



State Supervision of Urban Construction: Modern Realities

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Abstract: The article is devoted to the study of the concept of state supervision and control in the field of urban planning. The methodological basis of the study is general and special methods of scientific knowledge. In particular, the logical-semantic method was used to deepen the conceptual apparatus. The system method, analysis and synthesis, grouping, and structural-logical method also became the basis of the study. The main directions of the state policy in the field of architectural and construction control and supervision in Ukraine are established. The concept and composition of the system of state architectural and construction control and supervision in Ukraine are defined. The issues of reforming the system of state construction control and supervision have been studied. It is emphasized that in crisis conditions the most appropriate direction of state support is indirect means, one of which is the improvement of legislation in the field of construction. Due to the new content of the institute of control in the field of urban planning, conditions are created for the formation of an effective mechanism of control and supervision in Ukraine and meet the constant needs for the development of theoretical foundations that serve as a basis for development and improvement of legislation in the field of construction. As a result - strengthening the authority of the government and increase the efficiency of its implementation. The state of reforming the system of state architectural and construction control and supervision is analyzed. The practical significance of the obtained results is that they are of both scientific-theoretical and practical interest and can be used in: research (the main provisions and conclusions can be the basis for further research in the field of architectural and construction control and supervision); lawmaking (conclusions and recommendations can be the basis for the adoption of bills).

Keywords: Control, state supervision, town-planning activity, construction, legislation

1. Introduction

Urban construction is a complex, diverse phenomenon that covers a wide range of different legal relationships. Construction is a branch of the national economy that destroys fixed assets for production and non-production purposes to meet the needs of society. In the field of construction, investments are transformed into material objects, products in the form of buildings and structures. In the context of reforming the general principles of administrative and legal regulation in Ukraine at the present stage, and as a consequence, modifications of all elements of the mechanism of the corresponding regulation.

The study of construction activity as an object of regulation and a comprehensive analysis of forms of administrative and legal regulation in this area becomes especially relevant. Dynamic changes in social relations under the influence of crisis situations in the economy of Ukraine and the definition of the vector of development in the European Union, lead to the fact that some provisions of the construction legislation is not consistent with each other, does not correspond to the realities of life. Therefore, the realities of today require the development and improvement of a modern and effective

system of administrative and legal regulation of construction activities in general and state control and supervision in particular. Now there is an urgent need to create more favorable conditions for the development of construction industry, and this encourages scientists to explore ways to improve the situation in the construction industry, in particular by means of administrative and legal regulation and means of state control and supervision. But the problems of development and control in the field of construction, study mechanisms of state control in this area, taking into account new economic, political and little attention is paid to legal realities. The urgency of the topic is due, on the one hand, to the need to analyze the reform of the mechanism state control and supervision in Ukraine, and on the other - the constant need to develop theoretical foundations that serve as a basis for the development and improvement of legislation in the field construction activities.

The path of Ukraine's European integration necessitates the adaptation of domestic legislation to the legislation of the European Union, which provides for legal reforms in various spheres of public life. Therefore, today we can observe active processes of reforming the sphere of urban planning in several areas: decentralization (transfer of much of the powers of state architectural and construction control from the central executive body to local executive bodies and local governments); simplification of permit-registration procedures, reduction of their time and list of required documents; introduction of state architectural and construction supervision; personification of responsibility of subjects of town-planning activity and carrying out of reform of system of bodies of the state architectural and building control and supervision.

However, despite the positive changes in the field of urban planning, remain open to address the issue of inconsistency of regulations; lack of unified concepts contained in current legislation; low level of public involvement in the decision-making process of public administration in the field of state architectural and construction control and supervision, etc. All this leads to numerous violations by the subjects of urban planning activities of the requirements of legislation, building codes, standards and rules during the design, preparation and construction works. In this regard, the study of the current state of state policy on architectural and construction control and supervision, the formulation of proposals for its improvement becomes especially important. Many scientific works, including such scholars as, V.B. Averyanov (2003), V.P. Belyaev (2006), Yu.T. Borovik (2010), O.V. Sergienko (2018), O.V. Stukalenko (2015) are devoted to this topic.

The purpose of the work is to analyze the state policy in the field of architectural and construction control and supervision in Ukraine. To achieve this goal, the following tasks were set: to define the concept and composition of the system of state-architectural and construction control and supervision in Ukraine; to study the regulatory and legal support of state policy in the field of architectural and construction control and supervision in Ukraine; to characterize the directions of state policy in the field of architectural and construction control and supervision in Ukraine.

2. Materials and Methods

The methodological basis of the study are general and special methods of scientific knowledge. Their use is due to a systematic approach, which makes it possible to study the problems in the unity of their social content and legal form. Research methods are determined by its purpose and objectives. The research used general theoretical and special-scientific methods of cognition and approaches to the study of state supervision and control in the field of urban planning, among which: the formal-logical method - when studying the normative consolidation of state supervision and control in the field of urban planning; method of analysis - when studying the principles of the institute of control in the field of urban planning; methods of synthesis, generalization, induction, deduction - when determining topical issues Ukrainian legislation disputes related the institute of control in the field of urban planning and ways to solve them.

Conceptual research is related to some abstract idea or theory. Accordingly, two dominant forms of conceptual analysis are: analysis of the existing conceptual framework of and about law; construction of new conceptual frameworks with accompanying terminologies. This study analyzes the norms that enshrine state supervision and control in the field of urban planning. Evaluative research concerns testing whether rules work in practice, or whether they are in accordance with desirable moral, political, economic aims, or, in comparative law, whether a certain harmonization proposal could work, taking into account other important divergences in the legal systems concerned. In this article, this method is used in the study of cases that have been considered by Ukrainian legislation.

Also, we used method of doctrinal legal research, also called "black letter" methodology, focuses on the letter of the law rather than the law in action. Using this method, we composed a descriptive and detailed analysis of legal rules found in primary sources such as Constitution of Ukraine (Verkhovna Rada, 1996) and Laws of Ukraine (Verkhovna Rada, 1992, 2011, 2015). The purpose of this method is to gather, organize, and describe the law; provide commentary on the sources used; then, identify and describe the underlying theme or system and how each source of law is connected. Under this approach, we conducted a critical, qualitative analysis of legal materials to support a hypothesis. Empirical method of research uses data analysis to study legal systems. The process of empirical research involves four steps: design the project, collect and code the data, analyze the data, determine best method of presenting the results. We collected and coded the data by determining the possible sources of information and available collection methods, and then putting the data into a format that can be analyzed. We analyzed the data and compared the data to our hypothesis.

Using the logic-semantic method, the conceptual apparatus is advanced. A systematic method has been applied in considering the legal and regulatory support for State policy in the sphere of architectural and building control and supervision in Ukraine. Analysis and synthesis were used in the process of considering the directions of State policy in the sphere of architectural and building control and supervision in Ukraine. Through the method of grouping and the structural-logical method, the peculiarities of interaction of the system of State architectural and building control and supervision bodies with state institutions, local self-government bodies, business structures and the public are ascertained.

3. Results

The current processes of reform taking place in the country's economy are leading to changes in the State legal system as a whole and in its most important element, the institution of the rule of law. In implementing the State policy of architectural control and supervision, the State uses various methods and means. Monitoring and oversight activities are the most important. Its priority lies in the need to respect the rule of law and to ensure the functioning of civil society. In addition, the establishment of effective bodies in the field of state policy of architectural and construction control and supervision determines the implementation of such fundamental tasks of the state as ensuring the safety of life and health, protection of human interests as the highest social value and protection of public and state interests. Urban development as a system is a polysubjective phenomenon. According to Art. 1 of the Law of Ukraine "On the basics of urban planning" (Verkhovna Rada, 1992). Urban planning (urban planning activities) is a purposeful activity of state bodies, local governments, enterprises, institutions, organizations, citizens, associations of citizens to create and maintain a full living environment, which includes forecasting settlements and territories, planning, construction and other use of territories, design, construction of urban planning facilities, construction of other facilities, reconstruction of historic settlements while preserving the traditional nature of the environment, restoration and rehabilitation of cultural heritage sites, creation of engineering and transport infrastructure (Averyanov, 2003).

The law defines the powers of certain subjects of administrative and legal relations in the field of urban planning to ensure sustainable development of settlements and environmental safety. Legal regulation is specific in nature, as it is always related to real relations, aimed at satisfying the legitimate interests of legal entities and is carried out through legal means that ensure its effectiveness. It guarantees the bringing of the rules of law to their implementation. Legal regulation is implemented through mechanisms - a system of legal means and forms, namely: rules of law, legal relations, acts of implementation and application of law, etc. This is the influence of state power on public relations through legal means to regulate, approve, protect and develop (Bahrahk, 2002). The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Decentralization of Powers in the Sphere of Architectural and Construction Control and Improvement of Urban Planning Legislation" (Verkhovna Rada, 2015) introduced and defined the concept of state architectural and construction supervision, namely a set of measures aimed at compliance by authorized bodies urban planning and architecture, structural subdivisions of Kyiv and Sevastopol city state administrations and executive bodies of village, settlement, city councils on state architectural and construction control, other bodies exercising control in the field of urban planning, requirements of legislation in the field of urban planning, building codes, standards and rules during their urban planning activities.

In turn, the state architectural and construction control is a set of measures aimed at compliance by customers, designers, contractors and expert organizations with the requirements of legislation in the field of urban planning, building codes, standards and rules during the preparatory and construction works. Legislative and regulatory regulation of state policy in the field of architectural and construction control and supervision in Ukraine is characterized by a significant branching of different in their direction regulations. Based on the diversity of economic areas, it covers a fairly large number of laws and regulations related to various branches of law. The above indicates that such regulation requires an appropriate impact on relations in the field of architectural and construction control and supervision. Given the specificity of the studied area, its impact on public relations, the main means of state influence are: preparation, approval and implementation of state, regional and local urban development programs; development and approval of state standards, norms and rules; conducting state examination of construction projects; licensing and rationing of special types of work; granting permits; registration of legal and natural persons-entrepreneurs, etc.

The basic legislative act in this area is the Law of Ukraine "On Regulation of Urban Development" (Verkhovna Rada, 2011), which establishes the legal and organizational framework for urban development and aims to ensure sustainable development of territories taking into account public, public and private interests, was adopted instead of the Law of Ukraine planning and development of territories. We share this position, however, in our opinion, it is logical that the issues of regulation of public relations in the relevant field should be specified in a special legislative act - the Urban Development Code of Ukraine. From the point of view of legal regulation among the bodies of state management of architectural and construction activities in the modern period it is expedient to distinguish bodies of general competence and bodies of special competence. Presidential control has two main forms: a) direct control, which is manifested in the right of veto, the right of early termination of powers of the Verkhovna Rada of Ukraine in cases provided by the Constitution; b) presidential control through special structures, such as the Presidential Administration and its subdivisions, the institution of authorized representatives. Parliamentary control consists in the activities of the Verkhovna Rada of Ukraine defined by the legislation, aimed at establishing compliance of the content, forms, methods, results of functioning of executive bodies, their heads and other officials with the Constitution and the requirements of

laws. As V.P. Belyaev notes, this is an important means of preventing irresponsibility in the activities of executive bodies and other government agencies, going beyond their powers (Belyaev, 2006).

The Cabinet of Ministers of Ukraine, among other functions defined by the Constitution of Ukraine, directs and coordinates the work of ministries and other executive bodies, ensures the implementation of state policy in various areas, develops and organizes the implementation of national programs. Local governments (village, settlement, city councils) approve local urban development programs, master plans, other urban planning documentation, promote the expansion of housing construction, as well as promote the creation of associations of co-owners of apartment buildings. Fire safety authorities carry out legal regulation of construction activities as bodies of general competence. The State Emergency Service of Ukraine is responsible for carrying out fire supervision. The Law of Ukraine "On Regulation of Urban Development" (Verkhovna Rada, 2011) abolishes the need to obtain a permit from the state fire service for the commissioning of new and reconstructed facilities. The activity of this state body in architectural and construction activities is reduced to: issuance of technical conditions; approval of construction norms, standards, normative and technical documents; monitoring compliance with fire safety requirements during design and construction; selective inspection of design organizations; taking precautionary measures; bringing to administrative responsibility. Occupational safety and health authorities act as bodies of general competence in the regulation of architectural and construction activities. The construction site is one of the most striking examples of sources of increased danger, so special attention should be paid to labor protection during construction. The State Labor Service of Ukraine is a specially authorized state body in the field of labor protection. In the field of architectural and construction activities, this body and its subdivisions have the authority to issue permits to start work (for works that pose a high risk), as well as to develop and approve instructions, rules and other mandatory acts on labor protection.

Bodies of general competence, the main activity of which is concentrated in other areas of activity, may have an indirect impact on architectural and construction activities. The list of such bodies may expand, depending on the specifics of the relationship. During construction, there is an open system of relations, which involves many people, the regulation of many diverse relationships. For example, in regulating copyright relations for architectural projects, the functions of the state are performed by a body whose competence includes copyright issues - the Ministry of Economic Development, Trade and Agriculture. The leading role in the legal regulation of architectural and construction activities is played by bodies of special competence. The main body in the system of central executive bodies that ensures the formation and implementation of state policy in the field of construction, urban planning, spatial planning and architecture, state policy in the field of technical regulation in construction, and ensures the formation of state policy in the field of architectural and construction control and supervision, there is the Ministry of Development of Communities and Territories of Ukraine (hereinafter - the Ministry of Regional Development), which operates on the basis of the provisions approved by the resolution of the Cabinet of Ministers of Ukraine of April 30, 2014 No. 197 (Cabinet of Ministers of Ukraine, 2014).

Among the powers of the Ministry of Regional Development is the generalization of the practice of application of legislation on architectural and construction control and supervision, development of proposals to improve legislation, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine and their submission to the Cabinet of Ministers of Ukraine. Thus, this body is tasked with both the direct implementation of public administration and the improvement of the management system. Implementation of the state policy on state architectural and construction control and supervision until 2020 was entrusted to the State Architectural and Construction Inspectorate of Ukraine (SACI). The State Architectural and Construction Inspectorate of Ukraine is a central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Vice Prime Minister of Ukraine - Minister of Regional Development, Construction and Housing of Ukraine and which implements state policy on state architectural - construction control and supervision. The main tasks of the State Construction Inspectorate are the implementation of state policy on state architectural and construction control and supervision, namely: submission to the Vice Prime Minister of Ukraine - Minister of Regional Development, Construction and Housing proposals to ensure the formation of state policy on belonging to the sphere of activity of the State Construction Inspectorate; implementation of state control and supervision over compliance with the requirements of legislation, building codes, state standards and regulations; performance of permitting and registration functions in construction, licensing in cases specified by law.

The main activities of the State Architectural and Construction Inspectorate of Ukraine (SACI) include: architectural and construction control, permitting and registration functions, licensing. SACI of Ukraine exercises state control over compliance with legislation in the field of urban planning, design documentation, building codes, state standards and regulations, etc. In cases specified by law, the State Construction Inspectorate conducts inspections of construction sites for compliance with preparatory and construction works, materials, products and structures used, the requirements of state building codes, standards and rules, as well as technical conditions approved by design requirements and decisions. In addition, the SACI of Ukraine is entrusted with the functions of verifying the proper execution of regulatory and technical and design documentation. An important aspect of the control function of the State Construction Inspectorate is compliance with the procedures for commissioning of completed facilities, inspection of facilities and implementation of measures to ensure reliability and safety during their operation. Inspectors of the State Anti-Corruption Service of Ukraine and territorial inspections record violations of the law, draw up protocols on offenses in the field of urban planning and impose penalties in accordance with the law. In cases specified by law, preparatory and construction works are stopped. SACI of Ukraine provides citizens with permitting and registration services, as well as consultations on

construction, reconstruction and commissioning of facilities. Prior to the reform in March 2020, the SACI of Ukraine licensed economic activities related to the creation of architectural objects. That is, it granted licenses to enterprises wishing to work in the construction sector, except for the construction of objects of the consequence class CC1, for which a construction license was not required. Such enterprises had to meet licensing requirements. Business entities, both Ukrainian and foreign, could obtain a license if a representative office was opened in Ukraine (Sergienko, 2018).

Currently in Ukraine there are active processes of reforming the system of state architectural and construction control. Reform of the system of state control and supervision is a separation of functions, decentralization and demonopolization. The reform was due to a number of reasons. Over the past five years, the State Architectural and Construction Inspectorate of Ukraine has received a very large number of powers. In fact, it has attracted so much that it has become a kind of monopoly in the field of urban planning. The demand for reform of the industry was significant due to dissatisfaction with the current situation. Social tensions increased, and society demanded radical changes. Legislative innovations, which in 2017 transferred from the local to the central level the powers of state construction control over most construction projects of category III complexity (at that time it was almost a third of the total number of facilities), only contributed to this. In fact, there was a process of centralization of state construction control under the general vector of the state and the Government on decentralization. Also affected was the fact that cases of abuse by SACI officials became more frequent. This can be seen by analyzing the media space in recent years (Vasilchenko, 2020a).

In 2020, a decision was made to liquidate SACI and create a new Unified State Electronic System in the field of construction, which began operating in the summer. Currently, Ukraine is reforming the system of state architectural and construction control and supervision. The reform started in March, when the liquidation of the SACI and the establishment of the State Urban Service Service (SUSS) and the State Urban Development Inspectorate (SUDI) were adopted. However, at the end of 2020, the Cabinet of Ministers issued new resolutions that return architectural construction control to the site and eliminate SUSS and SUDI and create a new structure - the State Inspectorate for Architecture and Urban Planning (SIAU), which complies with current legislation. Currently, the reform is taking into account the introduction of quarantine in Ukraine and restrictive measures related to the spread of coronavirus disease (COVID-19) (Ministry and Committee for Digital Transformation of Ukraine, 2020).

According to the new concept, architectural and construction control, supervision and registration functions will be transferred to three parties: SIAU, local governments and legal entities, ie professional organizations that will receive accreditation from the Ministry of Regional Development. Architectural and construction control and supervision of facilities with a risk level of CC3, but only in some high-risk facilities - will be carried out by the newly created structure of SIAU. For all other objects, including CC3 of housing construction, - legal entities. At the same time, the Ministry of Regional Development assumes responsibility for supervising the activities of companies that receive such powers, and in case of violations will be able to deprive them of accreditation. SIAU will not duplicate SACI. It will perform a supervisory function for the transition period (Ukrinform, 2020).

Regarding key aspects of the new concept. To register the right to carry out construction work, several options are offered - independently through the electronic system, with the involvement of notaries and local governments. For objects of strategic and state importance, architectural and construction control and commissioning will be carried out by the state body being created (SIAU). Facilities CC2, CC3 (for example, residential complexes, industrial facilities or shopping and entertainment centers), in matters of control and commissioning, it is proposed to involve private entities, the requirements for which are prescribed by law, and their accreditation and control will be carried out by the Ministry of Regional Development. Local governments should control illegal construction. The Ministry of Regional Development will provide supervision over all participants in the process, as well as the state structure, local governments and legal entities (Property times, 2020).

The State Inspectorate for Architecture and Urban Planning of Ukraine is a central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Community and Territorial Development and which implements state policy on state architectural and construction control and supervision. SIAU exercises its powers directly and through the territorial bodies formed in accordance with the established procedure. SIAU is headed by the Chairman, who is appointed and dismissed by the Cabinet of Ministers of Ukraine (Cabinet of Ministers of Ukraine, 2020). More about the tasks and powers, as well as a comparison of the State Architectural and Construction Inspectorate of Ukraine and the State Inspectorate for Architecture and Urban Planning of Ukraine (Table 1).

Table 1 - Comparative characteristics of tasks and powers of the State Architectural and Construction Inspectorate of Ukraine and the State Inspectorate of Architecture and Urban Planning of Ukraine

	Name of the central executive	
		State Architectural and Construction Inspectorate of Ukraine

Tasks and powers	Submission to the Vice Prime Minister of Ukraine - Minister of Regional Development, Construction and Housing and Communal Services of proposals to ensure the formation of state policy on issues related to the scope of the State Construction Inspectorate;	Licensing of types of economic activity on construction of objects which on a class of consequences (responsibility) belong to objects with average (CC2) and considerable (CC3) consequences;
	Implementation of state control and supervision over compliance with the requirements of legislation, building codes, state standards and regulations;	Exercising control over the observance by business entities of the license conditions for conducting types of economic activity for the construction of facilities that by the class of consequences (liability) belong to facilities with medium (CC2) and significant (CC3) consequences;
	Performance of permitting and registration functions in construction, licensing; architectural and construction control;	Conducting inspections;
	Permitting and registration functions; Licensing.	Publishing instructions to eliminate violations of the law; Stopping preparatory and construction works; elimination of violations of license conditions; Licensing; Cancellation or suspension of decisions of objects of supervision, etc.

The reform is very much needed, because in SACI supervision practically did not work and there was great resistance to the reform due to the monopoly. The separation of functions will lead to the elimination of this monopoly. And where there is no monopoly, development begins. After the decentralization of state construction control, professional competition will be created, because the customer can apply for the right to perform construction work either to the central executive body - SIAU, or to a local body. And will control the construction, respectively, or the house, or the local body of state construction control. This will reduce corruption risks, and the absence of a monopolist will improve the process.

The reform envisages strengthening control at construction sites. There is a clear mechanism. If earlier the inspector could not carry out inspection without presence of the subject of town-planning - the customer of construction or its authorized representative, now presence of only the representative of local government will be enough. It will be almost impossible to avoid inspections. And this will ultimately mean greater safety of the facilities under construction. Part of the reform will also be the introduction of compulsory construction risk insurance, proposals for which will be submitted next year. This will guarantee the liability of certified and certified persons, customers to third parties for damages caused by the construction, the contractor for the life and health of employees (Vasilchenko, 2020b).

Also positive is the fact that there will be a gradual digitalization of bodies that supervise and control the urban planning procedure in the country. An important condition of the reform is the maximum automation of all processes of state regulation in construction. For this purpose, the Unified State Electronic System in the field of construction is being created. Its main component is the Register of construction activities, which provides for the creation, collection, accumulation, processing, protection, accounting of information about objects and participants in the construction and the links between them. Using a virtual workstation and cloud storage system. This will provide a number of benefits both for the security of storage, transmission and creation of information, and for the opening of new opportunities for work. Optimization of document flow, in particular - with territorial bodies. The transition from paper to electronic document management in our country has been declared for a long time, but not all bodies have fully implemented such systems. Such technologies will make it possible to discuss any issues. This will allow fewer civil servants to be sent on business trips, and only when absolutely necessary.

The most important and necessary for the domestic construction industry are the improvement of state regulation, anti-corruption changes, ensuring transparency and openness. And they have to go in a complex. It is necessary to analyze all these areas in essence, to highlight the positive developments. At the same time, it is necessary to single out the negative aspects and consider the mechanisms for their leveling, to identify problems that need to be addressed, including "holes" in the domestic regulatory framework. For example, transparency and openness are important vectors, but you need to be able to use these tools effectively. Now the register of construction activity functions. It is freely available. Anyone can open it and find the necessary information on permitting procedures, in particular, check whether a building permit has been issued, etc (Vasilchenko, 2020c).

4. Discussion

Activities in the field of architectural and construction control and supervision are closely related to ensuring the basic needs of the population. Such activities are related to the field of material production, which provides for the creation and reconstruction of industrial, communal, socio-cultural and housing facilities and covers housing and communal services, management of housing and communal services, their maintenance, construction and repair. The main tasks of the state architectural and construction supervision are ensuring equality of rights and legitimate interests of all subjects of town-planning activity, observance by objects of supervision of town-planning legislation, building norms, state standards and rules; taking measures to stop violations of urban planning legislation, building codes, state standards and regulations, bringing officials of supervised entities to justice in accordance with the law.

The principles of state control and supervision have been studied by many jurists. In our opinion, N.B. Chekomasova gave a clear formulation of the system of principles of state control in entrepreneurial activity. Sharing the position of the above author, we note that the system of principles of state control consists of general principles of control as a social phenomenon, the principles of administrative process and the principles inherent in the control of economic activity (Chekomasova, 2018). In our opinion, the principles of state control can be fully applied to the legal regulation of architectural and construction activities.

For example, M.A. Latinin, Ye.O. Yurchenko emphasizes the existence of such principles of state architectural and construction control in the field of urban planning, as objectivity, efficiency, transparency, regularity, regularity. The principle of objectivity of control involves the analysis of real facts and comprehensive consideration of them; the effectiveness of control lies in the detection of violations, their analysis, formulation of conclusions about the possible consequences; the principle of publicity provides for the identification of shortcomings, mandatory punishment, the formulation of current issues, discussion of draft management decisions, preparation of public opinion; the principle of regularity makes it possible to analyze the state of affairs in the field of urban planning, as well as to identify shortcomings, find reserves or prevent unforeseen consequences; the principle of regularity stimulates the control activity itself to increase efficiency and positive influence on the achievement of the result (Latinin & Yurchenko, 2017).

O.B. Stukalenko adds the principle of legality to this list (Stukalenko, 2015). In our opinion, this list of principles of state architectural and construction control is not complete. We propose to highlight the following principles of state architectural and construction control: the priority of safety in matters of human life and health; controllability and accountability of the body of state architectural and construction control to the relevant body of state power; equality of rights and legitimate interests of subjects of town-planning activity; objectivity, impartiality, openness, transparency, systematic inspections of subjects of urban planning; orientation of the state architectural and construction control on prevention of offenses in the field of town-planning activity; preventing the establishment of targets or any other planning to bring the subjects of urban planning to justice and apply sanctions to them.

Among the bodies of special competence, we consider it appropriate to consider the legal status of self-regulatory organizations. The transfer of part of the powers from state bodies to such organizations is in line with world practice. Thus, the state can avoid additional costs for administrative procedures on the one hand and ensure proper control and order in the market on the other hand. After all, associations of construction companies are interested in maintaining high standards of work, which will strengthen the position of companies in market conditions. We believe that not only in architectural activities, but also in construction activities in general, self-regulatory organizations should be involved in the implementation of licensing procedures. Thus, the legislator will provide significant opportunities for the development of self-regulatory organizations, which should have a positive impact on improving the state policy of architectural and construction control and supervision. Of course, the state can delegate only part of the functions, for example, part of the licensing functions, namely the verification of licensees and licensees for compliance with their licensing conditions (Borovik, 2010).

5. Conclusion

The article describes the general characteristics of certain subjects of administrative and legal relations in the field of urban development. The analysis of the terms given in the law shows the distinction between the concepts of "state architectural and construction control" and "state architectural and construction supervision" on the basis of the definition of objects of control and supervision and entities exercising control and supervision. It is established that the main directions of state policy in the field of architectural and construction control and supervision in Ukraine are: control over compliance with building codes, state standards and regulations; issuance and cancellation of permit documents; licensing; state control; consideration of cases of offenses and imposition of administrative fines.

The system of subjects in urban planning is analyzed, through the separation of powers the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine, State Inspectorate for Architecture and Urban Planning of Ukraine, State Environmental Inspection, State Service of Ukraine for Food Safety and Consumer Protection of Ukraine of geodesy, cartography and cadastre, State Inspectorate of Agriculture of Ukraine, Inspection of State Geodetic Surveillance of the Main Directorate geodesy, cartography and cadastre of Ukraine. Particular emphasis has been placed on the powers of local governments. It has been determined that the administrative and legal regulation of urban development by local self-government bodies is a system of actions and operations carried out by local self-

government bodies in the established forms with the help of certain methods and with the use of legal means aimed at ensuring the purposeful activity of the entities of urban legal relations in organizing the most an enabling space for people's lives. The main body in the system of central executive bodies that ensures the formation of state policy in the field of architectural and construction control and supervision is the Ministry of Regional Development.

The central executive body that implements the state policy on state architectural and construction control and supervision is the SACI, whose powers can be divided into powers of indirect control, powers of direct control and the power to bring controlled entities accountable, as well as organizational powers. It is established that the main directions of state policy in the field of architectural and construction control and supervision in Ukraine are: control over compliance with building codes, state standards and regulations; issuance and cancellation of permit documents; licensing; state control; consideration of cases of offenses and imposition of administrative fines.

The issues of reforming the system of state construction control and supervision have been studied. This is the separation of functions, decentralization and demonopolization. Relevant resolutions "On the optimization of the state architectural and construction control and supervision" and "On liquidation of the State architectural and construction inspection and amendments to some resolutions of the Cabinet of Ministers of Ukraine". The main step in the reform of urban planning - the elimination of the monopolist - the State Architectural and Construction Inspectorate. This is very necessary because in SACI supervision practically did not work and there was great resistance to the reform due to the monopoly. The separation of functions will lead to the elimination of this monopoly. And where there is no monopoly, development begins. This will reduce corruption risks, and the absence of a monopolist will improve the process. The reform envisages strengthening control at construction sites. In addition, construction licensing is being abolished. Instead, certificates of the Responsible Executor of Works (foreman) will be introduced, which will be issued by the Ministry of Regional Development. Thus, the corruption component in obtaining licenses is abolished, as well as the personal responsibility of foremen, who will confirm their actions with a personal electronic signature, is introduced.

Some or all data, models, or codes that support the findings of this study are available from the corresponding author upon reasonable request.

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