, which, in turn, form executive bodies and elect the chairman of the council committee [25].

Bodies of self-organization of the population are representative bodies created by residents who legally reside in the territory of a village, settlement, city or their parts to solve the tasks provided by the Law "On bodies of self-organization of the population". Bodies of self-organization of the population are: house, street, quarter committees; neighborhood committees; district committees in cities; village, settlement committees. One example of the creation of such bodies of self-organization are condominiums.

Executive bodies of local self-government - bodies which, in accordance with the Constitution of Ukraine and the Law of Ukraine "On Local Self-Government in Ukraine", are created by village, settlement, city, district councils in cities (in case of their creation) to perform executive functions and powers of local self-government. implementation of decisions adopted by territorial communities, relevant councils within the limits set by law.

The executive bodies include the executive committee of the council, as well as departments, administrations and other executive bodies that may be created by the village, town, city, district council in the city within its approved structure and staff, to exercise powers within the competence of councils (Article 54).

Another element of the system of local self-government is the village, township, mayor, who in accordance with Art. 12 of the Law "On Local Self-Government in Ukraine" is the main official of the territorial community, respectively, the village (voluntary association of residents of several villages into one territorial community), settlement, city [31].

Local government official - a person who works in local governments, has the appropriate official powers in the implementation of organizational and administrative and advisory functions and receives a salary from the local budget.

The powers of local self-government are the rights and responsibilities of territorial communities, local self-government bodies for the implementation of tasks and functions of local self-government defined by the Constitution and laws of Ukraine, other legal acts.

In general, the most important issues referred to local government, defined by the Constitution of Ukraine, Art. 143 which stipulates that territorial communities of villages, settlements, cities directly or through the local self-government bodies formed by them manage the property that is in communal ownership; approve programs of socio-economic and cultural development and control their implementation; approve the budgets of the relevant administrative-territorial units and control their implementation; establish local taxes and fees in accordance with the law; ensure the holding of local referendums and the implementation of their results; form, reorganize and liquidate utility companies, organizations and institutions, as well as exercise control over their activities; resolve other issues of local significance, referred by law to their com-

The powers of local self-government are detailed and specified in the Law "On Local Self-Government in Ukraine", in sectoral legislation and other legal acts [18].

According to its structure, the powers of local self-government include: own (self-governing) powers, the exercise of which is related to the solution of issues of local importance, the provision of public services to the population; delegated powers (certain powers of executive bodies are provided by law to local self-government bodies), the exercise of which is related to the performance of executive functions on the ground.

Territorial communities, as the primary subjects of local self-government, have the right to directly consider and resolve any issue related to self-government powers.

The Law "On Local Self-Government in Ukraine" defines groups of local self-government powers in the following spheres and branches:

- socio-economic and cultural development, planning and accounting;
 - budget, finance and prices;
 - management of communal property;
- housing and communal services, household, trade services, public catering, transport and communications:
 - construction;
- education, health, culture, physical education and sports;
- regulation of land relations and environmental protection;
 - social protection of the population;
 - foreign economic activity;
 - defense work;
- solving issues of administrative-territorial organization;

- ensuring law and order, protection of rights, freedoms and legitimate interests of citizens;
- awarding state awards, honors of the President of Ukraine and awarding honorary titles of Ukraine.

The local state administration, within the limits of its powers, exercises executive power on the territory of the respective administrative-territorial unit, as well as exercises the powers delegated to it by the relevant council. Local state administrations operate on the basis of: responsibility to the person and the state for their activities; rule of law; legality; human rights priorities; publicity; combination of state and local interests.

The powers of an executive body are the rights and responsibilities assigned to it. The scope of powers assigned to each body of executive power in accordance with the tasks and functions assigned to it expresses their competence.

The own powers of local state administrations in terms of content and degree of coverage of management objects, in turn, are classified into general (as a body of general competence) and special (sectoral), which relate to a particular area of public life [10].

The responsibility of local state administrations within the limits and forms determined by the Constitution and laws of Ukraine is to resolve issues.

- 1) ensuring the rule of law, protection of the rights, freedoms and legitimate interests of citizens;
- 2) socio-economic development of the respective territories;
 - 3) budget, finance and accounting;
- 4) property management, privatization, promotion of entrepreneurship and implementation of state regulatory policy;
- 5) industry, agriculture, construction, transport and communications;
- 6) science, education, culture, health, physical culture and sports, family, women, youth and minors;
- 7) use of land, natural resources, environmental protection;
 - 8) foreign economic activity;
 - 9) defense work and mobilization training;
- 10) social protection, employment, labor and wages.

Local state administrations also resolve other issues referred by law to their powers [23].

The competence of local state administrations includes ensuring, within the relevant administrative-territorial unit, the implementation of the Constitution, laws of the country, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine, and other executive bodies; law and order, observance of the rights and freedoms of citizens; implementation of state and regional programs of socio - economic and cultural development, environmental protection programs, programs of national - cultural development of minorities; preparation and implementation of relevant budgets; management of legally transferred objects of state property; implementation of state control within the limits set by law; interaction with local governments and the implementation of other powers granted by the state.

Delegated powers of local state administrations are powers acquired by administrations by transferring

them for execution from other entities at the discretion of the latter or by law.

The concept of administrative reform provides for the gradual reform of local state administrations, taking into account the general trends of transformation of structural and functional principles of executive bodies. The purpose of reforming local executive bodies is:

- increasing the effectiveness of government policy at the territorial level;
- directing their activities to ensure the realization of the rights and freedoms of citizens, expanding the types of public (administrative) services and improving their quality;
- harmonious combination of national and local interests taking into account the peculiarities of territorial development;
- promoting the formation and development of local self-government on the basis of its clear functional demarcation with the powers of the executive branch [22].

Public administration and local government, establishing legislative and regulatory support of economic processes in the region form a regional regulatory policy to promote stable economic development of the region, the main task of regional regulatory policy is to achieve the best indicators of regional economic development with the most efficient use of resources and environment.

According to the law, local self-government is a state-guaranteed real ability of a territorial community to decide cases of local significance independently or under the responsibility of elected bodies and officials within the limits set by the Constitution and laws of Ukraine.

The activities of the local council should not create obstacles to the direct management of the city by citizens through the use of such tools as public hearings, local initiative, citizens' meetings, referendum, e-petition. However, in practice, newly elected deputies and mayors often forget to take care of this.

The local council is a system of administrative and power formations, which consists of:

- the mayor and his patronage service;
- executive bodies (departments, administrations, departments);
 - utilities (schools, kindergartens, hospitals, etc.);
 - utilities;
- executive committee (a body established by the council on the proposal of the mayor);
- councils and permanent and temporary control commissions (as collegial bodies consisting of elected deputies).

All bodies of the local council form a "three-branch system of checks and balances".

The branch of the mayor is formed according to the principles of the power vertical (he appoints and dismisses the heads of executive bodies, utilities and enterprises; exercises current control over their activities; determines the main directions and powers).

The branches of the council and the executive committee are built as free collegial bodies (the decision is made by the collegial body, which includes persons working in it on a voluntary basis. Decisions are made through open discussion by voting). It is important to understand that the legislator has given the right to make decisions that are binding on the territory of the local council, only the council and the executive committee. The mayor is endowed only with administrative and administrative functions, so his acts (instructions) relate only to procedural issues - to appoint, dismiss, send, authorize, convene, submit for consideration and so on.

At the same time, all three branches of the local council are under mutual control. The council creates an executive committee, but deputies do not have the right to nominate. This right belongs to the mayor. The council can only support or reject certain candidates. The mayor convenes and chairs the meetings of the council and the executive committee, forms their agenda, submits draft decisions for consideration. The mayor has the right to suspend (veto) draft decisions of the council and the executive committee. The council has the right to dissolve the executive committee and prematurely terminate the powers of the mayor. The executive committee is endowed with the functions of both a local government body and the powers of an executive body (for example, education, health). The Executive Committee coordinates and monitors the activities of the "mayor's team", hears the reports of the heads of utilities and enterprises, executive bodies.

It is extremely important to maintain competitiveness (discussion, mutual control, alternative views) in the activities of the local council system. It should be understood that the executive committee is a collegial body, the main purpose of which is to make government decisions "instead of" subordinates of the mayor. At the meeting of the executive committee, the mayor has only one vote.

Due to the lack of understanding of these mechanisms, the executive committee often becomes one of the mayor's departments [18], this usually happens due to the inclusion of council employees (subordinates of the mayor) - heads of executive bodies, school principals, heads of kindergartens, heads of health care facilities. 'I. Sometimes you can meet executive committees, which are fully formed of council employees. It is clear that the work of such an executive committee is predictable, and its decisions turn into a legalization of the mayor's plans. In such a situation, the meetings of the executive committee are unquestionable, pass quickly, and sometimes formally, this situation is extremely dangerous for the system of checks and balances, which must be performed by three branches of local government.

It is not uncommon for the mayor to submit to the will of council deputies. This influence occurs in several ways - hiring deputies or their relatives to work in executive bodies, utilities and businesses, business deputies on budget funds (supply of goods, works or services from the budget or utilities), deputies or their relatives receive land, property. Sometimes the subordination of deputies (destruction of the competitiveness of branches of government) occurs through direct bribery.

If time is needed to activate the community and political education, then the normative introduction of simple mechanisms that will promote the competitive functioning of local authorities requires only the willful decision of local council deputies. In the future, there should be control by activists and the media over the implementation of local laws of government [9].

The key documents in the issues described above are the Charter of the territorial community and the Regulations of the local council.

The charter of the territorial community and the Regulations of the council should provide for:

- a simple and clear procedure for holding public hearings, meetings of citizens, local initiatives, petitions:
- the presence of a mandatory procedure for direct annual reporting of the mayor, his deputies, heads of executive bodies, utilities and institutions, chairmen of standing committees, deputies;
- openness of meetings of the council, standing committees, executive committee;
- promulgation of draft decisions, decisions and voting results and minutes of meetings of the council and its bodies:
- a ban on deputies and their relatives to combine their status with work in the council, public utilities and enterprises;
- a ban on the council to make any decisions regarding deputies and their relatives, to conclude agreements on the sale, lease of community property, on the sale of works, services, goods for budget funds with enterprises established by deputies or their relatives;
- restriction of inclusion in the executive committee of council employees in the amount of not more than 10%;
- mandatory public hearings when the city receives loans or concludes agreements for significant amounts [17].

The village, settlement, city mayor is a key official of the territorial community, respectively the village (voluntary association of residents of several villages into one territorial community), settlement, city. The village, settlement, city mayor is elected by the relevant territorial community on the basis of universal, equal, direct suffrage by secret ballot and exercises his powers on a permanent basis. The village, settlement, city mayor heads the executive committee of the relevant village, settlement, city council, chairs its meetings [37].

The village, settlement, city mayor may not be a deputy of any council, combine his official activity with another position, including on a voluntary basis, engage in other paid (except for teaching, scientific and creative activities, medical practice, instructional and judicial practice with sports) or business activities.

Village, settlement, city mayors are subject to the powers and guarantees of council deputies provided by the law on the status of council deputies, unless otherwise provided by law, the powers of village, settlement, city mayors may be temporarily entrusted to the head of the relevant military-civil administration in accordance with the Law of Ukraine "About military-civil administrations".

The concentration of permanent (real) power is in the hands of the mayor. This official has the appropriate conditions for the exercise of powers (office, money, transport, patronage service), title, the right to initiative (convening meetings of the council, its executive committee and other bodies, submitting draft decisions, chairing meetings, etc.) and administrative instructions (acceptance, dismissal, transfer, transfer of funds, transfer of property, etc.).

The powers of the mayor are mostly defined in Part 4 of Art. 42 of the Law of Ukraine "On Local Self-Government in Ukraine". According to this norm of the law the village, settlement, city mayor: organizes within the limits determined by this Law, work of the corresponding council and its executive committee. Manages the staff of the council and its executive committee; signs the decisions of the council and its executive committee. Ensures the implementation of the decisions of the relevant council, its executive committee; submits to the council for consideration a proposal for candidacy for the position of council secretary; submits to the council proposals on the quantitative and personal composition of the executive committee of the relevant council; submits to the council proposals on the structure of the executive bodies of the council, the staff of the council and its executive committee, their staffs, established in accordance with the standard staffs approved by the Cabinet of Ministers of Ukraine; convenes sessions of the council, makes proposals and forms the agenda of sessions of the council and chairs the plenary sessions of the council; provides preparation for consideration by the council of draft programs of socio-economic and cultural development, target programs on other issues of self-government, local budget and report on its implementation, decisions of the council on other issues within its competence; publishes the programs, budget and reports on their implementation approved by the council; appoints and dismisses heads of departments, divisions and other executive bodies of the council, enterprises, institutions and organizations belonging to the communal property of the respective territorial communities, except for heads of preschool, secondary and out-of-school educational institutions; is the manager of budget funds, uses them only for the purpose determined by the council; represents the territorial community, council and its executive committee in relations with state bodies, other local governments, associations of citizens, enterprises, institutions and organizations regardless of ownership, citizens, as well as in international relations in accordance with the law; concludes agreements on behalf of the territorial community, council and its executive committee in accordance with the law, and on issues referred to the exclusive competence of the council, submits them for approval to the relevant council.

The orders of the chairman are acts of individual action. According to legal practice, legal acts of individual action concern specific persons and their relations. A common feature that distinguishes individual acts of management is their pronounced law enforcement nature.

The main feature of such acts is their specificity, namely: clear formulation of specific legal expressions of will by the subjects of administrative law that issue such acts; solving with their help specific, namely indi-

vidual, cases or issues arising in the field of public administration; clear definition of the addressee - a specific person or persons; the emergence of specific administrative and legal relations due to these acts.

The procedure for preparing draft regulations is not defined by law. In practice, there are different approaches.

The process of preparing the chairman's orders is a closed procedure. The community learns about the orders upon signing and promulgating them. Therefore, the only source of information on these issues is the council staff.

Often the chairmen take over the powers of the executive committee and issue orders to start or end the heating season, to limit the supply of hot water, to overcome emergencies, to accommodate displaced persons, etc., this is illegal, but the issuance of such orders are often political acts head as a strong manager, as a leader, as a wise politician.

The right to submit proposals for nomination to the executive committee belongs to the mayor. The Council may support or reject a particular candidate (s).

For deputies of the local council (except for the secretary of the council) there is a direct ban on membership in the executive committee. In this case, the executive committee must include the mayor, secretary of the council and the mayor.

The number of members of the executive committee is determined by the council itself in the decision on its formation. The number of seats on the executive committee is a debatable issue. As a rule, the number of positions is correlated with the political demands of the main players who influence the decision-making of the council (parliamentary factions and groups, the chairman, financial groups, etc.).

The executive committee is headed by the village, settlement, city mayor, respectively, the district council in the city - the chairman of the relevant council.

The executive committee of the council is accountable and under the control of the council that formed it, and on the exercise of its powers of executive bodies - also under the control of the relevant executive bodies.

The Executive Committee carries out its activities in the form of meetings, which usually take place twice a month, the law obliges to hold meetings of the Executive Committee at least once a month. There are quite frequent cases of convening extraordinary meetings of the executive committee to address urgent issues.

Executive Committee of the Council:

- preliminarily considers draft local programs of socio-economic and cultural development, targeted programs on other issues, the local budget, draft decisions on other issues submitted to the relevant council;
- coordinates the activities of departments, offices and other executive bodies of the council, enterprises, institutions and organizations belonging to the communal property of the respective territorial community, hears reports on the work of their heads;
- has the right to change or cancel the acts of its subordinate departments, offices, other executive bodies of the council, as well as their officials.

The beginning of the rule-making process is the preparation and submission of draft decisions for consideration by the executive committee. The specific executors of the draft decision should be distinguished from the author of the decision (the subject of the project). The performer can be any person with the appropriate skills and ideas. As a rule, these are employees of executive bodies (departments, offices, departments), public institutions (schools, hospitals, kindergartens) and enterprises.

By analogy, established by law for the session of the council, you can identify the following subjects of draft decisions: village, town, mayor; members of the executive committee; standing deputy commissions; deputies; head of the local state administration; chairman of the district, regional council; general meeting of citizens (for example, as a local initiative).

In practice, almost all draft decisions are submitted by the mayor (or on behalf of the mayor), members of the executive committee and deputies are almost inactive in initiating issues [18].

Information about the author of the draft decision and the direct executor is useful for finding out the intentions of the authorities, hidden motives, possible corruption dangers. Gathering such information and communicating with performers often reveals a lot of interesting things.

The Executive Committee adopts acts in the form of decisions of the Executive Committee. Decisions are made by a majority of the general membership of the executive committee (majority of the number of elected members). The draft decision is discussed before the vote. In practice, the process of discussing the draft decision at the meeting of the executive committee is purely formal. Often the report is missing altogether or looks like a reading of the title of a draft decision. There are many cases of voting "by silence", the chairman asks if there are objections and if all members of the executive committee are silent, moves on to the next question. Voting also often takes place in "packages", several (several dozen) questions at a time. Such a negative practice violates the rights of the community to proper and open consideration of issues by the authori-

It is clear that in such a persecution and package voting it is very difficult to establish the personal responsibility of the authors of decisions or the position of members of the executive committee, but the members of the executive committee are out of the process, forced to vote "by faith".

After the decision is made, it is signed by the mayor and made public. It is from this time that the decision of the executive committee comes into force if the executive committee does not set a later date for its entry into force. The mayor has the right to suspend (veto) decisions of the executive committee. According to the law, the mayor in case of disagreement with the decision of executive committee can stop it and bring this question for consideration of local council. To do this, a corresponding reasoned order of the mayor must be issued [12].

Draft decisions of the executive committee and decisions of the executive committee are usually published on the website of the local council. Particularly important decisions can be published in the print media.

Conclusions

Thus, the beginning and basis of public administration reform was decentralization, redistribution of powers between branches of government, change in relations between citizens and government, today issues of decentralization come to the fore in a crisis period of Ukrainian statehood, as this process is one of the basic conditions of independent and effective operation of local authorities, so local governments within the powers defined by law, make decisions that are binding on the territory. All this suggests that local governments have features that bring them closer to the executive branch, with which they work closely in addressing issues of local importance.

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REASONS FOR THE STAGNATION OF THE RUSSIAN ECONOMY ADJUSTED TO THE GLOBAL COVID 19 ECONOMIC CRISIS

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ПРИЧИНЫ СТАГНАЦИИ ЭКОНОМИКИ РОССИИ С УЧЕТОМ КРИЗИСА COVID 19

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Abstract

This publication describes some of the known economic problems in Russia and partial successes in their resolution. The article also assesses the impact of the crisis, the COVID-19 pandemic and a number of other events on these problems and the corresponding measures of the state.