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LEGAL SOFTWARE PROBLEMS OF SOCIAL DEVELOPMENT OF RURAL AREAS

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The article is devoted to research of software legal regulation of social development of rural areas. Special attention is paid to legal issues of implementation of programs of social-economic and cultural development of administrative-territorial units and regional programs of rural areas development.

Social development, rural areas, rural administrative-territorial units, socio-economic and cultural development programs, regional programs of development, program-target method.

The legislation of Ukraine determined the ensuring of integrated and sustainable rural areas development as one the main components of the State Agricultural Policy (Article 1 of the Law of Ukraine of 18 October 2005 «On the Fundamentals of State Agricultural Policy till 2015»). Having good natural, demographic, economic, historical and cultural potential, rural areas can make a significant contribution for problems–solving of economic growth and social development of the country [1]. Unfortunately, Ukrainian legislation does not pay sufficient attention to ensuring of effective development of these areas. Thus, there are no regulations dedicated to comprehensive regulation of economic, social and environmental relations in a countryside.

The situation with preservation of rural settlement network and social development of the village is the most critical. Every week one village disappears from the map of Ukraine [2, c. 12]. A large number of villages degrade, the social infrastructure of the village gradually destroys, hospitals, clubs, libraries and schools close. In the villages people lose their ability to receive appropriate social services.

Resolution of full range of problems, that are connected with development of agricultural production, preservation of rural settlement network, creation of appropriate conditions for the population and improving the environmental situation, requires the development of relevant policy documents, both at the local and state level.

The theoretical basis for this research were scientific works of leading scholars in the field of agricultural law as Ermolenko, V. M., Kovalenko, T.A., Kozyr, M.I., Stativka, A.M., Chichkin, A.V., Yanchuk, V.Z. and others. Problem issues of social development of rural areas were also the subject of scientific study of a number of scientific-economists, including Sabluk, P.T., Yurchyshyn, V.V., Procopius, I.V.

The purpose of the article is to study software legal regulation of social development of rural areas. Special attention is paid to the legal problems of implementation of programs of socio-economic and cultural development of village and of regional programs of integrated development of rural areas.

Nowadays, local councils, which are endowed with adequate powers by legislation, play the leading role in prioritizing development social sphere of villages. One of the most important functions of municipal government bodies at local village community is a social function that lies in solving the problems of the social development of rural areas. The activity of these bodies should be directed to solve such social problems as rising of living standards, providing to population minimum level of social needs,

preservation of traditional rural way of life, support of cultural values that have preserved and developed in rural areas.

One of the main problems of regional development, especially in rural areas, is a contradiction, which is on the one hand stipulated by the high capital intensity of objects, and on the other – by limited resources [3, c. 391]. Consequently, the definition of priorities of investing separate objects as an industrial and social infrastructure of village becomes necessary. For the proper resolution of these issues programs of socio-economic and cultural development of individual villages should be developed, and on their basis – regional programs of integrated development of rural areas. The main subjects of programming at the local level are the executive agencies such as regional and district administrations and also local self-government: village, town, district and regional councils. Therefore, as rightly stated in the literature, programming activity at the local level is differentiated by division of competence of relevant local government [4, c. 33].

The Constitution of Ukraine stipulates that municipalities of village approve programs of socio-economic and cultural development and control their execution directly or through local governments (Article 143). The Law of Ukraine of 21 May 1997 «On Local Self-Government in Ukraine» established that the jurisdiction of the executive bodies of village (town) councils in the field of socio-economic and cultural development includes the authority for preparation socio-economic and cultural development of villages (towns), submitting them for Council approval, an organization of their implementation; presentation of reports on the progress and results of these programs to the council (p. 1, Art. 27). Thus, it is important to combine the initiative of local authorities and planning activities through designated programs, that is to use program-target method (targeted programming) while processing management of the development of rural areas. According to this method the plan objectives are coordinated with

resources with a help of programs. At its core - forming goals of economic development, its division into sub-goals and identifying resources needed its agreed implementation [5, c. 109]. Therefore, with development of appropriate programs natural features should be considered, such as availability of local resources, opportunity to organize health improvement of people, recreation, land use for other purposes [6]. Local programs should reflect the results of socio-economic and cultural development of appropriate local government unit for the previous period and the actual needs of individual rural settlement with the definition of priority directions of its development, and ways of its implementation. Indicators of such programs should characterize demographics, increasing of material prosperity of rural inhabitants, improvement of social, cultural and consumer services of population, financial support of social program [7, c. 267]. It is necessary to note the presence of financial background of programs realization, that is a major difference of software method, by other words method of software - is not declarative definition of directions, it is financial justification of achievement of program's goal [8].

The legal, economic and organizational principles of forming an integrated system of forecasting and programming documents of economic and social development of Ukraine, industries and individual administrative units are determined by the Law of Ukraine of 23 March 2000 «On State Forecasting and program's development of economic and social development of Ukraine.» The law referred to the programs of economic and social development only state target program of economic and social development programs for economic and social development of the Autonomous Republic of Crimea, oblasts, districts, cities (Art.1). The development of such programs for rural administrative units (towns and villages) does not provided by this Law at all. In our opinion, in order to appropriate settlement of this question, it is necessary to amend the Law of Ukraine «On State Forecasting and programs development of economic

and social development of Ukraine», that would define the basic principles, content, development, approval and implementation of socio-economic and cultural development of rural administrative units. In particular, goals and priorities of socio-economic policies should be established in such programs, that is implemented in these areas by local authorities in the relevant period, the basic stages of their development should be defined, deadlines of measures and procedures for monitoring their implementation should be set, sources of funding should be expected and so on. All above will improve the management of socio-economic and cultural development of rural administrative units, more efficient use of funds that are spent for these purposes. With the aim of development exemplary models of socio-economic development of rural communities, Decree of the Ministry of Agricultural Policy of Ukraine of 1 June 2010 № 280 confirm the Sectoral program of socio-economic development of rural communities (model project «New Rural Community»). Unfortunately, this document rises a number of questions. In particular, there is a clear correlation between these programs that will be developed, and programs of socio-economic and cultural development of the rural administrative units.

In some legal documents the need to develop regional programs for the integrated development of rural areas is emphasized. The Law of Ukraine of 18 October 2005 «On the Fundamentals of State Agricultural Policy until 2015», states that one of the priorities of the State Agricultural Policy is the development and implementation of national and regional programs of integrated rural development (Article 3). State Target Program for the development of ukrainian village for the period till 2015, that approved by the Cabinet of Ministers of Ukraine of 19 September 2007, anticipated in 2008-2009 to develop a regional programs of rural development for the period till 2015 (p. 1. S. II). Experts in the field of rural economy pay attention to the need of adaptation of such programs. Thus, M.I. Malik and V.A. Pulim note that to ensure sustainable development of

rural areas it is necessary to develop regional programs and consistent them with the development of a particular locality [6]. Paying attention to the lack of regulation of this issue in the legislation, absence of requirements of such programs development, the practice of its adoption is not significant. Thus, regional program of rural development of Transcarpathian region 2020 and trends up to 2025 is developed [9], by order of the Head of Sumy Regional State Administration of 16 March 2012 № 102-OD approved the Project of rural Sumy region until 2020 is approved [10].

Also the regional rural areas development programs should be developed based on the results of certification of villages, carried out by order of the Ministry of Agricultural Policy and Food of Ukraine dated 7 April 2011 № 116. The purpose of it is to track and reflect the transformation processes of demographic and environmental situation in the country, employment, the actual state of agricultural production, the functioning of social services and the definition of this basis the priorities of socio-economic development of each administrative-territorial unit in rural areas (p. 3). The passport contains the following structured sections: general characteristic of the village, socio-demographic characteristics; employment in rural areas; the presence of social infrastructure, the development of a mixed economy; the presence of industrial and processing plants (point 4 of Annex 1 Organizational-methodical recommendations of realization of continuous certification of villages).

The certification is almost completed as to 1 March 2012, the data of 93.1% of Ukraine's villages are being worked up in university places, zonal and regional research centers of agricultural productivity. On the basis of certification materials the automated system is planning to be created, which would allow to determine and predict the priorities of socio-economic status of each rural settlement of Ukraine, to develop regional programs for rural development [11].

Thus, the development of a clear mechanism for the preparation and implementation of programs of economic and social development of rural administrative units, as well as regional programs for rural development, will provide its comprehensive development, and will facilitate the coordination of socio-economic and cultural development lines of these areas with areas of socio-economic and cultural development of a country.

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