

LEGAL AND INSTITUTIONAL PROBLEMS IN THE DEVELOPMENT PROCESS OF MUNICIPALITIES

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Abstract

The purpose of this study is to analyze the main problems of municipal development and find ways to solve them. We will look at various aspects that influence the development of municipalities, including financial management, level of infrastructure, governance system and citizen participation. During the study, we will analyze the existing problems and challenges faced by municipalities and identify the main factors influencing their development. We will also offer recommendations to improve the situation, including measures to improve governance efficiency, improve financial sustainability and increase citizen participation in decision-making processes. As a result of the analyses, attention was also paid to systemic problems such as institutional weaknesses of municipalities, gaps in the legal framework and insufficient human resources. At the same time, the possibilities of applying positive examples to local conditions were explored, referring to international experiences. We also offer recommendations for improving the situation, including measures to increase the efficiency of management, improve financial sustainability and increase citizen participation in decision-making processes. The proposed solutions can, in addition to increasing the transparency and accountability of municipalities, also create conditions for them to perform their socio-economic functions more effectively.

Keywords: *local self-government, international agreements, legal state, legal security, rights of municipalities, transparency, financial independence, citizens.*

I. Introduction

The study of issues related to establishment of representative bodies of local self-government begins with the analysis of fundamental concepts and principles underlying this process. In this context, an important aspect is to understand the nature of representative bodies and their role in the local government system. Representative bodies serve the function of representing the interests of the local people, making decisions on important matters of territorial development and ensuring the well-being of citizens.

The development of municipalities is an important aspect of sustainable development of society as a whole. Municipalities play a key role in providing vital services to the population, such as water supply, education and health care. However, despite their significance, municipalities often face various issues that hinder their development and efficient functioning.

At present, municipalities face a number of complex issues, including limited financial resources, poor governance, inadequate infrastructure, corruption, and lack of citizen participation in decision-making. These issues can seriously affect the quality of life of the population and the ability of municipalities to provide required services.

Thus, the study of municipal development issues is important for creating conditions for sustainable development of territories and improving the quality of life of the population. This also contributes to achievement of sustainable development goals and well-being of society as a whole.

II. Representative Bodies of Local Self-Government

The main responsibilities of representative bodies of local self-government include:

- protection district or city residents' rights and interests;
- adoption of laws and decisions on local issues related life and development;

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- ensuring interaction between local authorities and the population.
- Issues arising in the formation of representative bodies include:
- lack of public information about the electoral process and candidates;
 - lack of transparency and openness in the activities of elected officials;
 - insufficient involvement of various social groups in representative bodies.

The efficient operation of representative bodies is the main condition for the development of local community and meeting its needs. Addressing issues related to elections and operation of representative bodies contributes to improving the quality of citizen lives, developing civil society, and increasing trust in local authorities.

For a deeper understanding of the identified issues, specific examples and studies that will determine the main trends and directions for improving the process of formation of local self-government representative bodies should be considered.

Today, Azerbaijan has a complex system of local self-government which includes executive and representative bodies, as well as various forms of citizen participation in decision-making. However, there are still a number of issues, such as the lack of financial independence for municipalities and the lack of accountability to voters.

Today, holding municipal elections faces a number of significant issues affecting the process of formation of local self-government representative bodies. While studying current state of municipal elections, the lack of transparency and publicity in the organization and conduct of elections is revealed. Insufficient involvement of citizens in the election process remains one of the topical issues. The work done in the direction of improving the process of municipal elections should be aimed at strengthening democratic principles and increasing citizens confidence in the electoral system.

Participation of citizens in elections and formation of local self-government is established by the law through a number of rules and regulations. Elections to local government bodies are conducted based on constitutional principles, and laws on municipalities (*Law on the Status of Municipalities*; *Law On the Rules of Municipal Elections*). According to these laws, citizens have the right to vote and be voted for on equal terms. The law defines the procedure and forms of citizen participation in elections and referendums.

The increasing influence of municipalities necessitates the removal of obstacles that slow down their activity and development. A number of issues of municipalities in Azerbaijan have both objective and subjective reasons.

The low level of experience and tradition in the field of local self-government is one of the key factors negatively affecting development of municipalities. Implementation of legal norms regulating activities of municipalities is delayed. The number of laws and decisions aimed at supporting their full and free activity is insufficient. Milli Majlis (Parliament) adopted about 30 laws aimed at improving the work of municipalities, including changes to laws in accordance with international standards, made about 200 decisions, and carried out a number of reforms. However, despite all the actions taken, there are still issues that remain and require timely solutions.

There are some uncertainties that prevent the regulation of municipal elections. Lack of information in rural municipalities significantly hinders their activities. Low level of social and political activity of population, along with a tendency towards ignorance or failure to demand their rights is one of the key factors contributing to the issue. On the other hand, financial and resource dependence of municipalities on local executive authorities, their lack of independent decision-making capabilities, and their inability to solve the problems of the population bring down their significance in the opinion of the people. This stereotype, already ingrained in the public consciousness, is the main reason preventing the development of the municipality in Azerbaijan. In order to get rid of this stereotype, the authority of municipalities should be enhanced in the opinion of the people. For this, municipalities must be independent, have strong finances and resources, and must prove themselves to the population through their work. They should create conditions for increasing the income of population income through their activities, thus also increasing their own income and development.

Ensuring transparent and fair elections is also an important aspect. Regulation of financing of electoral campaigns, cash flow control system, prevention of corruption schemes affect the legitimacy and integrity of elections.

Citizens' participation in public hearings and public consultations are also regulated by laws, which contribute to building trust and active citizenship. It is important for the laws to provide equal opportunities for all candidates and guarantee the protection of their rights to vote.

Studies of political parties influencing elections of local representative bodies is a key aspect of analyzing the process of forming local self-government representative bodies. Political parties play a crucial role in coordinating elections and building the composition of local legislative bodies. Here are some of the key aspects of how political parties influence elections process in local representative bodies:

- Developing candidate lists: political parties are actively involved in the development and approval of candidate lists for elections to local representative bodies. They select their representatives based on their political platform and strategy.
- Financial support: political parties provide financial support to their candidates in elections to local representative bodies, which affects the conduct of electoral campaign and final voting results.
- Media support: political parties often have access to various media resources, which help them to popularize their candidates and influence public opinion in the course of election campaigns.
- Formation of coalitions: political parties may form coalitions to achieve certain goals in elections to local representative bodies, which affects the political dynamics in the region [4, pp. 123-124].

The study of the influence of political parties on the elections of local representative bodies allows to understand the dynamics and characteristics of formation of local self-government representative bodies and the role of parties in this process.

III. Issues Surrounding Formation of Local Representative Bodies and Mass Media

- Intense political competition: the process of forming local representative bodies is often accompanied by intense competition between different political forces.

- Lack of confidence in the electoral system: Doubts arise about the integrity and transparency of elections, leading to a decline in confidence in elected representatives. This interferes with effective functioning of local self-government bodies.

- Lack of Voter Awareness: Voters are often not well informed about the candidates and their agenda. This weakens the legitimacy and powers of local self-government bodies.

- Lack of professionalism among elected representatives: Local representative bodies often include individuals who lack the necessary knowledge and skills for effective governance. This leads to inefficient functioning of self-government bodies and dissatisfaction of population.

- Uneven distribution of powers between tiers of government: sometimes conflicts arise due to unclear distribution of powers between local representative bodies and central authorities. This complicates decision-making and implementation of development programs at the local level [3, pp. 22-23].

These problems and challenges significantly interfere with formation of effective and legitimate local self-government bodies.

Modern media platforms play an important role in shaping public opinion about local governance. Acting as intermediaries between the authorities and the population, the mass media transmit information about the activities of local self-government bodies and current issues facing the region. This contributes to increasing the citizens' awareness of the activities of state bodies and enables them to make more informed decisions in elections.

Media formats such as television, radio, newspapers, online publications, and social networks are the primary channels for disseminating information about local governance. Journalists and editors perform an important function in filtering information and selecting materials for publication that contribute to unbiased coverage of issues of local significance. The openness and accessibility of information disseminated through mass media ensures public control over the activities of local self-government

representative bodies. Mass media is an important tool for shaping public opinion on local governance, influencing the level of trust in the government, and encouraging citizen participation in decision-making processes. In order to accurately reflect events and processes related to municipal administration, it is important to ensure a balanced information space and adherence to journalistic ethics.

IV. Experience of Foreign Countries in Formation of Representative Bodies

Researchers also drew attention to the experience of foreign countries in the formation of local self-government representative bodies. In particular, Western countries such as Germany, Sweden, and the United States have a long history of democratic institutions at the municipal level. These countries serve as examples of efficient coordination of elections, interaction between elected representatives and citizens, and distribution of powers between different tiers of government.

Approaches to formation of representative bodies in these countries can be useful for analyzing experience of Azerbaijan and finding the most optimal solutions for the development of local self-government. For example, application of the principle of proportional representation, use of electronic voting systems, as well as participation of citizens in making key decisions are part of practices that can be adapted and implemented in cities and villages. Therefore, it is important to analyze the international experience and identify the most successful strategies that can be adapted to the contemporary challenges faced by local self-government bodies. Occupation of Azerbaijani lands for 30 years and mining of those territories today have prevented formation of a municipal body in the Garabagh region. However, ongoing extensive Works on construction and building Works, establishment of modern infrastructure in Garabagh, testify that the region will soon become a leader in terms of development. The population returning to their lands will actively participate in the establishment of a municipal system that meets the requirements of the modern era and the region. The reason is that, on the one hand, people returning to their lands have a better appreciation of its value, having acquired many new skills and habits in the urban environment during the 30-year refugee period, were influenced by the Fourth Industrial Revolution, and became more educated from a socio-political perspective. This trend will also manifest itself in the development of other regions.

Turkey can set the best example that can influence the development of the municipal institution in Azerbaijan. Most Azerbaijanis are directly or indirectly familiar with the large-scale activities of Turkish municipalities. This experience can stimulate the development of the municipal institution in Azerbaijan. Of course, successful experiences of other countries in this field should be studied and ways of adaptation to local conditions should be identified.

If development of municipalities is related to advancement of democratic consciousness in the country, then its integration into public awareness is also related to improvement of the socio-economic conditions of the population. As Azerbaijan, with its geopolitical and geo-economic significance, has become a major transit hub country for international logistics, it will receive significant economic benefits in the near future. These revenues will improve the socio-economic status of the country, and will facilitate the socio-cultural and socio-economic integration of population into the global community. These factors will encourage establishment and development of municipal institutions in Azerbaijan in a new capacity. The bottom-up evolution of society will create conditions for formation and development of civil society. All these processes are related to development of local municipal institutions. In this regard, it would be a more progressive step to gradually transfer the functions of local executive authorities to municipalities and in the long term, ensure transition from dualistic to municipal governance. Experience of Turkey could set a good example for us in this transitional phase.

Representative bodies of local self-government play a key role in coordinating and managing community life at the local level. However, like any organization, they face certain issues related to their formation, functioning, and accountability. The problems of representative bodies of local self-government can vary, depending on the specific region or municipality.

The following ways to address issues related to formation of local self-government representative bodies can be considered:

- Improvement of the laws: analyzing applicable regulatory documents, identifying gaps and inconsistencies, and then making the required amendments to optimize the process of formation of representative bodies;

- Increasing openness and transparency: strengthening the mechanisms of public oversight of the process of formation of representative bodies, providing information about candidates, elections, and mechanisms for citizen participation in this process;

- Development of educational programs: educating the population about the importance of participating in elections, knowing their rights and duties, as well as the importance of training qualified and skilled personnel for representative bodies;

- Stimulation of civic engagement: creation of conditions for active citizen participation in the formation of local government bodies, encouragement of active citizens and initiative groups, and facilitating development of public organizations [2, pp. 44-45].

These joint actions can facilitate improvement of the process of formation of local self-government representative bodies, increase the efficiency and accountability of authorities to population.

V. Poor and Indifferent Representation

The laws of the Republic of Azerbaijan provide equal opportunities for various groups of citizens to participate in elections or hold positions in representative bodies. However, in some cases municipalities do not reflect the diversity and multiple interests of the local population due to a limited candidate pool. Underrepresentation in local self-government bodies causes problems for legitimacy and efficiency of these bodies. Weakness of effective feedback mechanisms is a significant issue for representative bodies of local self-government. This leads to a gap between municipalities and the population, a weakening of trust in local self-government bodies, and insufficient consideration of public opinion in decision-making process.

Municipalities insufficiently representing the diversity of social, economic, political, and cultural groups in society lead to making decisions that do not address the needs of the wider population. When some regions have stronger representation than others, this results in uneven distribution of resources and a lack of attention to the needs of local population. If citizens are underrepresented in representative bodies or do not feel that their interests are adequately represented, it creates distrust in local governance.

The issue of limited opportunities for citizens to participate in local self-government is a serious problem for effective functioning of self-government system. Some citizens encounter bureaucratic obstacles and procedural complexity when participating in local governance. This makes the participation process inconvenient and inefficient. To overcome these issues, special attention should be paid to provision of information and educating citizens on opportunities for participation in local self-government, to ensure equal access to information and resources for all groups of population, and to enhance efforts in this direction. [1, p. 534].

The first issue requiring attention is related to insufficiently effective relationship between municipalities and residents. Municipalities, as a part of civil society, do not maintain close contact with residents and do not actively engage with them. Executive bodies, entrepreneurs, and non-governmental organizations do not treat municipalities as representatives of the interests of ordinary citizens and voters. Regulation of relations between entrepreneurs and municipalities should also be provided by law.

The second issue is related to the residents' lack of active interest in the activities of municipal bodies in their area of residence, and their non-participation in municipal events and projects. The lack of active citizen participation and feedback means that municipalities do not feel sufficiently accountable to residents. Even after municipal elections, citizens do not take a serious interest in the activities of their elected representatives.

Although there are numerous objective reasons for weakness or indifference in the activities of municipal bodies, there are also subjective reasons. The state administration is interested in the development of municipal bodies. This is affirmed by made decisions and adopted laws. Moreover, in recent years, many executive authorities have been arrested in the country for embezzling large

amounts of state funds and committing corruption. The new officials appointed in their place face difficulties in getting in contacting people and understanding their problems. This situation leads to dissatisfaction of the local population to be addressed indirectly to the country leadership. That is, the current situation necessitates that the country leadership bears responsibility for not addressing the problems of each village. The way out of this situation is to delegate decision-making and responsibility for local problems to municipalities. If municipalities are independent, strong and honest, and if they honestly address all the population's issues, the state leadership will be relieved of this burden, and the population will not complain about socio-economic problems of the country. It would be more expedient to transfer these functions from local executive authorities to municipalities under state control.

Addressing the issue of underrepresentation requires conducting campaigns to increase the participation and opportunities of various groups in elections, as well as development of mechanisms to ensure greater representation in municipalities. The solution to this issue is related to the existence of more open, accessible, and comprehensive mechanisms for participation in representative bodies of local self-government.

Lack of information and education among voters about electoral processes reduces their ability to make informed voting decisions. The lack of accessible and understandable information about the work of representative bodies, decisions made and their outcomes, reduces the interest of citizens to participate in public affairs. This is a serious problem for representative bodies of local self-government as this leads to insufficient citizen awareness of activities of state bodies, their functions, decisions made, and the importance of their participation in civic activities [6, p. 44].

An important aspect of citizen participation in local governance is feedback between self-governing bodies and the population. However, if feedback mechanisms are ineffective or inaccessible, citizens may feel that their opinions are not considered. Citizens face a lack of effective channels to express their opinions and provide feedback to local governments. Some local self-government bodies ignore citizens' suggestions, comments, and complaints. Sometimes applicable feedback mechanisms are ineffective or inaccessible to citizens. When municipalities fail to provide sufficient transparency in their work and decisions, citizens find it difficult to understand the processes and motivations behind decision-making. When they do not use the feedback received from citizens to regulate their work and improve services, it leads to further impairment in the quality of governance and dissatisfaction of the population.

Addressing this issue requires development and implementation of effective feedback mechanisms between local self-government bodies and citizens, as well as ensuring transparency and openness in the functioning of authorities. In addition, it is important to consider and use the feedback received to improve the quality of decisions made and services provided.

VI. Lack of Focus on Strategic Planning

Insufficient focus strategic planning becomes a serious problem for integration of local self-government bodies. If there is lack of strategic planning, municipalities often find themselves in a state of uncertainty, responding to emerging issues or events rather than planning ahead. This leads to inefficient use of resources. Instead of developing long-term development strategies, municipalities focus on addressing immediate issues and short-term outcomes. This results in insufficient consideration of future problems and needs [5, p. 165].

The lack of common strategic goals and development plans creates conditions for inconsistency in the activities of various local self-government bodies. This makes integration and cooperation between them difficult and increases the likelihood of conflicts of interest. Without clear strategic directions, municipalities allocate resources on projects and programs that are not aligned with overall development goals.

In order to address these issues, more attention should be paid to development and implementation of strategic development plans that will combine the interests and efforts of various local self-government

bodies. This includes conducting an analysis of current situation, defining long-term goals and priorities, monitoring the implementation of strategies, and developing evaluation mechanisms.

VII. Corruption and Interference

When the process of formation of local self-government representative bodies is exposed to corruption or interference, it undermines their activities and legitimacy. Municipalities gradually lose their significance as an institution when they are bribed in exchange for decisions that may favor certain interests or individuals rather than the local community, or when they are subjected to political interference from external forces such as political parties, corrupt officials, or entrepreneurs. Because corruption prevents honest and hardworking candidates from participating in elections or holding positions in local self-government bodies. The lack of transparency and accountability mechanisms in self-governance creates conditions for covert corruption and abuse of power. This undermines people's trust in representative bodies, causing their dissatisfaction, indifference, and even protests [8, p. 65].

Addressing this issue requires strengthening anti-corruption activities and control mechanisms, introduction of transparency and openness in the work of representative bodies, including promotion of independence and efficiency of the judicial system and law enforcement agencies. It also requires monitoring the activities of municipalities, strengthening the role of civil society and media in exposing cases of corruption and interference [7, p. 13].

Our following proposals can create conditions for achieving certain progress in addressing issues in existing directions:

- simplified rules of procedure related to candidate registration;
- expanding outreach efforts on the process of participation in elections or other forms of citizen participation;
- increasing awareness about political processes and procedures for participation in local governance;
- involvement of veterans who participated in the II Garabagh War to participate in local governance;
- providing access to platforms and mechanisms that allow citizens to share their ideas and initiatives;
- expanding education process related to local self-government, as the lack of education and skills in civic administration leads citizens unawareness of their rights and responsibilities, as well as their ability to influence local decision-making processes;
- the lack of information about the activities of local self-government representative bodies, their decisions and programs, restricts the ability of citizens to make informed decisions during voting, and therefore, the creation of information resources that extensively cover their activities on the Internet;
- improving communications between municipalities and the public;
- organization of education and training programs and trainings on civil administration and local administration;
- ensuring that residents can efficiently express their opinions, suggestions, and complaints regarding the activities of representative bodies;
- strengthening controls for intensification of joint actions of voters and elected officials to eliminate cases that lead to deterioration of the legitimacy of local self-government bodies in the opinion of the population, as well as to increased distrust in their activities;
- establishing and maintaining various feedback mechanisms such as public hearings, surveys, public consultations between municipalities and the population, as well as ensuring the use of modern communication tools, including the Internet and social networks.

VIII. Conclusion

The study has identified a number of issues related to formation of local self-government representative bodies. The lack of awareness among the population about the election processes and the activities of state bodies is a crucial aspect. The lack of transparency and disclosure mechanisms threatens the democratic principles of local self-government bodies. There is significant concern over the low participation of young people and women in electoral processes. It is important to take actions

to increase citizens' awareness of the activities of local self-government bodies. At the local level, strategies should be developed to involve young people and women in political life. Addressing these issues contributes to strengthening the effectiveness of democracy and representative bodies of local self-government.

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BƏLƏDİYYƏLƏRİN İNKİŞAFI PROSESİNDƏ HÜQUQİ VƏ İNSTİTUSİONAL PROBLEMLƏR

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Annotasiya

Bu tədqiqatın məqsədi, bələdiyyə inkişafının əsas problemlərini təhlil etmək və onların həlli yollarını tapmaqdır. Biz bələdiyyələrin inkişafına təsir edən müxtəlif aspektləri, o cümlədən, maliyyə idarəçiliyi, infrastrukturun səviyyəsi, idarəetmə sistemi və vətəndaşların iştirakını nəzərdən keçiririk. Tədqiqat zamanı bələdiyyələrin üzlaşdığı mövcud problem və çətinlikləri təhlil edilir və onların inkişafına təsir edən əsas amillər müəyyən edilir. Biz həmçinin, vəziyyəti yaxşılaşdırmaq üçün tövsiyələr, o cümlədən idarəetmənin səmərəliliyinin artırılması, maliyyə dayanıqlığının yaxşılaşdırılması və qərarların qəbulu proseslərində vətəndaşların iştirakının artırılması üzrə tədbirlər

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təklif edirik. Aparılan analizlər nəticəsində bələdiyyələrin institusional zəiflikləri, hüquqi çərçivədəki boşluqlar və kadr potensialının yetərsizliyi kimi sistemli problemlərə də diqqət yetirilmişdir. Eyni zamanda, beynəlxalq təcrübələrə istinad edilərək müsbət nümunələrin yerli şəraitə uyğun tətbiq imkanları araşdırılmışdır. Biz həmçinin, vəziyyəti yaxşılaşdırmaq üçün tövsiyələr, o cümlədən idarəetmənin səmərəliliyinin artırılması, maliyyə dayanıqlığının yaxşılaşdırılması və qərarların qəbulu proseslərində vətəndaşların iştirakının artırılması üzrə tədbirlər təklif edirik. Təklif olunan həll yolları, bələdiyyələrin şəffaflığını və hesabatlılığını artırmaqla yanaşı, onların sosial-iqtisadi funksiyalarını daha səmərəli yerinə yetirmələrinə də şərait yarada bilər.

Açar sözlər: yerli özünüidarə, beynəlxalq müqavilələr, hüquqi dövlət, hüquqi təhlükəsizlik, bələdiyyələrin hüquqları, şəffaflıq, maliyyə müstəqilliyi, vətəndaşlar.

ПРАВОВЫЕ И ИНСТИТУЦИОНАЛЬНЫЕ ПРОБЛЕМЫ В ПРОЦЕССЕ РАЗВИТИЯ МУНИЦИПАЛЬНЫХ ОБРАЗОВАНИЙ

НАИЛЯ КАХРАМАНОВА¹

Резюме

Целью данного исследования является анализ основных проблем развития муниципалитетов и поиск путей их решения. Мы будем рассматривать различные аспекты, влияющие на развитие муниципалитетов, включая финансовое управление, уровень инфраструктуры, систему управления и участие граждан. В ходе исследования мы проанализируем существующие проблемы и вызовы, с которыми сталкиваются муниципалитеты, и выявим основные факторы, влияющие на их развитие. Мы также предложим рекомендации по улучшению ситуации, включая меры по повышению эффективности управления, улучшению финансовой устойчивости и увеличению участия граждан в процессах принятия решений. В результате анализа было также уделено внимание системным проблемам, таким как институциональная слабость муниципалитетов, пробелы в правовой базе и нехватка кадровых ресурсов. Одновременно с этим были изучены возможности применения положительного опыта в местных условиях с учетом международного опыта. Мы также предлагаем рекомендации по улучшению ситуации, включая меры по повышению эффективности управления, улучшению финансовой устойчивости и расширению участия граждан в процессах принятия решений. Предлагаемые решения, помимо повышения прозрачности и подотчетности муниципалитетов, также могут создать условия для более эффективного выполнения ими своих социально-экономических функций.

Ключевые слова: местное самоуправление, международные договоры, правовое государство, правовая безопасность, права муниципалитетов, прозрачность, финансовая независимость, граждане.

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