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HISTORY OF DEVELOPMENT OF URBAN TERRITORIAL COMMUNITIES: LEGAL ASPECT.

Abstract.
The article is devoted to the study of the origins of the modern united territorial community in Ukraine. With the restoration of Ukraine's independence, local self-government, including in cities, began to form again. However, due to long interruptions in its development, which led to the weakness of the self-governing culture of the people, the formation of local self-government in cities was controversial, as it was under state control and limited to cities and other settlements.

Keywords: *self-government reform, united territorial community, local self-government, city, village.*

Ukraine is reforming the decentralization of power, the main task of which is to strengthen the capacity of communities to address all issues of local life. To this end, the government has initiated large-scale work to ensure the voluntary amalgamation of territorial communities of cities, towns and villages into affiliated territorial communities (hereinafter - ATC), local governments which are given much more power than the powers of traditional urban, settlement and village councils.

The purpose of the article is to analyze the process of development of territorial communities from its historical origins to the present, to establish causal links between modern types of territorial communities and their historical predecessors.

Research on this issue was carried out by Alekseev S.S. [1], Alferov S.V. [2], Batanov O.V. [3], Grebenyuk M. [4], Zhovnirchyk Y.F. [5], Ivanova E.A [6].

The origins of the modern urban ATC should, in our opinion, be sought in the urban and rural communities of ancient Ukraine-Russia, which throughout the complex and original path of historical development of the Ukrainian people played great role in the formation and preservation of its economic, legal and cultural traditions. Rural communities are likely to have emerged at a time when the Slavic tribes that populated present-day southwestern Russia (i.e., Ukraine) had not yet been united into a state union under the supreme rule of the masters.

According to Ukrainian scientists, this happened in the II-VI centuries. N. BC, when the southern tribes of the Eastern Slavs created a special socio-territorial union - verv. It should be noted that the formation of an analogue of the n community (community) - peace - in the northern tribes occurred much later - during the IV-VI centuries [3, p. 201].

In the national literature, the faith is recognized as the primary carrier of the order of management of public life, which was called public self-government. The verves were different in their structure. They could consist of one village and a number of settlements; from large families and from small farms that individually cultivated the land [2, p. 90]. However, the verses were united by the fact that each of them represented its members in relations with other communities (verves), feudal lords, state power [5, p. 9].

The first written norms aimed at regulating public relations are found in the main source of law of Kievan Rus - "Ruska Pravda", which reflected certain features of the life of the territorial community. Already the third edition of "Russian Truth" ("Extended Truth") speaks directly about the verb or has it in mind in 15 articles. Verv in them is clearly defined as a territorial organization of the rural population with specific functions. This is, first of all, indicated by the large territory mentioned in "Ruska Pravda", which was occupied by verv [8, p. 171, 436]. In many articles, "Ruska Pravda" assigns material responsibility for crimes committed on the territory of the verv, first of all to a specific person - a criminal, and the verva was responsible only when it was not found [8, p. 402–404, 406, 436]. And the fact that the liability was expressed in material compensation in the form of a fine, means that a particular person, a member of the Vervi, had economic independence.

Territorial communities of cities in the times of Kievan Rus were more complex and diverse. However, according to MS Hrushevsky, "urban life was only a further stage of rural development" [7, p. 360]. In turn, PP Tolochko notes that with the indisputability of the thesis about the city as a center of handicrafts and trade in the XII-XIII centuries, these sectors of the economy were at the initial stage of separation from agriculture and could not create the necessary additional product, primarily produced in agricultural production. Therefore, the city was closely connected with the agricultural district, remaining for it an economic, administrative, political and cultural center, the ancient Russian cities had a pronounced agrarian character [8, p. 175].

The main bodies of self-government in the cities of Kievan Rus were the chamber and the prince. The Chamber in Russia was the supreme body of people's power with broad powers, determined by the rules of customary law and existed from time immemorial. It was an integral part of the socio-political mechanism of

ancient Russian society and the first representative body of local self-government in the Ukrainian lands.

The competence of the veche meeting was quite broad. In the foreground among the various functions of the chamber was the invitation and election of the prince, his acceptance or approval and removal [9, p. 303]. In addition, the community consulted with the prince, that is, presented its demands to him, and depending on their implementation, asked about his stay at the "table". The Chamber also discussed and resolved various current issues, namely, performing a function similar to legislative activity, deciding on foreign policy, war and peace, control over the administration and the judiciary, as well as the issue of the Zemstvo militia.

At the same time, the communities of the cities of Kievan Rus did not have their own special, exclusive functions and powers. According to the literature, they were a controlling institution, because the current administrative and state activities were under the control of the prince, and the community interfered in those cases when the prince's activities differed from its interests, or when the prince in some respects failed.

The chamber served as a correction of the prince's administration, because the community could interfere in any area of the prince's jurisdiction. However, satisfying herself in one way or another, she returned the field to its owner, without making any significant changes. Guarantees of order, the desired relationship, she sought not in legal norms, not in obligations, but in the personality of the prince, that is, pursued the goal of finding a prince who would live soul to soul with the community, would fulfill its desires in everything. Such relations between the community and the prince were considered a guarantee against all misunderstandings and conflicts between the community and the prince [9, p. 96].

As noted by P.F. Gural, ancient Russian cities were the result of the rural elements. Organically connected with the village, they did not oppose it, but, on the contrary, were like a step in the development of rural institutions. Together with the rural communities adjacent to the city, the city community formed new territorial units, which were parishes [8, p. 100].

During the times of Kievan Rus, communities were deprived of political rights and in this aspect of their lives almost completely obeyed the prince. However, they (communities) were independent in establishing the rules of land management, distributing taxes and other burdens among their members, and resolving most other current cases. The property basis of urban and rural self-government was land ownership (urban or agricultural, depending on the type of community), other property and funds that ensured the functioning of the community and the interests of its members [3, p. 18].

After the disintegration of Kievan Rus into separate lands in the west of the former Kyiv state, the Galicia-Volyn principality emerged, whose territory was first divided into thousands and hundreds, then into voivodships and volosts, headed by voivodes and volosts appointed by the prince. Their competence extended to administrative, military, financial and judicial cases [7, p. 57]. The centers of voivodships and parishes were cities. They were ruled by thousands and mayors, who were also appointed by the prince. In communities (villages), elders were elected who were in charge of administrative and petty court cases within the territories they governed. In the Galicia-Volyn state there was also a chamber convened by the prince.

Thus, during the heyday of Kievan Rus and before its collapse (IX-XII centuries), the first representative body of local self-government in the Ukrainian lands were veche or veche meetings of city dwellers as public entities, which embodied some features of decentralized management of urban community and were a prototype bodies of city self-government on the territory of Ukraine. Unfortunately, the conquest of the lands of Kievan Rus by the Mongol-Tatars and their mass destruction of cities for several centuries interrupted the process of development of veche self-government in our country.

The next period of development of urban self-government in Ukraine began in the fourteenth century and was associated with the granting of cities in Ukraine the rights of self-government within the Magdeburg law. According to historical sources, the first in Ukraine to receive the right of self-government in 1329 were the Transcarpathian cities of Khust, Tyachiv and Vyshkove, which were part of the Kingdom of Hungary. Then many other cities received the Magdeburg right, in particular: Sanok (1339), Lviv (1356), Kamyanets-Podilsky (1374), Lutsk (1432), Zhytomyr (1444) and the latest Kyiv (1494), which were part of the Commonwealth [3, p. 79].

Magdeburg law gave urban communities some independence from feudal rulers in dealing with many issues of local life, including issues of land management and use within cities. In particular, under Magdeburg law, cities received the right to self-government and litigation, land ownership (within the limits specified in the charter granting the city Magdeburg law), benefits to artisans and merchants, the right to hold fairs, and exemption from feudal duties.

At the same time, Magdeburg law cannot be considered as a city code that systematically regulated land and other public relations within and with the participation of urban communities. After all, most cities used only the form of Magdeburg law, not its content, they had little of German law, mainly regulated only the system of self-government [1, p. 363].

In the Ukrainian lands, Magdeburg law, in contrast to Western European countries, did not actually completely liberate cities from feudal dependence, sometimes it was intertwined with the rules of customary law. Moreover, in some cities, in particular in Western Ukraine, the granting of the Magdeburg right was accompanied by the strengthening of German and Polish colonization and the restriction of the rights of the Ukrainian population [8, p. 362-363].

For example, in the cities of Lviv and Kamianets-Podilskyi there were three urban communities (Polish, Ukrainian, Armenian) and each had its own self-government. It is the need for the Ukrainian urban population to defend their socio-economic and national-religious interests that led to the intensification of political struggle and the emergence of fraternities. At the same

time, this does not diminish the progressive role of Magdeburg law in the economic development of Ukraine.

It helped to increase the role of local authorities in addressing local economic issues, in particular the establishment of urban development, local finances, law enforcement, local administration and the judiciary. Researchers compare the socio-economic benefits provided to the state by the Magdeburg law in cities, with the benefits given to the state today by the territory within which business activities are carried out on preferential terms (free economic zone, offshore zone, etc.) [15, p. 32].

According to the scope of local self-government powers, Magdeburg law provided for the creation of two types of local self-government bodies in cities - magistrates, who owned all the power in the city, and town halls, in which the chief official was the headman (viit), appointed directly by the king or hetman. Therefore, in cities with a master's degree, the magistrate managed the affairs of the city administration, court, economy, finance, police, etc., and consisted of a council that dealt with administrative and economic affairs. In the town halls, on the other hand, the central government had a significant influence on local self-government. [107, p. 363].

At the end of the 14th century, after the Ukrainian lands became part of the Grand Duchy of Lithuania and, later, the Kingdom of Poland (Rzeczpospolita), elements of local self-government, especially in cities and towns, were further developed in the form of viitovstvo. City self-government in the form of viitovism acquires legalization in the Lithuanian statutes (1529, 1566, 1588 pp.), Which legitimized the city councils. In privately owned cities, the system of local self-government was determined by their owner [9, p. 18-19].

In addition, in the seventeenth and eighteenth centuries, most Ukrainian cities belonged to the feudal lords or the church. Thus, in the first half of the 17th century, out of 206 royal cities in Kyiv Voivodeship, there were 46, private - 150, church - 10; in Podolsk Voivodeship, out of 37 royal cities, there were 7, lordly - 28, church - 2.

Part of the administrative-territorial structure of the Grand Duchy of Lithuania in the XIV-XVI centuries was also the parish, which consisted of more or less cohesive groups of yards, villages, settlements. The volost was a tax unit, and the volost community was identified with the rural (territorial) community. The volost community had a clearly defined territory, which consisted not only of plots, arable lands and lands isolated by these farms, but also included public lands cultivated by the volost and virgin plots.

The latter could be occupied only by the inhabitants of this parish, subject to the performance of additional duties, which was monitored by the parish elders. The elders and the people of Voloshchyna monitored the preservation of the integrity of the territory of the community and resolutely defended the volost lands from encroachment by outsiders. The supreme right of the parish on the land of its territory (despite the existence within its boundaries of plots of separate property of farms) was manifested in the transition to joint ownership of abandoned land, which could be transferred to other citizens, cultivated jointly or given to third parties. The proceeds from the use of such land went to the community's joint treasury. The right of a rural community to all the lands of its territory was manifested in the collective protection not only of common lands, but also of individual allods, which were in the possession of individual farms [6, p.130].

Certain changes in peasant land tenure, including public, were made by the "Charter for drags" in 1557. The purpose of the latter was the attempt of the supreme power to maximize its grain economy, and where it was absent, to start it [7, p. 125]. During the reform, the lands of each individual village were practically expropriated and, if possible, divided into three fields. Each of them, in turn, was divided into plots according to the number of two-family farms in the village.

In the Ukrainian lands affected by the drag, the latter did not destroy public land ownership. The village community was provided with "fences" with arable land and pastures and "stumps" for haymaking. The community had the right to use the arable land. "Prisons" of rural communities, as a rule, were owned by the latter and used together. However, sometimes the community allocated land to someone specifically from the villagers. [4, p. 23].

Thus, public land tenure was maintained throughout the XIV-XVI centuries. The land was usually divided into three parts. The first included individual allotments of peasant dicotyledons (allods). To the second - community lands. The structure of the latter included pastures, hayfields, forest and river lands, as well as arable land of common use. And the third part included virgin lands, which served as a reserve for the emergence of new farms. The supremacy of community rights to land within its territory was manifested not only in the establishment of order fund of common lands and virgin lands, but also in the regulation of agricultural work on allods [8, p. 138].

At the beginning of the 16th century, the strengthening of serfdom, the lawlessness of peasants and poor burghers, including small artisans, led to their mass escape from enslavement and their establishment in the free lands of the Zaporozhian Sich. Zaporizhzhya community was a specific social entity that combined the features of the military community, political and social institutions. Initially, it was an outpost of the struggle against Tatar aggression, and later became the center of the liberation movement in Ukraine.

The legal establishment of the Cossack state had a rather thorny path. Its full and final consolidation took place in the Treaty of Zboriv in 1649 and the March Articles of 1654. Zaporizhzhya Sich was a well-organized self-governing system based on republican-democratic principles, the key elements of which were the Cossack council and the chicken-basket system. The principle of joint ownership of land in Cossack law manifested itself in the emergence of communities whose members owned property jointly, but each of them had its share and the right to alienate it. The influ-

ence of the communal way of owning land was manifested in the creation by the Cossacks of a kind of artel, industrial battalions [2, p. 13].

As a result of the national liberation war of the Ukrainian people in 1648–1654, a Ukrainian state was formed, which was named the Hetmanate. A new state apparatus emerged on the liberated territory, the prototype of which were the institutions that existed in the Zaporizhzhya Sich. All power belonged to the Zaporozhian Army. The body of the highest authority was the General Cossack Council, in which all Cossacks had the right to participate. The council elected the hetman and other officers and had the right to remove them from office.

The regimental-hundred organization of power in the Hetmanate had a significant impact on the legal status of urban and rural territorial communities. Cities were legally divided into two groups - magistrates and town halls. The magistrates enjoyed the Magdeburg right, obtained mainly from the Polish government and later confirmed by the hetmans or the tsarist government. In the Hetmanate, rural self-government continued to play a significant role. The village community and its government considered and resolved cases related to land demarcation, sale, purchase or inheritance of property, insults, various conflicts, etc. [3, p.200-201].

At the end of the 18th century, another redistribution of the territory of Ukraine between the Russian and Austrian empires began, which lasted for several decades. It ended with the fact that in the 1830s about 80% of Ukrainians fell under the colonial oppression of Russian tsars and almost 20% - Austrian emperors [8, p. 43].

The analysis of the evolution of the territorial community shows that at this time the political and legal principles of their functioning are radically changing. The tsarist government gradually abolished the Ukrainian traditions of self-government and extended the system of government of the Russian state to the territory of Ukraine. Thus, in the cities local self-government on the basis of Magdeburg law was replaced by the dominant management of the new feudal lords [18, p. 25-27]. The legal status of Ukrainian cities was determined by tsarist acts, including the "Charter of Rights and Benefits to the Cities of the Russian Empire" of April 21, 1785 and the "Charter of Rights and Benefits to the Cities of the Russian Empire." These acts defined the system of municipal self-government bodies, which relied on the city councils, and determined the order of their functioning. At the same time, the city recognized the right of ownership of land, fields, gardens and other lands both inside the city and outside it [19, p. 42].

An important milestone in the reform of land relations in rural areas was the peasant reform of 1861, which abolished serfdom. As a result of its holding, not only landowners and peasants, but also a community (called a peasant society) were recognized as subjects of land ownership.

Later, after the tsar approved the city regulations on June 16, 1870, the city reform was started. According to the Regulations, the bodies of city public administration were created on an electoral basis: city councils as administrative bodies and city councils as executive bodies of city councils. Reforming the self-government of urban communities, the tsarist government assigned to them only the functions of "economic self-government". City self-government became even more dependent on the government administration (the Ministry of the Interior, the governor and the provincial presence for city affairs) than the zemstvos. Although the City Regulation, in comparison with the pre-reform procedures, expanded the independence of the city public administration (government control was limited to overseeing the legality of the city community and its bodies without interfering in its economic activities), in practice there was a gradual process of limiting this independence [8, p. 212– 213].

The tsar's decree of June 11, 1892, approved a new City Regulation, which preserved for the city self-government the whole set of issues they had previously dealt with. The organization of public administration also remained intact [9, p. 18-26]. However, as a result of the reform, the nature of the relationship between state power and the Duma changed radically, and the power vertical was strengthened. The state has strengthened custody of the city government, reducing the limits of its independence. The important notion of "urban community" disappeared from the city situation in 1892, instead the vague notion of "urban settlement" was introduced [9, p. 80].

The formation of local self-government in Galicia and Bukovina, which were part of Austria-Hungary, was somewhat different. The processes of strengthening and strengthening the central state power, as well as the collapse of local self-government also began in these lands. Thus, after 1772, the Polish legal system was abolished in Galicia and Bukovina, and the Austrian legal system was introduced. Most small towns were converted to the rank of villages, and their inhabitants became serfs. The decree of the Austrian Emperor Joseph II of July 31, 1786 in Lviv abolished the Magdeburg law. The Austrian government, by a patent of June 13, 1775, abolished the institution of the Polish Sejm and created the Galician Estates Sejm in Lviv as a representative body of various social strata of the Galician region. It had rather limited functions.

The next step in the development of city self-government was connected with the adoption on March 5, 1862, of the national law of the Austro-Hungarian Empire "On Local Self-Government". On its basis, in all the crown lands, including Galicia (1866), "regional public laws" were adopted, which provided for orthodoxy, cities and towns for self-government. According to this law, county communities (gminas) were created, the territorial boundaries of which coincided with the boundaries of counties. The bodies of the county community were the county council as the governing body and the county committee as the executive body.

The main subjects of local government remained the counties, headed by mayors and heads of counties. The grassroots (basic) local authorities were rural and urban gminas [3, p. 45]. However, county self-government bodies were completely controlled by government

administration bodies [3, p. 46]. And only regional centers, such as Lviv in Galicia and Chernivtsi in Bukovina, were guided by their own statutes [10, p. 230].

Thus, the third stage in the development of the legal regime of lands of urban territorial communities is characterized by the decline of urban self-government, which took place in the eighteenth and nineteenth centuries after the division of Ukraine between the Russian and Austro-Hungarian empires.

The beginning of the XX century became one of the most difficult and controversial of all periods in the formation of local self-government in Ukraine. In 1917, the October coup took place in Russia, as a result of which the Bolsheviks came to power, and a significant change in the systems of public authorities began. During this period, special attention was paid to the issue of legal regulation of local governments.

The leaders of the Central Council formed the concept of local self-government, which noted that on the ground - in the provinces, counties, parishes, cities should operate a strong and well-organized people's government, and the path to democratic state and social order lies through the development of community self-government. According to the Constitution of the Ukrainian People's Republic of April 29

In 1918, the constitutional order of Ukraine was to be based on the principles of decentralization: lands, parishes and communities were granted the rights of broad self-government (Article 5). Article 26 of the Constitution enshrined the principle of organizational independence of local self-government: "All kinds of local affairs are regulated by elected councils and administrations of communities, parishes and lands.

They have the only direct local power: the ministers of the UPR only control and coordinate their activities, directly and through their appointed government officials, without interfering in the affairs of those Councils and Administrations appointed, and any disputes in these cases are resolved by the Court of the Ukrainian People's Republic "[3, p. . 112].

After the Bolshevik coup "Decree on the land" [10, p. 10-11], adopted October 27, 1917, all land in the country was nationalized. It was declared public property, which passes to the use of all workers. The Land Code of the USSR (1922) introduced a single form of land ownership - state - throughout Ukraine, including in cities. Accordingly, local self-government in cities was replaced by the powers of city councils of workers 'and soldiers' deputies.

It should be noted that before 1930 there was still a communal form of land management through land communities, but the Soviet government considered them, like any agricultural society, as a transitional link to the establishment of collective farming. According to Art. 42-43 of the Land Code of the USSR (1922), the land society (land community) was a set of yards (peasant farms), which number at least 15 "adult labor farmers" and have common land. Land associations also included communes and artels, as well as the voluntary amalgamation of individual farms or their aggregates that separated from other land associations. All land societies had their own statutes.

Land communities were not administrative units and were not in charge of all administrative matters. However, they had much in common with the pre-revolutionary peasant community. As before the revolution, so in the 1920s, the land community determined the method of land use and could give land to its members.

Another feature that united the Soviet-era land community with the pre-revolutionary community was that the decisions of both the land community and the community were made at the general meeting (assembly) of their members. The East (general meeting) included all full members of the land community. Thus, the general meeting of members of the land community (community) was the main, decisive body [10, p. 18-19]. Resolutions of the assembly (general meeting of the community) were binding on each of its members. Moreover, the community could bring to justice those who evade the decisions of the general meeting [5, p. 354].

Thus, during the existence of the Ukrainian SSR within the USSR, even the very concept of "local self-government" as a form of self-realization of territorial communities was withdrawn from use. Local councils have acquired exclusive status

"Local authorities". And the "power of the Soviets" itself was considered the most democratic achievement of "socialist society" and was called "Democracy", although formed and governed exclusively by the Communist Party, which did not allow any opposition. The Constitution of the USSR (March 14, 1919), the Constitution of the USSR (May 15, 1929), the Constitution of the USSR (January 30, 1937) and the Constitution of the USSR (April 20, 1978), making minor changes, constantly confirmed the established model of organization local authorities, which precluded the development of local self-government, including urban.

In the Ukrainian lands occupied by Poland, Romania and Czechoslovakia after the First World War, local self-government was preserved. But everywhere it was transferred to the control of the colonial administration. Until 1939, local self-government in Eastern Galicia operated according to the Austrian system, in Volhynia - according to the model of the Russian zemstvo reform of 1864 [1, p. 45]. Until 1940, the Romanian system of local self-government prevailed in Bukovyna. In Transcarpathia in 1920-1938, within Czechoslovakia, regional autonomy was proclaimed, which was to guarantee it its own system of local self-government. But this autonomy was not realized. Later, after the conquest of Carpathian Ukraine by Hungarian troops, local self-government in Transcarpathia was effectively liquidated.

The revival of local self-government, including in the cities, began in Ukraine after the restoration of its independence. Its beginning is connected with the adoption of the Declaration of State Sovereignty of Ukraine and the Law of the Ukrainian SSR of December 7, 1990 "On Local Councils of People's Deputies of the Ukrainian SSR and Local Self-Government."

In this regard, to replace the Law of 1990, the Verkhovna Rada of Ukraine adopted on March 26,

1992 the Law of Ukraine "On Local Councils of People's Deputies and Local and Regional Self-Government". This law divided self-government into local self-government, which was to be exercised only by village, settlement, and city councils of people's deputies, and regional self-government, which was entrusted to district and oblast councils of people's deputies.

However, other laws of Ukraine adopted in the next two years - from February 24, 1994 "On elections of deputies and chairmen of village, settlement, district, city, district in cities, regional councils", from February 3, 1994 "On formation of local bodies of Power and Self-Government "and of June 28, 1994" On Amendments and Addenda to the Law of Ukraine "On Formation of Local Bodies of Power and Self-Government - committees were entrusted with the exercise of delegated powers of state executive power. [10, p.122].

And only the Constitution of Ukraine adopted on June 28, 1996 [10, p.217], in its special section XI "Local self-government" for the first time in the legal history of our state enshrined local self-government as the right of a territorial community - villagers or voluntary association. rural community of residents of several villages, settlements and cities - to resolve issues independently within the Constitution and Laws of Ukraine. Subsequently, these constitutional provisions were developed in the Law of Ukraine of May 21, 1997 "On Local Self-Government in Ukraine". This Law enshrined the basic provisions on the legal status of the territorial community, including the territorial community of the city. It is proclaimed the primary, central subject of local self-government, which has a natural right to independently resolve local life issues through forms of direct expression of will (referendums, general meetings of citizens, local initiatives, public hearings, etc.) within the Constitution and laws of Ukraine.

Territorial communities of cities, settlements and villages created in accordance with the above-mentioned legislation were mostly small both in terms of population and size of land area, which was reduced to the territory of cities and other settlements. Therefore, many of them have faced difficulties in trying to implement infrastructure projects (in particular, roads, etc.), for the construction of which you need to use both the lands of settlements and lands located outside them. In this regard, on July 22, 1998, the President of Ukraine issued a Decree "On Measures to Implement the Concept of Administrative Reform in Ukraine", in paragraph 2 of Section 4 of which he stressed the need to unite small territorial communities and consolidate self-governing administrative-territorial units. [6 p. 131].

In order to form an effective model of local self-government, which should be implemented within the framework of a unified national policy in this area, the President of Ukraine issued decrees "On the Concept of State Regional Policy" from May 25, 2001 and "On state support for the development of local self-government in Ukraine" of August 30, 2001 [10].

On September 8, 2004, the Cabinet of Ministers of Ukraine adopted Resolution № 1189 "On Approval of the Program of Integrated Socio-Economic Development of Sudak and Other Settlements Located in the Adjacent Territory for 2005-2010", aimed at ensuring a comprehensive socio-economic development of such settlements of the Autonomous Republic of Crimea as Sudak, Novyi Svit, Shchebetivka and Koktebel, Mindalne, Vesele, Hrushivka, Perevalivka, Kholodivka, Dachne, Lisove, Mizhrichchya, Voron, Morske, Gromivka, Sunny Valley and Bagatiyka. Although this resolution expired (according to the resolution of the Cabinet of Ministers of Ukraine of August 30, 2007 № 1067), its adoption contributed to the formation of an optimal model of a united territorial community with participation and around territorial communities of cities for more efficient use of land of such communities.

The current stage in the development of legislation on lands of urban territorial communities began with the approval by the Cabinet of Ministers of Ukraine on April 1, 2014 "Concept of reforming local self-government and territorial organization of power in Ukraine" and the Action Plan for its implementation. The main tasks of the reform are: ensuring the availability and quality of public services to the population, achieving optimal distribution of powers between local governments and executive authorities, the introduction of three-tier administrative-territorial system: community - district - region, creating viable territorial communities as a basic link of administrative-territorial organization by promoting the development of cooperation and voluntary association of territorial communities, the creation of appropriate material, financial and organizational conditions for the development of local self-government.

In addition, on August 6, 2014, the Cabinet of Ministers of Ukraine approved the State Strategy for Regional Development until 2020, which defined the goal of decentralization, the goals of state regional policy and the main tasks of central and local executive and local governments to ensure effective regional development.

Finally, on February 5, 2015, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Voluntary Association of Territorial Communities" [8, p.339], with the introduction of which in our country began the creation of urban territorial communities and the formation of their land. For the first time in the history of local self-government development, the law defines the procedure for voluntary association of territorial communities of villages, settlements, cities, and establishes that the territory of a united territorial community consists not only of lands of relevant settlements, but also covers lands outside settlements.

Ensuring the implementation of the Law of Ukraine "On Voluntary Association of Territorial Communities" is facilitated by the Methodology for the Formation of Able Territorial Communities approved by the Cabinet of Ministers of Ukraine in April 2015.

However, the formation of able-bodied city and other OTC involves the redistribution of powers with the transfer of their necessary part from the executive (state) authorities to the self-government bodies of such communities. That is why the appearance of the Law of Ukraine "On Voluntary Association of Territorial Communities" led to the adoption on April 9, 2015 of

the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Decentralization of Powers in the Sphere of Architectural and Construction Control and Improvement of Urban Legislation"implementation of state architectural and construction control transferred from the central body of executive power to local governments of territorial communities of cities, towns and villages [6, p.130].

November 26, 2015 Law of Ukraine "On Amendments to the Law of Ukraine" On State Registration of Legal Entities and Individual Entrepreneurs "and some other legislative acts of Ukraine on decentralization of powers for state registration of legal entities, individual entrepreneurs and public entities" local self-government bodies of cities of regional significance have been transferred the powers of state registration of legal entities, natural persons-entrepreneurs and public formations, and provided the possibility for other executive bodies of councils to acquire such powers.

Law of Ukraine "On Amendments to the Law of Ukraine" On State Registration of Real Rights to Immovable Property and Their Encumbrances "and some other legislative acts of Ukraine on decentralization of powers on state registration of real rights to immovable property and their encumbrances" of November 26, 2015 [6, p.130] the executive bodies of local self-government of cities of regional significance were transferred the powers of state registration of real rights to land and other real estate, as well as the possibility for the executive bodies of other councils to acquire such powers.

On December 10, 2015, the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Expanding the Powers of Local Self-Government Bodies and Optimizing the Provision of Administrative Services" expanded the powers of local self-government bodies to provide administrative services for registration of residence, with documents confirming citizenship, creation of a register of territorial communities, exchange of information between registers of territorial communities and transfer of information in the Unified State Demographic Register.

In addition, on February 19, 2017, amendments were made to the Law "On Voluntary Association of Territorial Communities" - it was supplemented by Section II1.In Art. 81 of this section provides that already created united territorial communities, recognized as capable in accordance with Part 4 of Art. 9 of the Law, has the right to voluntarily join the adjacent rural, settlement territorial community, which in accordance with the long-term plan for the formation of communities of the Autonomous Republic of Crimea, the region belongs to this united territorial community [20].

Finally, on April 3, 2018, the Law of Ukraine "On Amendments to the Law of Ukraine" On Voluntary Association of Territorial Communities "on Voluntary Joining of Territorial Communities of Villages and Settlements to Territorial Communities of Cities of the Republican Autonomous Republic of Crimea of Regional Significance" [28]. This Law establishes the peculiarities of the formation of urban territorial communities, which should be carried out not by uniting communities, but by joining territorial communities of small settlements to the territorial community of the city of the republican Autonomous Republic of Crimea or regional significance.

In general, assessing the formation of the legal regime of lands of urban territorial communities in Ukraine in the historical perspective, it should be noted the following patterns:

1. The grounds for allocating the legal regime of lands of urban territorial communities in the system of legal regime of lands of the country appear under the condition of local self-government in cities, under which urban communities are endowed with certain powers in regulating land relations.

2. Land powers of urban territorial communities as a key element of their legal regime are beginning to form in the conditions of their own statehood - Kievan Rus (IX-XII centuries) and to some extent in the "liberal occupation" that took place during the entry of Ukrainian lands into the Lithuanian principality (XIII-XV centuries), as well as during the accession of Ukraine to the Commonwealth (XVI-XVIII centuries), as in the cities of Western Ukraine, the share of the Polish population grew.

3. In the conditions of Ukraine's membership in the Russian and Austro-Hungarian empires (18th-19th centuries), local self-government, which enabled the preservation and certain development of the traditions of the Ukrainian people and their self-identification within the empires, did not receive proper development.

4. During the communist (totalitarian) regime, the existence of local self-government, including in the cities, contradicted the logic of centralized management of society, which was shared by the communists, and was banned.

5. With the restoration of Ukraine's independence, local self-government, including in cities, began to form again. However, due to large, "age" breaks in its development, which led to underdevelopment, weakness of self-governing culture of the people, the formation of local self-government in cities was controversial, as it was under state control and limited to cities and other settlements. And only the adoption in 2015 of the Law of Ukraine "On Voluntary Association of Territorial Communities" marked the beginning of the formation of full-fledged urban territorial communities and the legal regime of their lands.

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ПРАВОВОЕ РЕГУЛИРОВАНИЕ ТРАНСПОРТНЫХ ОБЯЗАТЕЛЬСТВ ПО МЕЖДУНАРОДНОЙ ПЕРЕВОЗКЕ ГРУЗОВ

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LEGAL REGULATION OF TRANSPORTATION OBLIGATIONS FOR INTERNATIONAL CARGO TRANSPORTATION

Аннотация.
Статья посвящена вопросам правового регулирования транспортных обязательств по международной перевозке грузов. Проанализированы проблемные моменты регулирования транзитных перевозок грузов. Исследованы коллизионные привязки в сфере регулирования грузовых перевозок в международном сообщении. Сформулировано определение понятия транспортного обязательства по международной перевозке грузов.

Abstract.
The article is devoted to the issues of legal regulation of transport obligations for the international carriage of goods. The problematic aspects of regulating the transit transport of goods are analyzed. Conflict-of-laws relations in the sphere of cargo transportation regulation in international traffic are investigated. The definition of the concept of a transport obligation for the international carriage of goods is formulated.

Ключевые слова: *международная перевозка грузов, транспортное обязательство, договор международной перевозки грузов, коллизионное регулирование международных перевозок.*

Keywords: *international carriage of goods, transport obligation, contract for the international carriage of goods, conflict of laws regulation of international transport.*

Транспорт является одной из важнейших отраслей экономики, а также составной частью производственной и социальной инфраструктуры не только определенного государства, но и всего международного сообщества в целом. Развитию транспортных коммуникаций в Российской Федерации придаётся немалое значение, потому что они не только связывают все регионы внутри страны, но и позволяют России взаимодействовать с другими государствами. Перемещение грузов составляет основное содержание в сфере деятельности транспорта. Указанные обстоятельства обусловили актуальность рассматриваемой темы.

Правовое регулирование отношений по международным перевозкам грузов регулируются комплексом международных конвенций, действующих на различных видах транспорта, а также внутренними правовыми актами.

Так, в области автомобильной перевозки грузов действует Конвенция о договоре международной дорожной перевозки грузов 1956 года (далее – КДПГ) [1]. В соответствии со ст. 1 КДПГ международная Конвенция «применяется ко всякому договору дорожной перевозки грузов транспортными средствами за вознаграждение, когда место принятия груза и место, предназначенное для сдачи груза, указанные в договоре, находятся в двух разных странах, из которых, по крайней мере, одна является участницей Конвенции, независимо от местожительства и национальности сторон договора».

Следовательно, для определения возможности