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FOREIGN EXPERIENCE IN CREATING A VOLUNTARY AMALGAMATION OF TERRITORIAL COMMUNITIES IN UKRAINE**Feniak L.***Vinnitsia National Agrarian University***Abstract**

This article states that voluntary amalgamation of territorial communities is a priority of decentralization in Ukraine. Voluntary amalgamation of territorial communities is an organization that arises on the basis of voluntary, volitional, organizational and legal actions of the inhabitants of territorial communities that are members of it, and the decisions of their representative bodies. The state of formation of the association of territorial communities in Ukraine is considered. The foreign experience of creation of voluntary amalgamation of territorial communities and possibilities of its application in Ukraine are analyzed. Modern problems and possibilities of cooperation of amalgamated territorial communities of Ukraine are formulated, which is a perspective direction of activity of small public associations and can be used for the decision of many problems of their vital activity, and also improvement of quality of services which is reached thanks to scale of action.

Keywords: amalgamated of territorial communities, decentralization, local governments.

The system of public power in Ukraine from the beginning of the proclamation of its independence with elements of the Soviet administrative-territorial system led to the beginning of the formation of the nomenclature-bureaucratic model of local self-government. Despite the positive legal steps in this area, the system of government at the regional level leads to excessive centralization of state power, which necessitates the creation of a special institution of local democracy.

The topic of decentralization of power, administrative-territorial reform, improvement of local self-government bodies, formation of associations of territorial communities is now one of the determinants in the socio-economic life of each region and the country as a whole. states. The current management model does not meet the needs of society: does not provide a favorable living environment necessary for comprehensive human development, protection of human rights, provision of qualified, high quality and affordable administrative, social and other services in the relevant areas, does not create a favorable economic climate, which leads to a significant imbalance between individual territorial communities.

Such an institution is territorial communities, which have the opportunity to independently resolve issues of local importance, directly participate in local government, to form local governments. In Ukraine, territorial communities are the primary main subject of local self-government, the development of which affects the development of specific local authorities and the development of local self-government throughout the country. Qualitative and effective activity of territorial communities determines the effectiveness of the mechanism of public administration.

Able territorial community - territorial communities of villages, settlements, cities, which as a result of voluntary association are able to independently or through relevant local governments to ensure the appropriate level of services, in particular in education, culture, health, social protection, housing, housing and communal services. utilities, taking into account human resources, financial support and infrastructure development of the relevant administrative-territorial unit.

Therefore, the challenges of today raise the issue of local self-government, the expansion of rights and powers of territorial communities through their unification, which is seen around the world as a sign of democratic choice of the country. The unification of territorial communities is aimed at improving the socio-economic system and raising the living standards of the population, which is one of the highest priorities of public policy.

The issues of formation and development of local self-government and territorial organization of power in Ukraine, including the formation of voluntary amalgamation of territorial communities, are covered in the works of many domestic researchers, in particular, O. Batanov, V. Bordenyuk, G. Borshch, V. Vakulenko, N. Goncharuk, N. Hrynychuk, Y. Dekhtyarenko, I. Klymenko, V. Kuybida, I. Lopushinsky, Y. Lupenko, M. Mohylova, R. Plyushcha, O. Samofal, S. Sakhanenko, D. Skupchenko, T. Tarasenko, A. Tkachuk, Y. Sharov, V. Yuzefovich and others. However, despite the significant number and diversity of research, some issues of the problem need further research. This concerns, first of all, the substantiation of the need and peculiarities of the formation of amalgamated territorial communities in the conditions of the next stage of decentralization reform as European challenges intensify.

Fiscal federalism and decentralization became a topical issue among economists in the 1980s and 1990s, due to the need for better allocation of public spending and increased efficiency of government structures. Decentralization was due to various reasons, from the need to increase the efficiency of government spending and solving macroeconomic problems (Argentina, Brazil, India, Nigeria) to the use of decentralization as a tool to ensure greater independence of certain regions with different cultural, ethnic and political issues (Canada, Switzerland, Belgium, China, Russia, Ethiopia). In general, there are three main types of decentralization: political, fiscal and administrative [9].

Political decentralization involves the transfer of political power to a lower, local level of government, fiscal decentralization refers to the decentralization of tax collection, and administrative decentralization aims to decentralize powers, responsibilities and financial

resources in the provision of public services. The process of decentralization is a complex process and there is no single formula for its implementation. In Poland, this process took almost ten years; Hungary - ten months was enough; East Germany - ten weeks, and Czechoslovakia - ten days of the "velvet revolution".

In each country, the way decentralized power is organized is linked to its history, political and managerial culture, economy, and social experience. Relevant differences make it impossible to develop and implement a common (universal) EU model. However, there are some similarities in approaches to solving a number of problems. First of all, it concerns the increased administrative role of the regional level. In federal or highly regionalized countries, the territorial subjects of the federation (regions, lands) for a long time decided the issues of internal organization [9].

Federal Republic of Germany was one of the first countries to carry out administrative and territorial reform at the grassroots level in the postwar period. In Germany, as in Ukraine, the territorial community is the primary subject of local self-government. It should be noted that members of the territorial communities of Germany are characterized by a high degree of democracy in the expression of will. This is evidenced by such facts as: to support a local initiative in Germany, 1% of the community is enough, and in Ukraine - at least 10 thousand community members; convening of community meetings takes place at the request of 2.5% of community citizens, and in Ukraine - at least 10% of community residents.

One of the main features of the community is that they should be well populated and not too small in territorial terms. The autonomy of German communities is based on the ability to exercise power in a certain area, to organize the community, to adopt local law, including community statutes, to adopt local budgets and local taxes, to plan their own economic development, etc. [8].

The experience of consolidation of municipal units has both positive and negative consequences. First, it is not possible to apply a single quantitative criterion to the entire array of settlements (for example, a predetermined number of population). Secondly, if the initiative to merge municipalities into a new administrative unit was carried out from above, by command and administration (as in France), the reform was usually unsuccessful and did not give the expected result. Success was achieved under the condition of voluntary association of local authorities (even if the initiative still belonged to the state), use of the experience of municipal cooperation, monitoring of public opinion, in order to identify the preferences and historical, cultural, economic ties of the population [8].

France is traditionally a unitary state, depending on the size of the isolated community, municipalities, community agglomerations, urban communities, and in the near future the metropolis. This complexity means a single attempt to harmonize the functioning of completely different territories within a single state, which determines the popularity of decentralization, able to take into account the diversity of administrative-territorial units of the country. The French government tried

to initiate a coercive territorial reform aimed at merging the communes (municipalities) created hundreds of years ago.

The idea of forced merger, which was rejected by the population, was transformed into the cooperation of territorial communities. Most countries eliminate small and not always effective territorial entities. France remains quite conservative on this issue. Today there are 36,565 communes in France. However, about 80% of them have a population of less than 1,000. It is obvious that the small size of the territory and small number do not allow to perform all the powers assigned to them [6].

Two approaches are used to overcome the problem of financial support and the implementation of the functions of self-government bodies:

1) cooperation of communes to solve certain common problems;

2) merging of several small communes into one more powerful and financially capable one to solve the issues of functioning of all local self-government services. Different criteria were used to determine the new boundaries of municipal neoplasm, but they all had a complex, quantitative and qualitative nature [6].

For example, in Sweden, cooperating municipalities united around cities, taking into account the degree of development of territories between settlements. In Denmark, a special study was carried out to determine the municipal boundaries, which identified areas that have naturally developed in different areas of activity and communication. Thus, 44 trade zones, 123 centers of gravity in the cooperation of labor resources, etc. were identified. Many indicators were taken into account, even such as mail delivery sales and home periodicals. As a result, a map of the relationships and interdependencies of individual territories was prepared [3].

A detailed analysis of the "effect of scale" was also conducted in order to optimize the provision of various types of social services to the population. Based on the processing of the collected information, the legislation was changed, proposals for the creation of districts were made, which were discussed in the municipalities and approved by the central government only after the decisions were agreed with those who were to unite. At present, the reverse process can be observed in Ukraine. Of the 480 existing districts, 120 are expected to remain.

The justification for this number has not been made public, the calculation was based only on the Polish experience. However, despite the positive results of decentralization in Poland, one of the points of criticism was the disregard for the difference between rural and urban counties, in particular, the different amount of resources that these self-governing units can dispose of. For most of Poland's underdeveloped regions, decentralization has meant a widening gap between Poland's most successful regions and the country as a whole. Regions that found themselves without state aid began to develop worse after administrative reform. Spatial planning requires the unification of territories and the search for options for their even division (Table 1).

Table 1

Number of local authorities [3]			
Country	Local	Intermediate	Regional
France	36 786	101	13
Germany	11 252	295	16
The United Kingdom	433	-	4
Poland	2 497	380	16
Ukraine	10 885	488	25

In Finland, 20 years ago, an attempt was made to significantly reduce the number of municipalities by a "top-down" decision. In the end, the principle of voluntariness prevailed as a result of the political debate. At the same time, the state encourages the amalgamation of municipalities by providing additional subsidies. Administrative and territorial reform in Finland does not take place through administrative and command, but through economic incentives for voluntary decisions of local governments on the feasibility of such an association. In Italy, there are financial incentives to unite and further merge communes with a population of less than 5,000, or to join larger communes. A similar experience was used in Estonia [3].

In Latvia, both methods of consolidation-stimulation of voluntary amalgamation of municipalities and administrative consolidation were gradually used. Since the beginning of the reform, four years have been devoted to the formation of voluntary associations of municipalities with their financial incentives by providing a one-time subsidy from the state budget in the amount of 1 - 5% of the total municipal budget, after which the next year other municipalities. In Latvia, both methods of consolidation-stimulation of voluntary amalgamation of municipalities and administrative consolidation were gradually used. Since the beginning of the reform, four years have been devoted to the formation of voluntary associations of municipalities with their financial incentives by providing a one-time subsidy from the state budget in the amount of 1 - 5% of the total municipal budget. After that, during the following year, the administrative consolidation of the remaining municipalities was carried out.

The French constitution, for example, enshrines the principle that no local authority may exercise power or supervise other authorities, but in reality this is more of a formality than a practice. Instead, in the German legal field, the priority is the hierarchy of relations between different levels of government: legislation adopted by land authorities, binding on local governments located in their territories, and a higher level of regional authorities: (local) authorities have the right to exercise overseeing the activities of the lower. Both the first and second approaches have drawbacks.

In the French system of formal equality, this does not correspond to the real practice of subordination between different levels of government, does not promote cooperation between regions, departments or municipalities and does not preclude competition between them, which leads to a blurring of responsibilities. The hierarchy chosen by Germany promotes the re-concentration of power at the land level and contradicts the formal imperatives of decentralization.

However, despite the diversity of national experiences, the idea of ensuring a regional level of responsibility for maintaining the unity of the local self-government system is gaining more and more supporters. A clear division of powers between the state and various local and regional authorities is a key requirement for effective governance [6].

Article 4 of the European Charter of Local Self-Government indicates that the basic powers and functions of local self-government bodies are determined by the Constitution or the law. However, this provision does not preclude the granting of powers and responsibilities to local governments for specific purposes in accordance with the law. Local authorities within the law have the full right to freely decide any issue that is not excluded from their competence and which is not assigned to any other institution. The Charter also states that the powers conferred on local authorities should, as a rule, be full and exclusive. They may not be suspended or restricted by other central or regional authorities unless required by law.

The exclusive competence mechanism is applied in Belgium, where each authority is endowed with powers dedicated only to it: issues related to sovereignty are the responsibility of federal institutions; cultural issues, health care and social assistance are the responsibility of communities, and housing and communal services are partly the responsibility of the regions. Exclusive authority means that there can be no interference from the federal government. The principle of joint power is practiced in federal Germany. According to the Constitution, the Federation Parliament has exclusive powers in clearly defined areas; and lands are deprived of the right to legislate in several areas [6].

The change in the territorial structure was mainly due to the adoption of legislative acts. Countries that have tried to carry out the reform solely through voluntary unification have not been able to complete it without a "forced" phase. Since 1950, the total number of local governments in Europe has decreased by almost 40,000, due to both urbanization processes and the focus on improving the efficiency of public services at the local level. In 2007, Denmark strengthened its system of local self-government by consolidating territorial communities. The number of communes has decreased from 271 to 98, and their size has increased significantly - almost 75% of communities have a population of over 30 thousand, and the average exceeds 50 thousand people. In addition, the consolidation also affected regions - from 14 to 5 with a population of 0.6-1.6 million people, which allowed them to enter the group of regions at the NUTS-2 level (standard of territorial division of countries in the EU) and accordingly become

objects of regional EU policy. Municipal unification reform was also carried out in Finland (the number of municipalities decreased from 450 to 320), Latvia (110 out of more than 500 municipalities) [7].

Another type of reform that has taken place in European countries during the last half of the twentieth century is often defined as organizational reform. They were carried out mainly under the significant influence of the central government and provided for a change in the internal structure of territorial units and included the following elements: strengthening the role of mayors and elected councils; giving the decision-making process a more open, public and democratic character; expanding public participation in decision-making; introduction of obligatory "rational" planning methods; changes in the composition of local staff, changes in local rules of organization of government activities, etc. In many respects, these measures were to promote more active participation of local governments in the socio-political life of the respective countries and turn them into reliable leaders of public policy (Italy, Great Britain, etc.) [11].

That is, in European countries, work has been carried out and is still being carried out to inform citizens in general about the decentralization process, its positive aspects and the results of implementation. For example, in France there is a National Commission for Public Debates, which is responsible for informing citizens and taking into account other comments in the decision-making process [10, p.21].

Foreign experience in the consolidation of territorial units shows that all reformist countries carried it out by force. However, the choice of priority areas for the reform of territorial communities depends on the economic, geographical, historical, ethnic characteristics and traditions of each state, the development of local government, the rigidity of ties between levels of government. There are several general areas: revision of the number and size of administrative-territorial units, redistribution of functions and powers between levels of government, professionalization of local government services [5].

At present, the process of community formation in Ukraine is mostly spontaneous, without involving the results of scientific research and taking into account the conclusions of experts. As a result, the newly created territorial communities differ significantly in the main topological parameters - the size of the territory and population, as well as characterized by significant regional differences in their own revenues and budget subsidies.

In the case of forcible consolidation of territorial units, it is advisable to take measures to mitigate the implementation of the reform. In their capacity can be provided:

1. Temporal adaptation. Transformations take a fairly long period of time. Thus, the reform in Poland was originally intended for 20 - 30 years, in Lithuania, Latvia, Finland, it actually took 15 - 16 years [3].
2. Graduality. Requires careful preparation, study of the state of administrative territories.
3. Wide consideration of public opinion. There is a need for local referendums, opinion polls not only

during the transformation, but also when developing the concept of reform, involving the public, representatives of local governments in the special bodies for the development and implementation of reform.

4. Establishing criteria for the creation of new administrative-territorial units without specifying quantitative and qualitative characteristics, the possibility of applying an individual approach to each region.

5. Possibility to choose the method of consolidation: unification of municipalities or establishment of inter-municipal cooperation [2].

These mechanisms, on the one hand, soften the reform process and, on the other hand, very often lead to its slowdown and, as a result, the need for tougher, more administrative measures.

In the current functioning of the national economic system with a focus on European principles of growth on the principles of sustainability, effective socially oriented public policy is the engine of radical change and the implementation of systemic reforms. One of the key vectors of Ukraine's development is the introduction of the reform of the territorial organization of power, the main results of which now objectively indicate the effectiveness of the strategically considered decision. The reform of decentralization of power has been recognized as one of the most effective of all the strategic imperatives of further development of Ukraine in the direction of European integration proclaimed by the current Government.

The main provisions of the reform declare that the amalgamated territorial communities are the formation and implementation of a new policy of sustainable development of territories, and it is they who have a dominant role in ensuring the interests of citizens in all spheres of life and activity. Able, self-sufficient and successful communities are today a basic element of an effective management system in Ukraine. In essence, the amalgamated territorial communities is formed not after the election, but after all communities decide to unite.

Amalgamated territorial communities should be based on the principle of multicriteria, because the main participants in the formation, functioning and further development of the community are people who have personal qualities that lead to interaction between community members, creating a cohesive team that has a common goal and is based not only on role distribution and places, but also on mutual support and assistance in the realization of a common goal, which is the development of the territorial community to improve the quality of life. A community will only be able if each of its members has a clearer understanding of the possibilities of raising living standards within the community than living outside it.

The experience of decentralization reforms and the existence of amalgamated territorial communities in foreign countries shows that decentralization plays an important role in democratization and transformation of society, the transition to institutions based on the initiative and responsibility of the individual and the community. The tendency to its wide implementation is observed in administrative, political, budgetary-financial,

social spheres, promotes development of human potential, responsibility of the power, improvement of quality of rendering of the state and public services, consolidation of a society, the decision of economic, legal, political, ethnic problems.

Today, local self-government is an important factor in the democratization of public life, decentralization of governance and a necessary prerequisite for the formation of civil society, bringing the government closer to its source - the people. In Ukraine, the constitutional principles of local self-government have been laid down, the European Charter of Local Self-Government has been ratified, and a number of basic legal acts regulating the activities of local self-government bodies have been adopted [1].

At the same time, the system of local self-government today does not meet the needs of society. The functioning of local governments in most local communities does not provide the creation and maintenance of a favorable living environment necessary for comprehensive human development, self-realization, protection of human rights, providing residents of local communities with quality and affordable public services.

Therefore, the development of the amalgamated territorial communities is a long process of qualitative change, which leads to improving the quality of life of the population of the region. The functioning and development of the amalgamated territorial communities depends on many factors - social, economic, legal and others, which determine the prospects for the development of territorial communities. Thus, as a result of the reforms on the development of territorial communities, the positive impact on socio-economic development is played directly by local authorities, whose primary duty is to create all the necessary conditions to meet the social needs of the population.

Amalgamated territorial communities is a self-governing community of residents living in a certain area. Self-government is an independent and independent from other institutions subject of law, which performs state functions aimed at meeting the needs of the inhabitants of the territory.

The formation of the amalgamated territorial communities involves the creation of a new administrative center for all towns, villages and settlements that are part of it, and the election of governing bodies of the amalgamated territorial communities (chairman and deputies of the amalgamated territorial communities council, as well as elders who will represent the interests of the village - if the number of inhabitants is more than 50 people - or several villages in the governing bodies of the amalgamated territorial communities). The number of deputies in the council depends on the number of voters (up to 1 thousand voters - 12 deputies; from 1-3 thousand voters - 14 deputies; 3-5 thousand voters - 22 deputies; 5-20 thousand voters - 26 deputies, etc.). The council is subordinated exclusively to the community.

The direct management of the amalgamated territorial communities (including financial management) is carried out by the executive committee established by the council. It consists of the chairman of the council, his deputy for the executive bodies of the council, the

secretary of the executive committee, heads of departments and administrations, the secretary of the council, elders, other persons (entrepreneurs, public activists, etc., except local council deputies). The council and the executive committee are on the same hierarchical level, but in addition the executive committee is accountable to and under the control of the council. That is, in case the executive committee makes a decision that contradicts the law, the council has the right to cancel it. The council may also establish its own bodies to manage education, health care, urban planning, etc., which report to the executive committee.

The powers of the amalgamated territorial community's bodies are quite wide: from the development of development strategies to the organization of improvement of villages and settlements that are part of the amalgamated territorial communities. In particular, the council approves the amalgamated territorial community's budget; forms an executive committee; establishes local taxes and fees; determines what will be the socio-economic and cultural development of the amalgamated territorial communities, etc. The Executive Committee, in turn, ensures the execution of the amalgamated territorial community's budget; coordinates the activities of departments, offices, utilities, institutions and organizations of the amalgamated territorial communities; has the right to change / cancel the acts of subordinate departments, offices and their officials, etc.

The development of the amalgamated territorial communities should be consistent with the overall development strategy of the region to form strong competitive regions and balance the regions within the country. In practice, the amalgamated territorial communities that "fit" their development into regional strategies have the opportunity to receive funding from regional budgets for regional development programs.

As of January 1, 2020, there are 1,029 amalgamated territorial communities in Ukraine, with a population of 11.7 million. In 2019, communities actively entered into cooperation agreements and opened new Administrative Service Centers. 223 amalgamated territorial communities were formed in 2019, while in 2018 - only 141. That is, the decentralization process continues, it is believed, and the resistance of opponents is overcome. A total of 1,029 amalgamated territorial communities have already been established, bringing together 4,698 communities. However, 6,263 communities have not yet united, worsening the prospects for their own development. Elections to the newly formed amalgamated territorial communities took place in December last year, with another 49 united communities ready for the first election and awaiting a decision from the Central Election Commission. [7].

Monitoring of decentralization shows that in 2019 communities actively concluded cooperation agreements - 234 agreements were signed. Therefore, at the beginning of 2020, there are already 530 agreements on cooperation between communities. In 2019, most of the new centers for administrative services were opened in the united communities - 31 new Administrative Service Centers appeared in the amalgamated territorial

communities. In total, there are 806 Administrative Service Centers in the amalgamated territorial communities. In addition, the process of joining communities to the amalgamated territorial communities and cities of regional significance has significantly intensified.

The reform is ongoing, but there are already examples of both effective and impractical community integration. And although it is too early to sum up, today we can talk about mistakes, problems, needs and opportunities for communities to function. One such possibility is the consolidation of the efforts of territorial communities to jointly solve problems of a socio-economic nature, the solution of which alone by the community in the usual way is impossible or ineffective. Such consolidation does not create a new administrative entity, but allows through the use of new management technologies: network planning, project approach, etc. to significantly increase the efficiency of using the resource base of related local governments to jointly address territorial development [4].

The process of unification of territorial communities in Ukraine is difficult. Today there are amalgamated territorial communities, which include about 17% of the existing before the reform of the village, town, city councils. The formed amalgamated territorial communities are mostly only conditionally self-sufficient in the aspect of budget; use subventions from the State budget and in most cases are not able to independently implement the necessary infrastructure projects.

Cooperation of territorial communities in Ukraine as a separate specific form of realization of the right to local self-government retains its role in to solve common problems of development of territorial communities and, accordingly, must have adequate organizational and legal support. Cooperation of territorial communities is a promising area of activity of small public

associations and can be used to solve many problems of their life, as well as to improve the quality of services, which is achieved due to the scale of the event. After all, if the majority of citizens use certain types of services or they are larger, the lower the production costs associated with their provision.

This type of cooperation also performs a managerial function, which makes it possible to establish and maintain mutually beneficial relations between territorial communities and is a separate area of their economic activity, which ensures the growth of economic indicators.

Cooperation of territorial communities may not necessarily take place only where such communities are small in number or territory. However, practice shows that the existence of common problems of territorial development, the costs of which far exceed the financial capacity of an individual community, is not always an incentive for community cooperation. In reality, the mechanism of cooperation was introduced by a critically small number of local governments [1].

The main reasons are several: the lack of a clear mechanism for implementing cooperation; lack of a mechanism for parity management of financial and material resources of cooperating communities; lack of strategic vision on the part of community leaders of the feasibility of such cooperation. From a purely practical point of view, the primary problem is the lack of understanding by community leaders themselves of the model of cooperation in solving problems of territorial development.

Extremely important in the context of cooperation of territorial communities is the question of the form of implementation of such cooperation. According to Art. 4 of the Law of Ukraine "On Cooperation of Territorial Communities" it can be carried out in the following forms (Table 2).

Table 2

Forms of cooperation of territorial communities [10, p.87]

Form cooperation	The content of cooperation
Delegation	Delegation to one of the subjects of cooperation to other subjects of cooperation of performance of one or several tasks with transfer to it of corresponding resources
Joint project	Implementation of joint projects, which involves the coordination of the activities of the subjects of cooperation and their accumulation for a certain period of resources for the purpose of joint implementation of appropriate measures
Common maintenance	Joint financing by subjects of cooperation of the enterprises, establishments and the organizations of a municipal form of ownership - infrastructural objects
Joint establishment	Establishment of joint utilities, institutions and organizations - joint infrastructure facilities
Joint body management	Establishment by the subjects of cooperation of a joint governing body for the joint performance of powers specified by law

The declaration by public authorities of the need to develop new models of realization of the right of territorial to local self-government, and subsequently enshrining such models in the legislation of Ukraine opens a new stage in reforming the system of territorial administrative structure of the state. In fact, cooperation as a new form of territorial development organization involves not only the pooling of efforts and resources, but also the search for strategic directions of development common to several communities.

In conclusion, we can say that the formation of amalgamated territorial communities is a qualitatively new stage in the development of the governance system of our state. In the course of decentralization reform, successful are those regions and communities that effectively develop their own internal capacity and improve the internal conditions that affect and maintain investment attractiveness.

At present, it is the amalgamated territorial communities that are responsible to the population for the

