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NORMATIVE AND LEGAL FRAMEWORK FOR THE STRUCTURAL MODEL OF PUBLIC PARTICIPATION IN THE FUNCTIONING OF LOCAL AUTHORITIES

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Abstract. This article examines the normative and legal framework underpinning the structural model of public participation in the functioning of local authorities in Ukraine. Emphasizing the principles of transparency, accountability, and inclusiveness, the study analyzes key legislative acts, including the Constitution of Ukraine, the Law on Local Self-Government, and related regulations, that empower citizens to influence decision-making processes at the local level. The research highlights practical mechanisms such as public hearings, petitions, and participatory budgeting, while addressing challenges like formalism, low public awareness, and insufficient resources. The article proposes pathways to enhance citizen engagement, ensuring a more democratic and effective local governance system.

Key words: public participation, local authorities, normative framework, legal regulation, structural model, civic engagement, governance transparency, democratic processes.

Introduction. Public participation is a fundamental component of democratic governance, ensuring openness, transparency, and accountability of public authorities. In the context of establishing an effective system of local governance in Ukraine, the activation of public engagement becomes a crucial element in local decision-making processes. This necessitates the creation of an effective legal framework to regulate citizens' participation in the activities of local authorities, which should be seamlessly integrated into a specific model of public participation at the local level.

The purpose of the article. The purpose of this article is to clarify the fundamental principles embedded in Ukraine's legal framework concerning public participation in local-level public administration processes and to describe the structural model of citizen involvement in addressing local issues.

Results of the study. The successful implementation of administrative-territorial reform and decentralization of public administration requires the activation of public participation, maximum integration of the population into the decision-making process, and the development of mechanisms for direct democracy. Ukraine has established a legal framework for interaction between public authorities and civil society, as well as for involving citizens in addressing state and local issues. In particular, the Constitution of Ukraine guarantees all citizens the right to freedom of thought and speech, as well as the free expression of their beliefs (Article 34). Furthermore, the law secures citizens' right to participate in the governance of public affairs, take part in national and local referendums, and elect or be elected to bodies of state power and local self-government (Article 38). It is also established that citizens have the right to submit individual or collective written appeals or personally address public authorities, local self-government bodies, as well as officials and public servants, who are obliged to consider such appeals and provide a substantiated response within the timeframe established by law (Article 40) (Konstytutsiia Ukrainy, 1997).

The Constitution of Ukraine guarantees citizens' right to participate in public governance through several key aspects.

First, it ensures participation in elections and referenda. Article 38 of the Constitution states the citizens' right «to participate in the administration of state affairs, in nationwide and local referenda» (Konstytutsiia Ukrainy, 1997). This right is realized through:

- Electing authorities at the national and local levels. The Constitution guarantees citizens the right to be elected to representative bodies of power (Article 38). This ensures access to public governance not only through voting but also through direct execution of governmental functions;

- Participating in referenda on issues of national or local importance. The Constitution enshrines direct democracy as a fundamental principle of governance in Ukraine. It is implemented through referenda (Article 69), which allow citizens to directly resolve critical matters;

- The right to organize local self-government. Article 140 of the Constitution defines local self-government as a form of governance enabling territorial communities to independently address matters of local significance;

- The right to access information. Article 34 guarantees the right to freedom of speech and access to information. These provisions are essential for informed participation in public governance, as they ensure access to data on the activities of governmental bodies;

- The right to submit petitions. Citizens have the right to submit individual or collective petitions to governmental bodies (Article 40). This allows them to express proposals, complaints, or demands regarding the activities of state institutions;

- Public oversight. The Constitution provides citizens with the opportunity not only to participate in decision-making but also to oversee the implementation of these decisions. The main mechanisms of such oversight include:

- Monitoring the actions of governmental bodies through access to public information;

- Exercising the right to peaceful assembly (Article 39) as a tool for influencing governmental decisions;

- Judicial protection of citizens' rights in cases where state governance bodies violate the law.

Another important legal act is the Law of Ukraine «On Information» dated October 2, 1992. It regulates legal relations regarding the creation, collection, acquisition, storage, use, dissemination, protection, and safeguarding of information. In particular, the law defines the main directions of state information policy, namely:

- guaranteeing access to information for everyone;

- ensuring equal opportunities in the creation, collection, acquisition, storage, use, dissemination, protection, and safeguarding of information;

- creating conditions for the development of an information society in Ukraine;

- ensuring openness and transparency in the activities of public authorities;

- developing information systems and networks, as well as promoting e-governance;

- continuously updating, enriching, and preserving national information resources;

- ensuring the information security of Ukraine;

- fostering international cooperation in the information sphere and integrating Ukraine into the global information space (Zakon Ukrainy «Pro informatsiiu», 1992).

According to the Law of Ukraine «On Bodies of Self-Organization of the Population» dated July 11, 2001, the legal status, as well as the procedure for organizing and functioning of such bodies, is defined. An important principle of their activity is ensuring transparency and accountability. Among the key powers aimed at promoting public participation, bodies of self-organization of the population are entitled to:

- Submit proposals, in the established manner, regarding drafts of local programs for socio-economic and cultural development of the respective administrative-territorial units, as well as drafts of local budgets;

- Monitor the quality of housing and communal services provided to residents of buildings located within their operational area, as well as the quality of repair work in such buildings;
- Assist local council deputies in organizing meetings with voters, holding receptions for citizens, and performing other activities within electoral districts;
- Inform the population about their activities, organize discussions on draft decisions concerning important issues (Zakon Ukrainy "Pro orhany samoorhanizatsii naseleunia", 2001).

When considering specific aspects of citizens' participation in the life and governance of territorial communities, it is important to note that only those mechanisms of public participation can be considered effective that ensure an appropriate response from the authorities and have certain legal consequences (Abramyuk, 2022). According to the Law of Ukraine «On Local Self-Government in Ukraine» dated May 21, 1997, these forms of participation include: local referendums, citizen meetings at the place of residence, local initiatives, public hearings, and self-government bodies (Zakon Ukrainy "Pro miseve samoriaduvannia v Ukraini", 1997).

This law guarantees territorial communities the right to participate in decision-making at the local level; however, it does not regulate the procedures for the implementation of these mechanisms. Specifically, it is stated that the procedures for conducting public hearings, general meetings, or local initiatives must be defined by the charters of territorial communities or separate provisions of local councils. Since most territorial communities do not have approved charters, this deprives a significant number of Ukrainian citizens of the legal means to influence decisions of local self-government bodies through established legal procedures.

The Law «On Local Self-Government in Ukraine,» adopted in 1997, regulates the activities of local self-government bodies and their interaction with the public. Its main goal is to create conditions for citizens to exercise their right to self-governance through direct participation or through elected representatives.

Citizens' participation in public administration is provided for by the following key provisions of the Law:

1. Public hearings (Article 13) – a mechanism that allows residents of a territorial community to discuss important issues of community development, including local council decision drafts. Local self-government bodies are required to take the results of such hearings into account.
2. Local initiatives (Article 9) – a way in which citizens can propose issues for consideration by the local council. This is an important tool for influencing decision-making processes.
3. General meetings of citizens (Article 8) – a form of direct democracy that allows residents to discuss and decide on important local issues.
4. Consultative and advisory bodies – structures established within local self-government bodies to consider public opinion in decision-making processes.

Public hearings are the most common mechanism for involving citizens in discussions on important issues. According to the law, hearings are held on the initiative of local councils, their executive bodies, or the residents of the community themselves. The hearings cover the following issues:

- development and approval of local programs;
- use of communal property;
- improvement of territories and environmental issues;
- distribution of the community budget.

It is important to note that the results of public hearings are advisory in nature, but their disregard without proper justification may trigger a negative response from the public.

Local initiatives allow citizens to formulate specific issues for consideration at a local council session. This mechanism enables the community to directly participate in shaping the agenda. To submit a local initiative, citizens must collect a certain number of signatures, as specified by the local coun-

cil's regulations. Importantly, the law does not establish uniform requirements for all communities, giving them the right to independently determine the procedure for submitting initiatives.

General assemblies are a form of direct democracy that allows residents to make decisions on vital community matters. The law grants the right to hold such assemblies within a multi-apartment building, street, or neighborhood, as well as at the community level. Decisions made at general assemblies are advisory in nature, but they often serve as the basis for corresponding decisions by the local council.

In the context of modern digitalization, Ukraine is actively implementing innovative tools for citizen participation based on the provisions of the law. For example, electronic petitions allow citizens to quickly address important issues with local authorities, or digital platforms for decision discussions that provide access to information about the work of local councils and the opportunity to participate in voting.

It is worth noting that in cities where the mechanisms for public participation have been established, these mechanisms are often more designed for the convenience of local government authorities than for citizens. The results of a study on the legal regulation of local democracy mechanisms, conducted by the Ukrainian Independent Center for Political Studies, show that in cities, the use of such forms of public participation as public hearings, local initiatives, and general citizens' meetings is effectively blocked. Among the identified shortcomings in the legal regulation of forms of public participation are:

1. Significant restrictions on the exercise of the right to local initiative: the large size of the initiative group, inflated requirements for the number of signatures required to submit an initiative for consideration by the council, and the absence of clear procedures for considering local initiatives.

2. The complexity of the public hearing procedure: significant limitations for initiating hearings, as well as an unreasonably large number of signatures required to initiate hearings.

3. Artificial requirements for initiating community meetings, such as the requirement for signatures from 10% to 1/3 of the total number of residents.

4. Vague definitions of the procedure for considering the decisions of hearings or local initiatives at local council meetings (Latsyba, 2019).

Thus, in Ukraine, there are significant discriminatory restrictions that greatly complicate, and sometimes even make impossible, the realization of citizens' rights to participate in decision-making processes. As a result, we observe, on the one hand, ineffective governance, illegitimate decisions that are not implemented, a general decline in public trust in key institutions of power, and on the other hand, the escalation of social conflicts and situations where the only tool for dialogue for citizens becomes street public protest actions.

Despite the broad legal guarantees of public participation, there are several challenges in Ukraine that limit its effectiveness, namely:

- Insufficient public awareness. Many Ukrainians are unaware of their rights or the mechanisms for participating in public administration, which reduces the activity of civil society.

- Formalism in the actions of government bodies. Some public authorities treat citizen participation as a mere formality, leading to the disregard of public opinion when making decisions.

- Limited access to information. Although legislation guarantees transparency, citizens often encounter bureaucratic obstacles when trying to obtain information.

- Uneven development of local self-government. In different regions of Ukraine, mechanisms for involving citizens in local governance are unevenly developed, creating an imbalance in the influence citizens have over local issues.

Public participation in the functioning of local government bodies is an important element of democratic development. It ensures transparency, accountability, and efficiency in the activities of local self-government bodies, facilitates dialogue between the authorities and the public, and strengthens

citizens' trust in state institutions. In order for this participation to be effective, a clear structural model must be implemented, which will include various mechanisms for citizen engagement and institutional forms of cooperation with the authorities. The key elements of the structural model of public participation can be described as follows:

1. Institutional component. The structural model should be based on legally established principles of public participation. In most countries, this component includes:

- Laws on local self-government;
- Acts regulating citizens' rights to access information and participate in decision-making;
- Legal and regulatory documents that define the procedures for conducting public consultations, hearings, petitions, etc.

2. Mechanisms for citizen engagement. An effective model should provide various ways for citizens to interact with local authorities. The main mechanisms include:

- Public hearings. These events allow residents to express their opinions on important issues such as urban planning, budgeting, and social programs.
- Consultative councils. These are bodies that bring together community representatives and authorities to discuss and develop joint decisions.
- Electronic petitions. These allow citizens to initiate certain changes or projects that must be considered by the authorities.
- Participatory budget. This tool allows citizens to participate in the formation and distribution of the community's budget.

3. Information support. A key component of the model is ensuring citizens have access to information about the activities of local government. This includes:

- Regular publication of reports;
- Creation of open registers of decisions and budgets;
- Operation of official websites of the authorities.

4. Training and development of competencies.

In order for citizens to effectively use participation tools, they must be provided with the necessary knowledge and skills. This can include educational programs, training sessions, and civic schools.

5. Monitoring and evaluating effectiveness.

The success of public participation should be constantly assessed through:

- Public opinion surveys;
- Analysis of the results of participation in solving specific problems;
- Regular review and adaptation of engagement mechanisms.

An effective model of public participation is based on the synergy of all its aforementioned elements. For example, public hearings become significantly more effective with proper informational support, and electronic petitions require clear procedures for review and response from the authorities. An important factor is also the integration of digital technologies, which simplify access to information and citizen engagement in decision-making processes.

Local self-government bodies play a key role in implementing the model of public participation. They must ensure:

- openness in decision-making processes;
- support for citizens' initiatives;
- transparent use of resources.

At the same time, it is important that local authorities are ready for constructive criticism and changes based on public initiatives.

Despite the advantages, the implementation of the structural model of public participation faces a number of challenges, namely:

- low level of citizens' awareness of their rights;

- lack of resources in local authorities;
- mistrust in governmental structures.

To overcome these challenges, it is necessary to stimulate citizens' activity, implement innovative approaches to interaction, and carry out reforms aimed at improving management efficiency.

Conclusions. The structural model of public participation in the functioning of local authorities is a necessary condition for the development of a democratic society. Its implementation contributes not only to solving the pressing problems of communities but also to the formation of a responsible and active civil society. To achieve success in this area, it is essential to ensure clear legislative regulation, a variety of participation mechanisms, informational transparency, and citizen education, which, in turn, will strengthen democracy at the local level.

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