

SUBSIDIARITY IN LOCAL SELF-GOVERNMENT

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Abstract

The concept of subsidiarity is closely linked to local self-governance within the legal state. Subsidiarity dictates that issues should be resolved by the smallest, lowest, or least centralized competent authority. Local self-governance within the institutions of the legal state plays a decisive role in upholding the principle of subsidiarity. Subsidiarity is the fundamental principle of governance, dictating that issues should be resolved by the smallest, lowest, or least centralized competent authority capable of effectively addressing them. Subsidiarity is the main principle in the organization and operation of local government. This principle suggests that tasks should be carried out at the lowest level of governance with the necessary authority before being delegated to higher levels. Within the context of local governance, subsidiarity proposes that decisions should be made at the most efficient and effective level possible - at the level of municipalities and even at the level of communities. Local self-governance institutions play a crucial role as the primary mechanism for implementing the principle of subsidiarity, as they are closest to the citizens and are best positioned to understand and respond to their needs.

Keywords: local self-government, democracy, decentralization, subsidiarity, municipality, community.

1. Introduction

The principle of subsidiarity plays a fundamental role in establishing more responsible, participatory, and sustainable local governance. By allowing residents to have more direct involvement in decisions that directly impact their lives, it strengthens democratic processes. In addition, subsidiarity assists in achieving more efficient resource allocation and more adaptive governance by taking into account local characteristics and needs.

This introduction will explore the meaning of subsidiarity in the context of local governance and its impact on improving the quality of governance, enhancing community participation, and achieving sustainable development goals at the local level.

How does local self-governance within the legal state reflect and promote subsidiarity?

2. Decentralization of authority

Local self-governance entails the decentralization of decision-making authority from the central government to local authorities such as municipalities, localities, or districts. By transferring authority to the local level, subsidiarity ensures that governance responsibilities are entrusted to the most appropriate and competent authority, which is closest to the citizens affected by the decisions. This decentralization allows local authorities to address local issues and concerns more effectively because they possess intimate knowledge of their communities' specific needs, priorities, and conditions [1, p. 137].

Local self-governance exemplifies the principle of subsidiarity through the decentralization of authority within the structure of legal state institutions. Subsidiarity

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affirms that governance functions should be managed by the smallest competent authority capable of addressing them effectively. Local self-governance, through the decentralization of authority, reflects this principle as follows:

- Delegation of decision-making authority: Local self-governance envisages the transfer of decision-making authority and responsibilities from the central government to local authorities such as municipalities, localities, or districts. This transfer of authority allows local governments to make independent decisions within their jurisdictions that reflect the specific needs, priorities, and conditions of their communities. Subsidiarity decentralizes decision-making, ensuring that governance responsibilities are assigned to the government level closest to the citizens affected by the decisions.

- Individual governance solutions: Decentralization of authority enables local self-governance institutions to develop governance solutions tailored to local issues and opportunities. Local authorities possess intimate knowledge of their communities and can formulate policies, programs, and services that respond to local needs and priorities. This localized approach to governance ensures the efficient distribution of resources, enhances their impact, and increases relevance for local residents.

- Effective community representation: Decentralization of authority ensures effective representation of the community in the decision-making process. Local officials are elected by the residents of their communities and are accountable to them, creating direct communication between the governed and the government. This direct representation strengthens the democratic legitimacy of local governance institutions and ensures that decisions are made with the participation and consent of the local population [2, p. 155].

- Efficiency and accountability: Decentralization of authority enhances efficiency and accountability in governance by allowing decisions to be made at the level where they can be most effectively addressed. Local government authorities are better positioned to provide prompt and agile responses to local needs and concerns because they operate on a smaller scale and are closer to the communities they serve. This decentralized decision-making process reduces bureaucratic inefficiencies and improves the delivery of government services.

- Preservation of local autonomy: Decentralization of authority respects and preserves the autonomy of local self-governance institutions. Subsidiarity acknowledges the importance of local governance bodies in managing local affairs by decentralizing decision-making, ensuring they have the necessary authority to do so. This respect for local autonomy enhances trust and cooperation among various levels of government, promoting a more harmonious and balanced governance framework.

In summary, decentralization of authority in local self-governance institutions exemplifies the principle of subsidiarity within the legal state institutions system. By entrusting decision-making authority to the local level, local self-governance institutions ensure that governance responsibilities are delegated to the smallest competent authority capable of addressing them effectively. This enhances the overall efficiency, legitimacy, and responsiveness of governance within the legal state.

3. Solutions tailored to local needs

Subsidiarity enables local self-governance institutions to develop solutions tailored to local problems and opportunities. Local government authorities are better equipped to understand the unique socioeconomic, cultural, and ecological factors

shaping their communities, allowing them to formulate policies, programs, and services that address local needs and priorities. This localized approach to governance ensures the efficient and effective distribution of resources, enhancing their impact and relevance for local residents.

Local self-governance within the framework of legal state institutions serves as the primary mechanism for implementing the principle of subsidiarity through the provision of solutions tailored to local needs. Subsidiarity dictates that issues should be addressed by the smallest competent authority capable of resolving them effectively. Local self-governance achieves this as follows:

- Community-specific policies: Local self-governance allows for the formulation of policies and regulations tailored to the needs, priorities, and conditions of each community. Local government authorities, by gaining a deeper understanding of the challenges and opportunities facing their territories, can develop policies that are specific to the local context. This ensures that governance decisions are aligned with the unique characteristics and priorities of each community, rather than being uniformly applied across the entire jurisdiction [3, p. 13].

Delivery of individual services:

- Local self-governance allows for the individualized distribution of public services to meet the specific needs of local residents. By decentralizing authority, local government authorities can tailor service delivery models to respond to the unique requirements of their communities. For example, local governments can customize healthcare, education, transportation, and social welfare services to reflect the demographic, economic, and cultural characteristics of their areas. This localized approach ensures that services are accessible, efficient, and aligned with the needs of local residents.

- Flexibility in decision-making: Local self-government gives flexibility to local authorities to make decisions according to evolving local conditions. Decentralization allows local governments to respond quickly and effectively to emerging problems, changing circumstances, and community feedback. This flexibility allows local authorities to adjust policies, programs and services in real time, ensuring that management decisions are tailored to local needs and preferences.

- Innovative solutions: Local self-government promotes innovation and experimentation in governance by empowering local authorities to test new approaches and initiatives adapted to local contexts. Decentralization encourages the exploration of innovative solutions to local problems, using the creativity and ingenuity of local leaders and stakeholders. Successful innovations can be scaled up or replicated in other jurisdictions, contributing to broader systemic improvements and advances in governance practices [4, p. 322].

- Community participation: Local self-government promotes community participation in decision-making processes, ensuring that local residents have a voice in the formulation of policies and initiatives that affect their lives. Through mechanisms such as public consultation, citizen advisory councils and participatory budgeting, local authorities engage with residents to solicit input, gather feedback and build consensus around proposed measures. This participatory approach increases the legitimacy, effectiveness and sustainability of management decisions by incorporating diverse perspectives and local knowledge into the decision-making process.

In summary, in the system of institutions of the legal state, local self-government provides conditions for providing solutions adapted to local needs in accordance with the principle of subsidiarity. By decentralizing powers and empowering local authorities, local self-government ensures that governance decisions reflect, adapt and reflect the unique characteristics and priorities of each community within the rule of law.

4. Strengthening local communities

Subsidiarity enables local communities to actively participate in decision-making processes and shape the direction of governance in their area. Through mechanisms such as local elections, public consultations and participatory budgeting, citizens have the opportunity to voice their opinions, contribute ideas and influence policy outcomes. This citizen involvement helps to make decisions in accordance with the wishes and interests of the local population, and to increase the democratic legitimacy and accountability of local self-government institutions.

In the system of institutions of the legal state, local self-government plays an important role in embodying the principle of subsidiarity by expanding the powers of local communities. Subsidiarity dictates that decisions are made at the lowest level of authority capable of effectively resolving them. Local self-government gives local communities the following powers:

- Direct representation: Local self-governance ensures the direct representation of local communities in decision-making processes. Through local elections, residents have the opportunity to elect representatives to serve in local government bodies on behalf of their communities. These representatives are accountable to their constituents and advocate for the interests and needs of the local community in governance matters [5, pp. 8-9].

- Community participation: Local self-governance encourages community participation by providing residents with opportunities to engage in democratic processes. Mechanisms such as municipal assemblies, public consultations, and citizen advisory boards enable local government authorities to solicit input from community members on issues that affect them. This engagement allows residents to express their opinions, contribute ideas, and shape governance directions within their communities.

- Decision-making body: Local self-government devolves decision-making power to the local level, empowering communities to make decisions about their own affairs. Local authorities have the autonomy to develop and implement policies, programs and services that reflect the specific needs, priorities and values of their communities. This decentralization of authority ensures that management decisions are made by those who are most familiar with local conditions and concerns.

- Allocation of resources: Local self-government allows the allocation of resources based on the priorities of the local community. Local authorities have the power to allocate budgets and resources to meet local needs and provide essential services. This authority enables communities to invest in projects and initiatives that promote economic development, social well-being and environmental sustainability according to their preferences and priorities.

- Community cohesion: Local self-government strengthens community cohesion by encouraging cooperation and collaboration among residents. By participating in local decision-making processes, residents develop a sense of ownership and responsibility for the well-being of their community. This empowerment strengthens

social ties, builds trust among community members, and encourages collective action to solve common problems and achieve shared goals [7, p. 44].

In summary, local self-government in a system of rule of law institutions empowers local communities by providing direct representation, enhancing community participation, devolving decision-making powers, enabling resource sharing, and promoting community cohesion. Embodying the principle of subsidiarity, local self-government ensures that governance decisions are made at the level closest to the people it affects, thereby empowering communities to shape their own destiny and improve their quality of life within the rule of law.

5. Efficiency

Subsidiarity promotes efficiency and effectiveness in governance by delivering decision-making to the level where it can be managed most efficiently. Local government authorities are typically better equipped to provide prompt and agile responses to local needs, as they operate on a smaller scale and are closer to the communities they serve. This localized decision-making process enables more agile governance, reduces bureaucratic inefficiencies, and strengthens the delivery of public services [12, p. 167].

In the system of institutions of the legal state, local self-government contributes to the principle of subsidiarity by promoting efficiency in management. Subsidiarity should be taken at the lowest level of authority that can effectively handle decisions. Local self-government achieves efficiency in the following way:

- Local knowledge and expertise: Local self-governance enables decision-making to be informed by local knowledge and expertise. Local authorities intimately familiar with the needs, challenges and opportunities of their communities are well placed to make informed decisions tailored to local circumstances. This localized approach ensures that management strategies are relevant and responsive, leading to more effective results.

- Sensitive decision-making: Local self-government allows quick and flexible decision-making. Decisions can be made quickly at the local level without the delays often associated with centralized decision-making processes. This flexibility allows local authorities to respond flexibly to emerging challenges, changing circumstances and community needs, ensuring that governance remains adaptive and effective.

- Effective resource allocation: Local self-government facilitates efficient allocation of resources based on local priorities. Local authorities have the power to allocate budgets and resources in a way that reflects the specific needs and preferences of their communities. This targeted allocation ensures that resources are used efficiently to address local challenges and deliver essential services, increase the impact of investments and promote good governance.

- Simplified governance: Local self-government contributes to streamlining governance and decision-making processes. Local authorities, operating on a smaller scale, often adopt more efficient and agile governance structures. This streamlined governance reduces bureaucratic inefficiencies and administrative costs, allowing resources to be directed towards community priorities [11, pp. 33-34].

- Accountability and performance: Local self-government strengthens accountability and performance through transparent governance practices. Local authorities are directly accountable to their constituents for the decisions they make and the results they achieve.

This accountability encourages local authorities to be efficient, as they are held accountable for delivering outcomes that meet community expectations.

- Innovation and experience: Local self-government promotes innovation and experience in governance. Local authorities have the freedom to test new approaches and initiatives tailored to local needs and circumstances. This innovation fosters a culture of continuous improvement that enables local governments to identify and implement best practices that improve governance efficiency [6, p. 23].

In summary, local self-governance in a system of legal state institutions increases efficiency through local decision-making based on local knowledge, responsive management processes, targeted resource allocation, simplified governance, accountability, action and a culture of innovation. Embodying the principle of subsidiarity, local self-government ensures that governance decisions are made at the level closest to the people they affect, leading to more effective outcomes for communities within the rule of law.

6. Respect for local autonomy

Subsidiarity acknowledges and supports the necessity of preserving the sovereignty and jurisdictional integrity of local self-government institutions, thereby respecting the principle of local autonomy. By honoring the authority of local governments to make decisions within their own jurisdiction, subsidiarity helps prevent undue interference or centralization of authority by higher levels of government. This respect for local autonomy strengthens trust and cooperation among different levels of government, promoting a more harmonious and balanced governance framework [10, p. 57].

In the system of legal state institutions, local self-government embodies the principle of subsidiarity by respecting and protecting local autonomy. Subsidiarity suggests that decision-making power should be delegated to the lowest level of government capable of effectively resolving issues. Local self-government provides the following opportunities to local autonomy:

- Decision-making power: Local self-government gives local authorities decision-making power and enables them to make choices about local policies, programs and services. This decentralization of power ensures that decisions are made by officials who are closest to the community and who deeply understand local needs, priorities and values. Subsidiarity promotes management decisions that reflect local circumstances and preferences, while respecting the autonomy of local authorities.

- Legal primacy: Local self-government respects the legal primacy of local authorities within defined geographical areas. Local governments have the power to enact laws, regulations and policies within their jurisdiction, provided they do not conflict with higher-level laws and do not violate fundamental rights. This respect for local legal autonomy ensures that local authorities are empowered to manage local affairs according to the specific needs and interests of their community.

- Financial independence: Local self-government promotes the financial independence of local authorities, enabling them to increase revenues and manage finances independently. Local governments have the authority to collect taxes, fees, and charges within their jurisdiction, allowing them to generate income for financing local services and infrastructure projects. This financial autonomy empowers local authorities

to make decisions regarding resource allocation and budget priorities without undue interference from higher levels of government [9, p. 68].

- Policy Flexibility: Local self-government provides policy flexibility to local authorities to address local problems and implement local objectives. Local governments have the freedom to adopt policies and strategies tailored to the unique needs, priorities, and conditions of their municipalities. This flexibility enables local authorities to experiment with innovative approaches, adapt to changing circumstances, and effectively respond to emerging challenges at the local level while maintaining autonomy and self-determination.

- Respectful mutual relations: Local self-government fosters respectful mutual relations among various government levels by recognizing each entity's distinct roles and responsibilities. In addition to utilizing autonomy in managing local issues, local government bodies collaborate with higher-level governments on mutually beneficial or common-interest matters. This collaboration is based on partnership and respect for local autonomy principles, ensuring that governance decisions are made jointly and transparently, taking into account local perspectives and priorities [8, p. 54].

In conclusion, it can be said that local self-government in the system of legal state institutions respects local autonomy by providing the authority to make local decisions, respecting the rule of law, promoting financial independence, ensuring policy agility, and fostering respectful mutual relations among various levels of government. Local self-government, by supporting the principle of subsidiarity, ensures that governance decisions are made at the closest possible level to the people affected, empowering municipalities to manage their local affairs according to their needs, values, and preferences.

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