

State Legal Control over Local Self-Government: Mechanisms for Countering Crimes against the Territorial Integrity of Ukraine

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Abstract

The research examines the results of exercising the existing state supervision powers over local self-government bodies in combating crimes for the protection of the territorial integrity of Ukraine. The aim is to assess the state-legal mechanisms for combating crimes to ensure the country's territorial integrity based on the control functions over local self-government in Ukraine. The research employed methods of graphic analysis, sociological survey on issues of supervisory powers and local self-government, and content analysis of legislation related to state control over the activities of local authorities. The practical application of enhanced state supervision over local self-government bodies is complicated by the economic shortcomings of supervisory institutions and political contradictions with local authorities. It was established that effective countermeasures against crime for the preservation of territorial integrity depend not only on the nominal organisational structure of supervision but also on the formation of mutual relations with local communities through the governance channels with the involvement of the public. Detailed state supervision should effectively strengthen the protection of sovereignty while preserving the elements of self-governance that are an example of the state's legitimacy for citizens.

Keywords: state, mechanisms, law, legislation, territorial integrity, communities, criminal offences, local self-government.

Introduction

Ukraine follows its European integration path, which involves strengthening the rule of law, forming and using legal mechanisms in all spheres, including restoring territorial integrity. Continuation of diplomatic, economic and

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military efforts undoubtedly plays a key role. At the same time, existing legal mechanisms should be used to increase the costs and limits of Russian aggression while ensuring the substantiation of Ukraine's territorial claims.

Ukraine has faced constant threats to its territorial integrity since gaining independence in 1991, evidenced by Russia's annexation of Crimea in 2014, hostilities in the east of the country, and a full-scale war that began in 2022 (Walker, 2023). This emphasised the vulnerability of Ukraine's territorial integrity, which requires restoring national unity and sovereignty over all Ukrainian territories.

Local self-government plays a significant role in ensuring territorial integrity as a mechanism for representing citizens at the local level and resolving region-specific issues. However, certain legislative shortcomings of Ukraine's legislation regulating local self-government bodies' activities can introduce destructive tendencies to territorial integrity. Given the historical events since 2014, legal reforms were aimed at strengthening state supervision of local self-government bodies to strengthen territorial integrity (Romanova & Umland, 2019). However, effective implementation leaves shortcomings because of the existing local self-government reforms.

An urgent issue is the study of centralised mechanisms of local accountability to prevent the risks of separatism and loss of territorial integrity while avoiding excessive reduction of the rights of local self-government. The complex challenge of asserting national integrity in the context of local self-government requires a model of oversight that balances the key values of unity and autonomy.

Literature Review

Territorial integrity is a fundamental principle underlying state sovereignty and the constitutional order (Raic, 2002). According to Article 2 of the Constitution of Ukraine, ensuring the integrity and inviolability of borders is a key concept of constitutional guarantees (Verkhovna Rada of Ukraine, 1996). However, the exercise of proper territorial control creates constant challenges, which are exacerbated by external Russian aggression and annexation attempts that violate the territorial integrity of Ukraine (Council on Foreign Relations, 2022).

The researchers emphasise territorial integrity largely depends on effective state supervision of local autonomy mechanisms (Smoke, 2003). Although decentralisation aims to expand democratic self-government, its strengthening enables attempts at external orientation, which were observed in Donbas and Crimea (Malyarenko & Wolff, 2021).

In academic discourse, territorial integrity is defined as consisting of key dimensions — inviolability from external interference and internal jurisdictional exclusivity (Zacher, 2001). The internal dimension means the state exercises exclusive power over its territory without intervening with subnational subjects. The external dimension protects states from aggression by other countries and prohibits realising demands for separation or changing borders without clearly defined consent (Marxsen, 2015; Serohin et al., 2023).

The principle of inviolability of borders and sovereignty of states is enshrined in the Charter of the United Nations and applies to all states following international law (Ratner, 1996). As a basic principle underlying sovereignty, territorial integrity is prominent in national constitutions. According to a comparative analysis conducted by Elkins et al. (2009), more than 170 world constitutions directly refer to guarantees of territorial integrity in the preamble or other sections. Constitutional enshrinement elevates borders' inviolability to the legal system's highest regulatory level (Saati, 2015).

Constitutional provisions on territorial integrity as limitations formally consolidate territorial unity, support exclusive national authority, and contain internal and external threats to territorial integrity (Ginsburg & Dixon, 2011). Failure to observe territorial integrity violates the constitutional order itself.

Contemporary academic views of public administration increasingly favour balanced models in which the central government delegates limited functions to subnational units, retaining supervisory powers and the overriding right to ensure compliance with overall policy priorities.

According to the provisions of international law, territorial integrity fully applies to decentralised governance units, such as local self-government. Despite the privileges of self-government, local government entities remain bound by territorial integrity to the extent that it prohibits unilateral attempts at independence or outward orientation (Sajó & Uitz, 2017). Unilateral steps toward autonomy that violate territorial integrity require legitimate intervention by central state authorities (Erk & Anderson, 2009; Petryshyn et al., 2020). Maintaining this balance continues to be a challenge.

Key elements of the relationship between the central and local levels of government include:

- degree of legal, fiscal, and functional autonomy (Faguet, 2014);
- income distribution and financial transfers (Bahl & Martinez-Vazquez, 2006);
- intergovernmental administrative and supervisory mechanisms (Cottrell & Ghai, 2007);

- constitutional protection of local self-government (Kincaid & Tarr, 2005).

Criminal law is one of the key tools for countering crimes against the state's territorial integrity. According to the Criminal Code of Ukraine, such acts fall under several articles, in particular: Art. 109 "Actions aimed at the violent change or overthrow of the constitutional order or at the seizure of state power", Art. 110-2 "Financing of actions committed for the purpose of violent change or overthrow of the constitutional order or seizure of state power, change of territory or state border of Ukraine", Art. 111 "State treason" (Verkhovna Rada of Ukraine, 2001). The norms of the Criminal Procedure Code of Ukraine, which regulate the procedure of investigation, trial and international legal assistance in criminal proceedings regarding such crimes, also play an important role (Verkhovna Rada of Ukraine, 2012).

Scholars analyse the use of criminal law provisions to combat crimes against territorial integrity, where attention is focused on the need to apply universal jurisdiction to respond to violations of the country's territory (Marxsen, 2015). The study of the state of ensuring the territorial integrity of states under occupation from the standpoint of international humanitarian law emphasises the importance of applying administrative sanctions to preserve territorial unity (Benedek et al., 2022).

Analysing the protection of territorial integrity, researchers identify the shortcomings of the control system over local self-government bodies in force in Ukraine and outline the approaches necessary to improve supervision.

Major Ukrainian legislative initiatives include empowering regional state administrations to initiate audits of local self-government bodies that violate integrity standards, the introduction of disciplinary measures for local deputies and officials who violate national legislation. However, while legislative steps have strengthened Ukraine's system of state control over local self-government to promote territorial cohesion, significant economic, political, and social barriers limit the functionality of expanded oversight tools.

The aim and research objectives

The aim of the study is to assess the effectiveness of state legal mechanisms for strengthening state control over local self-government in Ukraine and countering crimes to ensure territorial integrity and national unity.

The aim involves the fulfilment of the following research objectives:

1. Analyse legislative provisions and administrative procedures regarding the powers of state bodies to supervise local self-government bodies.

2. Study the practical functioning of state control mechanisms at the local level.

3. Identify the key obstacles to the effective implementation of state authorities' powers in relation to local authorities' supervision.

4. Provide recommendations for improving the state policy of control over local self-government and countering crimes to strengthen Ukraine's territorial integrity.

The study of these issues results in a comprehensive assessment of the practices of ensuring territorial integrity in local self-government and providing substantiated improvements to institutional rules, processes, and tools.

Methods

The research employs a comprehensive approach to studying the issues based on a combination of analysis of regulatory documents and sociological surveys to analyse the complex dynamics of relations between central and local governments and reforms in the field of supervision.

The research design sets the following tasks: (1) clarifying the general approach to territorial concessions; (2) research on the impact of local self-government reform on resistance to Russian military aggression; (3) determining the level of interaction of local self-government bodies with central authorities; (4) determining the need for additional powers to authorities in front-line territorial communities; (5) separation of key powers of supervision over local self-government bodies; (6) determination of the main state legal mechanisms and tools of the system of control over local self-government and countering crimes.

The research analysed the regulatory legal framework of Ukraine, which regulates state supervision of local self-government, considering reforms in the specified area. Targeted content analysis was applied to specific international regulatory legal acts, laws of Ukraine, resolutions of the Verkhovna Rada of Ukraine in areas related to state supervision of local self-government bodies and challenges to territorial integrity. The documents were obtained from official state resources, including the database of legislation of the Verkhovna Rada, the portal of the Cabinet of Ministers.

The research used the results of sociological surveys (KIIS, 2022; KIIS, 2023; Council of Europe, 2022; Council of Europe, 2023). The data are obtained as a result of expert interviews with representatives of territorial communities and interested parties regarding the effectiveness, opportunities and limitations associated with the expansion of the powers of central authorities to control local authorities and views on the policy of territorial integrity, taking into account the consequences of wartime.

The study employs blended methods to assess existing legal mechanisms in the system of state control over local self-government in Ukraine. The combination of qualitative and quantitative approaches made it possible to obtain complex analytical conclusions. The initial study determines the institutional mechanisms, legal norms, and administrative practices for ensuring territorial integrity. Quantitative methods evaluate the effectiveness of data-based procedures and measure the impact on the local territorial entity. The sequence of the research states made it possible to conduct an in-depth legal and empirical analysis of the studied issues.

Results

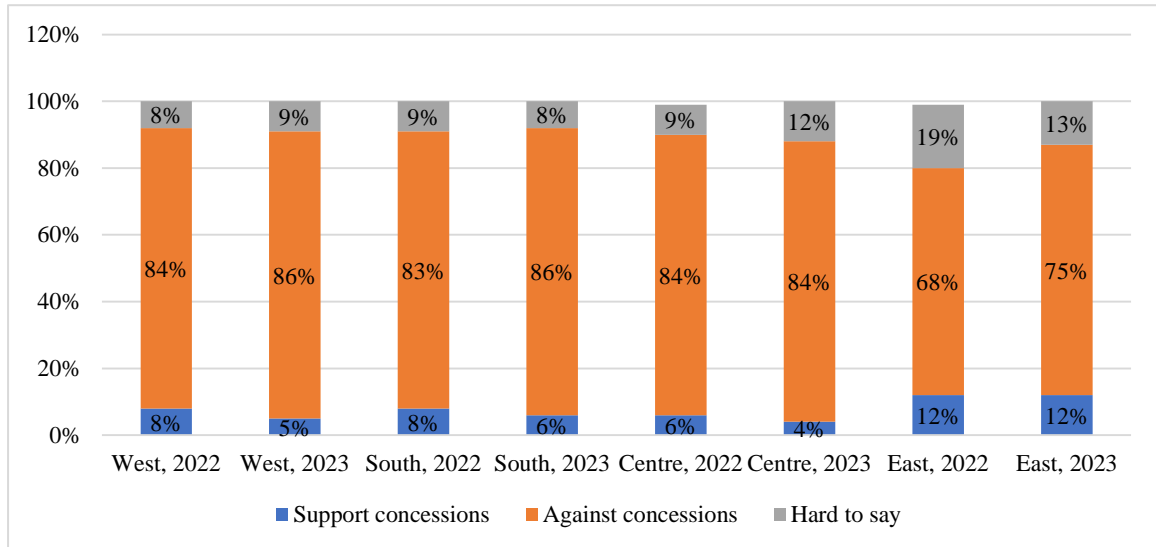
The territorial integrity of Ukraine as a sovereign state and a member of the United Nations is guaranteed by Article 2 of the UN Charter (United Nations, 1945). In addition, Ukraine's borders were guaranteed by the Budapest Memorandum of 1994 (United Nations, 1994), according to which Ukraine gave up its nuclear weapons in exchange for security guarantees from Russia, the United States, and Great Britain regarding its independence, sovereignty, and existing borders. Russia unilaterally violated these guarantees. UN General Assembly Resolution 68/262 emphasised the invalidity of the 2014 Crimean referendum and called on states not to recognise any change in the status of Crimea (United Nations, 2022). The Ukrainian Parliament has adopted critical legislation that defines the temporarily occupied territories of Crimea and parts of Donbas as sovereign Ukrainian territories temporarily outside the control of the country's government. By law, Russia is recognised in Ukraine as an aggressor and an occupier who commits armed aggression (Verkhovna Rada of Ukraine, 2022).

Ukraine's decentralised system transfers significant political and economic powers to the subnational level. Local councils have a wide range of delegated powers, including adopting budgets, collecting taxes, providing public services and elaborating development policies in line with community priorities. However, Russian military aggression strengthened the vulnerabilities of local bodies with weak control, which enabled illegal separatist actions in Donbas, Crimea, and some southern territories of the country.

At the same time, the majority of the population has a very negative attitude towards any territorial concessions, which is emphasised by the conducted sociological surveys, which demonstrate a very high level of unacceptability of territorial concessions by the population of Ukraine in all regions of the country (Figure 1). It should be noted that the abovementioned approaches to preserving

territorial integrity are similar in all regions of Ukraine, with a slight decrease in the eastern part of the country.

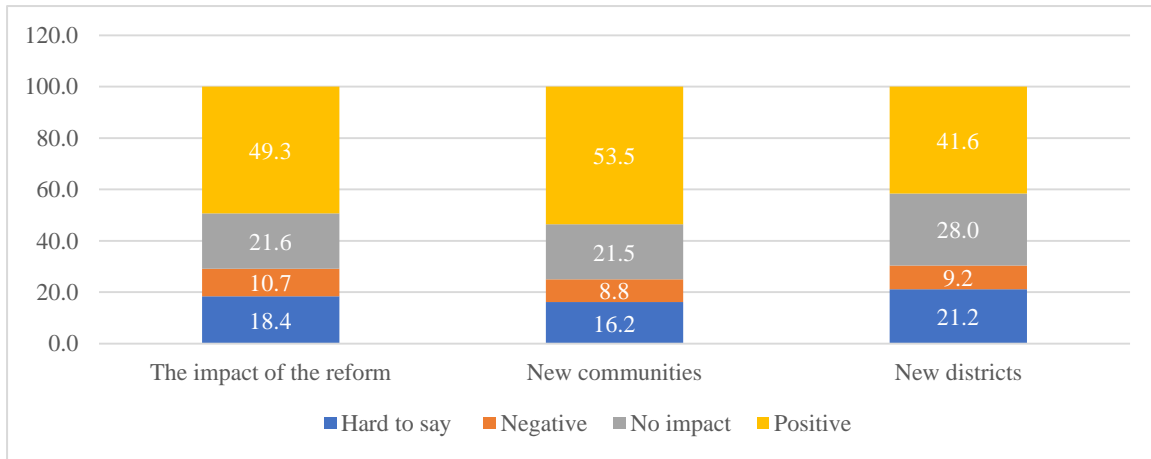
Figure 1. Readiness for territorial concessions



Source: KIIS (2023)

Based on the stated vision regarding the further policy of guaranteeing territorial integrity, the issue of state legal capabilities at the level of local self-government bodies is relevant. The respondents were inclined to believe that the reform of local self-government played a positive role in the possibilities of resistance to Russian military aggression. However, there is also a significant percentage of those who do not see the specified changes (Figure 2). The corresponding positive results were primarily facilitated by the reform of decentralisation.

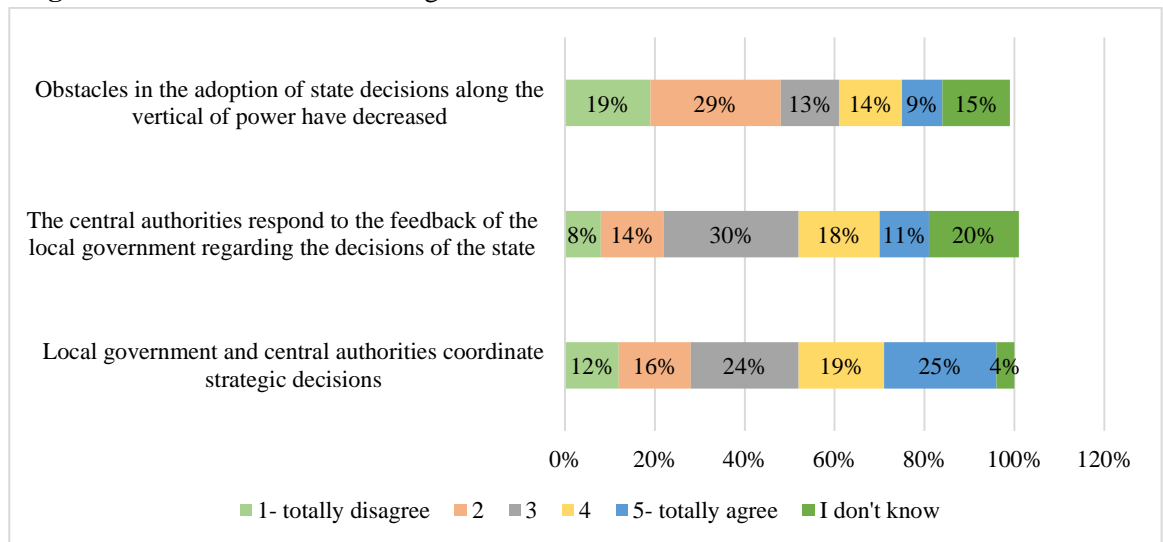
Figure 2. The impact of local self-government reform on resistance to Russian military aggression



Source: KIIS (2022)

Changes in the management system model in Ukraine have transformed approaches to coordination between public administration entities, feedback, and control functions. One of the elements of state-legal mechanisms is established interaction between the central and local authorities. At the same time, more than half of the surveyed respondents assess the coordination of local self-government bodies with central authorities as insufficiently effective (Figure 3), which requires improvement of the mentioned mechanisms.

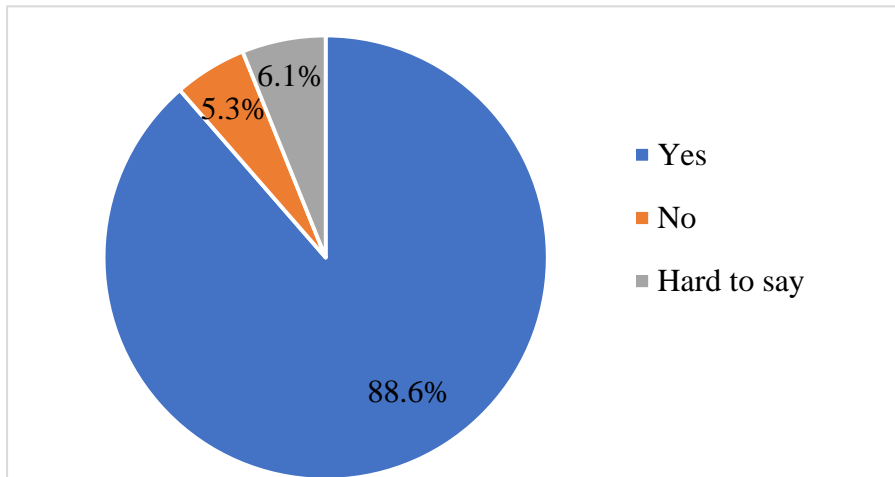
Figure 3. Interaction of local self-government bodies with the central authorities



Source: Council of Europe (2023)

The introduction of the institute of military administrations in areas bordering war zones was one of the ways to solve the strengthening of control and power functions of the state. Legislative acts, such as the Law of Ukraine “On Military-Civil Administrations” and the Law of Ukraine “On the Legal Regime of Martial Law”, provide for legal features of the functioning of authorities and their expanded powers (Verkhovna Rada of Ukraine, 2015a; Verkhovna Rada of Ukraine, 2015b). The results of the exercise of powers by military administrations at the level of territorial communities were positively perceived by the population (Figure 4), considering the issue of military threats.

Figure 4. The appropriateness of introducing military administrations within territorial communities where there are military threats



Source: Council of Europe (2022)

The regulatory legal framework of Ukraine includes various instruments that strengthen state supervision of local self-government to promote national cohesion (Table 1).

Table 1. The instruments of state supervision of local self-government

Instrument	Description
Inspection powers	Expanded powers of regional military administrations to monitor the activities of local authorities/compliance with regulatory legal acts
Law enforcement capacity	Military administrations have been given the opportunity to suspend/cancel local decisions made with violations and contrary to the principle of unity

	Freezing the assets of local businesses owned by sanctioned separatist-linked officials
Deterrence measures	Disciplinary commissions to prosecute local deputies/officials who violate the law

Source: Verkhovna Rada of Ukraine (1996), Verkhovna Rada of Ukraine (2015a), Verkhovna Rada of Ukraine (2015b).

As noted above, the survey results were generally positive about the need to correct the excessive prior decentralisation that had compromised oversight. However, views on the optimal balance between central supervision and local self-determination within the updated model differ. Central government authorities agree on expanding the powers of law enforcement agencies, which allows the use of punitive measures in response to destabilising actions at the local level.

Legal analysis shows that local self-government is responsible for local development planning, budgeting, infrastructure, public services, education, health care, social services, culture, etc. (Dmytryshyn et al., 2021). The effectiveness of supervision becomes paramount as local autonomy expands.

So, the system of control over local self-government in Ukraine includes the following key approaches (Table 2).

Table 2. The system of control over local self-government

Instrument	State legal mechanisms
Legal supervision	The Constitutional Court examines local legal acts (Verkhovna Rada of Ukraine, 1996).
Financial control	The State Audit Service audits the fulfilment of the local budgets (Verkhovna Rada of Ukraine, 2015c). Monitoring of treasury operations and authorisation requirements for borrowing (Cabinet of Ministers of Ukraine, 2023).
Administrative audits	Heads of regional military administrations check the compliance of local development plans with national programmes (Verkhovna Rada of Ukraine, 1997). Vertical monitoring of the provision of decentralised public services by branch agencies (Nastacǎ, 2020).
Supervision of compliance with legislation	Powers of the National Police and Crime Prevention Units (Verkhovna Rada of Ukraine, 2015d) Prosecutorial supervision of compliance with laws (Verkhovna Rada of Ukraine, 2014).
Bringing to	Application of the provisions of the Criminal Code of Ukraine

criminal (Verkhovna Rada of Ukraine, 2001) and the Criminal Procedure
responsibility Code (Verkhovna Rada of Ukraine, 2012).

The conducted analysis gives grounds to identify the main problem areas of state supervision regarding local self-government functions:

1. Uncertainty in the legislative separation of powers between local and central authorities enables unilateral actions that exceed constitutional powers and require greater policy clarification.

2. Despite progress in fiscal decentralisation, many territorial communities remain dependent on central transfers, which hinders development and self-sufficiency initiatives.

3. Empowerment often overburdens small local governments that lack the technical expertise, assets, and resources to effectively deliver decentralised services.

Decentralised powers are ahead of the capacity of local institutions and civil accountability in many Ukrainian territorial communities (Malyarenko & Wolff, 2021; Romanova & Umland, 2019). Effective territorial supervision is urgently needed against the background of significant decentralisation reforms.

Legal supervision mechanisms, such as appeals to the Constitutional Court or review of local regulations by the Ministry of Justice, have little restrictive effect on the prerogatives of community self-government. Despite increased compliance monitoring with the law, the data show excessively formalised assessments isolated from real policy needs.

Financial control through external audit or treasury supervision significantly reduces local fiscal authority over revenues and expenditures. However, dependence on transfers also limits opportunities for proactive development planning. Large-scale administrative inspections by branch offices lead to a reduction in functional powers to provide key public services.

The analysis showed that, in general, the existing control systems demonstrate moderate effectiveness in ensuring a balance between the need to supervise the observance of territorial integrity and the imperatives of local self-government.

Discussion

The study examines an issue that has profound consequences for the future of Ukraine as an integrated sovereign state — the construction of a state administration system that would harmonise the prerogatives of local self-government with national territorial imperatives.

An analysis of the state legal mechanisms for the involvement of local self-government for the protection of the territorial claims of Ukraine shows significant options despite strict limitations. Although direct citizen participation in local elections remains unrealised under the conditions of Russian occupation, this does not completely suspend Ukraine's claims to sovereignty. The study confirms earlier findings that administrative authorities continue to formally perform strategic responsibilities for overseeing the affairs of the occupied territories despite a lack of capacity in those territories or the security of citizens (European Commission, 2023). This form of legal supervision preserves continuity and legitimacy while planning processes attach tangible meaning to reintegration.

Through joint initiatives such as infrastructure tenders, local government partnerships enable local authorities bordering the occupied territories to jointly plan recovery investments that build links between still accessible self-governing communities to maximise recovery potential. Through joint initiatives such as infrastructure tenders, local self-government partnerships enable local governments bordering occupied territories to jointly plan recovery investments, establishing links between still-accessible self-governing communities to maximise recovery potential.

The importance of strengthening the means of institutional control over the activities of local self-government bodies by state authorities confirms the previously obtained results (Alexseev, 2015; Ivanov, 2022), where concern was expressed about the need for a balanced reform of the state administration system. Current challenges should contribute to changes that make separatist manifestations and changes in territorial integrity impossible and reduce the rate of politicisation (Kaliuzhnyj et al., 2022) at the level of territorial communities and local self-government bodies.

However, there are gaps in the "protection" of occupied citizens against the background of double exclusion from both Ukrainian and international humanitarian law because of the unrecognised Russian annexation. The obtained results of the study coincide with the previously expressed opinion that even if the alternative local vote will help to avoid the worst scenarios of disenfranchisement, the full restoration of territorial integrity depends on the displacement of the occupiers with the help of complex levers of diplomatic, economic, and military pressure (Stępniewski & Szabaciuk, 2021).

While direct democratic control cannot be restored in a moment, the results suggest that Ukraine retains substantial, albeit limited, legal capacity through robust governance oversight planning and municipal partnerships. These mechanisms preserve the territorial integrity of Ukraine until its full restoration.

It can be noted that the promotion of an effective territorial integrity management regime requires improvements in the supervision system (Malyarenko & Wolff, 2021; Romanova & Umland, 2019; Ukrainian Center for Independent Political Research, 2017):

1. Strengthening the political differentiation between supervision needs in border regions that face direct threats and communities where excessive inspections create the alienation of autonomy.

2. Strengthening local institutions' political and managerial accountability mechanisms through the transparency of e-governance, citizen engagement platforms, and administrative accountability procedures as an alternative to external interventions.

3. Promoting local self-sufficiency through equalisation transfers that allow lagging local governments to build technical capacity and fiscal buffers to withstand the pressure of external coercion.

State oversight mechanisms can be optimised to maintain constitutional integrity through enhanced decentralised democracy by addressing oversight weaknesses identified in the analysis and using incentives for local integration. The study of the existing governance systems that balance decentralisation and unification makes it possible to formulate individual approaches to supervision that will reconcile the prerogatives of state control in Ukraine with the local desire for empowerment.

Conclusions

The study examines the problem of building a system of governance relations in Ukraine, which would combine the prerogatives of local self-government with centralised guarantees of territorial integrity after destabilising threats.

The analysis showed legislative initiatives that gave national authorities expanded powers to supervise local self-government and gaps in implementation that prevent full supervision in practice. Significant enforcement capabilities face conflicting institutional incentives protecting traditional autonomy. The resulting dysfunction leaves behind the previous vulnerabilities of decentralisation instead of forming an integrated coherence.

Although legislative steps involving active state intervention appear to be significantly transformative, their real impact remains constrained by economic, political, and social barriers that were not considered in the legislation. The shortcomings of general measures indicate that centralised oversight mechanisms should better reflect the local realities. Priority interventions in specific problem

areas can also involve limited resources more strategically, while citizen engagement is essential for constructive transparency.

Long-term guarantees of the territorial integrity of Ukraine depend not so much on the nominal formal system of supervision but on mutual relations between the state and society, built through balanced interaction in public administration. The authorities must considerably strengthen the protection of national unity while maintaining opportunities for meaningful participation at the local level, an example of sovereignty in the everyday life of territorial citizens. Institutional and procedural mechanisms can improve the functioning of the control system in Ukraine in the field of coordination of constitutional imperatives:

Nevertheless, Ukraine has significant legal opportunities to preserve guarantees for local self-government — both through the legislative and legal confirmation of the status of the occupied territories and through the further defence of Ukraine's administrative supervision powers, which place responsibilities on the regional authorities in planning the possible reintegration of the territories, and provisions of the Criminal Code. Although direct control is currently impossible, such efforts preserve Ukraine's main claim to the legitimate place of the occupied territories in the constitutional system of Ukraine and actively develop the boundaries of local self-government, which involves broad participation of citizens and responsiveness to their needs.

Based on the analysis conducted, the following recommendations can be proposed:

- strengthen political differentiation between oversight in border regions facing direct threats and communities where excessive checks create negative effects;
- enhance mechanisms of political accountability within local institutions through administrative procedures as alternatives to external interventions;
- optimise state supervision mechanisms to ensure constitutional integrity based on incentives for local integration.

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