

Review Paper

# Public Management and Administration in Territorial Communities of Ukraine During the War and in the Post-war Period

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## ABSTRACT

The purpose of the research is to form the peculiarities of public management and public administration in territorial communities in the conditions of war, as well as to outline the role of the latter in the post-war development of Ukraine. The work used such methods of scientific knowledge as the method of synthesis, the method of analysis, the system-structural method, and the formal-logical method. The authors considered the peculiarities of the functioning of local self-government bodies as representatives of the territorial community in the conditions of martial law, their interaction with military administrations. The work describes the transformation of the powers of executive bodies of village, settlement and city councils after February 24, 2022. The publication pays special attention to the role and importance of territorial communities in the post-war development of Ukraine. For the first time, the authors proposed two criteria for dividing the powers of representative bodies of territorial communities during the period of martial law. The approaches proposed by the authors regarding the interaction of the executive bodies of village, settlement and city councils and city state administrations both at this stage of the implementation of state policy under martial law and in the future are important for the recovery of Ukraine in the post-war period, which indicates the practical value of the work.

## HIGHLIGHTS

- The article aims to analyze the peculiarities of public management and administration in territorial communities during wartime, explore their role in post-war development, and propose criteria for dividing powers in representative bodies, highlighting the practical value of the study.

**Keywords:** Bureaucratic Mechanism, Development of Communities in the Conditions of War and in the Post-War Period, Powers, Program of Comprehensive Reconstruction, Temporary State Bodies, Urban Planning Activity

The problem of the research lies, first of all, in the fact that the introduction of martial law in Ukraine brought to life such mechanisms of public management and administration that previously existed only in theory. Currently, management and administration in territorial communities acquires a new meaning, which this publication is designed to reveal. It should be noted that during

the period when Ukraine was part of the Soviet Union, the concept of public administration was the guiding principle, which, from the moment Ukraine gained independence, and later – and took a course

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towards European integration, was transformed into the category of public management and administration. Secondly, the introduction of martial law on February 24, 2022 initiated a new stage in the development of the science of public management and administration. However, the transformation of the powers of territorial communities is connected not only with the onset of martial law, but also with the gradual introduction of changes in the relevant normative legal acts that relate to the activity and functioning of territorial communities in Ukraine, in particular, Law of Ukraine No. 280/97 VR "On local self-government in Ukraine" (1997).

O.M. Bezpalko (2019) investigated the theoretical foundations of the role of territorial communities as subjects of local economic development. V. V. Borshchevskiy *et al.* (2022) comprehensively considered the issue of public administration under martial law, but in general, without specific reference to territorial communities.

At present, there is no comprehensive scientific work that investigates the transformation of the role and significance of territorial communities in the implementation of public management and administration, in connection with the beginning of a full-scale military invasion of the Russian Federation on the territory of Ukraine at the end of February 2022. The purpose of the research is to form the peculiarities of public management and public administration in territorial communities in the conditions of war, as well as to outline the role of the latter in the post-war development of Ukraine.

## MATERIALS AND METHODS

When conducting research on the topic of the publication, the authors used the method of analysis to highlight the specifics of the powers of territorial communities under martial law and in the post-war period, provided for number normative legal acts. The formal-logical method was used in the formulation of a proposal to divide the powers of the executive bodies of village, settlement and city councils into groups according to two criteria. The system-structural method made it possible to distinguish the groups of powers of executive bodies of village, settlement, and city councils from each other both by the scope of implementation and by the presence or absence of a cause-and-effect

relationship between the beginning of a full-scale military invasion and the transformation of the studied powers, as well as the influence of a full-scale military invasion on the development of public management and public administration in territorial communities in the post-war period.

In general, consideration of the issues to which the publication is devoted consisted of three stages: the stage of defining the main concepts of the categorical apparatus, which was used in the coverage of the research topic; the stage of familiarization with the texts of those Laws of Ukraine that may be of importance for the sphere of public management and administration in territorial communities in the war and post-war period; the stage of formation of meaningful filling of the transformed powers of territorial communities in the studied periods.

## RESULTS

The authors initiated their research by introducing their own perspective on distinguishing the concepts of public management and public administration. While the administrative law of Ukraine extensively covers public administration, there is a lack of a dedicated section addressing the understanding of public administration (Kuzmenko *et al.* 2017). In light of this, the authors present the following considerations. Public administration can be defined as the actions performed by public administrations, which include executive authorities, local self-government entities, and delegated power entities. Its focus lies in implementing specific decisions within the realm of public law to serve the public interest. This viewpoint perceives public administration as a narrower concept compared to public management, primarily centered around the activities of executive authorities and their delegated subjects. However, it is crucial to acknowledge that the criteria governing the relationship between public management and public administration offer grounds for further scholarly discussions.

Next, the authors propose to move on to separate legal bases for the implementation of public administration and public administration by territorial communities in Ukraine under martial law. It should be noted that Law of Ukraine No. 389-VIII "On the legal regime of martial law" (2015) quite often uses the phrase "territorial community"

in one form or another. Part 1 of Article 4 of Law provides for the possibility of creating temporary state bodies – military administrations, and part 3 of the same article contains a requirement for the formation of such temporary state bodies within the territories of territorial communities.

Article 9 of Law of Ukraine No. 389-VIII “On the legal regime of martial law” (2015) establishes the peculiarities of the functioning of state authorities and local self-government bodies under martial law. Part 4 of the considered article refers to decisions that can be taken by the relevant head of a territorial community (village, settlement, city mayor), provided that there are no military operations on the territory of such a community, and no military administration of the settlement (settlements) has been established. From this provision Law of Ukraine No. 389-VIII “On the legal regime of martial law” (2015) may give the false impression that in fact military administrations are special temporary state bodies that replace the relevant local state authorities and local self-government bodies for the period of martial law.

The content of Part 2 of Article 10 of the studied Law of Ukraine No. 389-VIII “On the legal regime of martial law” (2015), which concerns the inadmissibility of terminating the powers of both state authorities and other state bodies during the period of martial law. This norm establishes the authority of the head of the military administration to perform the functions of such types of councils as village, settlement and city, their executive committees and heads. At the same time, in Part 2 of Article 10 of Law contains a mention of the subordination of the activities of representatives of the territorial community to the head of a certain military administration.

It should also be mentioned about individual points of parts of Article 15 Law of Ukraine No. 389-VIII “On the legal regime of martial law” (2015), in which the powers of military administrations are established. Yes, in paragraph 15 of part 2 of article 15 of Law contains a direct indication that military administrations are authorized to manage various institutions and institutions related to the sphere of education, culture, health care, physical culture, sports, social services provided that such facilities and institutions belong to territorial communities or are transferred to them. Part 6 of Article 15 of

Law is also important, in which, in paragraph 5, among the powers of the head of the military administration, the possibility of his representation of the relevant military administration and the territorial community in relations with a diverse subject composition is provided, from state bodies to ordinary citizens. When carefully studying this norm, Law of Ukraine No. 389-VIII “On the legal regime of martial law” (2015), the authors drew attention to the fact that the Ukrainian legislator separated the military administration from the territorial community. This approach shows that during the introduction of martial law in Ukraine and the formation of military administrations, they should not be considered as those entities that temporarily replace territorial communities. At the same time, according to Clause 34, Part 2, Article 15 of Law, the military administration has the authority to make a decision that will allow the authorities of the territorial self-organization of the population to be prematurely terminated, but only in cases provided for by law.

Thus, one of the main features of public management and public administration under martial law is the formation of specific temporary state bodies – military administrations. According to the above provisions of Law of Ukraine No. 389-VIII “On the legal regime of martial law” (2015), theoretically, a situation is possible when military administrations are established within the boundaries of certain administrative and territorial units, and within the boundaries of others, on the territory of which there are no combat operations, the heads of the respective territorial communities – village, settlement, city heads. Nevertheless, according to the content of Decree of the President of Ukraine No. 68/2022 “On the establishment of military administrations” (2022), military administrations were established in all regions of Ukraine and the city of Kyiv, and the heads of the relevant regional administrations and the Kyiv city state administration were appointed as their heads.

Understanding the transformation of the role and meaning of public management and public administration in territorial communities before and after February 24, 2022 is impossible without researching the legal novelties introduced after that date. In this context, of course, the changes made to Law of Ukraine No. 280/97 VR “On local

self-government in Ukraine” (1997). These changes are not too many – only five. The content of these changes is such that they specify the powers of the executive bodies of the relevant councils (rural, settlement or city). Law of Ukraine No. 2292-IX “On amendments to some Laws of Ukraine regarding the national military memorial cemetery” (2022) was set forth in the new version (subparagraph 11 of paragraph a) of Article 30 of the studied Law of Ukraine No. 280/97 VR “On local self-government in Ukraine” (1997). This legal amendment clarified the powers of the executive bodies of the relevant councils regarding the proper maintenance of burial sites and their protection (subparagraph 11 of paragraph a) of Article 30 of Law of Ukraine No. 280/97 VR “On local self-government in Ukraine” (1997). After the beginning of the invasion of the Russian Federation on the territory of Ukraine, changes were made to Law of Ukraine No. 2321-IX “On amendments to some legislative acts of Ukraine regarding the preservation of forests” (2022), which related to the powers of executive bodies of village, settlement or city councils in the aspect of forest preservation.

Law of Ukraine No. 2392-IX “On amendments to some Laws of Ukraine regarding the creation of conditions for the introduction of complex thermal modernization of buildings” (2022) concerned the exercise of powers by the executive bodies of village, settlement or city councils in the field of complex thermal modernization of buildings (subparagraph 1<sup>1</sup> point a), subparagraph 10 point b of Article 30 of Law of Ukraine No. 280/97 VR “On local self-government in Ukraine” (1997). Law of Ukraine No. 2394-IX “On the amendments to some legislative acts of Ukraine regarding the clarification of the powers of the subjects of civil protection and the implementation of the norms of International Humanitarian Law in the field of civil protection” (2022) not only introduced numerous changes in Law of Ukraine No. 280/97 VR “On local self-government in Ukraine” (1997) regarding the provision of civil protection norms, and even supplemented the studied Law of Ukraine No. 2394-IX “On the amendments to some legislative acts of Ukraine regarding the clarification of the powers of the subjects of civil protection and the implementation of the norms of International Humanitarian Law in the field of civil protection”

(2022) as a separate article – Article 361, which refers to the powers of the executive bodies of the relevant councils in the field of civil protection. Law of Ukraine No. 2518-IX “On guaranteeing property rights to real estate objects that will be built in the future” (2022) introduced new legal amendments to Law of Ukraine No. 280/97 VR “On local self-government in Ukraine” (1997) after February 24, 2022, concerning the field of construction, namely, the specifics of guaranteeing property rights to real estate objects to be built in the future.

From a theoretical point of view, the authors propose two criteria for dividing the powers of the executive bodies of village, settlement and city councils into groups that transformed the content of public administration in territorial communities after February 24, 2022. The first criterion is the sphere of exercise of powers. Therefore, after February 24, 2022, public administration in territorial communities, taking into account the changes made in Law of Ukraine No. 280/97 VR “On local self-government in Ukraine” (1997) was transformed in the following areas: the sphere of proper maintenance of burials and places of their protection; the field of forest conservation; the sphere of complex thermal modernization of buildings; the sphere of civil protection provision; the sphere of guaranteeing property rights to real estate objects to be built in the future.

The second criterion is the presence or absence of a causal relationship between the beginning of a full-scale military invasion and the transformation of the powers of the executive bodies of village, settlement, and city councils, as well as the impact of a full-scale military invasion on the development of public management and public administration in territorial communities in the post-war period. Here, the authors propose to distinguish three groups: changes in public administration in territorial communities, directly related to the full-scale military invasion of the Russian Federation on the territory of Ukraine: those related to proper maintenance of burials and places of their protection, thermal modernization of buildings, provision of civil protection); those that were related to the normal rule-making process in the Verkhovna Rada of Ukraine and could theoretically take place even without the introduction of martial law (in the field of forest conservation); those related to the post-war

development of Ukraine (the area of guaranteeing property rights to real estate objects to be built in the future).

Next, the authors would like to outline some points related to public administration in territorial communities, which are important for the recovery of Ukraine in the post-war period. And here Law of Ukraine No. 3038-IV "On regulation of city planning activities" (2011) (namely, again, the changes made to this regulatory act after February 24, 2022). The number of such changes is numerous – seven Laws of Ukraine. However, taking into account that the buildings were significantly damaged both as a result of direct military actions and as a result of massive shelling throughout the territory of Ukraine, such a situation is logical and justified, because the proper condition of the places of residence of the citizens of the territorial community is an integral condition for observing human rights and freedoms, guaranteed by the Constitution of Ukraine (1996).

## DISCUSSION

In the modern doctrine of the science of public management and administration, there are various studies that are important when considering the topic of the publication. The authors suggest starting with those scientific works that relate to public administration. T. Klenk and R. Reiter (2019) published a systematic review of the literature on scientific approaches to defining the concept of public administration in the post-modern sense. Researchers note that for more than thirty years, the term new public administration has been used to denote public sector reforms. Nevertheless, in the last fifteen years, the concept of new public administration has been subjected to severe criticism, which led to the emergence of a new trend called post-new public administration. R. Reiter and T. Klenk (2019) reviewed the content of 84 articles published in peer-reviewed high-quality journals, which allowed for the formation of a modern understanding of public administration in the post-new sense. S. Kumar *et al.* (2020) prepared a review of scholarly works dealing with public administration issues during the last twenty-five years. S. Kumar *et al.* stated that the main topics of such publications related to inter-organizational cooperation, public-private partnership, public management reforms, general understanding of

management, leadership, governance, challenges, reporting and innovations in the public sector.

Ukrainian researchers O. Mordvinov *et al.* (2021) considered innovative tools for public management of the development of territorial communities. The scientists conducted an analysis of the administrative-territorial reform in Ukraine, which made it possible to identify the problems of the organization of the territory management system and to determine the relevant innovative tools, the place and role of the territorial community in the budget system of Ukraine. O. Mordvinov *et al.* substantiated specific proposals for improving the institutional, functional, organizational, and financial foundations of state-management influence on social processes in the regions. P. Boselie *et al.* (2021) chose an interesting research topic, which concerns the review of public management in the aspect of human resource management. The results obtained by P. Boselie *et al.* (2021) can be used for the future consideration of alternative theories, models, methods of human resource management in the field of public management.

Next, the authors propose to examine the content of recent works that considered the issue of public administration. W.B. Hildreth *et al.* (2021) published a scientific work devoted to a comprehensive review of public administration, in which he raised the issue of the development of public administration, new directions of research that are critically important for effective policy and implementation of programs in the field of public services, compliance with the principle of the rule of law in the field of public administration, as well as the role and importance of expert institutions. A. Farazmand (2001) is the author of a manual on the comparison and development of public administration, in which the scientist touches not only on the current problems of modern public administration, but also on the history of its development. Thus, A. Farazmand studied public administration in Persia, Greece, Rome, Byzantium, the Aztec, Inca, and Mayan civilizations, as well as in small island states and Eastern Europe.

Summarizing the content of the above works, the authors can say the following. In the science of public management and administration, there are works devoted to literary reviews of the categorical apparatus of the studied field. Also, in their

works, researchers from different countries often considered the issue of new and post-new public administration from various aspects.

## CONCLUSION

In the work, a comprehensive analysis of public management and public administration in territorial communities of Ukraine in the conditions of war is carried out. The conducted research makes it possible to single out at least two features of public management and public administration in territorial communities under conditions of war: since the introduction of martial law in Ukraine, a new type of public administration has actually appeared – military administrations. And although the legal nature of military administrations consists in understanding the latter precisely as temporary bodies of state power, the work highlights how closely they are connected with territorial communities; after February 24, 2022, a number of powers of executive bodies of village, settlement and city councils underwent transformations and changes, which were covered in detail by the authors.

Regarding the post-war period of the development of public management and public administration in the territorial communities of Ukraine, the authors stated that certain foundations for this are already being laid now. In particular, this concerns the role and powers of territorial communities in the development of a program for comprehensive restoration of the territory of the territorial community (its parts). At the same time, of course, the post-war development of Ukraine cannot be limited only to the mentioned programs and must include the close interaction of the executive bodies of village, settlement and city councils and city state administrations both in the restoration of critical infrastructure facilities and cooperation in economic, medical, social and other, socially important areas. This situation makes it necessary to further rethink the role of territorial communities of Ukraine in the post-war period in the field of public management and administration.

## REFERENCES

Bezpalcko, O.M. 2019. The role of territorial communities in providing local economic development: Theoretical principles of the study. *Economics and Management*

*Organization*, 1(33): 116-123. <https://doi.org/10.31558/2307-2318.2019.1.13>

Borshchevskiy, V.V., Vasylytsia, O.B. and Matvieiev, Ye. E. 2022. Public management under martial law: Institutional transformations, strategic planning and development mechanisms. *State and Regions*, 2(76): 30-35.

Boselie, P., Van Harten, J. and Veld, M. 2021. A human resource management review on public management and public administration research: stop right there... before we go any further.... *Public Management Rev.*, 23(4): 483-500.

Constitution of Ukraine. 1996. Available in <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> (Last Accessed on 7<sup>th</sup> October, 2022).

Decree of the President of Ukraine No. 68/2022 “On the establishment of military administrations”. 2022. Available in <https://zakon.rada.gov.ua/laws/show/68/2022#Text> (Last Accessed on 7<sup>th</sup> October, 2022).

Farazmand, A. 2001. *Handbook of Comparative and Development Public Administration*, pp. 1156. CRC Press, Boca-Raton, Florida, USA.

Hildreth, W.B., Miller, G. and Lindquist, E.L. 2021. *Handbook of public administration*, pp. 348. Routledge, New York, USA.

Klenk, T., and Reiter, R. 2019. Post-New Public Management: reform ideas and their application in the field of social services. *Int. Rev. of Administrative Sci.*, 85(1): 3-10.

Kumar, S., Pandey, N. and Haldar, A. 2020. Twenty years of Public Management Review (PMR): A bibliometric overview. *Public Manage. Rev.*, 22(12): 1876-1896.

Kuzmenko, O.V., Pastukh, I.D., Pluhaty, M.V., Spivak, M.V., and Pidvysotskyi, V.V. 2015. *Administrative Law. The Common Part*, pp. 232. Center of Educational Literature, Kyiv, Ukraine.

Law of Ukraine No. 2292-IX “On amendments to some Laws of Ukraine regarding the national military memorial cemetery”. 2022. Available in <https://zakon.rada.gov.ua/laws/show/2292-20#Text> (Last Accessed on 7<sup>th</sup> October, 2022).

Law of Ukraine No. 2321-IX “On amendments to some legislative acts of Ukraine regarding the preservation of forests”. 2022. Available in <https://zakon.rada.gov.ua/laws/show/2321-20#Text> (Last Accessed on 7<sup>th</sup> October, 2022).

Law of Ukraine No. 2392-IX “On amendments to some Laws of Ukraine regarding the creation of conditions for the introduction of complex thermal modernization of buildings”. 2022. Available in <https://zakon.rada.gov.ua/laws/show/2392-20#Text> (Last Accessed on 7<sup>th</sup> October, 2022).

Law of Ukraine No. 2394-IX “On the amendments to some legislative acts of Ukraine regarding the clarification of the powers of the subjects of civil protection and the implementation of the norms of International Humanitarian Law in the field of civil protection”. 2022.

- Available in <https://zakon.rada.gov.ua/laws/show/2394-20#Text> (Last Accessed on 7<sup>th</sup> October, 2022).
- Law of Ukraine No. 2518-IX “On guaranteeing property rights to real estate objects that will be built in the future”. 2022. Available in <https://zakon.rada.gov.ua/laws/show/2518-20#Text> (Last Accessed on 7<sup>th</sup> October, 2022).
- Law of Ukraine No. 280/97 VR “On local self-government in Ukraine”. 1997. Available in <https://zakon.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80#Text> (Last Accessed on 7<sup>th</sup> October, 2022).
- Law of Ukraine No. 3038-IV “On regulation of city planning activities”. 2011. Available in <https://zakon.rada.gov.ua/laws/show/3038-17#Text> (Last Accessed on 7<sup>th</sup> October, 2022).
- Law of Ukraine No. 389-VIII “On the legal regime of martial law”. 2015. Available in <https://zakon.rada.gov.ua/laws/show/389-19#Text> (Last Accessed on 7<sup>th</sup> October, 2022).
- Mordvinov, O., Kravchenko, T., Vahonova, O., Bolduiev, M., Romaniuk, N. and Akimov, O.O. 2021. Innovative tools for public management of the development of territorial communities. *Ad Alta: J. Interdisciplinary Res.*, **1**(11): 33-37.
- Reiter, R. and Klenk, T. 2019. The manifold meanings of “Post-New Public Management” – a systematic literature review. *Int. Rev. of Administrative Sci.*, **85**(1): 11-27.

