

FEATURES OF THE EXERCISE OF AUTHORITIES BY HEAD OF THE TERRITORIAL COMMUNITY IN UKRAINE IN THE CONDITIONS OF THE LEGAL REGIME OF MARTIAL STATE

JULIA NOS, student

VOLODYMYR S. KOBRYN, Associate Professor, Doctor of Science in Law,
Scientific Adviser

NATALIYA O. HRYNYA, Associate Professor, PhD in Philology, Language
Adviser

Lviv Ivan Franko National University

The functioning of a democratic, constitutional state is impossible without local self-government, which is an important form of implementing popular sovereignty in Ukraine. We are living in a time of unprecedented war, with cruel armed aggression by the Russian Federation against Ukraine. Since the start of the full-scale invasion on February 24, territorial communities have found themselves in different situations: some have become strongholds, some were the first to meet the enemy, others have been occupied but later liberated, and some are still suffering under the harsh Russian authority. In light of the current situation, the issue of implementing the powers of village, town, and city heads under the legal regime of Martial law is extremely important.

According to Article 12 of the Law of Ukraine "On Local Self-Government in Ukraine", the head of a village, settlement, or city "is the main official of a territorial community, respectively a village (a voluntary association of residents of several villages into one territorial community), a settlement, a city" [1]. In fact, the head elected by the territorial community is given the rights and opportunities to solve important issues of local importance and manage most of the cases that arise in a certain city, village or settlement in the interests of their population. In addition, the head of a village, settlement, or city, who is the chief official of a territorial community, is also *ex officio* the head of the executive body of the corresponding council and presides over the council meeting according to the powers granted to him by the Constitution and laws of Ukraine.

It is worth saying that the reform of decentralization of power was not properly completed before the full-scale Russian invasion. However, despite considerable criticism, it brought success not only in peacetime, but also during the introduction of Martial law in Ukraine in 2022. This is evidenced by recent sociological studies, according to which 76.5% of Ukrainian citizens are convinced that the reform of local self-government and decentralization of power should be continued and that the reform played a positive role in resisting the large-scale Russian invasion [5].

In connection with this, the Parliament of Ukraine also adopted a number of changes that also related to local self-government. In particular, to ensure martial law measures, "the village, settlement, city head of a territorial community, on the

territory of which hostilities are not taking place and a decision has not been made to establish a military administration of settlements, in accordance with Part 4 of Article 9 of the Law of Ukraine "On the Legal Regime of Martial Law", can decide on:

1) release of communally owned land plots from illegally placed temporary structures, including those that were installed but not put into operation in accordance with the procedure established by the law;

2) inspection of buildings and structures damaged as a result of hostilities. Inspection of buildings and structures damaged as a result of hostilities is carried out in accordance with the Law of Ukraine "On Regulation of Town Planning Activities";

Such powers seem quite logical due to the fact that every day the Ukrainian state is under constant shelling from the terrorist state, which causes the destruction of certain buildings and structures. We note that the individual decisions of the village, settlement, and city mayor concern not only the above-mentioned issues, but also personnel. Part 5 of Article 10 of the Law of Ukraine "On the Legal Regime of Martial Law" regulates that "during the period of martial law, mayors of cities are granted the right to appoint persons to positions in local self-government bodies, positions of heads of communal enterprises, institutions, organizations belonging to the sphere of management of the relevant local self-government body, without competitive selection" [3]. It also means that persons who will apply for the position should not submit an e-declaration of the person; a document of the level of proficiency in the state language, and such persons are not checked under the Laws of Ukraine "On Prevention of Corruption" [4] and "On Purification of Power" [2].

In our opinion, granting such powers to village, settlement, and city heads is a rather dangerous step and a threat to democracy and the principles of municipalism. We are convinced that such legislative regulation requires strong public control, taking into account that "the peculiarity of local self-government and municipal democracy as an open and independent system, which is generated by civil society and is connected to its political system by a network of endless direct and backward connections, there is a cyclical – cyclical – a wave character of its existence and development" [6, p. 29]. Therefore, the principles of local self-government should be observed even during the introduction of Martial law. Also, due to the fact that Martial law can last for a long period of time, this would eliminate the corruption component in local self-government bodies.

Another solution to this problem would be to enshrine such powers in the law only for the heads of local self-governments whose territories were under occupation and have been liberated or territories that are located close to active hostilities. Therefore, the further revision of the law by the Supreme Council of Ukraine would be very appropriate for the settlement of many issues, in particular those related to the implementation of the powers of village, settlement, and city

heads that are in the rear and in the territories where active hostilities are taking place.

Local self-government in general and village, settlement, city heads in particular faced new challenges and new problems brought by the war, which remain unsettled by the legislation of Ukraine. In connection with the introduction of the legal regime of Martial law, the powers of village, settlement, and city heads were significantly expanded. We have found that some of them have their own logical basis, however, for example, personnel powers should be controlled by the public.

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THEORIES OF COMPLICITY IN THE CRIMINAL LAW SCIENCE: GENERAL CHARACTERISTICS

YULIA NOSENKO, student

ALLA I. RADU, Associate Professor, Ph.D. in Philology, Legal English Supervisor

Ivan Franko National University of Lviv

Problem Statement. The notion of complicity is one of the main notions in the sphere of criminal law. It has been interpreted differently by the legal scholars and practitioners and its interpretation causes continuous debates. Thus, there are different spheres of complicity in criminal activities. The recognition of various