



RESEARCH ARTICLE

Interaction between the Verkhovna Rada and Local Self-Government

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ABSTRACT

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The article is focused on analyzing the interaction between the Verkhovna Rada of Ukraine and local self-government agencies, which is an important aspect of the effective functioning of state power and the development of local self-government. It has been established that the systematic interaction between subjects of different levels of public authority contributes to the unity of state power, improves cooperation between state institutions and civil society institutions, as well as harmonizes public interests. Constitutional, administrative and legal relations that determine interdependence and responsibility between the Verkhovna Rada and local authorities have been studied. The vertical legal relations that arise between the Verkhovna Rada and local self-government agencies and disclose the essence of administrative and legal regulation have been revealed. The parliament's role in the formation of the legislative framework for local self-government agencies has been analyzed, in particular, in matters of the budget, control, as well as within the interaction through the committees of the Verkhovna Rada. Particular attention has been focused on the importance of partnership between the parliament and local self-government agencies, which is based on the principles of responsibility, tolerance and mutual respect. The author has substantiated the need for the development of legislative provision for local self-government agencies, improvement of financial autonomy and improvement of management mechanisms, which is of crucial importance for the sustainable development of local communities.

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INTRODUCTION

The current realities taking place in Ukraine in relation to the full-scale invasion of the aggressor country on the territory of the independent Ukrainian state highlighted the extreme importance of effective state administration. One of the key aspects of this process is to ensure the smooth and

effective interaction of state authorities at all levels, both in peacetime and in wartime. As noted by V. Tsymbaliuk (2023), the very extreme conditions of the war became the most objective test for evaluating the effectiveness of the management system that had been created in Ukraine. It concerns both the structure of public administration and the ability of managers to cooperate effectively observing subjective and objective relationships within the national system of public administration. The crisis phenomena caused by the war showed the managers at all levels how important to act rationally, quickly adapt to new conditions and make constructive decisions in situations of high tension.

Besides, there is a growing need for prompt response to external challenges in modern conditions, particularly in the field of security and economy, which increases the importance of constructive cooperation between different levels of government. Accordingly, the study of legal and administrative aspects of this interaction, as well as the development of mechanisms for its improvement, is an important step towards increasing the efficiency of public administration. We should agree with the position of V. Sadovnik (2024), who believes that the interaction of state authorities at all levels is an interesting phenomenon for research, and that such interaction can be considered as a tool for legal, political and socio-economic transformations in society. Accordingly, the issue of the interaction of state authorities of different branches and levels acquires special theoretical relevance and practical significance, which requires scientific research. In this context, the interaction of the Verkhovna Rada and local self-government agencies is no exception.

Considering the topic of the article, the purpose of the scientific research is, first of all, theoretical analysis of the methodological principles of the essence and content of the concept of “interaction” in terms of state administration, and secondly, scientific definition of the concept of “interaction of the Verkhovna Rada of Ukraine with local self-government agencies”.

To achieve the purpose of the research, the following tasks have been set: 1) analysis of the concept of “interaction” in the field of public administration, in particular, the interaction of public authorities; 2) definition of the legal bases regulating relations between the Verkhovna Rada of Ukraine and local self-government agencies, as well as the analysis of legal mechanisms that promote effective cooperation; 3) identification of vertical legal relations between the Verkhovna Rada and local self-government agencies, which are characterized by subordination and coordination; 4) analysis of the activities of the committee of the Verkhovna Rada, which directly interacts with local self-government agencies, and determination of its role in the process of legislative provision of local self-government; 5) systematization of the principles of interaction between the Verkhovna Rada and local self-government agencies, which contribute to effective management and ensuring social partnership.

LITERATURE REVIEW

Many scientific works are focused on the problems of the interaction between the Verkhovna Rada of Ukraine and local self-government agencies in modern legal literature, since such cooperation is necessary for strengthening democratic principles and the development of local communities.

The main attention in modern scientific studies focused on the interaction of the Verkhovna Rada of Ukraine and local self-government agencies is paid to the constitutional, administrative and legal relations between these agencies, as well as the role of the Verkhovna Rada of Ukraine in forming the legislative framework for local self-government, budget and control issues.

In order to review the literature, it is advisable to turn to fundamental scientific works in the field of constitutional, administrative law and state administration, where the authors studied problematic aspects of the interaction of state authorities at different levels. Thus, I. Klymenko (2018) in his work “Interaction in public administration” studied the interaction in public administration paying attention to the coordination of interests between state and local authorities, and emphasized the importance of coherence in relations between state authorities of all levels for effective public administration; V. Goshovska (2019) in her research entitled “Parliamentarism” considered the issue of constitutional interaction between the Verkhovna Rada and local self-government agencies, in particular, the interaction through parliamentary committees; O. Kolyanko (2021) in the scientific article “Interaction of State Administration Bodies and Local Governments With Public” analyzed the cooperation of state administration and local self-government agencies with the public to effectively

solve socio-economic and political issues; M. Puhtinskiy (2022), in his report at the international scientific and practical conference “Constitutional and legal discourse of the interaction of the Verkhovna Rada of Ukraine with local self-government subjects” covered the issue of the constitutional and legal status of the Parliament of Ukraine and the peculiarities of its interaction with local self-government agencies in the context of territorial government; N. Goncharuk and L. Prokopenko (2011) in the scientific publication “Interaction of state authorities and local self-government agencies: legal and functional aspects” analyzed the problems of legislative provision of the interaction between state authorities and local self-government agencies, as well as the distribution of powers between them, identifying the ways of their improvement; R. Panchyshyn (2018) in his work “Concepts and forms of the interaction of local self-government agencies and local state executive authorities” offered a number of author’s definitions in the context of the research topic and revealed the forms of the interaction of local self-government agencies and local state executive authorities.

A more detailed coverage of the interaction issues of the Verkhovna Rada of Ukraine with local self-government agencies was reflected in two scientific works by A. Troyan: “Interaction between the Verkhovna Rada of Ukraine and representative agencies of local self-government: essence and content” and “On the issue of the content of the category of “interaction between the Verkhovna Rada of Ukraine and representative agencies of local self-government” (2011; 2010). The author in these works analyzed the issue of the interaction between the Verkhovna Rada and local self-government agencies, paying special attention to social interaction and the role of parliament in the legislative provision of local communities.

O. Cherkas in the scientific article “Interaction of the Verkhovna Rada of Ukraine with local councils: informational-communication aspect” (2020) studied the informational and communicational aspects of the interaction of the Verkhovna Rada with local councils paying attention to the open dialogue between these agencies. The scholar in the other article “Interaction Between the Verkhovna Rada of Ukraine and Local Councils: Current State and Development Prospects” (2020a) identified areas for improving the interaction between the Verkhovna Rada of Ukraine and local councils.

Acquaintance with the mentioned studies, as well as other scientific works allows us to note a sufficient level of development of the problems related to the interaction of the parliament and local self-government agencies. At the same time, the issue of the influence of local self-government on the formation of national policy remains insufficiently researched especially in the context of crisis phenomena, in particular, such as war. There are also no studies on the impact of vertical administrative legal relations between the parliament and local authorities on the effectiveness of management in general. The practice of the interaction of local self-government agencies with the Verkhovna Rada of Ukraine through parliamentary hearings and other forms of participation also remains insufficiently studied.

This scientific article will consider the interaction of the Verkhovna Rada with local self-government agencies, in particular through committees, legislative provision and control. Special emphasis is placed on vertical legal relations and the role of the Verkhovna Rada Committee on the Organization of State Power, Local Self-Government, Regional Development and Urban Planning within local self-government issues, which contributes to ensuring effective management in terms of modern challenges.

METHODOLOGY

The research methodology provides a comprehensive approach to the analysis of the interaction of the Verkhovna Rada of Ukraine with local self-government agencies. The main research methods include: 1) method of literature analysis, which contributed to the review of scientific works and legislation related to the interaction of the Verkhovna Rada with local self-government agencies; 2) comparative method, which made it possible to compare different scientific approaches to the concept of “interaction” in the context of state administration, local self-government and social partnership; 3) systematic approach, which involved the study of the interaction between the Verkhovna Rada and local self-government agencies as the system of legal, organizational and managerial relations; 4) deductive method was used to form general conclusions based on the analysis of certain legal norms and scientific positions regarding the cooperation of the parliament

with local self-government agencies; 5) inductive method was used during the determination of certain aspects of cooperation and their subsequent generalization into a general concept of the interaction between the Verkhovna Rada and local self-government agencies. The mentioned methods made it possible to structure the research and provide a comprehensive assessment of the interaction of the parliament with local self-government agencies.

RESULTS AND DISCUSSION

One of the conditions for the effective exercise of state power and the development of local self-government is the improvement of relationships between public authorities at different levels. The principle of systematic interaction is one of the key principles not only in constitutional law, but also in the theory of public administration and administrative law. This principle contributes to the strengthening of the unity of state power, improvement of the interaction between state institutions and civil society institutions, as well as coordination of various public interests.

There are currently scientific studies in the field of the theory of public administration, administrative and constitutional law, which determine theoretical and methodological approaches to ensure the interaction of representative authorities with subjects of public administration in general. However, there is a need to study the issue of the interaction of the Verkhovna Rada of Ukraine as the only legislative agency of state power with local self-government agencies, since this issue remains relevant and almost unstudied.

The analysis of scientific research by Ukrainian scholars shows that there is always a mutual influence in the process of the interaction between state authorities and local self-government agencies. V. Goshovska (2019) and V. Klymenko (2018) emphasize this in their scientific works.

Foreign scientists, in particular J. Habermas (1992) notes that the effective interaction between public authorities at different levels depends on the compliance with such imperatives as impartiality, equidistant from party positions and individual (private, group) interests, reflexivity (taking into account the universal expression of common goods), as well as closeness (recognition of the right to social significance and public subjectivity of all participants). These principles are ensured by such basic characteristics as truth, reasonableness, and significance. We believe that these imperatives should be implemented into the process of the interaction between the Parliament of Ukraine and local self-government agencies.

It should be noted that there are not only constitutional, but also administrative and legal relations between the Verkhovna Rada of Ukraine and representative agencies of local self-government, which testify to their interdependence and mutual responsibility regardless of political structure. The Parliament is endowed with broad powers in relation to these agencies, in particular: the right to amend the constitutional provisions concerning representative and other local self-government agencies (with the exception of the provisions of Chapters I and III of the Constitution of Ukraine); determining the basis of local self-government exclusively by laws in accordance with paragraph 15 of the Art. 92 of the Constitution of Ukraine, as well as to resolve other issues related to the organization of local self-government, in particular the issues of formation, activities and responsibility of local self-government agencies in accordance with the Art.146 of the Constitution of Ukraine; forming the principles of internal and external policy in the field of local self-government; approving revenues and expenses of local self-government in the State Budget of Ukraine; appointing scheduled and special elections to local self-government agencies; exercising parliamentary control over the activities of local self-government agencies within the limits set by the Constitution and laws of Ukraine, etc.

There is also two-way feedback between the representative agencies of local self-government and the Verkhovna Rada of Ukraine, which is realized through the practice of appeals by these agencies for the protection of their rights to the Constitutional Court of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, as well as directly to the Verkhovna Rada by submitting statements, comments, suggestions and complaints.

Parliament and local self-government agencies may coordinate their actions through other structures, in particular, through the committees of the Verkhovna Rada. Public discussion of current issues in the sphere of public power with the participation of MPs and representatives of local self-government can take place through the organization of various events, such as parliamentary

hearings, all-Ukrainian municipal hearings, joint meetings, field meetings in settlements, as well as the participation of deputies in sessions of local councils. We agree with A. Troyan who points out (2010) that associations of local self-government agencies play a special role in the practice of relations between the parliament and local self-government agencies, which actually act as public lawyers and representatives of these agencies in relations with the Verkhovna Rada of Ukraine.

In order to study the areas of cooperation between the Verkhovna Rada of Ukraine and local self-government agencies, first of all it is advisable to define the concept of “interaction”. In this context, it is worth paying attention to the scientific position of N. Didenko (2002), who conducted an analysis of the interaction of management, power and the state and came to the conclusion that such an interaction was characteristic for human communities in certain historical periods, but acquired different orientation depending on the patterns of society’s development.

At the same time, the scientific position is interesting for our research, which consists in considering management as a purposeful interaction of the subject and object of management with the aim to achieve socially significant results. Accordingly, the management subject is a managing subsystem that directs the development of management subjects based on taking into account their requirements, requests and features of functioning, and the management object is a managed subsystem that perceives the influence of the management subject and takes an active part in the development of management decisions. We agree with A. Melnyk and O. Obolenskyi (2009), who point out that an important point of this definition is the fact that one-sided influence of the management subject on the object turns into their interaction.

O. Petroye and N. Suprun claim that social partnership is the interaction and joint activity of the participants based on the coordination of interests and the pooling of efforts and resources to achieve mutually acceptable goals and to satisfy common social interests (2011). Thus, social partnership is cooperation based on contractual principles between social partners in order to achieve common goals. We believe that these aspects should be taken into account when studying the interaction between the Verkhovna Rada of Ukraine and local self-government agencies.

At the same time, there is a scientific point of view reflected in the research of A. Troyan (2010), according to which the concept of “social interaction” is considered as a form of relations between individuals and social groups involving systematic mutual influence, the implementation of social action by each of the partners, the adaptation of each other’s actions to actions of the other, generality in the understanding of the situation, the meaning of the action and the corresponding level of solidarity and consent between them. It means the exchange of actions, affinity of actions of both subjects, their coordination, stability of interests, planning of joint activities, distribution of functions, etc.

All the above-mentioned positions give reasons to conclude that the relationship between the Verkhovna Rada of Ukraine and local self-government agencies can be considered as a partnership that contributes to solving social problems on the basis of consensus, as well as preserving public harmony in society.

The indicated partnership should be based on certain principles. We agree to the position of O. Cherkas (2012) that these principles determine not only the type of the interaction in the “parliament – local self-government” format, but also the level of readiness of both subjects of state administration for a specific mutually beneficial partnership. The scientist singles out the following principles of the interaction between the Verkhovna Rada and local self-government agencies: awareness of the parties’ responsibility for the results of cooperation; openness, mutual respect, tolerance in relationships; free exchange of necessary information; prevention of one-sided, tendentious coverage of common problems through mass media; planning of joint activities; development of common goals of cooperation; systematic nature of cooperation; conduction of open discussions to establish partnership relations.

In our opinion, the following can be added to the specified principles: equality of parties, obligation to fulfill agreements and making mutually beneficial management decisions. Therefore, building own cooperation and mutual relations on these principles, the Verkhovna Rada of Ukraine and local self-government agencies will have the opportunity to constantly improve the management relations arising between them.

Considering the actualization of the concept of “partnership” as one of the ways to improve the interaction between the parliament and local self-government agencies, we believe it necessary to enshrine these concepts in the current Ukrainian legislation. Interaction in the public administration system is considered as the principle of interdependent behavior of the participants formed at different levels. The general effect of the interaction, which is achieved after a specific area of the interaction of public authorities, is a bright illustration of this. Partnership is defined as a form of organization of mutually beneficial activities based on the pooling of resources of various subjects and joint management of processes or systems. Relations involving relationships between individuals, groups of people, organizations and public authorities of different levels, which are established as a result of joint practical activities, come out of this.

In this regard, we should agree to the opinion of O. Cherkas (2012), who singles out the common and distinctive features of the above-mentioned concepts, namely, the common features include the fact that a corresponding action takes place between different participants of the interaction; to distinctive ones – the fact that this action has a different orientation: to joint practice – relationships; to joint management – partnership; to interconvertibility and interdependence – interaction.

Thus, summing up, it is possible to explain the difficulty of establishing cooperation between the Verkhovna Rada of Ukraine and local self-government agencies. First of all, both agencies are representative and have a common nature of creation characterized by sovereignty and electability. Secondly, both agencies have different powers and cover different spheres of influence in the state: the parliament participates in the management at the national level, and local self-government agencies at the local level. Joint solution of issues of territorial development, infrastructure, social security, education and health care at the local level becomes possible within the framework of the partnership. Relationships built on the partnership basis between the Verkhovna Rada of Ukraine and local self-government agencies are very important element of the effective functioning of a democratic state, since they ensure the interaction between the legislative power and agencies administering management at the local level.

The Verkhovna Rada in accordance with the provisions of the Constitution of Ukraine is endowed with broad powers in regard to local self-government agencies in the field of legislation, budget formation and control over the activities of such agencies. Thus, according to Part 1 of the Art. 4 of the Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine” (Law of Ukraine No. 116/95-VR, 1995), the committees of the Verkhovna Rada while exercising their powers interact with other state authorities, local self-government agencies, enterprises, institutions and organizations, their officials, who are obliged to assist the committees in performing their powers, as well as to respond to their appeals and recommendations in accordance with the law.

At the same time, recommendations of the committees in accordance with Part 2 of the Art. 24 of the Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine” are subject to mandatory consideration by state authorities, local self-government agencies, their officials, associations of citizen, enterprises, institutions and organizations. The results of the review and taken measures must be reported to the committees within the period established by law, unless a later period is established by the relevant recommendations.

The analysis of the mentioned legal norms gives reasons to conclude that such relations are an example of subordinate authoritative relations between the Parliament of Ukraine and local self-government agencies. Accordingly, there are vertical legal relations between the Verkhovna Rada and local self-government agencies, which reveal the essence of administrative and legal regulation and specific features of administrative law. The Verkhovna Rada exercises control and guidance over local self-government agencies within these legal relationships.

The Committee of the Verkhovna Rada of Ukraine on the Organization of State Power, Local Self-Government, Regional Development and Urban Planning (hereinafter referred to as the Committee) plays an important role in ensuring the interaction of the Parliament with local self-government agencies. Its activities cover various aspects of the functioning of local communities. We would like to consider the main areas of the Committee’s work in relation to local self-government agencies.

One of the key areas of the Committee’s work is the legislative provision of local self-government. The Committee develops and analyzes draft laws concerning the activities of local self-government

agencies, their powers, rights and duties. The main task of the Committee is to create a legislative framework that allows local authorities to function effectively by ensuring the development of local communities and proper management of resources. Laws initiated or reviewed by the Committee cover such areas as financial autonomy of local authorities, local taxes and fees, functions of local self-government agencies in regard to property management, housing and municipal services, etc.

One of the main tasks of the Committee is control over the activities of local self-government agencies, which means the performance of supervisory functions, as well as ensuring the compliance with legislation by local self-government agencies. The Committee considers issues related to violations in the activities of local authorities.

The Committee regularly organizes consultations and meetings with representatives of local self-government to discuss problems arising in communities and to find the ways to solve them. Such cooperation helps to take into account the real needs of communities during the development of legislative initiatives.

Besides, the Committee participates in solving issues related to the organization of the work of local self-government agencies, in particular in matters of their management structure, interaction with state authorities and other aspects that ensure the effective operation of local self-government agencies. It includes, among other things, issues of improving governance and urban planning processes at the local level.

The Committee is also authorized to monitor over the implementation of programs and projects, the results of which affect local communities, such as regional initiatives for infrastructure development or social sphere support. It provides the opportunity for the Committee to assess the effectiveness of local authorities and to ensure the compliance of national programs with the needs of territorial communities.

Therefore, the Committee on the Organization of State Power, Local Self-Government, Regional Development and Urban Planning plays a key role in the formation of an effective system of the interaction between the central and local authorities. Its activities are aimed at developing the legislative framework to ensure the independence of local communities, strengthening their financial independence and improving governance mechanisms at the local level.

CONCLUSIONS

The conducted scientific and theoretical research allows us to formulate the concept of the interaction of the Verkhovna Rada of Ukraine with local self-government agencies as the system of legal, organizational and management relations between the central legislative agency and local self-government agencies aimed at ensuring effective management, coordination of interests at different levels of public power and compliance with constitutional principles, which causes the emergence of horizontal and vertical relationships. This interaction involves the use of legal mechanisms, including legislative initiatives, control, as well as coordination of activities.

The interaction between the parliament and local self-government agencies covers the following aspects. Legislative cooperation, in particular, the adoption by the Verkhovna Rada of laws regulating the basics of the functioning of local self-government agencies, their powers, the procedure of formation, activities and responsibilities. The Verkhovna Rada also exercises parliamentary control over the activities of local self-government agencies through the Committee on the Organization of State Power, Local Self-Government, Regional Development and Urban Planning by reviewing reports, appeals, as well as conducting audits.

The Verkhovna Rada forms strategic areas of state policy related to the development of territories and local self-government, including socio-economic issues and reforms in the public sphere. This can be done through parliamentary hearings, joint working groups and other organizational activities.

An important aspect of the interaction is that local self-government agencies have the right to address the Verkhovna Rada with proposals, complaints or comments regarding legislative initiatives that affect their activities, including the appeals to committees, MPs or directly to the parliament, as well as the possibility to initiate the consideration of issues through the Constitutional Court of Ukraine. The conducted analysis allows us to assert that the interaction of the Verkhovna Rada of Ukraine with

local self-government agencies is an important mechanism for ensuring a balanced state policy, strengthening democratic principles and development of local communities.

We must add that the systemic interaction of state authorities of different branches and levels is based on the legal mechanism, which is an integral part of any country. The formation of the appropriate legal mechanism of the interaction between state authorities of different levels both legitimizes this interaction and ensures legal certainty in the relations between various subjects of power, as well as guarantees the right to express one's opinion, which should be taken into account by other participants in the power processes.

In our opinion, further research in this area can be focused on the analysis of forms and methods of cooperation between the Verkhovna Rada of Ukraine and local self-government agencies. There is also a need to study the interaction of local self-government and parliament in other countries in order to identify positive foreign experience that can be adapted in Ukraine.

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