

# Legal regulation the activity of local government organizations in the conditions of development the informational society in Ukraine

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## **Abstract**

The transition of society to the information phase of development is connected both with the emergence of new informational social relations, and with a certain transformation of existing social relations. Such a process requires a rethinking of approaches to the legal regulation of social relations that arise in the context of the development of an information society. It is established that the harmonious combination of opportunities of state authorities, local governments and private sector of the economy is one of the mechanisms of implementation of the Basic principles of the development of the information society in Ukraine. The model of principles, which will be guided in the course of legislative fixing of the subject of tasks (tasks, functions), powers and legal responsibility of local self-government bodies as subjects of information society development in Ukraine, is proposed. The attention is focused on local government bodies, their contribution to the formation of an effective legal mechanism for the implementation of the Basic principles.

It is ascertained that today in Ukraine there are no comprehensive scientific works devoted to the analysis of local government bodies as subjects of public administration and the subjects of the development of the information society in Ukraine. The purpose was formulated taking into account the author's innovative view of the problem statement, namely: the formation of an updated legal model of local government in Ukraine, which is in line with the guidelines and established practice of the European Union in the field of local government and takes into account the place and role of local government bodies in Ukraine in the development of information society. The initial idea of the article is that the basis of legal regulation of the activities of local government bodies of Ukraine, as subjects of the development of the information society, should be based on the principles on which national information law.

## **Introduction**

The basic legal regulation the activity of local self-government in Ukraine, as entities developed by an information company, must provide reasonable principles and, as is well known, can be incorporated into national information legislation. We propose to develop a systematic model of principles, and seek to join in the legislative consolidation of departmental subjects (tasks, functioning), using and legally protected local government officials in Ukraine as subjects of public disclosure Based on a systemic world view, we consider it advisable to consider the model at three levels: 1) from the standpoint of supersystems (generally accepted principles of building a global information society, enshrined in the documents of international summits on the information society ([https://zakon.rada.gov.ua/go/995\\_c.57](https://zakon.rada.gov.ua/go/995_c.57) , <http://old.apitu.org.ua/wsis/tp> ); principles enshrined in the Agreement; the association of Ukraine with the European Union (<https://goo.gl/6BtyyH> ) , as well as the founding documents of the European Union; 2) from the point of view of the system (general principles of the Constitution of Ukraine (<http://goo.gl/8lmc8> ); general principles of administrative reform in Ukraine (<https://goo.gl/pk6SHR> ); general principles enshrined in the Law of Ukraine "On Basic Principles of Information Society Development in Ukraine for 2007-2015" (<https://goo.gl/oPp05> ) and the Strategy of Information Society Development in Ukraine (<https://zakon.rada.gov.ua/laws/show/386-2013-%D1%80> ); 3) from the point of view of the subsystem (special principles enshrined in the Law of Ukraine "On Local Self-Government in

Ukraine" ( <https://goo.gl/4A2FxQ> ) and in the Concept of reforming local self-government and territorial organization of government in Ukraine ( <https://goo.gl/62RBiS> ). European principles of public administration, established, inter alia, in the European Charter of Local Self-Government : ( <https://goo.gl/8pqKnC> ).

## **Material and Methods**

The Law of Ukraine “On Basic Principles of Information Society Development in Ukraine for 2007-2015” ( <https://goo.gl/oPp05P> ) and in the Strategy of Information Society Development in Ukraine emphasize the need to improve the legislation on regulation of information relations in the light of global trends. According to the Law ( <https://goo.gl/oPp05P> ), the national policy of information society development in Ukraine provides, in particular, legislative support for its development: in order to improve the efficiency of information society development, it is necessary to create a system of legislation harmonized with the rules of international law on the development of the information society ( <https://goo.gl/oPp05P> ). At the same time, when creating information legislation, as stated in the Law ( <https://goo.gl/oPp05P> ), it should be guided by the general principles of the Constitution of Ukraine ( <http://goo.gl/8lmc8> ), as well as be based on the principles of freedom to create, receive, use and disseminate information; objectivity, reliability, completeness and accuracy of information, etc. One of the expected results of the implementation of the Fundamental Principles should be the deepening of the introduction of the regulatory and legal principles of the information society. The signing by Ukraine of the Association Agreement with the European Union ( <https://goo.gl/6BtyyH> ) demonstrates the necessity of moving our country towards further development in the European community, including in the development of the European information society.

Studies of legal literature have shown that scholars have considered various problems of activity of local self-government bodies within the sciences of constitutional, municipal and administrative law. At the same time, the new conditions of today have led to an emphasis on the analysis of those works that have taken into account both European integration, reform of local self-government bodies, and the task of building an information society in Ukraine. For example, the following scientific works of scientists should be noted within the administrative-legal doctrine (Carbin, 2016, Sandul, 2015, Bodak, 2017) .

With regard to scientific intelligence within the framework of information and legal doctrine, today the work (Aristova and Zapara, 2017) have shown that the prospect of an approach to harnessing the potential of the information society in the work of reforming local governments in Ukraine. The authors substantiate that these bodies become subjects of implementation of the national policy of development of the information society in Ukraine.

## **Results and Discussion**

Considering the proposed vision of the systemic model of principles that should be fundamental in the legal regulation of local self-government bodies in Ukraine, as subjects of information society development, we consider it possible to first of all focus on clarifying the list and content of European principles of public administration, and also to study their interaction with particular principles of the first level of the system model, namely, with the generally accepted principles of building a global information society ( [https://zakon.rada.gov.ua/go/995\\_c57](https://zakon.rada.gov.ua/go/995_c57) ).

The conducted studies have revealed that European standards of local self-government have been enshrined in multilateral international treaties of member states of the Council of Europe, above all, in the European Framework Convention on Transfrontier Co-operation between Territorial Communities or Authorities, European Charter of European Regions, charters on the participation of foreigners in public life at local level, the European Charter of Cities, the European Charter for Youth Participation in the Municipalities and the Region European Charter of Local Self-Government.

## Conclusions and Outlook

In our view, the purpose of the study has been achieved, which is supported by the following provisions.

1. Based on the systemic world view, a model of principles that will be guided in the course of legislative fixing of the subject of tasks (tasks, functions), powers and legal responsibility of local self-government bodies as subjects of information society development in Ukraine is proposed. From the point of view of the supersystems, systems and subsystems the types of principles are defined: general international principles of the global information society, principles of the European Association of Ukraine; the general principles of administrative reform in Ukraine and the principles of information law in an information society context; principles of national legislation in the field of local self-government reform, European principles of public administration, including European standards of local self-government.

2. It is established that the role of each constituent system of principles (including European principles of public administration) is fundamental in the legal regulation of the activities of local self-government bodies as subjects of information society development in Ukraine.

We believe that European principles of public are legal instruments, which are structural elements of the mechanism of information and legal regulation of public relations with the participation of local governments. In our opinion, there is a need for a thorough elaboration of other legal remedies of the said mechanism, which will be a guide for our further research.

## References

1. On the main requirements for the development of information society in Ukraine in 2007-2015: Law of Ukraine January 9, 2007. URL: <https://goo.gl/oPp05P> (accessed 14/04/2019).

2. On the Implementation of the Information Development Strategy in Ukraine: Expansion of the Cabinet of Ministers of Ukraine dated May 15, 2013 No. 386-r URL: <https://zakon.rada.gov.ua/laws/show/386-2013-%D1%80> (accessed 14/04/2019).

3. Constitution of Ukraine: Law of Ukraine June 28, 1996 URL: <http://goo.gl/8lmc8> (accessed 14/04/2019).

4. Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part: International document June 27, 2014, URL: <https://goo.gl/6BtyyH> (accessed 14/04/2019).

5. On approval of the Concept of reforming local self-government and territorial organization of government in Ukraine: Order of the Cabinet of Ministers of Ukraine dated April 1, 2014 No. 333. URL: <https://goo.gl/62RBS> (accessed 14.04.2019).

6. Carabin T., 2016. Distribution of powers of public administration (doctrinal administrative-legal analysis). Research in law, 34 p.

7. Sandul Y., 2015 Executive bodies of local councils as subjects of administrative law. Research in Law, 22 p.

8. Bodak N., 2017 Administrative and Legal Foundations of Local Government Organization: Current Status and Prospects for Development. Research in law, 18 p.

9. Aristova I., Zapara S., 2017. Local self-government bodies as subjects of realization of national policy of development of information society in Ukraine: goals, tasks, functions, powers, directions of improvement, 43(2). ISSN 2409-6857 .

11. Treaty on European Union, February 7, 1992. URL: [https://zakon.rada.gov.ua/go/994\\_029](https://zakon.rada.gov.ua/go/994_029) (accessed: 04/14/2019).

12. On measures to implement the Concept of Administrative Reform in Ukraine: Presidential Decree No. 810 July 22, 1998 URL: <https://goo.gl/pk6SHR> (accessed 14/04/2019).

13. On measures to implement the Concept of Administrative Reform in Ukraine: Presidential Decree July 8, 1998 No. 810 URL: <https://goo.gl/pk6SHR> (accessed 14/04/2019).
14. On Local Government in Ukraine: Law of Ukraine May 21, 1997: URL: <https://goo.gl/4A2FxQ> (accessed 14.04.2019).
15. European Charter of Local Self-Government October 15, 1985. URL: <https://goo.gl/8pqKnC> (accessed 04/15/2019).