THE ROLE OF LOCAL SELF-GOVERNMENT BODIES IN PROVIDING SOCIAL SERVICES IN CONDITIONS OF ARMED CONFLICT

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РОЛЬ ОРГАНІВ МІСЦЕВОГО САМОВРЯДУВАННЯ В ЗАБЕЗПЕЧЕННІ СОЦІАЛЬНИХ ПОСЛУГ В УМОВАХ ЗБРОЙНОГО КОНФЛІКТУ

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Today, the armed aggression of the Russian Federation is the greatest threat to the security of our country, its regions and territorial communities. It is in this direction that the efforts of state and local authorities and military administrations must be concentrated. Despite all the urgent issues that have arisen due to the armed conflict, local governments must respond to unforeseen challenges in a timely manner by decentralizing social services, providing social services to the population, creating jobs for people who have been forced to leave their homeland, attracting investment, etc. The Law of Ukraine "On the Legal Regime of Martial Law" defines the modes of functioning of local governments and their interaction with military administrations. During the armed conflict, military administrations exercise the powers of local state administrations and, partially, local self-government bodies as defined by the current legislation.

The article analyzes the main measures for social protection of the population at the level of territorial communities. It is noted that local authorities are making efforts to provide social services to the population. In the context of the armed conflict, decentralization allows strengthening the potential of territorial communities and enhancing the initiative of citizens in addressing social development issues. On this path, international partnership between communities, new subventions, and additional sources of local budget revenues are of great importance. The article emphasizes that communities demonstrate their ability to effectively increase and manage the financial resources they receive. At the same time, funds have been received from international donors and grants for the decentralization of social services and the provision of social services to the population.

Keywords: decentralization, local self-government, social protection, social service, territorial community

Problem setting. In today's conditions, when in a significant territory of our state there are hostilities, and some regions are still under occupation, the issue of decentralization of services of the social sphere in conditions of martial law at the level of local self-government acquires a new meaning. Already now, in the conditions of forced displacement of communities, the processes of ensuring the opportunity to receive timely social services are particularly relevant. In this context, local authorities introduce the necessary changes, build and strengthen the institutions necessary for the normal functioning of the life of territorial communities.

State of research. Among the current issues of finding mechanisms for providing social
services to the population and ensuring regional development through the development of territorial communities, it is advisable to distinguish the research of such authors as: H. de Bruin, O. Vlasyuk, I. Hrynchyshyn, K. Dubych, M. Kravchenko, p. Kraulih, E. Libanova, L. Logachova, O. Makarov, V. Novikov, O. Novikova, G. Ryland, W. Sadova, I. Semigulina, V. Skuratovsky, M. Stadnyk, I. Khozhylko, S. Schulz, I. Yaroshenko and others. However, the issues of the role of hromadas and local self-government bodies in the decentralization of services in the social sphere and the search for effective mechanisms for the provision of social services in the conditions of martial law remain unresolved.

The article is aimed at defining the powers of local self-government bodies in the process of decentralization of services in the social sphere and providing social services to the population.

Presentation of the main material. Due to the implementation of the decentralization reform, new challenges have emerged for the system of social services formed in Ukraine. There are urgent questions about how exactly the system participants should interact in new conditions, how to distinguish between the powers of different levels of territorial organizations in the provision of services, how the development of the social services market should take place. Since January 1, 2020, the Law of Ukraine “on Social Services” is in force, which is considered one of the components of the administrative-territorial reform in Ukraine, because it is aimed, in particular, at delimitation of powers in the socio-economic sphere between local self-government bodies of different levels. At the same time, many aspects related to the provision of social services are still at the stage of legal uncertainty, especially in conditions of martial law.

Yes, according to part 1 of Art. 23 of the Law of Ukraine "on Social Services" - "...Social services are provided urgently (crisis) (counseling, asylum, care, supported accommodation, short-term residence, natural assistance, transport services, etc.) in case of a threat to the life or health of a person and in case of introduction of a state of emergency or martial law in Ukraine or its separate areas” [1].

According to paragraph 5-1, part 5 of Art. 11 of the Law "On Social Services..." "to the powers of the district, district in the cities of Kyiv and Sevastopol state administrations, executive bodies of city councils of cities of regional significance, councils of united territorial communities shall determine the peculiarities of the provision of social services on the territory of the relevant administrative-territorial unit/territorial community in the event of a state of emergency or martial law in Ukraine or its individual areas "][1]. And also Art. 21 of the Law "On Social Services" allows, in the case of... "the introduction of a state of emergency or martial law in Ukraine or its individual areas, for the urgent provision of social services, a structural unit on social protection of the population of authorized bodies of the system of providing social services, provided for in paragraphs 2 and 3 of part one of Article 11 of this Law, may grant the right to social service providers of state/communal property to make decisions on the provision of social services urgently (crisis) (counselling, asylum, care, supported accommodation, short term accommodation, in-kind assistance, transport services, etc.) persons/families who find themselves in difficult life circumstances due to damage caused by fire, natural disaster, disaster, hostilities, terrorist act, armed conflict, temporary occupation "][1].

Despite the long and destructive nature of the armed conflict, the state is taking steps to provide timely and effective social services within the country, regions and communities. Local self-government bodies need to develop and implement sustainable projects to develop competencies in the provision of social services. In the implementation of projects on
decentralization of services in the social sphere, the state counts on the help of territorial communities and their effective cooperation with international partners in the implementation of joint action projects, the use of digitalization tools and elements of e-governance. Success in the development of this direction depends on how hromadas themselves will unite and determine priorities. According to many researchers, "the involvement of citizens is a complex of means and technologies that allows to involve members of the territorial community in decision-making within the competence of the community and the implementation of real self-government guaranteed by law" [2, p. 14]. The implementation of competence in the provision of social services by local governments should be based on the principles of integrity, accessibility, individuality. Compliance with these principles forms mutual trust between the state, local authorities and the population. The level of trust today forms a strong basis for the unity of the regions of our state in an armed conflict. The formation of a system of relations between local self-government bodies on the residents of the community allows timely responding to the needs of the community, predicting problems, forming a system of joint measures to prevent and solve problems, including social ones. Factors influencing the formation of trust on the part of the community to local self-government bodies are a real opportunity for residents to participate in solving community problems, openness of communication channels, and the availability of experience in partnerships, for example, in the field of project interaction. Of course, all hromadas are different and have their own priority directions of development and problem direction. Communities in the rear provide the socio-economic basis for the future victory of Ukraine, and communities that find themselves in temporary occupation demonstrate a high level of stability in the conditions of armed aggression of the Russian Federation, while maintaining the potential for resistance and the ability to recover after liberation. According to the analytical report of the National Institute for Strategic Studies, "the stability shown by hromadas of different types proves the correctness of the idea of decentralization and the need to deepen it. Local self-government bodies continue to exercise their powers aimed at resolving issues of local importance, taking into account the specifics of functioning under martial law." [3].

At the same time, there are no restrictions in powers during the introduction of martial law. Local governments (village, settlement, city council; its executive bodies and the chairman) continue to exercise the powers vested in them by the Law of Ukraine "On Local Self-Government in Ukraine." Also, in addition to this normative legal act, the exercise of powers of local self-government bodies is regulated in the provisions of the Law of Ukraine No. 389-VIII "On the legal regime of martial law" [4]. In circumstances where local governments (village, town, city councils and/or their executive bodies) do not exercise or are not able to exercise the powers assigned to them by the Constitution and laws of Ukraine, then, according to the Law of Ukraine "On the Legal Regime of Martial Law," temporary state bodies are formed - military administrations of settlements within the territories of territorial communities. During an armed conflict, military administrations exercise delegated powers of local self-government bodies in accordance with the provisions of the Law of Ukraine "On Local Self-Government in Ukraine."

Today, territorial communities demonstrate that increasing the scope of competence of local self-government by delegating part of state powers to its bodies is a justified and reasonable step. Decree of the President of Ukraine of February 24, 2022 No. 68/2022, within the entire territory of Ukraine, on the basis of local state administrations, regional and district military administrations were created, which should
exercise powers for the period of martial law in order to ensure the operation of the Constitution and laws of Ukraine (Article 4, Article 8 of the Law of Ukraine "On the legal regime of martial law"). According to Art. 17 of the Law of Ukraine "On the Legal Regime of Martial Law," local governments are obliged to assist the activities of military administrations in introducing and implementing measures of the legal regime of martial law. Management at the local level in cooperation with state authorities, namely military administrations, provides for the following modes of their interaction:

1) local authorities replace military administrations;
2) jointly manage the community;
3) the powers of local self-government bodies are expanded with partial subordination to military administrations of the highest level.

Local self-government in Ukraine has repeatedly confirmed its effectiveness. During martial law, local authorities work, provide services to the population and help the army. Territorial communities have become a fundamental link that provides stability of the rear, in conditions of armed conflict. Hromadas with their joint activities not only strengthened their own potential, but also played an important role in improving the economic and social potential of the country. From the very beginning of the Russian aggression, territorial communities have been providing significant support to the Armed Forces of Ukraine, providing vital activity of the community (in particular in the conditions of hostilities); facilitate evacuation and placement of the population in relatively safe communities; contribute to the relocation of enterprises, and most importantly - maintain stability in society.

In the process of providing social services in the process of decentralization, the global goal of service providers is the need to ensure the effective development of the social sphere. Communities that are core participants in this process have the right to decide and plan processes for providing social services in accordance with their own priorities. At the same time, local authorities should promote quality public participation by participating in decision-making through public discussions/hearings, creating working groups in various areas (for example, treatment, psychological and physical rehabilitation, prosthetics, etc.).

After the adoption of Law No. 2259-IX of May 12, 2022 "On Amendments to Certain Laws of Ukraine on the Functioning of the Civil Service and Local Self-Government during the Period of Martial Law" [6] are subject to expansion of the powers of the heads of communities, for example, they can decide on the following issues: transfer of funds from the relevant local budget to the needs of the Armed Forces of Ukraine and/or to ensure measures of the legal regime of martial law; establishment of institutions for the provision of free primary legal aid, appointment and dismissal of heads of such institutions, involvement of individuals or legal entities of private law in the provision of free primary legal aid, etc.

The adoption of this project allows to ensure bringing the provisions of the State Strategy for Regional Development for 2021-2027 in line with the requirements of the Law of Ukraine "On the Principles of State Regional Policy," taking into account the amendments made by the Law of Ukraine dated 09.07.2022 No. 2389−IX "On Amendments to Certain Legislative Acts of Ukraine on the Principles of State Regional Policy and Policy for the Restoration of Regions and Territories," in terms of deepening understanding of state regional policy, focusing on the restoration of regions and communities, expanding European integration processes and continuing the decentralization reform taking into account new challenges [7].

The implementation of the state regional policy for the period until 2027 will be carried out on the basis of an integrated territorial approach,
which assumes that the object within the framework of regional policy is a territory characterized by a specific set of social, spatial, security, environmental and economic features.

The strategic goal of the state regional policy until 2027 is to strengthen the socio-humanitarian, economic, spatial cohesion of Ukraine, increase the level of security and well-being of its citizens by ensuring the needs of regions and territorial communities in restoring infrastructure and modernizing the economy on the principle of "better than it was," effective use of the internal potential of territories, development of a system of democratic, decentralized and inclusive multi-level governance.

The strategic goal of the state regional policy until 2027 is achieved on the basis of three strategic goals:

I. Formation of a cohesive state in social, humanitarian, economic, environmental, security and spatial dimensions.

II. Increasing the level of competitiveness of the regions.

III. Development of effective multi-level governance [8].

The process of distribution and use of all available resources of territorial communities should take place according to procedures open for research and analysis, according to the principles fairness and priority of market conditions. That is, even with the financing of state programs and social projects, preference should be given to those projects that create greater additional benefits for communities and society, and also take into account how the population of the community suffered from the armed aggression of the Russian Federation. These aspects should be taken into account by local authorities, developing strategies and programs for the provision of social services for the long term for the qualitative decentralization of the social sphere, both territorial communities and regions in general.

Financial decentralization and administrative-territorial reform ensured the strengthening of the capacity of regions and territorial communities, created the basis for activating the processes of territorial development based on their own socio-economic and resource potential. In the conditions of full-scale military aggression of the Russian Federation, the territory of temporary occupation was expanded, territorial communities faced with the loss of property, destruction of infrastructure, mass migration of the population, reduced economic activity, loss of economic and export potential, etc. This directly affected the capacity of territorial communities, and led to an increase in the number of territories in need of state support.

At the same time, in accordance with the State Strategy for Regional Development for 2021-2027, due to the armed aggression of the Russian Federation against Ukraine, the risks of falling incomes and increasing poverty increase: the share of people forced to save on food this year has doubled, the scale of destruction of residential buildings exceeds the volume of all new housing commissioned over the past seven years; from bombing and shelling suffered educational institutions and здоров'я protection. The war also deepens social inequality due to the difficulty of access of residents of different territories to public services [8].

Also, on February 1, 2024, the results of a study on the key priorities of legislative regulation of the reform of local self-government and territorial organization of power for 2023-2024 were published. This study was conducted by the Kyiv International Institute of Sociology (KIIS) at the request of the public organization "DESPRO" with the support of the USAID GOVERLA Project. The goal was to find out the position of the leadership of local self-government bodies on the main legislative initiatives, the adoption of which in 2024 will ensure further strengthening of the local self-
government system in Ukraine. Representatives of local self-government bodies of territorial communities of all regions of Ukraine took part in the survey and expressed their position on the legislative agenda.

According to this survey, 85% of local self-government bodies face the problem of motivating qualified personnel due to low official salaries. 10% of respondents indicated that they did not have such a problem and 5% could not answer this question.

At the same time, according to the results of the study, 31% of respondents claim that they are faced with the problem of creating and functioning of self-organization bodies of the population in their communities. The majority - 54% - have no such problems, 15% - could not answer.

Among the reasons that lead to a shortage of jobs, 63% named the difficulty of attracting competent personnel, 51% - the lack of local resources and 44% - the low investment attractiveness of the territory [9].

Community participation in major social service initiatives is key. Active participation in the provision of social services can be traced on the example of the work of the Severodonetsk community, which is currently relayed due to the almost complete occupation of the territory of the Luhansk region by Russian invaders. Which was emphasized by the head of the Severodonetsk city military administration, Alexander Stryuk: "Society has been living in the conditions of the" great war "for a year and a half. Every day the best sons and daughters of Ukraine oppose the imperial ambitions of Russia on the battlefield. Many of our defenders, defenders and the population of Luhansk region are injured and seriously injured in this struggle. In such circumstances, there was a need to create a medical institution at the Severodonetsk city territorial community, which would provide universal rehabilitation assistance to victims of hostilities "[10]. The municipal non-profit enterprise "Ukrainian Rehabilitation Center" of the Severodonetsk City Council (hereinafter – KNP "Ukrainian Rehabilitation Center") was organized on July 25, 2023.

In accordance with the statutory tasks of the KNP "Ukrainian Rehabilitation Center" was created and operates in order to integrate and effectively use resources to achieve the best results in providing medical care to the population. The main task of the Enterprise is to meet the needs of all categories of the population and military personnel in qualified and affordable primary, secondary (specialized) and tertiary (highly specialized) medical care.

The subject of activity of KNP "Ukrainian Rehabilitation Center" is: the activities of hospital institutions; medical practice; providing secondary (specialized) and tertiary (highly specialized) medical care and medical services in outpatient or inpatient conditions to any persons who seek medical help, including participants in the liquidation of the consequences of the Chernobyl accident, victims of the Chernobyl disaster (categories 1, 2 and 3), disabled war veterans and combatants (including ATO participants) who are registered in the Luhansk region and other categories as defined by the Owner in accordance with the current legislation of Ukraine; carrying out activities related to the release, use, acquisition, storage, transportation, destruction of narcotic drugs, psychotropic substances, potent agents and precursors in the manner prescribed by the legislation of Ukraine; development, implementation of progressive methods of treatment; implementation of educational, methodological, research work in the field of health; preparation, conducting and participation in seminars, symposia, etc.; examination of temporary disability of patients, issuance, extension of disability sheets, provision of labor recommendations to patients requiring transfer to other areas of work, timely referral of patients to the medical and social expert commission; training, retraining and maintaining
the proper qualification level of the Company's medical personnel; implementation of foreign economic activity in accordance with the legislation of Ukraine; provision of paid medical services to the population in accordance with the legislation of Ukraine; participation in conducting information and educational work among the population on the formation of a healthy lifestyle; participation in state and regional programs for the organization of preferential provision of medicines to the population, in accordance with the procedure established by law, and in accordance with the financial budgetary provision of the health care industry; participation in state and regional programs for screening examinations, prevention, diagnosis and treatment of certain diseases, in the manner determined by the relevant programs and legislation, participation in the determination of problematic issues; determination of the needs of the structural subdivisions of the Enterprise and the population in medicines, medical devices, medical equipment and vehicles to provide the population with affordable, timely and high-quality medical care; monitoring the provision and rational use of medicines, medical devices, medical equipment and vehicles; purchase, storage and use of resources necessary for the provision of medical services, in particular medicines (including narcotic drugs and precursors), equipment and inventory; providing elements of palliative care to patients in the last stages of the course of incurable diseases, which includes a set of measures aimed at alleviating the physical and emotional suffering of patients, moral support for their family members.

Also, the charter of the KNP "Ukrainian Rehabilitation Center" provides that the enterprise can be a clinical base of higher medical, pharmaceutical educational and research institutions (institutions) of all levels of accreditation and postgraduate institutions education.

In order to establish the functioning of the communal non-profit enterprise, it is primarily planned to purchase the necessary non-residential building that will meet the requirements and standards in the field of health care, provide for barrier-free accessibility of persons with disabilities and other people with limited mobility to objects of social and engineering and transport infrastructure.

To date, an acute need is the creation of a specialized medical center with a rehabilitation center to provide medical highly qualified assistance to the population, temporarily displaced persons who suffered during the hostilities unleashed by the Russian Federation against Ukraine, war veterans, wounded servicemen, socially vulnerable segments of the population, including being members of the Severodonetsk city territorial community, lack or insufficiency of medical care, material insecurity, difficult financial situation. In particular, there is an urgent need for targeted targeted free assistance in any form or assistance in the form of providing medical services on modern equipment, using innovative methods of treatment and modern world experience in the treatment of certain diseases.

KNP "Ukrainian Rehabilitation Center" in the process of its activity also plans to make its contribution to the development, modernization, innovation of Ukrainian medicine on the basis of the newly created medical institution using modern achievements of world medical science and practice, preservation, support, enhancement of the medical industry in Ukraine.

The company will also direct its activities to solving medical issues, orthopedic and neuropsychiatric rehabilitation of combatants, persons affected by hostilities, including residents of the Severodonetsk city territorial community, and victims on its territory during protection from military aggression of the Russian Federation, if necessary, their prosthetics, assistance in measures to establish
ties for interaction with the state, private institutions, public associations, including international ones, engaged in the rehabilitation of injured combatants, participating in the anti-terrorist operation and measures to ensure national security and defense, repulse and deter the armed aggression of the Russian Federation in Ukraine.

KNP "Ukrainian Rehabilitation Center" aims to coordinate efforts and joint cooperation between the medical community and state structures, which is realized by preparing and organizing joint events, projects and training, comprehensive support, development of medicine and rehabilitation in Ukraine.

Thus, in order to achieve these goals and solve the tasks, it is planned to relocate the KNP "Ukrainian Rehabilitation Center" to the city of Kyiv, to a building that will meet the requirements for placing a medical institution and providing medical services to the population of the Severodonetsk city territorial community.

Placement of all specialists of KNP "Ukrainian Rehabilitation Center" in one place geographically, will accelerate the provision of high-quality professional medical services to patients.

KNP "Ukrainian Rehabilitation Center" plans to involve in its work medical specialists who were forced to leave the city of Severodonetsk due to the beginning of active hostilities on its territory and direct their professional potential to help the inhabitants of the Luhansk region.

In the context of the importance of providing social services to the population, an important event in the field of здрав’я protection of Ukraine took place on January 23, 2024 - the presentation of a new working platform for telemedicine. The team of KNP "Ukrainian Rehabilitation Center" took part and represents Luhansk region in the implementation of a new practical and effective platform. Collaboration with the Dutch company Spectator Healthcare Technology, demonstrates how modern technologies can facilitate and improve the availability of medical services for everyone. Stolytsya TeleMed App is a telemedicine application that provides the opportunity to get a doctor's consultation online quality medical care directly from a smartphone.

With Stolytsya TeleMed App, users can schedule a virtual consultation with qualified doctors of various specialties, such as general practice, pediatrics, gynecology, dermatology and others. The application provides an opportunity to choose a convenient time and date of consultation, as well as choose a doctor from the list of available specialists.

During the consultation through the Stolytsya TeleMed App, doctors can diagnose, recognize symptoms, provide treatment recommendations, and write prescriptions for necessary medications. In some cases, with the help of the app, doctors can provide individual treatment plans and a healthy lifestyle.

Stolytsya TeleMed App also ensures the security and confidentiality of users' medical information. All data transmitted during consultations is protected by encryption and stored in a secure environment.

Thus, the innovative application allows you to receive medical care without having to visit hospitals or clinics. It provides convenient and quick access to medical services, reducing the time and effort required to obtain quality professional care [11].

Consequently, territorial communities are at the very center of the processes of implementing measures and planning the decentralization of the social sphere. The role of territorial communities is crucial in formulating the needs of citizens and developing projects for the provision of social services adapted to these requests. Therefore, territorial communities should independently solve the issues of local development, namely: creating new jobs, increasing employment,
attracting investment, increasing local budget revenues, improving the quality of life, etc.

Conclusion. In today's conditions, the greatest threat to the security of our country, its regions and territorial communities is the armed aggression of the Russian Federation. It is in this direction requires the concentration of efforts of state and local authorities and military administrations. Despite all the urgent issues that ambassadors have to deal with due to the armed conflict, local self-government bodies must respond in a timely manner to unpredictable challenges by decentralizing services in the social sphere, providing social services to the population, creating jobs for people who have been forced to leave their native land, attracting investments, etc. The Law of Ukraine "On the Legal Regime of Martial Law" defines the modes of functioning of local self-government bodies and their interaction with military administrations. During the armed conflict, military administrations fulfill the powers of local state administrations and, in part, local self-government bodies determined by the current legislation.

In accordance with the changes in the legislation, the powers of military administrations to provide and ensure social services, as well as the implementation of decentralization of the social sphere, have been increased; the procedure for the free provision of social services has been established, in particular, these services should be provided to persons who have been damaged by fire, natural disaster, disaster, hostilities, terrorist act, armed conflict, temporary occupation. It is established that social services provided during the martial law in Ukraine or in some of its areas to persons who carry out social services of state or communal ownership, internally displaced persons at their new place of residence or stay, who find themselves in difficult life circumstances due to damage caused by hostilities, terrorist act, armed conflict, temporary occupation. Financing of such services is carried out in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

Programs for the provision of social services should focus primarily on supporting the population. Even despite the difficult tests in connection with the armed aggression of the Russian Federation, the trust of Ukrainians in state and social institutions should grow. No international and public organizations should replace or duplicate the functions of state institutions, take over the work of local authorities.

Territorial communities and the public are able to take an active and effective part in making decisions on the provision of social services and monitoring their activities in the process of decentralization of the social sphere. Quality social services should be provided as soon as possible, now, without waiting for the end of the armed conflict. In order to achieve this goal, it is also necessary to attract financial assistance in any form or assistance in the form of work, the provision of services provided by foreign and domestic donors (providing humanitarian assistance, medical equipment, medicines), any recipients of humanitarian assistance in Ukraine who should be provided in connection with social insecurity, lack or insufficiency of medical care, material insecurity, difficult financial situation.

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Панов І.В. Роль органів місцевого самоврядування в забезпеченні соціальних послуг в умовах збройного конфлікту - Стаття

Наразі найбільшою загрозою безпеки нашої країни, її регіонів та територіальних громад є збройна агресія російської Федерації. Саме в цьому напрямі вимагає зосередження всіх зусиль державних і місцевих органів влади. Попри усі вищезазначені обставини, органи місцевого самоврядування мають своєчасно реагувати на непередбачувані випадки, у тому числі здійснювати надання соціальних послуг населенню, створюючи робочі місця для осіб, що вимушено покинути рідні землі, докладаючи зусиль щодо захисту інвестицій тощо.


Ключові слова: децентралізація, місцеве самоврядування, соціальна послуга, соціальний захист, територіальна громада, збройний конфлікт, військовий стан, військові адміністрації.

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