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## **PERIPHERY IN THE MODERN UKRAINIAN STATE AND ITS LEGAL FORMALIZATION**

### **Summary**

The article is devoted to the questions of legal support of the peripheral areas development in the modern Ukrainian state. The main emphasis is made on the issue of the periphery legal status formation in the context of political and legal institutionalization of the centre-periphery relations. It is concluded that the lack of effective urbanization in Ukraine creates obstacles for the legal development of the periphery, since it has no independent value and is always dependent on the centre. Analysis of the existing legal acts in this area shows that attempts to transfer the problem of the periphery under the state control can not succeed, that is why main emphasis should be placed on the formation of the legal status of the periphery within the local government. In this regard, the sustainable development of the peripheral areas (as well as centers) requires reforming the system of local government with a focus on decentralization and deconcentration of power. This will speed up the institutionalization of centre-periphery relations in parts of the public space and thus solve the problem of the economic autonomy of the regions.

**Key words:** centre-periphery relations, legal urbanistics, periphery, legal formalization of periphery.

**Formulation of the problem.** One of the most promising and progressive trends of modern jurisprudence at both the general theoretical generalizations and legal

practice in the plane of life is legal Urban Studies, which is formed as an interdisciplinary theory of spatial characteristics institutionalization of law. The uneven legal exposure associated with the factors of justice, legal mentality and traditions, specific legal normative models of behavior, etc., requires figuring out how deep the differences in legal development in urban and peripheral areas. In this context it becomes urgent problems of municipal law, as well as the legal communication between cities as centers and peripheral areas. That is why using a methodology center-peripheral relations in the analysis of the role of cities in the formation of public space, including in Ukraine requires recourse not only to the problems of legal registration of cities in terms of institutionalization as centers of legal and state development, but also the formation of the modern image of the periphery which also plays a role in the content of the legal and public space.

**Analysis of recent research and publications.** The issue of legal registration peripheries in legal science examines extremely rare. You can note the existence of scientific developments and the specific social role of the periphery in sociology, economic geography and political science. In particular, very important methodological role of I. Pylypenko, M. Dnistrianskyi, Ivan Mishchenko, O. Gafurov, O. Pavlova and others.

**The purpose of the article** is to identify major trends and issues legal registration periphery in laws of Ukraine.

**Presenting main material.** Fair look remarks of experts in the field of social geography - a scientific discipline that is often regarded as one of the structural elements of urbanity. They emphasize that despite the existence of regions of different forms, types, species, size, their center-periphery structure in many cases, there is common traits, characteristics, problems. In social geography main object of study is usually the center and centrality (places, events, phenomena, processes, etc.). Although traditionally (and probably correctly) believe that greater influence on social development with centers at the same time, peripheral regions in the area, they number more and more diverse in their types, kinds, geospatial scales. Accordingly, peripherals complex and ambiguous as the object of study requires special attention. Insufficient

theoretical and methodological elaborated this point in the national geography social studies poses a special problem - holding taxonomy peripheries and peripheral [1, p. 141]. It is often possible to meet an approach under which the periphery of public importance - is part of the public space within which the rate of social processes is minimal or vector does not coincide with the vector of the nuclei of social life, which include primarily large and medium cities [2, p. 85].

It should be borne in mind the fact that, according to I. Pylypenko genetically to distinguish between "center - periphery" as the basic (natural, geospatial - the result of topology and, consequently, heterogeneity and self metric geospace) and derivatives (piece , management - the result of socially conscious provision of central or peripheral functions are popular with certain topological and metric characteristics) [3, p. 47]. This distinction is particularly important in the context of our study, because it will show how empowering this or that sense different cities contributes to their formation as centers, or vice versa - the loss of their central role in the national, regional or local level. Really seems to be in the social organization of space centers often just stand by symbolic function of objects located in them, and not by purely geometric centered zones (such as in most Ukrainian cities such symbolic buildings often perform the function of district or regional councils, which are typically one of the main streets).

It seems that the content of most of the problems associated with the legal institutionalization periphery in Ukraine, has two main dimensions. First, we should recognize that the interdependence of center and periphery is expressed on many levels: global (when talking about a multi-polar universe with many centers of influence on the geopolitical situation in the world in general), or regional (eg the center of Europe in geographical and symbolic sense - a different way: geographically it is in Ukraine, while Ukraine is symbolically located on the periphery of Europe), national, local (center-periphery organization area or smaller area) and inner (central and peripheral areas of the city). The logical assumption here is that the legal institutionalization of the periphery in such gradations possible only in the context of the deployment of local center-peripheral relations, when city centers appropriately issued and structuring itself around a peripheral zone.

Second, peripherals, based on the methodology outlined by us, there is always a secondary structure, dependent on the center. Therefore, it is logical that the legal status of its execution is delayed, compared with the legal institutionalization cities. This is often expressed in rather significant problems of peripheral areas in the country, which are becoming less attractive to their residents, leading to their demographic, economic and cultural exhaustion.

In particular, as stressed N.M. Krestovskaya lack legal status and generally reflected the legal problems of rural spaces leads to a significant complication of urbanization [4, p. 35-37]. This also emphasizes I.V. Mishchenko. According to the researcher, consideration of "growth poles" within each enclave can not forget about the periphery, as if it is ineffective, the center is rapidly losing its properties. Dependent status of rural areas is determined, above all, the inability to successful rural development without effective urbanization, no matter how paradoxical it may sound [5, p. 100-101]. For almost inaccessible rural areas are factors of advanced development, what is often the emphasis in a variety of rural development programs in Ukraine, but because rural development depends on the development of cities. This situation appears to have get their adequate reflection on the level of decentralization reform government.

Indeed, analysis of Ukrainian legislation on the development of peripheral areas (in the Ukrainian context is mostly rural areas), their legal institutionalization as a whole does not meet the image of Ukraine as a state-oriented model of agrarian economy. This, in turn, significantly reflected in the development of the legal regulation of the status of cities.

Today the Ukrainian legislation on the status and development of peripheral software acts based on regulation. Yes, including the decisive act is the State Program of Ukrainian village till 2015 [6], whose main provisions are aimed at "ensuring sustainability of agriculture, competitiveness in domestic and foreign markets, guarantee food security and maintaining the peasantry as a carrier Ukrainian identity, culture and spirituality. " The main focus of the program - economic (in particular, it defines the necessary measures for the establishment of the agricultural market and

financing the agricultural sector), although it contains a number of measures of social nature. But seems this program can hardly be called satisfactory, especially considering the fact that it declared expected results very far from the real situation of the Ukrainian village that everything becomes more "depressed" periphery.

In 2010 the concept was adopted alternate - Concept of the State Target Program sustainable development of rural areas for the period up to 2020 [7], which was canceled six months after its approval. The Concept stated that the definition of a strategy for sustainable development of rural areas based on optimization of their social and productive infrastructure, improving rural employment, reducing labor migration, improving the competitiveness of agricultural production, increasing its volume, improve the quality and safety of agricultural products, environmental protection and reproduction natural resources is the best option for rural development and an end to their degradation. However, it is difficult to assess whether this approach is promising considering the fact that today in Ukraine there is no legal act that would regulate the status of rural areas.

The only act that establishes the basis for the development of peripheral areas is the Presidential Decree "On basic principles of social village" [8], which, however, is more a source of "soft" law because the regulatory power is significantly reduced by the use of in it the words "consider", "focus" and so on. In other words, this decree contains reference standards. Most of them have a clear social orientation and covers issues such as the development of social infrastructure, the development of social services in the village and so on. Again, it is difficult to ascertain the validity or promise of this document, especially 15 years after its adoption. This once again underlines the thesis that the urbanization process in Ukraine can not develop effectively without proper regulatory support peripheral areas. Software adjustment here is not enough. Meanwhile, the rules of "soft" law are not only acts taken at Government level and the President of Ukraine, but also in acts of Parliament. In particular, we can recall the Resolution of the Supreme Council of Ukraine "On the

parliamentary hearings on the progress of reform and measures to improve the situation in rural areas" [9].

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In the absence of appropriate legal and regulatory mechanisms to ensure the development of peripheral areas is a crisis and institutional structures, functionality applies even problems of sustainable development not only tanks, but those spaces which are controlled by them. In Ukraine, the legal and organizational support for the economic development of peripheral areas submitted several advisory councils with powers rather blurred. Thus, May 23, 2009 was established, and already 25 November 2009 the Council eliminated rural and village heads under the Cabinet of Ministers of Ukraine [10] - an advisory body whose decisions and conclusions were recommendatory in nature. The aim was to promote the formation of the effective mechanism of interaction of executive authorities and local self-government on the basis of partnership and openness and develop coordinated positions; the development and submission of executive power proposals on the need to revise the regulations on improving local government to create favorable conditions for its development and improvement of the protection of the rights of rural local communities; part of assessing the effectiveness of the regulations on regional policy and local government and preparation of appropriate recommendations; preparation of proposals on a number of issues of rural development and so on.

Similar authority is currently operating Inter-agency Coordination Council on Rural Development, established by the Cabinet of Ministers of Ukraine on Dec. 27, 2008 [11] to ensure coordination of the implementation of the above state target program of development of Ukrainian village for the period until 2015 at her on the following task analyzes the tasks and activities of the program and its results make appropriate proposals to the Cabinet of Ministers of Ukraine to achieve the objectives of the Programme; take measures within its powers to the organization of ministries and other central and local executive authorities and scientific institutions of tasks and activities of the program; Agriculture Ministry helps in controlling the execution of tasks and activities of the Programme; is within its powers involved in drafting the national target and branch programs on rural development; consider draft laws and

other regulations on rural development and prepares its findings; consider proposals of central and local executive bodies, local authorities and research institutions, analyzes the results of their activities related to the implementation of tasks and activities of the program, and submit to the Cabinet of Ministers of Ukraine relevant information.

It appears that the main problem organizational support for the development of peripheral areas in Ukraine is their "governed." It looks convincing opinions of scientists who argue that the development of rural areas should be the prerogative of local government, and the state has only implement strategic coordination, combined with a gradual urbanization legal registration [12, p. 279].

In the context of legal issues institutionalization periphery noteworthy idea O.I Pavlova, according to which the Ukrainian realities, it makes sense to allocate a separate kind of bridge, which he proposes to call agrarian towns. "Agricultural destination" in the interpretation of the author legislator referred to the category of towns - settlements with a population of 50 thousand. People. Among the 350 small towns the largest share (over 45%) are those that have a population of 10 thousand. To 20 thousand. People, almost 19% have from 5 to 10 thousand. People [14]. Of course, not all of these cities in its typology belonging to the agro-industrial or agricultural, but most of them are strongholds of rural settlement system and administrative centers and service centers in rural areas. Now the task is to, firstly, to restore functionality "agrarian towns", and secondly, to turn them into poles of recovery and sustainable development of rural areas [15, p. 114].

According to O.I. Pavlova, restore economic and social potential of "agricultural towns" may be due to the establishment of market prices for land, creating a land bank and provision of district councils foreclosure of land with the transfer of the last lease for profit and its use for the development of production primarily in " agricultural towns " [15, p. 115].

The legal institutionalization of the periphery, as we can see, is in the plane of the more common problems center-peripheral relations, decentralization of power, legal sustainable regional development more. It seems that the theoretical legal and

legislative approaches to legal registration in the periphery of the Ukrainian state should focus on potential areas of urban development perspective. Peripherals can be successful and developed only in conditions of development centers.

**Conclusions.** As can be seen, legal and organizational problems of the periphery registration status in Ukraine are even more acute than the institutionalization of urban areas. However inextricable link that always exists between the center and periphery should contribute to the development of cities affected solving socio-economic problems of the periphery not only by aggressive urbanization, demographic associated with the depletion of the village, and by stimulating the formation of the inner peripheral infrastructure.

Adequate legal reflection of center-periphery model where a key role for cities, not entire regions are, in our opinion, the key to successful decentralization of state power in Ukraine. This is, first, confirmed by international experience decentralized processes, and secondly, can solve the problem of distribution management through self-help ideology. Cities act as urbanization centers within the public space, concentrating ideas and legal rules. Every city - a kind of center (political, legal, cultural, economic) of a region. Successful regional development is impossible without the successful development of city-centers, confirming as international practice and Ukrainian experience. Because the ideology of decentralization of state power in Ukraine should be based not only on the idea of regions, but also on the idea of urbanity.

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