

the terms of detention, violation of the right to protection, detention without drafting of a protocol of detention etc. It means that the institute of detention is not perfect yet and needs to be changed and improved in the nearest future [5, p. 324].

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## **THE LEGAL BASIS FOR DECENTRALIZATION IN UKRAINE**

Today it is possible to state that in the majority of local communities of Ukraine the issues of local significance are unsatisfactory. A large number of local communities are declining, especially in rural areas and small towns. The active part of the population migrates to bigger cities, more developed regions and even other countries. Therefore, we consider it is necessary to reveal the relevance of decentralization in our time.

The aim of the thesis is to explore the legal framework for decentralization in Ukraine. To highlight the goal we set the following **objectives**:

- to identify the reasons for decentralization in Ukraine;
- to consider laws passed by the Verkhovna Rada;

– to draw the conclusions on the implementation of decentralization in Ukraine.

Previously, the problem of decentralization of state power and local self-government in Ukraine was already practiced by well-known lawyers such as O. Batanov, N. Bikadorov, V. Bordenyuk, J. Bruckner, V. Campo, A. Matvienko, P. Trachuk and others. However, due to the close connection, only several of them are exploring the effective implementation of local self-government in the break from the government. Therefore, this issue needs to be highlighted and solved nowadays.

Decentralization is a process of redistribution of functions and powers from the central government to territorial communities.

For the first time, decentralization is mentioned in the Constitution of the Ukrainian People's Republic of April 29, 1918.

At present, Article 5 of the Constitution of Ukraine gives people the right to exercise power directly through state authorities and local self-government bodies.[3]

In Ukraine, decentralization involves the transfer of a part of the authorities from Kyiv to the territorial communities and the transfer of authority to make decisions from the main body of any branch of government to officials of the lower levels (in the regions, districts, cities ...). In the essence, this is the transfer of significant powers and budgets from state bodies to local self-government bodies. This process was created to give more authorities those places where such powers can be realized more successfully. Of course, such issues as defense, foreign policy, national security, rule of law, and respect for civil liberties will be resolved centrally, in accordance with current legislation.[1]

In order to join the European Union, Ukraine needs to carry out a large number of various reforms, including financial decentralization, since without financial support it is impossible to achieve significant and significant results in other areas of reform. The reform concept was formulated and approved by the government in early April 2014.

For making the reform concerning decentralization of state power in Ukraine, it was decided to implement the following 5 steps:

1) to define the territorial basis of local self-government bodies and executive authorities:

2) to differentiate between authorities of different levels of local government:

3) to differentiate between authorities of local self-government bodies and executive authorities:

4) to determine how much resources are needed at each level:

5) to make local self-government bodies accountable to voters and the state.[2]

The experience of developed countries shows that decentralization of power is necessary. It is necessary to adopt many laws and to draft the bills. A lot of elaborated bills are not even considered by the Verkhovna Rada. Those that are considered and accepted are often brought to the absurdity of taking corrections into account. The vast majority of deputies in Verkhovna Rada are not even taught the basics of state. They even do not have legal training. What can a singer, a soldier, a business owner know about the functioning of the state? Politics should not be a business. And laws should not be taken in 15 minutes without careful study and discussion. Laws should not be taken on the instructions "from above". Laws must be mandatory for all without exception. A prerequisite for providing legal support to the process of decentralization of government and local self-government development should be the adoption of quality local legal acts that clearly regulate all relevant procedures, giving the territorial communities and their management realistic leverage to represent and protect the interests of their districts. First of all, it is the Charter of the territorial community, the Provision on the head of state, the Regulations of the local council and its executive bodies.

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