

ORGANIZATIONAL AND LEGAL SUPPORT FOR THE DEVELOPMENT OF AFFLUENT TERRITORIAL COMMUNITIES

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Abstract: The study of the experience of regional local self-government is one of the most demanded scientific problems at the present time. Understanding the role of social management, including self-government, seems to be especially relevant in cases where scientific analysis is faced with manifestations of bureaucratic structures of institutional power. Meanwhile, effective local government is the key to a democratic and legal state. In many cases, an analysis of the relevant foreign experience can help avoid undesirable decisions or find innovative tools, models and mechanisms that can be adapted to national conditions and introduced into the system of legal regulation of local self-government in order to optimize it. In this regard, the article analyzes in detail the features of the organization of local self-government within the framework of the Anglo-Saxon and continental model, using the example of the United States and European countries.

Keywords: Democracy, Legal base, Self-government, Territorial communities.

1 Introduction

Modern society with its characteristic high rate of sociocultural changes poses a number of new problems for theoretical and empirical sociology. In particular, the sociology of management is faced with new theoretical and practical challenges. In this regard, the sociological rethinking of the role of social management, including self-government as one of its forms, is becoming increasingly more urgent. Self-government is developing today in almost all spheres of society. It is inextricably linked with the processes of renewal, modernization of social life and represents one of the necessary forms of management activity, i.e., conscious and systematically repeated impact on the community of people in order to improve and develop society. Understanding the role of social management, including self-government, seems to be especially relevant in cases where scientific analysis is faced with manifestations of bureaucratic structures of institutional power.

The managerial activity of the professional bureaucracy is becoming one of the characteristic features of a modern complex society. The sociology of management, analyzing, on the one hand, the effectiveness of the functioning of the professional bureaucracy and studying the issues of the formation of a new statehood, on the other hand, cannot but rely on topical studies of the role of local self-government, coordinating the solution of issues of everyday life and ensuring the coordination of the interests of specific people with national tasks in as part of the movement to improve the level and quality of life in municipalities. In this regard, a sociological study of the role of local self-government is of fundamental importance for the scientific assessment of the managerial efficiency of all levels of government (national, regional, municipal).

The territorial community is a necessary democratic 'counterweight' to the central government and helps to limit the manifestations of arbitrariness on the part of the state. The transfer of certain powers to the level of territorial communities allows preventing excessive concentration of power at the

central level, overburdening the central apparatus with local affairs [9]. The question of the concept and features, legal personality, competence of the territorial community is an important component of the general theoretical issues of jurisprudence. These problems are universal, because they are manifested in state-building practice and legal science in all countries of developed democracies [46]. The development of this issue will help to clarify the specifics of the territorial community, will expand the understanding of the concept and its features.

The problems of legal regulation of local self-government, its effective organization and functioning have been the subject of close attention of both scientists and practicing lawyers for decades. In developed federal states, extensive experience has been accumulated in the organization and functioning of local self-government bodies, which, often, is not sufficiently taken into account in the practice of reforming local self-government in developing countries.

Based on the study of the history of the development of the theoretical concepts of local self-government in the federal states of Europe, one can come to the conclusion that at present their constitutional and legal doctrine is dominated by the dualistic theory of local self-government, according to which local self-government, on the one hand, is recognized as a continuation public administration at the local level, and on the other – is a legitimate exponent of the interests of the local community. The embodiment of this theory in the municipal legislation of Austria, Germany, and Switzerland made it possible to overcome the opposition of state, public law and local principles in local self-government and contributed to the successful implementation of municipal reforms in European federations in the late 20th – early 21st centuries.

At the same time, the formation of the municipal system in a particular state is significantly influenced not only by the peculiarities of its legal system, but also by the state structure and the related principles of territorial distribution of powers, as well as the specificity of the historical development of local self-government and the state as a whole [25, 46]. The federal structure of the state itself determines the variety of organizational forms of local self-government, their compliance with the historical and national traditions of local government in multinational states, and also allows the distribution of powers between the state bodies of the subjects of the federation and municipal bodies in accordance with the existing level of financial and economic security of local self-government [1, 43].

The literature notes the practice of ratification of the European Charter of Local Self-Government with reservations and the adaptation of the principles of organizing local self-government enshrined in it in the domestic legislation of these states, which has developed in most federal states [56].

A comparative legal analysis of legislation on local self-government and the practice of its application in federal states reveals a number of positive aspects, the introduction of which into national legal systems will improve the country's legislation on local self-government: the experience of implementing the institutions of direct democracy (such as a local imperative and consultative referendum, a gathering of citizens, a popular law-making initiative) in local self-government in Switzerland can be useful for any national local self-government, which will help to involve the local population in solving local issues, as well as the establishment of municipalities as independent subjects of constitutional law.

The study of the social practice of local self-government, the sociological generalization of its historical specifics, the analysis of specific features, development opportunities that depend on historical and social preconditions, contribute to the renewal of general sociological knowledge and the refinement of private

sociological theories interpreting the problems of social regulation.

The scientific analysis of the current problematic situation also remains relevant: the contradictions between the objective necessity of local self-government and the low level of social activity of the population [2-8, 10]. Solving an urgent scientific and practical problem - the development of comprehensive measures that will stimulate the activity of ordinary residents, increase the degree of their participation in social regulation of the municipal level – is an integral part of the scientific approach to solving a wide range of socio-economic, socio-political, and cultural problems of modern society.

2 Materials and Methods

The theoretical and methodological basis for the study of local self-government as one of the forms of social management was the study of the problems of self-government [13, 15-17]. The theoretical approaches presented in the works of sociologists made it possible to interpret this concept as an integral part of the concept of modernization of society.

The methodological basis of the research is formed by general scientific methods of cognition, including: concrete historical, system analysis method, structural and functional method, the method of an integrated approach and others, as well as a number of private scientific methods – comparative jurisprudence, technical and legal, and other methods.

In particular, the concrete historical method was used when considering the development of theories of local self-government, as well as municipal systems in the United States and the federal states of Europe; theoretical and predictive method manifested itself in the preparation of recommendations on specific issues of legal practice and legislative work.

3 Results and Discussion

Local self-government in different countries has quite various forms, depending on how much it is integrated into the system of public administration and what is the degree of its autonomy. An interesting fact is that not all countries have the term “local government”. In the Anglo-Saxon countries, the concept of local or municipal government is used (in the United States and Great Britain, only urban self-government is called municipal), in Japan the analogue of this concept is “local autonomy”, in France – “territorial decentralization”, in Spain, Turkey – “local government” [23].

The Belgian Constitution of 1831 played a significant role in the dissemination of ideas of local self-government in European states. It contained a special article on community governance. Along with the legislative, executive, and judicial powers, the fourth power was recognized – the municipal [11].

Belgian constitutional and legal doctrine (for example, presented by F. Delperre) unconditionally recognizes the political nature of the municipal government of communes and provinces. However, at present, the implementation of the theory of “free community” in the practice of municipal construction in Belgium is carried out with significant reservations, since it involves a political opposition of state and municipal authorities. According to the “public (economic)” theory, local self-government does not solve state affairs, but solves its own, mainly, economic problems of territorial communities [20, 24, 27, 28]. Defending the non-state nature of the activities of self-government, supporters of this theory proposed to distinguish between their own and delegated competence of self-government bodies. At present, in its purest form, the “public (economic)” concept of local self-government has been embodied in the legislation of the Austrian Republic. The concept of local self-government, which has developed in the science of constitutional law of the Swiss Confederation, is a fusion of the theory of the “free community” and the “public (economic)” theory of local self-government. The development of the concepts of local self-government, dominant in the state-legal

doctrine of the Swiss Confederation, was significantly influenced by the peculiarities of the constitutional development of this state. Swiss constitutionalists strongly believe that autonomous local self-government is the foundation of Swiss federalism and democracy [12, 14].

The duality of the nature of local self-government, revealed by the “public theory”, was overcome in the “state theory”, which was based on the idea that any administrative activity carried out by the bearer of public rights and obligations is a state activity [30]. The essence of local self-government is not the isolation of the local union from the state, but, on the contrary, the provision of state interests and goals. G. Jellinek, speaking about the scope of the competence of local self-government bodies, pointed out that local government bodies must be given, within certain limits, decisive power, which under certain circumstances acquires a final character. He sees the local community as an active public-law union, acting not as a state body, but on its own behalf, exercising its own public authority [29].

In accordance with the dualistic theory of local self-government, it carries two principles: state and public, being, on the one hand, a kind of continuation of public administration at the local level, and on the other, a legitimate exponent of the interests of local communities [32, 33]. The interpretation of local self-government as a phenomenon with a dual nature, a public-state character, is the most correct, since it leads to the fact that the legislation of most European federations gives local self-government a special legal status – an integral part of a single public administration, which, on the one hand, protects local interests and in this capacity acts as a public administration body, on the other – it participates in the implementation of a unified state policy. The dual nature of local self-government is recognized in the constitutional and legal doctrine of the Federal Republic of Germany.

Overcoming the opposition of state, public-law, and local in local self-government made it possible not only to achieve more noticeable success in the development of the theory of local self-government, but also, on this basis, to carry out successful municipal reforms in the federal states of Europe.

The legal nature of local self-government is enshrined in national legislation, thus local self-government is formalized into the municipal system. Thus, the municipal system can be defined as a set of interrelated and enshrined in national legislation legal institutions of local self-government, reflecting the peculiarities of its organization in a particular state and autonomously and steadily functioning in the interests of the municipality, the region, and the state as a whole. The main elements of the municipal system, which makes it possible to refer it to a certain model of local self-government, are as follows: a) the organizational basis of local self-government and the nature of their interaction with public authorities; b) the subjects of jurisdiction of local self-government bodies and the degree of independence of local self-government bodies in their implementation; c) the territorial basis of local self-government; d) the financial and economic basis of local self-government [19, 23].

Having considered the features of municipal systems that have developed in the federal states of Europe by the beginning of the 21st century, we can offer the following typology. The municipal system of the Kingdom of Belgium belongs to the continental (French) model. Its peculiarity is in the fact that local self-government bodies are endowed with broad powers that are not legally enshrined, are universal or belong to them due to historical traditions, as well as significant independence. At the same time, there is subordination of communal bodies to provincial ones, as well as administrative supervision of local self-government. Belgium also maintains the tradition of the regional government appointing the highest local government officials (burgomaster of the commune and governor of the province), which is contrary to the provisions of the European Charter of Local Self-Government [25].

The municipal systems of Germany and Austria belong to the mixed (German) model, which is characterized by the division of the powers of local self-government bodies into their own and those entrusted by the state. Legislatively (in Austria, at the level of the Federal Constitutional Law), they are enshrined both as a list of local self-government's own powers and a list of powers transferred by state bodies are enshrined [35-37]. The Federation as a whole and the lands (Länder) are not the only institutions of state administration: municipalities perform the functions assigned to them either as institutions of self-government or on behalf of the state, by order of state bodies within the framework of their delegated powers. At the same time, local self-government bodies are subordinate and are responsible to state bodies for the implementation of delegated powers [29]. However, unlike the Belgian municipal system, all local governments are formed by the local population.

Analysis of the municipal legislation of Switzerland and the practice of the Federal Court allows concluding that the municipal system of this state is closest to the Anglo-Saxon model of local government, which is characterized by the recognition of the autonomy of local government. The guarantee of community autonomy is enshrined in Article 50 of the Swiss Constitution, as well as in similar provisions of the constitutions of the cantons. At the same time, as in other states with the Anglo-Saxon municipal model, the autonomy of communities is recognized in the case when the specific authority of the municipality is enshrined in law [39, 40]. The community also has financial independence, since it has legislatively secured tax sources of local budget revenues.

The most traditional for the federal states of Europe is a two-tier organization of local self-government (community – municipal district); it exists in Belgium, Germany, and the Russian Federation. At the same time, the community is considered as a “natural” territorial basis of local self-government, and the municipal district is regarded as a territorial unit that occupies an intermediate position between the subject of the federation and the community [44, 45]. This, in turn, determines the nature of the powers of the municipal district – the exercise of supervision over the activities of its constituent communities and other state powers. At the same time, one can note that in Austria and Switzerland, local self-government is organized only at the level of “natural” territorial entities – settlements, which is due to the specifics of the historical development of municipal systems in these states. Parts of settlements in European federations, in contrast to Russia, are not recognized by municipalities, although they exercise certain powers of local self-government, in cases established by the charter of the corresponding municipal formation.

An analysis of the legislation on the territorial organization of local self-government in the European federal states shows that, as a rule, municipalities are formed only on the territorial principle, and their territory is part of the constituent entity of the federation [49-51]. However, in Belgium, when forming municipalities, the principle of using one of the state languages by the majority of the population of the commune is also applied. In this way, in 1962, the large communes of Furon, Mouscron and Komen were formed, which are not part of the territory of any of the provinces. A feature of the territorial organization of local self-government in Switzerland is the existence not only of civic communities uniting the local population of the settlement, but also of the so-called “school”, “church”, “forest” and other communities that unite the local population not so much within the framework of the settlement, but also according to common interests. At the same time, the territory of various types of municipalities does not coincide [26].

The study of the development of the legislation of European federal states that determine the procedure for changing the boundaries of municipalities, as well as their transformation, shows an increase in the independence of local self-government in solving these issues. So, the main direction of municipal reforms in the 70-80s of the 20th century was the enlargement of

municipalities, often carried out by directive methods, which caused an active protest from the local population. In the 90s of the 20th century, in the municipal legislation of European federations, a mandatory rule was established to take into account the views of the local population when changing the territorial organization of local self-government, preferably identified through a local referendum [53-55]. The legislation of Belgium and Switzerland establishes various (including tax, budget) methods to stimulate the unification of small communities. In Belgium, Germany, and Switzerland, the form of encouraging the enlargement of municipalities is the legislative consolidation of the right to local self-government for territorial associations of communities.

The organization of local self-government at the level of municipal districts is also diverse; there are 5 models of its organization.

In the communities of Switzerland, there are also models of organization of local self-government that are close to the ones discussed above. However, in the vast majority of cantons, the highest body of local self-government is the electoral corps of the community, which exercises its power directly through local referendums, as well as annual general meetings. In small communities, there are no representative bodies of local self-government – their functions are carried out by general assemblies (Landsgemeinde), which ensures the direct participation of the local population in the implementation of local self-government. The experience of implementing the institutions of direct democracy (such as local imperative and consultative referendum, general assembly, popular law-making initiative) in local self-government in Switzerland can be useful for local self-government in other countries [34, 41].

The variety of forms of organization of local self-government in Germany and Switzerland is due to the federal nature of these states [57-59]. The subject of the federation, on the basis of the principles of local self-government enshrined in the federal constitution, independently, taking into account the national and historical characteristics of the development of public authorities, establishes the structure of local self-government bodies and the procedure for their interaction.

The system of local self-government in Austria is organized according to a single model, similar to that of the burgomaster. Only the system of local self-government bodies in the capital, Vienna, which is at the same time a federal state and a municipal entity, is specific. In this case, the same bodies perform the functions of local self-government bodies and public authorities of the subject of the federation [31]. When determining the organizational forms of local self-government in cities of federal importance in developing countries, for example Ukraine, it is possible to use the experience of organizing local self-government in Vienna.

Another important principle for determining local issues is the principle of subsidiarity, also enshrined in Art. 4 (part 3) of the European Charter of Local Self-Government: “the exercise of public powers, as a rule, should be predominantly entrusted to the authorities closest to citizens; the transfer of any function to any other authority should be carried out taking into account the scope and nature of the specific task, as well as the requirements of efficiency and economy” [38]. The consequence of the implementation of this principle is the transfer of certain powers of state bodies to local authorities.

The independence of local self-government bodies in resolving issues of local importance does not mean a lack of state control over their activities. In Germany and Austria, there are three forms of administrative (carried out by state executive bodies) supervision over the functioning of local self-government: a) supervision over the rule of law, carried out in the sphere of local self-government's own powers in the presence of information about the violation of the law; b) professional, exercised according to the legality and expediency of the fulfillment by local self-government of the powers delegated to it by state authorities; c) financial. At the same time, Swiss municipal

legislation provides only two forms of administrative supervision – supervision of legality and professional supervision [42].

In Belgium, the powers of public authorities in relation to local governments are not limited to supervisory powers and are referred to as “administrative trusteeship”. The executive authorities in Belgium exercise not only supervision over the rule of law, but also general supervision of the observance of national interests by local self-government bodies, which leads to the annulment of their decisions; in cases established by law – special supervision, which leads to the approval of acts of local self-government; and coercive supervision, the result of which is the exercise by the state body of the powers of local self-government bodies.

At the same time, it should be noted that local self-government in the European federal states is endowed with guarantees against excessive interference in its activities by state bodies, first of all, bodies of the subjects of the federation [60]. An important guarantee of the independence of local self-government in the exercise of its powers is the possibility of judicial appeal against acts of state authorities.

In the United States, there is no explicit constitutional provision which states that the regulation of the organization of local government falls under the jurisdiction of the states. As it is known, the US Constitution establishes only the exclusive powers of the central government and recognizes that all other issues fall within the competence of the states. In the United States, – Bell and Price write, – there is only one level of constitutional consolidation of the status of municipal government: the state level, since the regulation of issues of the activities of local divisions is not within the competence of the Union [47]. Thus, namely the states are constitutionally empowered to resolve issues related to the organization of local government on their territory. In this regard, many researchers of local government in the United States often use the concept of municipalities – “creatures of states”, implying the complete dependence of local authorities on state authorities. For example, the famous American specialist in the field of municipal management Ch. Andrian notes that from a constitutional point of view, local governments are part of the state government. Communities do not have a constitutional right to self-government; all their powers legally come from the state. Local governments – the creatures of the state – are subject to its decisions, establishing obligations, privileges, powers, restrictions for local units, writes Andrian [56]. At the same time, the federal authorities establish direct and direct contacts with municipalities. The bases for these relations are factors of the economic order; these primarily include federal loans, federal guarantees of loans received by municipalities from other sources, as well as subsidizing the activities of municipalities. The year 1932 is considered an important milestone in establishing ties between municipalities and federal authorities. It was then, during the Great Depression, on the initiative of F. Roosevelt, that the first federal law was adopted, according to which all interested municipalities were offered loans and at the same time a number of requirements were established that had to be met in the implementation of any project financed in accordance with this law.

An important element that characterizes the legal status of local authorities is the municipal charters held by most municipalities. American researchers distinguish between two interpretations of the term charter – narrow and wide. In the narrow sense, the charter is understood as a single document containing all the norms governing the activities of the corresponding municipality [61]. A charter is broadly understood to mean the entire body of state laws governing local government, even if these laws are not compiled into a single document. A charter in its broadest sense includes all relevant provisions of the state constitution, laws, and common law provisions, in addition to the document defined as the charter. Legal doctrine defines a charter narrowly as the fundamental law of a corporation that establishes and controls municipal powers, rights, duties, and privileges. Generally, in

the absence of constitutional restrictions, the state legislature has the power to adopt, revoke, and amend municipal charters.

The functioning of local government bodies in the United States is provided with the help of such an important means of state influence, which is the administrative regulation of the activities of municipalities. American authors focus on the growing dependence of municipalities on the executive branch as a phenomenon that currently determines the development of relations between states and their local territorial structures. They emphasize the prevalence of this type of control, pointing to its flexibility and qualifications. Administrative regulations are easier to change. At the same time, administrative control is distinguished by competence, says L. Brown [21]. For example, the state health department is better versed in health matters than the state legislature.

The tendency towards strengthening of executive power predetermined a certain increase in the influence of state governors on the regulation of the situation of local government bodies. State governors can regulate the legal status of municipal governments through the issuance of executive orders affecting some issues of the activities of municipalities.

Initially, state administrative control was exercised through the sectoral and functional links of municipalities with state departments, offices, and agencies. Currently, this form of control has been further developed largely due to the growth of delegated legislation. State legislatures empower their executive bodies to issue relevant regulations. For example, the New York State Environmental and Correctional Services Acts give the relevant state departments the power to establish, change, or waive standards, rules, and guidelines in all matters that are or will be within their purview [22]. The mechanism for the implementation of administrative regulation of the activities of local governments is that any of the state departments, within their competence, controls the municipalities, using a whole system of methods for this (authorization, instruction, inspection, training, revision of municipal decisions, replacement of local officials). State subsidies to local governments have played a significant role in the process of subordination of municipalities to state executives.

A significant place in the legal system of regulation of local government bodies is occupied by various kinds of normative acts, including court decisions, regulating their relations with the federal authorities. American legal doctrine traditionally believes that this relationship can be maintained with the sanction and mediation of state authorities. In doing so, the courts and state authorities relied on provision of the 10th Amendment to the US Constitution, which states: Powers not provided by this Constitution to the United States, and the use of which are not prohibited by individual states, remain with the states or the people.

The legal status of local government bodies is also determined by the provisions contained in the formal and informal opinions of the attorney generals (prosecutors) of the states. In addition, auditors (controllers) of states and legal services of a number of departments have the right to an advisory opinion. All these documents, as a rule, contain a narrow interpretation of the acts on the powers of municipalities, since they are based on the decisions of the courts on similar issues. Municipal authorities take into account the explanations of attorneys, auditors and representatives of legal departments of departments (although in general they are not obligatory for municipalities), since otherwise their actions may be challenged [48, 52].

In 1985, the United States Supreme Court delivered a landmark judgment in *Lawrence County V. Lead School District*, which has established that the new federal legislation does not contradict the Constitution. This also meant a departure from the traditional interpretation of the 10th Amendment to the Constitution in terms of limiting relations between the federation and local authorities. This legislation, confirmed by this court decision, also marked a certain change in the policy of the new

federalism, in accordance with which the states were assigned the main responsibility for funding local programs.

The system of legal regulation of local government in the United States is ambiguous, since it consists of many subsystems of the local, state, and federal levels, which quite often contradict each other. This predetermines a certain complexity of a comprehensive analysis of this problem. Thus, in the United States as a whole, the principle of positive regulation of the competence of local authorities, characteristic of the Anglo-Saxon countries, has been adopted. However, each state resolves this issue differently; the California Constitution, for example, provides that a county or city can make and apply in its territory any decisions and orders on local, police, sanitary and other issues without violating general legislative norms (Articles 11, 7). In fact, it is about the recognition of general competence and about negative regulation. In contrast, Connecticut's General Statutes state that local governments can only take actions that are expressly prescribed or permitted by law — a classic example of positive regulation.

In general, currently in the US states, there are up to six types of administrative-territorial units with their own local government: counties; cities; boroughs; villages; towns and townships. Today, only New Jersey has all of the listed municipalities; the rest of the states have abandoned one form or another. Counties are available in all states except Connecticut and Rhode Island. Municipalities called 'cities' exist in all states except the state of Hawaii. There are municipal units called villages in 17 states. It is interesting to note that, again, the classification of administrative-territorial units of individual US states initially depended on the size of the population and the degree of urbanization of a particular administrative unit. At present, the size of the territory and the number of inhabitants of municipal units can fluctuate significantly. For example, the city of Sherrill (New York State), where about 3 thousand inhabitants live, and the 17 million city of New York have the status of a city [18].

4 Conclusion

In general, at present, in world practice, two models of local self-government are distinguished – Anglo-Saxon and Continental (French). While the former became widespread in Great Britain, the USA, Canada, Australia and other countries with an Anglo-Saxon legal system, the latter is popular in continental Europe, Francophone Africa, Latin America and the Middle East. The first type of municipal organization is formed from the bottom, due, first of all, to the civil initiative of the population. Researchers characterized it as follows: "In states that were formed from smaller units and did not break with their past (Switzerland, Norway), local self-government was built from the bottom up, and the states recognized what was created by life itself. In such states, local self-government was integrated firmly into everyday life." According to the Anglo-Saxon model, local representative bodies act as formally acting ones, independently within the limits of their powers in the absence of direct subordination of lower-level bodies to higher-level bodies. There are no representatives of authorized representatives of the central government locally, and control over local government bodies is carried out indirectly, in particular through the courts. The state ensures that local regulations do not violate national laws. The main role in the management of local affairs belongs not so much to local self-government bodies as a whole, but to specialized committees and commissions formed by the deputies of this body; it is these structures that decide, for example, whether to open a kindergarten in the village and whether to accept immigrants for permanent residence.

The population elects not only deputies, but also other officials of local self-government. So in the United States, local residents elect their sheriff, municipal treasurer, and some other functionaries. Thus, the Anglo-Saxon type is distinguished by a deeper autonomy of local authorities and a lack of pronounced subordination to a higher level of government. Local self-government bodies have their own competence, and they are not subordinate to state authorities. The continental (Roman) type is characterized by a developed system of control on the part of the

central administration. The separation of state power and local self-government bodies is not assumed, the latter are, as it were, a continuation of the state branch of power. A part of state functions is transferred to local self-government bodies, the execution of which is controlled by state structures at the local level.

The concept of the functioning of territorial communities in Canada is of great interest. Municipalities in Canada operate on the principle of open government: council sessions are invariably open to the public, and members of the public can always speak up in debates [19]. Local plebiscites are widespread in Canada, during which citizens are invited to vote at the ballot boxes to resolve local issues, such as: closing or opening a local airport, opening hours of shops on weekends, etc. The results of such an expression of the will of citizens do not bind the local council to anything, but serve as a powerful means of pressure on the deputies. The holding of plebiscites is accompanied by public forums and open discussions, during which people are given the opportunity to clarify their own point of view and get acquainted with other positions.

Contemporary local self-government in the West is usually associated with the idea of subsidiarity. Its essence lies in the fact that the functions of decision-making should, if possible, be delegated to the level closest to the one that is affected by these decisions, i.e., if local communities are able to competently solve their problems, higher authorities do not have the right to take these decisions upon themselves. The shorter the administrative distance between the decision-making body and the scope of the decision, the better, although this is opposed by the bureaucracy, which does not want to give up its powers on the ground. It is obvious that in countries with a high power distance indicator on the Hofstede scale (such countries, in fact, include most of the post-Soviet space), the idea of subsidiarity can indeed cause strong resistance from the local bureaucracy. However, given a project-based approach to reforming the organization and functioning of local communities, proven practice in the corporate environment and well-proven models of managing resistance to change can ensure the successful implementation of the corresponding projects.

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Primary Paper Section: A

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