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The constitutional nature of local self-government


Yerli özünüidarənin konstitusiyə xarakteri

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Abstract

The relevance of the study lies in the importance of the functioning of local self-government bodies for ensuring democracy in European countries. The purpose of the study is to examine the constitutional foundations of the institution of local self-government, and the task of the study is to analyse the role of the European Charter in this process. The following methods were used in the study: induction, deduction, and abstraction. The main conclusion of the study is to argue that the European Charter launched a local government reform aimed at improving the efficiency of local governments as an independent level of public authority, as close to the population as possible. However, today, municipal authorities in many countries are fundamentally different from those that were created in previous years. This is primarily due to the lack of the necessary amount of own revenues to enable them to exercise their powers independently. The majority of municipalities need government assistance and intergovernmental transfers. The need to control the expenditure of state budget funds has led to the main trend in the development of local self-government in the Republic of Azerbaijan being its integration into the vertical of public power.

Keywords: local self-government, centralization of power, European Charter, Azerbaijan.

Müccərrəd

Tədqiqatın aktualığı Avropa ölkələrində demokratiyanın təmin edilməsi üçün yerli özünüidarəetmə orqanlarının fəaliyyətinin vacibliyindədir. Tədqiqatın məqsədi yerli özünüidarəetmə institutunun konstitusiyə əsaslarının araşdırılması, tədqiqatın vəzifəsi isə bu prosesdə Avropa Xartiyasının rolunun təhlil edilməsidir. Tədqiqatda aşağıdakı metodlardan istifadə edilmişdir: induksiya, deduksiya və abstraksiya. Tədqiqatın əsas nəticəsi, Avropa Xartiyasının əhaliyə mümkün qədər yaxın, müstəqil public hakimiyyət səviyyəsi kimi yerli özünüidarəetmələrin səmərəliliyinin artırılmasına yönəlmiş yerli idarəetmə islahatına istiqamətlənməsinin iddia edilməsidir. Lakin bu gün bir çox ölkələrdə bələdiyyə orqanları əvvəlki illərdə yaradılardan əsaslı şəkildə fərqlənir. Bu, ilk növbədə, onların öz səlahiyyətlərini müstəqil şəkildə həyata keçirmələri üçün lazımı gəlirlərinin olmaması ilə əlaqədardır. Bələdiyyələrin əksəriyyətinin dövlət yardımına və hökumətlərarası köçürmələrə ehtiyacı var. Dövlət büdcəsi vəsaitlərinin xərclənməsinə nəzarət zərurəti Azərbaycan Respublikasında yerli özünüidarəetmənin inkişafının əsas tendensiyasıdır, onun şaquli publik hakimiyyətə inteqrasiyasına gətirib çıxarmışdır.

Açar sözlər: yerli özünüidarə, hakimiyyətin mərkəzləşdirilməsi, Avropa Xartiyası, Azərbaycan.

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Introduction

The expansion of representative democracy and its forms at the local level in the Republic of Azerbaijan, involving residents of its regions in various forms of local self-government, is one of the most relevant tasks of municipal and broader state building. According to the constitutional nature of local self-government as the most proximate level of public authority to the population, local self-government opens up broader opportunities for the use of forms of direct expression of the will of citizens compared to other - state - levels of public authority. In countries whose statehood is based on the principles of legal democracy, the direct participation of the population of municipal entities (given its small size) in the elections of local self-government bodies is manifested not only in the voting process but also in the nomination of candidates for deputies. At the level of local self-government, the subjects of the electoral process are usually entities operating within the local community - territorial collectives (community organizations, professional groups, interest organizations, etc.) according to their number, organization, degree of participation in the resolution of local self-government issues in a particular municipal entity, as well as individual citizens. Accordingly, the feedback between the deputies of representative bodies of municipal entities and the citizens who elected them is closer than at other levels of public authority.

The analysis of the practice of implementing the institution of local self-government in the Republic of Azerbaijan in recent years suggests that there is a certain tendency to smooth out the peculiarities of local self-government. In order to increase the degree of controllability of the regions, the state is increasingly integrating state power into local government on various issues, and therefore “depriving” local government of the features inherent in public power. Thus, in the near future, it may become a level of state power exclusively, albeit with some features inherent in public institutions. This situation seems to be due to the fact that the optimal model of relations between local self-government and state power in Azerbaijan has not yet been created, although it has been under construction for more than a decade.

In this context, this study aims to examine the interaction between state and municipal authorities, with particular attention to the institution of local self-government. The study will analyze the main provisions of the European

Charter and their impact on the functioning of local self-government, taking into account constitutional provisions.

The study is divided into three sections. The first section provides a literature review on local self-government and centralization of power. The second section analyzes the methodology used in the study. The third section presents the results of empirical research on the interaction between state and municipal authorities in Azerbaijan.

Accordingly, the purpose of the study was to examine the issue of interaction between the state and municipal authorities, to enshrine the institution of local self-government at the legislative level, and to reflect the principles of its operation in the Constitution of the Republic of Azerbaijan. In accordance with the objective, the tasks of the study were to examine the main provisions of the European Charter and to study its impact on the functioning of the local self-government institution, taking into account constitutional provisions.

It is expected that this study will contribute to understanding the trend towards centralization of power in the bodies of local self-government in Azerbaijan and identifying possible ways to address this issue.

Literature review

This literature review examined research on local self-government, recognizing decentralization of power, citizen participation, the use of information and communication technologies in local governance, and human rights protection as important issues in the field of local self-government. It was argued that this thematic area is relevant and will be further investigated in the future. This study aims to contribute to understanding local self-government by examining the research question of the mechanism of implementing the institution of local self-government. Thus, Hedulianov (2023) notes that at the present stage, much attention is paid to the activities of local self-government bodies. In particular, the scholar notes that the bodies of self-organisation of the population cannot be recognised as “representative bodies” (despite the presence of adjectives in the name of the analysed institution of constitutional law and the analysed group of bodies). According to the scholar, they are of a public nature since they are an element of the local self-government system.

An important research question is the study of the history of the formation of the institution of self-government in the Republic of Azerbaijan. According to Chernadchuk et al. (2023), the institution of local self-government has developed gradually, and in the post-Soviet countries, the final stage of its formation was the decentralisation reform, which significantly expanded the organisational and legal support for the activities of local self-government bodies. Normative regulation of this institution is contained in the constitutions of the countries, which contains the definition and basic principles of local self-government and is fully ensured by the relevant laws on local self-government. Organisational support is provided by departments and offices that are authorised to establish local self-government bodies within their competence and delegated powers.

An important research question is the study of the history of the formation of the institution of self-government in the Republic of Azerbaijan. As Singh (2023) rightly points out, local governments can distribute administrative burdens and handle local affairs democratically and with better understanding, as it serves as one of the cornerstones of building democracy from the grassroots. The growing trend of decentralisation of power, according to the scholar, provides people with a platform for direct participation in the functioning of democratic governments. However, as the scholar notes, local authorities are constantly facing numerous challenges, and one of the most notable problems is the lack of fiscal autonomy, and in most countries, a wave of greater politicisation of local government by political parties is steadily growing.

It is important for the further development of the institution of self-government to regulate issues regarding defining its relationship with politics, as well as its influence on the processes of decentralization of power. As Kryvoshein (2023) rightly notes in his research paper, at the present stage, society has received qualitatively new opportunities for obtaining political information, so political actors are forced to work not only on disseminating information but also on creating demanded political content. According to Naldi & Magliveras (2013), negative political phenomena are no less of a threat to the institution of local self-government in the world. For example, a country may decide to withdraw from the Council of Europe, resulting in the cessation of obligations under numerous international legal instruments, such as the European Charter, as they will lose their legal

force. In many cases, a legal withdrawal is provided for if certain conditions and stipulated requirements are met, but, as the scholar rightly notes, the question remains whether states have the unilateral right under international law to withdraw from such obligations in the absence of express permission to do so. Scholars have concluded that, in light of the special nature of human rights treaties and frameworks, withdrawal is legally inadmissible in the absence of a clear indication to the contrary.

The question of the impact on the institution of municipal governance by factors such as pandemics and armed conflicts between countries is relevant. A similar point of view is supported by Juszczak & Sason (2023), who note that recent events, such as the COVID-19 pandemic and Russia's war against Ukraine, once again confirm the need for the EU to protect its citizens from the exploitation of known and new potential vulnerabilities, fully respecting fundamental rights and freedoms, as preventing violations of their rights, detecting such violations and enforcing the relevant constitutional provisions for protection are key components of the EU security architecture, including in terms of the exercise of the right to self-determination. It is equally important to take into account the requirements of the new time and the digital era, as Contini (2020) notes, digital technologies in the modern world are used in various types of legal activities, including judicial, law enforcement, law enforcement, and human rights protection. It is also relevant that the function of establishing law and stabilising social relations is most clearly expressed in relation to the procedural status of various subjects: the establishment of fundamental human and civil rights and freedoms, the competence of bodies and officials, and the legal personality of individuals and legal entities (Khalilov, 2023).

Currently, there is a focus on studying the impact of technological progress and innovative technologies on the institution of local self-government. The introduction of information and communication technologies by local governments and their application in their activities was also studied by David et al. (2023), who noted that, in accordance with the provisions of the European Charter, the following digital strategies can be used through the lens of people, processes and technological frameworks: (a) those related to people aspects, including creating a platform for public participation, building skills of employees and developing positive thinking of decision makers; (b) those

related to As Valle-Cruz & Sandoval-Almazan (2017) noted in their paper, new technologies in developing countries (including the Republic of Azerbaijan) improve organisational efficiency, create new channels of communication, overcome bureaucratic barriers, and facilitate decision-making, while technologies that are backed by laws, such as the European Charter, increase transparency and improve government interaction with citizens.

Despite numerous studies on this issue, the following issues remain unresolved. The European Charter of Human Rights obliges the states that have joined it to apply fundamental principles guaranteeing the political, administrative, and financial autonomy of local communities in the context of decentralisation of power, which involves the transfer of decision-making rights to bodies that are not hierarchically subordinated to central authorities and are most often elected by the citizens concerned, but the justification for decentralisation is usually twofold. First, decentralisation, by placing the management of affairs directly in the hands of the people concerned, has democratic advantages, and democracy is much more realistic at the local scale than at the national level. Secondly, decentralised governance, as long as the necessary means and conditions are provided, is much less difficult and much more practical than centralised governance. Effective decentralisation, therefore, requires that local communities be given certain competence and adequate means to address the issues they are mandated to address, that they be given the opportunity to form their own self-governing bodies, and that central government control over the activities of local bodies be limited.

Methodology

The research was conducted using theoretical methods, namely: methods of induction, deduction, analysis, synthesis, and abstraction.

The method of induction was used to study the nature of the institution of local self-government in the Republic of Azerbaijan, to philosophically understand the origins of its formation, and to find out the peculiarities of its formation in a country that belongs to the post-Soviet states. By using the method of induction, the study found that in world practice, local self-government is recognised as one of the main foundations of a democratic society. The strategic goal of local self-government is the active development of municipalities, which are a real element of the constitutional order of a country.

By using the method of deduction, the study concludes that the most important significance of the European Charter for the institution of local self-government is that, according to its provisions, and even the general understanding, the principle of local self-government should be recognised in the legislation of the participating countries in one way or another, and, as far as possible, in the constitution, and the powers of local authorities should be established in the constitution or law. The European Charter thus aims at transforming local self-government into a full-fledged constitutional and legal institution. The implementation of the European Charter in the Republic of Azerbaijan had its own peculiarities due to the fact that local self-government in Azerbaijan, unlike in a number of other countries, was established not at the initiative of the population, but at the initiative of the authorities. The reason for this process is that there were no deep traditions of local self-government in this country, so it was impossible to form the institution of municipalities immediately after the adoption of the Constitution, and it was necessary to create an idea of local democracy among the population and authorities.

Using the method of analysis, this study concludes that the approach enshrined in the European Charter has to some extent determined the dynamics of further changes in the legislation of the countries of Anglo-Saxon law - members of the Council of Europe. In these countries, the principle of "positive" regulation of local authorities has traditionally been applied, whereby the scope of their powers is established by a detailed list of their rights and obligations. Local authorities were usually entitled to perform only actions directly provided for by law. Otherwise, such actions were recognised as having been taken in excess of their powers, i.e. unlawful (the principle of *ultra vires*). At the same time, at the present stage, the constitutions of a number of European countries do not reflect the principle of local self-government. However, in the Republic of Azerbaijan, given the importance of constitutional guarantees in the formation of local self-government, the basic principles of local self-government are the basis of all legal guarantees and are enshrined at the constitutional level.

Using the method of abstraction, the study argues that the most important strategic problem in relations between state and local governments in Azerbaijan today is the issue of delineation of powers and responsibilities. The absence of delineation of powers between these subjects of

power ultimately leads to duplication of their work, therefore, in accordance with the provisions of the European Charter for the Republic of Azerbaijan, the concept of transfer of functions is a key and fundamental task on the way to the development of the governance system. Functions and powers are shared between state and local governments based on the principles of subsidiarity, collegiality, and transparency.

The research is limited to studying and analyzing contemporary scientific sources that chronologically belong to the period after the collapse of the Soviet Union, aiming to avoid any ideological bias in the study.

Results

Municipal power is a special kind of power, it is not a continuation of state power at the local level, but it has the same features that are inherent in its structure. Municipal power is a special public law phenomenon, it is united with state power by the fact that, like the latter, it ensures subordination of subjects of municipal legal relations. At the same time, municipal power differs from state power in that it has its own specifics.

The constitutional and legal nature of local self-government in the Republic of Azerbaijan is such that, in general, it remains an institution of public authority, as it “absorbs” a number of social features into its nature. The presence of these characteristics and a special - municipal - level of government, the existence of a specific sphere of social relations related to the resolution of local issues, allows us to separate local self-government from the state, to distinguish it as an independent entity with a unique nature: largely state, but with elements of public. The new level of elected local authorities and the application of relevant legislation on local self-government create conditions for national elites to use local elections to strengthen state-building by strengthening the institutionalisation of mass political participation and by integrating the local population into the provision of public goods (Tajbakhsh, 2019).

After the adoption of the Law of the Republic of Azerbaijan of 02 July 1999 “On the Status of Municipalities”, it can be argued that the current model of relations between the state and local self-government has undergone significant changes and that the relations themselves are sufficiently clearly regulated by law (Law No. 698-IQ, 1999). In addition, unlike state

authorities, the functional responsibilities of municipal governments are more diverse (León-Moreta, 2018). In general, this process is natural - the model of relations between the state and local self-government, which was chosen, first of all, when the Constitution of Azerbaijan was adopted, cannot be permanent. It will always tend to shift towards an administrative or decentralised model.

Local self-government and state power in Azerbaijan have traditionally been closely interconnected precisely because they have a common source - the power of the people. Among the factors that determine the establishment of the rule of law and democracy as real imperatives of public and state relations, an important place is occupied by the establishment and development of local self-government, including the organisation of broad municipal representation, which provides the most direct forms of identifying and representing the will and interests of the population.

In the context of the current crisis of traditional power relations and various deformations inherent in the state institutions of democracy that are taking place in the world, in many cases, it is municipal structures, based on the “living” self-organisation of people, that are associated with hopes for both establishing effective counterbalances to the bureaucratisation of public administration and increasing its efficiency by achieving a greater degree of flexibility, openness, and control over society. In addition, there are ten key principles of effective legislation governing local governments that are in line with the European Charter: fitness for purpose; democracy and representation; local empowerment; fairness; oversight and support; capacity and sustainability; efficiency, effectiveness, and equity; community involvement; intergovernmental cooperation; clarity and consistency (Sansom, 2013).

The legal nature of the municipal power competence of local self-government bodies is determined by the nature and essence of municipal power in general. Municipal power is the most important basis of the constitutional order, guaranteed and protected by the Constitution of the Republic of Azerbaijan throughout the territory of the state. The main constitutional and legal characteristic of local self-government is its emphasised independence, i.e., municipal power is an independent type of power of the people exercised at the local level, the power that is public, not state power. The relevance of the study of the interaction between

state and municipal authorities is due to the urgent need to improve the model of public administration, to carry out administrative and territorial reform on the basis of decentralisation (Lobunets, 2019).

Accordingly, it is fair to define municipal and state power as independent forms of public authority, since both are an expression of the power of the people, the channels of direct exercise of which coincide and differ only in the spatial and territorial level of their manifestation. State power is exercised at the national and regional levels, while municipal power is exercised in urban and rural settlements and other territories of municipalities. The independence of local self-government is manifested primarily in its organisational and institutional structure: local self-government bodies are separated from state authorities and are subordinated to them only within the limits of the law.

Within the framework of their powers, local governments are fully independent, for example, they autonomously manage municipal property, and the effectiveness of local authorities is an accurate indicator of how well local authorities manage their budget (Balaguer-Coll et al., 2022). Local self-government as the institutional basis of local democracy has a triune constitutional and legal nature, which reflects in its unity different aspects of its own manifestation: local self-government as an element of Azerbaijani statehood and at the same time an expression of municipal democracy. Thus, citizens suffering from a certain disability should be provided with access to the services of local self-government bodies, as well as other members of a particular territorial community (Valtolina & Fratus, 2022).

Thus, local self-government can be characterised, firstly, in the subjective-personal aspect - as an institution of the legal status of an individual; secondly, in the social aspect - as a way of self-organisation of society, achievement of a certain autonomy of society in relations with the state, which allows to define local self-government as an institution of civil society; thirdly, in the public-power aspect - as a special form of exercise of public power by the population at the place of residence. According to the provisions of the European Charter, municipalities have a moral and legal obligation to involve communities in identifying, prioritising, and implementing socio-economic development needs, and to achieve this goal, municipalities should use comprehensive development planning, which involves a consistent, phased process (Fourie &

Van der Waldt, 2021). According to the Constitution of the Republic of Azerbaijan, the people exercise their power in the local self-government system both directly and through local self-government bodies.

At the present stage, the solution of many important economic and social problems in the Republic of Azerbaijan is determined by the situation in the field of local self-government and the prospects for its further reforms. A special place is occupied by the course of radical improvement of the municipal governance system, primarily through its active inclusion in the practice of strategic planning in the country, as well as by ensuring a balance between the public authorities and civil society.

In addition, in the process of digital transformation of local governments, the popularisation of new technologies has brought innovative changes in the ways of deepening citizen participation in democratic politics and government response mechanisms (Lu & Wu, 2022). Significant opportunities for solving this problem lie in the positive perception of the best international practices of municipalities at various levels. In the digital economy, the growth of digital technology companies that provide city services and services for city governments promises to spur local innovation and business opportunities and presents important economic development opportunities (Botero Arcila, 2021). The European Charter of Local Self-Government has been considered one of the sources of such experience in the last quarter of a century.

Local government systems are usually treated as independent variables when considering (possible) differences in recruitment patterns, professionalisation, the position of mayors in local and multi-level governance systems (or horizontal and vertical political networks), interpretation (or notion) of democracy, problem identification, and attitudes and opinions towards decentralisation or centralisation and public sector reforms ('modernisation') (the 'new public administration') (Teles et al., 2020). In addition to these factors, which differ from country to country and the impact of internal factors on the institution of self-government in the world, external factors are no less influential. For example, in recent years, the organisational and legal framework of local self-government in Russia has been subject to significant revision, first as part of amendments to the Constitution of the Russian Federation in 2020, then under the influence of the current geopolitical situation,

which worsened in 2022, due to which the aggressor country was forced to denounce more than two dozen international treaties due to its withdrawal from the Council of Europe, including the European Charter of Local Self-Government. Thus, transparency is becoming a challenge for public administration reforms at the moment and in the future towards modern and better governance, and the political and economic crisis that has occurred has led to a significant erosion of public confidence in the effectiveness of public administration, including in finance (Yuniarta & Purnamawati, 2020).

The Republic of Azerbaijan, in forming the updated principles of organisation and functioning of its local self-government, naturally had to turn to the experience of the leading European countries in organising active municipal communities, as presented in the Charter, in order to realise the possibilities of participation of local self-government institutions in solving a wide range of tasks of economic and social development of the countries - participants of the Charter. In this context, the signing of this Charter was positive, as it allowed for a clearer definition of the goals and objectives of the new stage of transformations in the country's municipal sector, taking into account both the positive and negative results of the previous reforms. For instance, the institutional breadth and holistic nature of citizen participation affect the strategic, executive, and civic levels of governance interaction and their interrelationships at the local level (Jäntti et al., 2023).

It can be said that joining the Charter made it possible to more clearly define the long-term trend of improving local self-government, taking into account both the specifics of local communities and foreign experience of functioning of self-government and civil society systems. Since the adoption of the European Charter, it has become apparent that political, administrative, and decision-making structures have been altered; the scope of existing functional programmes and modes of implementation have changed significantly; and, although the issue of local sources of funding has been resolved in most countries, the financial hegemony of the centre has not been eliminated in many of them (Fama & Jensen, 1983).

An example of this is the principle of subsidiarity in the activities of local governments. According to this principle, public obligations (i.e., the obligations of public authorities) should be performed at the "lowest" level, as close as

possible to the population. These obligations may be assigned to a higher administrative level (the level of public authorities) only when it is practically difficult or impossible to perform these tasks at the municipal level. At the same time, it is common for cities and other local governments - sometimes together with non-governmental actors - to challenge policies proposed or implemented by higher levels of government that they perceive as threatening their political positions or local communities (Verhoeven et al., 2022).

The capacities and resources that local governments should deploy in their activities have been linked to the results obtained in the development of public policies and their effectiveness in addressing the challenges faced by the public sector (Salvador & Sancho, 2021). The Charter contains a provision on the need to provide targeted support to financially weaker municipalities, which implies the implementation of financial equalisation procedures common in international practice. The form of government creates clear incentives for executive actions that shape budget outcomes (Jimenez, 2020). It is for this reason that these measures should be aimed at overcoming the negative economic and social consequences of the uneven distribution of municipal revenue sources and the burden of budget expenditures.

Discussion

The results show that in the Republic of Azerbaijan, as in other countries, the problem of relations between the state and municipal authorities is quite relevant. To solve local problems, local governments have always been an attribute of a democratic society and a form of self-organisation of the population. At the present stage, local self-government is recognised as an equal and independent form of government. However, when analysing the institution of local self-government, in most cases we are talking about the state system of governance. This naturally raises the question of the division of powers and the establishment of interaction between the two levels of government. Effective functioning of municipalities is possible through organisational cooperation between state authorities and local self-government, in which the provisions on the latter enshrined in the constitutions of countries play a significant role. This statement correlates with the opinion of Semigina et al. (2020) that the constitutional principles of local self-government play a crucial role in ensuring citizen participation, protecting the rights and

responsibilities of local authorities, and strengthening democracy at the local level. As Kumar (2021) rightly notes, at the present stage, justice and democracy have become one of the most important human causes that state institutions must achieve and ensure compliance with.

The results obtained show that regional public authorities play an important role in the formation and development of local self-government in Azerbaijan. The interaction of the latter with local self-government bodies significantly determines the effectiveness of the implementation of regional policy - solving economic, political, and social problems of the development of the municipality and the subject as a whole. On the other hand, such interaction ensures the effectiveness of the municipal policy, contributing to the implementation of state tasks through the solution of local issues: strengthening the foundations of democracy, creating conditions for ensuring the vital interests of the population, taking measures for social protection of the population, stabilising the political system of training personnel for municipal bodies. At the same time, as Jong (2021) rightly notes, the quality of local self-government determines the positive or negative economic effect of local self-government, while the degree of decentralisation determines the size of the effect.

The results of the study show that the application of the institution of vesting local self-government bodies with certain state powers, which has received wide international recognition and is enshrined in the European Charter of Local Self-Government, is an objective process aimed at decentralising state power, which implies that local self-government bodies are entrusted with the performance of specific functions and tasks that have lost their national significance. It is worth agreeing with the point of view of Dawkins et al. (2019), who noted that it is important for the full functioning of the local self-government system, the performance of its functions by its bodies, and the implementation of the provisions of the European Charter in its activities not only to take into account global trends but also the obstacles that exist on this path.

The main ones are funding; human resources, knowledge or data; lack of flexibility and attachment to the status quo; lack of leadership or political will; administrative burden; and lack of regulatory powers or instruments at the local level. A similar view is supported by Ritonga et

al. (2019), who note that financial efficiency, cost of services and goods, population size, and revenue base have a significant impact on the financial condition of local governments, while the others (namely population density and age, community profile, and community wealth) do not significantly affect the performance of local governments.

The obtained results support the assumption that in the current practice of state building, delegation of powers is widely used as a way of redistributing powers, promotes the convergence of the state and society, and avoids a number of important problems associated with excessive concentration of power at the central level and overloading central bodies with purely local affairs. The delegation of certain state powers to local self-government bodies is based on the following principles: legality; reasonableness; additional delegated powers; material and financial support; and control over the exercise of delegated powers. This provision is also confirmed in the scientific work of Ladychenko et al. (2021), in a number of countries, in the process of implementing the decentralisation policy, local governments have received significantly more rights and powers, which they exercise in accordance with the principles enshrined in the Constitution and other legal acts. This innovation was aimed at increasing the level of democratisation of power and enabling local authorities to resolve issues and disputes at the local level.

Conclusions

The results show that there is a need to clarify the legislative concept of the subjects (issues) of jurisdiction and powers of local self-government bodies, approaches to the delimitation of competent spheres of the state and local public authorities, as well as to enshrine the relevant provisions at the constitutional level. The results obtained show that the expansion of the voluntary (optional) scope of local self-government should be recognised as a positive phenomenon (in developed countries, various territorial communities, autonomies, etc. are fighting for the expansion of their rights, for the right to independently resolve as many issues as possible), but it is also necessary to provide municipalities with the opportunity to earn their own money, to ensure that they get out of the permanent subsidy regime in which the vast majority of municipalities are currently operating. We are talking about a large-scale improvement of municipal social relations and

one of the most important components of local self-government - the financial one.

The results of the study show that the European Charter has taken its special place in the law enforcement practice that regulates all aspects of the formation and functioning of local self-government institutions in the countries that have acceded to it. The results indicate that its significance in this sense is very significant, but it should be borne in mind that the Charter is not a universal guideline for the activities of local self-government for a particular country or group of countries.

Accordingly, further research will be relevant to expand the competence of local self-government, transferring certain local initiatives to the level of international policy, determining options for the further evolution of the system of municipal institutions in European countries.

Important for further scholarly inquiries is the examination of issues related to the organizational and legal consolidation of local communities to develop and implement mechanisms for integrated municipal development policy. This policy should ensure simultaneous and fair consideration of all relevant interests and needs pertinent to the development of municipal education.

An essential topic for further study is the investigation of enhancing the transparency of municipal governance and the mechanisms that create a balanced combination of representative and direct democracy in local self-government. This includes decisions made by local self-government bodies on matters concerning vital interests of the majority of the local community members, which must be subject to prior public discussion.

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