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Update of Internal Political Threats to the National Security of Ukraine at the Local Level in the Process of Administrative and Territorial Reform

Key words: state, self-government, institutions, system, law, management, reform

Abstract

The article presents theoretical and practical aspects of political and legal instruments aimed at minimizing the risk of intra-Ukrainian political character. The priority in the implementation of administrative and territorial reform in Ukraine should be the implementation of the interests of local communities, and not the administrative, political and economic priorities of local elites. It should be emphasized that the territorial organization of Ukraine as a mandatory, indispensable element of the general organization of the state is considered mainly as part of the formed social structure and as a division of the country's territory into certain parts. It is necessary to take into account the historical and legal nature of the tasks and functions of the state, as well as the organization of the system of state authorities and local self-governments.

Introduction

Finding the optimal model of the administrative and territorial system is a problem for Ukraine, which has been in a state of unreported armed aggression for five years. This also applies to the issue of part of its sovereign territory that has been annexed by the Russian Federation. This problem is still valid, both in the theoretical and methodological sense and in the utilitarian sense.

The arrangement of space under the jurisdiction of the nation-state largely depends on the modernization of the territorial structure of the Ukrainian state and the balance of relations between central, regional and

local authorities. It also determines the future of this country, its status as an independent actor in world politics and international relations. Local (regional and local) political regimes in Ukraine will be an increasingly interesting subject of research due to the reform and decentralization of the political system in Ukraine, strengthening local communities through their resources, and thus increasing the political influence of local government bodies.

The purpose of this article is the theoretical and practical justification of political and legal instruments aimed at minimizing the risk of political intra-Ukrainian character. The priority in implementing the administrative and territorial reform in Ukraine should be the

implementation of the interests of local communities, not the administrative, political and economic priorities of local elites.

The theoretical and methodological principles of the proposed topic were discussed in the works of Ukrainian researchers of recent years and in previous publications of the author in Polish scientific journals¹.

Problem analysis

The territorial organization of Ukraine as a mandatory, indispensable element of the general organization of the state is considered mainly from two sides: first, as part of the formed social structure, which in turn is divided into territorial subsystems, elements and parts; secondly, as the division of the territory of the country into certain parts, taking into account the historical, legal nature, tasks and functions of the state, as well as the appropriate organization of the system of state authorities and local self-governments².

We can agree with Anatoly Matvienko that the current territorial organization of Ukraine is significantly influenced by the ideological legacy of the USSR: the appropriateness of the administrative-territorial division of socio-economic complexes, the identification of the territory as the material condition for the existence of society (the basis of territorial community) with the administrative-territorial division as spatial sphere of activity of state organs (administrative and territorial unit)³.

National experience confirms the thesis that the desire to build political institutions based on the economic needs of these or other political actors demonstrates its catastrophic nature for the processes of building the state. The annexation of Crimea (Autonomous Republic of Crimea and Sevastopol), the sovereign territory of

Ukraine by the Russian Federation, and its intervention to maintain and expand the terrorist territories of quasi-state creations Donetsk People's Republic and Lugansk People's Republic have convincingly demonstrated the ineffectiveness of the functioning of the previous model of territorial organization of Ukraine.

It is worth remembering that the Russian Federation is waging a hybrid war not only against Ukraine, but also against the European Union. It uses a wide range of destructive political, economic, humanitarian and information and psychological pressure methods that demoralize society and destroy the system of state power⁴.

One of the basic principles of the proposed study is the statement of well-known Ukrainian political scientists that the basic problem of Ukraine is the destruction of the monopoly on the power of financial and industrial groups. This is what causes the deformation of the system of political institutions. Not only the increase in the effectiveness of political structures, the restoration of the attributes of the state, but also the preservation of Ukraine as a state, its political and national sovereignty depends on solving this problem⁵.

The transformation of the political system triggers a reform of the mechanisms and levers of government at the state and local level. Therefore, the level of democracy is expressed in the possibility of involving citizens in politics, which is best illustrated by examples of direct democracy led by local communities⁶.

Existing local government institutions are more effective if they are objectively inscribed in social life, the system of power and management, if they are perceived as an objectively important division of power vertically, as a division of powers of authorities at all levels, that is, local government, vertical separation of power, division of competences like government agencies at all levels, i.e. local government operates within the framework of democratic self-organization of society as an element of the general structure of power and management⁷. Therefore, an integral part of the state should

¹ V. Hulai, *Internal political risks for the national security of states in the polysystem crisis condition (the example of Ukraine)*, [in:] *Kryzysy we współczesnej Europie i próby ich przezwyciężenia*, Kolegium Jagiellońskie – Toruńska Szkoła Wyższa, Toruń 2017, s. 81–97; V. Hulai, *Zaostrożenie kryzysu politycznego w Ukrainie w roku 2016 jako wyzwania wewnętrzne i zagrożenie bezpieczeństwa narodowego Ukrainy oraz perspektywy stosunków z państwami sąsiednimi*, *Studia Społeczne*, 2017, No 18, p. 11–17.

² T. Tatarenko, *Orhanizatsiia zhyttiedialnosti terytorialnoho prostoru v konteksti systemnoi modernizatsii ukrainskoho suspilstva*, *Derzhava i pravo: Zbirnyk naukovykh prats*, seria: Politychni nauky, 2016, випуск 71, p. 94.

³ A. Matvienko, *Polityko-pravovi zasady terytorialnoi orhanizatsii derzhavy: svitovi dosvid u Ukrainy, avtoreferat dysertatsii doktora politychnykh nauk*, Kyiv 2015, p. 14.

⁴ V. Kravchenko, *Teoriia „hibrydnoi viiny”: ukrainskyi vymir*, *Visnyk Dnipropetrovskoho universytetu*, seria: Filosofiia. Sotsiologiia. Politologiia, No 2, 2015, p. 143.

⁵ *Instytutsiini zminy politychnoi systemy suchasnoi Ukrainy: otsinka stanu ta napriamy optymizatsii: analitychna dopovid*, H. Zelenko (redaktor), Kyiv 2014, p. 160.

⁶ N. Abramchuk, *Terytorialna bromada v Ukraini: stan ta perspektyvy rozvytku*, *Visnyk Dnipropetrovskoho universytetu*, seria: Filosofiia. Sotsiologiia. Politologiia, vol. 20, випуск 22, 2012, p. 3.

⁷ T. Tatarenko, *Orhanizatsiia zhyttiedialnosti terytorialnoho prostoru v konteksti systemnoi modernizatsii ukrainskoho*

be a developed and capable self-government based on the initiative of citizens, their organizational and legal independence, functional and financial-economic independence as well as support and guarantees from the state, etc.⁸

It is worth listening to S. Bajrak's opinion that the local government is an institution whose activity is aimed at shaping, developing and assimilating democratic traditions in transitional societies to which Ukraine belongs and the positions that left Poland⁹.

At the current stage of state creation, a strategic task appears to build local government as a fundamental and real institution of direct democracy. Only effective participation of citizens in local institutions will contribute to the development and building of a strong state¹⁰.

Existing local government institutions are more effective. If they are objectively embedded in public life, power and management, they are seen as an objectively important vertical division of power. Thus, local self-government operates within the framework of democratic self-organization of society as an element of the general structure of power and management¹¹.

There are close links and dependencies between the local government and the administrative and territorial system of the state, which are based on a common territorial basis. They are considered components of the internal territorial organization of the state. Therefore, it should be assumed that one of the main directions of the reform of the local government model is the administrative reform of the country's administrative and territorial system. On this basis, decentralization can be carried out, i.e. the transfer of management power and responsibility for performing public functions from central government bodies to other management enti-

ties: lower levels of state authority, local governments, NGOs and the private sector¹².

A peculiarity of the democratization of the political system of Ukraine for a long time was solving the problems separating the spheres of competence of state organs and local self-government by trying to overcome dysfunctional practices (institutional barriers) in their interaction. With the prioritization of integration policy, in particular with the signing of the Association Agreement between Ukraine and the European Union on June 27, 2014, further tasks were imposed on Ukraine to bring it closer to European standards for the activities of local government bodies. In particular, it is about the principles of subsidiarity, administrative and financial decentralization, and an increase in the participation of citizens in the management of both the state and specific territories¹³.

In Ukraine, a new concept of reforming the local power organization in Ukraine was developed in 2014. The main tasks of this undertaking consisted of:

- ensuring the availability and quality of public services,
- achieving the optimal distribution of competences between local government bodies and executive authorities,
- establishing a justified territorial basis for the activities of local self-government bodies and executive authorities in order to ensure the availability and quality of public services provided by such bodies,
- creating appropriate material, financial and organizational conditions to ensure that local government bodies perform their own and delegated functions, etc.¹⁴

The Council of Ministers of Ukraine accepted as a basis for work on a new political model "Methodology for creating capable territorial communities". We believe, however, that its disadvantage is focusing on

suspilstva, Derzhava i pravo: Zbirnyk naukovykh prats, seriia: Politychni nauky, 2016, vypusk 71, p. 89–104.

⁸ O. Batanov, *Aktualni problemy reformy konstytutsiinoi modeli mistsevoho samovriaduvannia v Ukraini*, Naukovi zapysky Instytutu politychnykh i etnonatsionalnykh doslidzhen im. I.F. Kurasa NAN Ukrainy, 2017, vypusk 5–6, p. 34–35.

⁹ S. Bairak, *Mistseve samovriaduvannia – osnova rozvytku demokratychnoi derzhavy*, Panorama politolohichnykh studii, vypusk 10, 2013, p. 153.

¹⁰ N. Abramchuk, *Terytorialna hromada v Ukraini: stan ta perspektyvy rozvytku*, Visnyk Dnipropetrovskoho universytetu, seriia: Filosofiia. Sotsiologiia. Politologiia, vol. 20, vypusk 22, 2012, p. 6.

¹¹ T. Tatarenko, *Orhanizatsiia zhyttiediialnosti terytorialnoho prostoru v konteksti systemnoi modernizatsii ukrainskoho suspilstva*, Derzhava i pravo: Zbirnyk naukovykh prats, seriia: Politychni nauky, 2016, vypusk 71, p. 92.

¹² B. Verkhovod, *Administratyvno-terytorialna reforma yak osnova pidvyshchennia diialnosti orhaniv mistsevoho samovriaduvannia*, Visnyk Skhidnoukraiinskoho natsionalnoho universytetu imeni Volodymyra Dalia, No 16, 2013, p. 95.

¹³ O. Mazur, *Kontseptualizatsiia politychnoho rezhymu v umovakh demokratychnoi transformatsii v Ukraini: dysertatsiia doktora politychnykh nauk*, Sievierodonetsk, 2015, http://pdpu.edu.ua/images/vchena_rada_d41.053.03/Mazur/disMazur.pdf (23.06.2018).

¹⁴ Pro skhvalennia Kontseptsii reformuvannia mistsevoho samovriaduvannia ta terytorialnoi orhanizatsii vlady v Ukraini: Rozporiadzhennia Kabinetu Ministriv Ukrainy vid 01.04.2014 No 333-r, Uriadovi kurier, 2014, No 67.

creating too large administrative-territorial units at the primary level, with the unification of a large number of settlements, a large part of which will be excessively distant from the administrative centers of the communities.¹⁵

The main direction of the management system reform in modern Ukraine is decentralization, according to which part of the management functions are transferred from the central to the regional and local level. Therefore, the role of local communities in exercising power increases¹⁶.

Decentralization in general means the delegation of powers and responsibilities for the provision of public services from central government to regional structures (subordinated or independent) or to the private sector. Decentralization has three elements interconnected: political, administrative and tax decentralization. Political decentralization aims to increase the active participation of the population in decision-making processes. Administrative decentralization divides responsibility for performing responsibilities between government structures at different levels. Financial decentralization is an essential element of any form of decentralization¹⁷.

Decentralization directly ensures the strengthening of local government bodies' powers by delegating powers from state authorities¹⁸.

The object of decentralization is the community, which is a local social system capable of performing a managerial role. The territorial community is characterized by a dual nature because it simultaneously acts as a product of the integration initiative of its members, as well as a result of the government's will of the state¹⁹.

The main detonator of decentralization of power should be civil society, which represents a certain social

community of citizens, receives new opportunities to realize its potential in the political sphere. In this way, decentralization of power is characterized by a total limitation of the functions of a traditional state, for the most part it remains to guard only general national interests, while the rest goes to the self-organizing structures of civil society²⁰.

Polish experience shows that in modern Europe it is virtually impossible to make public administration effective without decentralization. Therefore, the general principles of effective administrative reform in any country in the region will be similar. At the same time, this does not mean that Ukraine can freely and mechanically use Polish experience and scientific achievements in this field²¹.

According to foreign experience, a successful reform of the administrative-territorial system provides for two main stages: voluntary (territorial communities initiate relationships with neighbors at their own discretion) and mandatory (new units are created in accordance with the criteria developed by central executive bodies)²².

Currently, local government is at a transitional stage of formation, which results in the need to shape a new approach to its development and ensure efficiency as a guarantee of creating civil society. The effectiveness of local government is the ability of local authorities to: fully perform their functions, ensure the socio-economic development of the local community, implement high-quality case management at the local level, which will ensure ordering of social, political and economic relations throughout the entire country²³.

The author sees the need to create effective institutional and procedural tools to maximize the involvement of the active part of the population in the planning process and direct implementation of Ukraine's

¹⁵ V. Kravtsiv, P. Zhuk, *Reforma administrativno-terytorialnoho ustroiu: rezultaty, problemy, podalshi dii*, *Stratehichna panorama*, No 2, 2016, p. 107.

¹⁶ V. Berezynskyi, *Politychna instytutsionalizatsiia v samorhanizatsiinykh protsesakh hromady yak vazhlyvyi dysypatyvnyi chynnyk*, *Visnyk Dnipropetrovskoho universytetu*, seria: Filozofia, Sotsiologhiia, Politologhiia, 2015, No 3, p. 85.

¹⁷ N. Babarykina, *Uchast hromad v samovriaduvanni yak neobkhidna umova protsesu detsentralizatsii*, *Politykus: naukovyi zhurnal*, 2016, vypusk 1, p. 77.

¹⁸ A. Hlyvka, *Efektivnist funktsionuvannia mistsevoho samovriaduvannia yak harantiia stanovlennia hromadianskoho suspilstva: problemy reformuvannia*, *Derzhava i pravo: Zbirnyk naukovykh prats*, seria: Politychni nauky, vypusk 74, 2016, p. 132.

¹⁹ T. Kubai, *Mistseve samovriaduvannia yak instytut demokratychnoho suspilstva: upravlinsko-pravovyi aspekt*, *Efektivnist derzhavnoho upravlinnia*, vypusk 42, 2015, p. 270.

²⁰ V. Hroisman, *Strukturno-funktsionalna rol detsentralizatsii vlady u protsesakh stanovlennia hromadianskoho suspilstva*, *Efektivnist derzhavnoho upravlinnia*, vypusk 44, 2015, p. 223.

²¹ B. Fedirko, *Suchasnyi stan ta napriamy reformuvannia systemy mistsevoho samovriaduvannia v Ukraini*, *Sotsialno-ekonomichni problemy suchasnoho periodu Ukrainy*, vypusk 6, 2015, p. 20.

²² A. Matvienko, *Polityko-pravovi zasady terytorialnoi orhanizatsii derzhavy: svitovy dosvid u Ukrainy*, *avtoreferat dysertatsii doktora politychnykh nauk*, Kyiv 2015, p. 24.

²³ A. Hlyvka, *Efektivnist funktsionuvannia mistsevoho samovriaduvannia yak harantiia stanovlennia hromadianskoho suspilstva: problemy reformuvannia*, *Derzhava i pravo: Zbirnyk naukovykh prats*, seria: Politychni nauky, vypusk 74, 2016, p. 139.

administrative and territorial reform. This should minimize the role of the dominant administrative factor in the creation and implementation of long-term plans for the creation of united territorial reforms at the level of regions and districts.

In the context of implementing the principles of self-organization at the local level, it is rightly considered that the practice of self-organization of the population is inherent in most democratic countries. A full local government will show the development prospects of the country, give everyone the opportunity to find their place and influence this perspective through participation in social life, and most importantly – restore people's sense of dignity and self-fulfillment in their country²⁴.

Due to the increased powers of local government bodies, the burden on state bodies of problems that can and should be resolved at local level is reduced. In turn, local government bodies are becoming more and more influential and have real possibilities to solve issues of local importance, which ensures a democratic system in society. This means that the principles of democracy and decentralization are interrelated, moreover, they directly determine the level of effectiveness of local government in individual countries²⁵.

An analysis of the openness of local councils, carried out by Andrija Matvijenko and the involvement of society in their work, and thus the development of a public initiative to increase the efficiency of local government, showed skepticism of most citizens regarding their own ability to influence decisions of local governments²⁶.

The functioning of real local government needs involvement in solving current problems of local and regional communities, with their direct involvement in the activities of self-governing institutions and decision-making processes. The involvement of the third authority (public partner) in solving current problems

of local government shows that there are at least three features: direct participation of the community in solving their own problems, assistance to local authorities in finding effective solutions, innovations in management issues²⁷.

At the same time, it is impossible not to notice the obvious threats associated with the manipulation of social activity, in particular the fact that groups of people are formed in Ukraine who call themselves “territorial communities” of various villages, settlements, cities and oppose real territorial communities. They do not recognize the legitimacy of local government bodies and state authorities of Ukraine, they try to involve as many people as possible and create institutions parallel to those constitutionally established, replace their functions, undermine decentralization, etc.²⁸

Under the concept of political risk, O Winniczuk offers an understanding of all expected and predictable losses and achievements in the political environment, and a relationship with events that cannot be determined or objectively characterized²⁹.

The analysis of political risk includes examining and explaining the likelihood of a situation in which interdependent factors triggered by government political decisions, actions (or inaction) of political or social groups, internal or external events, will lead to significant changes in the political climate as a result which society will lose all important socio-political resources³⁰.

When isolating as a separate type of internal-political risk for national security, it is necessary not only to outline the main areas of its occurrence and the size of the negative impact due to the implementation by the Russian Federation of the hybrid war strategy. It should also be remembered that the scope and nature of the destructive impact of certain events, phenomena and processes in the internal-political sphere are actually Ukrainian in nature, based on the practices of realizing the latent interests of representatives of the post-Maidan ruling political class of Ukraine, both at the national level and at the regional and local.

²⁴ N. Babarykina, *Uchast hromad v samovriaduvanni yak neobkhdna umova protsesu detsentralizatsii*, Politykus: naukovyi zhurnal, 2016, vypusk 1, p. 79.

²⁵ A. Hlyvka, *Efektivnist funkcionuvannia mistsevoho samovriaduvannia yak harantiia stanovlennia hromadianskoho suspilstva: problemy reformuvannia*, Derzhava i pravo: Zbirnyk naukovykh prats, seriia: Politychni nauky, vypusk 74, 2016, p. 136.

²⁶ A. Matviichyk, *Hromadianska initsiatyva yak chynnyk samoorhanizatsii hromadianskoho suspilstva v suchasnii Ukraini*, Naukovi zapysky Instytutu politychnykh i etnonatsionalnykh doslidzhen im. I.F. Kurasa NAN Ukrainy, vypusk 3–4, 2016, p. 295–296.

²⁷ Y. Bohiv, *Poniattia ta pryntsypy mistsevoho samovriaduvannia*, <http://science.lp.edu.ua/sites/default/files/Papers/bohiv.pdf> (18.06.2018).

²⁸ Feikovi hromady: zahroza natsionalnii bezpetsi, <http://decentralization.uacrisis.org/fake> (12.04.2018).

²⁹ O. Vinnichuk, *Politychni ryzyky v umovakh demokratychnoi transformatsii suspilstva: teoretyko-prakseolohichni analiz*: Monohrafiia, Kamianets-Podilskyi 2013, p. 184–185.

³⁰ D. Demchuk, *Poniattia i vydy politychnykh ryzykiv*, <http://dspace.onua.edu.ua/bitstream/handle/11300/1318/Demchuk.pdf?sequence=1> (20.06.2018).

Removing negative trends and improving the implementation of administrative and territorial reform in Ukraine, as well as ensuring the further development of local government, along with maintaining a strong state executive department and general ease of managing the state, requires appropriate changes within the legal framework. It would allow to solve the issue of creating united local communities in accordance with the combination of general national interests, as well as the interests of regional development and the interests of territorial communities and their inhabitants³¹.

The warning of colleague Oleksandr Kuczabski that the threat arises when administrative and territorial reform becomes the goal for its initiators and not a tool for implementing administrative innovations in territorial isolation have not lost their significance. On the other hand, global experience shows that the reform of administrative and territorial structures is only the last stage of large-scale reform in various spheres of the socio-political and socio-economic life of the state³².

Further perspectives of the administrative-territorial structure and territorial organization of public authorities in Ukraine are noticed by specialists, among others, in introducing the process of voluntary unification of local communities into the mainstream of national interests. Refusal to form both incomplete in this aspect small communities, and too large integrated territories in terms of territory (in which the distance between residents and the government increases, which leads to a deterioration in the availability of administrative and social services), causes dissatisfaction of residents. Therefore, in our opinion, it can be used by some political forces or local political and business groups.

Summary

The practical significance of the results of the work consists in defining scientifically justified proposals for minimizing internal political risk in the process of administrative and territorial reforms in Ukraine. This is done by initiating the formation of competitive, united territorial clusters, with the more active participation of civic self-government institutions at the local level, and

introducing new political and legal tools for involving citizens in local parties. The goal of this action is to overcome the recessive impact of clan-oligarchic structures of the hybrid political regime.

In line with the stated goal, by generalizing basic theoretical and methodological approaches to understanding administrative and territorial reform at the contemporary stage and conceptualizing political risk, the potential of internal political risk was discovered. In addition, the process of forming united territorial clusters by identifying destructive socio-political trends was shown. Finally, recommendations were proposed to improve the effectiveness of political involvement at the local level in the formation of united territorial clusters by optimizing relevant political and legal mechanisms.

Therefore, we can point to the need to activate the most active local political and business environments of local residents' activity, independent of administrative, political and financial resources. In choosing the optimal model of the appropriate administrative and territorial unit. It is also about using effective political and public tools to overcome the imitation of reforms at the local government level and introducing political mechanisms for making appropriate changes in the current legislation of Ukraine in the context of the European practice of supporting social participation at the local level.

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³¹ V. Kravtsiv, P. Zhuk, *Reforma administratyvno-terytorialnoho ustroiu: rezultaty, problemy, podalshi dii*, Stratehichna panorama, No 2, 2016, p. 107.

³² O. Kuchabskyi, *Administratyvno-terytorialna reforma v systemi suspilnykh reform v Ukraini*, Visnyk Natsionalnoi akademii derzhavnoho upravlinnia, 2009, No 1, p. 168–174.

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