



International periodic scientific journal

—*ONLINE*

www.sworldjournal.com

SWORLD Journal

ISSN 2227-6920

Legal and political science

Volume J21518 (9)

November 2015

Published by:

Scientific world, Ltd.

With the support of:

Moscow State University of Railway Engineering (MIIT)

Odessa National Maritime University

Ukrainian National Academy of Railway Transport

State Research and Development Institute of the Merchant Marine of Ukraine (UkrNIIMF)

Institute for Entrepreneurship and morehozyaystva

Lugansk State Medical University

Kharkiv Medical Academy of Postgraduate Education

Alecu Russo State University of Bălți

Institute of Water Problems and Land Reclamation of the National Academy of Agrarian Sciences

This volume contains research papers of scientists in the field of Legal and political science.

Editorial board:

Batyrgareeva Vladislav, Doctor of Law, Ukraine

Getman Anatoly, Doctor of Law, Professor,
Academician, Ukraine

Kafarski Vladimir, Doctor of Law, Professor, Ukraine

Kirichenko Alexander, Doctor of Law, Professor,
Ukraine

Stepenko Valeriy, Doctor of Law, Associate Professor,
Russia

Tonkov Evgeny, Doctor of Law, Professor, Doctor of
Education, Russia

Shepitko Valery, Doctor of Law, Professor,
Academician, Ukraine

Shishka Roman, Doctor of Law, Professor, Ukraine

Yarovenko Vasily, Doctor of Law, Professor, Russian

Latygina Natalia, doctor of political sciences,
Professor, Ukraine

Syrota Naum, Doctor of Political Sciences, Professor,
Russian

Editor: Markova Alexandra

Please use the following format to cite material from this book (*italics indicate the fields to change to your data*):

Author(s), "Title of Paper," in SWorld Journal, Vol.J21518 (9) (Scientific world, Ivanovo, 2015) –
URL: <http://www.sworldjournal.com/e-journal/j21518.pdf> (date:...) - page - Article CID Number.

Published by:

Scientific world, Ltd.

e-mail: orgcom@sworld.education

site: www.sworldjournal.com

The publisher is not responsible for the validity of the information or for any outcomes resulting from reliance thereon.

Copyright
© Authors, 2015

Paper Numbering: Papers are published as they are submitted and meet publication criteria. A unique, consistent, permanent citation identifier (CID) number is assigned to each article at the time of the first publication.

J21518-001

Kozynets O.H., Konoplya Y.Y.

**THE REFORM OF THE CENTRAL ADMINISTRATION IN THE
RUSSIAN EMPIRE DURING THE REIGN OF ALEXANDER I***Chernihiv National University of Technology
Chernihiv, Shevchenko 95, 14027*

Annotation. In our time of continuous reform it is advisable to know and use the experience of the past. Administrative reforms which were adopted during the reign of Emperor Alexander I can be indicative in this comprehension.

In the beginning of the 19th century the reforms of higher and central administration were conducted. The ministerial reform was the most successful. 8 ministries were created then. Ministers received wide powers, but at the same time they were responsible for the work of their ministries. Thus, ministers not only managed but also kept reports of their actions, the costs, results of their work, status, possible prospects. The main difference from colleges that had existed in the times of Peter the Great, was that they had individual control. The reforms of Alexander I in the central administration laid the foundation for further reforms to form bureaucracy and intellectuals - two forces, which in future would determine the face of the Russian Empire.

Key words: *ministry, reform, emperor, Alexander I, Russian Empire, management.*

Introduction. In our time of continuous reform it is advisable to know and use the experience of the past. Indicative in this respect is the administrative reform carried out in the first half of the reign of Emperor Alexander I. In general, the first quarter of the XIX century is the most complex, full of contradictions and original dramatic period in the history of the Russian Empire. In general, this period can be called «Russia at the Crossroads», i.e. Russia was supposedly to choose between the autocratic serf system and new forms of social and political organization of the country. And at last it bent to the conservation and protection of absolutism. At the time of selection, a series of reforms, including the reform of central administration, was held.

Review of the literature. History of Alexander I Empire was always popular among the researchers of different times. Fruitful in the study of this period was the pre-revolutionary historiography. The most famous is the work by M.K. Shylder [1], which paid attention to the person of the Emperor Alexander I. Since the beginning of the twentieth century basic policies of various rulers including Alexander I were started to learn. From the mid-twentieth century historians turned to the government policy, the characterization of events, preparation of reforms etc. The most famous studies were carried by M.P. Yeroshkin [2], P.Ye. Samsonov [3], M.A. Prikhodko [4] and others.

The main body. It should be noted that state agencies and bodies can be divided into three main groups that meet their place in the state apparatus:

- higher authorities and institutions were subordinated directly to the head of the state, in this case to the emperor, and were usually juridical bodies, the supreme

management, supervision and the court (Senate, Committee of Ministers, etc.);

- central authorities and management institutions (charges, colleges, ministries), complied the laws, decrees of the emperor and higher institutions and bodies;

- local authorities and institutions were divided on various grounds, including the functions (administrative, police, judicial), the space (provincial, county, city, etc.) [2, p.6].

In 1801 after Alexander I ascended the throne he was expected to hold liberal reforms and ease the personal power. Although Alexander I was brought up under the supervision of his grandmother Catherine II and was familiar with the ideas of the Enlightenment - Voltaire, Montesquieu, Rousseau, he did not separate the thoughts about equality and freedom from autocracy. This feature of half-reforms was the peculiarity of reforming during his reign.

Before the reforms Alexander I removed from power the participants of the conspiracy against his father Emperor Paul I. The leading role at the times of Alexander I the so-called young friends V. Kochubey, P. Strohanov, N. Novosyltsev, A. Chartoryyskyy started to play. They were the representatives of the highest nobility. They entered the established in 1801 secret committee, which aimed to develop a common plan of government reforms [2, p.152].

All the discussions about reforms were reduced to two cosmetic changes, namely the establishment of ministries and empowerment of the Senate. They can be considered cosmetic because while maintaining autocracy received credentials could not be implemented in full [5, p.12].

Alexander I was not the first who thought about the need to reform the management system and replacing the boards with other state bodies.

The first ministerial reform plans are related to the XVIII century. Joint management central office was recognized ineffective during the reign of Catherine II. Chancellor M.I. Panin (1719-1783) offered to share state governance between several persons, each of which would be solely responsible to the monarch.

Even closer to the idea of the establishment of ministries were conversions conducted by Emperor Paul I. While maintaining the panels the elements of unity in the management of the state apparatus were reinforced. At the head of the boards the chief directors were put. In terms of the rights and powers they were similar to the ministers. In 1797 the first ministerial post was established - minister of feudal estates, it was Prince Kurakin. Besides the Department of Principalities, it was expected to create seven departments in the key sectors of the central government: justice, military, marine, foreign, finance, commerce and treasury. This scheme was very similar to that which was implemented several years ago during the ministerial reforms of Alexander I.

So, the reforms of the early nineteenth century began with senior and central management. The State Council was replaced with Indispensable Council, which had the function of consideration and discussion of state affairs and decisions. It consisted of 12 senior officials without separation of departments.

Attempts to expand the rights of the Senate in supervision of legality were in contradiction with the sole monarchy. Therefore, the Senate became only the highest judicial body of the empire.

The beginning of the establishment of the ministerial system of governance was laid on September 8, 1802 with the manifesto «On the establishment of ministries». Hereby the boards were turned into ministries, they were originally created eight – the Ministry of Foreign Affairs, Military Army, Navy, Interior Affairs, Finance, Justice, Commerce and Public Education [2,p.163].

According to the manifesto ministry managed the affairs of not only national, but also local, their trusted structures, maintaining constant communication with them and getting weekly reports on all current affairs. Each minister was an important statesman, appointed by the Emperor, he was responsible before the Emperor, directly supervised all the affairs entrusted to him by the Alexander I and represented to the Senate annual written reports on their justification of expenses structures of the Ministry, indicating the results of the situation and possible perspectives. Analyzing and considering the reports and activities of ministries, the Senate represented the report to the emperor with the conclusions and their own thoughts.

The functions and responsibilities of ministers as state officials were very broad and responsible. The Minister of Interior Affairs had original and special status, whose responsibilities included the constant concern «about the universal welfare, peace, silence and improvement of the whole empire». Ministry headed by him was endowed with sufficiently broad powers. In particular, the ministry was entrusted with management of industry and construction, maintenance of all public buildings; prevention of needs shortage in the society. Hence the jurisdiction of the Minister was transferred to the manufacturing and medical colleges, hydrochloric office, main post board, forwarding state economy, etc.

According to the Emperor`s decree all the governors represented him reports through the Ministry of Interior Affairs and under his direction solved all military, civilian and police issues. The governors, provincial government, including the establishment of public charity, were in the system of the Ministry. All this pointed to the special status of the Ministry of Interior Affairs and its role in government, indicating a strengthening of policing the state.

Also according to the Manifesto, the former boards and subordinate institutions were transferred to the Ministry or entered them as departments; the main difference of the new central government was the sole government. Ministries and colleges had very complex relationships. Ministers do not interfere in current affairs of boards, only the most important cases were under their responsibility. Therefore, the principle of sole control failed to realize immediately with the implementation of reforms. Mixing and collegiality in management of sole governing generated slowness in solving cases, confusion in the office, the lack of a clear distribution of cases, shifting responsibility, etc. Fully new principles in the ministry were realized only after the reforms 1810-1811 [2, p.164].

The combination of the two systems of government - collegial and ministerial, was the result of a compromise adopted at the meeting of Alexander I «Secret Committee» on March 24, 1802. In accordance with this decision, the boards were not cancelled, and continued to subordinate to the ministries and had to be cancelled gradually in future when experience will show them unnecessary.

To help ministers (except the Secretary of the Army, Navy, Commerce and State

Treasurer) deputy - ministers were appointed who could replace the ministers during their absence. The ministers pledged to be immediately engaged in the creation of their offices and their staff.

The Committee of Ministers was also mentioned in the Manifesto. Strengthening autocracy undermined the value of the Secret Committee. Since the autumn of 1803 Alexander I preferred to discuss the most important issues of state administration not in a circle of close friends, and in terms of subordinate senior officials - ministers in a specially created body of senior management.

The competence of the Committee of Ministers was finalized only in 1812 This was the highest administrative institution which included senior officials - ministers appointed by the Emperor and they were responsible only to him. Besides the ministers there were heads of departments of the State Council, Secretary of State and the people close to the emperor. Thus, the Committee of Ministers, reorganized in 1812 differed from the Committee of Ministers, created in 1801, as its authority was clearly identified. At meetings of the Committee of Ministers the question of managing the country as a whole; questions that ministers could not solve on their own or in the absence of appropriate laws or which were confusing were considered. The Committee also decided the cases on supervision of the state apparatus, on personnel of government agencies. Despite the extensive competence of the Committee of Ministers, it should be noted that its decision entered into effect only after approval of the emperor. Thus, with the creation of the Committee of Ministers it was created an important organ of the government which had a significant impact not only on ministerial system, but the entire system of state power of the empire.

Conclusions. Thus, in the first half of the reign of Emperor Alexander I, series of reforms of higher central government were held since being created in the eighteenth century - in the early nineteenth century they did not meet the requirements. Thus, in the course of reforms was established Indispensable Council in 1801, in 1802 the Senate was reformed, during 1802-1811 ministerial reform was held, the Committee of Ministers was established, in 1810 the State Council was created. The most successful was the ministerial reform.

On the one hand, the majority of Alexander I undertakings failed. As before, there existed autocracy. Public administration was based on medieval foundations such as absolutism, estates, serfdom, centralization, bureaucratization, militarization. On the other hand, during the reign of Alexander I there was laid the foundation for future reforms. Creation of Ministries, Committee of Ministers, the Council of State, Senate reform contributed to the formation of the bureaucracy and intellectual people - two forces that largely would determine the face of Russia during the XIX century - early twentieth century.

REFERENCES

1. Schilder N.K. First Emperor Alexander. His life and reign. V.1-4. - SPb .: A.S. Suvoryna edition, 1897-1898.
2. Yeroshkyn N.P. History State Institutions of Pre-revolution Russia. - M .: Higher School, 1968. - 368 p.
3. Samsonov P.E. The Meaning of Ministry Reforms of 1802 for Evolution of

state-Power in Russian Empire // Vestnik St. Petersburg State University. - Aug. 6 - 1994 - Vol. 1 (№ 6). - P. 95-97.

4. Prihodko M.A. Preparation and Development of Ministry reforms in Russia (February - September 1802). - M., Sputnik + Company, 2002. - 93 p.

5. Troitskiy N.A. Russia in the nineteenth century. Lectures. - M.: High school. 1997. - 431 p.

Article posted on: 10 June 2015.

J21518-002

Novak T.S.

GENESIS OF LABOR PROTECTION LEGISLATION IN UKRAINE: MODERN PERIOD

*National university of life and environmental sciences of Ukraine
Kyiv, Heroyiv Oborony st., 15, 03041*

Abstract. In this work we study genesis of agricultural labor protection legislation in Ukraine after declaring its independence. We determine three conventional stages of this process that are determined by adoption of a basic regulatory legal act (Law of Ukraine ‘On Labor Protection’), fixing right to labor protection at constitutional level, needs for adaptation of national legislation on labor protection to international legislative standards, and adoption of new Labor Code of Ukraine. We determine standard features of modern period of legal regulation of labor protection relationships in agriculture.

Key words: agriculture, labour protection, regulatory legal act, source of law.

Foreword. Any social phenomenon is not static; it changes during all period of its existence, when developing it goes through quite separate stages having their own features and specifics. If we study in more details such process as legal labor regulation in agriculture, we cannot make reasonable and, what is more important, effective offers related to improvement of current situation without careful analysis of previous experience of legal labor regulation. Therefore, it is necessary to analyze legislation development process in the field of labor protection in agriculture.

Literature review. Currently, study of legislation development history in the field of labor protection in agriculture is not deeply analyzed in scientific works. Some aspects were subject of researches of such soviet scientists as F.M. Rayanov, L.I. Levytin, G.V. Chubukov. Though, their conclusions are outdated due to radical change in organizational and legal form of agricultural companies and economic and legal situation in Ukraine on the whole. Today, historical aspect of agricultural labor protection legal regulation does not get sufficient attention, thus, such gap in legal science should be filled.

Basic text. This article is aimed to provide analysis of agricultural labor protection legislation development in modern Ukraine.

After declaration of independence of Ukraine, a new period of general labor protection legislation development starts, in line with development of labor protection legislation in agriculture. The adoption of the Law of Ukraine ‘On Labor Protection’ as of October 14, 1992 [1], stipulating main provisions in terms of implementing constitutional workers’ rights to protection of their life and health within the labor activities, right to respective safe and sound labor conditions, regulating with participation of respective state authorities relationships between employer and employee in terms of safety, hygiene of labor and work environment, and determining single procedure of labor protection organization in Ukraine, was critical stage of development in this direction. As V.Ts. Zhydetskyi noted, the main reasons of adoption of this law were: impossibility to influence officials and employees in terms of labor protection requirements breach with administrative-command

methods, and absence of other means of influence; decrease in labor, executive, and technological discipline; absence of determined powers and responsibilities in terms of labor protection in new structures appearing within the privatization process and gradual refusal to use sectoral principle in national economy management [2, p. 18].

Furthermore, due to emergence of radically new forms of management in agriculture, namely agricultural enterprises (farms), agricultural cooperatives, the Verkhovna Rada (parliament) of Ukraine adopted a range of special laws: 'On Agricultural Enterprises (Farms)' as of December 20, 1991 No. 2009-XII [3], 'On collective agricultural enterprises' as of February 14, 1992 No. 2114-XII [4], 'On Agricultural Cooperation' as of March 7, 1997 No. 469/97-BP [5], each of which included labor protection provisions at agricultural enterprises of respective organizational and legal forms. Afterwards the Law of Ukraine 'On Farms' was adopted on June 19, 2003, No. 973-IV [6] and amended (as of November 20, 2012). Herewith, in the first regulatory legal act the standard on labor protection (part 5, Art. 27) actually repeats text of the similar (part 5, Art. 23) Law of Ukraine 'On Agricultural Enterprises (Farms)'. As for agricultural cooperatives, pursuant to part 2, Art. 2 of the applicable Law of Ukraine 'On Agricultural Cooperation', labor relationships in cooperatives and joint ventures (including those of labor protection) are regulated by the Law of Ukraine 'On Cooperation' [7].

Adoption of the Constitution of Ukraine on June 28, 1996 by Verkhovna Rada of Ukraine, and fixing at the Constitutional level rights of all persons to appropriate safe and sound labor conditions (Art. 43) [8] can be regarded as new stage in development of legislation on labor protection.

Specific character of means and measures of labor protection in agriculture, particularities of safety requirements, work hygiene and fire protection in this field is reflected in regulatory legal acts on labor protection (for example, Labor Protection Rules, Safety Requirements, Model Instructions on Labor Protection, etc.) unified in the State Register of Labor Protection Regulatory Legal Acts (LPRLA Register), created based on the Order of the State Supervisory Board on Labor Protection of Ukraine 'On Approval of Provision on Unified State Register of Labor Protection Regulatory Legal Acts' as of June 8, 2004, No.151 [9]. The LPRLA Register included regulatory legal acts on labor protection approved by the State Supervisory Board on Labor Protection of Ukraine, and regulatory legal acts of the former USSR on labor protection that are valid and effective on the territory of Ukraine pursuant to the Decree of Verkhovna Rada of Ukraine 'On procedure of temporary validity of certain regulatory legal acts of the USSR on the territory of Ukraine' as of September 12, 1991, No. 1545 [10]. It should be noted that currently 'Agriculture' sector of the LPRLA Register includes few dozens of regulatory legal acts on labor protection in plant growing industry, animal growing industry and other sub-industries.

Important role in process of legal regulation of labor protection in plant growing industry plays Digest/compilation of applicable instructions related to labor protection for employees during fulfilment of works related to plant growing [11], that includes seven frame instructions that became basis for development of instructions for specific kinds of work or professions taking into account specific production conditions.

It is worth noting that despite big number of regulatory legal acts dedicated to regulation of labor protection in agriculture, there is tendency of backlog between content of regulatory legal acts' standards and achievements of science and technology in agriculture. Legislators do not manage to respond to dynamic changes in development of chemical means, implementing new plant and equipment in production process, large scale import of agricultural equipment, etc. Consequently it reduces efficiency of implementing of constitutional rights of the employees of this area and appropriate safe and sound labor conditions, as there are a lot of new sources of production injuries and professional diseases, taking place in practical activities of agricultural workers, and there are no legally approved means of protection thereof.

In order to improve such situation in modern circumstances international experience in this matter can be used, as well as adaptation of national legislation on labor protection, namely in terms of safety and hygiene of labor in agriculture, and European Union legislation, implementing of international standards in labor protection area. This position is confirmed by the adoption of the Law of Ukraine as of April 1, 2009, No. 216-VI 'On ratification of Convention of International Labor Organization No. 184 of 2001 on Safety and Hygiene of Work in Agriculture' [12] by Verkhovna Rada of Ukraine, that can be considered as beginning of a new stage in legal regulation of labor protection in agriculture.

Moreover, we should note possible changes in legal regulation of relationships related to labor protection in agriculture within the reform of labor legislation, namely adoption of labor Code of Ukraine. Analyzing content of existing projects of this regulatory legal act, we can conclude that Ukrainian legislator can opt for one of the following ways. First option is to adopt Labor Code accumulating provisions of the Law of Ukraine 'On Labor Protection' and cancel the latter. The second option consists in existing of the Code and the Law. But anyway legal science faces difficult task of developing reasonable offers that could give possibility to optimize legal regulation of labor protection. And in case if the first option is chosen, legislators wouldn't overload the Labor Code, and in case of the second option they should eliminate repetitions and contradictions between the Labor Code and the Law of Ukraine 'On Labor Protection'. Considering perspectives of regulation of relationships in agriculture and, respectively, labor protection relationships, in case of adoption of the Labor Code in the last wording [13], scope of the labor right shall be expanded, and agricultural labor legal relationships shall be regulated by the labor law standards. Taking into consideration industrial specifics, as it was before, is prescribed, first of all, at the local level, that does not enhance existing low level of regulation of all key aspects of labor relationships in agricultural objects.

Conclusion. Thus, analyzing modern period of agriculture labor protection legislation development (starting from 1991 up to this day), we can conclude that it is characterized by existence of the Law of Ukraine 'On Labor Protection' that is binding for enterprises, institutions and organizations regardless the industry of their activities and ownership form; range of special law, stipulating organization of labor protection depending on organizational and legal forms of agricultural companies; further detailing of safe work performance depending on agricultural areas based on respective sectoral regulations, adopted during the period of Ukraine's independence,

combined with some regulatory legal acts of USSR in this area that are still valid and effective; tendency of using international experience in order to take effective measures related to legal labor protection.

References:

1. Про охорону праці : Закон України від 14 жовт. 1992 р. № 2694-XII // Відомості Верховної Ради України. — 1992. — № 49. — Ст. 668.
2. Жидецький В. Ц. Основи охорони праці / Жидецький В. Ц., Джигирей В. С., Мельников О. В. — 2-ге вид., стереотип. — Л. : Афіша, 2000. — 347 с.
3. Про селянське (фермерське) господарство : Закон України від 20 груд. 1991 р. № 2009-XII // Відомості Верховної Ради України. — 1992. — № 14. — Ст. 186.
4. Про колективне сільськогосподарське підприємство : Закон України від 14 лют. 1992 р. № 2114-XII // Відомості Верховної Ради. — 1992. — № 20. — Ст. 272.
5. Про сільськогосподарську кооперацію : Закон України від 17 лип. 1997 р. № 469/97-ВР // Відомості Верховної Ради України. — 1997. — № 39. — Ст. 261.
6. Про фермерське господарство : Закон України від 19 черв. 2003 р. № 973-IV // Відомості Верховної Ради України. — 2003. — № 45. — Ст. 363.
7. Про кооперацію : Закон України від 10 лип. 2003 р. № 1087-IV // Відомості Верховної Ради України. — 2003. — № 5. — Ст. 35.
8. Конституція України : від 28 черв. 1996 р. // Відомості Верховної Ради України. — 1996. — № 30 , 23 лип. — Ст. 141.
9. Про затвердження Положення про єдиний державний реєстр нормативно-правових актів з питань охорони праці [Електронний ресурс] : наказ Держнаглядохоронпраці України від 8 черв. 2004 р. № 151. — Режим доступу : www.liga.net.
10. Про порядок тимчасової дії на території України окремих актів законодавства Союзу РСР : постанова Верховної Ради України від 12 верес. 1991 р. № 1545 // Відомості Верховної Ради. — 1991. — № 46. — Ст. 621.
11. Збірник примірних інструкцій з охорони праці для працівників під час виконання робіт в рослинництві [Електронний ресурс] : затв. наказом Міністерства агропромислового комплексу України від 15 груд. 1999 р. № 368. — Режим доступу : www.rada.gov.ua.
12. Конвенція Міжнародної організації праці № 184 2001 року про безпеку та гігієну праці в сільському господарстві : прийнята 89 сесією Генеральної конференції МОП від 5 черв. 2001 р. : ратифікована Законом України від 1 квіт. 2009 р. № 216-VI // Відомості Верховної Ради України. — 2009. — № 32–33. — Ст. 492.
13. Проект Трудового кодексу України від 26 грудня 2014 р. № 1658 [Електронний ресурс]. — Режим доступу : www.rada.gov.ua.

Стаття відправлена 01.09.2015 р.

© Новак Т.С.

J21518-003

Olefrenko E.O.

LEGAL REGULATION OF LOCAL GOVERNMENT: INTEGRATION ASPECT

*Chernihiv national technological university
Chernihiv, 50 r. VLKSM 1-A, 14037*

Abstract. In this paper we consider the reform of local government regulation. Analyzes the European experience, problems and risks of its implementation in Ukraine.

Key words: local government, European integration, European standards, decentralization of state power.

The issue of improving local government, sustainable community development relevant today for all European countries. Ukraine is an integral part of this process.

The principle of local self-government under the article 2 of the European Charter of local self-government is recognised in national legislation and, as much as it is possible, in the Constitution. The article 7 of the Constitution of Ukraine indicated that Ukraine is recognized and guaranteed by local government. Thus, the recognition and guarantee of local government in Ukraine at the constitutional level in most cases is evidence of the perception of domestic constitutional theory and practice of state and European values and global constitutionalism. However, there is a quite urgent task of further improving the constitutional and legal regulation of the status of local government is as a leading institution of civil society, developing an effective system of its guarantees at the present stage of development of the Ukrainian state and society. On the one hand, this will approach the status of local government to European standards, and on the other hand- will serve as a means of ensuring the stability of the constitutional system of Ukraine in general [1, p. 35].

The real contours of a new model of local self-government outlined consolidation of this institution in the Constitution of 1996, in the adopted of the 1997 Basic Law "About the Local Government in Ukraine", the ratification of the European Charter. Then there were waves of expected reforming and disappointments and retreat from it [2]. M. Pukhtynsky, claimed that these waves were linked to lack of political strategic vision of development, transformation of the system of public power in general, local governments in particular; political will and desire to carry out not ephemeral, but real reform.

At the conceptual level aspects of building a modern model of local government reflected in the Concept of administrative reform in 1998 and several concepts of public administration reform. They first traced the idea of decentralization of state power.

1 April 2014 the Government of Ukraine approved the Concept of reform of local self-government and territorial organization of power where the modernization of local government received an updated conceptual content. The Verkhovna Rada of Ukraine for consideration of the President of Ukraine is introduced a bill to amend the Constitution to decentralize power.

On the issues of local government worked many domestic and foreign scientists,

including S. Boldyrev, Y. Bytyak, Jean Bude-Burda, F. Venislavskiy, K. Davis, R. Drago, A. Lyalyuk, A. Norton, V. Chirkin. However, there is no comprehensive analysis of local government in the context of the integration and modernization process.

French professor Jean Bude-Burdo believes that the activity is decentralized when the rules that determine its designed power of the union to which it relates. The territorial entity decentralisation describes its release from the central government in this activity. The Preamble of the European Charter of the local government indicates that a significant contribution to the development of Europe based on the principles of democracy and decentralization of power, protection and strengthening of local government.

S. Boldyrev says that the strategic direction of the policy of Ukraine is the integration into the European community, which involves significant institutional changes, improvement the system of local government, harmonization of national legislation in accordance with modern European standards.

According to Y. Lyalyuk the main focus of European integration, is to improve national legislation made towards the implementation of European standards development. These standards represent principles that underlying the development of local government and which should include: independent public resolve all local issues; organizational separateness of local government in the management of society and the state; diversity of organizational forms of local government; spivrozmirnist powers of local self-government material and financial resources and more.

However, describing the process of decentralization of power, the formation of regional policy and improving the organization and functioning of local governments in Central and Eastern Europe (Poland, Slovakia, Czech Republic, Hungary), Y. P. Bytyak notes that it took place not only influenced by internal factors (process of democratization and civil society), but under the "pressure" of European international organizations as the OSCE, Council of Europe and especially - European Union a condition of a membership is bringing the national legislation of the candidate countries in compliance with the legal standards of the EU, including in the event of the Regional Policy [1, p. 4].

Of course, an appeal to the European experience of local government reforms in the context of European integration of Ukraine is extremely important. Experience in different countries shows that even under the same management models used different forms and systems of local government. Excessive centralization leads to passivity in the implementation of management and financial resources that are "above", are used less efficiently, without regard to the wishes of local people. However, excessive decentralization, fragmentation of local government, lack of Government Relations rise to administrative disorder [3, c. 40].

So there is no the only opinion about the development of local government in the context of modernization and European integration of Ukraine among scientists exists. Typically, scientists emphasize the positive aspects of the European experience of government, despite the fact that there have been some negative.

The most appropriate experience of local governments for Ukraine is considered in Eastern Europe. Despite the fact that they, like Ukraine, joined the Charter only in

the 90s of the twentieth century, but the process of introducing European standards in local governments are more successful than in our country. Bulgaria, Poland, Czech Republic and others. countries chose the continental model, which is characterized by a combination of a political unit direct public administration and local government, central government agents and supervisors of local representative bodies.

Some scientists have expressed criticism to this model of local government, it is recommended to treat with caution imports. A. Norton said: "The experience of the event shows that the nature of the system is the most problematic aspect of a variable and local government. It is also the most difficult area to use the lessons of other nations. Technical problems - such as management, financial management and characteristics of services - considerably lighter areas for borrowing someone else's experience. But they are the basis of local government as a democratic institution. This requires penetration of behaviors and relationships that we normally take for granted "[4, p. 279].

K. Davis believes that local government - is, first of all, the management, in other words, implementation public power at a local level. According to him, local authorities act only because central government is not technically able to independently manage all administrative units.

R. Drago points out that the local authorities often formed for the convenience of governance for the state since achieving certain size can not refuse the existence of local authorities.

National Institute for Strategic Studies under the President of Ukraine worked out the experience of foreign countries that are faced during the implementation of local government reform with particular problems. Among them, the problem of regionalization, the macroeconomic environment, ethnic minority regions with significant autonomy ethno-cultural, socio-economic differences. Due to the ambiguous consequences of regionalization in Europe was adopted by the European Charter of Regional Self-Government.

In the process of preparing the final version of the Concept of reforming the local self-government and territorial organization of power by the National Institute for Strategic Studies under the President of Ukraine, the following main groups of risks that may arise in the process of decentralization of power in Ukraine related to the need to revise the boundaries of administrative units (to ensuring their financial viability); weakening state control of local governments at the regional and subregional levels for the implementation powers to be transferred to the executive bodies of local councils, in terms of the weakness of civil society outside the big cities; risks budgetary system of the country; decline in the quality of local governance and the legitimacy of decisions; particularism trends in growth areas.

Thus, the integration aspect has a significant influence on reforming regulation of local government in Ukraine. Local government - a universal value for all European states. The desire to create an effective system of local government on the European model requires a careful study of the experience of countries with a long tradition of local government in order to avoid possible risks they faced. Moving in the direction outlined by the European Charter of Local Self-Government, it must be remembered that local governments have emerged and developed as the antithesis of

absolute power center. Integration into a single process of public administration, uniting all EU countries should not reverse the local nature of interests and significantly enhance the impact of supranational regulation on local government.

Literature:

1. Problems of reforming local self-government in Ukraine in the context of approximation to European standards organisation local authorities in Ukraine: modern state and prospects of development: materials of international scientific-practical conference, Kharkov, 28 October 2009 / I. V. Yakovuk. - K.: Institute of state construction and local. government, 2009 – 223.

2. Puhtinsky M. Reform of local self-government is a concept plus the political will [Electronic resource]. – Access mode: www.viche.info/journal/1027

3. Chirkin V. the Experience of foreign management (state and municipal management) : textbook / V. E. Chirkin. – M. : Yurist, 2006. – 184 p.

4. Norton A. What East European Democracies Might Learn From the West // Local Government in Eastern Europe. Establishing democracy at the crossroads. London, Macmillan, 199. P. 275297.

The article sent: 19.10.2015.

© Olefirenko E.O.

CONTENTS

<i>J21518-001 Kozynets O.H., Konoplya Y.Y.</i> THE REFORM OF THE CENTRAL ADMINISTRATION IN THE RUSSIAN EMPIRE DURING THE REIGN OF ALEXANDER I.....	3
<i>J21518-002 Novak T.S.</i> GENESIS OF LABOR PROTECTION LEGISLATION IN UKRAINE: MODERN PERIOD.....	8
<i>J21518-003 Olefirenko E.O.</i> LEGAL REGULATION OF LOCAL GOVERNMENT: INTEGRATION ASPECT.....	12