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*Mykhaylov D., PhD-Student of Zaporizhzhia National University,  
Zaporizhzhia, ORCID: 0000-0002-5512-441X*

*Михайлов Д.С., здобувач ЗНУ, м. Запоріжжя*

**FEATURES OF THE LEGAL MECHANISM OF DEVELOPMENT  
OF PUBLIC ADMINISTRATION AND LOCAL SELF-GOVERNMENT**

**ОСОБЛИВОСТІ ПРАВОВОГО МЕХАНІЗМУ РОЗВИТКУ  
ПУБЛІЧНОГО АДМІНІСТРУВАННЯ ТА МІСЦЕВОГО САМОВРЯ-  
ДУВАННЯ**

*The article analyzes the features of the legal mechanism for the development of public administration and local self-government.*

*Key words: public administration, legal mechanism, local self-government, development.*

*У статті аналізуються особливості правового механізму розвитку публічного адміністрування та місцевого самоврядування*

*Ключові слова: публічне адміністрування, правовий механізм, місцевого самоврядування, розвиток.*

**Problem setting.** The term development can be defined as changes towards modernization, renewal and overcoming of outdated values and norms that hinder social progress. In basic science, this concept means the socio-historical process of transition from traditional societies to industrial societies, and later to post-industrial. In addition, development involves a degree of modernization, which is a desire to be modern. It should be remembered that "modernity", of course, is not a rigid concept, on the contrary, it is really a modern category that can legitimize (recognize) society, setting the state for continuous renewal, for constant evolutionary transformations of social practices, democratic institutions, ideas about the future, the gradual but irreversible changes, as well as the steady improvement of quality of life.

**Analysis of recent research and publications.** The works of many domestic and foreign scientists E. Aisin, H. Allen, M. Azhazha, L. Antonova, Yu. Bardachova, D. Bell, S. Bila, O. Borisenko, Zh. Wedel, D. Wilson, S. Dombrovska, I. Dudinska, O. Korotych, O. Kryukov, Yu. Kuts, M. Latinin, A. Pomaza-Ponomarenko, V. Shandra and others. [1-6]. Given the urgency of this problem, there is a need to deepen research on the above issues.

**Paper objective.** The purpose of the article is to determine the features of the legal mechanism for the development of public administration and local self-government.

**Paper main body.** The need for development and modernization of domestic society helps to explain scientific theories on the formation of post-industrial and information society. It should be noted that the theory of post-industrial society was proposed by D. Bell [5], within which he defined the current stage of civilization. The concept of post-industrial society implies a social order that is not inherent in the former social forms, and is associated with a key definition of the place of the individual in the social system [ibid.]. Economic and technological innovations indicate changes in the value orientations, incentives and motivations of each individual, improving his personal potential, the desire to "become what he can be, his future, which corresponds to his inner nature" [ibid.]. Analyzing the sociological reality and social changes that occur, D. Bell concluded that the emergence of post-industrialism has led to the creation of a qualitatively different type of society [ibid.]. He described the post-industrial society as informational. In the information society, human capital is a major powerful social factor in social development.

At the stage of the development of the scientific and technological revolution, the structure of the productive forces is qualitatively changing. The main role is played not by tools and objects of labor, but by human resources - human capital. Human capital is a complex category, but its core is the idea: an educated, enterprising creative person with a high level of professional qualities. Accumulated high-quality human capital creates stable conditions for improving the quality and standard of living, development of information and civil society.

At the macroeconomic level, there are two types of development: organic and inorganic. Organic or primary development as a kind of modernization is characteristic of those countries in which the transformation (transition) to the modern social order occurs as an evolutionary (sustainable) process characterized by endogenousness. Secondary or inorganic development as a type of modernization is delayed, as a result of borrowing more advanced technologies and best practices of developed countries and is accompanied by simulation processes. As for local self-government, the example of its primary development is the countries of Western Europe.

Thus, the development and modernization of self-government practices in the Western European context was based on the transition to an industrialized so-

ciety based on the formalization and alienation of the protective functions of local groups (communities) [2]. As a result of such individual dismissal there is a noticeable development of individual qualities of a citizen, the level of education and the level of individual knowledge increases. - the importance of local informal elites.

At the same time, the social environment is being informatized and, on its basis, further formalization (bureaucratization) of state power is taking place. Informatization of the social environment of local communities is a process of infrastructural renewal through the introduction of information technology in the system of institutional and non-institutional interactions. The process of mastering information becomes a resource for social management and personal development [3]. Scientists identify three components of the process of informatization of the social environment, which affect the development of society and local government, namely:

- 1) mediatization as a process of improving the means of collecting, storing and disseminating information;
- 2) computerization as a process of improving the means of searching and processing information;
- 3) intellectualization as the development of the ability to perceive and generate information, ie as increasing the intellectual potential of society, including the use of artificial intelligence.

At the same time, the development of information technology improves the quality of life of the population, but it is a progressive process. At the same time, the informatization of the social environment can have both functional and dysfunctional consequences for social well-being. Among the dysfunctional consequences for the human personality, researchers include the following: human automation; dehumanization of life; development of technocratic thinking; lowering the cultural level; rapid nature of information development of the individual; polarization of society by level of education; isolation of the individual in his "micro" world [ibid.].

Dysfunctional consequences of informatization of the social environment are also possible at the socio-political (managerial) level. The development and implementation of information technology can lead to both the expansion and restriction of freedoms; both to the decentralization of political life and to totalitarian centralization; both to the alignment of the hierarchy of power and to the strengthening of state pressure, the "binding" of public initiatives [ibid.].

Thus, the informatization of the social environment, in itself, is neither a positive nor a negative process. The "vector" of this process depends on many factors, but one of the key points is the quality of information, the quality of information technology, the quality of knowledge and, accordingly, the

quality of education. Hence the importance of information-educated sections of the population and the role of local elites in this process. Along with the informatization of the social environment, the requirements for the level of education of both the professional state bureaucracy and local elites are increasing. The information potential of society is an information resource of society in unity with the means, methods and conditions that allow it to be activated and used effectively. This set of means, methods and conditions should include not only the means of information technosphere, but also social means, methods and structures that promote the reproduction and development of the infosphere, improving the information culture of society, its intellectual potential. Insufficient education of managers or leaders of local communities can lead to a number of serious negative consequences.

Further modernization of local self-government processes is associated with the strengthening of informal (public, public) power of local elites and the transition from a centralist to a distributive type of institutional self-government [1]. The social power of local elites is a derivative of the knowledge, skills, creativity and other productive activities that local community leaders use to solve social problems and achieve socially significant results in the development of local society [ibid.].

Thus, the quality of life of the local population is an indicator of the level of development and modernization of local self-government, the level of social trust, solidarity and social participation in this local society. It is the informal activity of local elites, educated strata of the population becomes in modern conditions a significant resource for modernization of local government at the current stage of the history of statehood of Ukraine, which is especially distinguished from the 90s of the twentieth century.

Analysis of historical stages and types of modernization of local self-government reveals that the key issue of modernization of management processes in Ukraine is the combination of a significant number of traditions of self-government (democracy) and innovative, informational influence of local elites [1]. In the national tradition of public life there are a significant number of concepts, namely:

- 1) community;
- 2) solidarity;
- 3) peace;
- 4) social consent.

These concepts replace the patterns and norms of human life and are enshrined as the "genetic memory of ancestors" in the form of social, symbolic and human capital of local groups. In this context, the experience of local self-government development, which is implemented at the stages of zemstvos and councils, is important, which is relevant material for the analysis of mistakes and positive trends in reform "from above" [ibid.]. Against this background, it

is necessary to note some other features that are traditional for the domestic system of public power, both central and local. The official line of state policy of total control exercised by the bureaucracy over the transformation of local self-government, which has traditionally adhered to the centralist authoritarian concept of local self-government, provides a vector of reforming the institution of local self-government. This vector is marked in Ukraine by the direction "from top to bottom" [4].

The current stage of modernization processes of local self-government involves understanding the specificity and uniqueness of each local society (community). Of particular importance in the context of intellectualization of local social systems are the selection and placement of personnel, determining the place and role of each individual intelligence (each person) in the system regardless of whether this intelligence belongs to a leader or informal leader). Despite the fact that the informatization of the social environment at the local level is gaining momentum, the formation of the information society is controversial and requires further theoretical understanding [6]. The formation of such a society is at an early stage of development, its contours and prospects depend on a number of factors. In addition, the development and modernization of local self-government in a post-industrial society is based on a new key factor - human capital. Improving the practices of socio-political regulation is based on strengthening the role of local communities and their informal leaders.

**Conclusions of the research.** Thus, as a result of such improvement "from below" there are qualitatively new social and managerial practices, states and processes. Such transformations are catalyzed by the informatization of the social environment. Informatization of such an environment (including local communities) is a process of infrastructural renewal through the introduction of information technology in the system of institutional and non-institutional social interactions. Modern information technologies and means of communication allow local elites to interact with the central government directly - in an on-line format, which makes the content of the "excessively enlarged" bureaucracy redundant.

#### **Список використаних джерел:**

1. Бардачова Ю.М., Лопушинський І.П., Плющ Р.М. Громадівська модель самоврядування в Україні : монографія. Херсон : ФОП Вишемирський В.С., 2019. 708 с.
2. Дудінська І., Цірнер М. Децентралізація публічної влади у країнах Центральної та Східної Європи (на прикладі Словаччини, Польщі та України) : монографія. Ужгород : "Ліра", 2017. 128 с.
3. Помаза-Пономаренко А.Л. Правове забезпечення розвитку та без-

пеки регіонів України в умовах децентралізації й інституціоналізації влади: монографія. Харків: НУЦЗ України, 2020. 190 с.

4. Шандра В. Міщанські органи станового самоврядування в Україні (кінець XVIII початок- XX ст.). К. : Ін-т історії України НАН України, 2016. 344 с.

5. Bell D. The End of Ideology: On the Exhaustion of Political Ideas in the Fifties. N.Y.: Free Press, 1965.

6. Pomaza-Ponomarenko A., Hren M., Durman O., Bondarchuk N., Vorobets V. Management mechanisms in the context of digitalization of all spheres of society // *Revista San Gregorio*. SPECIAL EDITION-2020. Núm. 42. URL: <http://revista.sangregorio.edu.ec/index.php/REVISTASAN GREGORIO/issue/view/RSAN42/showToc>.

### References:

1. Bardachova Yu., Lopushyns'kiy I., Plyushch R.. Public model of self-government in Ukraine [Hromadivska model samovryaduvannya v Ukrayini]: monograph. Kherson: FOP Vyshemirsky VS, 2019. Print.

2. Dudinska I., Zirner M. Decentralization of public power in the countries of Central and Eastern Europe (on the example of Slovakia, Poland and Ukraine) [Detsentralizatsiya publichnoyi vlady u krayinakh Tsentral'noyi ta Skhidnoyi Yevropy (na prykladi Slovachchyny, Pol'shchi ta Ukrayiny) ]: monograph. Uzhhorod: "Lira", 2017. Print.

3. Pomaza-Ponomarenko A.L. Legal support of development and security of regions of Ukraine in the conditions of decentralization and institutionalization of power [Pravove zabezpechennya rozvytku ta bezpeky rehioniv Ukrayiny v umovakh detsentralizatsiyi y instytutsionalizatsiyi vlady]: monograph. Kharkiv: NUTSZ of Ukraine, 2020. Print.

4. Shandra V. Bourgeois bodies of estate self-government in Ukraine (end of the XVIII beginning - XX century) [ishchans'ki orhany stanovoho samovryaduvannya v Ukrayini (kinets' KHVIII pochatok- KHKH st.)]. Kyiv: Institute of History of Ukraine, National Academy of Sciences of Ukraine, 2016. Print.

5. Bell D. The End of Ideology: On the Exhaustion of Political Ideas in the Fifties. N.Y.: Free Press, 1965. Print.

6. Pomaza-Ponomarenko A., Hren M., Durman O., Bondarchuk N., Vorobets V. "Management mechanisms in the context of digitalization of all spheres of society". *Revista San Gregorio*. SPECIAL EDITION-2020. (2020): 42. URL: <http://revista.sangregorio.edu.ec/index.php/REVISTASAN GREGORIO/issue/view/RSAN42/showToc>.