Sustainable Municipal Reform in Ukraine: Theoretical Foundations and European Integration Perspectives

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ABSTRACT:

The relevance of the study is determined by the ineffectiveness of the local self-government reform in Ukraine, in particular, the lack of autonomy of local authorities. The purpose of the article is to carry out a comprehensive analysis of the regulatory and legal framework of the activities of local selfgovernment bodies, and the state in the area of local self-government reform. The leading methods of research have become dialectical (when defining the reform itself); general methods of synthesis and analysis (when defining the concepts of "reform", "local self-government bodies", "municipal power", etc.); comparative and legal method (when examining relevant sources, scientific texts, international legislation). It is determined that the problem of local self-government reform is a very urgent problem for Ukrainian society; it is characterized by inadequate legislation, difficult socio-economic situation, and mass ignorance of the population regarding their rights to participate in solving issues of local importance, as well as the forms of exercising such rights. The above is related to improperly conducted work of local authorities with the population. The need to take measures for the effective implementation of local self-government reform in Ukraine based on foreign experience is proven.

Keywords: state reforms; local self-government reform; reform measures; the right of citizens to local selfgovernment; local councils and executive bodies.

1. Introduction

The number of cities in need of local self-government reform in Ukraine is growing. The following areas require improvement at the local level: reformatting of local state administrations into prefecture-type bodies; restoration of the activities of local selfgovernment bodies and executive authorities in the de-occupied territories; decentralization of local authorities and ensuring the functioning of local self-government in Ukraine to European standards.

First of all, the information policy in the field of local self-government needs attention, Ukrainians should know their rights and roles in the formation and ensuring the

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functioning of local self-government. State management in the field of local selfgovernment should provide for a clear division of functions between executive bodies and officials, taking into account public participation in the implementation of local selfgovernment functions.

It is essential to analyze and assess the organizational framework currently responsible for the development and operational maintenance of local self-governance in Ukraine. The introduction of the legal regime of martial law and the establishment of military administrations, which supplanted the executive bodies of councils as local selfgovernance entities, have resulted in an overlap of functions and powers between preexisting local self-governance institutions. This functional duplication necessitates systematic adjustment to ensure administrative coherence and efficiency.

The formation of state policy should take place in such a way that local selfgovernment bodies have appropriate tasks and participate in the formation of the strategy for the recovery of Ukraine after the war, and that the policy formed by the state in this area does not violate the principle of decentralization of power.

In order to ensure effective awareness of the public about its role and responsibilities in local governance, it is necessary to form an information policy in a certain area by conducting necessary events with the public, in particular, informational meetings with the public, publication of informational articles, etc. After all, an improved information policy will contribute to greater public activity and strengthening the influence of the public's efforts to decentralize power in Ukraine. A component of the mechanism of democratic governance of the state, which provides for the assessment by civil society institutions and public councils of the activities of executive bodies, the effectiveness of the adoption and implementation of decisions by such bodies, the preparation of proposals for solving socially significant problems for their consideration by executive bodies in their work. An example of the procedure for conducting a public examination of the activities of local government bodies and officials can be presented in the form of a table (table 1).

No	Stage	Description	Comment
1.	Initiative	Submission of a request to	The initiator can be a public
		conduct a public examination.	organization or a group of citizens
2.	Official request	Sending a written request to a	Typically includes the purpose,
		state or local government	justification, and requested
		authority.	documents or information.
3.	Review of the request	The authority reviews the	The review period is determined
		request and decides whether	by legislation (e.g., 30 days).
		to provide the information.	
4.	Formation of a	The initiator forms a working	The group may include
	working group	group of experts to analyze	specialists, activists, and media
		the received information.	representatives.
5.	Analysis and	Conducting research,	Findings should be evidence-
	preparation of	analyzing documents, and	based and well-substantiated.
	findings	forming conclusions and	
		recommendations.	

6.	Public discussion		Promotes transparency and
		conferences, or public	community engagement in the
		hearings to discuss the	process.
		results.	
7.	Submission of results	Providing the results of the	Recommendations can
		public examination to the	influence decision-making
		relevant authority.	processes.
8.	Monitoring	Tracking the implementation	Enhances accountability of
	implementation	of the recommendations	government authorities.
	-	provided by the public	-
		examination.	

2. Literature Review

The analysis of certain aspects of the activities of local self-government bodies and state administration bodies in the field of reforming local self-government was carried out in the number of scientific works.

It is worth noting the research by A. de Tocqueville (1999), who not only described the administrative value of decentralization, but also claimed that it accustoms citizens to freedom and teaches them to use it correctly, identified the features of a balanced interaction of local self-government and state power.

American scientists W. Burke and M. Teller (2011) define transparency as a process of constantly increasing the government's openness to public control, expanding citizens' access to public information, and citizens' participation in the decision-making process.

Vasiuk et al. (2020) claim that communities more distant from the center of the community need more attention from the reformers. The steps of local government reform should affect the villages as well as the rural population. It is worth emphasizing that clear steps of reform should be prescribed taking into account the needs of villages that are independent communities in understanding the legislation on local self-government. For this, it is necessary to use the effective foreign experience of autonomy in solving problems of local importance directly on the ground.

According to Ladychenko et al. (2021), the reform of local self-government in Ukraine should take place gradually to ensure sustainable development of local self-government; clear algorithms and steps should be planned and calculated according to effective foreign experience.

L. Shtein (1888) considered the community as a means of strengthening state power, because it is analog of administrative institutions on the ground, strengthening the entire organizational structure of the state. This work was one of the fundamental works of the 19th century, which explained the essence of the interaction between the state and the authorities in local communities.

Attention should also be paid to the scientific work of the American researcher D. Kettl (2002), who highlighted six main characteristics, on which qualitative changes in the organization of state administration and local self-government are focused, namely: efficiency, marketization, service orientation, decentralization, development, policy implementation and administration, responsibility for the performed work. It is important

to analyze this work within the framework of determining the effectiveness of local selfgovernment reform, because all these principles are embedded in the content of local selfgovernment reform in Ukraine.

3. Methodological Framework

Research methodology consists of general and special methods of scientific knowledge used in this scientific research, which provide an opportunity to form the purpose, goals and tasks within the scope of scientific research, to form conclusions and research results.

Thanks to the axiological method, a valuable component of the international norms implemented by Ukraine was singled out, which determine the nature of changes in the principles of self-government and provide an opportunity to evaluate the reform of local self-government in Ukraine. The method of comparison made it possible to correlate the peculiarities of the exercise of powers by local self-government bodies in Ukraine and European countries, to establish a clear similarity between the Ukrainian and European options. The modeling method was used to focus on local needs without being tied to guarantees of state support. The method of abstraction was used in order to provide proposals for reforming local self-government in modern conditions.

Among the group of general scientific methods, the following became the most popular: dialectical (for analyzing the institution of local self-government in the process of evolution, determining the regularities of its reform), analysis and synthesis, abstraction and concretization, induction and deduction, etc.

Thanks to the systematic method, the subject of research was considered in the unity of all components, and the comparative legal method provided an opportunity to analyze the main scientific approaches to solving research problems.

The study of the issue was carried out in four stages:

1. At the first stage, a theoretical generalization of the formed legal categories was carried out, which is the basis of the study, in particular, the peculiarities of local self-government and local self-government reform;

2. At the second stage, a system of subjects was formed, their role and significance in the issue of formation and implementation of tasks, which is the basis of reforming local self-government in Ukraine; as well as empirical studies based on these elements of the local self-government system within the framework of the decentralization reform in Ukraine;

3. At the third stage, the general characteristics of the inconsistency of the tasks of the Ukrainian reform of local self-government with modern realities in Ukraine are given;

4. At the fourth stage, conclusions were made regarding the current state of local self-government reform in Ukraine. Specific proposals for improving the reform plan in accordance with the current state of affairs in Ukraine have been provided.

4. Results and Discussion

4.1. Peculiarities of the implementation of local self-government, the interaction of local self-government bodies with state authorities in terms of the formation and implementation of local self-government reform

Let's start with the fact that every year the number of scientific works and studies on the issues of local government reform in Ukraine is increasing. In this regard, each scientist in one way or another interprets established legal categories that are relevant for legal science. In view of this, it is necessary to proceed from the analysis of current legal acts regulating this issue, as well as from the analysis of scientific and doctrinal works of scientists, which provide a proper understanding of the subject of research and analysis of empirical data.

The concept of "local self-government" is fundamentally established in the European Charter of Local Self-Government. In Ukraine, this foundational document, adopted by the Council of Europe in 1985, was officially ratified and came into force in 1997. which, like other international treaties ratified by our country, became part of national legislation. The Charter obliged the states that signed it to apply the basic legal norms that guarantee the legal, administrative and financial autonomy of territorial communities and their bodies. It is the first comprehensive legal document that enshrines and guarantees the guiding principles of local autonomy - one of the foundations of democracy, which the Council of Europe has undertaken to protect and develop in the spirit of pan-European values. It should be noted that the European Charter of Local Self-Government embodies the idea of decentralization of part of the state executive power. That is, local self-government is included in the mechanism of people's power, accordingly, its implementation can take place not only at the level of territorial communities, but also at the level of regions (districts, regions) (Hrobova, 2013).

The financial autonomy of local communities requires further separate in-depth research and analysis of the experience of foreign countries in this direction.

In view of the above, we offer the following indicators of decentralization in modern Ukraine. Since the creation of united territorial communities in Ukraine, their number has exceeded the figure of 800 united territorial communities with a population of more than 9 million people, and the territory exceeds 1.5 million hectares (which the united territorial communities have acquired), and the budgets of such communities have increased 5-7 times (Decentralization in Ukraine, 2024). Taking into account the above statistical information, we can form a table with summarized data on the main indicators of decentralization in Ukraine (table 2).

Indicator	Value	Comment
Number of	1,469	As of 2023,
territorial communities		according to the
		administrative-territorial
		reform.
Share of local	10.2%	Reflects the level of
budgets' revenues in GDP		financial decentralization.

Share of local budgets in the state budget	23%	Indicates the financial independence of regions.
Transfer of communal property to communities	>95%	Percentage of property transferred from state to communal ownership.
Number of amalgamated communities with direct inter-budget relations	100%	All communities have direct fiscal relations with the state budget.
Number of administrative centers	136	According to consolidated districts.
Share of services provided at the community level	60-70%	Includes education, healthcare, and administrative services.
Total amount of subsidies to local budgets	UAH 132 billion (approx.)	Allocated for education, healthcare, and social welfare.
NumberofAdministrativeServiceCenters (ASCs)	~900	Improves citizens' access to public services.
Number of reformed schools	4,000+	As part of the creation of hub schools.

Bringing the rules of functioning of local self-government into compliance with the provisions of the Charter intensified with the adoption of a course on decentralization of power, which reduced the amount of contradictions between the domestic and European self-government paradigms. At the same time, an important aspect of the wording still remains unsettled - first of all, regarding the clear fixation of the object of protection of interests by the local self-government institution.

At the same time, in Ukraine, which as part of the local self-government reform chose the course of European integration, the principle of subsidiarity was first enshrined in the order of the Cabinet of Ministers of Ukraine (2014). However, the draft Law on Decentralization of Power initiated by the President of Ukraine (2015) contained provisions demarcating powers between local self-government bodies of different levels in accordance with the principle of subsidiarity.

Although the political and legal basis for the functioning of the local selfgovernment system is not comprehensive and has shortcomings and contradictions that need to be refined and eliminated, it enabled and determined the formation of the organizational structure of local self-government. Article 140 of the Constitution of Ukraine defines that local self-government is the right of the territorial community to unite for joint resolution of local issues (Constitution of Ukraine, 1996).

Bodies of self-organization of the population, as defined by the Law of Ukraine "On Bodies of Self-Organization of the Population" (2001), include house, street, neighborhood committees, as well as committees of micro-districts, districts within cities, villages, and settlements. These entities are integral components of the local self-government

framework but do not possess the status of local self-government bodies themselves. And if the new representative bodies that meet the norms of the new legislation are formed on the basis of the previous experience of the functioning of local self-government bodies and their executive committees, then the practice of self-organization of the population has its roots in the Soviet past and is fragmentarily preserved. Accordingly, the structure of local self-government institutions is currently at the stage of adaptation of new powers to the existing potential – managerial, financial, communication.

The reform of local self-government and related changes in the exercise of state power in Ukraine are transformations that have been rated almost the highest by the international expert community and foreign partners. The systemic dimension of the reform is indeed characterized by high legislative activity and the same level of dialogue between the center and the regions. However, the internal aspects of regional selfgovernment restructuring at such pace of reforming are associated with the emergence of contradictions between the ability of communities and their associations not only to exercise their expanded powers, but also to manage and maintain transferred property and infrastructure facilities.

General criteria provide that the organizational structure of executive bodies of local self-government should reflect the acquired powers, ensuring their effective implementation institutionally. That is, each authority of the local self-government body must be assigned to a certain structural division / official in order to ensure its constructive implementation. In practice, the reformed local self-government bodies faced the problem of the inability of communities to maintain former objects of joint ownership and the inconsistency of the subjects of such ownership. Currently, the current legislation has not developed clear rules and order regarding the sources of common property of territorial communities, its division, alienation, powers of local self-government bodies of different levels in the management of such property.

In addition, in the context of bringing local self-government in Ukraine to European standards, it is worth noting that international legislation does not detail decentralization, this indicates the risk of a gap in the constitutional provisions regarding the decentralization of power in Ukraine, which limits the institutional consolidation of decentralization.

4.2. General characteristics of doctrinal approaches to research, analysis and evaluation of local self-government reform in Ukraine

As highlighted by legal scholar Yu. Buhlak (2018), the power organization model at the local and regional levels enshrined in the Constitution of Ukraine is considered outdated by contemporary standards. It does not fully align with European norms and the principles outlined in the European Charter of Local Self-Government. Specifically, local self-government is effectively implemented only at the basic territorial level such as villages, towns, and cities while at the regional level (districts and oblasts), a centralized system of direct state administration remains predominant.

Opportunities to harmonize relations between communities and to meet common needs through the establishment of contractual relations can be extensive and institutionally secured. However, this fact does not prevent the occurrence of conflict situations between united territorial communities, which mainly concern the establishment of territorial boundaries, financial issues and the field of social protection of the population. The very process of creating united territorial communities was a source of conflict: communities were united artificially, resources were not always distributed transparently, etc. Relations between the district level and united territorial communities often became the subject of conflict, as the powers of district councils and administrations still remain undefined.

The above-mentioned problems require legislative regulation and should be resolved by making changes to the legislation regulating legal relations with regard to united territorial communities as an element of the local self-government system.

As the scientist H. Ahafonova (2022) correctly points out, since the signing of the political, and especially the economic part of the Association Agreement between Ukraine and the countries of the European Union, the attention of the regions has been focused on issues of foreign investments, donor aid, and grants from EU institutions. The investment attractiveness of communities has become a part of their development strategies, and its level is often associated with the advancement of Ukraine's European integration course.

Usually, scientists describe the investment potential, defining it as a complex of investment resources in combination with opportunities, means and conditions of their attraction and use (Shcherbatiuk, 2011), the investment potential of a territorial community is the latter's opportunities and resources (Shcherbatiuk, 2011); economic, financial, natural, social, resources as an object of management of local authorities aimed at attracting investments for community development (Zhuk and Sirik, 2017), and investment attractiveness is an indicator of the functioning of communities as the basis for the formation of a favorable investment environment at the local level (Andriichuk & Konkolnyak, 2017).

Today's realities have led to a change in the format of cooperation between Ukrainian cities and foreign partner cities. According to the definition by O. Bogorodetska (2015), a twinning partnership is a socio-political phenomenon, which provides for friendly, equal, long-term relations that are implemented in institutionalized and noninstitutionalized forms between territorial communities of different countries (subjects of the first are most often local self-government bodies and public organizations) in areas of mutual interest for strengthening cooperation and friendship between peoples, as well as sharing experience in solving socio-economic and other problems. In her qualifying work, the researcher indicated the relevance of three types of twinning cooperation: as a political institution, a political process, and political-cultural communication.

In the conditions of war, fraternal cooperation (as a political institution) functions based on previously concluded bilateral agreements, as a political process embodied primarily by the implementation of humanitarian missions from region to region (De Tocqueville, 1999). More than 100 Ukrainian cities have about 700 sister cities, and this number is growing even during the war.

The expert of the Institute of Political and Ethnonational Studies M. Horbatyuk (2021) points out the dissonance between the functions and powers of representative bodies of local self-government and local executive bodies as a problem of decentralization. This problem is manifested in the absence of a mechanism for the

redistribution of district budget funds and the problem of determining the powers of district councils and administrations.

According to researchers Gogol and Melnychuk (2022), the biggest risks of current reforms in Ukraine are related to the presence of various economic and social barriers that must be taken into account when developing community development mechanisms. In particular, the issue of the distribution of powers and budget funds in terms of solving the issues of the districts remains unresolved. It is necessary to implement a set of measures to minimize the risks of the process of changes in the administrativeterritorial structure of the sub-regional level in ensuring the provision of services provided at the district level, and accordingly require regulatory changes and monitoring of the interaction of state authorities and local self-government, synchronization. Indeed, executive power at the regional and district levels is exercised by local state administrations, which restricts the autonomy of local councils and blurs the distinction between the functions of the state and those of local self-government.

4.3 Bringing the system of local self-government in Ukraine into line with the European experience

Turning to the direct analysis of foreign experience, it should be noted that the process of European integration is a cumulative vector of the introduction of systemic reforms, conditioned by the general vision of the state's development and the constitutionally determined goal of Ukraine's accession to the European Union. Guidelines for further changes in the specifics of the exercise of power and the implementation of people's power are laid down in the provisions of the Agreement on the Association of Ukraine and the EU (2014).

However, it will not be possible to directly associate the local self-government reform, particularly its decentralization component, with the specified document, as it is neither referenced nor outlined in the Agreement. Despite convincing steps in the implementation of the local self-government reform, the question of its constitutional consolidation remains open. Currently, no changes have been made to the Constitution that would ensure the irreversibility of the process of power decentralization and local selfgovernment reform.

Discussions of self-government problems always actualize the idea of subsidiarity related to decentralization, as an organizational and legal principle, according to which tasks should be solved at the lowest or remotest level – where their solution is possible and effective (Monolatii, 2011). Therefore, the central government should play a subsidiary (auxiliary) and not a subordinate (subordinate) role.

It is emphasized that the described principle is the basis of the European Charter of Local Self-Government, which states that public powers are exercised by those authorities that are closest to the population. When delegating authority to another body, it is necessary to take into account the scope of the delegated authority.

Thus, it is presented the justification of the main trends of the modern processes of local self-government reform in Ukraine, such as: approbation by communities of their own capacity - the one on which the organizational and functional components of existence are based; unsettled issues of communal ownership (transfer of property, determination of its nominal owner, maintenance, intended use, etc.). Communities' vision of their own prospects and activity priorities is determined by the common attraction of communities to economic growth, infrastructure development, improvement of investment potential, introduction of energy-saving technologies, but without orientation to the support of the central government. The positive impact of the specifics of the approved strategies on the improvement of institutional memory at the level of regional policy is important. Another trend is related to the functioning of local self-government in the conditions of martial law, which caused a certain pause in the full implementation of their legally established powers by local self-government bodies.

Effective participation of the community in solving issues of local importance is possible thanks to detailed strategies that will provide for an appropriate mechanism at the level of each community, because strategic planning of community development is the joint work of community representatives on the future of the community.

Defining the main goals, the achievement of which will improve the life of the community; defining plans as measures aimed at achieving these goals using special procedures.

That is, effective strategic planning of community development is necessary planning for the future of this community. Planning is more sustainable because, provided the methodology is followed, it is less dependent on changing management teams; and also allows to use the available resources for the development of the community with greater benefit, etc. The main feature of planning is the interaction of local leaders and the population in the context of joint solutions to local problems.

5. Conclusion

The prolonged execution of local self-government reform can be attributed to inadequate interaction between communities and the state, particularly due to inconsistent governmental decisions and shortcomings in the political and legal framework. We conclude that the reform of local self-government, which is fundamentally rooted in the decentralization of power, should be carried out both at the local level by the communities and simultaneously through the formulation and implementation of relevant policies by the state.

We identify the key elements as indicators of the effectiveness of local selfgovernment reform in Ukraine: the integration of European norms into Ukrainian local self-government legislation, aligning it with European standards; adherence to the principles of power decentralization and subsidiarity in the operation of local selfgovernment bodies; a balanced relationship between communities and local authorities; prioritization of local governance with minimal dependence on central authorities.

Currently, efforts should focus on adapting the existing system of local selfgovernment in Ukraine to the realities of wartime, ensuring clear and consistent institutionalization while preserving the advancements achieved through decentralization.

The operative response to the listed challenges strengthens the capacity of regional self-government, creates a kind of immunity to existing and future challenges, adapts new local management personnel to function in different conditions (variability of economic development, possible backsliding from the principles of reform, other crises)

and characterizes the degree of maturity of the institution of local self-government as such Stable self-governing local structures should become a reliable support in a crisis period for the state, while now the roles of institutions are opposite.

At local levels, it is important to ensure: community activity; an extensive system of self-organization through interaction with local self-government bodies for joint resolution of topical issues and formation of a regional development strategy; increasing the potential of communities for independent implementation of their own initiatives, first of all, through the formation of qualified personnel from among local management elites.

At the legislative level, it is crucial to address conflicts related to the management of formerly common property, particularly the transfer of communal property from the district level to local communities. Additionally, the distribution of powers between councils of different levels and oversight of executive bodies must be clarified. These issues pertain to regional self-government, which is implemented both institutionally through the established political and normative framework and organizationally via the entities created for local self-governance.

Therefore, the local self-government reform, as outlined in the relevant Concept, requires revision in light of the current functioning of local self-government bodies, as well as a reassessment of the tasks and objectives assigned to the state and communities, considering the legal regime of martial law in Ukraine.

The materials of the article can be useful to scientists and practitioners who mainly research issues of local reforms and analyze international experience. In addition, these recommendations can be taken into account by the authorities in terms of improving legislation in this area.

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