

# **MAIN DIRECTIONS OF EFFECTIVE INTERACTION OF PUBLIC AUTHORITIES AND INSTITUTES OF CIVIL SOCIETY**

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## **INTRODUCTION**

At the present stage, the priority vector of the development of the Ukrainian state is the modernization of democratic procedures and the solution of complex social problems. Among other things, this implies improvement of the ways of interaction of public authorities with civil society institutes.

An important condition for ensuring a balanced socio-economic, political, spiritual and cultural functioning of the Ukrainian state is the development and effective work of the institutes of civil society. The question of the organization and functioning of society, the means and ways of streamlining social relations, the most appropriate options for the interaction of public authorities and civil society institutions remain relevant throughout the history of mankind. Identifying the range of necessary reform and modernization measures, which are to be implemented on the principles of openness, transparency, partnership, accountability, will ensure the dialogue between public authorities and civil society institutions, and reflect the scale of the challenges faced by the Ukrainian state and civil society.

Public authorities and civil society act as two mutually complementary forms of social formation. The effect of the need for mutual influence and interdependence appears due to the fact that civil society leads to the emergence of spiritual and cultural, and the state – to the emergence of legal aspects of the social life of people (normative).

### **1. Transparency of public authorities as the basis of their interaction with the public**

To ensure the effective development of civil society, the main and unchanging strategic direction of Ukraine's state policy should be to strengthen the principle of transparency of public authority, taking into account the positive aspects of European integration and globalization processes. A comprehensive approach to the study and clarity of understanding of the transparency of public authority in the context of the

formation of the modern social system of Ukraine will contribute to the further formation of a democratic state and an open society.

Scientists associate the emergence of the institute of transparency in socio-political life with the emergence of the needs of citizens and citizens of Western European states in full participation in the political life of society, the activities of its political and social institutions in the era of struggle for political rights<sup>1</sup>. The obligatory condition for such participation was informational interaction with the authorities.

At the turn of the nineteenth and twentieth centuries, the idea of transparency of government receives recognition of the world community and acquires the complete political and legal content as an important feature of administrative and political communication between public authorities and the population<sup>2</sup>. For Ukraine, the problem of ensuring an adequate level of transparency of power has become relevant after the collapse of the USSR and gaining independence.

Today, the theoreticians and practitioners, both in Ukraine and abroad actively use the term of transparency. However, this term is unequally interpreted in scientific literature. One of the important points in understanding the concept of transparency should be the need to coordinate, harmonize different views, positions, schools, methods of scientific research.

The laws of the development of the principle of transparency determine the necessity to search and apply multifaceted and multidimensional approaches in the process of studying, interdisciplinary exploration of its various parties. Interdisciplinary consideration of the problem of transparency of public power provides a dialectical view of this phenomenon, that is, the need for a comprehensive application of complementary methods of scientific research, which greatly increases the potential of theoretical analysis.

In this context, there arises the task of studying the transparency of public authority as a normatively objectified, complicated complex in the field of organization and activity of the state and civil society, which is conditioned by historical conditions and the level of development of political, economic, cultural and other relations and corresponding institutes.

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<sup>1</sup> Гунин Д.И. *Транспарентность и тайна информации: теоретико-правовой аспект* : автореф. дис. ... канд. юрид. наук. Екатеринбург, 2008. С. 8.

<sup>2</sup> Кагановська Т. Проблеми забезпечення транспарентності у діяльності системи державного управління України. *Вісник Національної академії прокуратури України*, 2014, 5. С. 63.

In order to overcome the structural and logical uncertainty of transparency it is expedient to analyze the main scientific approaches of domestic and foreign scientists regarding its content. Such approaches are the definition of transparency of public authority as a complex phenomenon; as opportunities for access to public information; as an open activity; as a public activity; as accountable; as a participant in the management of public affairs, etc. The given approaches determine the priority directions of the scientific elaboration of this problem.

The term “transparency” as a sign of communication between public authorities and the public has been developed in Anglo-American social science. From the English language, “transparency” is interpreted as transparent, understandable, explicit (“trans” – transparent, through, and “pareo” – to be obvious). Now this concept can be found in many languages of the world: in Spanish – *transparencia*, in Italian – *trasparenza*, in German – *transparenz*, in French – *transparence*, etc.

In the opinion of domestic researchers, E. Afonin and A. Sushiiia, who study the issues of transparency in the context of public administration science, transparency should be understood as the basic property of political power, that ensures the development of democracy and civil society through the openness of the actions of various branches of government, political decision-making procedures, and intensifying public control over the activities of state authorities and management. Scientists emphasise that the concept of transparency substantially combines both “accountability” and “openness”, often these terms are used as equivalent and along with the concept of publicity<sup>3</sup>. The authors believe that the concept of transparency is often associated with access to information about social, economic, political and other processes. But, at the same time, researchers emphasise that it is inappropriate to reduce the interaction between authorities and citizens to obtaining or providing information.

M. Pashkovska applied the integrated approach to understanding the essence of the concept of transparency from the position of public administration, and defined it as a set of components that form the proper level of understanding and awareness of citizens about various aspects of government activities, as well as provide rights and opportunities for access to information, participation in the work of the authorities, influencing the

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<sup>3</sup> Транспарентність влади в контексті європейської інтеграції України : конспект лекції. / Уклад : Е.А. Афонін, О.В. Суший. Київ : НАДУ, 2010. С. 7–9.

decision-making and control over the activities of officials<sup>4</sup>. Such an approach of the scientist is balanced and acceptable in the current conditions of development of the social system of Ukraine.

An amount of scientific research in the field of transparency of public authority was conducted from the standpoint of political science, which is represented by the works of O. Kröt, G. Pyzina, S. Romaniuk, S. Sergeiev, and others.

S. Sergeiev observes that transparency is often understood as the openness of power, but in the political science dimension, it includes two related components: the exercise of public control in a mandatory combination with the ability of citizens to legally affect the authorities, institutions and procedures related to decision-making<sup>5</sup>. Ensuring the principle of transparency of the activities of bodies of public authority creates conditions for conducting objective and fair public control over the processes taking place in the state and society. This is a fundamental condition for the further development of Ukraine as a democratic, rule of law state. However, the author's definition of transparency of power narrows the content of the phenomenon under study.

In turn, O. Kröt interprets transparency of state power as openness, lucidity, publicity and accountability of the process of formation, development and functioning of public authorities of different levels and the process of their decision-making. Interpreting the attributive characteristics of transparency, the researcher notes that transparency is a technological, openness is an institutional, lucidity is an instrumental characteristic of transparency, publicity is the availability of any information on various social actors, accountability is a controlling function of transparency<sup>6, 7</sup>. The scientist used the integrated approach and considered the transparency of power as a basic concept that corresponds to modern processes of democratization of society.

G. Pyzina defines transparency as a basic characteristic of the executive branch, which ensures the development of democracy, civil society through

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<sup>4</sup> Пашковська М.В. Поняття прозорості в сучасній науці «Державне управління». *Ефективність державного управління*, 2013, № 34. С. 140.

<sup>5</sup> Сергеев С.Г. Прозорість внеконституционных политических институтов: особенности правового регулирования и реализации. *Известия Саратовского университета. Серия Социология. Политология*, 2010, № 10, 3. С. 80.

<sup>6</sup> Крет О.В. Институалізація прозорості державної влади : автореф. дис. ... канд. політ. наук. Чернівці, 2010. С. 7.

<sup>7</sup> Пашковська М.В. Поняття прозорості в сучасній науці «Державне управління». *Ефективність державного управління*. 2013. Вип. 34. С. 136-137.

openness of the executive, the procedure for making political decisions and intensifying public control over the activities of the authorities. According to the scholar, the attributive elements of transparency are publicity and openness<sup>8, 9</sup>. S. Romaniuk regards the transparency of political power as a complex structure, which includes the notion of “publicity”, “openness of power”, “access to information”<sup>10</sup>. This position of researchers predetermines to classify them as scientists that define transparency as a complex concept, which combines a number of components.

Within the framework of legal science, P. Manchenko considers transparency, first of all, as citizens’ right to receive information about the activities of public authorities. However, more precisely, according to the author, the essence of the concept of transparency as a legal phenomenon reflects the approach to its consideration as a universal principle of the exercise of public authority, which provides public control of those processes that occur in the state and society<sup>11</sup>. The researcher regards transparency in two aspects. In the first case, he emphasises the importance of the information component of transparency. In the second case, he interprets the transparency of public authority as a complex phenomenon that promotes effective public control.

According to D. Gunin, transparency in law can be considered as a legal institution and a legal regime that arises on its basis, consisting of a set of legal relationships regarding the access of different actors to information, which interests them with the appropriate completeness, sufficiency and probability. The author notes that the transparency of the authorities combines elements, such as lucidity and openness, expressing the level of trust in the activities carried out; accessibility, that is the possibility of obtaining the necessary information about the activities of public authorities; publicity, which consists in the possibility of public discussion of public information; clarity of any activity of the authorities<sup>12</sup>. Summing up his arguments, the scientist argues that the very possibility of obtaining

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<sup>8</sup> Там само

<sup>9</sup> Пызина Г.В. Транспарентность исполнительной власти: сущность и механизмы реализации в современной России : дис. ... канд. полит. наук. Москва, 2006. С. 12.

<sup>10</sup> Романюк С.В. Особенности демократизации политического управления в условиях глобализации : дис. ... канд. полит. наук. Москва, 2005. С. 6.

<sup>11</sup> Манченко П.А. Конституционно-правовой принцип транспарентности деятельности органов государственной власти и органов местного самоуправления в Российской Федерации и зарубежных государствах : дис. ... канд. юрид. наук. Москва, 2012. С. 167.

<sup>12</sup> Гунин Д.И. Транспарентность и тайна информации: теоретико-правовой аспект : автореф. дис. ... канд. юрид. наук. Екатеринбург, 2008. С. 3.

information is a key to understanding the processes occurring in a certain area of social activity.

According to L. Valitova, none of the terms – “openness”, “publicity” – can disclose the concept of transparency in full. They, predominantly, act as elements of the explored concept<sup>13</sup>. The scholar regards accessibility as the main element of transparency. Openness and publicity are the means to ensure the availability of particular information.

Studying the issues of transparency of the judiciary, the national researcher O. Ovsiannikova understands it as the state of the organization of the judicial system and legal activity of the court in a democratic society, which satisfies the needs of the public in obtaining information about the mechanism of functioning of courts, on decisions adopted by the courts, structures, etc.<sup>14</sup>. In this case, we are talking about a certain identification of transparency and access to information, which significantly narrows the content of the phenomenon under study.

It is worth noting that a significant number of foreign in particular, European and American, authors, studying the issues of transparency of the authorities, limit its content by the information component, openness, etc. Thus, H. Park and J. Blenkinsop interpreted transparency as an open stream of information<sup>15</sup>; D. Kauffmann, H. Mehrze and G. Tugrul emphasise that transparency means increasing the flow of timely and reliable economic, social and political information that is accessible to all stakeholders<sup>16</sup>; D. Alt and R. Lowry believe that the content of transparency is based on more accessible and credible government information<sup>17</sup>; S. Piotrovsky and A. Bertelli define the term of state (government) transparency as the most important element of access to state information<sup>18</sup>. Researchers identify a number of mechanisms that help ensure transparency of public authorities: access to public information through requests, information disclosure by authorities, information protection, open meetings, etc.

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<sup>13</sup> Валитова Л.И. К вопросу о сущности конституционного права на информацию о деятельности органов публичной власти. *Вестник Башкирского университета*. 2014. Т. 19. № 1. С. 344.

<sup>14</sup> Овсянникова О.О. Транспарентність судової влади : автореф. ... канд. юрид. наук. Харків, 2009. С. 4.

<sup>15</sup> Park H., Blenkinsop J. The roles of transparency and trust in the relationship between corruption and citizen satisfaction. *International Review of Administrative Sciences*. 2011. № 77 (2). P. 255–256.

<sup>16</sup> Kaufmann D., Mehrze G., Tugrul G. Voice or Public Sector Management? An Empirical Investigation of the Determinants of Public Sector Performance Based on a Survey of Public Officials in Bolivia. URL: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=316865](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=316865).

<sup>17</sup> Alt J., Lowry R. Transparency and Accountability: Empirical Results for Us States. *Journal of Theoretical Politics*. 2010. No 22 (4). P. 379–406. URL: <http://jtp.sagepub.com/content/22/4/379>.

<sup>18</sup> Piotrowski S., Bertelli A. Measuring Municipal Transparency. Paper prepared for the 14th IRSPM conference. Bern : s. n., 2010. URL: [http://www.irspm2010.com/workshops/papers/31\\_measuringmunicipal.pdf](http://www.irspm2010.com/workshops/papers/31_measuringmunicipal.pdf).

Transparency of the activities of public authorities and local authorities means openness of the process of their decision-making by state authorities, according to J. L. Broz<sup>19</sup>. R. Mitchell highlighted that transparency is a fundamental characteristic of the whole political system of a modern democratic state, which includes the openness of public authorities and decision-making procedures<sup>20</sup>. On the other hand, he proposes to consider transparency as only some of the available information on functioning and conflicts in the activities of state and local government bodies.

The systematization of the above scientific approaches suggests that the majority of domestic and foreign scholars determine the public's ability to have unimpeded access to public information, openness, public control, etc. as the main or even the only component of the transparency of public power.

At the current stage of development of an open state and civil society, the use of an integrated approach to defining the essence of the term "transparency" is justified.

Within this approach, in addition to the aforementioned ideas of domestic researchers, we will quote the positions of some foreign authors. Thus, M. Bauch and M. Grimes emphasise that the components of transparency are state (government) openness, protection of information and publicity<sup>21</sup>. V. Burke and M. Teller consider transparency as a complex phenomenon that involves increasing the openness of public authorities, access to information, public participation in decision-making, and the creation of transparent activities for its employees by facilitating access to information, knowledge sharing and cooperation. Scientists consider transparency as: 1) the principle – the authorities should strive for their activities to be transparent; and 2) activity – the authorities should apply concrete actions that allow them to become as transparent as possible<sup>22</sup>. According to scientists, transparency involves creating (forming) a clear process of governance and decision-making, which will result in the involvement of the public in the activities of the authorities.

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<sup>19</sup> Broz J.L. Political System Transparency and Monetary Commitment Regimes. International Organization, 2002. URL: [http://pages.ucsd.edu/~jlbroz/pdf\\_folder/Broz\\_transp\\_IO.pdf](http://pages.ucsd.edu/~jlbroz/pdf_folder/Broz_transp_IO.pdf).

<sup>20</sup> Mitchell R.B. Sources of Transparency: Information Systems in International Regimes. *International Studies Quarterly*. 1998. № 42. URL: [http://rmitchel.uoregon.edu/sites/rmitchel2.uoregon.edu/files/resume/articles\\_refereed/1998-ISQ.pdf](http://rmitchel.uoregon.edu/sites/rmitchel2.uoregon.edu/files/resume/articles_refereed/1998-ISQ.pdf)

<sup>21</sup> Bauhr M., Grimes M. What is Government Transparency? New Measures and Relevance for Quality of Government: QoG Working Paper Series 2012:16. Gothenburg : University of Gothenburg, 2012. 26 p. URL: [http://www.qog.pol.gu.se/digitalAssets/1418/1418047\\_2012\\_16\\_bauhr\\_grimes.pdf](http://www.qog.pol.gu.se/digitalAssets/1418/1418047_2012_16_bauhr_grimes.pdf).

<sup>22</sup> A Guide to Owning Transparency. How Federal Agencies Can Implement and Benefit from Transparency. ed. by W. Burke with M. Teller. Washington : Open Forum Foundation, 2009. P. 25.

Consequently, the subject of transparency is relevant and challenging both in domestic and foreign science. It is obvious that each of the scientific approaches has certain positive qualities and reflects a certain position of one or another researcher on the issue of transparency of public authority. However, there is some simplification in science in understanding and interpreting the problems of transparency of public authority.

## **2. Decentralization of public authorities in Ukraine in the context of European integration processes**

Effective functioning of local self-government is one of the main elements of the development of the modern social system of Ukraine. In turn, the formation of a productive local government involves ensuring the further process of decentralization of power. In the context of the process of decentralization of power, it is important to ensure and develop mechanisms for managing economic, social and cultural processes at the local and regional levels, the formation of qualitative, content-rich relations between different regions.

Local self-government, both in Ukraine and in other democratic states of the world, plays a fundamental role in one of the main tasks – the combination of interests and needs of the state, society and individual. No country can be considered democratic, if it does not have a territorial decentralization of public authority.

The urgency of the problem of decentralization of public authority in the context of the formation of civil society and modern European integration processes in Ukraine is beyond doubt, since the modern national system of governance, in the light of certain achievements, is still concentrated in a single centre. There are contradictions between local authorities, which greatly reduces their performance and, as a result, there is detachment of the public from the authorities and further political instability. Accordingly, at a modern stage in our country, it is time to create a new model of local and regional self-government, oriented to the implementation of the principles of the European Charter of Local Self-Government, which regulates not only the right but also the ability of territorial communities to fulfill the tasks that they rely on. The idea of decentralization of public authority should be seen as an integral part of the overall process of modernizing Ukraine and developing civil society in it.



The basis of the problems of decentralization of power was laid down in the works of O. Vasylchykov, V. Gradovsky, G. Jellinek, M. Korkunov, M. Lazarevskyi, V. Leshkov, E. Meyer, B. Chycherin and others. At the present stage, such domestic and foreign scholars have made a significant contribution to the development of the issue of decentralization of public power, in particular, from the standpoint of sociology: E. Afonin, O. Garnets, O. Goncharuk, N. Dmytruk, A. Tkachuk, and others; economics: S. Aptekar, N. Buck, J. Beskyd, S. Bogachov, M. Bell, J. Buchenen, O. Danilova, L. Jaferova, L. Drobozina, A. Zakharin, L. Kalashnykova, J. Kingdom, O. Kyrylenko, S. Kolodii, V. Korchinskyi, I. Lukyianenko, I. Lunina, O. Papaika, L. Perer, I. Petrovska, D. Polozenko, A. Smith, A. Suntsova, L. Taragul, I. Chugunov, V. Kravchenko, V. Fedosov, D. Chyrka and others; political science: L. Dunaieva, O. Kartunov, P. Katerynchuk, A. Kruglashov, I. Kresina, A. Matvienko, S. Naumkina, A. Nekriach, I. Onishchenko, M. Kharytonchuk and others; public administration science: T. Brown, I. Drobot, A. Lelechenko, V. Sydorenko, R. Smetanin, V. Tolubiak and others; jurisprudence: S. Avakian, R. Agranoff, V. Averyanov, O. Batanov, M. Baimuratov, M. Vitruk, T. Vurtenberger, V. Gizevius, M. Koziubra, R. Kolyshko, A. Krusian, O. Kutafin, O. Lukasheva, M. Orzikh, B. Nersesiants, R. Parker, G. Petery, O. Petryshyn, V. Pogorilko, Yu. Todyka, O. Frytskyi, M. Tsvik, V. Chirkin, N. Shevchuk, Y. Shemshuchenko, O. Yarmysh and others.

The last decades have been marked by a change in the political regimes in many countries, and in this connection the interest in organizing and implementing state power, which is as close as possible to the people, is growing in society. Transformation measures in this direction laid the foundation for positive changes in certain spheres of society and the state. However, a number of important issues have not yet been resolved, and the dynamic movement of the world community and the aspirations of our state for integration create an urgent need, in addition to their speedy execution, as well as an appropriate level of awareness and development in the scientific sphere.

In this context it should be noted, that the large-scale block of tasks that require an immediate solution is the issue of public administration, which is related to increasing its efficiency at the state, regional and municipal levels. In the first place here comes the question of optimal organization of management through the distribution of functions between different

managing actors, that is, the decentralization of public authority. This problem is becoming more and more actualized in connection with the democratization of all spheres of public life, intentions to establish in Ukraine a European legal order, its integration into the European community.

Decentralization in the world has become popular in recent decades, but this idea is not new. The issues of decentralization attracted attention as far back as the 1950s – 60s. But, since the 1980s and to the present time, most states of the world have begun and continue decentralization modifications.

So, since the middle of the twentieth century the Council of Europe has been implementing one of the main principles of its policy – the protection of local self-government and regional autonomy, which promotes the reorientation of decentralization policies to the regional and local levels, where the capacity for horizontal cooperation and the level of understanding of real problems are much higher. It focuses not on the development of physical infrastructure, but on the formation of human potential. In this context, scholars argue that Ukraine should also focus on the development of human potential, identifying this area as a priority in the policy of local self-government<sup>23</sup>.

Decentralization is a complex political and legal phenomenon and an integral part of the process of functioning of any state, based on the principles of a legal and democratic state<sup>24</sup>. The notion of decentralization is mentioned in Article 132 of the Constitution of Ukraine, which states that the territorial structure of Ukraine is based on the principles of unity and integrity of the state territory, a combination of centralization and decentralization in the exercise of state power.

At the international level, an important document regulating issues of local self-government, decentralization is the European Framework Convention on Transfrontier Co-operation between Territorial Communities or Authorities, which entered into force for Ukraine in 1993. The Convention recognizes the right of the local and regional authorities to cooperation outside national boundaries within their national powers to establish bodies of cross-border cooperation between communities, regional, urban and rural development, protection of the environment, improvement

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<sup>23</sup> Величко В.О. Децентралізація влади: міжнародний досвід. *Державне будівництво та місцеве самоврядування*. 2014. Вип. 28. С. 17.

<sup>24</sup> Махина С.Н. Административная децентрализация в Российской Федерации: концепция и правовое содержание : дис. ... д-ра юрид. наук. Воронеж, 2006. С. 15.

of utilities and public services and mutual assistance in emergency situations<sup>25</sup>. Later, in 1997, Ukraine signed the European Charter of Local Self-Government, but even today, domestic legislation is not in line with European standards. First of all, it concerns the problem of decentralization of power, the introduction of an effective model of local and regional self-government<sup>26</sup>. Decentralization is the basis of territorial development, a way to create real democracy in Ukraine.

Endogenous and self-sustaining growth is a new formula for the success of the regions. These trends are aggravated by changes in the system of functioning of public administration in general, the rejection of a centralized approach and unified policies in favour of differentiation and complex forms of organization<sup>27</sup>. In Ukraine, the necessity of decentralization throughout the years of independence has been repeatedly declared, but fundamental changes in this area have practically never happened, which was caused by many objective and subjective factors.

The problem of decentralization was actualized in 2014 as a reaction to the actual existence during 2010–2013, contrary to the Constitution of Ukraine, of a superpresidential republic. In these conditions, strict centralization of powers and resources of executive power bodies was established, the scope of the Cabinet of Ministers was considerably limited, and a threat to the existence of parliamentarism in Ukraine arose. In fact, local self-government was levelled, financial autonomy of territorial communities was abolished<sup>28</sup>. These and other factors exacerbated the issue of decentralization of public power in the country.

At the present stage of the formation of the Ukrainian state, there is no alternative to the decentralization of public power. The introduction of decentralization promotes the unity of the state and its institutions, their interaction with civil society institutions, the expansion of local self-government, the activation of the population in order to ensure their needs and interests, narrowing the sphere of influence of the state on society – there appear mechanisms of self-regulation, developed by society, power is

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<sup>25</sup> Європейська рамкова конвенція про транскордонне співробітництво між територіальними общинами або властями від 21 травня 1980 р. *Офіційний вісник України*. 2006. № 9. С. 200. Ст. 585.

<sup>26</sup> Дрожжина С.В. Теоретичні аспекти впливу процесів децентралізації влади на рівень демократії в державі. *Гуманітарний часопис*. 2009. № 3. С. 83–84.

<sup>27</sup> Величко В.О. Децентралізація влади: міжнародний досвід. *Державне будівництво та місцеве самоврядування*. 2014. Вип. 28. С. 17.

<sup>28</sup> Скрипнюк О. Децентралізація влади як чинник забезпечення стабільності конституційного ладу: теорія й практика. *Віче*. 2015. № 12. С. 23.

approaching people and improving the work of local social programmes and services.

The problem of decentralization of public authority includes three main directions: 1) decentralization of the state (central) power; 2) decentralization of regional power; 3) decentralization of local self-government (municipal administration).

In the research literature, scholars primarily consider issues of the first direction, also pay attention to the problems of regional government and its decentralization. However, the latter direction is no less important in its practical significance: the decentralization of municipal governance at the regional, district levels, as well as at the level of individual communities (urban, town and rural).

The analysis of the domestic constitutional model of local self-government shows that the state, first of all, perceives it as an institution of democratic constitutional order. Local government as a public authority of a territorial community is an integral part of the constitutional system and is also characterized by observance of human and civil rights and freedoms, and bodies and officials of local self-government must act in accordance with the Constitution and laws of Ukraine. Therefore, it can be argued that human rights and freedoms and their guarantees determine the content and orientation of local self-government activities to the same extent as the state's activities<sup>29</sup>. Developed municipal self-government is a fundamental principle of the organization and implementation of power in the state and in society, an indicator of democratic governance in the country.

Implementation of decentralization of municipal self-government is possible through the formation and full functioning of civil society institutions. In this aspect, the issue of elaboration and implementation of effective and real legal mechanisms of public participation in the process of solving problems at the local level is actualized. Both domestic legislation and existing statutes of territorial communities in Ukraine do not regulate the specified provisions regarding the procedure for public participation in local government in various forms: general meetings, local initiatives, public hearings, etc. As a result, members of the territorial community, because of the impossibility of influencing decisions of the bodies of municipal self-government, lose interest in participating in the management of affairs of the local level.

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<sup>29</sup> Шемшученко Ю. Концептуальні проблеми регіональної політики і децентралізації влади в Україні в контексті євроінтеграційних процесів. *Вісн.* 2015. № 12. С. 4.

Today it is necessary to state the declarative status of the territorial communities, the symbolic role of their role in the mechanism of implementation of the municipal self-government, the latter's formality at the regional and subregional levels. Consequently, it is necessary to intensify the functional capabilities of the territorial communities as the main subject of local self-government.

Ensuring a high level of development of the local self-government institution involves a number of legislative and institutional reforms that should clearly indicate how it is necessary to carry out the distribution of the state budget at different levels of government. Determining the different levels of authority should be the basis of such an approach to ensure consistency with the budget and the obligations of regional and local authorities.

Decentralization mobilizes additional public resources, improves the decision-making process. It is an important tool for revision of existing development strategies that have resulted in low indicators of economic development and high levels of corruption. With the necessary financial and material resources, local self-government in Ukraine has the opportunity to develop political, economic, social, spiritual and cultural infrastructures; to ensure a high level of political participation of citizens; create mechanisms for effective public control; taking into account local characteristics, to pursue a policy of social and national compromises and, thus to embody self-government and democracy; to provide local government officials with the necessary powers to implement, develop and improve the mechanisms for their functioning, at the same time, institutions of accountability and responsibility of these subjects need to be strengthened.

The practice of introducing decentralization in a number of countries of the world gives grounds to conclude that the results of reforms that are both positive and negative can be ambiguous. It depends on a number of subjective and objective factors. A deeper study of the global experience of decentralization is needed. The analysis of various issues of decentralization of public power, disclosure of the content of the mechanism of decentralization, models of its application in different countries of the world will allow us to select the optimal model for further decentralization of public power and promote the democratization of public administration in Ukraine.

Realization of the process of decentralization in the historical perspective, taking into account national features and positive foreign experience opens to Ukraine the possibility of ensuring the rule of law throughout its territory

and the inviolability of state borders, increasing the efficiency of the management of society and the quality of life of the population in conditions of peace, freedom and democracy.

Public authorities and civil society act as two mutually complementary forms of social formation. Both sides should actively promote the mutual development of their own structures on a contractual basis of mutual respect and agreement. Contradictions that arise in their interaction are mostly constructive and productive. The effect of the need for mutual influence and interdependence appears due to the fact that civil society leads to the emergence of spiritual and cultural, and the state – to the emergence of legal (normative) aspects of the social life of people. The interaction of public authorities with civil society institutes provides maximum opportunities for the person to realize his rights and freedoms.

## **CONCLUSIONS**

Summarizing, the following should be noted.

1. The establishment of the transparency institute is a long-standing tradition of democratic countries. The effectiveness of the interaction of civil society and public authorities largely depends on the degree of transparency of the latter. Most domestic and foreign authors interpret transparency within one component. However, such an approach in the development of the modern social system is somewhat limited, since it reveals only one element of transparency, in particular, the public's free access to public information, and so on. Transparency is a fundamental feature of public authority, the content of which is the bilateral political interconnection between public authority and civil society. Transparency allows for the formation of such relations in which citizens fully realize their constitutional right to obtain information on the activities of public authorities, the development of public authority decisions, control over the activities of state authorities and local self-government, etc. In modern research literature, the term "transparency" has substantially combined the following elements: lucidity, openness, transparency, publicity, accountability, access to public information and participation in the management of public affairs, and so on. These components are effective and efficient only in their interconnection and interaction. Components of transparency have yet to be thoroughly investigated in the current realities, in particular, from the standpoint of the historical perspective of the emergence and functioning.

2. Decentralization is a prime requirement for countries that intend to join the European Union. This is reflected in the principles of decentralization

(transparency, efficiency, subsidiarity, responsibility, development of civil society, etc.), which is the basis for the functioning of the public administration system of the EU Member States and candidate countries for joining this community. In Ukraine, the problem of decentralization of public power is particularly relevant: there is a need to create a functioning management system, and to date, the quality management model has not been able to develop. Unresolved issues of delimitation of powers between the existing management systems and the distribution of managerial functions within these systems significantly impede the formation of an effective system of public administration, the development of the process of decentralization of power.

3. The decentralization of public authority in Ukraine includes the following directions: 1) decentralization of the state (central) power; 2) decentralization of regional power; 3) decentralization of local self-government (municipal administration). Decentralization of state power, regional authorities and municipal government, aimed at modernizing the mechanism of management of society at the national, and regional and local levels, includes the following elements: 1) control subsystem (management subjects); 2) controlled subsystem (control objects); 3) the interaction of subjects and objects of management. An important condition for the process of decentralization is the sequence of actions of managing subjects. The authorities should create conditions for the real participation of citizens in the management of state affairs in the political, socio-economic, spiritual, cultural and other spheres; to develop a mechanism for increasing the effectiveness of the territorial community and other institutions of local self-government; eliminate disproportion with regard to socio-economic development of regions; increase the efficiency of work of local self-government bodies, etc. The self-organization of the population in the territorial communities to address local issues is a fundamental issue of real democracy.

## **SUMMARY**

The paper discusses the main areas of effective interaction between public authorities and civil society institutions. It is emphasised that the strengthening of the principle of transparency of public authorities is a prerequisite for ensuring the effective development of civil society. It is stressed that transparency allows for the formation of such relations in which citizens fully realize their constitutional right to obtain information on the activities of bodies of public authority, the elaboration of public authority

decisions, control over the activities of state authorities and local self-government, etc. It has been determined that the term “transparency” in essence incorporates such components as lucidity, openness, transparency, publicity, accountability, access to public information. It is emphasised that decentralization is a major requirement for countries that intend to join the European Union. It is concluded that the decentralization of public authority in Ukraine includes the following areas: decentralization of the state (central) government; decentralization of regional power; decentralization of local self-government (municipal administration). It is accentuated that the decentralization of public authority includes such elements: 1) control subsystem (subjects of management); 2) controlled subsystem (control objects); 3) the interaction of subjects and objects of management.

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