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LEGAL REGULATION OF THE PROVISION OF ADMINISTRATIVE SERVICES IN THE UNITED TERRITORIAL COMMUNITIES

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INTRODUCTION

The market orientation of Ukraine's economy requires radical institutional changes in order to establish the decentralization of power, to balance the relations in its structure between the subjects of the central, regional and local levels. One of the directions of such radical changes is the formation of special andnew subjects of local self-government bodies - united territorial communities (hereinafter referred to as - OTG), capable of autonomous and efficient functioning in the state structure.

Under such conditions, completely new legal relations arise in the formed OTGs, which are often not regulated by the current normative legal acts. Among such relations at the level of OTG the largest share is occupied by relations in the field of providing administrative services. During decentralization, communities received broader powers, funding, and responsibilities. The list of administrative services that can be provided by OTG has significantly expanded.

A large number of works of scientists are devoted to administrative law, in particular to the institute of administrative services, in particular: Averyanova VB, Afanasieva KO, Armash NO, Bortnik NP, Garasimiva TS, Goncharuk NT, Devchicha A., Ehrlich O., Zhuk Yu.M. ., Zabarnogo GG, Sharova YP, Kalyuzhnogo RA, Kobilinskaya Y., Koliushko IB, Kovaliva MV, Kivalova SV, Kirmach AV, Lipentseva A .V., Mamotova TV, Nazara YS, Ostapenko OI, Ortynskoho VL, Sopilnyk LI, Tymoschuk VP, Tereshchuk OV, Hak M. and others. Given the significant contribution of administrative scholars in improving the institution of administrative services in Ukraine, further research is needed on administrative services provided by local governments, including OTG.

The relevance of the above issues, their importance, practical significance and insufficient study led to the choice of research topic, its purpose and objectives.

The purpose of this monograph is a comprehensive study legal regulation of the provision of administrative services in OTG and substantiation of recommendations for its improvement. Achieving this goal necessitated the definition and solution of the following tasks:

– identify the historical preconditions for the introduction of the system of administrative services in Ukraine and the formation of OTG;

– to study the system of principles of providing administrative services in OTG, to identify the need to study the legal mechanisms for implementing such principles;

– to carry out the scientific analysis of the operating national and local regulations which regulate competence, fix the order of rendering of administrative services in OTG;

– determine the legal status of entities authorized to provide administrative services in OTG;

– evaluate models of administrative services and provide proposals for improving the legal regulation of their implementation;

– consider the stages of the award procedure administrative services;

– identify corruption risks and consider order prevention and settlement of the conflict of interests of subjects of rendering of administrative services in OTG;

– identify and justify problematic aspects of the provision of administrative services that require improvement of legislation;

– justify the feasibility of standardization in the provision of administrative services in OTG;

– evaluate and propose mechanisms for improving the regulatory framework for out-of-court and judicial appeals against decisions, actions or inaction of the subjects of administrative services in OTG;

– identify ways to improve the mechanism for appealing and canceling the results of administrative services.

The methodological basis is a set of general scientific, philosophical, logical, theoretical and legal approaches and methods, research principles of systematics, objectivity, logic, continuity, historicism and more. The systematic approach made it possible to apply them comprehensively, which allowed to study the issues in a combination of legal form and social content. The following general scientific methods were used to solve the tasks outlined in the dissertation: logical-semantic - in order to deepen the conceptual apparatus (subsections 1.1, 2.3, 3.1); historical analysis - in order to study the evolution of legal regulation of administrative services in OTG (subsections 1.1, 1.3.);

hermeneutic - to understand the concept, content and types of administrative services provided in OTG (subsections 2.1, 2.2); analysis and synthesis - to study the principles of providing administrative services in the united territorial communities (subsection 1.2); classification - on the study of regulations governing the provision of administrative services (section 1.3). The dissertation also uses a sectoral (legal) method - format-dogmatic - during the analysis of legislation and justification of the need for changes to improve it (subsection 2.3, section 3).

The scientific and theoretical basis of the dissertation was the scientific developments of domestic and foreign experts in the field of law. The normative and legal basis of the work is the Constitution of Ukraine, laws of Ukraine, decrees of the President of Ukraine, normative legal acts of the Cabinet of Ministers, ministries and departments of Ukraine, legislative acts of individual foreign states.

The empirical basis of the study consists of scientific works of domestic and foreign scholars on the legal regulation of administrative services in OTG, international regulations and legislation of Ukraine, statistical reference materials on the research topic and the results of a survey of 180 respondents from different social groups.

CHAPTER 1

THEORETICAL AND LEGAL PRINCIPLES OF PROVIDING ADMINISTRATIVE SERVICES IN THE UNITED TERRITORIAL COMMUNITIES

1.1 THE PROVIDING OF ADMINISTRATIVE SERVICES AS AN ADMINISTRATIVE AND LEGAL FUNCTION OF PUBLIC AUTHORITIES IN UKRAINE

Public administration is the activity of subjects of public administration regulated by laws and other normative-legal acts, directed on the realisation of laws and other normative-legal acts by acceptance of administrative decisions, rendering of administrative services established by-laws (Matiukhina, 2018, pages 8–9). Public administration is carried out by the public administration, a system of certain public institutions consisting of state and non-state subjects of public power, the key structural elements of which are the executive authorities and executive bodies of local self-government. The essence of the subject of public importance lies in its role and authority in public administration, as well as managerial capabilities arising from its authority and the dynamic interaction of all elements of its competence. Competence is considered as a complex of interrelated elements (goals, tasks, subject to authority, and powers), which characterizes the features of the particular subject of public administration, due to its place in public administration. According to the competence of the subject of public administration, executive bodies can be divided into bodies of general competence; bodies of branch competence; bodies of intersectoral competence; bodies of functional competence; bodies of subject competence (Halunko & Dikhtievskyy, 2018, p. 82). For example, O. Jafarova considers the permitting competence of public administration bodies as a set of rights and responsibilities (legal obligations), as well as their focus on ensuring life, human health, environmental safety, national interests, and maintaining the balance of private and public interests in a particular area of public

relations (economic, environmental, cultural) (Jafarova, 2018, p. 44). However, as noted by the German philosopher and sociologist J. Habermas, the population must have sufficient information about the activities of the leadership, since the information is key to solving problems or conflicts in society and helps to discuss and teach its needs before the authorities and accordingly exercise control of the process of the realisation of the issue delivered to the authorities. But since, as J. Habermas notes, "the public (independent citizens) can not rule itself, it can only control the actions of administrative power, government institutions and direct them in the necessary racing (channel)"(Habermas, 1992, p. 461), It remains important in the management of public affairs to pay considerable attention to the publicity of the adoption and implementation of government decisions to ensure the general public interest.

In a broader sense, public administration includes a system of public administration represented by existing administrative institutions within the accepted power structure in Ukraine. At the same time, it is possible to consider and narrower definition of public administration, which is associated with the executive branch of power at the level of central, local administration, or local self-government, and thus a connection with the professional activity of civil servants of all types of civil service and representative bodies and local self-government aimed at realising executive decisions. Here it is possible to include studying, developing, and implementing the state practices of state policy in various spheres of public life. Thus, public administration is most often associated with the functions of the executive branch, with the exercise of professional functions by civil servants to implement the management decisions proved to them, the implementation of public policy.

By translating English Terms related to public administration in English-speaking literature, Kilievych O. distinguishes related concepts of Public Sector, Public Policy, and Public Administration, emphasizing that the term "Public Administration" should be considered as public administration, or as a state policy implementation mainly by the executive branch of power (Kilievych, 2003).

Analysing the term "management process", K. Buhaychuk, in particular, indicates the presence of approaches to its understanding: as a management process through a set of certain stages (actions, operations) that exist in social systems and are cyclically repeated;

as a management process through the performance (or associated with the performance) of management functions; as a management process through the activities of certain entities (managers) (Buhaychuk, 2019, p. 138).

Can agree with the understanding of the concept of "public administration" as a complex conscious and purposeful activity associated with the implementation of the powers of management entities to develop, adopt and implement public administration decisions or consistent implementation of the management cycle, consisting of classical management functions, such as planning, organisation, motivation, control, and influences the change of social processes and phenomena, bringing them closer to the desired state by the defined management goals of the organisation.

This formulation of public administration involves consideration of its functioning as a certain universal legal mechanism for managing a public organisation and making management decisions for participants in social processes, the formation of areas of responsibility. Insufficient level of legal regulation of government powers, especially civil servants, lack of transparency and openness in the adoption and implementation of public administration, imperfection of the mechanism of political, administrative, and public control in the public administration system can be significant negative factors in destroying the organisational system of public administration.

The result of this administrative activity is usually the implementation of a specially authorized entity of public administration of certain administrative actions that must be presented in a certain legal form, such as orders, directives, instructions, etc. (Administrative management system, 2021). Such administrative actions are carried out by these subjects of management within the limits of their assigned powers, as well as through the use of special forms and methods aimed at implementing the basic functions of public administration to achieve administrative goals and coordinate management resources.

In this case, an important indicator of the true publicity of government and the administration of public life is the very implementation of public administration. As you know, civil society operates most effectively at the regional and local levels, namely at the levels at which the relationship between public authorities and citizens to manage the daily

needs of society in the organisation of urgent life problems and interaction of various economic entities, ie the creation and functioning of a certain public space.

As a rule, such publicity is carried out through the interaction of the state centralised government with the regional and local ones. I. Shumlyaeva emphasizes that at the local level territorial communities, as a part of society, influence the formation of legal statehood through public administration processes, in particular those related to public administration decisions, improving the legal framework for exercising the right to local self-government (Shumliaieva, 2018, p. 163.). The use of the principle of public administration is the application of the relationship of socio-political nature and other elements of public administration, expressed as a certain scientific position, enshrined in law and applied in theoretical and practical human activities in management through public administrations (Shpektorenko, 2018).

At the same time, the principle of legality is especially important for the public, which provides for the priority of the law and is aimed at establishing strong legal foundations not only in public administration but also in all spheres of state activity. It consists of the need to mainly define at the legislative level the main functions, goals, organisational structures, processes, principles of public administration, and administration. It is especially important to make management decisions in public administration based on current legislation and only taking into account their compliance with applicable legal acts. This is the basis of rule-making and law enforcement activities of the public administration, aimed at the legal regulation of legal relations arising in various areas of management decision-making. Management has great methodological importance, despite its external simplicity, because it occurs and is performed at all levels of management of the social system. The methodology of public administration should contain a set of methods and methodological links between the various institutions of public administration and public administration and with respect for the fundamental rights and freedoms of man and citizen. Public administration must maintain a balance between the interests of the state and the interests of citizens, territorial, public entities, social communities, in the field of public administration.

However, we should not forget that public administration is directed and focused not only on the individual citizen but also on the rights, responsibilities, and interests of a wide range

of individuals and legal entities engaged in business and other activities in a particular area subject to particular public authorities. However, the publicity of the administration is not only awareness of the actions of the authorities, not only the transfer of power at the level of local self-government. It is primarily a matter of changing the managerial competencies and status characteristics of public authorities, which puts on the agenda the need for their conceptual definition and development of new mechanisms of public administration to ensure regulatory and structural, and organisational functioning of public administration. O. Moloshna emphasizes that public administration involves the functioning of a universal organisational and legal mechanism for identifying, coordinating, and implementing public needs and interests, the formation of rights and responsibilities of participants in social processes and their relationships in the legal field (Moloshna, 2020). Such an approach to the construction and implementation of power in the public administration system should be aimed at ensuring the solution of the following administrative tasks: formation of the system of state power at different levels of centralisation and decentralisation, local government and improving mechanisms for their integration; improving the management model of rational interaction of public authorities with local governments, giving these relations legal features of publicity, in particular, through the provision and implementation of rights and freedoms of citizens in the field of public administration.

According to O. Zarichny, the European Charter of Local Self-Government enshrines the understanding of local self-government as a right and real ability of local self-government bodies to regulate a significant part of state affairs and exercise their powers following current legislation. In this respect, the local or regional government is a necessary element of public administration and cannot be considered less important or secondary than central government. An important feature of public administration at the local or regional level is the focus on the problems of a particular community given the mental and territorial characteristics of the citizens of a particular area (Zarichnyy, 2017, p. 23). The introduction of the model of public administration in the system of state power and administrative-territorial sation of the state requires consideration of public administration and public service as a single and integrated institution, which is built on common principles and which would comprehensively implement public power. It should be noted that the Ukrainian

legislation does not form approaches to the appropriate understanding of public service. It also requires their appropriate legal registration and preparation of appropriate public administration staffing. Therefore, it is necessary to ensure the organisation of a modern system of training and retraining of managerial staff to ensure the functioning of mechanisms for regulating the activities of public authorities.

In our opinion, in the implementation of public administration, an important form of interaction between the public and the state is public authorities monitoring and analysis of public opinion, participation of civil society institutions in developing and discussing public administrative decisions, public organisations public control of public authorities and compliance management decisions for the interests of the general population, the creation of advisory, expert and advisory bodies, etc. Such public control and participation in public law management decisions will contribute to the transformation of administration into a transparent and public process, wider coverage of the interests of participants in public administration, increase the responsibility and legal culture of public administration entities. Such publicity is especially important in solving socio-economic problems at the local and regional levels.

This makes it possible to argue that public administration, in contrast to public administration, will contribute to the realisation of the sovereignty of people's power, democratic management decisions, the realisation of public interests without replacing them with the state. Besides, public administration significantly expands the number of stakeholders involved in administration, as local governments are actively involved.

In general, public administration changes the practice of implementing state policy. For example, P. Petrovsky distinguishes two main paradigms of public administration - directive and participatory, the difference between which is in the plane of determining the subjects of political and legal decisions. According to the directive paradigm of management, such an entity is recognized as a single control center, for example, a public authority, and all other participants are executors. Unlike the directive approach in management, the participatory paradigm involves the active participation of performers in decision-making and implementation, the ability to show initiative, creativity, increase reflection in management decisions, solve current problems, and so on. Modern democratic governance

seeks to incorporate both management paradigms, and public administration is largely based on the principles of the participatory paradigm. Their application depends on such important factors for management decisions as to the content of the management decision, the popularity of the problem or task it will solve in society as a whole, a particular community or individual, the preparedness of management to implement such a decision, the availability of organisational, material, financial, informational and other resources to implement and achieve a positive result from the management decision (Petrovskyy & Radchenko, 2011, pages 13–22). The level of application of the participatory paradigm in public administration will be determined, to a large extent, by the degree of state intervention in private and local self-government relations, the nature of state control and supervision in the face of its specially created state bodies, the level of public participation in local self-government.

Therefore, the expansion of public administration requires an appropriate systematization of the means of regulatory and legal support of public administration. In turn, this will allow adapting Ukrainian legislation to EU legislation on the implementation of public administration. Consequently, management decisions in the implementation of public administration are established, changed, and terminated necessarily based on administrative law, so they cause legal consequences for both public administration entities and in general for other business entities, users social sphere, etc., directly or indirectly. Therefore, the forms of public administration are always legal, and therefore should be considered within administrative law only as those activities of the public administration, which lead to legal consequences.

Changing the emphasis of legal influence of authority, consideration of civil servants and local government officials as public employees, and public control and supervision of management functions in society by its citizens affects the expansion of management activities, distinguishing their common and distinctive features and characteristics in the new conditions of democratization of power. The same happens in the preparation and implementation of these decisions, the implementation of regulations by legal entities and individuals, public participation in the development of public policy proposals at the regional and local levels, and thus the influence of society on the implementation of public administration at the state level.

Modern trends in public administration indicate the need to delineate the management authorities through the transformation of the conceptual and categorical apparatus of public administration, identifying issues related to the management of public figures of state and local importance, consolidating features in solving methods (defining methods) of public administration in the legal field, delimitation of competencies of public authorities at the state, regional and local levels. Also, the modern legal concept of public administration and administration considers them as a consequence of efforts to open public administration, as "regaining the political authority of social entities"(Andersen & Burns, 1996, p. 228). As a result, public administration has ceased to be the only one, and therefore, a bureaucratic manner of governing society. Reducing, in this case, the dysfunctional ability of officials to individually influence the forms and methods of government interaction in society, determining the urgent need for a postmodern (post-bureaucratic) social model that would recognize the primacy of human interests over the state apparatus, the need for its active involvement conscious and educated population in the field of public policy and administration, improving the efficiency and effectiveness of public administration, defining the main criteria for the quality of state and public administration, etc. (Demchenko, 2019, p. 10).

Increasing the efficiency of public administration through the improvement of public administration is due to the decentralisation of power at the regional and local levels, which contributes to organisational and social effectiveness by clarifying public needs and resources at the territorial level, simplifying regulatory legislation in the economy, reducing bureaucratic pressure and burden on small and medium-sized businesses, as they are closely tied to different types of permits, certificates, orders. Publicity of administrative activity and administration at the local and regional levels will involve wider sections of the active population in managerial cooperation, and, consequently, the formation of an effective system of public administration.

The development of public administration contributes to the permanent and active cooperation of the state, its bodies, and structures, civil servants with the non-governmental sector, allows to take into account the modern complex system of social relations, dynamic aspects of economic and social development, ie to take into account social development

trends. This development takes into account not only horizontal but also multiple vertical connections and distribution of power through the formation of clear management powers and managerial responsibilities, given the multiplicity and interconnectedness of management concepts, programs, and projects at different levels of their implementation. The distribution of the legal basis, the design of authorities with the mandatory evaluation of social efficiency, and predictability of managerial decisions remain important.

Reforming the public administration system through the introduction of public administration should be carried out through the optimization of the functions of public institutions to build an effective model of management, definition, and distribution of areas of official authority and responsibility, publicity management structure of relations between government and the public administration of public life. Such restructuring of management through the adoption of the principles of publicity, democracy, taking into account the historical moment at this stage of social development of the country, should direct the priority areas of management to build an effective socially oriented system of public administration. The socially-oriented system of public administration should provide the subjects — consumers of management decisions with quality administrative services that must meet modern European and world standards, take into account and adequately respond to possible political, foreign policy socio-economic, cultural, and other challenges of the present.

Establishing a clear legal basis for public administration in Ukraine provides for the division of political and administrative spheres of activity of state bodies and local self-government bodies. But, in turn, such a clear legal basis for public administration should take into account the integrity and independence of the administrative judiciary, the creation of a system of effective financial management with clear regulation of responsibility for violation of managerial discipline, ensuring a high professional level of civil servants and local government personnel policy, improving the quality of services in the field of public administration and the ethical component of the system of public administration, ensuring publicity in the adoption and implementation of management decisions.

Changes in theoretical approaches to understanding public administration and administration require an increase in the role of regional and local self-government, namely: focus on management initiatives by local self-government. Publicity helps the decentralisation process, which creates the conditions for expanding horizontal cooperation with a more detailed understanding of real local problems. This determines the importance of publicity in the process of public administration and the ability of subjects of public administration to ensure the creation of an effective and efficient system of government, including raising its level of publicity. To do this, public administration should be based on a coherent apparatus of corresponding administrative impact (policies, elements of the legal system, rules, procedures, organisational structures, personnel, etc.), which should be focused on the transformation of management into public administration. The application of public administration requires taking into account the basic principles of distinguishing between political and administrative issues; comparative analysis of national, political, and economic problems and interests and problems and interests of business organisations; improving the efficiency of the management service by introducing the practice of business administration of public administration entities. Control by citizens, public organisations, and publicity in the work of governing bodies will promote the rule of law, human and civil rights, and responsibilities, and ultimately ensure the development of civil society and local and regional self-government. All these aspects of public administration and public administration in modern conditions through the implementation of certain management strategies, tactics, policies, development programs allow for a significant period to synchronize the dynamics of management, consistently direct different sectors of the national economy, human activities, local preferences and factors to improve the efficiency of administrative activity in the direction of the achievement of the generally significant purposes of the state in maintenance of effective functioning of all society. Possibilities for further research on public administration are to find functional features of public administration in the field of state-building process and public-private partnership at the local or regional level, which will ensure the development of the Ukrainian state through delegation and transfer of power to the local level. This will provide more opportunities for the implementation of a significant number of projects that are important at the local level

or in the regions. Besides, public administration allows the development of different models of social governance by disclosing and detailing the local characteristics of each region.

The emergence of new technologies for providing administrative services requires an adequate administrative and legal response, which meets the objectives of transforming the public administration system in Ukraine in the context of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand. The administrative and legal nature of administrative services is insufficiently studied in the field of law science. The need to deepen the theory of public services in conjunction with the reform of public administration and the changed concept of interaction between citizens and government, puts before scientists the task of finding effective legal solutions in the organization of administrative services, improving administrative and procedural regulations ,,

The important works for the study of the problem of administrative services were the works of such scholars: VB Averyanov, OF Andriyko, AI Berlach, YP Bytyak, NP Bortnyk, PV Dikhtievsky, EV Dodina, RA Kalyuzhny, LE Kisil, SV Kovaliva, TO Kolomoyets, VK Kolpakova, OV Kuzmenko, RS Melnyk, VY Nastyuk, NM Onishchenko, VL Ortynsky, OI Ostapenko, AO Selivanov, YM Shevchenko, YS Shemchushenko and others. Adoption of new requirements and standards for the provision of administrative services has necessitated amendments to existing administrative legislation, which raises the question of conducting research on the provision of administrative services in the context of the function of public authorities.

Ukraine desires to integrate into the socio-economic space of the European Union, this requires the improvement of the mechanism of public administration [1].

Latest United Nations E-Government Survey shows substantial progress in Ukraine towards higher levels of e-government development. In 2 years, the country has jumped by 25 points in e-government and 45 points in e-participation, now ranking 62nd of 193 countries across the globe [2].

The main purpose of public administration reform is the transition to a qualitatively new model based on the principles of the predominance of the interests of citizens, their rights and freedoms. It is necessary to achieve this goal to create an effective infrastructure

for the provision of administrative services, which ensures maximum satisfaction of the needs of the population in these services.

The category of "administrative service" in administrative law is borrowed and introduced in the light of the concept of "service state" wich is adopted in the European Union.

The Law of Ukraine "On Administrative Services" is the administrative and legal basis for the provision of administrative services in Ukraine. Administrative service - the result of the exercise of power by the subject of administrative services at the request of a natural or legal person, aimed at acquiring, changing or terminating the rights and / or obligations of such person in accordance with the law [3] .

The interpretation of the category of administrative service includes in the content that component of activity of public authorities which is directed on maintenance of realization within the powers of the basic social rights forming the constitutional status of the person and the citizen.

Legal definition of administrative service in the legislation requires unification and introduction of a single concept that takes into account the complexity of this category as an administrative and legal function of public authorities, carried out on the basis of applicants' requests, and similar in nature legal activities of subordinate legal entities (institutions) given authority. Provision of administrative services is proposed to be considered as regulated by administrative law activities for the implementation of authorized executive bodies (their officials) requests of individuals, public associations, legal entities to use the granted subjective rights,

The Law on Administrative Services defines a “broad” approach to the definition of administrative services, which includes the activities of the subjects of administrative services, which is carried out at the request of applicants, including in cases where the application is due to the obligation of physical and legal the person who applied.

The existence of the applicant's request equally covers the binding state power as the only legally established criterion for distinguishing the service from other administrative and legal functions of public authorities. Signs of administrative service are the method of regulating relations in the exercise of powers to grant and grounds for the applicant's appeal

to the authority (freedom to exercise the rights and legitimate interests granted to the applicant).

The best option to adjust the application of the existing definition of administrative services established by the Law of Ukraine "On Administrative Services" is the clarification of the legal definition of a request for the provision of administrative services from the point of view of legal techniques.

It is proposed to define a request for the provision of an administrative service as an application of natural or legal persons for the purpose of exercising the granted subjective rights, not related to the protection of rights, dispute resolution or the application of coercive measures.

It is proposed to clarify the concept of request for administrative services established by the Law of Ukraine "On Administrative Services". official) in oral, written or electronic form for the purpose of realization of the given subjective rights, not connected with their protection, consideration of disputes or application of coercive measures, and also commission of registration or allowing actions.

The proposed approach avoids the need to comprehensively define the areas of administrative services by listing and specifying the concept of administrative services as voluntary in the interaction of a natural or legal person (applicant) with the executive authority or other authorized body, official on request to implement rights granted by law.

A comparative analysis of regulations governing administrative procedures for the provision of administrative services, suggests that the legal definition of administrative services, subjects of application and subjects of provision contained in the Law "On Administrative Services" allows you to unambiguously define the subject composition of administrative legal relations arising in connection with the provision of administrative services, in the development and approval of the technological card of administrative services such uniformity is absent.

There is an approach in law enforcement practice in which various commissions set up by the executive are considered as entities that make decisions on the provision or refusal to provide the service

There are problems of conceptual understanding in the theory of administrative law

of the concept of service elements that are necessary and mandatory for the provision of administrative services, which in turn prevents the solution of transparent and understandable mechanisms for providing such "related" services and increasing the availability of administrative services in general.

Necessary and obligatory elements of administrative service are offered to define from the point of view of the theory of legal facts, as confirming the legal facts forming together with action on submission of request for rendering of administrative service legal structure which generates legal consequences in the form of administrative legal relationship of the applicant with authority.

This category has not been properly studied, can not be considered studied adequately to existing social relations. The consequence of this is a set of legal problems, which are not only academic but also practical, as the Procedure for maintaining the register of administrative services provides for the obligation to form lists of necessary and mandatory services by authorities at all levels [4] .

The legislation lacks the definition of necessary and mandatory components of administrative services, which leads to disunity and diversity of approaches to understanding the essence of the category of necessary and mandatory elements of administrative services.

It is advisable to introduce a legal definition of the terms "necessary components of administrative services" and "mandatory components of administrative services" to eliminate legal uncertainty, defining as services (works) provided (performed) by organizations and individuals, including natural persons- entrepreneurs, the result is the receipt of information or documents, including approvals, required for the applicant to submit a request for administrative services.

It is necessary to introduce precise requirements for the formation of lists of necessary and mandatory components of administrative services, to develop on a methodological basis standard lists of necessary and mandatory components of administrative services, to bring in line with current legislation in the field of state price regulation. Analysis of the achieved level of administrative-procedural regulation of necessary and mandatory elements of administrative services allows us to conclude that there are problems that determine the

order of formation of the list. In order to eliminate the legal uncertainties, it is proposed:

- to include in the list of necessary and obligatory elements of administrative services all services and works which are necessary and obligatory for rendering of the administrative services rendered by physical and legal, participating in rendering of administrative services;

- to exclude from such a list the services of issuing documents and providing information available to the bodies providing administrative services.

The Association Agreement between Ukraine and the EU necessitates the adaptation of national legislation in the field under study to the practice of regulating administrative procedures for the provision of public services and the creation of "single points of contact" in EU member states on the basis of Directive 2006/123 / EU on services in the single market of the European Union. The concept of creating "single window" services has proven to be a successful model of interaction between the state and citizens in the provision of administrative services in the European Union is a trend of improving the system of interaction of executive bodies with citizens and legal entities .

Taking into account the complexity of the construction of the administrative service center used in Ukraine as a state or municipal institution, on the basis of which the provision of services of three levels of government is organized, there is a need to improve administrative and legal regulation of administrative service center interaction with public authorities.

One of the problems of law enforcement in the field of administrative services on the principle of "single window" is the existence of gaps in the legal regulation of procedures for the provision of administrative services provided by local governments, given the lack of executive and local government powers approval of lists of such services.

The study of the problems of improving the administrative procedures for pre-trial appeal of actions and decisions taken in the provision of administrative services reveals the need to expand the methods and forms of dispute resolution, taking into account the use of foreign experience.

The use of the potential of the outsourcing institution is necessary as a tool to optimize the activities of public authorities to provide quality administrative services, drawing on the

experience of the European Union. The processes of decentralization of management and transfer of some functions performed by state structures to private hands is typical for EU countries, indicating the need for research and development of the legal category of "outsourcing" in order to create a regulatory framework for its implementation. Admission of private structures to the sphere of administrative services against the background of imperfect legislation, terminological confusion and other methodological shortcomings will only complicate the course of the transformations.

Development of legal regulation that can positively affect the quality and availability of administrative services include: further development and improvement of the regulatory framework; development of incentive measures for persons authorized to provide administrative services; expanding ways of informing citizens about the procedure for providing administrative services; ensuring the direct impact of the results of monitoring the quality and availability of administrative services on the development of legal regulation in this area; concentrating efforts on improving the required administrative services; improving interdepartmental interaction of participants in the process of providing administrative services; consolidation of electronic databases of state bodies of different levels providing services;

Thus, it is necessary to conduct further theoretical and conceptual developments to optimize the activities of authorized entities to provide quality and affordable administrative services, the search for new approaches to improving the legislation on administrative services.

1.2 The essence and content characteristics of administrative services of local governments

The relevance of the study of historical, legal and theoretical aspects of administrative reform, the essence and features of administrative services due to the need for practical and effective provision of OTG to individuals and legal entities, in order to ensure effective reform of local government and administrative services, improving their regulatory support .

The institute of administrative services, as a new institute of administrative law, arose as a result of the recognition by the state of a new public service, service function [1].

Before proceeding to the interpretation of the essence of administrative services, let's find out the historical and legal aspects of administrative reform, which led to the emergence of such a phenomenon and its enshrinement in national law. As the study focuses on the provision of administrative services in OTGs, we will also focus on reforming local governments in Ukraine.

For the first time, the legal status of local Soviets of People's Deputies, territorial public self-government bodies, and forms of direct democracy in Ukrainian law is enshrined in the Law of Ukraine of December 7, 1990 "On Local Councils of People's Deputies of the Ukrainian SSR and Local Self-Government." This normative legal act defines the territorial and legal basis, system and principles, economic and financial basis of local self-government, as well as the order of formation, functions, general competence of local Councils of People's Deputies and competence of local Councils of People's Deputies of basic level of local self-government. city), the legal status of deputies of local councils, executive committees, standing committees, chairmen of councils and executive committees [2].

On March 26, 1992, the Verkhovna Rada of Ukraine adopted a new version of the Law of Ukraine "On Local Councils of People's Deputies and Local and Regional Self-Government" [3]. This normative legal act stipulates that the basic level of local self-government is village councils, urban-type settlements, cities, and the territorial basis of regional self-government is the district, region. It was assumed that local governments of village councils, settlements, cities in order to more effectively exercise their rights and responsibilities may unite in associations, other forms of voluntary associations. The legal act defines in detail the powers of deputies, executive committees of village, settlement, city Councils of People's Deputies in the areas of community property management, local economic development, environmental protection, housing, utilities, trade services, transport and communications, social services, public order, foreign economic activity, as well as state-delegated powers. Unlike the previous version, which stated that the head of the village, town, city (except for the cities of Kyiv and Sevastopol) councils of deputies

were elected by deputies, the new version states that such is elected by direct secret ballot of the population [3] .

Local self-government received constitutional status with the adoption of the Constitution of Ukraine in 1996 [4]. Article 140 of the Basic Law stipulates that local self-government is the right of a territorial community - villagers or voluntary association of residents of several villages, settlements and cities into a rural community - to independently resolve issues of local significance within the Constitution and laws of Ukraine. Local self-government is carried out by the territorial community in the manner prescribed by law, both directly and through local governments: village, town, city councils and their executive bodies. District self-government bodies representing the common interests of territorial communities of villages, settlements and cities are district and regional councils. The issue of organization of district management in cities belongs to the competence of city councils [4].

The Basic Law entrusts the state with the function of supporting local self-government as one of the foundations of a democratic system. The provisions of the Constitution raised local self-government to the level of one of the leading institutions of a democratic constitutional system [5].

The adoption of the Constitution of Ukraine has indeed been the second most important event in the recent history of Ukraine since independence. The Constitution itself has become a solid foundation for administrative reform [6].

After Ukraine signed the European Charter of Local Self-Government on November 6, 1996 and ratified it by the Verkhovna Rada of Ukraine on July 15, 1997 [7], this legal document became part of the national legislation of Ukraine. The next important steps were the adoption by Ukraine on May 21, 1997 of the Law of Ukraine "On Local Self-Government in Ukraine", which defined a new system of local self-government and its guarantees, principles of organization, legal status and responsibilities of local governments [8]. Compared to the Basic Law, he gave a broader interpretation of local self-government and its subjects. Therefore, it is determined that local self-government in Ukraine- it is a right guaranteed by the state and the real capacity of the territorial community - residents of the village or a voluntary association of residents of different villages, settlements, cities -

independently or under the responsibility of bodies and officials of local self-government within the limits of constitutional norms and legislation to solve questions of local value. Local self-government is implemented by territorial communities of villages, settlements, cities both directly and through village, settlement, city councils and their executive bodies and with the help of district and regional councils, which represent the common interests of territorial communities of villages, settlements and cities [8].

Subsequently, a number of legal acts directly related to the organization of local government, namely the Budget Code of Ukraine, the Land Code of Ukraine, the laws of Ukraine "On service in local governments", "On elections of deputies to local councils and village, town, city heads "," On the capital of Ukraine, the hero city of Kyiv "," On the bodies of self-organization of the population "and others.

With the beginning of the decentralization process in Ukraine in 2014, the Concept of the reform of local self-government and territorial organization of power was adopted on April 1, 2014, the Laws of Ukraine "On Cooperation of Territorial Communities" of June 17, 2014, "On Voluntary Association of Territorial Communities" On February 5, 2015, this process allowed to form in accordance with the provisions of the European Charter of Local Self-Government a significant effective and capable institution of local self-government at the basic level - united territorial communities (hereinafter - OTG) [9].

Simultaneously with the formation and reform of local self-government, the concept of administrative reform was formed, the need for which was due to the obsolescence of the inherited post-Soviet system of public administration, which did not meet the requirements of modern Ukraine.

Priority was given to the formation of the ideology of administrative reform, as well as the introduction of a new doctrine of the functioning of the executive and local self-government, improving their activities to ensure the rights and freedoms of citizens, public services [10].

An important step towards administrative reform was the approval by Presidential Decree of July 22, 1998 № 810/98 "On measures to implement the Concept of Administrative Reform in Ukraine." The Concept of Administrative Reform in Ukraine establishes the basic principles of administrative reform, outlines the structure of executive

bodies, administrative-territorial structure, as well as the updated system of local self-government. This document defines that in the process of transformation of the territorial system and the system of local self-government it is necessary to rely on national experience, as well as on world practice, first of all of the European Union. In this case, it is advisable to carry out the process of transformation in three stages, taking into account the objective need for decentralization of public administration, deconcentration,

A significant breakthrough in the implementation of administrative reform was the adoption of the Law of Ukraine "On Administrative Services" on September 6, 2012, which installed legal bases for the exercise by individuals and legal entities of their legal rights, freedoms and interests in the field of administrative services [12].

This normative document regulates fundamental issues that needed to be addressed in the field of providing administrative services to the population. In particular, the scope of this Law, the basics of state policy and requirements for regulating the provision of administrative services, the mandatory information and technological card and requirements for their content, described the basic requirements for the provision of administrative and related services, deadlines, payment and financial provision, basic provisions on CNAP, defined the rights and tasks of the administrator, regulated the functioning of the register of administrative services and EDPAP, established liability for violations in the provision of administrative services.

By ratifying the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, on September 16, 2014, our country was able to become a full member of the European Union. reforms that will ensure that Ukraine meets the requirements of the Copenhagen criteria. To this end, the Decree of the President of Ukraine of January 12, 2015 № 5 approved the Sustainable Development Strategy "Ukraine - 2020". It provides for the implementation of constitutional reform and decentralization [13].

The President of Ukraine submitted a draft Law on Amendments to the Constitution of Ukraine (on decentralization of power) № 2217a of July 1, 2015, the Constitutional Court approved the bill, but the Verkhovna Rada of Ukraine did not adopt these amendments [14].

The purpose of the envisaged changes is to ensure the capacity of local self-government to address issues of local importance, build a quality system of territorial organization in Ukraine, by moving from a centralized model of government in the country to decentralized, the actual implementation of the European Charter of Local Self-Government. local self-government [15].

Ukraine's international partners are significant in reforming the system of administrative services and decentralization, in particular in Denmark, Estonia, Germany, Poland, the United States, Canada, Switzerland, and Sweden.

Significant is the support of the European Union in decentralization and reform of administrative services, which implements the international program "U-LEAD with Europe", active participants in which are its member countries: Denmark, Estonia, Germany, Poland and Sweden. This program began its work in October 2016. It is aimed at institutional support of CNAP, staff training, software and hardware of CNAP and more [16].

The joint project of the United Nations and the European Union Development Program "Community-Based Local Development" (CBA) is a long-term comprehensive initiative to promote sustainable local development in Ukraine. The project supports community-based governance and community-led initiatives to improve living conditions in villages and cities across the country [17].

The Swiss-Ukrainian project “Support to Decentralization in Ukraine” implemented by the Swiss Center for Development Resources and Consultation is a significant assistance in local government reforms in Ukraine. The aim of the project is to optimize the management system and promote the effective development of the country on the ground, which will create a new incentive for both democratic processes and for the provision of services at the community level [18].

Equally important is the support of the United States. Thus, Global Communities implements the project of the United States Agency for International Development "DOBRE", which has two main objectives: to support good practice of local self-government in OTG and to help communities in effective interaction with local governments [19].

The implementation of decrees of international programs is aimed at implementing the reform of the territorial organization of power and the system of providing administrative services, which will strengthen and develop OTG, as well as improve the quality of administrative services.

Exploring the essence of administrative services provided by local governments, in particular OTG, it is necessary to be guided by common theoretical principles, including the understanding of the concept and characteristics of administrative services [20].

First of all, it is necessary to investigate the definition of the term "administrative service", detailed at the legislative level, and to study the theoretical approaches to its definition.

The Concept for the Development of the System of Provision of Administrative Services by Executive Bodies, approved by the Order of the Cabinet of Ministers of Ukraine № 90-r of February 15, 2006, proposes the following definition of administrative service: “the result of exercising power by an authorized entity. registration of conditions for realization by individuals and legal entities of rights, freedoms and legitimate interests on their application (issuance of permits (licenses), certificates, certificates, registration, etc.) "[21].

KK Afanasyev, studying administrative services, defined them as state and municipal services, in other words public, the provision of which is associated with the exercise of power by authorized entities: executive authorities, executive bodies of local government and others [22].

Yu. P. Shanrov defines administrative services as a result of the exercise of power by an authorized body, which in accordance with the requirements of the law provides legal formulation of conditions for the exercise of rights and freedoms by individuals and legal entities at their request [23].

GM Pisarenko proposed the author's definition of administrative service as a legal relationship that appears in the process of public authority of the authorized body at the request of a natural or legal person in order to exercise their subjective rights. [24].

The definition of administrative service is enshrined in law with the adoption of the Law of Ukraine "On Administrative Services". The legislator defined administrative service

as: "the result of the exercise of power by the subject of administrative services at the request of a natural or legal person, aimed at acquiring, changing or terminating the rights and / or obligations of such person in accordance with the law" [11, Art. 1].

VP Tymoschuk, from the legislative definition identifies the key features of administrative services: "administrative service is provided only at the request of a natural or legal person; the application leads to a certain result aimed at the acquisition, change or termination of the rights and / or obligations of the person; administrative service is the result of the exercise of power by the subject of administrative services; administrative service is provided in accordance with the law; the person has a subjective right, namely - the right to apply for administrative services "[25].

Signs and types of administrative services are investigated, in particular, IB Koliushko, noting that the services provided by authorized authorities form a sphere of public services. The researcher proposes a classification of administrative services according to the criterion "characteristics of the entity providing public services", distinguishing on this basis state (executive authorities, state enterprises, institutions) and municipal (provided by local governments and utilities) services [26].

Given the powers vested in OTG, types and mechanisms of provision, we propose to classify administrative services according to the following criteria: the subject of the application, depending on the method of provision, depending on the nature of the issues addressed, the criterion of payment, the criterion of obligation [20] .

By the subject of the appeal: services received by individuals and services received by legal entities. Thus, individuals living in OTG most often apply for administrative services related to solving social and domestic issues, such as: registration of residence, granting subsidies, registration of a passport of a citizen of Ukraine and others. Legal entities of both private and public law may apply for the provision of services related to their activities, in particular for the placement of signs, advertising or rent.

Depending on the method of providing administrative services should be classified into those provided directly and through mediation mechanisms. Administrators and state registrars of CNAP are authorized to provide services directly, if such services do not require additional processing in the structural units of the authorized body, including services to

obtain information on residence / stay, registration of residence and others. In other cases, administrators only act as an intermediary between the authorized body and the person applying for the administrative service. This category of administrative services includes registration of the declaration of readiness of the facility for operation, permission to violate facilities,

Among the administrative services, depending on the nature of the issues addressed to the OTG, include: registration (state registration of an individual entrepreneur, registration of residence / stay), passport (pasting into the passport of a citizen of Ukraine photos when reaching 25 and 45 years of age, registration and issuance of a passport of a citizen of Ukraine for travel abroad with a contactless electronic medium), housing and communal services (exchange of housing in communal ownership, deregistration of apartments and cooperatives, consolidation of official housing, granting permission to join vacated housing) housing), property (renting non-residential premises by non-profit tender), social (providing state assistance at the birth of a child, payment of child benefits,who are brought up in a large family), land (issuance of an extract from the technical documentation on the normative monetary valuation of land,providing information from the State Land Cadastre in the form of an extract from the State Land Cadastre about the land plot), construction (provision of town-planning conditions and restrictions on land development for the design and construction of architecture and urban planning, registration of a declaration of readiness for operation of a self-built object, which is recognized as a court decision), business (permission to arrangement of a technical element (device) on the facade and exterior of the house, buildings, granting permission to place outdoor advertising (notarial) (certification of the authenticity of the signature on the document, certificate of will) and other types of administrative services.

According to the criterion of payment, administrative services should be classified as free and paid. Payment or gratuitousness of administrative services is established exclusively by laws. Thus, free services include services in the field of social security, in particular: providing subsidies to reimburse the cost of housing and communal services, purchase of liquefied gas, solid and liquid household fuel, payment of lump sums to women who have been awarded the honorary title of Ukraine "Mother -heroine ", providing state

social assistance for care, establishing status, issuing certificates to parents of large families and children from large families, establishing the status of a participant in the war, as well as issuing a certificate of deregistration, registration of residence, state registration of a natural person - entrepreneur and state termination of entrepreneurial activity of a natural person - entrepreneur, registration of ownerless real estate and others. Paid services include state registration of encumbrances on real estate, state registration of death, state registration of ownership of real estate, revocation of the decision of the state registrar and others.

Mandatory and voluntary administrative services can be distinguished according to the criterion of obligatoryness. Most administrative services are voluntary, ie the initiator of receiving the service is a natural or legal person who, out of his own need, due to a certain need, applies for administrative services. For example, renting communal property. However, there are administrative services that a person must apply for due to the fact that the law provides for such obligations, in particular, such services as pasting a passport upon reaching 25 years of age, registration of residence.

1.3 Principles of providing administrative services in the united territorial communities

The actual application of the principles of providing administrative services by local governments is a priority for building a democratic and legal state. Local governments, among other institutions, are the closest to the population, as such powers by law to address most issues in housing, construction, social and other areas. The Law of Ukraine "On Administrative Services" only enshrines the principles on which the provision of administrative services should be carried out. Therefore, to understand the specifics of their use in OTG, interpretation and scientific study are needed [7].

Exploring the essence of the principles of administrative services and their implementation by local governments, it is necessary to be guided by common theoretical principles, including the understanding of the principles, focusing on their features and practical application in OTG.

Systematic principles of providing administrative services are manifested in their interconnectedness, as well as in their interdependence. All the principles are important because they are directly related to the organization of work in OTG, and their main task is to optimize the work, make it more efficient and coherent.

In the science of administrative law, principles are given a definition that characterizes them as basic principles, ideas, outlined by universality, general weight, higher imperative. Therefore, the principles are the basis that will protect the rights of individuals and legal entities in relations with authorized state bodies, help eradicate the manifestations of arbitrariness and bureaucracy, help in the fight against corruption [27, p. 65].

According to MB Ostrakh: "characterizing this or that principle, it is necessary to consider its interrelation with other principles, dependence on them. The principles of provision of administrative services by public administration bodies interact within a holistic system, balancing or strengthening each other, which allows to sufficiently reveal their nature, individuality and regulated capabilities. In this case, each principle has a structural place assigned to it, which gives grounds for the conclusion: the full disclosure of the content and potential of any principle is possible only within and taking into account its system dependencies "[28, p. 44–45].

The legal basis for enshrining the principles of providing administrative services in national legislation is the Basic Law of Ukraine and international agreements.

One of the guidelines for the formation and consolidation of the principles of providing administrative services in local governments in Ukrainian legislation is the European Charter of Local Self-Government. The signatories agreed that one of the democratic principles is the right of citizens to participate in the management of public affairs. The Charter stipulates that the strengthening of local self-government in European countries is a significant contribution to the development of European society on a democratic basis and the principle of decentralization of power [6].

According to Article 4 of the Law of Ukraine "On Administrative Services", state policy in the field of administrative services is based on the principles of: the rule of law, including legality and legal certainty, stability, equality before the law; openness and transparency, efficiency and timeliness, availability of information on the provision of

administrative services, protection of personal data, rational minimization of the number of documents and procedural actions required to obtain administrative services, impartiality and fairness, accessibility and convenience for the subjects [11].

In the study of EU standards, VK Kolpakov to the basic principles include: 1) reliability and predictability (legal certainty); 2) openness and transparency; 3) accountability; 4) effectiveness and efficiency. Each of these principles is gradually being implemented in legislation, which allows for better provision of services by public administration bodies [29]. In order to improve the quality of administrative services it is necessary to take into account the positive experience of the European Union in the field of regulation, the application of the principle of administrative services[30].

Consider the essential characteristics and features of the implementation of each of the above principles in the provision of administrative services in OTG.

Given the multifaceted position of scholars on defining the rule of law, including legality and legal certainty, it is important to highlight key aspects of its interpretation, and in particular its application to the OTG in the provision of administrative services.

The principle of legality is enshrined in the Constitution, namely Article 19 stipulates that local governments, their officials have the obligation to exercise their powers only within the limits set by the Basic Law and legislation of Ukraine [30].

According to modern theoretical and practical experience, the most productive way to understand the rule of law is to interpret it as a number of closely related principles necessary for the functioning of a democratic social system. [31, p. 10].

We agree with the opinion of V. Lemak, who proposed the rule of law to consider through the prism of the legality of the law-making procedure, and not only taking into account the requirements for the content of the law. According to this author, the law adopted using democratic procedures should not contradict the rule of law [32, p. 44-51]. This principle is implemented in the OTG by consolidating the procedure for adopting regulations governing the provision of administrative services.

The principle of legal certainty as a necessary condition for compliance with the rule of law is the clarity of the grounds, objectives and content of regulatory requirements, as well as the legislative establishment of the powers of public authorities in relations with the

subjects of appeal [33]. The principle of legal guilt in practice is manifested in the adoption of laws based on international standards and available for understanding by OTG residents who do not have special knowledge in the field of law.

Compliance with the principle of legality in the provision of administrative (management) services is ensured by exercising appropriate control by public authorities, local governments, their officials within their powers defined by law. Provisions on control over compliance with the established principle in the provision of these services are provided by the draft Administrative Procedure Code of Ukraine [34, p. 93].

VV Tolkovanov, TV Crane exploring principle of stability, indicate that the principle of stability is widely used in various areas of legal regulation, in particular, enshrined in the Civil Code of Ukraine. Its effect is that it is inadmissible to unilaterally refuse to fulfill the obligation, and the stability of obligations expresses the stability of their content, namely - the inadmissibility of its unilateral change, regardless of whether the rights and obligations of the parties by law, agreement of the parties or unilateral lawful action of one of them [35].

OM Solovyov, summarizing the definition of the principle of stability in various legal relations, rightly believes: "stability in the field of administrative services can be said in two aspects: first, in the activities of public authorities, stability is manifested in creating favorable and accessible conditions for realization by individuals and legal entities of the rights to receive such services and protection of rights and legitimate interests from illegal actions (inaction) of executive bodies and local self-government bodies; secondly, stability for consumers of administrative services is manifested in their right to receive quality and affordable services, because a citizen or legal entity may at any time refuse administrative services in the absence of funds to pay for the service, if such a loss of need for it receipt "[36].

The principle of stability presupposes the stability of legislation and legal relations regulated by it, as well as state policy, protecting them from abrupt, unjustified changes while maintaining development and consistent elimination of shortcomings in regulation, ie ensuring political and legal durability in the state. In a broader context, this principle means the stability, belonging, legitimacy of the functioning of the entire mechanism of the state

(system of public bodies, institutions and organizations; other elements) and the relevant legalsystems [37, p. 84].

The legislator has regulated the implementation of the principle of stability of the provision of administrative services in the OTG with the obligation to establish requirements for the regulation of relations for the provision of administrative services - exclusively by law.

In the field of administrative services, the principle of equality of subjects of treatment provides for equal treatment of citizens and compliance with the requirements of service in order of priority. If the services are of the same type, they should be provided on the same terms, in particular, it concerns the terms of service, payment for the service, methods of obtaining the service [38, p. thirteen].

Among the principles, the principle of openness and transparency in the provision of administrative services is important, which is manifested in the fact that OTG residents must know how services are provided, what are the limitations of entities involved in providing services and what are the responsibilities and ways to resolve the situation. in case of illegal actions. This principle should be implemented by creating conditions for easy access to the subjects of services at a convenient time of day and to information in a convenient format [38, p. thirteen].

The implementation of the principles of openness and transparency in OTG will be carried out by implementing the provisions of the Law of Ukraine "On Administrative Services", in particular Art. 6 regarding the rights of the subjects of the request to receive information on the provision of administrative services free of charge and Art. 8 on the need to approve information and technological cards of administrative services [39].

The principle of efficiency and timeliness is to avoid a formal approach to the case and the need for rapid provision of administrative services, despite the long deadlines. The implementation of this principle is complicated by the subjectivity of the assessment of the time required to provide a particular service, and the impossibility of applying sanctions or claims for failure to apply this principle to the case. As there is no clear regulation for which services such a period can be reduced and under what conditions, this leads to a subjective

approach to the need to reduce the duration of administrative services. This principle can be implemented by supervising the head of the direct executor of administrative services [39].

Access to information is provided by placing information stands in places of administrative services, providing free access to: the Unified State Portal of Administrative Services, posted on the Government portal and information about services posted on the websites of the united territorial communities, as well as by operating around the clock Government telephone help and information through the media [39].

Entities providing administrative services are obliged to provide: arrangement of information stands with samples of relevant documents and information in the places of reception of subjects of appeals in the amount sufficient to receive administrative services without outside assistance; creation and operation of websites, which contain information on the procedure for providing relevant administrative services, the mode of access to the premises where the reception of the subjects of appeals, the availability of public transport, access roads and parking lots; implementation by officials of reception of subjects of appeals according to the schedule approved by the head of the corresponding subject of rendering of administrative services [11].

The principle of openness and transparency is closely related to the principle availability of information on the provision of administrative services. The provision that everyone has the right to information, the possibility of free receipt, use, dissemination, storage and protection of information necessary for the exercise of their rights, freedoms and legitimate interests enshrined in the Constitution of Ukraine and the Laws of Ukraine "On Information", "On Access to public information "and" On administrative services ". This principle should be considered in conjunction with the principle of personal data protection. In OTG ensuring the protection of rights and freedoms of personal data subjects in the processing of their personal data is implemented through the normative procedure for processing and protection of personal data and establishing the responsibility of officials who have access to personal data for failure to comply with these regulations [39].

An important component in the implementation of the principle of minimization of documents and procedural actions submitted in the provision of administrative services are information and technological cards of administrative services, which are approved for each

administrative service provided in accordance with the law in OTG. The information card of the administrative service contains information about the list of documents required to receive the administrative service, the procedure and method of their submission, and if necessary - information about the conditions or grounds for receiving the administrative service [39].

The principle of impartiality and fairness must be considered through the prism of the category of "conflict of interest", because it is its avoidance or settlement that will allow fairness in the case in the OTG. The Law of Ukraine "On Prevention of Corruption" defines the basics of organization and functioning of the system of prevention and counteraction of corruption in Ukraine, the content and procedure of preventive anti-corruption mechanisms, including prevention and settlement of conflicts of interest. local governments, including OTG [39].

In the European legislative practice the characteristic of the conflict of interests offered in Recommendations of the Organization for Economic Cooperation and Development as: “the conflict between the state duties and private interests of the public official in which the interest of the public official connected with private possibilities can negatively to influence the performance of her official duties and functions "[40]. The implementation of the principles of impartiality and fairness is closely linked to the anti-corruption measures implemented in the OTG.

The principle of accessibility and convenience for the subjects of appeals is not only comfortable to visit the premises where the administrative service is provided, but it is especially important that in the process of formation of united territorial communities the quality of services does not deteriorate. Progressive mechanisms through which this principle is implemented are the creation of remote jobs for administrators, on-site and mobile CNAP.

It is appropriate to note the absence of the principle of quality among those identified principles [41].

It should be noted that in fact the Law provides for the principle of territoriality of administrative services for legal entities and in some cases for individuals, but this is not listed among the principles in the Law of Ukraine "On Administrative Services". Yes, in

accordance with Art. 9 of the Law of Ukraine "On Administrative Services"a natural person, including a natural person-entrepreneur, has the right to receive administrative services regardless of the registration of his place of residence, except as provided by law, and a legal entity has the right to receive administrative services at the location of such person or in cases provided by law, at the place of business or location of the relevant object [11].

When examining each of these principles of providing administrative services, one should pay attention to their use as elements of a certain system, as their joint implementation can give rise to probable conflicts, despite their complementarity. Therefore, it is proposed to include in the structure of principles the principle of compatibility or compatibility (consistency), ie avoidance of divergence, as well as the principle of unification or standardization.

The principle of compatibility or compatibility (coherence) should be considered in the framework of a systems approach, when the implementation of the system of principles in general is possible only in connection with the compatibility of all its elements. The principle of compatibility or compatibility (from the English word - comarability) should be interpreted through the prism of the main purpose of the state - to serve society and resolve the controversial understanding of the rules in favor of the applicant.

Implementation of the principles of legality and efficiency and timeliness may be controversial, in case of mismatch between the terms of service and deadlines that are subjectively timely for the person. In this case, the application of the principle of compatibility or compatibility (consistency) will help to harmonize these provisions by settling them in favor of the subject of administrative service with the condition of maintaining legality [39].

The principle of unification or standardization should be introduced according to the type of standard operating procedures (SOP), which consists in the use of standard documents containing a clear and accurate description of the stages that authorized OTG persons must follow when providing one of the services in order to achieve high quality. . This principle is partially implemented through the legislative obligation of the subjects of administrative services to approve information and technological cards. The legislator's approach to the obligation to approve standard cards for public authorities and the lack of a

unified approach for local governments, including OTG, are unclear. At the same time, the approval of standard cards cannot be considered as an encroachment on the independence of the exercise of the powers of local self-government bodies in the event that they are established by law. It is advisable to introduce for all services that can be provided by local governments, in particular OTG, separate standard cards, in which in fact will be variable only the fields that contain information about the subject of the service. According to the analysis of information cards, this is often due to the accumulation of information on legal regulation and lack of clarity, which complicates the understanding of OTG residents of the provision of administrative services, requires significant time to read all these acts and search for articles related to specific services. The law stipulates the obligation to indicate the acts of legislation governing the procedure and conditions for the provision of administrative services, but it is more appropriate, for easier understanding, to provide for specification and a list of articles of regulations, which regulate the specified activity and define powers. The importance of standardization lies in the fact that OTGs (especially in rural areas) do not always have adequate legal support, due to the lack of specialists in the field of law. In this regard, information and technological cards do not pass the proper legal examination [39].

The principle of unification or standardization is partially implemented by the government approving the model regulations on the CNAP and their regulations, as all those who create the CNAP are required to approve the provisions and regulations in accordance with the standardized normative document. However, standardization should be applied to all procedures and provisions in order to improve the quality of their provision.

1.4 Legal basis for the provision of administrative services in the united territorial communities

In the conditions of building a democratic state in Ukraine, at the same time an active process of decentralization of power is taking place and the sphere of administrative services is being reformed. These reform changes are designed to create the most convenient conditions for the provision of administrative services to citizens and increase their ability

to control the government, to make such services accessible, fast and high quality. The need to study the legal framework for the provision of administrative services in OTG is due to public requirements for their practical and effective provision of OTG to individuals and legal entities and to improve their legal regulation.

According to the scope of regulations can be classified into: national (eg, the Law of Ukraine "On Administrative Services") and individual administrative-territorial units (local) (eg, resolutions or decisions of the Verkhovna Rada of the Autonomous Republic of Crimea) [42].

Considering the legal basis for the provision of administrative services in OTG should take a comprehensive approach in the consideration of regulations governing the activities of OTG and the provision of administrative services in them. So, let's consider national and local regulations.

National regulations, which are the legal basis for the provision of administrative services in OTG, can be divided into two categories: regulations governing the activities and determine the scope of powers of local governments, and regulations governing procedural issues provision of administrative services.

In particular, the first category includes the following regulations (as amended): Constitution of Ukraine of June 28, 1996, European Charter of Local Self-Government of October 15, 1985, Housing Code of the Ukrainian SSR of Ukraine of June 30, 1983, Water Code of Ukraine of June 6, 1995, Land Code of Ukraine of October 25, 2001, Family Code Of Ukraine of January 10, 2002, Civil Code of January 16, 2003, Code of Civil Protection of Ukraine of October 2, 2012, Laws of Ukraine "On the Fundamentals of Social Protection of Disabled Persons in Ukraine" of March 21, 1991, "On Rehabilitation of Victims of Political Repression in Ukraine" of April 17, 1991, "On the Status and Social Protection of Citizens Affected by the Chornobyl Accident" of February 28, 1991, "On the privatization of the state housing stock" of June 19, 1992, "On labor protection" of October 14, 1992, "On the protection of atmospheric air" of October 16, 1992, "On state assistance to families with children" of November 21, 1992 , "On Collective Agreements and Treaties" of July 1, 1993, "On the Status of War Veterans, Guarantees of Their Social Protection" of October 22, 1993, "On Basic Principles of Social Protection of Labor Veterans and Other Elderly Citizens in

Ukraine" of December 16, 1993 1993,"On the National Archival Fund and Archival Institutions" of December 24, 1993, "On Ensuring Sanitary and Epidemic Welfare of the Population" of February 24, 1994, "On Ecological Expertise" of February 9, 1995, "On Advertising" of July 3, 1996, "On Holidays" of November 15, 1996, "On Local Self-Government in Ukraine" of May 21, 1997, "On Basic Principles and Requirements for Food Safety and Quality" of December 23, 1997, "On Waste" of March 5, 1998 , "On Land Lease" of October 6, 1998, "On Transportation of Dangerous Goods" of April 6, 2000, "On State Awards" of March 16, 2000, "On State Social Assistance to Low-Income Families" of June 1, 2000 , "On the protection of cultural heritage" of June 8, 2000, "On the protection of childhood" on April 26, 2001,"On personal peasant economy" of May 15, 2003, "On land management" of May 22, 2003, "On the procedure for allocating land in kind (on the ground) to owners of land shares (units)" of June 5, 2003, "On farming "Of June 19, 2003," On Compulsory State Pension Insurance "of July 9, 2003," On Freedom of Movement and Free Choice of Residence in Ukraine "of December 11, 2003," On Land Valuation "of December 11, 2003 , "On the state examination of land management documentation" of June 17, 2004, "On state registration of real rights to immovable property and their encumbrances" of July 1, 2004, "On social protection of children of war" of November 18, 2004, "On the basics of social Protection of Homeless Citizens and Homeless Children "of June 2, 2005,"On the improvement of settlements" of September 6, 2005, "On the permit system in the sphere of economic activity" of September 6, 2005, "On the social housing fund" of January 12, 2006, "On the protection of animals from cruel treatment" of 21 February 2006, "On Amendments to Certain Legislative Acts of Ukraine on Social Protection of Large Families" on May 19, 2009, "On State Registration of Civil Status Acts" of July 1, 2010, "On Regulation of Urban Development" on February 17, 2011, "On the List of permitting documents in the field of economic activity" of May 19, 2011, "On the State Land Cadastre" of July 7, 2011, "On the Unified State Demographic Register and documents confirming the citizenship of Ukraine,identity card or its special status "of November 20, 2012," On cooperation of territorial communities "of June 17, 2014," On narcotic drugs, psychotropic substances and precursors "of February 15, 1995," On voluntary association of territorial communities "of 04 September 2015, decrees of the President of Ukraine "On

measures to protect the property rights of peasants in the process of reforming the agricultural sector of the economy" of January 29, 2001 № 62, "On honorary titles of Ukraine" of June 29, 2001 № 476/2001, Council Resolution Ministers of the USSR and the Ukrainian Republican Council of Trade Unions of December 11, 1984 № 470 "On approval of the Rules of registration of citizens in need of improved living conditions and the provision of housing in the Ukrainian SSR",Resolution of the Verkhovna Rada of Ukraine of June 26, 1992 № 2503-XII “On Approval of Provisions on Passports of Citizens of Ukraine and Passports of Citizens of Ukraine for Traveling Abroad” of Resolutions of the Cabinet of Ministers of Ukraine of October 21, 1995 № 848 “On Simplification of Subsidies for Reimbursement costs for housing and communal services, purchase of liquefied gas, solid and liquid household fuel (as amended) ", dated October 10, 2001 № 1306" On road traffic "and others.of October 10, 2001 № 1306 "On traffic" and others.of October 10, 2001 № 1306 "On traffic" and others.

We belong to the second category the following regulations (as amended): laws of Ukraine "On citizens' appeals" of October 2, 1996, "On administrative services" of September 6 2012, Resolution of the Cabinet of Ministers of Ukraine "On approval of the Model Regulations on the center of administrative services" of February 20, 2013 № 118, "On approval of the Model Regulations of the Center for Administrative Services" dated August 1, 2013 № 588, Order of the Ministry of Justice "On approval of standard information cards of administrative services in the field of state registration of real rights to immovable property and their encumbrances" of February 1, 2018 № 1952/5 and others.

The analysis of normative-legal acts regulating procedural issues of rendering administrative services has both obligatory, and recommendatory character (tab. 1).

Legal act	Effect of norms	Mandatory
Law of Ukraine "On Citizens' Appeals" of October 2, 1996	applies to all types of administrative services, except for exceptions	required

Law of Ukraine "On Administrative Services" of September 6 2012	applies to all types of administrative services	required
Resolution of the Cabinet of Ministers of Ukraine "On approval of the Model Regulations on the center of administrative services" of February 20, 2013 № 118	can be applied to all CNAP	recommendatory
Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Model Regulations of the Center for Provision of Administrative Services” of August 1, 2013 № 588	can be applied to all CNAP	recommendatory
Order of the Ministry of Justice "On approval of standard information cards of administrative services in the field of state registration of real rights to immovable property and their encumbrances" of February 1, 2018 № 1952/5	applies to administrative services in the field of state registration of real property rights and their encumbrances	required

Table. 1. Regulations,governing procedural issues of administrative services

Source: compiled by the author

According to Art. 144 of the Constitution of Ukraine, local governments within the powers defined by law, make decisions that are binding on the territory, so the decision of the sessions of deputies of rural or urban OTG or their executive bodies is also the legal basis for providing administrative services. Local regulations, which apply only to a specific

united territorial community, include: statutes of OTG (for example, the Statute of Sokyrynets OTG with the administrative center in the village of Khyzhyntsi, approved by decision № 4 of January 17, 2017 Khyzhenets village council "On approval Of the Statute of the Sokyrynets united territorial community by the administrative center in the village of Khyzhyntsi ",

Consider in more detail the national regulations governing the provision of administrative services in OTG. The Law of Ukraine "On Administrative Services", adopted on September 6, 2012, defines the legal basis for the realization of the rights, freedoms and legitimate interests of individuals and legal entities in the provision of administrative services. AV Kapulovsky rightly notes that the Law of Ukraine "On Administrative Services" is designed to create accessible and convenient conditions for the implementation and protection of the rights, freedoms and legitimate interests of individuals and legal entities to obtain administrative services, prevent corruption during provision of administrative services [43].

This normative document defines the procedure for the establishment and operation of the CNAP and indicates that administrative services are provided by the subjects of administrative services directly or through the CNAP, as well as via the Internet through the Single portal of administrative services and integrated services. One of the subjects of administrative services is local governments, their officials.

The Law of Ukraine “On Local Self-Government” defines the system and guarantees of local self-government in Ukraine, the principles of organization and activity, the legal status and responsibilities of bodies and officials of local self-government. Article 2 of this law stipulates that local self-government is exercised by territorial communities of villages, settlements, cities both directly and through village, settlement, city councils and their executive bodies, as well as through district and regional councils representing common interests of territorial communities, settlements, cities. Territorial community is defined as residents united by permanent residence within a village, town, city, which are independent administrative-territorial units, or a voluntary association of residents of several villages with a single administrative center [7].

Thus, the analysis of the norms of the Laws of Ukraine “On Local Self-Government” and “On Administrative Services” confirm that OTGs are subjects of local self-government with the authority to provide administrative services.

The Law of Ukraine "On Voluntary Association of Territorial Communities" regulates relations arising in the process of voluntary association of territorial communities of villages, settlements, cities, as well as voluntary accession to the OTG. Article 4 of this Law defines one of the main conditions for voluntary association of territorial communities that the quality and accessibility of public services provided in the united territorial community cannot be lower than before the association [43].

The Law of Ukraine “On Cooperation of Territorial Communities” stipulates that relations between two or more territorial communities are carried out on a contractual basis in the forms specified by this Law in order to improve the quality of services to the population based on common interests and goals [44].

To improve the quality of administrative services, recommended forms of local regulations governing the provision of administrative services have been introduced. In particular, the government approved the Model Regulations on the CNAP, the Model Regulations of the CNAP, which local governments are recommended to follow when approving their own regulations and regulations, which is the normative support for the operation of administrative service centers.

An approximate provision on the CNAP describes the basics of the order of its operation. As such a normative document is an example, not a typical one, its provisions can be considered basic and such that can be expanded and supplemented within the requirements of the legislation. Thus, the model provisions of the CNAP define the authorized entities and the procedure for establishing the CNAP, the main tasks of the CNAP, partially regulate the issue of approving the list of administrative services, the procedure for providing and selecting the subjects of related services. . The Regulation also describes the main tasks and rights of the administrator, compared with the Law of Ukraine "On Administrative Services", supplemented by a clause that provides for the right of the administrator to contact the head to improve the efficiency of the center, The sample regulation of the CNAP is a document that describes the procedure for organizing the work,

the procedure for the actions of administrators and their interaction with the subjects of administrative services.

OTG statutes occupy an important place among local regulations.

The legislation does not provide for the mandatory adoption of the OTG statute, but such a document is a legal act that can determine the procedure for implementing local initiatives of the OTG. The charter is also a mechanism for implementing direct democracy.

In the system of normative acts adopted by local self-government bodies, it is expedient to define the charter as the main local normative legal act that establishes the legal and organizational principles of OTG functioning. In particular, the OTG charter may establish mandatory norms, compliance with which is mandatory not only for residents of a particular OTG, but also for OTG bodies and officials, who must take into account the provisions of the charter when adopting other acts and ensure their compliance.

As O. Kalashnikov rightly points out, the adoption of quality statutes of territorial communities is extremely important for the effective reform of decentralization and the development of democracy at the local level. The charter should become an effective means of self-regulation of the united territorial community, it can help to regulate relations both between the united communities and between the community and local authorities "[46].

The legally established obligation to approve the information card and the technological card of the administrative service has significantly simplified the receipt of information about such a service by individuals and legal entities and prevented the abuse of officials to request additional documents.

The information card of the administrative service, as a local legal act to comply with the Law of Ukraine "On Administrative Services" must contain information about the subject of administrative services and / or the center of administrative services (name, location, mode of operation, telephone, e-mail address mail and website); a list of documents required to obtain administrative services, the procedure and method of their submission, and if necessary - information on the conditions or grounds for receiving administrative services; payment or free of charge of the administrative service, the amount and procedure for payment (administrative fee) and paid administrative service; term of providing

administrative service; the result of providing administrative services; possible ways to get an answer (result); acts of legislation,

The technological card of the administrative service must indicate the stages of processing the application for the provision of administrative services; responsible official; structural units responsible for the stages (action, decision); terms of execution of stages (actions, decisions) [11].

Conclusions to the first section

Summarizing the analysis of the theoretical and methodological basis for the provision of administrative services in OTG conducted in the first section, we can draw several conclusions.

1. Due to frequent changes in political orientations and the difficult geopolitical situation, the introduction of the system of administrative services in Ukraine and the formation of OTG is gradual and is currently in the process of formation. The main task of local government reform and the provision of administrative services is to create a system that would work for citizens. Today, Ukraine is taking active steps to democratize and debureaucratize the provision of administrative services through the adoption of legislation aimed at decentralizing the provision of administrative services. Our state receives significant international support in this area, which is implemented through the implementation of joint programs. The modern system of local self-government and the system of providing administrative services are the result of many years of evolution, formed on the basis of national and international regulations.

2. Legal regulation of the provision of administrative services in OTG are among the complex system objects of research. Their multifaceted and social nature require a comprehensive, comprehensive study. The research strategy, which is the basis of an integrated approach, is primarily based on such a methodological principle as the development of cross-cutting concepts and categories, which ensures the unity of the approach to the object of study. On its basis, the study of certain aspects of the legal regulation of the provision of administrative services in OTG. There are different

approaches to the interpretation of the term "administrative services" among administrative scholars, but at the legislative level there is a definition that fully outlines this concept, from which, given the powers of the OTG, we can identify key features of administrative services: administrative service is provided at the request of a natural or legal person; the application leads to a certain result, which aims to acquire, change or terminate the rights or obligations of the person; administrative service is the result of the exercise of power by the subject of administrative services OTG; administrative service is provided in accordance with the law.

3. When researching the application of the principles of providing administrative services in OTG, it is worth paying attention to their use as a system of principles, as their joint implementation may give rise to probable conflicts, despite their complementarity. To this end, within the system approach, it is proposed to improve the existing principles and enshrine in law the principle of compatibility or compatibility (coherence), which is necessary for the implementation of the system of principles as a whole, due to the compatibility of all its elements - principles.

4. In order to achieve high quality of administrative services, in particular in OTG, it is necessary to establish the principle of unification or standardization. The introduction of this principle consists in nationwide regulation and the use of standard documents that contain a clear and precise description of the stages, procedures that authorized persons and subjects of application must follow when providing services.

5. The legal basis for the provision of administrative services in OTG are national and local regulations that determine the competence, establish the procedure for providing administrative services in OTG.Improvement of the system of providing administrative services is possible under the condition of clear and as complete as possible regulation of the procedure for providing administrative services by OTG bodies, by improving the existing and adopting new national regulations. Improving the mechanisms of regulation of legal relations in the field of administrative services minimizes the possibility of abuse of power by officials. Clear wording of the rules governing the provision of administrative services and the impossibility of their double interpretation will help ensure strict compliance with the rights of individuals and legal entities.

6. Reforming the system of administrative services in Ukraine is necessary in the context of Ukraine's integration into the European Union. This process should be effective, high-quality, such that it will increase trust in the authorities, become close to the needs and demands of the people. In order to implement the principles of providing administrative services, the Law of Ukraine "On Administrative Services" provides for the mandatory approval of information and technological cards of administrative services.

7. Thus, the use of positive European experience and legislative consolidation of the functioning of the CNAP is certainly a positive phenomenon in the direction of reform, which aims to change and form a positive attitude of citizens to public bodies as a service provider.

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CHAPTER 2

RESEARCH OF PRACTICE AND MECHANISM OF PROVISION OF ADMINISTRATIVE SERVICES IN UNITED TERRITORIAL COMMUNITIES

2.1 Identification of subjects of administrative services in the united territorial communities

Subjects of law are usually understood as participants in public relations, whose legal norm gives them rights and responsibilities. Accordingly, the subjects of administrative law are the participants of relations, which administrative and legal norms have endowed with rights and responsibilities, the ability to enter into administrative and legal relations [1].

Within the meaning of the Law of Ukraine “On Administrative Services”, the subject of providing administrative services are executive authorities, other state bodies, the authorities of the Autonomous Republic of Crimea, local governments, their officials, state registrars, state registration entities authorized in accordance with the law to provide administrative services.

Therefore, identifying the subjects of local self-government, which are empowered to provide administrative services to OTG, should refer to a special legal act - Law of Ukraine "On Local Self-Government in Ukraine". According to Art. 2 of this Law, the powers to exercise local self-government in Ukraine are vested in: directly territorial communities of villages, settlements, cities, as well as village, settlement, city councils and their executive bodies, district and regional councils representing common interests of territorial communities of villages, settlements, cities .

In connection with the decentralization reform, we can also identify the following OTG entities: urban OTG, urban OTG, rural OTG.

Identifying the subjects of administrative services in the OTG, it is advisable to consider the features of the legal status of the territorial community and its functions.

According to the Constitution of Ukraine, local self-government can be exercised by a territorial community both independently and through local self-government bodies. The main purpose of the territorial community is to ensure the viability of a particular territory or directly (independently) or indirectly (through local governments) [2].

Throughout its existence, the territorial community in Ukraine has performed a number of functions that ensure the livelihood of the village or city. Among them the most important are: ensuring law and order on its territory, security of all members of the community and preservation of movable and immovable property, as well as economic, social protection, cultural and educational functions.

Functions of territorial communities are the main directions and types of municipal activities of these communities, which express the will and interests of local residents and ensure their relations with the state, its bodies, local governments within the Constitution and laws of Ukraine. This wording allows us to depict the fundamental points in understanding the functions of territorial communities as subjects of local self-government. First, it orients these subjects to achieve a common goal for the entire system of territorial self-organization - the solution of issues of local importance, provides a combination of national interests with the interests of a particular territory. Secondly, it reveals the content of the activities of these subjects of municipal law and its dynamic orientation. Thirdly, reflects the place of territorial communities in the system of local self-government as the primary subject [3]. They reveal and characterize the relationships of structural elements of the system as a holistic subject of power and governance at the local-regional level. Each of these functions is a kind of public power and management influence that permeates the system of subjects of local democracy and is common, typical for them. Therefore, in the structure of the system of local self-government, the functions of its individual subjects have a certain differentiation, distribution and dispersion in the power-management functions of different subjects of local self-government, their links and subsystems. Each of these

functions is a kind of public power and management influence that permeates the system of subjects of local democracy and is common, typical for them. Therefore, in the structure of the system of local self-government, the functions of its individual subjects have a certain differentiation, distribution and dispersion in the power-management functions of different subjects of local self-government, their links and subsystems. Each of these functions is a kind of public power and management influence that permeates the system of subjects of local democracy and is common, typical for them. Therefore, in the structure of the system of local self-government, the functions of its individual subjects have a certain differentiation, distribution and dispersion in the power-management functions of different subjects of local self-government, their links and subsystems.

What the functions of territorial communities and the functions of other subjects of local self-government have in common is that, firstly, they are public in origin (despite the set of powers delegated to them by the state), and secondly, they are forms of governmental influence. directions and types of municipal activity and, thirdly, have a similar purpose - to influence the preservation and development of the municipal organism, to ensure the implementation of issues relevant to a particular area of local importance [4].

Differences between the functions of territorial communities and the functions of other local governments can be observed in:

a) the subject of influence - the functions of territorial communities are carried out directly or by the entire organizational structure of the municipal body; functions of local self-government bodies, their officials - directly by the given, concrete subject;

b) the extent (limits) of influence - territorial communities have an impact on large areas (branches) of local life, or on the entire municipal body; functions of other subjects of local self-government are directed only on separate components, displays of local self-government;

c) means of implementation - the functions of territorial communities are provided by the full force of local self-organization, and the functions of individual subjects of local self-government - the powers and organizational capabilities that this entity has;

d) nature - the functions of territorial communities show the objective relationship of the components of the municipal body with each other and in their relations with the state,

and the functions of an individual local government entity (body, local government officials), established in its legal status, and is in this sense a legal statement of power and management capabilities of the subject [4, p. thirteen].

One of the prerequisites for creating a full-fledged system of local self-government in any state is to determine its scope. The Constitution of Ukraine enshrines the right of territorial communities to independently resolve issues of local importance within the Constitution and laws of Ukraine [5].

Issues of local significance (objects of local activity) should be considered as issues (cases) arising from the collective interests of local residents - members of the relevant territorial community, referred by the Constitution, laws of Ukraine and the charter of the territorial community to local government, as well as other issues , which are not within the competence of public authorities of Ukraine. The means of legal consolidation of issues of local importance are the subjects of local self-government [5].

Territorial communities take an active and multifaceted part - directly or indirectly - in the exercise of all functions and powers of local self-government, ie they have a general and institutional role in their implementation. By the nature of functions and powers, territorial communities have a crucial role in all spheres (branches) of local life. In essence, the object functions of territorial communities are the main functions of these communities. The most prominent primary character of territorial communities in the system of local self-government has its manifestation in the political sphere: the solution of most political issues of local significance is the exclusive prerogative of local residents. Given mainly the social orientation of municipal activities, the priority object function is the social function. Territorial communities play an important role, mostly indirectly, - play in solving internal and external economic, cultural and environmental problems of local importance of the respective villages, settlements, cities. This is evidenced by the wide range of powers of local councils and their executive bodies in various spheres of local life [5].

An important role in creating a comprehensive theory of the functions of territorial communities is played by their (functions) classification according to the status of administrative-territorial units, within which certain local groups exercise local self-government. The complexity of the problem of classification according to this (territorial)

criterion is that the set of functions performed by territorial communities of villages, settlements, cities by nature is almost no different, they are aimed at solving the same issues - issues of local importance. That is, in essence, in terms of objects of influence, they are identical [5] ..

The specifics of the administrative-territorial division of Ukraine significantly affects the nature of municipal activities of territorial communities that operate within certain settlements. Each territorial community, despite the presence of a number of common characteristics, upon careful consideration acts as a specific system due to historical, national-cultural, socio-economic, demographic and other features, which determines the territorial differentiation of their functions [5].

The analysis of local life of settlements of different administrative and legal status shows significant differences in the scope and nature of the main areas and activities of territorial communities that operate within them. This is especially evident in the comparison of the functions of territorial communities of villages and cities. In the conditions of formation of institutes of local self-government in Ukraine research of territorial specificity of functioning of local communities is a perspective direction of scientific researches and practical experiments [6, p. 192].

The implementation of the functions of territorial communities requires the availability of these entities a set of tools, methods and ways by which local residents will be able to exercise the right to participate in local government, to effectively address issues of local importance [7].

The important role of objective and subjective factors as phenomena of public life that significantly affect the process of implementation of territorial communities of their functions and powers. The mechanism of implementation of the functions of territorial communities should be understood as a complex system category, which is a set of demographic, territorial, political, organizational, economic, socio-cultural, ideological ways and means of materializing municipal government in addressing local issues, as well as delegated to local government powers of local state executive power within the Constitution and laws of Ukraine [5].

The functioning of territorial communities is possible only under the condition of an optimal combination of institutions of direct and representative democracy, which together constitute a political (organizational) mechanism for the implementation of local government functions [5].

Detailing the structure of urban, settlement and rural OTG, we identify possible subjects of administrative services in OTG.

The Laws of Ukraine “On Local Self-Government” determine the procedure for forming the structure of the OTG council staff and its executive bodies. Exclusively at the plenary session of the relevant council, the issues of formation of the executive committee of the council are considered (item 3, part 1 of Article 26), approval of the structure of the executive bodies of the council, the total number of the council staff and its executive bodies in accordance with standard staffs approved by the Cabinet of Ministers, the cost of their maintenance (paragraph 5 of Part 1 of Article 26), the formation of the village, town, city mayor of other executive bodies of the council (paragraph 6 of Part 1 of Article 26) [8].

Given the rules of law Laws of Ukraine "On local self-government", "On administrative services", "On voluntary association of territorial communities", we can distinguish the following subjects of administrative services in urban, township and rural OTG:

- for OTG;
- executive bodies of OTG councils;
- OTG officials (Table 2).

For the sake of OTG	• urban for the sake of OTG • settlement for the sake of OTG • rural for the sake of OTG
Executive bodies of OTG councils	• executive committees • departments • management

	• other structural units
OTG officials	• monitor • administrator • state registrar

Table. 2. Entities providing administrative services in OTG

Source: compiled by the author

For the purpose of qualitative identification we will consider powers of all specified subjects of OTG in the field of rendering of administrative services.

After the formation of the OTG, residents elect deputies to the village, settlement or city councils of the united community. For the sake of OTGare elected representative bodies of local self-government, consisting of deputies and in accordance with the law represent their united territorial community and perform on its behalf and in its interests the functions and powers of local self-government.

For the sake of OTG, as well as other local councils are endowed by the Law of Ukraine "On Local Self-Government" with exclusive powers, which are exercised in the status of subjects of administrative services. In particular, such administrative services include: concluding a land easement agreement for an ideal (settlement) share, concluding a land lease agreement or a land easement agreement, withdrawing land plots (terminating a land lease agreement) or amending a land lease agreement in accordance with the intentions construction without change of purpose of land plots, transfer (provision) of land plots of communal property on the basis of technical documentation on land management regarding establishment of boundaries of land plots in kind (on the ground), privatization of land plots used by citizens, granting land plots for use, the ownership of which is registered in the state register of real rights to immovable property.

The difficulty of providing administrative services by these OTG entities lies in the collegiality of decision-making and, as practical experience shows, the duration of such a process. The provision or non-provision of a service under the jurisdiction of OTG councils

is often subjective, as it depends on the voting of OTG deputies, and not only on such objective circumstances as, for example, the availability of all necessary documents to receive a particular service. Sometimes refusals to provide certain services are subjective.

The executive bodies of OTG councils are their executive committees, departments, and administrations. Other executive bodies may be established by OTG councils.

Executive committees of councils OTG formed by the council for the term of its powers. The organization of activity of executive committees of councils is defined by statutes and regulations of councils, regulations on executive committees.

In particular, the powers of executive committees in the field of administrative services may include: nproviding town-planning conditions and restrictions for designing a construction object for the design and construction of architectural and urban planning objects, providing town-planning conditions and restrictions for designing a construction object for designing and constructing architectural and urban planning objects, providing town-planning conditions and restrictions for design of a construction object for reconstruction, restoration of architectural and urban planning objects, reconstruction (restoration) of separate parts of residential and non-residential premises of existing apartment buildings without changing the external geometric dimensions of their foundations in the plan when changing the function of residential premises to non-residential or non-residential premises for residential, with changes in technical and economic indicators of residential and non-residential premises;reconstruction of residential and non-residential premises with expansion due to the installation of a cantilever balcony (console balconies), granting permission to the enterprise, institution, organization to self-record or liquidate apartment accounting, exchange of residential premises in communal ownership and others.

Due to the fact that the structure and number of executive bodies are formed by the relevant OTG council, taking into account their needs and funding, the relevant staff differs in different communities.

The executive bodies of OTG councils in the field of providing administrative services include their own (self-governing) and delegated powers. Chapter 2 of the Law of Ukraine "On Local Self-Government in Ukraine" defines the powers of executive bodies of

village, settlement, city councils. According to this Law, the executive bodies of councils have all the hallmarks of self-structured local governments. They are legal entities endowed with executive and administrative functions and powers, issue regulations on their own behalf, which are binding on the relevant territorial community. They are responsible and accountable to the relevant council [9]. However, it should be emphasized that executive bodies do not always have the status of a legal entity, but can be created in the structure of the executive committee without such a status.

Thus, the executive bodies of councils can be created for the purpose of functional and functional division of powers in various areas, such as housing and communal, architectural and construction, economic and others.

According to the reform, some new executive bodies will appear in the OTG. For example, after the amendments to the Budget Code, pre-school, general secondary and out-of-school education institutions are financed from the OTG budget. That is, kindergartens, schools, music, art schools, children's libraries, etc. To manage them, the united community will have its own education management body. Previously, there was no such body in the communities and they were subordinated to the education department of the district state administration [10].

Delegated and own powers of councils and executive bodies of councils OTG in the field of administrative services, it is advisable to classify in the field of public relations in which these services are provided, in particular:

- relations in the field of housing issues (assignment of the postal address of the real estate object);
- relations in the field of doing business (issuance of a permit for outdoor advertising);
- relations in the field of architecture and urban planning (registration of the declaration on the beginning of performance of preparatory works);
- relations in the field of land and natural resources use (approval of the land management project for the allocation of land);
- social relations (issuance of certificates to the rehabilitated);

- family relations and in the field of care (state registration of marriage, decision-making on termination of guardianship and custody);
- relations in the field of communal property (decision to lease vacant non-residential premises);
- relations in the field of passport actions (registration and issuance of a passport of a citizen of Ukraine upon reaching 16 years of age);
- relations in the field of registration (state registration of an individual entrepreneur, state registration of death);
- relations in the field of archival affairs (providing copies and extracts from the archival document);
- relations in the field of OTG infrastructure (granting permission to disconnect from central heating, granting permission to block traffic).

Local government official - a person working in local governments has the appropriate official powers in the implementation of organizational and administrative and advisory functions and receives a salary from the local budget [8].

Among local government officials, the position of headman is new. The institute of elders was introduced in 2015 after the entry into force of the Law of Ukraine "On Voluntary Association of Territorial Communities". According to this law, in the cities and villages that will be part of the united community, the government will be represented by elders. One of their main functions is the collection and initial processing of requests from the population for administrative services, as well as assistance in obtaining the necessary documents in the relevant instances [11].

The headman can receive on the spot from the inhabitants of villages and settlements the documents necessary for the provision of services and transfer them to the center of the united community for processing by relevant officials and structural units of the executive body of the council [11].

According to the Law of Ukraine "On Voluntary Association of Territorial Communities", the mayor has the following powers:

- to represent the interests of the villagers in the executive bodies of the local council of the united territorial community;

- to assist the inhabitants of the village, settlement in the preparation of documents submitted to local governments;
- to participate in the preparation of the draft budget of the territorial community in terms of financing programs implemented in the territory of the respective village, settlement;
- make proposals to the executive committee of the local council on activities in the relevant village, settlement of the executive bodies of the local council, enterprises, institutions, organizations of communal ownership and their officials [11].

The Law of Ukraine "On Amendments to Certain Laws of Ukraine on the Status of the Elder of a Village, Settlement" of September 9, 2017, which entered into force on March 12, 2017, amended the Law of Ukraine "On Local Self-Government in Ukraine" of May 21, 1997, in order to more clearly define the status of the headman, the scope of his powers, the territorial boundaries of activity.

The powers of the headman, defined by the specified normative legal acts, do not directly provide for the provision of administrative services by him, however, the analysis of the legislation will show that such a right is enshrined.

The Law of Ukraine "On Administrative Services" provides for the possibility of providing not only administrative services, but also others that are not administrative in nature, namely Part 3 of Art. 3 stipulates that administrative services are also equated with the provision of local government and its officials extracts and extracts from registers, certificates, copies, duplicates of documents and other statutory actions, as a result of which the subject of the application, as well as the object that is in his ownership, possession or use, is granted or confirmed a certain legal status and / or fact [12]. Since the headman is an official of local self-government, the provision of these services can be equated to the provision of administrative services.

The procedure for organizing the work of the headman is determined not only by law, but also by the Regulations on the headman, which is approved by the OTG council. It is envisaged that the Regulations will describe in more detail the work schedules, reporting of the mayor, the format of work with voters, provide a full list of services, specify its disciplinary liability in case of non-performance, and so on. For example, some actorsThe

OTG headman is authorized by the local council to perform notarial acts and register civil status acts [12].

Therefore, provided that the relevant powers are assigned to the headman by the Regulations on the headman, we can consider such a subject to provide administrative services.

Also, it is worth paying attention to the possibility and need to enshrine in the statutes of the OTG the definition of the powers of the elder and the procedure for direct provision of services, in order to avoid abuse of power and avoid corruption risks.

The headman may sign and issue certificates only if the relevant OTG council imposes this obligation on him and provides (manufactures) a seal for this purpose. To ensure the work of the head of the issuance of certificates, the OTG council may make stamp number plates. To do this, it must make a decision "On the manufacture of number stamps ...", in which to determine which number is transferred to the appropriate age and what personal responsibility rests with him for the preservation and use of the seal [13]. According to paragraph 1.2 of the Procedure for notarial acts by officials of local governments, approved by the order of the Ministry of Justice of Ukraine dated November 11, 2011 № 306/5, notarial acts are performed by officials who by the decision of the relevant local government authority to perform these actions [13].

The administrator is an official of the body that created the CNAP, which organizes the provision of administrative services through interaction with the subjects of administrative services [14].

The powers of the administrator are provided by the Law of Ukraine "On Administrative Services" and are somewhat expanded by the Model Regulation on CNAP.

provides organizational support for the provision of administrative services and control over compliance with the deadlines for consideration of cases and decision-making, initiates measures to eliminate identified violations, draws up protocols on administrative offenses and considers cases on administrative offenses. The administrator is also authorized to receive free of charge from the subjects of power the information and documents necessary for the provision of administrative services, to coordinate documents in other public authorities and local governments, to obtain their conclusions for the provision of

administrative services without the subject [14]. draws up protocols on administrative offenses and considers cases on administrative offenses. The administrator is also authorized to receive free of charge from the subjects of power the information and documents necessary for the provision of administrative services, to coordinate documents in other public authorities and local governments, to obtain their conclusions for the provision of administrative services without the subject [14]. draws up protocols on administrative offenses and considers cases on administrative offenses. The administrator is also authorized to receive free of charge from the subjects of power the information and documents necessary for the provision of administrative services, to coordinate documents in other public authorities and local governments, to obtain their conclusions for the provision of administrative services without the subject [14].

In order to effectively organize the provision of the most common services, the administrator of the CNAP performs not only a mediating role between the subject of the application and the subject of service, but also is the service provider. In particular, such powers include registration of residence, issuance of information from the State Land Cadastre, state registration of legal entities and individuals - entrepreneurs and others.

However, not all of the listed powers of the administrator can be exercised, in particular, drawing up protocols on administrative offenses and consideration of cases on administrative offenses, which makes it impossible to have the relevant provisions in the Code of Ukraine on Administrative Offenses.

The subject of providing administrative services is also the state registrar.

Ensuring the implementation of the powers vested in local governments, in particular OTG, the state registration of real rights to immovable property and their encumbrances, as well as the registration of legal entities and natural persons-entrepreneurs, in accordance with the law is carried out by state registrars. A. Lytvynenko rightly noted that it is the state registrars who exercise state powers in the field of "legalization" of business entities, as well as "legalization" of all actions with such entities [15].

Thus, the Law of Ukraine "On State Registration of Legal Entities, Individual Entrepreneurs and Public Associations" stipulates that the state registrar of legal entities, natural persons-entrepreneurs and public formations is a person who is in an employment

relationship with the subject of state registration, a notary . The state registrar can be a citizen of Ukraine who has a higher education, meets the qualification requirements set by the Ministry of Justice of Ukraine, and is in employment with the subject of state registration (except notaries), and a notary [16].

Law of Ukraine «On state registration of real rights to immovable property and their encumbrances ”it is determined that the state registrar is a citizen of Ukraine who has a higher education in law, meets the qualification requirements established by the Ministry of Justice of Ukraine, and is in employment with the subject of state registration , private and public notaries [15].

DD Ivanenko, outlining the range of state registrars of real estate rights, identifies: state registrar CNAP, state registrar of an accredited entity, state registrar at the Commission for Complaints in the field of state registration at the Main Territorial Department of Justice, notary, state executor and a private performer [17]. This division should be clarified by indicating a private notary and a public notary.

It is also important to identify the subjects of receiving administrative services. The most common is the division of subjects of administrative services into individuals and legal entities. Individuals can be classified in more detail by various criteria, including citizenship (citizens, foreigners, stateless persons), age (adults, minors), and other criteria. Legal entities can be classified into legal entities of private law and legal entities of public law.

2.2 Analytical characteristics of the procedure for providing administrative services and identification of corruption risks

In order to ensure the availability and proper quality of public services, the legislator provides several possible ways to obtain administrative services, which implements the goal of reforming local governments in Ukraine, which is to move away from the centralized model of government in the state, to implement local government building an effective system of territorial organization. Ukraine, in particular with regard to the provision of administrative services.

According to Part 1 of Article 9 of the Law of Ukraine "On Administrative Services", administrative services are provided by the subjects of administrative services directly or through CNAP and through EDPAP, including through integrated with it information systems of state bodies and local governments. Article 4 of this Law stipulates that in order to ensure the proper availability of administrative services, territorial subdivisions of a center for the provision of administrative services and remote places for the work of administrators of such a center may be established [14].

Thus, the Law provides for the provision of administrative services: directly by the subjects of administrative services, through the CNAP, territorial divisions of the CNAP; remote workstations of CNAP administrators.

Ukraine has also introduced the practice, within the framework of international cooperation and implementation of joint programs, of using other methods of providing administrative services, which is not explicitly provided by the Law of Ukraine "On Administrative Services", in particular, the creation of joint CNAP, visiting CNAP, mobile CNAP.

So, we can single out several key models of providing administrative services in OTG, in particular:

- model of direct provision of administrative services (headman, administrator of CNAP, state registrar, head of CNAP, authorized bodies of OTG);
- the model of providing administrative services through CNAP, which is created in the OTG center;
- model of providing administrative services through EDPAP and integrated information systems;
- model of providing administrative services through the Joint CNAP;
- model of providing administrative services through territorial subdivisions of CNAP;
- model of providing administrative services through remote workplaces of CNAP administrators;
- model of providing administrative services through the on-site CNAP;
- model of providing administrative services through mobile CNAP.

Consider the features procedures for providing administrative services of all the above models.

The legislation gives authorized OTG entities the right to provide administrative services directly, and the function of a direct service provider in accordance with the powers granted is performed by administrators and state registrars.

Such a right of authorized OTG entities will be limited by a rule that prohibits entities providing administrative services from accepting applications and issuing documents to the subjects of appeals as a result of providing administrative services, if such services are provided through the CNAP.

Thus, the direct provision of the service is possible in the absence of the CNAP, but practice shows that the services are provided directly by administrators, state registrars, registrars of residence, heads of the CNAP, and so on.

Administrative services are also provided directly through the mayor -a leader to whom the village community expressed support. He is a new local government official, a new institution created to ensure that the interests of all villagers in the OTG are properly represented, the social, household and other needs of the villagers are met, and local issues are addressed quickly, openly and clearly [18].

A number of city councils allow parallel reception of documents outside the CNAP. That is, in them visitors can still get administrative services directly in the structural units of the executive committee. It is reasonable to think that this practice undermines the idea of CNAP as the main point of interaction between government and citizens. If visitors continue to contact the back office for faster but non-transparent administrative services, this will perpetuate corruption and mean inefficient use of public funds for the maintenance of dual infrastructure (premises, receptionists, clerical services, etc.) [19].

On the way to overcoming corruption, an important stage in the implementation of administrative reform was the legislative regulation of the establishment and operation of the CNAP. Positive work experience similar to CNAP works in Germany, where they are called Service Universals. The parallel with the store is not accidental - the 1990 reform, which aimed to turn the authorities into public service facilities, was based on the principle of "one-stop-shop" - ie the ability to pay for all necessary services in one place. The model

of the neighboring Netherlands was taken as a model, where Universam is a business card of the local administration. Its activities and even appearance affect the image of the government, because, according to statistics, 80% of contacts between the administration and citizens take place here [20].

According to the Report on the development of the CNAP network of the Ministry of Economic Development and Trade, as of April 1, 2019, the total number of established CNAPs in Ukraine is 787, of which 148 CNAPs work in OTG [21]. The dissertation survey showed that 70% of respondents applied to the OTG CNAP for administrative services, a much smaller part - 30% of respondents applied directly to the service provider (Annex 2).

The Law of Ukraine "On Administrative Services" provides a definition of CNAP - it is a permanent working body or structural subdivision of the local state administration or local self-government body in which administrative services are provided through the administrator through its interaction with the subjects of administrative services [14].

Approved by the Government of Ukraine approximate provision on CNAP and regulationswork CNAP. These regulations are developed and approved by the body that made the decision to establish the CNAP.

The legislator provides for the approval of the national approxprovisions on the center for the provision of administrative services and him regulations is a significant positive step towards improving the functioning of the CNAP, especially in the context of the establishment and operation of the CNT OTG, as often the capacity of such human resources does not allow to develop quality regulations.

The main goals of the CNAP are to overcome outdated stereotypes of the public sector and form a new approach to the provision of administrative services, significantly simplify the procedure for obtaining services and provide a high level of service, in particular, due to clearly regulated by the state requirements for administrative services. adhere to high standards of administrative services; creating a favorable climate in the interaction of state and citizens [22].

The main tasks of the CNAP are the organization of the provision of administrative services in the shortest possible time and the provision of reliable information to entities, as

well as advising entities on the requirements and procedure for providing and receiving administrative services [23].

Thus, by creating a CNAP, the principle of receiving any information, consultation or service in one place, with appropriate living conditions, qualified and friendly staff is implemented. CNAP should become a place of communication between government and community. Thanks to the CNAP, where according to the principle of "single office" and "open space", within one room, different authorities and units of local government can: conveniently, quickly and professionally serve residents; provide maximum services in one place; provide approvals and conclusions without the involvement of a person (customer); reduce the time of providing services; increase the number of reception hours; create comfortable conditions for waiting and filling out documents, improve access to information and receive advice on any issues [24].

A positive factor is the constant territorial access, but the disadvantage is the high cost of maintaining their own CNAP for small OTG.

Due to the global digital revolution, the use of digital technologies in the provision of services has become a common practice in many highly developed countries. Using the positive experience of European countries, in particular Georgia, the Republic of Poland, Germany, Ukraine has launched its own initiatives for the introduction of digital technologies in the field of administrative services. In Ukraine, the Ministry of Digital Transformation Ukraine has been established to carry out digital transformation in the field of public administration, in particular in the field of administrative services.

One of the most promising models is the provision of administrative services through EDRAP, taking into account with the help of integrated information systems of state bodies and local governments. In order to provide administrative and other public services in electronic form and to systematize and provide comprehensive information on administrative services, as well as to comply with the Law of Ukraine "On Administrative Services" on the Internet created EDPAP. The work of EDPAP is carried out in accordance with the Resolution of the Cabinet of Ministers of Ukraine of January 3, 2013 № 13 "On approval of the Procedure for maintaining the Unified State Portal of Administrative Services" [25].

With the help of the specified model of providing administrative services, a person can apply by making an application in electronic form. The applicant may apply for a small list of services. Such a system is still under construction, especially for newly created OTGs. The full functioning of the system of electronic appeals through EDPAP, including through the integrated information systems of state bodies and local governments is directly dependent on the readiness of the subjects of administrative services to step by step implementation of this form of service, expanding ways to identify subjects, in particular, this is done with the help of a qualified electronic signature or bank identifier.

The establishment of the EDPAP has a positive effect on overcoming corruption, in particular because it provides access to information on administrative services, allows downloading, filling out applications electronically and submitting applications by telecommunications, as well as , which is no less important, the receipt of information by the subjects of the course of consideration of their applications[26, p. 136].

In order to address issues and form a single information and telecommunications infrastructure that provides electronic services, the order of the Government of Ukraine dated November 16, 2016 № 918-r approved the Concept of electronic services in Ukraine [27].

The concept, in particular, provides for the need to regulate at the legislative level the use of electronic digital signature schemes of electronic identification with the establishment of the level of trust in them (low, medium, high) [27].

One of the important problems that arise in the process of providing administrative services through the EDPAP, including through the integrated information systems of state bodies and local governments is the provision of information security.

NP Bortnyk investigates the problem of the need to improve the organizational mechanism of an effective national system of information security of the state. We agree with the position of the scientist on the need to adopt a law of information and legal nature, which would have clear definitions in accordance with the theory of information technology and programming systems, which would reflect the current state of affairs in the modern information world. This law would be the beginning for the development of a Code in the field of information telecommunications and cross-border information systems [28, p. 7].

An important place among the regulations governing the digitization of administrative services is occupied by those related to ensuring the safety of information under state protection (personal data, confidential information, etc.) and security in this area, in particular regarding the digital signature.

The Law of Ukraine "On Administrative Services" provides that in cities and towns that are administrative centers of the Autonomous Republic of Crimea, regions or districts, as well as in the cities of Kyiv and Sevastopol CNAP may provide administrative services to regional, district and relevant city state administrations their agreed solutions. In the case of the formation of CNAP district state administrations, such centers can provide administrative services to regional state administrations and local governments on the basis of their agreed decisions [14, Art. 12].

Thus, the legislation provides for the possibility of providing administrative services within the competence of state bodies and local governments in one CNAP, subject to a joint agreed decision with the territorial divisions of civil registration of the Ministry of Justice, territorial divisions of the State Migration Service of Ukraine, territorial subdivisions of the State Service of Ukraine for Geodesy, Cartography and Cadastre, structural subdivisions of local state administrations for social protection of the population, for guardianship and custody.

Joint provision of services in the CNAP can be carried out by creating a CNAP OTG and placing in it employees of the CNAP of the local state administration. Another option for the provision of OTG services to local state administrations is the creation of the OTG CNAP and the liquidation of the local state administration CNAP. In this case, all services are provided by CNAP OTG on the basis of an agreed decision.

Article 12 of the Law of Ukraine “On Administrative Services” provides that in order to ensure the proper availability of administrative services, territorial subdivisions of the center for the provision of administrative services may be established.

Communities that include many settlements should take care of the inhabitants of their remote areas and use such forms of administrative services as territorial units of CNAPs (branches) or remote workplaces. In case of territorial dispersion of OTG and

adoption of the corresponding decision by local council on creation of territorial divisions of TsNAP (branches) or remote workplaces [29].

The peculiarity of the legal status of the territorial subdivisions of the CNAP is that they are not separate legal entities, but are subordinated in their activities to the central CNAP. An indisputable positive is the close territorial location of such units of the CNAP to citizens.

Article 12 of the Law of Ukraine "On Administrative Services" provides that in order to ensure the proper availability of administrative services may create remote places for the work of administrators of such a center [14].

The most progressive mechanisms for the provision of administrative services on the basis of this rule can be considered the provision of such services by administrators in remote workplaces, field administrators.

The most relevant mechanism for providing administrative services is for communities with disabilities, which, by creating only remote CNAP jobs, can improve the quality of administrative services by concluding cooperation agreements with more affluent communities.

Today, remote places for the work of CNAP administrators are few, such a mechanism for providing administrative services is in the process of formation. In particular, an example is the experience of the Dnipro City Council's CNAP in arranging a remote workplace for the Center's administrator in hard-to-reach areas. The center became the first in Ukraine where such a practice was successfully introduced. In the Taromske microdistrict, which was relatively recently annexed to the city of Dnipro, the CNAP administrator has started accepting documents for receiving services. Also, in the city of Irdyn, Cherkasy region, a remote workplace was opened for the administrator of the Bilozirskaya OTG CNAP, thanks to the creation of which more than 5,000 residents of the Bilozirskaya OTG have access to 61 administrative services in the "single window" format. Previously, they had to cover a distance of 10 km to 30 km to the nearest CNAP [30].

In Ukraine, there are also models of providing administrative services not directly provided by law - through the on-site CNAP and through the mobile CNAP.

At the same time, the operation of on-site (autotransport converted to CNAP) and mobile CNAP (the case is equipped with the necessary equipment for the provision of administrative services) can be considered both as remote places for administrators and CNAP unit.

The exit CNAP is a kind of mobile office on wheels. Such a project was developed by the Kryvyi Rih City Council for a year and a half and implemented in December 2017. This is a specially equipped car-transformer, which in 20 minutes turns into a modern mobile office with a total area of 30 square meters. Up to 15 people can be in the mobile office at a time. In the stationary mode accept 3 administrators. The office is equipped with all necessary communications: electricity, air conditioning, Internet, there is a ramp for people with disabilities. Such an office will be able to travel to remote areas of the city and serve four people at a time. And the services offered are the same as the stationary CNAP. The modular office provides more than 120 types of administrative and municipal services, some services are not yet available to other CNAP [31].

Exit CNAP, working in Slavutych OTG, - it is a special car, fully equipped for two administrators and three visitors, which works in the format of a full-fledged CNAP and provides 80 services in the format of a "single window" directly in villages and hamlets [32].

There are problems in the organization of the provision of administrative services in the social sphere for the inhabitants of rural areas. This is due to the peculiarities of interaction with district state administrations and the Department of Social Protection. The efficiency of mobile CNAP is also influenced by the condition of roads and the quality of Internet coverage required for work in state registers [33].

Under the mobile CNAP we mean a specially equipped suitcase of the mobile CNAP, which has the necessary equipment for the full provision of administrative services. Mobile CNAP has a number of advantages, in particular: service can be provided for people with special needs and in the most remote places of OTG, to work for several OTG. In particular, such a mobile CNAP is used in the Lyman OTG.

The functioning of these alternative models of administrative services is insufficiently regulated at the legislative level, which negatively affects the large-scale development of such phenomena. In particular, the legislator did not describe the procedures for the creation

and operation of such progressive models, did not propose model provisions and regulations (Table 3).

Type of model of providing administrative services	**Normative acts that determine the order of functioning**
Direct provision (headman, administrator, state registrar, head of CNAP, authorized bodies of OTG)	OTG Charter, Regulations on the head, OTG decision on the division of powers between the executive bodies of OTG
Central CNAP	Regulations on CNAP, Regulations of CNAP work
EDPAP and integrated information systems	The procedure for maintaining the Unified State Portal of Administrative Services
Joint CNAP	Jointly agreed decision (memorandum)
Territorial subdivisions of CNAP	Regulations on CNAP, Regulations of CNAP work
Remote workstations of CNAP administrators	Regulations on CNAP, Regulations of CNAP work
Exit CNAP	Missing (needs to be developed *Regulations on exit CNAP, Regulations of work of exit CNAP)*
Mobile CNAP	Absent (it is necessary to develop Regulations on mobile CNAP, Regulations of work of mobile CNAP)

Table. 3. Regulatory regulation of the functioning of models of administrative services

Source: compiled by the author

One of the methods of effective implementation of the above models of administrative services there is inter-municipal cooperation.

The Law of Ukraine "On Cooperation of Territorial Communities" defines organizational and legal principles of cooperation of territorial communities, principles, forms, mechanisms of such cooperation, its stimulation, financing and control.

Article 1 of this law defines the cooperation of territorial communities as relations between two or more territorial communities, carried out on a contractual basis in the forms specified by this law in order to ensure socio-economic, cultural development, improving the quality of services based on common interests and goals, effective implementation by local governments of the powers defined by law [34].

Intermunicipal cooperation - it is an effective tool for improving the quality of services to the population on the basis of common interests and goals, effective implementation by local governments of the powers defined by law [31].

VV Tolkovanova, TV Zhuravlya identify the following key features of cooperation of territorial communities:

1. Cooperation involves relations between two or more territorial communities. This means that two or more territorial communities can enter into a relationship regarding the registration of joint activities. The maximum number of territorial communities as participants in relations is not legally limited.

2. Relations are carried out on a contractual basis in the forms prescribed by law. This feature presupposes the interested parties to carry out relations in accordance with the agreement concluded between them in the form prescribed by law. Since the Law provides for five possible forms of cooperation, for the legal consolidation of each of them provides a "special" subject of the agreement in accordance with the chosen by the subjects of cooperation form of cooperation

3. The purpose of cooperation is to ensure the socio-economic, cultural development of territories, improving the quality of services to the population on the basis of common interests and goals, the effective implementation of local governments of the powers defined by law. Given this feature, it can be concluded that cooperation as a mutually beneficial

relationship of several stakeholders has its own logical final meaning, ie the final result for which the territorial communities entered into relations on a contractual basis [35].

With the help of inter-municipal cooperation it is possible to improve the quality of administrative services by attracting common resources: human, financial, material. The benefits of legislative consolidation of the possibility of inter-municipal cooperation will be manifested in the possibility of close exchange of experience between OTGs, through training, internships for newly created OTGs in the CNT OTG, created earlier. It is also possible to expand the list of services provided.

Two forms of inter-municipal cooperation are most suitable for the sphere of administrative services, in particular, implementation of joint projects and delegation of tasks. In this case, the most optimal is such a form as the implementation of joint projects. It can be used for: creation of one CNAP for several territorial communities, organization of remote jobs; purchase of mobile CNAP, passport equipment, etc. by several territorial communities. The advantage of this form is the possibility of applying a more flexible procedure for concluding an agreement on inter-municipal cooperation. Inter-municipal cooperation can be implemented in the case of:

- non-creation of CNAP in OTG, the number of inhabitants of the territorial community of which is insignificant;
- economic inexpediency of the organization of providing part of administrative services through CNAP OTG due to the high cost of purchasing equipment;
- lack of necessary staff to provide certain services in one of the communities (for example, regarding the registration of real estate rights) [36].

According to the Lviv Center for Local Self-Government Development, there are more than 1,050 territorial communities instruments of inter-municipal cooperation are already used throughout Ukraine, in particular in the field of housing and communal services, education, health care, social protection and fire safety [37].

In characterizing the procedure for providing administrative services, the concepts of "procedure" and "administrative procedure" should be considered, which will better reveal the essence of the procedure for providing administrative services in OTG.

Administrative and legal regulation of the mechanism for exercising the powers of executive bodies in order to protect the rights, freedoms and legitimate interests of individuals and legal entities is an important area of administrative reform. The legal mechanism for exercising the powers of executive bodies is one of the most important components of administrative reform, which is based primarily on constitutional requirements, as well as the norms of other legal acts, mainly of an administrative nature. The procedure is a manifestation of specific legal regimes of law enforcement. SG Bratel believes that the procedure should be viewed through the prism of public relations. That is, successive actions that make up the procedure must be regulated by certain rules of law and aimed at achieving a legal result, which is reflected in certain legal consequences [38].

VP Tymoschuk identifies a number of existing modern approaches to understanding the administrative process, covering different content types of legal activity:

- tortious concept, or administrative-tortious, which covers the relationship of consideration of cases of administrative offenses and the application of measures of administrative coercion;
- jurisdictional concept, which focuses on the relationship of administrative offenses and administrative proceedings;
- judicial concept, which applies only to administrative proceedings;
- administrative-judicial concept, which covers the relationship of administrative complaints and administrative proceedings;
- management concept, covering the activities of public administration bodies;
- positive management concept, which covers all activities of public administration bodies, except for relations concerning the consideration of cases of administrative offenses;
- broad, positive concept, which covers all relations regarding the application of administrative law, as well as the application in some cases of substantive rules of other branches of law [39, 34 p.].

The procedure for providing administrative services can be considered in the framework of management, positive management and broad concepts.

Rightly, Yu. M. Frolov refers to the main defining features that characterize the concept of administrative procedure:

- public nature and special subject composition - the administrative procedure is carried out in the public sphere directly related to the activities of public administration bodies and is accompanied by their use of appropriate powers, taking into account the public interest;
- normative character - the administrative procedure is regulated by administrative and legal norms, which clearly regulate the activity of authorized bodies and officials;
- individual character - the decision made in the case concerns specific individuals or legal entities that are in relations with public administration bodies;
- indisputable nature - the subject of administrative procedure are individual administrative cases in which disputes are not resolved and complaints of individuals against actions and decisions of public administration are not considered;
- staged nature - involves the sequential implementation of several stages, provided that each subsequent stage has its starting point the legal result of the previous stage, special focus administrative procedure does not result in the application of coercive measures, its purpose is to ensure the implementation of rights or obligations subject of legal relations in the field of public administration, the administrative procedure ends with the adoption of the relevant normative act binding [40].

The Law of Ukraine “On Administrative Services” provides for streamlining of internal procedures for the provision of administrative services, in particular through their normative consolidation in technological and information cards. Analyzing the essence of the procedure for providing administrative services in OTG, we will consider such a normative document as a technological card of administrative service, which in accordance with Part 5 of Article 8 of the Law of Ukraine "On Administrative Services" contains information on the provision of administrative services, namely: stages of processing the application for the provision of administrative services; information about responsible official, structural units responsible for the stages (action, decision); terms of execution of stages (actions, decisions) [14].

The action of this article is aimed at streamlining the procedure for providing administrative services, which consists in a clear description of its stages, detailing and delimitation of powers, a description of the terms of consideration of the application for the

provision of administrative services. From the content of technological cards it is possible to exercise control over the subject of administrative services, at each stage of service provision. Such clear regulation and detailed description of the procedure for the provision of administrative services is a positive mechanism for combating corruption schemes, as all stages of service provision cease to be involved for the subjects of appeal, become accessible and understandable.

V. Mykhailyshyn singles out the following epics of providing administrative services:

- informing recipients of administrative services on the content and procedure for providing administrative services;
- registration of a request for the provision of administrative services;
- carrying out by the administrative body, if necessary, additional stages and procedures (involvement of experts, consultations, obtaining information from other organizations and institutions);
- preparation for the provision of administrative services: calculation of costs for the provision of administrative services, determination of units and specialists responsible for the preparation of administrative services, calculation of costs paid by the recipient (eg examination), determination of terms for administrative services, preparation of the relevant document;
- registration of administrative service: printing, duplication of the document, filing and sealing, payment for the service, transfer of the document to the recipient [41].

Technological card of administrative service is a document which describes in detail the procedure of providing a specific administrative service from the moment the subject of administrative services receives an application for administrative service to the issuance of the result to the subject of appeal [42, 256 p.].

The procedure for providing administrative services consists of certain stages, which are summarized in the Resolution of the Cabinet of Ministers of Ukraine of January 30, 2013 № 44 "On approval of requirements for the preparation of a technological card of administrative services." In particular, paragraph 6 states that the stages of processing an application for the provision of administrative services include:

1. registration (registration) of the address of the subject of the address;

2. processing of the address and registration (approval) of the result of rendering of administrative service by structural divisions and officials of the subject of rendering of administrative service;

3. issuance of the result of the provision of administrative services and its registration [43].

The first stage of the procedure for providing administrative services - registration (registration) of the subject of the application, which includes the stages defined in the Resolution of the Cabinet of Ministers of Ukraine of August 1, 2013 № 588 "On approval of the Model Regulations of the Center for Administrative Services": administrator checks the compliance of the incoming package of documents to the information card of the administrative service, if necessary, assists the subject of the application in filling out the application form; registers the incoming package of documents by entering data into the registration journal (in paper and / or electronic form); draws up a letter on the case in paper and / or electronic form; provides an incoming package of documents to the subject of administrative services [44].

Thus, this stage involves not only the registration and verification of the application, but also the obligation of the registrar to assist the subject of application in filling out the application form, which indicates the democratization of this procedure and implementation of the principles enshrined in law.

The issue of registration of the address needs special attention the subject of the application in electronic form. After all, the main problems are related to the peculiarities of the practical mechanism for implementing the use of digital electronic signatures.

Clause 6 of the Resolution of the Cabinet of Ministers of Ukraine “On Approval of Requirements for Preparation of the Technological Card of Administrative Services” stipulates that the stages of processing an application for administrative services are determined in accordance with the requirements of regulations establishing administrative services. That is, for certain types of administrative services may be provided for a different number of stages at this stage, which is defined in the relevant legislation. This provision, in particular, determines the second stage of the relevant procedure [45].

In the second stage, it is worth paying attention to the problems of internal control in the process of providing administrative services. In general, internal control is carried out in the system of the relevant body of public administration, ie this type of control is carried out by the administrative bodies themselves and their officials. Thus, within the internal control, the heads of administrative bodies are obliged to control the actions of subordinates, for the legality of actions, their necessity, expediency and effectiveness. As a result, the main problems in this aspect are the rational distribution of functions, powers and competencies in the field of administrative services and effective interaction [42, p. 256].

It is at this stage that the process of providing administrative services takes place. This stage is perhaps the most important in building the recipient's trust in OTG officials. The analysis of the positive experience and normative documents of the Republic of Poland on the provision of services by the local authorities to the population shows that they focus on building a positive image, clear legislation, standardization and simplified procedures, use of computer technology. [46]. Borrowing the experience of the Republic of Poland in the development and implementation of similar programs would have positive consequences not only at this stage of service provision, but also for the formation of a positive image as a whole.

Regarding the third stage, it includes the following stages: the subject of administrative service forms the initial package of documents, transmits it to the CNAP, indicates this in the letter of the case; the administrator of the center informs about the result of providing administrative services to the subject in the manner specified in the description of the incoming package of documents, transfers the outgoing package of documents to the subject in person against a receipt or in cases provided by law, in another way acceptable to the subject [47, p. 130].

The information card of the administrative service contains information about: the subject of providing the administrative service and / or CNAP (name, location, mode of operation, telephone, e-mail address of the website); a list of documents required to obtain administrative services, the procedure and method of their submission, and if necessary - information on the conditions or grounds for receiving administrative services; payment or gratuitousness of administrative service, amount and procedure for payment (administrative

fee) for paid administrative service; term of providing administrative service; the result of providing administrative services; possible ways to get an answer (result); acts of legislation regulating the procedure and conditions for providing administrative services [44].

VP Tymoschuk rightly points out that the information card of the administrative service has the task of providing useful information for the person and should not be overloaded with unnecessary information. A balance should be struck between the informativeness of the card and its ease of use. Excessive arrays of information increase the size of the cards and demotivate the subjects of treatment to get acquainted with the cards. A high-quality information card reduces the need for oral and other personal consultations, and is a source of information for both consumers of services and for staff who receive visitors [48, with. 36].

Thus, pformed a new approach to the provision of administrative services, which consists in the availability of all necessary information about the procedure for the provision of administrative services. Such accessibility is realized through legislative consolidation mandatory approval for each service provided in the OTG information and technology cards. This approach significantly simplified the understanding of the procedure for providing administrative services for both the subjects of application and for the subjects of provision.

In order to ensure the availability and proper quality of public services, the legislator provides several possible ways to obtain administrative services, which implements the goal of reforming local governments in Ukraine, which is to move away from the centralized model of government in the state. Ukraine, in particular, this applies to the provision of administrative services [49].

Analyzing the peculiarities of the procedure for providing administrative services, it is necessary to investigate the peculiarities of determining and approving the list of administrative services provided through the OTG CNAP. Such a list is determined by the body that made the decision to establish the CNAP. When compiling the List of administrative services provided through the CNAP, it is necessary to take into account the requirements of Part 7 of Article 12 of the Law of Ukraine "On Administrative Services", according to which the List of administrative services provided through the CNAP must include administrative services. Ministers of Ukraine № 523 dated 16.05.2014 [50].

According to the decision of the body that established the center for the provision of administrative services, such a center may also: 1) accept reports, declarations, complaints; 2) providing consultations; 3) acceptance and issuance of documents not related to the provision of administrative services; 4) conclusion of contracts and agreements by representatives of economic entities that occupy a monopoly position in the relevant market of services of social importance to the population (water, heat, gas, electricity, etc.) [50].

SV Kivalov classifies possible services provided by local governments into the following: services related to land issues; architectural and construction control services; passport registration services; real estate registration services; civil status registration services; real estate registration services; registration services or deregistration of residents [51, p. 312]. However, this classification does not fully cover all services that can be provided in OTG.

IP Golosnichenko points out that in rural-type OTGs with disabilities, there are the following administrative services: registration of civil status acts; registration of residence; services for "internal passports"; allocation of subsidies; appointment of certain types of state aid [52, with. 98].

Thus, VP Tymoschuk emphasizes the importance of ensuring that the quality of such services does not deteriorate in the process of OTG development. CNAP is necessary for every operating OTG, because it is the most effective and convenient mechanism for providing administrative services [53, 104 p.].

The process of providing administrative services is associated with a variety of risks, the identification of which will show gaps in their legal regulation and will improve the quality of administrative services by eliminating them.

AV Tolstoukhov, rightly points out that the provision of administrative services is associated with significant corruption risks. A study of corruption in the provision of administrative services by public administration bodies identified the following main corruption risks: unreasonably long deadlines for the provision of certain administrative services; the general complexity of the procedure for providing many administrative services; personal communication (contact) of a private person - consumer of administrative service with an official who provides administrative service; limited access to the

administrative body that provides administrative services; limited opportunities of an individual to choose the method of applying for an administrative service; lack of information on the procedure for providing administrative services; disorderly payment for the provision of administrative services, the establishment of additional "paid services"; territorial monopoly in the provision of administrative services [54].

The issue of personal communication of citizens applying for administrative services with the official who provides them is most relevant for insolvent rural and urban OTGs, where services are provided directly, without the creation of CNAP. The solution to this problem is seen through the implementation of inter-municipal cooperation.

Lack of information on the procedure for providing administrative services provided in OTG, due to poor quality information and technology cards, can lead to abuse by officials who provide administrative services. Analysis of OTG technological and information cards indicates the presence of such shortcomings as the lack of a clear list of necessary documents, determination of the body providing the service, setting deadlines for the provision of services that contradict the law, information on the procedure for appealing or failing to provide services. These shortcomings can be identified as corruption risks. Overcoming these is possible by conducting mandatory training of persons responsible for the development of information and technology cards,

Also important in the fight against corruption was the consolidation at the legislative level of the provision of related services required for the application of administrative services, and the establishment of a ban on executive authorities, local governments, and their officials to provide such services on a paid basis. The provisions of the article are aimed at eliminating possible corruption risks, such as requiring the subject of administrative services to remunerate for organizational actions.

The establishment of the EDPAP also has a positive effect in combating corruption, in particular, provides access to information on administrative services, allows downloading, filling out applications electronically and submitting applications by telecommunications, as well as, which is no less important, the receipt by the subjects of the request of information on the course of consideration of their applications.

Taking into account the results of sociological research, the main corruption risks in the field of administrative services IB Koliushko, VP Tymoschuk call the general complexity of the procedure for providing administrative services; unreasonably long terms of providing certain administrative services; lack of information on the procedure for providing administrative services; limited access to administrative bodies providing services (limited reception time, queues, etc.). In the control and supervision sphere, the main corruption risks are recognized as: unreasonably wide interfering powers of many administrative bodies to suspend / prohibit activities (in particular, entities) of the existence in some administrative bodies of unreasonable powers to conduct on-site inspections.);

2.3 Legal regulation of the elimination of conflicts of interest in the provision of administrative services in the united territorial communities.

Corruption remains one of the main problems for Ukraine to become a state governed by the rule of law. Addressing corruption, and in particular preventing and resolving conflicts of interest, is one of the priorities for Ukrainian society at this stage of Ukraine's formation, following and using European values and experience. Measures to prevent and resolve conflicts of interest are one of the conditions for Ukraine's cooperation with the EU, the United States and other international partners. Thus, it is important to study the legal framework for the prevention and settlement of conflicts of interest in Ukraine and foreign experience in providing administrative services in OTG. The issue of conflict of interest is most relevant in small OTGs, as the risk of conflict of interest there is quite high.

To form a clear understanding of the content of the institution of prevention and settlement of conflicts of interest, in particular in the activities of local government officials and deputies of local councils OTG, first of all, it is necessary to study international regulations and national legislation governing the phenomenon, to analyze the term "conflict of interest". ", As well as its application in the exercise of powers by OTG officials and deputies of OTG councils.

Corruption is a transnational phenomenon that negatively affects the economies of all countries, the standard of living of people, in connection with which international

cooperation in the field of preventing and controlling corruption has become extremely important. The main normative act of international law in the field of prevention and counteraction to corruption is the UN Convention against Corruption, adopted on October 31, 2003 by General Assembly Resolution 58/4, ratified by the Law of Ukraine of October 18, 2006 № 251-V, but entered into force for Ukraine January 1, 2010. Part of the provisions of this Convention is devoted to measures to prevent and resolve conflicts of interest of officials authorized to perform state functions. In particular, it is enshrined that each State Party seeks, in accordance with the fundamental principles of its domestic law, to establish, maintain and strengthen such systems, which promote transparency and prevent conflicts of interest; introduce measures and systems that oblige public officials to provide declarations to the relevant authorities on extracurricular activities, occupations, investments, assets, and on significant gifts or profits that may give rise to a conflict of interest regarding their functions as public officials. Measures to achieve these goals may include promoting the development of standards and procedures designed to ensure the integrity of relevant private legal entities, including codes of conduct for the proper, fair and proper conduct of business by entrepreneurs and members of all relevant professions and conflict prevention. interests,

The International Code of Conduct for Public Officials, also adopted by Ukraine on July 23, 1996, is aimed at combating corruption. and financial benefits for their families. They do not participate in any agreements, hold any position, perform any functions and have no financial, commercial or other similar interests that are incompatible with their position, functions, responsibilities or their performance. To the extent required by the position, and in accordance with laws and administrative regulations, public officials shall notify business, commercial or financial interests and activities, which is carried out in order to obtain financial profits, which may lead to a possible conflict of interest. In the event of a possible or foreseeable conflict between the responsibilities and private interests of public officials, they take measures to eliminate the conflict of interest [57].

The content of these international regulations, to which Ukraine has committed itself, shows the definition of the basic principles of conflict resolution and the obligation to determine national legislation to prevent and resolve conflicts of interest.

The Law of Ukraine "On Prevention of Corruption" establishes the organizational and legal basis for systematic work on the prevention of corruption in the state, this legal act defines the use of preventive anti-corruption mechanisms, including prevention and settlement of conflicts of interest.

An innovation of this law, in comparison with previous anti-corruption regulations, is the legislative consolidation of such terms as "potential conflict of interest" and "real conflict of interest". In particular, the first concept is understood-the person has a private interest in the field in which he performs his official or representative powers, which may affect the objectivity or impartiality of his decisions, or the commission or failure to act in the exercise of these powers; and a real conflict of interest- contradiction between the private interest of a person and his official or representative powers, which affects the objectivity or impartiality of decision-making, or the commission or non-commission of actions in the exercise of these powers [65].

Due to the lack of authentic interpretation and established case law, the issue of clear demarcation of potential and actual conflicts of interest remains open. From the above definitions it is seen that in a potential conflict of interest (as opposed to real) private interest can affect the objectivity of decision-making or action only in the future under certain circumstances. This position is consistent with the Guidelines on the prevention and settlement of conflicts of interest [59].

V. Savkin, believes that, despite the fact that the conflict of interest can not be equated with corruption, in most cases, corruption occurs where the private interest affects or may affect the performance of official duties by a public servant, and therefore inadequate settling conflicts between the private interests and responsibilities of public servants can be a source of corruption [60].

K. Bugaychuk, O. Bespalova, rightly note that a conflict of interest can occur not only when this contradiction has actually affected the objectivity or impartiality of decision-making (committing or failing to act), but also when it can potentially to influence them [61].

In the European legislative practice the characteristic of the conflict of interests as the conflict between the state duties and private interests of the public official offered in

Recommendations of the Organization for Economic Cooperation and Development in which the interest of the public official connected with private opportunities can negatively influence its performance is widespread. their job responsibilities and functions [62].

Local government officials and deputies of local councils, in particular OTGs, are the subjects to which the norms on prevention and settlement of conflicts of interest apply.

The Law of Ukraine "On Prevention of Corruption" stipulates that the peculiarities of resolving conflicts of interest arising in the activities of certain categories of persons authorized to perform the functions of state or local self-government, including deputies of local councils are determined by laws governing the status of these persons. relevant authorities.

The Law of Ukraine “On Local Self-Government in Ukraine” defines the principles of organization of local self-government in Ukraine and establishes the procedure for resolving conflicts of interest. In accordance with the specified normative attack, the village, settlement, city mayor, secretary, deputy of the village, settlement, city council, chairman, deputy chairman, deputy of the district, regional, district council in the city participates in consideration, preparation and decision-making by the relevant council independent public announcement of the conflict of interests during the meeting of the council, which considers the relevant issue [8].

Analyzing this rule, we see that in a situation of potential or actual conflict of interest, these persons authorized to perform local government functions have the right to participate in the consideration, preparation, decision-making by the relevant council, only subject to certain conditions. In particular, a person must on his own initiative publicly declare a conflict of interest during a meeting of the relevant council, before considering the issue in which his private interest is resolved, such information should be recorded in the minutes of the meeting.

Thus, the legislator allows voting by a deputy at a meeting of the local council of OTG in the event of a conflict of interest, but only if these conditions are met.

However, council deputies and OTG officials exercise their powers in the field of administrative services, not only in the format of voting at council meetings, executive committees, but also participate in standing and other council commissions, council

executive bodies, and working groups. The Law of Ukraine “On Local Self-Government in Ukraine” does not regulate the procedure for preventing and resolving conflicts of interest in such circumstances.

Since the Law of Ukraine "On Local Self-Government in Ukraine" does not contain special rules for preventing or resolving conflicts of interest regarding these forms of exercise of powers by these persons, they are subject to Article 35 of the Law of Ukraine "On Prevention of Corruption" [64].

This article stipulates that in the event of a real or potential conflict of interest of a person authorized to perform local government functions, or a person equated to it, who is a member of a collegial body (committee, commission, board, etc.), such a person has no right to take participation in decision-making by this body. If the non-participation of a person authorized to perform the functions of state or local self-government, a person equated to him, who is a member of a collegial body, in decision-making by this body will lead to loss of authority of this body, such as lack of quorum, to take place under external control, on which the collegial body makes the appropriate decision [64].

In order to form a unified approach to understanding and complying with the rules of prevention and settlement of conflicts of interest and related restrictions, the National Agency for Prevention of Corruption by its decision of September 29, 2017 № 839 approved Guidelines for the prevention and settlement of conflicts of interest. These Guidelines are not a normative act, but they summarize and use the practice of the National Agency for the Prevention of Corruption, as well as the work of international organizations, public authorities, research institutions, civil society institutions. Using these materials, on the basis of current legislation and taking into account international experience, basic practical tools are proposed to increase the effectiveness of identifying, preventing and resolving conflicts of interest,

Article 29 of the Law of Ukraine “On Prevention of Corruption” defines measures for external and independent settlement of conflicts of interest. Therefore, this can be done by: removing a person from the task, taking action, making a decision or participating in its adoption in a real or potential conflict of interest; application of external control over the person's performance of the relevant task, the performance of certain actions or decisions;

restricting a person's access to certain information; review of the scope of official powers of the person; transfer of a person to another position; release of a person [64].

Removal of a person from the task, action, decision-making or participation in its adoption in a real or potential conflict of interest may be as follows: non-participation of a person with a conflict of interest in the preparation and approval of decisions on the application for administrative services; or by non-participation of a person with a conflict of interest in voting during the consideration of the decision at the meeting of the profile standing committee and the plenary meeting of the council.

The use of external control over a person's performance of a relevant task, the performance of certain actions or decisions can be carried out not only by management but also by the public.

When providing administrative services to OTGs, it is impractical to take measures to eliminate conflicts of interest by reviewing the scope of a person's official powers, transferring a person to another position or dismissing a person, as such services are usually one-time and may be resolved by less radical measures. , mentioned above.

When making decisions in the event of a conflict of interest in the work of CNAP administrators, the type of job responsibilities should be taken into account. Thus, when administrators perform the function of an intermediary in the provision of administrative services, there are no corruption risks, but in the case of direct provision of administrative services may be a conflict of interest, in which case it can be eliminated by performing the functions of administrator - the head of such CNAP.

Finland and Belgium, which rank among the least corrupt countries, have demonstrated international experience in effectively fighting corruption. In this area, Belgium has not only followed the traditional path of establishing criminal liability for corruption, but has also taken care to prevent corruption by providing explanations of norms, rules, standards, and reminders of them, including conflicts of interest.

Thus, as the positive international experience shows, the preventive nature of measures taken to prevent abuse of office is important in resolving conflicts of interest [65, 9-10 p.].

One of the important mechanisms to prevent conflicts of interest in the civil service, an analogue of which should be introduced in Ukraine in the first place, is the ban on combining official activities with positions in public organizations and parties. In many countries, such a ban is imposed on judges (in almost all European countries) and civil servants of certain categories (Poland, Great Britain, Hungary). The main purpose of imposing such restrictions is to prevent the politicization of the judiciary and the civil service. In contrast, Ukraine is over-politicized in all areas of public administration and at all levels. This tendency is unacceptable for a democratic society and undermines the authority of the institution of civil service and public administration in general [66].

In order to prevent conflicts of interest, OTGs adopt special anti-corruption local regulations to address procedural issues.

In particular, in Ivanivka village united territorial community approved by the decision of Ivanivka village council from September 8, 2017 № 254 "Procedure for prevention and settlement of conflicts of interest in Ivanivka village council and its executive committee" [67]. The decision of the session of Starobogorodchany OTG dated 27.11.2017 № 578-17 / 2017 "On approval of the" Procedure for prevention and settlement of conflicts of interest in Starobogorodchany village council of the united territorial community and its executive bodies "approved" Procedure for prevention and settlement of conflicts of interest the village council of the united territorial community and its executive bodies ”[68]. Decision of August 31, 2017 № 1320 "On approval of the Regulations on the prevention and settlement of conflicts of interest in Trostyanets village council of Trostyanets OTG and bodies

These local regulations combine in one document, each of these OTG, the rules governing the prevention and settlement of conflicts of interest, as well as clarify the procedural issues that are not fully regulated at the national level. Thus, these regulations determine the procedure for notifying the possibility of a conflict of interest, the procedure for resolving conflicts of interest in the activities of a person who is a member of a collegial body and officials, measures of external and independent settlement of conflicts of interest.

A large share of administrative services are provided to OTGs in the order of decision-making by OTG councils, which are taken by voting by council deputies. These include

administrative services for the allocation of land for ownership or use, the lease of communal property, the approval of outdoor advertising and many other issues. The algorithm of actions in case of conflict of interests of deputies of OTG councils in the process of providing administrative services consists of certain actions that must be performed in a certain period of time by authorized entities (Table № 4).

Action	**Entities are authorized to take action**	**Terms of commission**
Written notification on the conflict of interests of the standing deputy commission of the OTG, which is entrusted with the relevant functions for the settlement of conflicts of interest	A deputy who has a real or potential conflict of interest	No later than the next business day from the moment when the person learned or should have learned about the conflict of interest
Public announcement of conflict of interest with mandatory entry in the minutes	A deputy who has submitted a written notice or any other member of a collegial body or a participant in a sitting, member of the authorized deputy commission	During the plenary session, board, commission, etc.
Self-recusal regarding participation in decision-making or participation in voting under external control (if the person's non-participation will lead to the loss of authority of the collegial body)	The deputy who submitted the written notice	During the plenary session, board, commission, etc.

Table. № 4 Algorithm of actions in case of conflict of interests of OTG council deputies in the process of providing administrative services.

Source: compiled by the author

A. Pashinsky's position that a conflict between private interest and representative powers can arise even in a person who takes all possible measures to prevent such a conflict in good faith is correct. At the same time, it is important to understand that the very fact of the existence of a conflict of interest is neither a crime, nor an offense, nor a violation of the rules of deputy ethics. Conflicts of interest turn into a corruption offense only when it has not been properly declared and / or the person has taken certain actions under its influence [70].

Conclusions to the second section

Summing up, the analysis of the practice and mechanism of providing administrative services in OTG conducted in the second section we can draw the following conclusions.

1. One of the prerequisites for creating a full-fledged system of local self-government in any state is to determine its scope. Comprehensive understanding of the mechanism of realization of functions of territorial communities will promote creation of the integral theory of functions of local government that, in turn, will solve certain practical problems arising in the course of the decision of questions of local value, in particular rendering administrative services of OTG that will promote creation of system of local democracy. built on the principles proclaimed in the European Charter of Local Self-Government and enshrined in the Constitution of Ukraine.

2. Identification of subjects of administrative services and their powers in OTG carried out by analyzing the regulations and the structure of urban, township and rural OTG, in particular, the following are defined: for the sake of; executive bodies of councils; local government officials.

3. Delegated and own powers of OTG councils and executive bodies in the field of administrative services should be classified according to the sphere of public relations in which these services are provided, in particular on the following issues: housing, social,

doing business, architecture and urban planning, use of land and natural resources,, family relations and care, passport, registration, archival affairs, in the field of OTG infrastructure.

4. The study of the legal status of the head of the OTG revealed the need to consolidate the head of the Regulations on the head and the Charter of the OTG powers to provide administrative services, which will eliminate the inconsistency of rules governing the provision of administrative and other services by the head.

5. At work several key models of providing administrative services in OTG have been identified, in particular: directly (headman, administrator, authorized bodies of OTG); through the CNAP created in the OTG center;through EDPAP; through a joint CNAP; through territorial subdivisions of CNAP; byremote workstations of CNAP administrators; through the exit CNAP; through the mobile CNAP. The analysis of the regulatory framework of these models revealed the need to eliminate gaps in the legislation and the need for legal regulation of the work of on-site CNAP and mobile CNAP. In order to most effectively organize the provision of administrative services to the joint CNAP, it is necessary to develop a standard memorandum (agreement) on cooperation. Inter-municipal cooperation between OTGs in resolving staffing, financial and other issues is important.

6. One of the controversial issues is the direct provision of administrative services by the administrator. Execution of powers by the administrator directly, and not as an intermediary, can offset one of the main positives and goals of administrative reform - overcoming corruption risks through the lack of direct contact between the subjects of provision and receipt of administrative services. However, among these services there are no ones that require the mandatory involvement of other subjects of administrative services, and through the direct provision of services by the administrator there is a process of debureaucratization.

7. The transnational nature of corruption has led to the adoption by the international community of regulations aimed at unifying the approach to combating corruption. International regulations enshrine only the basic principles of preventing and resolving conflicts of interest, but by ratifying them, Ukraine has committed itself to developing national legislation to combat corruption, including the settlement of conflicts of interest. The issue of prevention or settlement of conflicts of interest of local government officials

and deputies of local councils remains unclear. The legislation regulating the activity of the CNAP is at the stage of formation and needs to be improved, changes to the norms are made in order to eliminate corruption risks.

8. In modern conditions, the functioning of the CNAP and EDPAP websites is important for overcoming corruption. A negative factor in this area is the lack of legislative enshrinement of the responsibility of officials for the improper functioning of the CNAP websites, registration for the reception in electronic form to receive the service, and so on. This makes it impossible to apply administrative and legal measures of influence for improper work of officials who ensure the functioning of electronic means of work of the CNAP. The analysis shows the need to eliminate corruption risks and legislate the responsibility of officials for the improper functioning of electronic means of CNAP.

9. Gradually, the provision of administrative services is being translated into electronic format. Digital reform requires significant work, promising areas of work on the introduction and use of information and telecommunications technologies in the provision of administrative services is the development of regulations that would regulate the legal relationship that will develop in connection with the provision of electronic services via smartphone, electronic systems interaction of state electronic information resources. Need legislative regulation of the functioning and protection of e-identification. An important area of digitization of the provision of administrative services to the population is the implementation of regulatory measures that will facilitate the mastery of the latest information and telecommunications technologies by officials who provide services,

10. The Law of Ukraine "On Local Self-Government in Ukraine" does not regulate the procedure for preventing conflicts of interest during the exercise of their powers in the standing and other commissions of the council, executive bodies of the council, working groups. It is necessary to clearly regulate this issue at the legislative level and make appropriate amendments to the Law of Ukraine "On Local Self-Government in Ukraine", as the Law of Ukraine "On Prevention of Corruption" indicates that this issue should be determined by law governing the status of persons and principles. organization of relevant bodies.

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CHAPTER 3

IMPROVING THE LEGAL REGULATION OF THE PROVISION OF ADMINISTRATIVE SERVICES IN UNITED TERRITORIAL COMMUNITIES

3.1 Substantiation of proposals to the legislation on improvement of legal regulation of rendering of administrative services in the united territorial communities

The study of the regulatory and legal regulation of the provision of administrative services in OTG will help identify shortcomings in the national regulation of such legal relations in order to improve them, improve quality, create a proper legal basis for the functioning of effective CNAP.

The practical process of providing administrative services in OTGconstantly identifies problematic issues that need to be resolved by law. An important contribution to the improved provision of administrative services in OTG was made by experts through the implementation of joint programs under the international program "U-LEAD with Europe", which aims to ensure the availability of administrative services regardless of the place of residence. The experts comprehensively studied practical institutional and personnel issues, problematic aspects of the implementation of all groups of administrative services.

VP Tymoschuk believes that, improving the system of administrative services, it is necessary to consider the general prospects for the development of the entire system of their provision, in particular: deregulation and administrative simplification; streamlining the payment for administrative services; creation of integrated offices - centers for administrative services; decentralization, ie transfer, delegation of powers to provide administrative services to local governments [1].

AI Pautov notes that the current state of administrative services is characterized by the following factors: the need to decentralize the provision of administrative services, clarifying the powers of local governments to provide administrative services; to introduce a progressive system of financing the centers of administrative services; acts of the Cabinet

of Ministers of Ukraine to ensure the implementation of the policy of decentralization of powers and the establishment of integrated offices; to ensure the spread of remote provision of administrative services through information and communication technologies; to introduce electronic document management [2].

Important in improving the legislation is the use of positive international experience, in particular on the codification of administrative-procedural relations.

In European countries, as a rule, the regulation of the provision of administrative services is carried out by codified acts, which extend their effect to the full range of administrative-procedural relations, including the sphere of administrative services. For example, in Germany there is the Law on Administrative Procedure, in Sweden the Law on Public Administration, in Poland - the Code of Administrative Procedure, in Spain - the Law on Supervision of Quality Services of Public Authorities, in Portugal - the Charter on Quality in Public Services. The Republic of Austria has the General Law on Administrative Procedure, the Netherlands has the General Administrative Law Act, and so on. In addition, legislation adopted at the local level is of particular importance for the legal regulation of the provision of administrative services in most EU Member States.

Ukrainian legal science has long focused on the need to adopt an Administrative Procedure Code. Such a code is necessary in order to create legal protection for citizens from possible offenses by authorities and officials in power. The legislative act will introduce a new ideology of government functioning, will help to limit the manifestations of bureaucracy, arbitrariness and corruption on the part of officials, will increase the efficiency of government work [4].

In 2012, the government submitted a draft Administrative Procedure Code to the Parliament, but it did not find sufficient support.

National regulations, which are the legal basis for the provision of administrative services in OTG, can be divided into two categories: regulations that regulate the activities and determine the scope of their own and delegated powers of local governments, regulations governing procedural issues of providing administrative services.

Examining the issues of legal regulation of the provision of administrative services in OTG, identified problematic aspects that require improvement of the instrument of legal regulation of these categories.

WITHamong the regulations that regulate the activities and determine the scope of powers of local governments, the following issues need to be improved:

- on consolidating the legal status of communities;
- on decentralization, in particular the delegation of powers to provide administrative services to local governments.

Among the normative legal acts regulating the provision of administrative services, it is necessary to resolve the following problematic issues:

- regarding educational and qualification requirements for administrators and their awarding;
- to determine the mandatory list of services for different types of OTG;
- on the organization of work and the provision of specific administrative services;
- on the normative regulation of alternative models of administrative services.

We describe the imperfections of legal regulation identified in the study and suggest options for their improvement.

There is a problem of identification and legal status of the territorial community as a legal entity under public law [5].

In accordance with Article 8 of the Law of Ukraine "On Voluntary Association of Territorial Communities" is the reorganization of the relevant legal entities - village, town, city councils, elected by the merged territorial communities and located outside the administrative center of OTG, by joining the legal entity - village, settlement, city council, located in the administrative center of OTG [6].

The legal status of territorial communities is determined by the Constitution of Ukraine, the European Charter of Local Self-Government, the Laws of Ukraine "On Local Self-Government", "On Voluntary Association of Territorial Communities", the Civil Code of Ukraine and other regulations.

In science, there are many approaches to understanding the concept of "territorial community". Analysis of numerical definitions gives grounds to identify the following

criteria for determining the territorial community, based on one or another feature of the local community or a set of them as fundamental conceptual concepts: territorial, sociological, constitutional, complex or systemic [7].

The Law of Ukraine "On Local Self-Government" defines the term "territorial community" on a territorial basis, as residents united by permanent residence within a village, town, city, which are independent administrative-territorial units, or voluntary association of residents of several villages, having a single administrative center [8].

A broader approach to understanding the concept of "territorial community" is broader, in particular V. Kravchenko's understanding as a set of citizens who live together in an urban or rural settlement, have collective interests and a legal status defined by law [9, p. 76].

The understanding of the concept of "territorial community" in the context of the European Charter of Local Self-Government is contradictory. According to the official translation of the Charter, the term "local authorities" has been translated as "local authorities".

However, translated from French, the text of which has the same legal force as the English version, the term "collectivites locales" translates as: collectivites - communities, and local - local, local.

Thus, there are at least three variants of the translation of the term "local authorities": local authorities (local authorities), territorial community and local governments. To assess the correctness and correctness of the understanding of the essence of the term "local authorities", we should turn to the origins and history of the adoption of the Charter. In particular, the adoption of the Charter was preceded by the 64th resolution of the European Conference of Local Authorities, the essence of which was to guarantee the rights and freedoms of local communities and to ensure a certain autonomy of local communities with local authorities under their responsibility. Thus, it was about local communities and their rights and freedoms, which is confirmed by the use in the text of the resolution of the terms: English. "Local communities" and French. "Collectivités locales" - local communities (local (local) groups) [10]. The text of the 126th resolution of the Conference already uses the term "local authorities", but the French version contained the term "collectivités

locales", and the text of the resolution referred to the original sources and grounds for its adoption, one of which was the 64th resolution of the Conference. Thus, the analysis of the preconditions for the adoption of the Charter, translations of the texts of the 64th and 126th resolutions of the Conference of Local and Regional Authorities of Europe, in English and French can be argued about the need and correctness of understanding the term "local authorities". teams) »[11]. one of which was called the 64th resolution of the Conference. Thus, the analysis of the preconditions for the adoption of the Charter, translations of the texts of the 64th and 126th resolutions of the Conference of Local and Regional Authorities of Europe, in English and French can be argued about the need and correctness of understanding the term "local authorities". teams) »[11]. one of which was called the 64th resolution of the Conference. Thus, the analysis of the preconditions for the adoption of the Charter, translations of the texts of the 64th and 126th resolutions of the Conference of Local and Regional Authorities of Europe, in English and French can be argued about the need and correctness of understanding the term "local authorities". teams) »[11].

Thus, discrepancies in the translations of the provisions of the Charter in Ukraine and abroad cannot be considered ordinary, because on the basis of certain translation options different conceptual state institutions in the understanding and organization of local self-government are formed. The above emphasizes the importance of the role of the territorial community in the implementation of local self-government, and, consequently, the proper implementation of municipal policy. However, the provisions of the Charter emphasize the ability to address issues of local importance for the effective implementation of local self-government, which provides for the availability of appropriate resources (namely, financial, material, human and other resources) available to these entities. This approach is extremely important because it allows you to find out when local government really works, and when it remains only declared, its legal model is not put into practice. The primary subject in the system of local self-government is the territorial community [11].

Extrapolating the meaning of the definition of "legal status" in relation to the territorial community, we have reason to note that the legal status of the territorial community is a system enshrined in regulations and international acts, rights and

responsibilities of the territorial community, which determine its legal status in society and state. In more detail, the legal status of a territorial community is a system of legally established rights and responsibilities of residents united by permanent residence within a village, settlement, city, which are independent administrative-territorial units, or voluntarily united residents of several villages with single administrative center [12].

The position of AF Tkachuk is well-founded, who believes that the recognition of the right of a legal entity by a territorial community from the point of view of philosophy is important. In this case, it is a set of people who are a territorial community, on the one hand, through a local referendum directly manages local affairs and are recognized as the entity on whose behalf the elected and formed bodies - local council, executive committee, village head. However, the author emphasizes that it is very difficult to make decisions directly - by the territorial community. [13, 80 p.].

So, let's consider the legal grounds for assigning the rights of a legal entity to communities. The procedure for formation and legal status of legal entities under public law are established by the Constitution of Ukraine and laws.

Baranovska TM, Ostapenko OG divide legal entities by criterion the order of their creation: for legal entities of public and private law. The main difference between them is that legal entities of private law are created on the basis of constituent documents (statute or memorandum of association, unless otherwise provided by law), and public - on the basis of an administrative act of the President of Ukraine, a body of state power, a body of power of the ARC or a body of local self-government. There are two basic features of legal entities under public law - it is the realization of the public interests of the state or territorial community, which are imposed on them by the Constitution of Ukraine and legislative acts, and their creation on the basis of an administrative act. Given the possibility of participation of legal entities under public law in civil law, to these features can be added another feature that characterizes them as participants in civil law. Its essence is to impose civil liability on the state, the ARC, local governments for legal entities under public law [7].

According to the Constitution of Ukraine, local self-government is exercised by the territorial community in the manner prescribed by law, both directly and through local governments: village, town, city councils and their executive bodies.

The provisions of the Law of Ukraine "On Local Self-Government" stipulate that the territorial community is an integral part of the system of local self-government along with the village or city council. The territorial community of a village, settlement, city is the primary subject and the main bearer of the functions and powers of local self-government. However, Article 16 of this Law stipulates that on behalf and in the interests of territorial communities, the rights of the subject of communal property are exercised by the relevant councils [8].

According to the Law of Ukraine "On Local Self-Government", local self-government bodies are village, settlement, city, regional and district councils. These entities are legal entities and are endowed by law with their own powers, within which they act independently and are responsible for their activities in accordance with the law [8].

The Law of Ukraine “On Voluntary Association of Territorial Communities”, which regulates relations arising in connection with voluntary association of territorial communities, also did not establish the status of a legal entity under public law for a territorial community. In particular, this is evidenced by the rule, which indicates that the legal entity- village, settlement, city council, located in the administrative center of OTG, is the successor of the rights and obligations of all legal entities - village, settlement, city councils, elected by the united territorial communities, from the date of taking office of the village, settlement, city council elected by the OTG [5].

However, territorial communities have the same rights as local governments, because according to Article 143 of the Basic Law, territorial communities of villages, settlements, cities directly or through the local governments formed by them manage communally owned property; approve programs of socio-economic and cultural development and control their implementation; approve the budgets of the relevant administrative-territorial units and control their implementation; establish local taxes and fees in accordance with the law; ensure the holding of local referendums and the implementation of their results; form, reorganize and liquidate utility companies, organizations and institutions, as well as exercise control over their activities; resolve other issues of local significance referred by law to their competence.

Law "On Voluntary Association of Territorial Communities" has many shortcomings, but its undeniable merit is that for the first time it systematized the forms of direct participation of citizens in local self-government, which provides an opportunity to partially address local issues without legal personality. These include: local referendum, local elections (deputies of the relevant local council, provided by law of local government officials), general meetings (conferences) of citizens at the place of residence, local initiatives, public hearings, participation in self-organization of the population [14]. However, in the field of administrative services, the right to resolve issues of local importance is not exercised.

Meetings are one of the most traditional forms of citizen participation in local self-government. In terms of increasing the level of requirements for organizational and legal principles of local democracy, in order to implement the right of territorial community, defined by Article 8 of the Law of Ukraine "On Local Self-Government in Ukraine", each local council must develop and approve mechanisms for implementing this right in a particular territorial community. This can be either a separate section or chapter of the local statute, or the Regulations on the meeting, approved by the decision of the council [15].

In order to ensure the rights of members of the territorial community to participate in local self-government, local councils hold public hearings. In order to ensure the right of members of the local community to participate in the preparation of decisions on life support and development of the local community, acquainting members of the local community with the position of the city council, its officials and deputies on current community issues, receiving suggestions and comments on these issues. in order to work out the optimal directions for their solution, local councils approve regulations on the procedure for holding public hearings. Thus, the decision of the Lviv City Council № 2446 of October 5, 2017 approved the Regulation "On the procedure for holding public hearings in Lviv." According to which public hearings are open. Representatives of the mass media have the right to be present at the public hearing without additional approvals, to record and cover its course and results. Public hearings are held on a voluntary, open, open and free basis. Public hearings are conducted in the state language. None of the citizens can be forced to participate or not to participate in the public hearing [16].

Another form of direct participation of territorial communities in the management of local affairs is the right to a local referendum enshrined in the Constitution of Ukraine. However, territorial communities cannot exercise the right to a local referendum, as the procedure for appointing and conducting a local referendum, as well as the list of issues to be resolved exclusively by referendum, are determined by the law on referendums. Currently, the Law of Ukraine "On Referendums" does not exist. Until 2012, these issues were regulated by the Law of Ukraine "On All-Ukrainian and Local Referendums", which expired on the basis of the Law of Ukraine "On All-Ukrainian Referendum", which does not regulate the organization and conduct of local referendums.

The leading place in the system of local self-government is occupied by the territorial community as the only bearer of functions and powers of local self-government. The scope of functions of territorial communities coincides with the scope of functions of the system of local self-government. Therefore, when characterizing the functions and powers of the territorial community, its bodies and officials, it should be borne in mind that the functions of the territorial community are a priority in the system of functions of local governments.

A united territorial community is considered to be formed from the date of entry into force of decisions of all councils that have decided on voluntary association of territorial communities, or from the date of entry into force of decisions to support voluntary association of territorial communities in a local referendum. provided for in part four of Article 7 of the Law, and the Powers of village, settlement, city councils, village, settlement, city mayors elected by the united territorial communities shall end on the day of taking office by the village, settlement, city council elected by the united territorial community.

Thus, there is a need to consolidate the status of legal entities of public law as a body of local self-government in order to enable the realization of the right to directly address issues of local importance. Issues such as the lease or ownership of communal land can be resolved, for example, through public hearings or community discussions, followed by a vote. In this way, it is possible to eliminate the factor of subjectivity in the decisions made by the council and to overcome corruption risks [5].

Equally important is the issue of delegating authority to provide administrative services to local governments.

In the perspective of reforming the provision of administrative services, it provides that all services will be provided by local governments, and only a control function will remain for state administrations. With regard to decentralization, ie the delegation of powers to provide administrative services to local governments, a clear regulatory framework is needed.

The issue of joint CNAPs is insufficiently regulated. Due to the multifaceted agreement (agreement, memorandum) on the establishment of a joint CNAP, when the CNAP OTG hosts the CNAP of the local state administration, it is necessary to approve at the national level a model memorandum on the establishment of a joint CNAP, which provides all necessary essential conditions, including such questions:

1. delimitation of powers and subordination of CNAP employees;
2. establishing a coordinated joint list of administrative services and work schedule;
3. coordination of the issue of financial maintenance by the parties of the memorandum of premises and payment of all services necessary for the effective functioning of the CNAP (eg heat supply, security services).

Among the problematic aspects that need to be improved is the professional qualification requirements for CNAP administrators.

The Order of the Main Department of the Civil Service of Ukraine of December 29, 2009 № 406 “On Approval of Standard Professional Qualification Characteristics of Local Self-Government Officials” approved standard educational and qualification requirements for the position of administrator. This normative document recommends regional, city, district (district in cities), village, settlement councils in developing specific professional and qualification characteristics and relevant job descriptions of administrators to establish autumn-qualification requirements at the level of higher education at the educational and qualification level of master, specialist, work experience in the civil service or local government for at least two years or work experience in other areas of management for at least three years.

AB Lys, studying the provision of administrative services in developed countries of Europe and the world, states that in most developed countries between their governing body and society - There is a growing awareness that any anomalous problems in the relationship between public and self-government services, on the one hand, and the population of the state and its territorially determined parts (provinces, states, regions, municipalities, etc.), on the other, due to unsatisfactory professionalism. civil servants and employees of local governments, as well as their satellite structures (institutions, organizations, centers, agencies, etc.), their inconsistent with modern requirements and norms of moral and spiritual and intellectual and mental condition. Ensuring the highly reliable functioning of the state management system requires priority and constant attention to the correction and optimization of these characteristics of its human resources, which sets the task of studying, evaluating and improving professionalism,

The position of the scientist is correct, however Excessively high qualification requirements satisfy the staffing, especially in rural and rural OTGs, as the absence of one of the requirements makes it impossible to employ a large proportion of able-bodied persons. In particular, graduates of higher education institutions, after obtaining a master's degree or a specialist, having experience in non-governmental institutions, will not be able to work due to non-compliance with qualification requirements. Improving the professional skills of CNAP staff should be ensured through the introduction of compulsory training, education, training.

Alternative qualification requirements for length of service in the civil service or local governments may introduce a requirement for length of service in non-governmental institutions. Also, education requirements are somewhat inflated. The educational and qualification level of a bachelor can be considered sufficient.

R. Budzic and S. Mandes are of the opinion that the evaluation of local government employees plays an important role as a factor that motivates officials to the highest level of work, which leads to improved quality of services provided by local authorities. Examining the legislation of the Republic of Poland, scholars point out that it provides for the obligation to evaluate local government officials, however, the legislator does not combine the evaluation mechanism with the award for high evaluation, which makes this

tool superficial and often even relies on reproducing the preliminary evaluation of employees.[18].

The same is true of the problems of Ukrainian legislation, which provides for the certification of employees, the lack of regulation of the incentive mechanism, including bonuses. Amendments to the legislation, which would regulate the procedure for bonuses for receiving the highest evaluation of the work of OTG employees, and in particular the CNAP, would help improve the quality of administrative services in general.

Another problematic aspect that needs to be regulated is the need to define a mandatory list of services for different types of OTGs.

The lack of legislation enshrining a mandatory list of services to be provided in the CNAP, leads to a different approach to understanding and defining the list of services to be provided in the CNT OTG. The list of services determined by the government should be obligatory for all CNAPs, including newly formed OTGs. Important in the implementation of such a legislative initiative is the obligation to take into account the characteristics of rural, rural, urban communities and their capacity.

The Cabinet of Ministers of Ukraine of April 8, 2015 № 214 approved the Methodology for the formation of capable territorial. According to the specified Methodologycapable territorial community -territorial communities of villages (settlements, cities), which as a result of voluntary association are able to independently or through relevant local governments to ensure the appropriate level of services, in particular in the field of education, culture, health, social protection, housing and communal services, taking into account human resources, financial support and infrastructure development of the relevant administrative-territorial unit [19].

However, for the time being, there are no legal norms on determining the level of OTG capacity. National norms that would classify OTGs into: high-capacity OTGs and low-capacity OTGs need to be approved, which would make it possible to consolidate the OTG's obligation, depending on its capacity, to provide a certain list of administrative services. The ability of communities should be calculated in particular from such indicators as economic capacity, population, territory and others.

The list of the most necessary administrative services should be included in the OTG with low capacity, in particular in such areas as:

- registration of civil status acts (RATS);
- registration of residence;
- passport services;
- allocation of housing subsidies;
- appointment of certain types of state aid (in particular, at the birth of a child, etc.);
- appointment and recalculation of pensions.

In OTG with high capacity, in addition to these, it is advisable to consolidate in obovlist of administrative services:

- state registration of rights to immovable property and its encumbrances;
- state registration of legal entities and natural persons-entrepreneurs;
- state registration of land plots and / or, at least, issuance of information from the State Land Cadastre;

In the context of decentralization, there is a question of changes in approaches to the organization of the social protection system, because according to the Concept of reforming local self-government and territorial organization in Ukraine, services must be provided in accordance with state standards, taking into account territorial accessibility. ; at a high professional level [20].

Another problem is that in order to effectively provide some administrative services in the social sphere, CNAP employees or the USZN representative need prompt access to the electronic registers and automated systems of the Ministry of Social Policy used by the USZN. However, there is currently no such access to the CNAP, so this problem needs to be addressed at the national level. In the process of integration of administrative services of a social nature into the CNAP, it is important to take into account that they are the most in demand. According to some estimates, the number of citizens' requests for such services may be 50-60% of all requests [21].

In addition to the legally established models of providing administrative services such as: CNAP and remote jobs of administrators, in practice there are other organizational mechanisms for their implementation.

In particular, there is a practice of joint CNAPs, on-site CNAPs, and mobile CNAPs, but their operation is not regulated by law.

The legislation does not provide for the interpretation of the concept of "joint CNAP" and does not regulate these legal relations by approving a model memorandum of cooperation of OTG.

The urgency of the issue of exit CNAP is due to the reform of decentralization. United territorial communities often include dozens of remote settlements. In combination with the difficult connection by public transport, the lack of resources and the feasibility of maintaining permanent access points to services (the usual remote workplaces CNAP in the premises), in these settlements need to implement various alternatives. One of the solutions that communities are very interested in is the visiting CNAP. From a legal point of view, it is a mobile / mobile remote workplace of administrators in a specially equipped vehicle [22].

The difficulty of ensuring the proper functioning of mobile and on-site CNAP is, in particular: preserved confidentiality of information received from subjects and databases, security of such CNAP, determining the minimum requirements for their technological and household equipment, mode, schedule and route. In order to resolve these problematic aspects and ensure the proper functioning of the mobile and exit CNAP, it is necessary, taking into account practical experience, to develop and approve the Model Regulations on the exit CNAP and the Model Regulations on the mobile CNAP.

3.2 Standardization of administrative services in OTG

The quality of service to citizens in the process of providing administrative services in different OTGs is different. The development of standards in the field of administrative services in OTG is extremely important for the implementation of quality service and widespread successful local government reform. Standards should be developed for procedures for the provision of administrative services in OTGs and for assessing the quality of administrative services.

Organizational and legal principles of standardization in Ukraine are defined by the Law "On Standardization". The normative act is aimed at ensuring the formation and implementation of state policy in the field of standardization and application of its results.

The interpretation of the concept of "standardization" and "standard" should be considered for their better understanding and features of implementation in the process of providing administrative services in OTG.

The academic explanatory dictionary of the Ukrainian language defines the concept of standardization as the introduction of uniform standard forms of organization, the implementation of something [23].

The Law of Ukraine "On Standardization" interprets standardization as an activity that consists in establishing provisions for general and repeated use in relation to existing or potential tasks and is aimed at achieving the optimal degree of order in a particular area [24].

Thus, standardization in the field of administrative services in OTG means the activities of authorized bodies aimed at introducing uniform standard mandatory national standards in order to achieve the highest quality and procedural order in the field of administrative services in OTG.

Law of Ukraine "On Standardization" of the concept "standard "defines as a normative document based on consensus, adopted by a recognized body that establishes for general and repeated use rules, guidelines or characteristics of the activity or its results, and aimed at achieving the optimal degree of order in a particular area [24].

The quality standards of administrative services are the minimum requirements for the provision of administrative services that must be provided by the authority, and the criteria should be a measure by which to assess how satisfied the customer is with the service [25].

There are such categories as "higher standards" (best), "minimum standards" (should not be worse), "special standards" (for a particular type of service), "general standards" (for all administrative services) [25, p. 12].

The adoption of the Law of Ukraine "On Standardization" was preceded by scientific developments in this area. Regarding the standardization of administrative services, the work of VP Tymoschuk and AV Kirmach on the problems of assessing the quality of

administrative services is thorough. Scientists have proposed a list of criteria for assessing the quality of administrative services, revealed their essence. Proposals for setting standards aimed at improving the quality of administrative services are provided[25].

The opinion of M. Huck and A. Devcic is correct that in any attempt to make qualitative changes in the processes, the indicators that determine the productivity should be taken into account, by means of which it is possible to prove that there has been an improvement. Thus, Croatian scientists have determined that the main performance indicators can be periodically evaluated and compared how the activities of organizations, their departments, divisions and employees. And [27].

Criteria for assessing the quality of administrative services, VP Tymoschuk and AV Kirmach determine the indicators that are the basis for setting standards and which can determine how the needs of the consumer's interests are met in the provision of a particular service and how adequate and quality is the work of administrative body. The criteria include efficiency, timeliness, accessibility, availability of information about the administrative body, territorial location of the administrative body, access to the administrative body, access to forms and forms, availability of paid services, convenience, choice of method of applying for administrative service, simplicity of administrative service , organization of personal reception, convenient order of payment for administrative services, openness, respect for the person, professionalism [25, p. thirteen].

The same is the opinion of NT Goncharuk, on the need to determine the criteria for quality assessment and standards for the provision of administrative services to improve their quality. Criteria for assessing the quality of administrative services, the author determines the indicators that characterize the level of satisfaction of needs and interests of consumers of administrative services, the professionalism of the bodies providing administrative services. The criteria are the basis for setting quality standards for the provision of administrative services. Assessment of the quality of administrative services should be based on a number of criteria: effectiveness, timeliness, accessibility, convenience, openness, respect for the person, professionalism [28].

In recent years, in many parts of the world, measures have been intensified to improve the quality and effective provision of services by the state to citizens. In determining the

criteria for the effectiveness of the provision of administrative services should pay attention to the European experience in the provision of administrative services. In particular, J. Kobilinska, researching the criteria for assessing the effectiveness of public services in the Republic of Poland, groups them into the following categories: measurement of the client and external stakeholders, measurement of processes, measurement of development and knowledge, financial dimension. To measure customers, the researcher includes such indicators as customer satisfaction with the service in the office, time to resolve the case, the customer's opinion about the object, the customer's opinion about employees (skills, inclinations, communication), number of appeals, complaints, applications and forms on the site office, office access to external databases of other institutions, the level of public confidence in the office, the transfer of goals and results outside the office, the availability of services (number of information points and offices of the district office), the degree of customer database development. The category of process measurement includes: the number of cases processed electronically, the quality of processes measured by the degree of implementation of the standard, such as service catalog, duration of processes, accuracy in resolving issues, correctness of issues, timely resolution, number of processes for which methods are used benchmarking to improve the quality of processes in the organization. The measurement of development and knowledge is assessed by such performance evaluation criteria as: the number of employees who have been trained for a certain period, or the average number of training hours per employee, the number of seminars and group discussions with management and staff to improve the work and services related to a particular organizational unit, the speed of training and other forms of professional development compared to other offices, the effectiveness of requests for improvement submitted by employees, the percentage of training funds appropriate training in order to achieve strategic goals, improve management, the degree of organizational culture of employees. In the financial dimension, the researcher includes the following efficiency indicators: cost-effectiveness of services provided, the degree of processing of budget tasks, the number of budget tasks to monitor the effectiveness of implementation, the cost of services per capita, the cost of employees per capita, the cost of council services per capita population,

TV Mamatova, notes that in world and domestic practice ensuring the quality of processes and services in municipal government is carried out by a systematic combination of the following four elements: the introduction of public service standards; introduction of quality management systems (QMS); application of the General Assessment Scheme (CAF) or other models of organizational excellence; dissemination of good practices and benchmarking [30].

The international standard ISO 9001 is a unified mechanism of strategic and tactical measures for assessing the quality of production and management in the world community. DSTU ISO standards apply in Ukraine. These are national standards that implement ISO standards.

Legislative requirements for the quality of administrative services are enshrined in the Law of Ukraine "On Administrative Services". In particular, in Art. 4 of this Law stipulates that the subject of administrative services may issue organizational and administrative acts on the establishment of its own requirements for the quality of administrative services (determination of the number of reception hours, maximum waiting time and other parameters for assessing the quality of administrative services). If the subject of administrative services is an official, the requirements for the quality of administrative services are determined by the body to which it is subordinated. The requirements provided for in parts one and two of this Article may not worsen the conditions for the provision of administrative services specified by law. [31, p. 4].

I. Koliushko proposes the following options to improve the quality of administrative services: reducing the volume of administrative services and (leave only those that are due to the public interests of the subjects), developing certain standards necessary for the provision of administrative services [31, pp. 30-34.] .

The position of TV Mamotova is expedient, emphasizing that the development of standards of administrative services should take place with the participation of a wide range of stakeholders, among which the main ones are the state, subjects of administrative services, clients of administrative services and public organizations. involvement of professional organizations in the field of standardization and scientists in the field of public administration and establishing compliance of the processes of providing administrative

services with certain standards. Only a combination of resources of state control, control by the clients themselves and public control will be able to ensure the effectiveness of control processes [33].

Feedback from citizens who are consumers of administrative services is critical to assessing quality. The use of various forms of feedback allows the subject of administrative services to obtain information about the interests and needs of citizens-consumers of services, identify shortcomings in the service and identify areas for improving the provision of services in accordance with the needs of consumers. Supporting feedback from citizens in order to research and take into account public opinion in the provision of services is an integral part of the centers of administrative services [34, 104 p.].

The Action Plan for the Implementation of the Concept of Reforming Local Self-Government and Territorial Organization of Power in Ukraine, approved by the Cabinet of Ministers of Ukraine dated June 18, 2014 № 591-r, instructs the Ministry of Social Policy and other authorized executive bodies to develop and approve state standards. quality of administrative, social and other services provided to the population in relevant areas. 18 standards of social services have been developed to implement this Plan [35].

The Ministry of Economic Development and Trade of Ukraine together with the Office of Administrative Services Reform and with the support of the USAID Program in 2017 developed Unified Requirements (Standard) for the quality of service for visitors to administrative service centers. The standard is effective as a training tool for employees of the newly created OTG CNAP, as it structurally covers all aspects of the work of CNAP administrators and leaders. However, such a standard has only an organizational-instructive and methodological nature, and is not formally mandatory [36].

Currently in Ukraine the task of implementing and certifying quality management systems in the field of public administration is defined by the Resolution of the Cabinet of Ministers of May 11, 2006 № 614 "On approval of the Program for implementing the quality management system in the executive branch." And in local governments, the implementation of the ISO 9001 standard began in 2003 in the Berdyansk City Council on the implementation of the project by the Polish foundation "Young Democracy" with the use of international financial assistance [37].

The Order of the Ministry of Economy of Ukraine of July 12, 2007 № 219 “On Approval of Methodological Recommendations for the Development of Standards for the Provision of Administrative Services” approved the Methodological Recommendations for the Development of Standards for the Provision of Administrative Services to Improve the Activities of Administrative Bodies. administrative services [38].

An example of standardization of services provided by public administration was the approval by the Ministry of Justice of Ukraine by order of August 31, 2009 № 1555/5 "On approval of standards for administrative services" standards of administrative services, which falls within the competence of the Ministry of Justice of Ukraine [39].

A number of local governments in Ukraine have already implemented initiatives aimed at improving the quality of administrative services at the local level through the introduction of quality management systems for the provision of such services in accordance with the international standard ISO 9001: 2008. According to a survey of representatives of local governments, where quality management systems have already been implemented, the most significant changes in the following four areas: improving the image of the institution; improving the quality of services for consumers; creating a basis for the preservation and transfer of organizational knowledge; improving the flexibility and manageability of the organization [40].

The basis of quality management system standards is formed by seven principles: customer orientation; leadership; staff involvement; process approach; improvement; making decisions based on factual data; communication management [41].

Each of these principles is reflected in the rules governing the process of providing administrative services in OTG, however implementation of the international standard ISO 9001: 2008 in the activities of OTG, which defines the requirements for quality management systems in the organization, is one of the important areas of improving the management mechanisms for the provision of administrative services in OTG (Table 5).

Goal	The need to improve the system provision of administrative services in OTG and quality management systems

Task	Obtaining the planned results due to effective sequence and interaction of processes. Clear standardization of processes and improvement of quality indicatorsprovision of administrative services in OTG
Principles	Focus on the subject of the appeal; leadership; staff involvement; process approach; improvement; making decisions based on factual data; unification of procedures and approaches
Information support	Quality policy; quality goals; guidance on quality
Benefits	Formation of public trust, in particular subjects of appeal to the authorized bodies of OTG in the field of administrative services, consistency and understanding of quality management activities, the creation of procedures to improve the provision of administrative services.

Table. 5. The concept of implementation of the international quality management standard ISO 9001: 2008 in the field of OTG administrative services.
Source: compiled by the author

The implementation of quality standards should take place in stages, in particular including the following actions:

- analysis of OTG regulations that regulate the provision of administrative services and differentiate powers between OTG executive bodies (regulations on CNAP, list of administrative services, regulations on executive bodies);
- determination for each specific service of characteristics (criteria) of quality assessment, taking into account the peculiarities of providing administrative services for each of the categories of OTG residents;

- determining the procedure for checking compliance with the criteria of quality of services provided and a description of actions to identify deficiencies to eliminate them;

- development of programs to improve the quality of administrative services, which would consist in particular in bringing into line with the quality standards of existing regulations, analyzed at the initial stage and, if necessary, the approval of new ones;

- development and approval of documentation of standards in accordance with DSTU ISO, which clearly describes each stage of a process, the procedure for analyzing compliance with quality criteria, responsible persons, etc., in particular: quality guidelines (basic document describing quality management standards), process descriptions (service delivery processes, management processes), regulations, methods, instructions;

- creation of a system of persons responsible for the implementation and compliance with DSTU ISO;

- tracking satisfaction with the quality of services by OTG residents through the use of various types of surveys and quality improvement based on the analysis of shortcomings in the work.

An important tool for ensuring compliance with standards is the presence of control not only of the authorities, but also of the public, as well as the presence of responsibility, including administrative.

In modern conditions, a civil society is being formed in Ukraine, which actively influences and controls the activities of the subjects of power, including in the field of administrative services. TZ Garasimov rightly points out, studying civil society, that despite its structure, it is, first of all, a society in which human interests are a priority [42, 11–20 pp.].

The most common mechanisms of public control in Ukraine are the submission of citizens' appeals, public hearings on topical issues of local development and the activities of public councils.

Public councils are one of the effective mechanisms of public participation, in particular the mechanism of public control in the developed countries of the world. Public councils are a real force that expresses the voice of the public and ensures the transparency of public authorities and local self-government. Pursuant to the Decree of the President of

Ukraine of July 31, 2004 № 854 “On Ensuring Conditions for Wider Public Participation in the Formation and Implementation of State Policy” and the Resolution of the Cabinet of Ministers of Ukraine of October 15, 2004 № 1378 “Some Issues of Ensuring Public Participation in formation and implementation of state policy "at the central and local executive bodies, as well as at local governments in Ukraine were formed advisory bodies-public councils. The main task of these councils is public participation in the management of state and local affairs, as well as direct control over the activities of the authorities under which they are formed [43].

Thus, in accordance with the Resolution of the Cabinet of Ministers of Ukraine of November 3, 2010 № 996 "On ensuring public participation in the formation and implementation of public policy", public consultations are mandatory in the form of public discussion and / or electronic public consultations concerning drafts of normative-legal acts, which determine the order of rendering administrative services. [44].

Perhaps the most important place in ensuring compliance with the quality standards of administrative services belongs to the residents of OTG who receive such services. By taking an active civil position, citizens have the right to control compliance with quality standards of services provided, through the use of the above mechanisms of public control.

The Law of Ukraine "On Administrative Services" provides for disciplinary, civil, administrative and criminal liability for violations in the provision of administrative services.

OI Ostapenko and LI Sopilnyk believe that administrative liability in the field of standardization, product quality, metrology and certification should be understood as provided by the law of the state response in the person of authorized state bodies and officials to administrative offenses and application to violator provided by law administrative punishment [45].

O. Pliv's position that taking into account the significance of the lion's share of violations of the law in the field of administrative services is relevant, the most proportionate and, accordingly, common means of influencing violators should be to bring them to administrative responsibility. But such liability for violating the law in the provision of administrative services under the law is still absent [46].

Therefore, there is a need to apply a comprehensive approach to the implementation of quality standards, which is not only to standardize procedures in the provision of administrative services, but also to legislate accountability, including administrative, for non-compliance with standards of administrative services and civil society control mechanisms.

CHAPTER 4

MECHANISM FOR APPEALING AGAINST DECISIONS, ACTIONS OR OMISSIONS OF THE SUBJECTS OF THE UNITED TERRITORIAL COMMUNITIES IN THE PROCESS OF PROVIDING ADMINISTRATIVE SERVICES

4.1. Extrajudicial or administrative appeal against decisions, actions or omissions of the subjects of administrative services

Appealing against decisions, actions or inaction of the subjects of administrative services in the process of their provision is a guarantee of realization of citizens' rights to receive them qualitatively and a way to protect the rights of subjects from illegal actions of subjects of power.

When applying for an administrative service, the applicant may have complaints not only about the organization of the CNAP, its administrators, but also about the nature of the service provided or refusal to provide it to the authorized entity OTG. Also, as noted in previous sections of the work, services can be provided directly, without the creation of CNAP, so the actions of all authorized officials of OTG can be challenged.

Examining the normative regulation of appeals against decisions, actions or inaction of OTG entities in the process of providing administrative services, the following should be distinguished:

- administrators (as intermediaries) and heads of CNAP;
- state registrars CNAP;
- councils, executive bodies of councils, OTG officials (including administrators as service providers).

It should be noted that the concept and role of CNAP administrators can be explored in different meanings, so that the administrator in providing certain administrative services performs only a mediating role between the subject of the application and the subject of service and the supervisory function of compliance with deadlines (eg granting permission

to develop land management documentation on the terms of free privatization of land), and in other cases he is a service provider (for example, registration of residence). Also, according to the explanations of the authorized bodies, it is possible to impose the responsibilities of state registrars on administrators and vice versa. Thus, the administrator can be considered as a technical intermediary that provides organizational support for the provision of services, and the entity authorized to provide administrative services independently.

In administrative law, scholars distinguish two types of appeals against decisions, actions or omissions of subjects of power - administrative (extrajudicial) and judicial.

Consider the regulations governing the procedures for such appeals in the provision of administrative services in OTG communities and features of their application in practice.

It should be noted that there is no single normative act that would establish a mechanism for appealing decisions, actions or omissions in the process of providing administrative services. The relative dispersion of the norms governing the mechanisms of administrative appeal makes it difficult for the subjects of appeal to understand the established procedure, which has a negative impact on the implementation of such principles of providing administrative services as openness and accessibility. Administrative and judicial appeals are not mutually exclusive forms of legal protection, can be carried out alternately or simultaneously, and one of the specified forms of protection of the rights at the choice of the subject of appeal can be used.

Extrajudicial, or in other words administrative appeal of decisions, actions or omissions of the subjects of administrative services has its advantages, which are, in particular, free of charge such a method of protection, relative efficiency, consideration by authorized officials competent in the field of the complaint. However, significant shortcomings such as abuse of power, prejudice and self-interest are possible.

Thus, the Law of Ukraine "On Administrative Services" does not provide for the procedure of administrative appeal, but it is noted that by the decision of the body that established the CNAP, such a center may also accept complaints [31].

The model of the administrative services center does not specify the procedure for administrative appeal, but it is noted that the head of the center in accordance with the tasks

assigned to the center, considers complaints about the activities or inaction of administrators [47].

In compliance with the provisions of this Law, the Cabinet of Ministers of Ukraine approved the Requirements for the preparation of a technological card of administrative services. According to the specified normative document the technological card should contain the information on the mechanism of the appeal of result of rendering of administrative service [48]. However, the analysis of OTG technological cards shows that they do not indicate the mechanism of appeal and information on the terms and procedure for appealing the result of the provision of administrative services.

Describing the mechanism of appealing the result of providing administrative services, actions or inaction of authorized OTG entities, developers of technological cards for providing administrative services should be guided by the Law of Ukraine "On Citizens' Appeals" on administrative appeals and administrative procedural legislation on judicial appeals.

The Law of Ukraine "On Citizens' Appeals" applies to legal relations regarding the filing of a complaint against actions or omissions administrators (as intermediaries), heads of CNAP, councils, executive committees, executive bodies of councils, OTG officials(including administrators as service providers). ActionThe Law of Ukraine "On Citizens' Appeals" does not apply to state registrars CNAP and administrators (acting as registrars), if they work in CNAP OTG, they are subject to the procedure of appeal provided by the Law of Ukraine "On state registration of real rights to immovable property and their encumbrances."

Therefore, in accordance with the Law of Ukraine "On Citizens' Appeals", the complaint -appeal with a request to restore the rights and protect the legitimate interests of citizens violated by actions (inaction), decisions of state bodies, local governments, enterprises, institutions, organizations, associations of citizens, officials. Decisions, actions (inaction) that can be appealed include those in the field of management, as a result of which: violated the rights and legitimate interests or freedoms of the citizen (group of citizens); created obstacles for citizens to exercise their rights and legitimate interests or freedoms; any duties are illegally imposed on a citizen or he is illegally prosecuted [49].

The law provides for the possibility of filing a complaint in person or by another authorized person, labor collective or organization that carries out human rights activities, legal representatives.

By analogy with the methods of filing an application for administrative services, it is advisable to provide for the possibility of filing a written complaint to the subject of administrative services personally by the subject or his representative, sending it by mail, and in the case of providing administrative services electronically, the possibility of appeal through the Unified state portal of administrative services, including through integrated information systems OTG.

When appealing against decisions, actions or omissions of the subjects of administrative services, the subject of the appeal must add to the complaint the available evidence of violation of his rights, in particular copies of decisions made as a result of the application for a certain administrative service, as well as other documents. necessary to consider the complaint.

When considering a complaint, such rights of citizens as the opportunity to personally present arguments to the person reviewing the complaint, to participate in the review of the complaint should be ensured; to get acquainted with inspection materials; submit additional materials or insist on their request by the body reviewing the complaint; to be present at the consideration of the complaint; to use the services of a lawyer or a representative of the labor collective, an organization that performs a human rights function, having issued this authorization in the manner prescribed by law; receive a written response on the results of the complaint; to express orally or in writing a requirement to observe the secrecy of the complaint; to claim damages if they are the result of violations of the established procedure for consideration of appeals [49].

If necessary and if possible, the consideration of citizens' appeals is entrusted to an official or department of the official staff of the OTG, specially authorized to carry out this work, within the budget allocations.

Therefore, this Law stipulates that appeals against decisions, actions or omissions of the subjects of administrative services in the process of providing administrative services may be made within a month from the moment when the person learned about the decision,

but within a year from the date of such decision. grounds for renewal of the missed term. The legislator does not determine what are valid grounds, so in this case there is a subjective factor that may affect the objectivity of the assessment of the seriousness of the circumstances and the need to renew the missed deadline by an official or body. There are also problems with meeting the one-month deadline if the complaint is considered by a collegial body, such as the OTG council or the OTG executive committee.

Therefore, this law stipulates the requirements for filing a complaint, in particular the deadlines for filing and reviewing the complaint, the rights of the complainant and the responsibilities of the official or body reviewing the complaint.

In the field of registration of real estate ownership, the Law of Ukraine “On State Registration of Real Property Rights and Their Encumbrances” provides for the procedure for filing and reviewing citizens' complaints against decisions, actions or omissions of state registrars of real property rights. The legislator describes a clear and step-by-step procedure for filing and reviewing complaints, defining the territorial jurisdiction of such complaints, deadlines for filing a complaint and the procedure for calculating them, as well as deadlines for submitting a response, review requirements and a list of mandatory details of the complaint, specific solutions, which may be adopted as a result of consideration by the ministry or its territorial subdivisions.

Therefore, in case of providing CNAP OTG with such services, a different procedure of administrative appeal is applied, determined by the specified normative legal acts.

The term of appeal against actions or inaction of the state registrar, the subject of state registration is regulated by law. An appeal may be lodged within 60 calendar days from the date of the decision on which the complaint is lodged or the day on which the complainant learned or could have learned of the violation of his rights. A separate term is set for appealing against decisions of actions or inaction of territorial bodies of the Ministry of Justice of Ukraine, so it is 15 calendar days from the date of the decision on which the complaint is filed or from the day when the complainant learned or could learn about the violation of his rights. In a situation where the resolution of the complaint essentially requires additional clarification, the term of consideration of such a complaint may be extended for a total period of up to 45 calendar days.

The legislation defines the territorial jurisdiction of complaints, which means that each state registrar or subject of state registration performs its work within a certain territory, and accordingly, complaints are submitted to the body of the ministry, within the same territorial location.

It is important to calculate the timeframe for considering a complaint by clearly defining the day when the complaint is considered to have been filed. Such a day is the day of its actual receipt by the authorized body for consideration of the complaint, if it is filed in person. If the complainant has applied by postal means, this date will be indicated by the post office in the notice of delivery of the postal item or indicated on the envelope.

A complaint may be filed by a person who believes that his or her rights have been violated in writing. The complaint shall specify the mandatory details specified by the legislator, including: the data of the complainant, substantiation of the reason for the appeal and more.

The legislation identifies specific possible options for decisions based on the results of complaints, such standardization is a positive factor in overcoming the adoption of illegal, unclear decisions. In particular, it is determined that the ministry and its territorial bodies must make a reasoned decision to refuse to satisfy or satisfy the complaint. And full or partial satisfaction of the complaint is possible by making one of the specific decisions providedarticle [50].

Legislative determination of the terms of execution of the decision is important, because without such a mandatory mechanism the whole process of appeal and the possibility of protection of the applicant from wrongful acts or omissions is leveled. Execution of the decision on cancellation of the registration action, cancellation of the decision of the territorial body of the Ministry of Justice of Ukraine is carried out not later than the next working day from the date of adoption of such decision. An important positive aspect of the debureaucratization of such an appeal is the possibility of state registration based on the results of the complaint, without paying the administrative fee, and the same documents are not submitted again.

It is equally important to clearly define the list of grounds for denial of a satisfied complaint, because in the case of further judicial appeal, it prevents abuse of power by the subject of authority to justify the grounds for denial of the complaint.

The Ministry and its territorial subdivisions are authorized to refuse to satisfy the complaint only on the grounds specified by law, among such reasons the legislator has established: violation of the established requirements for filing a complaint. The administrative-procedural grounds for refusal to satisfy the claims somewhat coincide with those provided by this law, in particular, it is determined that the complaint may be denied in the case of: missing the deadline for its submission; availability of information about the court decision or decision on the plaintiff's waiver of the claim on the same subject matter; on recognition of the claim by the defendant; on approval of the amicable agreement of the parties; if there is a dispute in the proceedings between the same parties, on the same subject and grounds. As in the case of consideration of complaints in accordance with the Law of Ukraine "On Citizens' Appeals", the reason for refusing to satisfy the complaint is the repetition of the appeal with the issue that has already been considered or is under consideration. The lack of authority to file a complaint is a violation of compliance with the requirement to file a complaint, but the legislator has further identified such a ground. The complaint may be denied due to the fact that consideration of the issues set forth in the complaint does not fall within the competence of the relevant body, as well as if the state registrar or territorial body of the Ministry of Justice of Ukraine has made such a decision in accordance withlegislation [50].

Let's analyze the procedure of out-of-court appeal on the example of the description of such procedure in the Rules of Procedure of the Center for Administrative Services of Myrivka Village Council OTG, approved by the decision of Myrivka Village Council of October 20, 2016 №71-4 / I. According to this decision, any person has the right to file a complaint against the actions or omissions of the administrators / state administrators of the CNAP, if he believes that they have violated his rights, freedoms or legitimate interests. A complaint can be filed within seven business days ofthe moment of committing actions or omissions, in accordance with applicable law. The subject of the complaint on the actions or inaction of administrators / state administrators is the head of the CNAP. The subject of

consideration of the complaint on actions or inaction of the head of TsNAP is the village head. A complaint against the actions or inaction of the administrator / state administrator is submitted to the head of the CNAP, who is obliged to register it immediately. The complaint against the actions of the head of the CNAP is submitted to the General Department of the village council and is considered in accordance with the Instruction on record keeping in Myrivskavillage council and its executive bodies. The head of the CNAP considers the complaint no later than fifteen days from the date of its registration. If the complaint requires additional examination of the case file or other actions necessary for the objective consideration of the complaint, the head of the CNAP has the right to extend the complaint, but not more than thirty days from the date of registration of the complaint, notifies the person in writing. The decision on the complaint is sent to the complainant no later than the next day from the moment of its registration. The head of the CNAP takes all necessary actions to implement the decision on the complaint, within its powers decides on the liability of persons through whose fault the violation was committed [51].

The subject of the appeal has the right to appeal the results of the application and documents for administrative services to a higher body higher than the body that decided the case (if such a body exists) within thirty days of receiving the result of the application. The customer has the right to file a complaint to the CNAP or directly to the subject of administrative services. A complaint filed with the CNAP is subject to registration. No later than the next day from the moment of registration, the complaint together with the materials attached to it shall be transferred (sent) to the subject of the complaint consideration. The subject of the complaint is obliged to consider and resolve the complaint in accordance with the requirements of current legislation of Ukraine, and to ensure the transfer of the decision to the CNAP for notification to the complainant.

Therefore, despite the detailed description of the procedure for appealing the actions or inaction of administrators / state administrators of the specified CNT OTG, there is a clear inconsistency with current legislation restricting the rights of complainants, including reducing the time from one month to 7 working days for filing a complaint. that are not provided by the legislation on administrative services, in particular "customer".

The regulations of the department "Center for administrative services" of the executive committee of Kochubeyev village council of the united territorial community of Kherson region (CNAP) stipulate that the subject of the appeal has the right to appeal the original package of documents in accordance with current legislation of Ukraine [52].

The regulations of the department "Center for Administrative Services" Mokrokaligirska village council, approved by the decision of the village council of May 29, 2017 №22-3 / VII does not provide for the procedure of appeal [53].

Regulations on the department "Center for administrative services" of the Executive Committee of Verbkivska village council determine among the responsibilities of the head of the CNAP consideration of complaints about the activities or inaction of administrators, representatives of administrative and other services involved in the Center and ensuring the transfer of sub objects of providing administrative and other services of relevant materials for consideration of complaints and their prompt resolution, taking measures within the powers to consider them within the time limits prescribed by law [54].

As there is no normative act among the legislation regulating the provision of administrative services, which would establish the procedure of out-of-court appeal, except for the indication of the need to enshrine the appeal mechanism in the process card, it is possible to describe the full appeal procedure in the CNAP regulations. appeal against the result of the provision of administrative services in the Model Regulations on CNAP. However, due to the complexity and multi-stage procedure, it is more appropriate to approve a separate standard national procedure for appealing decisions, actions or omissions of administrative service providers in the process of providing administrative services, guided by the provisions of which each OTG will approve its own procedure. The basic data are necessary for the appeal,

The procedure for appeal provided by the Law of Ukraine "On State Registration of Real Rights to Immovable Property and their Encumbrances" may serve as a basis for the development and approval of such a procedure for OTG.

In the typical order of appeals against decisions, actions or omissions in the process of providing administrative services, it will be appropriate to separate into different sections

of appeals against actions of the administrator and appeals against officials and bodies of OTG, taking into account all the features of different models of administrative services.

In particular, the use of such items of the standard out-of-court appeal procedure may be proposed decisions, actions or inaction of the subjects of administrative OTG:

1. The subject of the appeal has the right to file a complaint against the actions or inaction of the CNAP administrators, if he considers that they have violated his rights, freedoms or legitimate interests.

2. The head of the CNAP, in accordance with the tasks assigned to the center, considers complaints about the activities or inaction of administrators. Administrators or other CNAP employees whose actions or decisions are being challenged are prohibited from reviewing such complaints.

3. In case the head performs the functions of an administrator, his actions will be appealed to the head of the relevant OTG.

4. Decisions, actions or omissions of the administrator can be appealed to head of the CNAP within one year from the date of the decision, but not later than one month from the time of acquaintance of the citizen with the decision, if such a term is missed for good reasons, it may be renewed by the entity authorized to consider the complaint.

5. The term for consideration of the complaint is 30 calendar days. Ifif the consideration and resolution of the complaint requires verification of the administrator's activities, as well as the involvement of the complainant or interested persons, other deadlines for consideration and resolution of the complaint may be set, with simultaneous notification of the complainant. In this case, the total term for consideration and resolution of the complaint may not exceed 45 calendar days.

6. The day of filing a complaint is considered to be the day of its actual receipt by the CNAP, if it is submitted in person or by electronic means. If the complainant has applied by postal means, this date will be indicated by the post office in the notice of delivery of the postal item or indicated on the envelope.

7. If the last day of the deadline for filing a complaint falls on a weekend or public holiday, the last day of the deadline is the first working day following the weekend or public holiday.

8. The complaint is filed personally by the subject of the appeal, or his representative, or by sending it by mail or electronic means.

9. A complaint against the decision, action or omission of the administrator shall be filed by a person who believes that his rights have been violated, in writing and must contain the following information:

- full name of the complainant, name of the complainant's representative (if the complaint is filed by a representative);
- place of residence or stay (for individuals) or location (for legal entities);
- the content of the contested decision, action or omission;
- a statement of the circumstances in which the complainant substantiates his claims;
- signature of the complainant or his representative indicating the date of the complaint.

10. The complainant attaches documents confirming the circumstances set out in the complaint (if any).

11. The representative attaches a duly executed power of attorney, or a document confirming the right of representation in accordance with the law.

12. The complainant has the following rights: to participate in the verification of the filed complaint; to get acquainted with inspection materials; submit additional materials or insist on their request by the body reviewing the complaint; receive a written response on the results of the complaint.

13. OTGs, their managers and other officials within their powers are obliged to: objectively, comprehensively and timely review complaints; in the case of a decision to restrict a citizen's access to relevant information when considering a complaint to make a reasoned decision; at the request of a citizen to invite him to a meeting of the relevant body considering his complaint; cancel or change the contested decisions in cases provided by the legislation of Ukraine; to inform the citizen in writing about the results of the inspection of the complaint and the essence of the decision; in case the complaint is found unfounded, explain the procedure for appealing the decision made on it; not to allow unjustified transfer

of consideration of complaints to other bodies; personally organize and check the status of citizens' complaints, take measures to eliminate the causes that give rise to them,

14. The head of the CNAP refuses to satisfy the complaint if: the complaint is filed without complying with the requirements; there is a decision of this body on the same issue in the case of information about the court decision or decision on the plaintiff's waiver of the claim on the same subject matter of the dispute, the recognition of the claim by the defendant or approval of the settlement agreement; the body is considering a complaint on the same issue from the same complainant; the complaint is filed by a person who does not have the authority to do so; the statutory deadline for filing a complaint has expired (without valid reasons for missing the deadline); consideration of issues raised in the complaint does not fall within the competence of the body; the administrator made such a decision in accordance with the law.

15. Based on the results of the complaint, the head of the CNAP makes a reasoned decision to refuse to satisfy the complaint, full satisfaction or partial satisfaction of the complaint.

Officials authorized by law to provide administrative services, administrators shall bear disciplinary, civil, administrative or criminal liability provided by law for violation of the law in the field of administrative services. Actions or inaction of officials authorized by law to provide administrative services, administrators may be challenged in court in the manner prescribed by law [31].

According to the legal status of the subjects of appeal can be classified into individuals and legal entities. On the subject of appeal: decisions, actions, inaction. According to the subjects of OTG involved in the process of providing administrative services, subjects can be classified into: councils, executive committees, executive bodies of councils, local government officials, administrators, heads of CNAP.

Let's analyze the most important features of the procedure of judicial appeal by individuals and legal entities of decisions, actions or inaction of the subjects of administrative services OTG. Let's focus on the law governing litigation, the subject matter of the claim and the timing of the appeal.

In accordance with the Code of Administrative Procedure of Ukraine (hereinafter - CASU), the task of administrative proceedings is a fair, impartial and timely resolution by the court of disputes in the field of public relations in order to effectively protect the rights, freedoms and interests of individuals, rights and interests of legal entities from violations by public authorities. Thus, a public law dispute is defined as a dispute in which at least one party provides administrative services under the law that authorizes or obliges to provide such services exclusively to the subject of authority, and the dispute arose in connection with the provision or non-provision such a party to these services [55].

Hence the appeal of decisions, actions or omissions subjects of OTG administrative services, is carried out in the manner prescribed by the Code of Administrative Procedure of Ukraine. Both individuals and legal entities who believe that their rights, freedoms and interests have been violated have the right to go to court.

A person who believes that his rights have been violated in the process of providing administrative services has the right to apply to the administrative court with one of the following claims: recognition of illegal and cancellation of an individual act or its individual provisions, recognition of the actions of the subject of power illegal and the obligation to refrain from committing certain actions, recognition of inaction of the subject of power illegal and the obligation to take certain actions, establishing the presence or absence of competence (powers) of the subject of power [55] .

Legislation gives local governments, in particular OTGs, the power to address urban planning, housing, land, infrastructure and other issues by making decisions by their chairmen, local councils, their executive committees, executive bodies and officials. Such decisions are often made in the form of individual acts.

The study of the peculiarities of appealing against acts of individual action is important for a better understanding of the peculiarities of administrative and judicial appeals against the results of administrative services.. As practice shows, citizens often, believing that acts of individual action are illegal and violate their rights, appeal them to local governments and in court.

In order to understand the appeal procedure, it is necessary to investigate the subject of the appeal, which is an act of individual action, its essence and to conduct an analytical

study of the possibilities of extrajudicial and judicial restoration of violated rights of complainants.

Thus, the Constitutional Court of Ukraine defines non-normative acts (individual action) as acts that provide for specific instructions addressed to an individual entity or legal entity, are applied once and after implementation expire [56].

Author's team of TV Varfolomeev, VG Goncharenko, VP Pastukhov, VF Lenkivsky, VP Kapelyushny defines individual legal acts as documents issued on the basis of the relevant legal act to resolve specific cases, contain individual-specific orders, designed for single use and are not general in nature [57].

AA Neugodnikov proposes a broader definition, noting that the legal act of individual action - a legal act adopted during the administrative process by an authorized subject of executive power within the competence granted to him by law, expressing his will, addressed to specific subjects of administrative process and which entails the emergence, change or termination of a personal relationship [58].

In the same scientific work, the author draws attention to the fact that the Code of Administrative Procedure of Ukraine uses such terms as "legal act of individual action" of the subject of power and "normative legal act" of the subject of power. But, as rightly noted by A. Yevstigneev, "unfortunately, the esteemed compilers of the CAS did not succeed in Art. 3, devoted to the definition of concepts used in the code, to give legal definitions of such surprisingly important terms as "legal act of individual action" and "normative legal act". Thus, when applying CASU, problems already arise and will arise as to which document should be considered a "legal act of individual action" and which - a "regulatory legal act" [58].

Despite the presence in the legal theory of definitions of an act of individual action (non-normative legal act), the legislator did not define such a concept in any normative act.

As of today, the legislation provides for two ways of appealing against acts of individual action and procedures for their cancellation. The first is provided by the Law of Ukraine "On Citizens' Appeals" and the Law of Ukraine "On Local Self-Government in Ukraine" by filing a complaint, the other is a court appeal in accordance with the CASU by filing an administrative lawsuit. Consider in detail the procedures for appealing against acts

of individual action, in order to identify the controversy of the law and make proposals for further improvement of regulations governing these legal relations.

Article 40 of the Constitution of Ukraine provides for the right of citizens to send written appeals or personally apply to local governments, which are obliged to consider such appeals and give a reasoned response within the period prescribed by law [59].

The Law of Ukraine "On Citizens' Appeals" stipulates that in order to protect their rights, in case of disagreement with the decision, citizens file an appeal in the form of a complaint.

Article 16 of this law defines the procedure for reviewing citizens' complaints. This rule also applies to appeals against acts of individual action.

Analyzing this article, we see that a complaint against a decision of a local government, in particular an act of individual action, is filed in the order of subordination to a higher body or official, which does not deprive a citizen of the right to go to court in accordance with applicable law. disagreement of the citizen with the decision made on the complaint - directly to the court.

Therefore, this norm gives the right to apply to a higher body or official regarding the legality of all decisions made by their subordinate bodies or officials. This also applies to appeals and cancellations of individual actions.

This article does not define the range of persons who have the right to file a complaint, ie the range of subjects of appeal is not limited, in contrast to the appeal in court, in which these issues are regulated. In this case, any interested person has the right to file a complaint.

The legislation regulates the range of entities empowered to repeal acts of individual action, including local councils and their executive committees. However, these provisions are somewhat contradictory.

Paragraph 15 of Article 26 of the Law "On Local Self-Government in Ukraine" stipulates that the exclusive competence of village, settlement, city councils includes the abolition of acts of executive bodies of the council that do not comply with the Constitution or laws of Ukraine, other legislation, decisions of the relevant council. its powers [8]. That is, the legislator gave this rule the exclusive right to local councils to repeal acts of executive bodies.

However, paragraph 3 of Article 52 of the same law provides that the executive committee of the village, town, city, district in the city advises the right to change or cancel the acts of subordinate departments, offices, other executive bodies of the council, as well as their officials [8].

Having analyzed these articles, we see their controversy and the need for improvement, as one article defines the exclusive competence of local councils to repeal, in particular, acts of individual action, and another - the same competence given to the executive committees of these councils. Because of this vague understanding, there are problems with which body is empowered to decide on the repeal of acts of individual action. In particular, interested persons have the right to challenge in court the decisions of executive committees to repeal acts of individual action due to the fact that such a decision should be taken by local councils, which have exclusive competence, despite the rule conferring such powers on their executive committees. [60].

At the same time, when appealing against acts of individual action, it is necessary to take into account the decision of the Constitutional Court of Ukraine in the case on the constitutional petition of Kharkiv City Council on official interpretation of the provisions of part two of Article 19, Article 144 of the Constitution of Ukraine, Article 25, part fourteen of Article 46. Of Ukraine "On Local Self-Government in Ukraine" (case on repeal of acts of local self-government bodies) concerning the right of local self-government bodies to revoke their previously adopted decisions and make changes to them on any issue within the competence of local self-government bodies. Local governments are responsible for their activities to legal entities and individuals. So, local self-government bodies may not revoke their previous decisions, amend them if, in accordance with the provisions of these decisions, legal relations have arisen related to the exercise of certain subjective rights and legally protected interests, and the subjects of these legal relations object to their change or termination. This is a guarantee of stability of public relations between local governments and citizens, which gives citizens confidence that their current situation will not be worsened by a later decision [61].

Therefore, when considering complaints about the cancellation of acts of individual action, the local self-government bodies should find out from the persons to whom such

decisions were issued whether, in accordance with their instructions, legal relations related to the exercise of certain subjective rights and legally protected interests arose. the subjects of these legal relations do not object to their change or termination, because in this case the cancellation will be contrary to law.

An example of the illegality of revoking an act of individual action by a decision of the relevant council may be the revocation of the decision of the executive body of OTG on urban planning to provide urban conditions and restrictions, if the person to whom it was provided has already registered a declaration of construction, concluded a contract. One of the court decisions that confirms this case law is the decision in the administrative case № 461/488/16-a, which declared illegal and revoked the decision of the Executive Committee of the Lviv City Council N 501 from 10.07.2014 "On cancellation of the order of the Director of the Department of Urban Development N 197 of 01.07.2013 ". In that case, the Court stated in the reasoning of the judgment that

After analyzing the legislation, the Constitutional Court decision and case law, we can conclude that the right of local governments, including OTG, to repeal acts of individual action is significantly limited, because despite the inconsistency of the decision with the Constitution or laws, they have no right to repeal acts if, in accordance with their instructions, legal relations have arisen related to the exercise of certain subjective rights and interests protected by law, and the subjects of these legal relations object to their change or termination.

The decision of the Constitutional Court provided protection against the cancellation of previously adopted decisions by local self-government bodies to the persons to whom it was issued. This makes it impossible to protect against the violation of the rights of other persons, whose rights may be violated by the decision, in connection with the violation of the law. That is, after the emergence of legal relations that arose as a result of the decision, the cancellation is not in court, even an illegal decision will be illegal.

In practice, there are also cases when an illegal decision is made by a local government through the fault of the person in whose favor it was made. At this stage of development of our legislation it is not provided how to solve the corresponding question. This situation can occur if a person has submitted falsified documents, false information or

even as a result of corruption [63]. Such reasons for the cancellation of acts of individual action are also not taken into account by the Constitutional Court of Ukraine in adopting the above decision.

However, there is a practice of appealing to the court of local councils and their executive committees with claims for cancellation of acts of individual action due to their non-compliance with the law, where the defendants are the executive bodies of such councils that made the decision. Such an appeal to the court is possible because the executive bodies of local councils are separate legal entities.

4.2 Judicial appeal against decisions, actions or omissions of the subjects of administrative services

Another, more effective way to appeal and cancel an act of individual action is to apply to the court with an administrative lawsuit in accordance with the Code of Administrative Procedure of Ukraine. Given the rather broad competence of local councils, and the legitimacy of their decisions is often the subject of administrative courts [56].

The right to appeal against illegal decisions, in particular non-normative acts, which are adopted in violation of the rights, freedoms and interests of individuals, rights and interests of legal entities, is provided by Art. 55 of the Constitution of Ukraine and the Code of Administrative Procedure of Ukraine.

In contrast to the appeal in accordance with the Law of Ukraine “On Appeals of Citizens”, the range of subjects of appeal entitled to judicial protection is limited by procedural legislation. Thus, for judicial protection it is necessary to prove that the adopted individual act violates the rights of the plaintiff, and not only adopted for non-compliance with the law.

When filing a statement of claim, the plaintiff should take into account the criteria for assessing the decisions, actions or omissions of the subjects of power, set out in Part 2 of Art. 2 of the CAJ, because they will be taken into account by the court in resolving the case on the merits.

Scholars PP Bogutsky and IV Lober rightly point out that today the problem is that legal acts of individual action, which were adopted by the local council, at the time of their

appeal are usually already executed and the corresponding legal consequences of such decisions have already come. Such acts may be, for example, decisions on granting permission to develop land management projects, etc. An essential characteristic of such acts is that their legal significance is in fact exhausted by their implementation. Accordingly, it is incorrect to apply the procedure of revocation or invalidation to such acts. It would be correct at the same time as the decision to declare the decision of the local council illegal to make a decision to reverse its implementation, indicating the appropriate method of implementation.

The Supreme Court of Ukraine at a meeting of the Judicial Chamber for Civil Cases on June 10, 2015 ruled in case № 6-162tss15. According to the Court's legal opinion: "an act of individual action of a local self-government body which contradicts acts of civil law and violates the interests of individuals shall be revoked in court" [65].

Other means of protection are to file a lawsuit to declare the actions of the subject of power illegal and the obligation to refrain from certain actions, or to declare the inaction of the subject of power illegal and the obligation to take certain actions.

Within the framework of administrative proceedings, an action is a certain form of behavior of a subject of power, which consists in the exercise by a subject of power of its duties within the limits of the powers provided by law or contrary to them, and inaction - a certain form of behavior of the subject of power, which consists in the failure to perform the actions that he should and could have performed in accordance with his duties in accordance with the laws of Ukraine [55].

On the example of the powers of the administrator of the CNAP, we will reveal actions or omissions that may be subject to appeal. Thus, the Law of Ukraine “On Administrative Services” defines the main tasks of the administrator: providing comprehensive information and consultations to the subjects of appeals on the requirements and procedure for providing administrative services; acceptance from the subjects of appeals of the documents necessary for the provision of administrative services, their registration and submission of documents (their copies) to the relevant subjects of the provision of administrative services not later than the next working day after their receipt; issuance or provision of referrals by mail to the subjects of appeals the results of the provision of administrative services (including the

decision to refuse to satisfy the application of the subject of the appeal), notification of the possibility of obtaining administrative services, issued by the subjects of administrative services; organizational support for the provision of administrative services by the subjects of administrative services; exercising control over the observance by the subjects of administrative services of the terms of consideration of cases and decision-making; provision of administrative services in cases provided by law; drawing up protocols on administrative offenses in cases provided by law. Therefore, for example, failure to provide comprehensive information and consultations on the requirements and procedure for providing administrative services may be challenged in the manner prescribed by the Code of Administrative Procedure of Ukraine, by filing a statement of claim for inaction of the subject of authority [66]. organizational support for the provision of administrative services by the subjects of administrative services; exercising control over the observance by the subjects of administrative services of the terms of consideration of cases and decision-making; provision of administrative services in cases provided by law; drawing up protocols on administrative offenses in cases provided by law. Therefore, for example, failure to provide comprehensive information and consultations on the requirements and procedure for providing administrative services may be challenged in the manner prescribed by the Code of Administrative Procedure of Ukraine, by filing a statement of claim for inaction of the subject of authority [66]. organizational support for the provision of administrative services by the subjects of administrative services; exercising control over the observance by the subjects of administrative services of the terms of consideration of cases and decision-making; provision of administrative services in cases provided by law; drawing up protocols on administrative offenses in cases provided by law. Therefore, for example, failure to provide the subjects with comprehensive information and advice on the requirements and procedure for providing administrative services may be appealed in the manner prescribed by the Code of Administrative Procedure of Ukraine, by filing a statement of claim for inaction and illegal obligation [66]. exercising control over the observance by the subjects of administrative services of the terms of consideration of cases and decision-making; provision of administrative services in cases provided by law; drawing up protocols on administrative offenses in cases provided by law. Therefore, for example, failure to provide

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Another way to appeal against illegal actions in the process of providing administrative services is to submit a statement on the presence or absence of competence (authority) of the subject of power.

Part 2 of Art. 19 of the Constitution of Ukraine stipulates that public authorities and local governments, their officials are obliged to act only on the basis, within the powers and in the manner prescribed by the Constitution and laws of Ukraine [67].

In the process of providing administrative services with the help of information and technological cards of administrative services, information on regulations governing the authority of the subject of a particular service is systematized, but disputes may arise due to lack of concretization of norms, and only a list regulations.

When applying to the administrative court, it is important to comply with the deadlines set by the Code of Administrative Procedure of Ukraine, as failure to comply with such results in leaving the statement of claim without consideration. A person may apply for renewal of the missed deadline.

However, Article 99 of the said CASU establishes a six-month period, which, unless otherwise established, is calculated from the day when the person learned or should have learned about the violation of his rights, freedoms or interests. This time limit should also be taken into account if the person first applies for an out-of-court appeal, because if the dispute is not resolved, the time limit will be calculated from the time the right is infringed and not from the end of the complaint.

Today, many democracies around the world use mediation as an alternative way of resolving disputes. Mediation is widely used throughout the world, especially in the United States, Australia and Europe, and in many countries it is enshrined in law.

For Ukraine, the introduction of judicial mediation is a legislative novelty, so it is important to study it in order to identify conflicting rules and improve the regulation of conciliation procedures.

The precondition for the introduction of the mediation procedure in the judiciary of Ukraine was the course of Ukraine to harmonize national legislation with the regulations of the European Union. A number of recommendations and decisions of the Council of Europe are devoted to the issue of conciliation procedures, in particular, Recommendation № R (99) 19 “On Mediation in Criminal Matters” of 15 September 1999, which is one of the main documents of the Council of Europe on Restorative Justice Programs Council of the European Union of 15 March 2001 on the place of victims of crime in criminal proceedings (2001/220 / JHA), which emphasize the need to develop and implement restorative justice programs in national legal systems [69].

Most define mediation as a specific approach to conflict resolution in which a neutral third party provides a structured process to help the conflicting parties come to a mutually acceptable solution to the dispute [70].

Chapter 4 of the Code of Administrative Procedure of Ukraine provides for the settlement of a dispute with the participation of a judge. Settlement of the dispute with the

participation of a judge is carried out with the consent of the parties before the trial on the merits to achieve settlement of the dispute by the parties. Dispute settlement with the participation of a judge is carried out in the form of joint and (or) closed meetings. Joint meetings are held with the participation of all parties, their representatives and judges. During the joint meetings, the judge clarifies the grounds and subject matter of the claim, the grounds for objections, explains to the parties the subject of evidence in the category of dispute under consideration, invites the parties to make proposals for peaceful settlement of disputes and takes other actions aimed at peaceful settlement of disputes. . The judge may suggest to the parties a possible way of amicable settlement of the dispute. Closed meetings are held at the initiative of the judge with each of the parties separately. During closed meetings, the judge has the right to draw the attention of the parties to the case law in similar disputes, to offer the party and (or) its representative possible ways of peaceful settlement of the dispute [55].

However, the settlement of a dispute with the participation of a judge in administrative proceedings is not allowed in the following cases: in administrative cases defined by Chapter 11 of Section II of the CASU, except for cases specified in Article 267 of the CASU and standard cases; entry into the case of a third party who declares independent claims on the subject matter of the dispute [71].

Thus, the settlement of a dispute with the participation of a judge in the case of proceedings on appeals against the regulatory bodies of the OTG is legally limited. Such a restriction is appropriate given that disputes concerning local government regulations cannot be resolved by conciliation, as they concern a wide range of persons, not just the plaintiff in the case. It should be noted that this rule does not apply to individual regulations relating to a specific range of persons[72].

All other categories of cases, where one of the parties is a local government body or its official, may be applied settlement of a dispute with the participation of a judge. This includes cases in disputes between individuals or legal entities with the subject of power to appeal its individual acts, actions or omissions, in disputes between subjects of power over the exercise of their competence in the field of management, including delegated powers [49]. .

An analysis of the legal mechanism for appealing and repealing regulations of individual action of local governments in administrative and judicial proceedings shows that it requires further research, clear legislative regulation, structuring and elimination of controversial regulations [73].

Conclusions to the third section

An analysis of the need to improve legal regulation the provision of administrative services in OTG allows us to draw the following conclusions:

1. Today, the provision of administrative services in OTG is regulated by a number of regulations, including the Constitution of Ukraine, the laws of Ukraine "On the provision of administrative services", "On local self-government in Ukraine", "On voluntary association of territorial communities" and many others. Simultaneouslyfurther successful implementation of the reform of the provision of administrative services by OTG bodies on the basis of decentralization, requires the continuation of comprehensive work to improve regulatory support.

2. There is a need to amend the Constitution of Ukraine to introduce a decentralized model of government in the state, ensure the capacity of local self-government and consolidate the legal status of the community as the primary subject of local self-government, endowed with appropriate non-nominal powers.

3. It is necessary to make changes to Art. 2 of the Law of Ukraine "On Local Self-Government in Ukraine", which states that OTG are subjects of local self-government. Subjects of voluntary association of territorial communities are adjacent territorial communities of villages, settlements, cities. A united territorial community, the administrative center of which is a city, is an urban territorial community, the center of which is a settlement - a settlement, the center of which is a village - a village.

4. The issue of joint CNAPs is insufficiently regulated. There is a need to develop and approve at the national level a model memorandum on the establishment of a joint CNAP, which should provide for: clear delineation of powers and subordination of CNAP

employees, a common list of administrative services and work schedule, coordination of financial maintenance and payment of all services necessary for effective CNAP.

5. Requirements for candidates for the position of administrator are somewhat inflated, which complicates the recruitment of staff in the CNAP, especially in OTG low capacity. Recommended requirements for the length of service of the administrator, approved by the Main Department of the Civil Service of Ukraine on December 29, 2009 № 406 "On approval of Standard professional qualifications of local government officials" should be supplemented by the possibility of placement of persons with experience in non-governmental institutions . Also, the requirements for education are somewhat inflated, the educational and qualification level of a bachelor's degree can be considered sufficient. Lack of experience and relevant skills can be compensated by the introduction of mandatory: training (in the form of trainings, seminars, lectures) and internships in existing CNAP other OTG.

6. It is necessary to approve national norms in order to classify OTGs into: OTGs with high capacity and OTGs with low capacity, which would make it possible to consolidate the obligation of OTGs, depending on their capacity, to provide a certain list of administrative services. The ability of communities should be calculated in particular depending on such indicators as economic power, population, territory and others.

7. There is a need for a legislative definition of a mandatory list of mandatory administrative services for low-capacity OTGs and a mandatory list for high-capacity OTGs.

8. In order to create a legal basis for the creation of joint, mobile and on-site CNAP, it is necessary to amend the Law of Ukraine "On Administrative Services". Namely, part 1 of Article 12 should be supplemented with definitions of “joint CNAP”, “exit CNAP”, “mobile CNAP”: “Exit CNAP is a specially equipped vehicle with full-fledged remote places for administrators to provide administrative services.Mobile CNAP- a specially equipped suitcase that has the necessary equipment for the full provision of administrative services. A joint CNAP is a permanent working body or structural subdivision of a local state administration or a local self-government body that acts on the basis of an agreed decision (memorandum) of the united territorial community with the local state

administration, which provides administrative services to community residents and all other residents. , through the administrator, through his interaction with the subjects of administrative services ". And also to change part 4 of article 12, having stated it in the following edition: «In order to provide proper availability of administrative services joint centers of rendering of administrative services, territorial divisions of the center of rendering of administrative services, remote places for work of administrators of such center, mobile centers of rendering of administrative services and exit centers for the provision of administrative services. "

9. AssIn order to introduce a quality and "service" system for the provision of administrative services in OTG, it is important to standardize procedural documents and use international quality control and evaluation mechanisms, in particular the implementation of ISO 9001. The quality of administrative services should be assessed according to the following criteria: effectiveness, timeliness, accessibility, availability of information about the administrative body, territorial location of the administrative body, access to the administrative body, availability of forms and forms, availability of paid services, convenience, choice of method of applying for administrative service, simplicity of administrative service, organization of personal reception, convenient order of payment for administrative services, openness, respect for the person, professionalism.

10. It is expedient to develop and approve a national standard - uniform requirements for the quality of service for visitors to administrative service centers, which would meet the requirements of international standards.

11. There is a need to apply a comprehensive approach to addressing the issue of standardization of administrative services, which is the need to approve standards for the provision of administrative services, but also the legislative consolidation of administrative responsibility for non-compliance with standards of administrative services.

12. The described negative experience of the practice of independent development and description of the procedure for out-of-court appeal of decisions, actions or inaction of administrative service providers in the process of providing administrative services in OTG indicates the need to develop and approve a standard national procedure for appealing decisions, actions or inaction in the provision of administrative services. OTG.

13. Legislative consolidation of judicial mediation is another step towards building a “service” state, where local governments and their officials work to meet the needs of the residents of the community. Most of the categories of disputes that may arise in the process of providing administrative services, which are resolved through administrative proceedings, can be resolved before the case is considered on the merits.

14. When appealing against the powers of the state registrar or administrator out of court, it is necessary to find out which powers were exercised, as this will determine which regulations should be followed in the appeal. Yes, in the case of delegation of powers of the state registrar-administrator, the appeal of his actions will be carried out in the manner prescribed by the Law of Ukraine "On State Registration of Real Property Rights and Encumbrances", and not the Law of Ukraine "On Appeals of Citizens of Ukraine", which regulates the general procedure of appeal. There is a need to improve the content of the technology cards and describe the most important aspects of the appeal, such as the timing of the body to which the complaint can be filed, references to the regulations governing this procedure.

15. The imperfection of the legislative regulation of the issue of appeal and cancellation of acts of individual action of OTG indicates the need to change it. The unclear division of powers between the local councils of the OTG and their executive committees regarding the right to independently revoke an act of individual action makes it impossible to unambiguously interpret and apply the law. The lack of a legal mechanism for out-of-court cancellation of an act of individual action, in case of detection of falsified documents or false information submitted by a person interested in making a decision, makes it impossible to quickly protect the interests of the local community.

16. The analysis of legislation and case law shows the impossibility of legal cancellation of acts of individual action by decisions of local governments, despite the possible inconsistency with the laws or even the Constitution of Ukraine, the detection of falsified documents. Thus, the legislator protected the rights of some persons in respect of whom the decision was made, and made it impossible to extrajudicially protect others, the rights and legitimate interests that may be violated by such a decision.

17. The legislation provides for the possibility of judicial cancellation of acts of individual action, recognition as invalid or illegal. The practice of judicial appeal provides for the possibility of revoking acts of individual action in case of their inconsistency with the Constitution, laws, violation of the rights of individuals. The Code of Administrative Procedure does not refer to falsified documents.

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CONCLUSIONS

The study of the genesis of the formation of local self-government and the system of administrative services led to the conclusion that the modern system of local self-government and the system of administrative services is the result of many years of evolution, formed on the basis of national and international regulations. Ukraine is taking active steps to democratize and debureaucratize the provision of administrative services through the adoption of legislation aimed at decentralizing the provision of administrative services. Our state receives significant international support in this area, which is carried out through the implementation of joint programs.

The legal basis for the provision of administrative services in OTG are numerous national and local regulations that determine the competence, establish the procedure for providing administrative services in OTG. At the same time, the further successful implementation of the reform of the provision of administrative services by OTG bodies on the basis of decentralization requires the continuation of comprehensive work to improve the legislative and regulatory framework.

National regulations, which are the legal basis for the provision of administrative services in OTG, can be divided into two categories: regulations governing the activities and determining the scope of powers of local governments and regulations governing procedural issues of provision administrative services. Improvement of the system of providing administrative services is possible under the condition of clear and as complete as possible regulation of the procedure for providing administrative services by OTG bodies, by improving the existing and adopting new national regulations.

In particular, there is a need to amend the Constitution of Ukraine to introduce a decentralized model of government in the state, ensure the capacity of local self-government and consolidate the legal status of the community as the primary subject of local self-government, endowed with relevant non-nominal powers. It is necessary to make changes to Art. 2 of the Law of Ukraine "On Local Self-Government in Ukraine", which states that OTG are subjects of local self-government. Subjects of voluntary association of territorial communities are adjacent territorial communities of villages, settlements, cities. A united

territorial community, the administrative center of which is a city, is an urban territorial community, the center of which is a settlement - a settlement, the center of which is a village - a village.

Examining the application of the principles of providing administrative services in OTG, enshrined in the Law of Ukraine "On Administrative Services" should pay attention to their use as a system of principles, as their joint implementation may give rise to probable conflicts, despite their complementarity. To this end, within the system approach, it is proposed to improve the existing principles and legislate the principle of compatibility or compatibility (coherence), which is necessary for the implementation of the system of principles in general, due to the compatibility of all its elements. In order to achieve high quality of administrative services, in particular in OTG, it is necessary to establish the principle of unification or standardization. The introduction of this principle is the national regulation and the use of standard documents that contain a clear and accurate description of the stages,

Among the local regulations, an important place belongs to the statutes of OTG, the provisions and regulations of CNAP OTG, information and technological cards of administrative services.

Identification of the subjects of administrative services and their powers in the OTG is carried out by analyzing the regulations and the structure of urban, settlement and rural OTG. In particular, such are defined as local councils, executive bodies of councils, local government officials. Delegated and own powers of local councils and executive bodies of OTG councils in the field of administrative services should be classified according to the sphere of public relations in which these services are provided, in particular on the following issues: housing, social, business, architecture and urban planning, land and natural resources , family relations and care, passport, registration, archival affairs, in the field of OTG infrastructure.

The study singles out several key models of providing administrative services in OTG, in particular: directly (mayor, administrator, authorized bodies of OTG), through CNAP, which is created in the center of OTG; joint CNAP; through EDRAP and integrated

information networks, through territorial subdivisions of CNAP; through remote workstations of CNAP administrators; exit CNAP; mobile CNAP.

The analysis of the regulatory framework of these models revealed the need to eliminate gaps in the legislation and the need for legal regulation of on-site CNAP and mobile CNAP.

The issue of joint CNAPs is insufficiently regulated. There is a need to develop and approve at the national level a model memorandum on the establishment of a joint CNAP, which should provide a clear delineation of powers and subordination of CNAP employees, a common list of administrative services and work schedule, coordination of financial maintenance and payment for all services CNAP.

In order to create a legal basis for the creation of joint, mobile and on-site CNAP, we propose to amend the Law of Ukraine "On Administrative Services". Namely, part 1 of Article 12 should be supplemented with definitions of “joint CNAP”, “exit CNAP”, “mobile CNAP”: “Exit CNAP is a specially equipped vehicle with full-fledged remote places for administrators to provide administrative services. Mobile CNAP - a specially equipped suitcase that has the necessary equipment for the full provision of administrative services. A joint CNAP is a permanent working body or structural subdivision of a local state administration or a local self-government body, acting on the basis of an agreed decision (memorandum) of the united territorial community with the local state administration and / or a memorandum in which administrative services are provided to residents of the community and all other residents of the district, through the administrator, through its interaction with administrative services. And also to change part 4 of Article 12 of the said Law, stating it as follows: “In order to ensure proper availability of administrative services, joint administrative service centers, territorial subdivisions of the administrative service center, remote places for administrators of such center, mobile service centers may be established. administrative services and exit centers for the provision of administrative services. " through its interaction with the subjects of administrative services. " And also to change part 4 of Article 12 of the said Law, stating it as follows: “In order to ensure proper availability of administrative services, joint administrative service centers, territorial subdivisions of the administrative service center, remote places for administrators of such

center, mobile service centers may be established administrative services and exit centers for the provision of administrative services. " through its interaction with the subjects of administrative services. " And also to change part 4 of Article 12 of the said Law, stating it as follows: “In order to ensure proper availability of administrative services, joint administrative service centers, territorial subdivisions of the administrative service center, remote places for administrators of such center, mobile service centers may be established administrative services and exit centers for the provision of administrative services. "

One of the controversial problems is the direct provision of administrative services by the administrator and the head of the OTG. Execution of powers by the administrator directly, and not as an intermediary, can offset one of the main positives and goals of administrative reform - overcoming corruption risks through the lack of direct contact between the subjects of provision and subjects of administrative services. However, among these services there are no ones that require the obligatory involvement of other subjects of administrative services, and through the direct provision of services by the administrator there is a process of debureaucratization.

It is necessary to approve national norms that would classify OTGs into OTGs with high capacity and OTGs with low capacity, which would make it possible to consolidate the obligation of OTGs, depending on their capacity, to provide a certain list of administrative services. The capacity of communities should be determined taking into account such indicators as economic power, population, territory and others. There is a need for a legislative definition of a mandatory list of mandatory administrative services for low-capacity OTGs and a mandatory list for high-capacity OTGs.

There is a need to apply a comprehensive approach to solving the problem of standardization of administrative services, which is the need to approve standards for administrative services, legislative consolidation of administrative liability for non-compliance with standards of administrative services.

In order to introduce a quality and socially oriented system of administrative services in OTG, it is important to standardize procedural documents and use international quality control and evaluation mechanisms, in particular the implementation of ISO 9001. Quality of administrative services should be assessed by the following criteria: effectiveness,

timeliness, availability, availability information about the administrative body, territorial location of the administrative body, mode of access to the administrative body, availability of forms and forms, availability of payment for paid services, convenience, choice of method of applying for administrative service, simplicity of administrative service, organization of personal reception, convenient payment for administrative service , openness, respect for the person, professionalism.

It is expedient to develop and approve a national standard - Uniform requirements for the quality of service for visitors to administrative service centers, which would meet the requirements of international standards.

The described negative experience of the practice of independent development and description of the procedure for out-of-court appeal of decisions, actions or inaction of OTG administrative services indicates the need to develop and approve a standard national procedure for appealing decisions, actions or inaction in the provision of OTG administrative services.

Legislative consolidation of judicial mediation is another step towards building a socially oriented state, where local governments and their officials work to meet the needs of the residents of the community. Most of the categories of disputes that may arise in the process of providing administrative services, which are resolved through administrative proceedings, can be resolved before the case is considered on the merits.

The imperfection of the legislative regulation of the issue of appeal and cancellation of acts of individual action of OTG, indicates the need for its development. The vague division of powers between OTG local councils and their executive committees regarding the right to independently revoke an act of individual action makes it impossible to unambiguously interpret and apply the Law. The lack of a legal mechanism for out-of-court cancellation of an act of individual action, in case of detection of falsified documents or submission of false information by a person interested in decision-making, makes it impossible to promptly protect the interests of the local community, as court proceedings require significant time.

The analysis of legislation and judicial practice shows that it is impossible to legally cancel acts of individual action by the decision of local government, despite the possible

inconsistency with the laws or even the Constitution of Ukraine, the detection of falsified documents. Thus, the legislator protected the rights of some persons in respect of whom the decision was made and made it impossible to extrajudicially protect other persons, the rights and legitimate interests that may be violated by such a decision. The legislation provides for the possibility of judicial cancellation of acts of individual action, recognition as invalid or illegal. The practice of judicial appeal provides for the possibility of revoking acts of individual action in case of their inconsistency with the Constitution, laws, violation of the rights of individuals. With regard to falsified documents, the Code of Administrative Procedure does not state that

International regulations enshrine only the basic principles of preventing and resolving conflicts of interest, but by ratifying them, Ukraine has committed itself to developing national legislation to combat corruption, including the settlement of conflicts of interest. The issue of prevention or settlement of conflicts of interest of local government officials and deputies of local councils remains unclear. The legislation regulating the activity of the CNAP is at the stage of formation and needs to be improved, changes to its norms, in order to eliminate corruption risks.

LIST OF SYMBOLS

KASUK	Code of Administrative Procedure of Ukraine
KSU	Constitutional Court of Ukraine
RESPONSE	United territorial community
CNAP	Center for Administrative Services
EDRAP	The only state portal of administrative services

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