


MYKOLA ANATOLIIOVYCH SAMBOR,*Candidate of Law,**Corresponding Member of National Ukrainian Higher**Education Academy of Sciences,**Prylutsky District Police Department of the Main Department**of the National Police in the Chernihiv Region,**Criminal Police Department,**Deputy of the Pryluky District Council;* <https://orcid.org/0000-0002-0446-3892>,*e-mail: nikolas783@ukr.net***LOCAL SELF-GOVERNMENT POWERS: ON CONTENT AND CORRELATION WITH RELATED CONCEPTS**

The article is devoted to the study of the concepts of “competency”, “competence”, “powers”, and their correlation in the formulation of powers of local self-government bodies. The study focuses on the understanding that local self-government and local self-government bodies are a product of civil society and are called upon to regulate, promote and implement the interests of civil society, associations of citizens, in particular, on the territorial principle, as well as individuals. Since local self-government is the right of residents of certain settlements to associate, local governments must provide relevant services to the community and its residents. The provision of relevant services by local self-government bodies, which are public services by their nature, involves the exercise of their powers granted to them as a result of decentralisation of power to fulfil their functions and tasks. The exercise of powers by local self-government bodies is impossible without understanding the essence and content of powers, their correlation with the subjects of exercise – the relevant officials of local self-government bodies. Thus, understanding of the holistic doctrine of powers of local self-government bodies, their functionality and hierarchy is impossible without studying the concepts of “competency” and “competence” of a local self-government official. Based on the results of the study, the author formulates the author’s own definitions of the concepts of “competency”, “competence” and “powers” of local self-government bodies.

Competence is considered as an integral system that includes subsystems of knowledge, skills and abilities necessary to perform a certain function and implement a relevant task, which by its purpose meets the requirements for holding a position in local self-government bodies, as well as the rights and obligations resulting from the implementation of the functions and tasks of local self-government. Competency is the ability of a person to exercise the rights and duties of a local self-government official, taking into account the availability of relevant knowledge, skills and abilities, the ability of the official to independently form the specified necessary set of rights and duties for the exercise of the powers of the local self-government body, taking into account the available administrative discretion.

At the same time, it is substantiated that the powers of local self-government bodies are a system of rights and obligations of local self-government officials enshrined in legal documents which ensures the realisation of the interests of the territorial community by providing relevant services within the framework of certain functions for these bodies and is based on the competence and competency of officials, employees of local self-government bodies and institutions and organisations established by them aimed at achieving the tasks set by these bodies.

Key words: *powers, competency, competence, local self-government, local self-government body.*

Original article

INTRODUCTION. The development of any phenomenon or process, its improvement is based on the available knowledge, skills, abilities, which are the result of experience, certain borrowings (implementation) and cognitive states, attitudes, and other elements of the cognitive system. The immanence of such measures is deter-

mined by the existing theoretical or empirical experience of building and the desire to create an objective reality identical to the internal worldview and the world of the individual. The social component of human essence is manifested primarily in the need not only for communication, building rules of coexistence, but also for creating

conditions for the comprehensive development of the individual. The history of mankind has considerable experience in the social sphere in finding the best ontology of man, social communities, the state, law, and forms of social organisation from the point of view of history and specific historical periods.

The history of social development, state-building and law-making, formation of efficient and effective social institutions for the introduction and exercise of power, its division and balance in the interests of individuals, social communities, large and small social groups united on the basis of territoriality, has formed the institution of local self-government, the body and officials closest to the individual, designed to ensure the satisfaction of his or her interests, the social community, the basis of which is the place of residence of its members – the administrative unit of the state. It is the local self-government bodies that satisfy the primary, and sometimes the main, requests and interests of a person in the needs of public authorities. The above obliges to constantly address the issue of the powers of these bodies aimed at both observing the rights, freedoms and interests of the residents of the respective territorial community and creating conditions and satisfying the use and exercise of their rights, freedoms and interests by each of its representatives or guests.

Today, there are many scientific studies that focus on the powers of local self-government bodies, their officials, enterprises, institutions and organisations established by them. Among such works, it is worth highlighting the research by Yu. Barabash, O. Botanov, A. Kolodiy, V. Kuibida, Yu. Shemshuchenko and other scholars who, along with other topical issues, paid attention to the debates related to the powers of local self-government bodies, starting from their theoretical understanding, classification, systematisation, and most importantly, implementation and delimitation.

Despite the existing achievements in the field of studying the powers of local self-government bodies, law enforcement practice and theoretical legal science offer many topical issues that do not have an unambiguous answer and require further research, which leads to ambiguous legal regulation and implementation.

PURPOSE AND OBJECTIVES OF THE RESEARCH. Given the above, the purpose of the article is to develop a unified approach to understanding the powers of local self-government bodies in Ukraine based on the existing legal doctrine, law-making practice, and the unity of the concepts of “competence”, “competency” and “powers”.

To achieve this goal, the following tasks are outlined: 1) to clarify the essence of the concept of “local self-government”; 2) to study the correlation of the concepts of “competence”, “competency” and “powers” of local self-government bodies in Ukraine; 3) to define the concept of “powers of local self-government bodies” based on the analysis of doctrinal views and existing legal concepts.

METHODOLOGY. In the process of scientific cognition of the subject and object of the study, the methods of scientific cognition of the phenomena under study were used, which ensured the dialectical unity of the objective and subjective. General scientific and special methods of scientific cognition, namely the method of analysis and synthesis, were used to form an understanding of the concept of “local self-government bodies” and their powers. The method of generalisation and modelling was useful in the formation of the system of powers of local self-government bodies. The use of abstract and logical, systemic and structural analysis allowed to form a theoretical basis for understanding the powers of local self-government bodies and their systematisation in the rules of positive law.

RESULTS AND DISCUSSION. As a result of many years of research, scientists have come to the conclusion that one of the most important tasks of any civilised, democratic and progressive society is the formation of civil society (Kot et al., 2023, p. 15). Civil society is characterised by signs of high development and social solidarity, which mean that it is a single community that has acquired the properties of organised protection of the national, collective (group) and individual interests of its members. At the same time, the dialectic of the formation and development of civil society shows that it is based on the principles of self-generation, self-sufficiency, self-regulation and self-development, and is characterised by the desire to limit the influence of the state on social institutions and processes taking place in it. However, at the initial stages of formation and development of civil society, when its features, principles, institutions and structures are just beginning to be formed, the development of this form of society is impossible without the support of the state, which should facilitate their formation, since otherwise civil society will take an extremely long time to form, with significant obstacles on the way to its formation (Kot et al., 2023, p. 16). Obviously, creation of conditions for comprehensive development of each individual and social groups as a whole, including the state as a special social institution, reflects the possibility of realisation of both individual and group interests, such as general social and national interests, provided

that there are appropriate rules and regulations that ensure the level of fair freedom of each member of society and their associations. Society, and civil society as a special type of society, characterised by a high degree of socialisation and development of individuals, large and small social groups, including the state, needs an effective regulator of social relations. It is the Law that has become such a regulator.

O. Rydnyeva та O. Prykhodko (2022, p. 32) argue that Law, as a universal regulator of social relations, has a dominant influence on the state, which, in turn, acts as an instrument, a means of achieving and implementing the law, which is a product of human activity. According to the authors of these theses, Law is effective where all other social regulators are ineffective. In addition, it is the requirements of morality and other social norms that are often the sources of law formation, because law that does not embody the requirements of goodness, humanism, morality, and justice cannot be considered as such at all. Of course, the morality of law is not identical to a moralising state and moralising statehood. Today, not only in the actions of the authorities, but also in the statements of lawyers, the view that law not backed by force is a phantom is becoming more and more relevant, since only the authorities implementing the rules of law make law what it should be, i.e. a real regulator of legal relations and a preventive measure against violations of public order. Under such circumstances, the philosophy of law is reduced to the philosophy of coercion, when the law of force, not the power of law, operates in society. The reason for this, we believe, is the legal culture and legal consciousness of the individual, as well as clarity, democracy, transparency of the tasks and functions of the State aimed at forming effective management of public relations, which should include both the theory of separation of powers and bringing power closer to the individual or ensuring the need of an individual or a social group for public administration. The fact that such functions are close to the state ensures an effective impact on the creation of conditions for the existence and development of individuals and social communities, satisfies their needs in view of the 'needs-based approach' substantiated by P. Rabinovich, or interests that reflect the conscious and directed behaviour of the subject to achieve the goal. At the same time, such proximity is a consequence of both decentralisation of power, its transfer to the local level, and improvement and intensification of the functioning of local self-government bodies.

The law as a product of human activity in society pursues the goal of regulating the relations

of its members in a way that should guarantee the freedom of existence and development of each person by establishing normative prescriptions that will not allow abuse of their opportunities to realise their interests and suppression of the interests of others, as well as support and provision by the largest institution of human organisation i.e. the state (Sambor, 2011, p. 63). It is under such circumstances that law, relying on the support of state institutions, whose activities determine and ensure their effective operation in the interests of society, social communities and individuals, realises the function of ordering and, therefore, managing social relations.

The basis for the creation of a system of social and public relations management through the use of legal norms is the observance, protection and defence of the fundamental principles and values of rights, freedoms and interests as an inviolable basis of law, democracy and society (Sambor, 2022, p. 82), which should be implemented through the prism of public authorities, among which local self-government bodies occupy a prominent place.

The branches of power are not only separated, but their mutual influence and mutual restriction is manifested in the system of checks and balances aimed at preventing violations of the principle of constitutional legality, as noted by A. Murtishcheva (2021, p. 152). At the same time, based on the constitutional provisions of direct effect, namely the provisions of Article 5 of the Constitution of Ukraine, which states that the people exercise power directly and through state authorities and local self-government bodies, it is the people, united in society, who implement policy or mechanisms of governance of themselves and individual social subjects through two component types of power: state and local self-government, which are united in the power of the people, which is a characteristic feature of democracy. Consequently, the direction of cognition of the activities of these bodies, including local self-government bodies, should be viewed through the prism of their powers, which are reflected in the rules of law as a universal regulator of social relations. Based on the two parallels of power (state power and local self-government), it is local self-government bodies that are not only the closest to the individual, but are also formed through the institutions of direct democracy. In addition, it is obvious that local self-government bodies are the most functionally accessible to the individual, and therefore, in our opinion, are able to most effectively satisfy the interests of the individual in the government (in power relations).

V. Hrobova (2013, p. 13) substantiates the position that it is too early to talk about the existence of an effective system of local self-government in Ukraine with clearly defined and effective levels. However, this does not allow us to deny the ongoing process of formation and improvement of local self-government bodies, their system and powers. Ukraine is a developing country, and therefore these processes are inherent in the search for the optimal content and form in accordance with the interests of the Ukrainian people.

Today in Ukraine, due to the introduction of martial law, the central government has legitimately increased the control of local governments, but even before the onset of military aggression, the issue of adequate delineation of powers between local, district, and regional councils and their executive bodies and the state authorities at the local level remained very relevant. In addition, there is virtually no clear regulation of local democracy mechanisms for local governments at the legislative level. Such a division of powers will help eliminate conflicts at the local level, increase responsibility for various aspects of competences, and thus contribute to more sustainable development of territories and public trust in local governments (Poproshaieva, 2022, p. 168). Prior to discussing the separation of powers or their centralisation under a certain legal regime, a single structured doctrine of the powers of local self-government bodies should be formulated, where the starting point is the formation and understanding of the content of the powers of local self-government bodies, their forms, formalisation and approaches to understanding and implementation. Quite often, politicians and scholars, not to mention ordinary members of society, use the concepts of “powers” and “competence” to try to define the scope of local self-government bodies’ action.

Yu. Buhlak (2021, p. 8) suggests that the concept of “competence” should be understood as a leading and at the same time individual component of the content of legal status, which covers a set of legally defined powers and subjects of competence outlined in special regulatory legal acts of a competent nature, which in essence does not consist in defining the functions of the authority, but directly in establishing the rights and obligations that they must fulfil and, accordingly, in the set of powers necessary to implement them, by making relevant decisions, organising and controlling their implementation, i.e. by implementing the organisational and administrative function and the control function through law-making and law enforcement means. At the same time, the

legal category of authority’s powers should be considered as the main component of the authority’s competence and legal status, which consists in enshrining in the rules of positive law (legislative and by-law levels) a system of corresponding rights and duties (legal obligations) which the public authority is endowed with and which it is obliged to exercise within the limits provided for by law to perform its functions. The proposed approach connects the understanding of powers, including the powers of local self-government bodies, with the rights and obligations of these bodies and the competence.

The content and essence of the phenomenon of “competence” is the subject of research within the framework of various scientific approaches, among which the most common are: behavioural, where the understanding of competence is carried out through the prism of the basic qualities of a person that contribute to the effective performance of professional activities; functional, when the understanding of competence is based on the performance of key roles that are decomposed into a set of competences; multidimensional and holistic, covering knowledge, personal characteristics, functional and behavioural competences (Pomyliuko, 2020, p. 9). In addition, the author proposes to understand competence as a system of potential knowledge, skills, behavioural patterns necessary for high-quality productive human activity. V. Pomyliuko (2020, p. 10) argues that key competencies are an emergent complex of actualised human abilities and personal attitudes (to oneself, others and the subject of activity), which manifests itself in behaviour and determines the success of a person’s realisation in various spheres of life, based on the accumulated experience. In essence, competence is a combination of actualised abilities and personal qualities that is manifested in various areas of human activity, including professional. This concept is based on the competences that are its foundation. Competence is a system of potential knowledge, skills, abilities, behavioural patterns necessary for high-quality productive activity

O. Dniprov (2019, pp. 34, 45, 54) takes the position that competence is the powers of employees who represent themselves as a means of successfully performing a specific function in a particular area of public life. The subject’s endowment with power is manifested in its ability to influence the behaviour and activities of people and their associations, in the right and ability to subordinate the will of others.

N. Siranchuk (2018, p. 36) argues that the analysis of the characteristics of the activity itself, its components, the implementation of which

indicates the achievement of a certain result, its compliance with the specified standards and is defined by the concept of “competence”.

Based on the results of scientific research on the understanding of the concept of “competence”, we conclude that competence is an integral system that includes subsystems of knowledge, skills and abilities necessary to perform a certain function and implement a relevant task, which by its purpose meets the requirements for a person to hold a relevant position in local self-government bodies, as well as the rights and obligations resulting from the implementation of the functions and tasks of local self-government. Competency is the ability of a person to exercise the rights and duties of a local self-government official, given the availability of relevant knowledge, skills and abilities, as well as the ability of the official to independently form the specified necessary set of rights and duties for the exercise of the powers of the local self-government body, taking into account the available administrative discretion.

A prerequisite for the successful development of competence profiles is a clear understanding of the content of the position in the context of the integral system of the government's functioning, since the position is integrated into this system through a number of interrelated labour processes, the definition of which is a separate area of civil service professionalisation (Yeysiukova, 2020, p. 214). We are convinced that the very concept of ‘competence’ is inherent in the disclosure of the rights and obligations of an official, the use of administrative discretion inherent in the position, the exercise of the rights and obligations granted to such a person in accordance with the generally accepted competencies for holding the relevant position aimed at fulfilling the powers of a local self-government body to implement the functions and tasks assigned to it.

The mentioned concepts of “competence” and “competency” have brought closer the possibility of revealing the concept of “powers” of local self-government bodies as a logically constructed sequence of formation of interrelated elements of a single integral system of powers, namely “competence”, “competency”, “powers”.

First of all, it is important to use the experience of lawmaking and legalisation of concepts in positive law, which is a consequence of the established and widespread legal doctrine of understanding the concept of “powers”.

The Vienna Convention on the Law of Treaties defines the term “full powers” as a document issued by a competent authority of a State by

which one or more persons are appointed to represent that State for the purpose of negotiating, approving or authenticating the text of a treaty, expressing the consent of that State to be bound by a treaty or performing any other act relating to the treaty¹. As we can see, the authority of the body is a consequence of its competency, which confirms the previous theoretical conclusions on this issue.

The concept of “powers” is closest in meaning to that of “authority” in the Concept of Administrative Reform in Ukraine, where it is specified and disclosed as the powers of an executive body, which should be understood as the rights and obligations assigned to the executive body, including the obligation to bear responsibility for the consequences of the exercise of powers (the so-called jurisdictional obligations). The concept of “competence” is used to define a certain scope of powers assigned to each executive body in accordance with its tasks and functions. The central place and the predominant part among the powers of the executive body belongs to the state power powers, i.e. the powers to make binding decisions and ensure their implementation by those to whom they are addressed². Such definitions may well be seen as legitimising the scientific approach that the concept of “competence” is narrower than the concept of “powers”, and they are related as part and parcel. At the same time, we are convinced that competence should not be identified with a part of the powers aimed at performing certain functions of a public authority, in particular, a local self-government body.

As noted by M. Panov (2022, p. 16), legal categories, concepts and legal terminology are inherently the result (outcome, quintessence) of scientific legal research. At the same time, they serve as scientific tools (means) for obtaining new knowledge, which indicates their undoubted importance and value. However, the main and very important property (essential characteristic) of these elements of the conceptual apparatus of legal science: legal concepts, categories, legal terms, is that they objectively reflect (record) in a specific logical, legal and linguistic form in a concentrated form in the content of law the phenomena (subjects, objects, processes) of objective reality (as a certain set) that require legal regulation

¹ United Nations. (1969). *Vienna Convention on the Law of Treaties*. https://zakon.rada.gov.ua/laws/show/995_118.

² President of Ukraine. (1998). *On measures to implement the Concept of Administrative Reform in Ukraine* (Decree No. 810/98). <https://zakon.rada.gov.ua/laws/show/810/98>.

(as a type of social management). On this basis, these elements of the conceptual apparatus are included in the content of legal norms, legal structures, legal institutions and other regulatory and legal formations and in this case acquire the role of specific means (micro-means) of legal regulation of social relations in the content of law. This fundamental function is performed by law as a whole, in the aggregate of all its elements. Therefore, the degree of development and perfection of the conceptual apparatus of legal science significantly affects the quality of law, its form and content, the certainty of its components: legal norms and their elements, legal structures, legal institutions, etc., and the ability of law to perform its most important (basic) function – effective regulation of social relations.

In legal science, powers are a category that has been studied for many years, if not centuries, and continues to be the focus of scholarly attention today. Given the dynamic processes in society, which prompt corresponding changes in the legal environment, this trend will continue in the future.

The authors are convinced that the concept of ‘powers of local self-government bodies’ cannot be understood and disclosed without an awareness of the general scientific understanding and legal and theoretical justification of this category, taking into account the peculiarities of the local self-government body whose powers are being studied.

According to I. Tulyk (2016, p. 63), powers are a category that denotes a set of rights and responsibilities of a certain functional orientation. S. Mishyn (2021, p. 59) writes that powers are the right and duty of local self-government to resolve issues of local importance. The above-mentioned authors tend to perceive the powers of local self-government bodies exclusively as a holistic system of rights and obligations that officials of these bodies exercise to fulfil their tasks. We believe that such an approach to understanding the powers of local self-government bodies not only impoverishes the content of the concept of “powers”, but also separates a number of elements that are part of this concept both in the general theoretical and empirical sense, which, in our opinion, weakens the theoretical understanding and leads to its unreasonable narrowing in a particular activity area.

The Constitutional Court of Ukraine considers that a systematic analysis of the provisions of the Law of Ukraine “On Local Self-Government in Ukraine” (part 1 of Article 10, Articles 16, 17, 18, 25, 26, etc.) shows that local self-government bodies, when addressing issues of local importance within their competence under the Con-

stitution of Ukraine and laws of Ukraine, are subjects of power that perform administrative functions, in particular, rule-making, coordination, permitting, registration, and administrative functions¹. Based on legitimate expectations as an integral part of the rule of law, we believe that the powers of local self-government bodies ensure the implementation of the functions of local self-government bodies defined in the Constitution and laws of Ukraine.

The local self-government authorities should ensure the realisation of the interests of the community as a whole and its individual members or groups. This implies that the powers of local self-government bodies are aimed at benefiting community members, and thus have a service component in their content. Obviously, the awareness of this purpose of powers should significantly affect their system and its reflection in legal acts, which will ensure the activities of local self-government bodies in accordance with the adopted legal order in Ukraine and the principle of humanism and human centredness, which determine the content and focus of activities, including those of local self-government bodies.

In this regard, the powers of local self-government bodies can be viewed through the prism of public services. The concept of ‘public service’ is perceived as a legally or socially significant action of a public (electronic public) service provider, including an administrative service, upon application (request, inquiry) of the applicant or without such application, as a result of which rights and/or obligations are acquired, transferred, terminated by the applicant, and relevant material and/or non-material benefits are provided to the applicant (para. 6 of Part 1 of Article 1 of the Law of Ukraine “On Peculiarities of Provision of Public (Electronic Public) Services”)².

Therefore, O. Yevsiukova (2020, p. 79) describes “municipal services” as a type of service provided to the territorial community, individual

¹ Constitutional Court of Ukraine (2010). *Decision of the Constitutional Court of Ukraine in case No. 1-6/2010 on the constitutional petition of the Higher Administrative Court of Ukraine on the official interpretation of provisions of part one of Article 143 of the Constitution of Ukraine, paragraphs a, b, c, d of Article 12 of the Land Code of Ukraine, paragraph 1 of part one of Article 17 of the Code of Administrative Procedure of Ukraine* (No. 10-pp/2010). <https://zakon.rada.gov.ua/laws/show/v010p710-10>.

² Verkhovna Rada of Ukraine. (2021). *On the peculiarities of providing public (electronic public) services* (Law No. 1689-IX). <https://zakon.rada.gov.ua/laws/show/1689-20>.

citizens in order to meet their needs and exclusively within the competence of local self-government bodies. From the point of view of understanding services to members of the territorial community as a key task in the powers of local self-government bodies, it would be appropriate to formulate the powers as a system of service provision that implies the availability of appropriate competence, i.e. the rights and obligations of representatives of local self-government bodies, and is conditioned by the appropriate competence of such representatives.

The motivational and value components of powers are one of the key components not only in the understanding of the concept of “powers”, but also in their exercise by authorised persons of local self-government bodies, i.e. by persons holding the relevant positions. Recognition and definition of the respective functions of local self-government bodies is not a sufficient and necessary condition and guarantee for the effective exercise of the powers of local self-government bodies, when the competence and competence of the relevant persons is not taken into account, since the powers of local self-government bodies, in accordance with their functions and tasks, are exercised by specific performers – persons who cannot be perceived, in particular, without their competence necessary to perform the competences aimed at exercising the powers, tasks.

CONCLUSIONS. Taking into account these views and legitimate definitions, we come to the conclusion that powers are a system of rights and duties of local self-government officials fixed in legal documents, which ensures the realisation of the interests of the territorial community by providing relevant services within the framework of certain functions for these bodies and is based on the competence and competency of officials, employees of local self-government bodies and institutions and organisations established by them, whose activities are aimed at achieving the tasks assigned to them.

The strategic-integrative approach, the essence of which can be summarised as the integration of the competence of a person who has expressed an intention to perform the functions of local self-government and provide services to the territorial community and its members with the powers of local self-government, transformation and interpenetration of the values of the person and the values of local self-government in order to create the preconditions for the quality provision of services and the effective implementation of local self-government functions. The strategic-integrative approach, the essence of which can be reduced to the integration of the competence of a person who has expressed an intention to perform the functions of local self-government bodies and provide services to the territorial community, and the fulfilment of the tasks facing local self-government bodies, will create conditions and guarantee the effectiveness of the implementation of local self-government tasks.

Today, the issue of scientific substantiation and search for optimal models of powers of local self-government bodies, competence of their officials, classification of competence and powers, taking into account their own historical experience, the possibility and expediency of borrowing the experience of foreign countries, search for their own ways and models of local self-government, taking into account the national identity and originality of the Ukrainian people, the needs of both individuals and associations of citizens on a territorial basis for the sake of development of the local self-government system remains open. We are convinced that further research on the powers of local self-government bodies should not be limited to theoretical research, substantiation of certain views, concepts, doctrines, but should find approval and practical implementation in social processes that are conditioned by satisfying the interests of a person as a member of the relevant territorial community, the interests of the community, as well as the interests of the Ukrainian people and Ukraine as a whole.

REFERENCES

1. Buhlak, Yu. O. (2021). *Administrative and legal principles of the separation of powers between the bodies of executive power and local self-government bodies of Ukraine* [Doctoral thesis, Kharkiv National University of Internal Affairs].
2. Dnirov, O. S. (2019). *Paradigm of the executive power in Ukraine: administrative and legal aspect* [Doctoral dissertation, Lviv Polytechnic National University].
3. Hrobova, V. P. (2013). *The system of local self-government in Ukraine: problems of theory and practice* [Doctoral thesis, Kharkiv National University of Internal Affairs].
4. Kot, O. O., Hryniak, A. B., Kupina, L. F., & Shakun, V. I. (Eds.). (2023). *Civil society and the rule of law: today's challenges*. Alerta.
5. Mishyn, S. I. (2021). *Reforming the system of local self-government in Ukraine as a condition for democratic changes* [Doctor of philosophy dissertation, National University “Odesa Law Academy”].
6. Murtishcheva, A. O. (2021). The competence of government in the context of separation of powers: modern challenges. *State Building and Local Government*, 41, 150–162. <https://doi.org/10.31359/1993-0941-2021-41-150>.

7. Panov, M. I. (2022). Conceptual apparatus of legal science (methodological aspects of the research). *State Building and Local Government*, 44, 13–29. <https://doi.org/10.31359/1993-0941-2022-44-13>.
8. Pomyliuko, V. Yu. (2020). *Psychology of development of key competences in adulthood* [Doctoral thesis, National Pedagogical Dragomanov University].
9. Poproshaieva, O. A. (2022). European standards for the functioning of the decentralized model of local self-government. *State Building and Local Government*, 44, 162–174. <https://doi.org/10.31359/1993-0941-2022-44-162>.
10. Rydnyeva, O. M., & Prykhodko, O. V. (2022). Human rights law and the rule of law doctrine in the situation of global turbulence. *State Building and Local Government*, 43, 29–38. <https://doi.org/10.31359/1993-0941-2022-43-29>.
11. Sambor, M. (2011). Law as a concept and approaches to its understanding. *Bulletin of Taras Shevchenko National University of Kyiv. Legal Sciences*, 87, 59–63.
12. Sambor, M. A. (2022). District councils in the mechanism of protection and protection of human and citizen rights and freedoms. *Rozumovski Meetings*, 9, 80–90.
13. Siranchuk, N. M. (2018). *Formation of lexical competence in primary school students in Ukrainian language lessons* [Doctoral dissertation, Borys Grinchenko Kyiv University].
14. Tulyk, I. I. (2016). *Constitutional and legal principles of delegation of powers as a form of interaction of public authorities* [Candidate dissertation, Uzhhorod National University].
15. Yevsiukova, O. V. (2020). *The formation of management mechanisms for the development of the service state in the conditions of social transformations* [Doctoral dissertation, National Academy of Public Administration under the President of Ukraine].

Received the editorial office: 27 February 2024

Accepted for publication: 30 May 2024

МИКОЛА АНАТОЛІЙОВИЧ САМБОР,

кандидат юридичних наук,

член-кореспондент Національної академії наук вищої освіти України,

Прилуцький районний відділ поліції ГУНП в Чернігівській області,

відділ кримінальної поліції,

депутат Прилуцької районної ради;

ORCID: <https://orcid.org/0000-0002-0446-3892>,

e-mail: nikolas783@ukr.net

ПОВНОВАЖЕННЯ ОРГАНІВ МІСЦЕВОГО САМОВРЯДУВАННЯ: ДО ПИТАННЯ ЗМІСТУ ТА СПІВВІДНОШЕННЯ ІЗ СУМІЖНИМИ ПОНЯТТЯМИ

Статтю присвячено дослідженню понять «компетентність», «компетенція», «повноваження», їх співвідношенню під час формулювання повноважень органів місцевого самоврядування. Дослідження зосереджено на розумінні того, що місцеве самоврядування та органи місцевого самоврядування є продуктом громадянського суспільства та покликані впорядковувати, сприяти та реалізовувати інтереси громадянського суспільства, об'єднати громадян, зокрема за територіальним принципом, а також окремих осіб. Оскільки місцеве самоврядування є правом мешканців певних населених пунктів на об'єднання, органи місцевого самоврядування повинні надавати відповідні сервісні послуги громаді та її членам. Надання відповідних послуг органами місцевого самоврядування, які є публічними послугами за їхньою природою, передбачає реалізацію ними їхніх повноважень, які надані внаслідок децентралізації влади таким органам для реалізації ними функцій та завдань, що стоять перед ними. Реалізація повноважень органами місцевого самоврядування неможлива без розуміння сутності та змісту повноважень, їх співвідношення із суб'єктами їх реалізації – відповідними посадовими особами органів місцевого самоврядування. Таким чином, розуміння цілісної доктрини повноважень органів місцевого самоврядування, їх функціональності, ієрархічності неможливо без дослідження понять «компетентність посадової особи органу місцевого самоврядування» та «компетенції посадової особи органу місцевого самоврядування». На підставі отриманих результатів дослідження сформульовано авторські поняття «компетентність», «компетенція» та «повноваження» органів місцевого самоврядування.

Компетенцію розглянуто як цілісну систему, що включає підсистеми знань, умінь та навичок, необхідних для виконання певної функції та реалізації відповідного завдання, що за своїм призначенням відповідає вимогам до обіймання особою відповідної посади в органах місцевого самоврядування, а також прав і обов'язків, зумовлених реалізацією

функцій та завдань місцевого самоврядування. Компетентність – це здатність особи реалізовувати права й обов'язки посадової особи органів місцевого самоврядування з огляду на наявність відповідних знань, умінь та навичок, здатності посадової особи самостійно з урахуванням наявного адміністративного розсуду формувати зазначений необхідний набір прав і обов'язків для реалізації повноважень органу місцевого самоврядування.

Обґрунтовано, що повноваження органів місцевого самоврядування – це зафіксована в нормативно-правових документах система прав та обов'язків посадових осіб органу місцевого самоврядування, що забезпечує реалізацію інтересів територіальної громади шляхом надання відповідних послуг у межах визначених функцій для цих органів і ґрунтується на компетенції та компетентності посадових, службових осіб органів місцевого самоврядування й створених ними підприємств установ та організацій, спрямованих на досягнення завдань, що стоять перед вказаними органами.

Ключові слова: повноваження, компетенція, компетентність, місцеве самоврядування, орган місцевого самоврядування.

Цитування (ДСТУ 8302:2015): Sambor M. A. Local self-government powers: on content and correlation with related concepts. *Law and Safety*. 2024. No. 2 (93). Pp. 87–95. DOI: <https://doi.org/10.32631/pb.2024.2.08>.

Citation (APA): Sambor, M. A. (2024). Local self-government powers: on content and correlation with related concepts. *Law and Safety*, 2(93), 87–95. <https://doi.org/10.32631/pb.2024.2.08>.