

ZADALYA Dmytro Kostyantynovich,
Associate Professor of the Department of Legal Disciplines
Dnipropetrovsk State
University of Internal Affairs,
PhD of Law Sciences
GUBAREVA Polina Viktorivna,
student of the
Dnipropetrovsk State
University of Internal Affairs

AUTONOMY: CONCEPTS AND TYPES

Autonomy is the right of a national-territorial entity (for example, an oblast) to exercise internal governance independently. In most cases, autonomy is understood as special political-territorial units, created taking into account the national composition, traditions, culture, lifestyle of the population living in them.

Types of autonomy depend on whether ethnic and other communities live compactly or separately, as well as on other circumstances. In foreign literature, three characteristics of autonomy are used:

- personal;
- corporate;
- territorial.

Personal autonomy is usually created by any ethnic groups, national minorities live separately and create their associations, which mainly deal with issues of household culture, but can participate in political life through representation at some central state bodies.

Corporate autonomy is usually associated with the existence of linguistic communities, for which a certain share of places in the state apparatus is often reserved, and civil servants of other ethnic groups working in a given area must know the language and way of life of the local population, who live in small groups interspersed with others nationalities (there is a language exam for civil servants). In addition, legal proceedings, teaching at school can be carried out in the local language. This form of autonomy has, for example, the so-called registered castes and tribes in India.

Territorial autonomy is usually national-territorial or ethno-territorial (the first name is almost never used in the literature of foreign countries), but it can also be based not so much on ethnic characteristics, but on accounting for the peculiarities of the culture, traditions, and lifestyle of the population of a given territory. Territorial (ethno-territorial) autonomy is formed only in case of compact settlement of ethnic groups or other groups that differ in other features.

Autonomous regions, districts, districts, other autonomies are created, often officially having only geographical names (for example, the Azores in Portugal), sometimes including the name of the nationality (Iraqi Kurdistan), and in some cases – the definition of autonomy (Autonomous Republic of Crimea).

Sometimes the same ethnic group simultaneously uses different forms of autonomy (for example, the Sami in Sweden and Norway).

In domestic literature, it is customary to distinguish between two main forms of autonomy:

- National-territorial (ethno-territorial);
- Cultural and national.

Both of them, as can be seen from their names, are related to ethnic characteristics.

Depending on the scope of powers, there are two forms of national-territorial (ethno-territorial) autonomy:

- Political (it is often called state, legislative);
- Administrative.

Political autonomy has some features of statehood. It (its bodies) has the right to legislate on local issues (the list of these powers is specified in the constitution, for example in Italy, or determined by a special law.

Administrative autonomy does not have the right to issue its local laws, although its representative bodies issue normative acts within her powers. However, compared to ordinary administrative units, which also issue normative acts of local significance, administrative autonomy has some additional rights. Administrative autonomy exists in fewer countries than political autonomy. In Nicaragua there are two districts on the Atlantic coast inhabited by Indian English-speaking tribes, in Moldova – two districts where the Gagauz live, in India autonomy is created for some small nationalities in individual states. The largest number of autonomous entities in China (over a hundred). There are three degrees of autonomy in this country: autonomous regions, which are the largest autonomous entities (including the largest of them, Tibet), autonomous counties (middle tier) and autonomous counties (lower tier).

Along with the two forms of territorial autonomy, cultural-national autonomy is used in some countries. It is used where nationalities and ethnic groups do not live compactly, but separately, interspersed with representatives of other ethnic groups. In this case, the nationalities create their own organizations and elected bodies, which deal mainly with issues of language and culture, sometimes send a representative of this ethnic group to the parliament (with the right of an advisory vote), have a representative (or a council elected by the ethnic group) at the state government.

They are consulted when solving issues of language, everyday life, and culture. This form is used in Austria for Hungarians, Slovenes, Croats, and Czechs and some other nationalities living separately, in Hungary in relation to representatives of more than 10 different national groups, in the Scandinavian countries (Finland, Sweden, Norway) in relation primarily to the Sami. The Sami create their own elected councils, often called Sami parliaments. There is also an interstate council of the Sami, it does not so much deal with issues of language and culture as it regulates reindeer herding (determines areas and frequency of grazing, etc.).

In some countries, there are peculiar semi-autonomous educations. Among them are the so-called historical units of Great Britain – Scotland and Wales. The main cities of these units of the country have their own departments, the British government includes ministers for Scotland and Wales (as well as Northern Ireland, which is autonomous), but the proposal for autonomy for Scotland and Wales was rejected in a referendum by their voters. In some African countries, there is an interstate "nomadic autonomy" for the Tuareg – nomadic tribes, the boundaries of their seasonal migrations, which cover different states, are defined.

In general, it is necessary to note the growth in the number of different forms of autonomy, its diversity, and the increasing number of autonomous entities in the world. At the same time, there are constitutional prohibitions to create autonomous entities. The Bulgarian Constitution of 1991 prohibits the creation of territorial autonomy in the country on the basis that local self-government is sufficient for it.

References:

1. Бодрова І. І., Болдирєв С. В., Величко В. О. Державне будівництво і місцеве самоврядування в Україні: підручник (2-ге вид. перероб. та доп.). Харків : Право, 2011. 360 с.
2. Ярмиш О. Н., Серьогін В. О. Державне будівництво та Я 00 місцеве самоврядування в Україні: підручник. Харків : Вид-во НУВС, 2002
3. Серьогіна С. Г., Лялюк О. Ю., Бодрова І. І. Державне будівництво і місцеве самоврядування: посібник для підготовки до іспиту. Харків : Право, 2021. 212 с.

ZADALYA Dmytro Kostyantynovich,

Associate Professor of the Department of Legal Disciplines

Dnipropetrovsk State

University of Internal Affairs,

PhD of Law Sciences

LESHCHENKO Anna Serhiyivna,

student of the

Dnipropetrovsk State

University of Internal Affairs

EXECUTIVE PROCEEDINGS AS PROTECTION OF CITIZENS' RIGHTS

The Law of Ukraine "On Executive Proceedings" states that executive proceedings are the final stage of court proceedings and the enforcement of court decisions and decisions of other bodies, the set of actions of bodies and persons specified in this Law, aimed at the enforcement of decisions and carried out on the basis of within the scope of powers and in the manner determined by the Constitution of Ukraine, this Law, other laws and normative legal acts adopted in accordance with this Law, as well as decisions that are subject to enforcement in accordance with this Law [1]. That is, executive proceedings are directed actions for the execution of decisions and often these are coercive actions carried out exclusively on the grounds established in the normative legal acts of Ukraine.