

L. Smolova

**LIABILITY OF LOCAL REPRESENTATIVE BODIES
TO LEGAL ENTITIES AND INDIVIDUALS:
STRENGTHENING IMPLEMENTATION MECHANISMS**

Problem setting. The theme of local governments responsibility (hereinafter - POMS) is topical in the light of reforms announced by the President and the Government of Ukraine. First and foremost, the reform of local government and decentralization of power, most of which involve the transfer of authority and resources for their implementation at the level of communities, a clear separation of powers between executive bodies and local authorities. However, as noted in one of his speeches the Prime Minister of Ukraine Arseniy Yatseniuk, decentralization means not only additional rights and powers, but also additional responsibilities. The principle of responsibility of local governments to corporations and individuals is reflected in art. 55, 56 of the Constitution of Ukraine. The further development of these constitutional provisions were in the national legislation of Ukraine. The law "On Local Government in Ukraine" very briefly highlights this kind of responsibility, which adversely affects the effectiveness of the remedy of businesses and individuals. Therefore, the research of POMS liability to corporations and individuals has an important practical significance.

Recent research and publications analysis. To the general issues local government and its officials responsibilities a significant amount of scientific papers are dedicated. Scientists perceive the thesis that they can be brought to criminal, civil, administrative, disciplinary responsibility as an axiom. The main debates are currently about the availability of constitutional, legal and municipal liability. Some authors (N. Batanova, P. Lubchenco, J. Todyka, V. Shapoval, V. Shumilkin) support the existence of constitutional and legal responsibility of local

government, other (I. Alekseev, M. Dolgopolov, A.A. Poker, V. Pohorilko, A. Frytsky) - municipal and legal, some scientists (I. Kenya, K. Shuhrina) - both types. However, there is a lack of researches concerning fundamental responsibility which POMS are liable to legal entities and individuals.

Paper objective. The article aims to ground kinds of responsibility POMS are liable to legal entities and individuals and to submit proposals to strengthen the implementation mechanisms.

Conclusions. So, we have investigated POMS responsibility to corporations and individuals, proposed changes to the current legislation of Ukraine to strengthen the mechanism of protection of rights, freedoms and interests of individuals, the rights and interests of legal entities. Attention is paid to the fact that today in Ukraine judicial order is the only opportunity to redress businesses and individuals. As a result, the need is felt to develop the institute of legal aid in Ukraine and the law on the possibility of using extrajudicial remedy businesses and individuals. It was proved that the POMS responsibility to corporations and individuals have legal direction. Executive agencies may use civil and constitutional and legal responsibilities. Further exploration may concern individual responsibility of members of local councils as a representative of the local community.