Formation of the Policy of Involvement by Local Government Bodies in Territorial Communities of Ukraine

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Abstract

Despite the sufficient support for public involvement in decision-making on community development, citizens' direct participation remains relatively low. And the attraction actions taken by individuals or even civil society organizations cannot be considered adequate for them to influence the management process and reflect the consolidated point of view and aspirations of the whole community. Besides, the practice of introducing the participation tools in Ukraine gives grounds to speak about the risks of participation manipulation by officials of local councils or authorities. In the previous publications, the author identified the difference between the concepts of "participation" and "involvement" and described the risks and impediments to public participation at the level of local communities in Ukraine. The author established that a relatively significant number of participation forms and mechanisms do not have a statutory "representation quota" designed to recognize the position expressed as a "consolidated public opinion." This fact provides government and local government officials with ample space for participation manipulation as a social phenomenon. Those mentioned above and some other factors, in one way or another, impact the process of shaping the involvement policy by local political elites, its quality, and effectiveness. The article aims to define the concept of "involvement policy" at the territorial community level, outline the prerequisites for its formation, and determine the factors of its success. The study identified the concept of "involvement policy" and found several aspects of its successful construction and implementation. Moreover, the author outlined the difference between "involvement policy" and "participation policy," whose study and description are a promising direction in further research and investigations.

Keywords: involvement policy, involvement, local policy, participation, public legitimation, public/civic participation.

1. Introduction

The introduction of forms and mechanisms of public participation in decision-making processes by local authorities and self-government bodies is primarily due to democratization, the selection of the European vector of Ukraine's development, and the ratification of several European international documents. These international documents include the European Charter of Local Self-Government, Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, etc. The expansion of public participation mechanisms is a necessary prerequisite for building democracy, especially at the local level.

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Moreover, it is beneficial for the state to regularly involve people in public affairs since spontaneous public participation can often be destructive in modern society.

Citizens' possibility to participate in decision-making processes at the primary, local level – the range of territorial communities – often becomes formal and sometimes even manipulative (Ivanina, 2020). Thus, identifying and analyzing the factors influencing the quality and effectiveness of participatory practices in local communities is a precondition for molding an effective, comprehensive local policy to stimulate participation. Some studies and publications devoted to the formation and implementation participation are included in local policies. Authors who have researched this concept include O. Yatsunska, A. Nekriach, P. Vorona, O. Kondratynsky, S. Sakhnenko, M. Baimuratov, and others' works.

Myroslava Lendiel defines local policy as that one whose processes take place in a small space, among institutions enjoying autonomy from the state, which is close to the social community with which citizens identify themselves and which creates opportunities for the growth of democratic participation (Lendiel, 2009). However, today, the local policies studied by domestic scientists still come out mostly in exercising local government bodies' powers (Lendiel, 2009). Detailed reviews of local policies, especially outlined in a profile or directional way, factors of their formation and implementation, are carried out exceptionally rarely, and the list of publications in this direction is somewhat limited. Besides, when investigating the policies implemented by the authorities and local governments in the plane of civil society development, researchers often confine themselves precisely to the policies aimed primarily at involving residents (males/females) in management processes. Meanwhile, another component of participation acquires much less attention. This approach forms a stable subject-object model of participation, where the subject is the authorities or local self-government (from now on – referred to as "government"), while the object – citizens (males/females), local communities, civil society organizations, and institutions, etc. (from now on – referred to as "community").

Intrinsically, such a model cannot be considered a comprehensive view of participation as a phenomenon. In this case, the "community" is not considered an active shaper and local policy implementer. The policy itself can be called the "policy of involvement" ("policy of attraction"), where the ultimate goal of its implementers – "government" – may be ensuring the formal participation of the "community" to increase (and sometimes to provide) the level of legitimization of their own decisions and actions (Lendiel, 2020; Arnstein, 1969).

The study aims to analyze the approaches and tools for shaping the policy of involvement to legitimize the "government's" activities at the level of territorial communities in Ukraine. The study set the following objectives:
1. To define the "involvement policy" concept at the fundamental level of local government;
2. To determine the involvement policy success factors in territorial communities.

2.Materials and methods
During the article preparation, the author analyzed several publications of Ukrainian and foreign scholars and scientists who are conducting (or conducted) their research on local policies, deliberative democracy, and the introduction of participatory practices at the local community level. The author also conducted a content analysis of the processes of involvement policy formation in some local communities of Ukraine and available research results of these processes. Furthermore, the author carried out an analytical organization of national and international policies to observe the levels of participatory opportunities available to the public. Thus, the following research methods were applied during the material processing: observation, comparison, analysis and synthesis, content analysis, definition, and description.

3. Results and discussion
In the Ukrainian political lexicon, the terms "participation" and "involvement" are almost always used synonymously. However, the paper evaluates the participatory processes in terms of the role – subject or object – played by the "community." It becomes clear that there is a fundamental difference between the forms united by the concept of "participation" and the elements linked by the idea of "involvement." The difference consists in the fact that in the process of "involving," the subject is "government," which invites the "community" (acting as an object) to join government initiatives actively. In the "participation" process, the drive comes directly from

the "community," which offers its vision in solving problems and acts as an equal subject along with the "government" (Ivanina, 2019). The "government" initiates participatory initiatives, which primarily belong to "involvement" and are the largest beneficiary of these processes. So, we can say that involving the "community" in the decision-making processes is an integral part of the local policy pursued by the "government."

A new segment in Western political science, namely "local political studios," emerged in the late 70s of the twentieth century and turned into one of the most popular social science directions. It perceives local politics to have some differences in procedural and institutional characteristics compared to "big politics." The supporters of this trend emphasize that the essence of political and governmental decisions made by local authorities is determined, first of all, in the course of implementing "local (communal, municipal) policy" within a particular community (municipality). It only indirectly depends on the organization of the local self-government system in general (Lendiel, 2009).

The methodological approach of "neo-institutionalism" formed in the 1980s is also stimulating. It analyzes both the standard (officially accepted) structural features of society and politics and informal, not fixed in law, which, along with the former, influences socio-political actors and citizens' behavior in general (Lendiel, 2009). At the same time, Max Weber speaks of politics in the sense of "a concept that has a comprehensive meaning and covers all self-managing activities. You can talk about the policy of banks, the policy of trade unions during strikes, the school policy of rural or urban community... " (Weber, 2018). Considering the above, we can say that local policy-making subjects are all the actors who intend to influence the community decision-making processes. Local policy is segmental due to a set of powers exercised in the community by various actors, including education, medicine, housing, communal services, culture, economic development, etc. Thus, we can single out a local policy segment associated with the development of civil society in the community, introduced by one of the domestic policy subjects, namely – the local self-government body. Based on the above-mentioned subject-object nature of participatory practices available in communities, this local policy segment will refer to as "involvement policy."

Let us take as a starting point the thesis that domestic policies are formed within the local government authority. It is advisable to refer to the framework law that defines these powers – the Law of Ukraine "About Local Self-Government in Ukraine" (VRU, 1997), which grants a list of authorities by both local councils, and their executive bodies (VRU, 1997). Let us note that the powers in civil society development are not available in this list. Still, it is not exhaustive. The law allows for the local governments to exercise "except for the authority stipulated by this Law the other powers granted by law as well" (VRU, 1997). The activity analysis of local councils gives grounds to assert that most of their program documents envisage activities aimed at developing civil society. These actions aim to increase citizens' potency and civil society organizations in designing and implementing activities related to community development. The Constitution of Ukraine stipulates that public authorities and local governments, their officials are obliged to act only on the basis, within the powers, and in the manner prescribed by the Constitution and laws of Ukraine (Constitution, 1996). Naturally, the involvement policy formation on their part should occur in the same way – within limits and in the manner prescribed by the legislation of Ukraine. It is also apparent that the local self-government policy, including the policy of involvement, is reflected in the documents adopted by the local council – strategies, programs and plans of social and economic development, regulations, procedures, target programs, budgets, and so on.

The level of "community" activity in the direction of joining the proposed forms of participation depends on how qualitatively the "government" has formed the involvement policy. Alongside, an American researcher Sherry Arnstein notes that municipalities' activity in involving citizens (males/females) in decision-making processes is often associated with the desire to give these decisions a greater degree of legitimacy in the community's eyes. The author attributes such initiatives to the lowest participation level, actually non-participation - manipulation (Arnstein, 1969). We have analyzed the risks related to manipulating the public and civic participation in the corresponding study.

As a result, we have found out that the riskiest group of involvement tools concerning the possibility of manipulation are "public hearings," "public consultations," "public councils," and

others, whose final regulation of the introduction mechanism the legislator referred to the powers of local governments (Ivanina, 2020).

These forms were also attributed to "passive participation" when joint development and decision-making can occur, but community residents have little or no influence on the process. Hence, the involvement policy is supposed to contain rather significant risks associated with manipulation of participation as a phenomenon, as well as with the degradation from the level of "passive participation" to the level of "non-participation" (Ivanina, 2020). And since the documents (local regulatory legal acts) regulating the mechanisms and instruments of participation and involvement somehow reflect the community self-government involvement policy, it is evident that the quality of these documents directly affects the grade of community involvement policy as a whole.

What are the factors behind the success of involvement policy at the community level? Any policy's ultimate goal is to achieve the most effective result towards its implementation. Speaking about the involvement approach, the final destination of "government," as noted above, is to provide the highest level of legitimacy of its decisions (Arnstein, 1969), or, in other words – the legitimation of its activities by the "community." According to V. Nechiporenko, it is "a public process of certifying, approving, justifying or proving the validity and necessity of a certain social action, status or institution" (Nechiporenko, 2009).

In the overwhelming majority of modern political science theories, legitimacy is interpreted as "the concept according to which political actions are carried out by officials and are consistent with the principles and norms recognized and accepted by society" (Nechiporenko, 2009). In jurisprudence, legitimacy opposes legality as something that is endowed not with a legal but with a moral function to justify, first of all, power on the criteria of authority and goals (Gritsanov, 1999). Max Weber defines three types of legitimacy (Weber, 2018):

• Legitimacy based on the authority of traditions.
• Legitimacy based on the strength (charisma) of an extraordinary leader.
• Legitimacy based on the authority of legalized (legal) procedures.

The first type provides for the moral function of justifying the government since the very concept of "tradition" is defined as a system of norms and rules, guided by a relatively large and stable group of people (Ivin, 2004), in other words – the community. Thus, an essential factor in raising the level of "government" legitimation is the long-term nature of appropriate procedures and exercising power. Another factor is the increased number of people who approve, accept, agree; in other words – legitimize "government" in the community. It seems to be the aim of politicians who formulate and implement the involvement policy in communities because public participation constitutes one of the forms of power legitimation through appropriate public initiatives in a law-governed way (Afonin et al., 2006).

It would be wrong to believe that the "government" does not need legitimization by ensuring civic participation by the second and third types, arguing that it receives legitimacy of political procedures - elections and further acquisition of powers under the Constitution and laws of Ukraine. The widespread expression "the severity of laws in Ukraine is compensated by optional nature of their implementation" indicates the practice of legislative and normative violating (including at the local level) the specific procedures for exercising government and self-government powers. In such cases, "government "may resort to "public legitimation," using it to balance the lack of legal or regulatory legitimacy. The examples of extreme manipulation were the so-called referendums in Crimea and Donbas in 2014. Local authorities (in Crimea) and local self-government (in Donbas) deliberately violated Ukrainian laws and procedures regulated by them. They justified their actions by referring to many people who took part in those "referendums." Such examples demonstrate the manipulation of participation (in this case, in the form of a local referendum) to legitimize the illegitimate actions of the "government" (type 3 according to Weber).

The second type of legitimacy – "leadership" – is mostly inherent in the authoritarian government style. As some examples in the recent history of Ukraine show, even in countries with declared democracies, political leaders can resort to "public legitimation" of their actions. Thus, one of the President of Ukraine, Volodymyr Zelensky's first decisions, was to terminate the Verkhovna Rada of Ukraine of the 8th gathering, which was subsequently substantiated by the low level of public confidence in the legislature, as some sociological studies confirmed.

In the last two examples, to legitimize its actions, the "government" relied on the results of "referendum" and "questionnaire" forms of participation, which Lynn Frewer and Genome Rowe classified as "consultation" (Rowe et al., 2005). Hence, we can assume that the "government" may need "public legitimation" by all three legitimacy types. So, the formation and implementation of effective involvement policy become a critical task while discharging its authority. The study experience of involvement policy implementation in different Ukrainian communities shows that the quantitative indicator of "community" participation, which, as noted above, is the final goal of the involvement policy, entirely differs in the proposed participatory practices. It depends on several factors that ultimately impact the citizens' motivation to participate in various forms of involvement and, consequently, the involvement policy success.

Open management provides policies to ensure transparency, accountability, and citizens' participation in governance. There exists an interdependence between the level of openness of local self-government in communities and the level of public and civic participation. Transparency International studies prove this relationship real (Krasnopilska, 2016). Accordingly, government openness turns to be one of the involvement policy success factors. However, a set of factors influencing the success or failure of the involvement policy implementation is not limited to the openness of the "government." Thus, E. Afonin, L. Goniukova, and R. Voitovych consider participation to be a manifestation of a new civilizational orientation in contemporary citizens' lives, who can actively, in a mobile way, and openly defend their interests and rights to participate in state-building (Afonin et al., 2006). Proceeding from this, the issue of equal conditions for human social participation in public and political life deserves special attention. The practicality for raising such a question consists in the awareness that people are individualized and not equal by nature.

Nevertheless, the main task in overcoming such inequality on the state's part must be creating appropriate conditions for equal participation (Afonin et al., 2006). The principles of non-discrimination, equal treatment, and openness, namely equal access for everybody, including meeting the needs of minorities, persons in poor conditions, vulnerable or socially excluded individuals, or groups of persons wishing to participate, are also mentioned in the recommendations on promoting associations to taking part in government decision-making from the participants of the Civil Society Forum. It was organized as part of the 2015 Supplementary Human Dimension Meeting devoted to freedom of peaceful assemblies and associations (CE, 2016). Therefore, we can say that equal access is also among the success factors of the involvement policy.

As noted above, when involving the population in management processes, the "government" may pursue the goal of legitimizing its activities following the first type of legitimacy (by Weber) – legitimacy based on tradition strength. Therefore, the local politicians' task is to provide their actions with signs of traditionality, including activities related to community involvement in decision-making processes. The following thesis can express the idea: "the government always (traditionally) attracts the community to the development and implementation of its decisions. So, these decisions and this government cannot be illegitimate." Let us dwell separately on the definition of the term "tradition," interpreted as experience, customs, views, tastes, norms of behaviors, etc., which have developed historically and transmitted from generation to generation (Bilodid, 1980). That is, one of the tradition-forming factors is its continuity – "transmission from generation to generation."

M. Shaikhullin somewhat narrows the definition, dividing the concept of "custom" and "tradition," claiming that tradition can exist for a short period. In contrast, the custom is a historical phenomenon (Shaikhullin, 2013). This interpretation removes the need for the duration – from generation to generation – to mold traditions and allows the use of the term "tradition" in the context of participatory research at the community level. Thus, it becomes evident that "traditions of participation" can emerge in a community. One of their form factors is the continuity of mechanisms and tools of participation developed in the community. In this case, continuity can be ensured by repetition in specific management cycles, for example, the budget period.

V. Kuybida states that "the efficient operation of self-government system is only possible in the presence of reliable information links between all its units" (Kuybida, 2002). We can rephrase this statement relative to the research topic of involvement policy success factors at the local level. It reads as follows: "effective implementation of the involvement policy is possible provided there are reliable information links between all its participants – government and community." Sherry Arnstein also defines informing as the first step towards effective civic participation. But at the

same time, she warns against one-lateral communication (only in the direction of government-community), as it becomes a real obstacle to the actual influence of residents (males/females) on community decision-making (Arnstein, 1969). The importance of communication at the local self-government level is also proven because it is a reliable and constant supplier of valuable information, further employed in the management process (Shturkhetsky, 2011). Thus, an essential condition for the involvement policy formation is the arrangement of effective mutual ("government" – "community") communication.

Undeniable is the statement that the result is the logical end of any process, the final summary of any occupation, activity, development, etc. (Bilodid, 1980). However, in the involvement processes, it is reasonable to differentiate the beneficiaries of the result – a policy subject (actually – "government") and a policy object ("community"). We have determined above that the government's involvement policy result is an increase in the number of people involved to legitimize its activities by the "community." However, such an outcome is hardly relevant for other participants of this policy - "community."

One of the reasons why participation arises is citizens' dissatisfaction with the policies and decisions carried out by the authorities and local governments. The conviction that the "government" makes wrong or ineffective decisions generates in the "community" a desire to contribute to the processes of their adoption and implementation to transform existing practices for the better qualitatively or to focus on issues that were secondary to the government but made a problem for the community (Ivanina, 2019). Therefore, it is evident that people expect quite concrete results from their participation – namely, solving relevant problems to whose resolution they are ready to join, implementing their initiatives, etc. Participation is one of the manifestations of social activity, which, in turn, can be described by some essential characteristics: the orientation of the individual to other people or society as a whole; basing on social interaction; the desire to achieve particular goals with the help of community; expressiveness in specific actions (simple or complex) aimed at achieving the objectives desired by the subject, which may be prosocial or antisocial (Klymkiv, 2014).

Failure to achieve goals or implement initiatives will harm a person's motivation to be engaged in participatory processes, which can take the form of both elementary refusal to be involved and formation of protest sentiments about the "government." Neither the first nor the second helps achieve the involvement policy goal – an increase in the number of people involved in participatory forms. Therefore, we can claim that executing "community" initiatives molded during participatory practices is a significant factor in policy success. There arises a question about the appropriate number of implemented public initiatives to the total number of proposed ones. It is relevant because 100% implementation can give the impression of replacing real power with public participation ("we can make decisions on our own, we need "power" only to realize them or do not need it at all"). Simultaneously, complete ignorance can reduce citizens' motivation to participate ("if our initiatives are all the same not implemented, it makes no sense to participate at all"). However, investigating this issue is not seen as possible in this article format and can be considered promising in further work.

The study conducted in January 2020 as part of the program "Join!" (Engage, 2020) shows that the most widespread forms of participation in communities are precisely public hearings (6 % of respondents participated in such hearings). Along with public hearings, a set of tools most frequently used by the "government" includes "public consultations" and "public councils." The corresponding study has analyzed the regulatory framework of Ukrainian participatory processes (Ivanina, 2019) and highlighted a characteristic feature for regulating the participation and involvement mechanisms. It refers to legislator's delegation of powers to regulate them to the fundamental level of local self-government unless they act in current regulatory instruments controlled by the Law of Ukraine "On Local Self-Government in Ukraine" (VRU, 1997). Among such tools, we have the following: general meetings of citizens at the place of residence (VRU, 1997); local initiatives (VRU, 1997); public hearings (VRU, 1997). Except for the above, the Resolutions of the Cabinet of Ministers of Ukraine provide for the other tools which are recommendatory for local governments: public councils (CMU, 2010), public consultations (CMU, 2010), public expertise (public scrutiny) (CMU, 2008). Only "local initiatives" and "public expertise" of the mentioned tools fall into the category of "participation," the rest – into "involvement" (Ivanina, 2019). Therefore, it is evident that the quality and effectiveness of

local regulatory legal acts (regulatory instruments), which would regulate community participation, directly affect the involvement policy quality and efficacy.

Yu. Byrchenko gives generalized indicators of the projected legislation efficiency (Byrchenko, 2004) to determine the local regulatory legal acts (RLA). Among them are:

• The practical validity of the local RLA.
• The level of its developers' political and legal culture.
• Correspondence of the local RLA provisions to the national legislative and regulatory frameworks.
• The language of the document and its accessibility to the population.
• Conciseness, clarity of wording.

The content of the local RLA should not require additional comments and clarifications. Since the local RLA is binding on the territory of the community (VRU, 1997), the observance of this principle by the local self-government body is also a confirmation of its legitimacy by the 3rd type (according to Weber) – legitimacy based on the authority of legalized (legal) procedures. In other words, any activity (decision) of a local self-government body is a priori legitimized if it occurs under existing standardized or legally regulated operations. The performance of local politicians towards implementing the involvement policy is no exception.

So, the clarity and inviolability of the procedures that normalize participation in the community belong to this policy's success factors. However, one should remember a significant difference between an empty ritual of formal participation and the possession of real power necessary to influence the process (Arnstein, 1969). That is, the mechanical procedure execution in various forms of participation does not automatically lead to the goal set by the "community" by engaging in participatory practices that "government" offers as part of its involvement policy, namely – redistribution of power and real impact on management processes (Arnstein, 1969), which, in turn, can seriously hamper the achievement of the involvement policy final goal – an increase in the number of people involved in the preparation, adoption, and implementation of decisions in the community and, thus, legitimization of local "government" and its activities.

4. Conclusion

Summing up the above, we can say that the involvement policy formation and implementation will increase the legitimization level of the local government's decisions and community activities. Simultaneously, it appears to be the primary goal of the "government" to initiate and implement participatory practices, which, in turn, can hardly be considered the target for the citizens who participate in them. We can also assume that along with an involvement policy, "community" can also develop a participation policy, whose subject will be "community" in all its manifestations – from residents (males/females) and their groups to civil society institutions. This policy content and success factors are sure to differ from the involvement policy's scope and success factors introduced by the "government."

It is reasonable to assume that both participation policy and involvement policy models are subject-object. The only difference consists in the fact that the subject of participation policy is the "community," while "government" is an object." As well as with the involvement policy, the participation policy can hardly contribute to building a democratic, legal, socially-oriented community with effective management in the case of its significant dominance over the involvement approach. For reaching this goal, it would be expedient to construct a participation-stimulating policy as a social phenomenon ("participation policy"), which would develop according to the subject-subject model, where both "government" and "community" are equal subjects of design and decision-making processes. This area is quite promising for research.

5. Author contributions

The author conceived the idea, wrote the manuscript, approved the submitted version, and takes public responsibility for its content.

6. Conflicts of interest

The author declares no conflicts of interest.

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