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STAGES OF REFORMING THE INSTITUTION OF LOCAL SELF-GOVERNMENT ON THE EXAMPLE OF THE REPUBLIC OF POLAND

The article examines the evolution of the institution of governance and local self-government in the Republic of Poland. On the example of experience, an analysis of effective mechanisms for implementing reforms in local self-government of the Republic of Poland, and highlights the positive aspects of such reforms. In this regard, the study of the institution of self-government in those countries where the basic conditions of state-building are closest to the Ukrainian ones are of special interest for domestic political science. It is the Republic of Poland, where a multi-stage administrative and political reform has been carried out, which contributes to the "new birth" and further reform of the institution of local self-government.

Formulation of the problem. The idea of self-government in Poland is not to manage local affairs in general and to represent the interests of the state, but to represent the interests of a society that chooses its own government. At the same time, local governments operate under the supervision of state bodies that monitor the implementation of laws. Structurally, the system of local self-government in Poland is three-tiered, namely: voivodship, county, gmina. It is the study of foreign experience of close countries that have shown effective policies in local government reform, and analysis to use the most effective experience for use in modern Ukraine.

Key words: *local government; theories of local government; local government public theory, experience of Poland.*

The purpose of the article Study of the evolution of the institution of local self-government in the Republic of Poland, to use this experience in formulating

proposals for reforming the institution of local self-government in Ukraine.

Paper main body Poland has more than 300 years of experience in local self-government, but the most interesting study is the period of administrative reforms in the 1970s. and the period of improvement of local self-government after the adoption of the 1997 Constitution. Thus, according to the text of the Constitution, "territorial self-government performs public tasks not enshrined in law by other state bodies."

The Polish example of regional, interregional and spatial development is still a model in the Central European region, both in terms of maximum consideration of European regional standards and effective public policy to form a viable financially self-sufficient system of interregional cooperation between regions (voivodships) and regions Of the European Union, as well as the countries of Eastern Europe.

Active policy on the formation of regional development in Poland began in 1995. In fact, since then the Republic of Poland has undergone administrative reform at the local level and began to develop the appropriate legal framework necessary to support regional development, and this process lasted until 2000. Especially important was 1999, when a new administrative-territorial reform took place - the division into statistical regions according to the nomenclature of the European Union. [1]

The modern system of local self-government bodies of the Republic of Poland was created during the administrative-territorial reform, the aim of which was to adapt the territorial structure of Poland to the common European standards on the eve of accession to the EU. In particular, the reform introduced a three-tier system of territorial units (gmina-powiat-voivodship) instead of a two-tier system (gmina-voivodship). Another task of the reform was to decentralize and transfer much of the power to local governments.

The reforms introduced in the Republic of Poland characterized the understanding of the progressive part of society and politics of the need to move closer to the level of developed countries and integration into Western structures,

violation of interests of individual socio-political forces, organizational complexity and time, significant funding, uncertainty. Despite the fact that a large part of the public considered these reforms untimely, the country managed to improve the administrative and territorial structure, amend the education system, partially reform the health care system and stabilize the pension system.

In recent decades, Poland has undergone a path of transformation of society and change of direction, which in itself is a heavy burden fell on the shoulders of ordinary Poles in the first place. But a radical change in the foreign policy vector affected the political, economic and social transformations and led to the results that the initiators hoped for.

Among the countries of the former post-socialist bloc, Poland has consistently created the necessary foundation for the European future through its reforms by adapting the basic principles, mechanisms and methods of regional policy to the norms of the European Union. [3]

The historical features of Polish self-government are due to the natural and geographical conditions and mental characteristics of the indigenous population, which led to the specifics of statehood, where the highest body of government was the Sejm. It consisted of the senate (king, senior officials and clergy) and the chamber, ambassadors (the nobility elected at the land meeting). The Sejm convened every two years and decided all state issues - from the election of the king to the adoption of laws. The principle of unanimity was obligatory in decision-making - the right of liberum veto, which was a parliamentary principle, allowing any member of the Seimas to stop discussing or voting on any issue that does not establish it or leave the work of the Seimas in principle. The peculiarity of Polish rule was that the kings of the Commonwealth swore in front of their subordinates. Local self-government of the Rzeczpospolita was built on the principles of Polish law, later supplemented by Magdeburg city law. The oldest form of organization of the peasantry was the land-territorial community. Administratively, it included several surrounding villages united by a common goal. The village where the council was located

was called the forehead, one of the features of which was the general responsibility of residents for everything that happens within the community. For example, all residents of the community were responsible for a crime committed on their territory. However, such a community as a form of public organization in the twelfth century. is already beginning to decompose.

Thus, the authentic Polish community was an entity with independent governing bodies that ensured the livelihood of the population within the available resources.

Then comes the Magdeburg City Law, which provided for an electoral system of city administration and court. Magdeburg law also extended to rural areas. Thus, rural self-government bodies under Magdeburg law were divided into two types: voivodeship with jurisdiction and voivodeship without jurisdiction. A jurisdiction with jurisdiction was formed in the villages belonging to the royal court. The status of the headman in this case was equated to the legal status of the *soltis*. Most documents used the name "viit" instead of "soltis". From the XVI century. the name *viet* extends to all heads of villages where the Magdeburg law operated, regardless of its status. From this it becomes clear that the Polish tradition of governance under the influence of Magdeburg city law is undergoing increasing substantial changes. [2]

In the Kingdom of Warsaw and the Kingdom of Poland, the work of the Senate was directed by a chairman who was appointed for life to this position personally by a monarch from among secular senators. In revived Poland, according to the March Constitution of 1921, the Senate was headed by a Senate Marshal and Vice-Marshals, elected by senators from among members of the Senate Corps for the duration of the Senate. This principle was preserved in the April Constitution of 1935 and in the revived Senate in 1989. It should be noted that during the "competition of constitutions" in interwar Poland, the Polish Peasants' Party "Vyzvolene" put forward its draft constitution called "Fundamentals of the Polish Order". developed by Włodzimierz Wakar. In this project, Poland was conceived as a decentralized state, the main territorial unit

of which should be a self-governing community (commune)

The possibility of managerial democratization arose only in the late 80's - early 90's. XX century The collapse of the communist system, the legalization of opposition forces, the implementation of a market economy program and social reforms have shown the urgency of a radical change in the system of public administration. This contributed to the beginning of a new period in the history of Polish statehood. [4]

Analyzing the transformation of the governing bodies of the Republic of Poland, it is necessary to determine the starting point of change - a policy of perestroika (1985-1991), and after the collapse of the USSR in 1991 Poland became one of the most active foreign policy players in the former Soviet republics, especially Belarus and Ukraine. and Lithuania. This situation also required a process of understanding and standardizing the system of governance within the Polish state itself, as Poland's main foreign policy doctrine was the Giedroyc-Meroszewski Doctrine, which declared the need to recognize the country's eastern border and fully recognize the state republics and, consequently, the refusal to accept these territories in the format of the "eastern frontiers" of the Polish state.

The transformation of Polish statehood from the institutional forms of the Polish People's Republic (Poland) to the developed structured democracy of the Republic of Poland, of course, could not be a one-time act. The hypertrophied role of the ruling party, which effectively replaced an effective democratic system of government, total control over any unauthorized manifestations of social activity, lack of stable ideological and moral orientation, except for the vague atheistic doctrine of communism, alien to Central and Eastern European societies. European values of freedom, nationalism, religiosity, all these factors created a sharp contradiction, which was brewing in the depths of the social environment and must be resolved sooner or later.

The process of dismantling the outdated, unpopular and inefficient system in Poland actually began with the adoption by the Sejm in December 1989 of a

package of 10 laws, later called the Balcerowicz Plan. In addition to the economic part of the adopted plan, the main directions for the complete transformation of political institutions of the state were as follows: completion of the transition from authorial to democratic, from a political system from one dominant party organization system and reproduction of political and state elites exit from the full power monopoly of the representatives of one political party and its full growth with the state administrative apparatus to the system of developed and competitive territorial self-government. All this became possible due to the highly structured Polish society. [1]

According to the "Position on Political Reforms" adopted during the Round Table, the political system of the Polish state should be based on the following principles: political pluralism, freedom of speech, democratic order of state formation, independence of courts, strong territorial self-government.

The first reform was carried out in April 1989. It should be noted that the basis of a fundamentally new model of government was the political principles developed during the "Magdalen talks" and the next Round Table, held in April 1989 between party representatives -bureaucratic nomenclature of the then communist Poland and representatives of the opposition, who were mostly represented by members of the trade union "Solidarity" and their sympathizers. Thus, in particular, there was a return to the bicameral parliament, which was in the Sejm and the Senate, which existed during the Second Commonwealth (Polish state, existed in the period 1918-1939). The Institute of the State Council (actually collegial heads of state) was also abolished, replaced by the "classic" institution of a single President of Poland, first elected by the National Assembly, ie by a joint session of the Sejm and the Senate. To date, the above provisions are enshrined in Chapters 3 and 5 of the Polish Constitution.

It was a matter of delegating more authority to the field. Subsequent events determined the dismantling of the entire system. A "road map" on local self-government was soon adopted, which determined the steps for the distribution of finances, the transfer of land, state property to the ownership of

self-government, and so on. But in order for the reform to work, more than 90 laws were changed in its first year alone. [5]

The development of local self-government in modern democratic conditions was marked by the reproduction of its main element. Thus, the law of March 8, 1990 "On Commune Self-Government" created the main unit of local self-government - the gmina, where in order to meet the most important needs of the individual, the appropriate infrastructure was established. Polish gminas differ significantly in population: small ones have no more than 2,500 inhabitants, and large ones 1,800,000. The concept of a dualistic model of governance has resumed in the state. One of its "pillars" was territorial self-government, which functioned only in the gminas. And at the highest levels worked district leaders and voivodes who represented the government. Thus, it meant the revival of a full-fledged, self-sufficient territorial community, which in its temporal dimension corresponded to the status and essential content of opoli.

The reform introduced elected local governments only at the municipal level (gminas), while the highest levels of territorial organization remained under the leadership of the state local administration. Restoring self-government in the commune undoubtedly returned to the traditions of the Second Polish-Lithuanian Commonwealth, which was not typical for post-communist countries, and at the same time abolished Soviet-style institutions - people's councils. [2]

In the course of the implementation of the Law, fictitious representative bodies on the ground - people's councils - were abolished. In their place appeared the commune as the most important unit of the territorial structure of the state with an independent budget (from local taxes, as well as subventions and subsidies from the state budget to perform tasks entrusted to the commune), legal entity, communal property (previously in state hands) and clearly certain competencies. That is. with tools for the implementation of tasks abandoned by the central government.

The gmina (urban and rural) was to be governed by a council elected in general democratic elections. Citizens could unite in societies, parties, regional factions to nominate their candidates. Among the new municipal deputies elected voita (village), mayor (small town) or mayor (city with a population of over 50 thousand inhabitants). Citizens were given the right to recall deputies and voits / mayors / mayors before the expiration of their term by referendum if they were exposed to misappropriation of public property, neglected the law or exceeded their powers. All laws of the commune council became binding on its territory in accordance with local law, and the central government could exercise control only in terms of compliance of adopted laws with state law.

The law separated the commune administration (officials and specialists) from the political sphere. Municipal deputies are legislative units: the mayors / mayors are the executive bodies of the policy determined by the council. The democratic procedure of forming local authorities, taking into account the involvement of opposing interests of different social and professional groups should be the foundation of civic work on the common economy.

The constitutional reform of local self-government took place in 1997. The norms concerning local self-government were contained in two sections of the Constitution. The first chapter of the Polish-Lithuanian Commonwealth outlined the basic principles of Poland's political system. Among them is self-government, the concept of which is defined by the Constitution (Article 16) as follows: "self-governing community that participates in the exercise of public power. He performs an essential part of the public tasks of self-government due to him within the laws on his own behalf and under his own responsibility. " The essence of the Polish concept of self-governing independence lies in the wording "acting on one's own behalf and under one's own responsibility". The Constitution of the Republic of Poland declares the basic principles of the functioning of the system of local self-government of the country. [4]

The first is the principle of subsidiarity. Powers are transferred to the gminas, and the delegation of tasks to a higher level is carried out when its

productivity exceeds the capabilities of the lower level. This allows you to exercise your powers effectively.

The second principle concerns the independent activity of local self-government and its right to defense in court. The implementation of this principle also involves the transfer of financial powers to the local level. At the same time, a certain number of financial sources is very important. This made it possible to control the expenditures of local budgets and forecast next year's revenues.

It should be emphasized that the Constitution of the Republic of Poland of 1997 contains neither a definition of territorial self-government nor a more general definition of self-government, but provides many components for formulating such definitions. That is, it recognizes self-government, especially territorial self-government as a component of public authority. This statement follows primarily from Part 2 of Art. 16 and 163 of the Constitution, which testify: "Territorial self-government participates in the exercise of public power. The essential part of public tasks of self-government determined by the Law is performed on behalf of and under its responsibility ... Territorial self-government performs public tasks that are not referred by the Constitution or laws to the competence of other authorities".

In Art. 15 Part 1 of the Constitution of the Republic of Poland states that "the territorial organization of the Commonwealth of Poland ensures the decentralization of public power." This order, in terms of the construction of self-government, must be adopted in those articles. 16 Part 1 (the set of inhabitants of the units of the main territorial division is a self-governing community), from which it follows that the main (basic) territorial division of the state is carried out for the purpose of territorial self-government. [3]

1998 was the reporting point for a number of systemic political, administrative and economic reforms in the Republic of Poland. The purpose of these reforms was to create a fundamentally new model of public administration "on the ground", which will effectively ensure real rather than formal

participation of civil society in the exercise of power, as well as broad discussion and monitoring of all decisions that directly affect all aspects of life. society. One of the most important principles on the basis of which the reform process was carried out was the principle of exercising unconditional democratic control over local authorities at all levels. In addition, it has been fundamentally redesigned and difficult to organize, and as a result, other major effects of the large-scale reform process that have had a major impact on the state as a whole are decentralizing local funding and changing the principle of financial relations between central government and regions. bringing the organizational design of the local self-government system in full compliance with the principles of the European Charter of Local Self-Government. European Union standards.

From the above it follows that today, according to the Constitution of Poland, territorial self-government performs public tasks not enshrined in the Constitution or laws on other state bodies. In addition, the country's Constitution approves the responsibilities of local governments for all tasks that are not directly assigned by law to higher-level authorities (such as the Government, the President, the Seimas and the Senate of the Republic).

In this case, the local government's own tasks are defined as public, which serve to meet the needs of the self-governing community, the implementation of which is provided by the share of public revenues. The term "public revenues" is used directly in the text of the Polish Constitution to denote any type of revenue that goes to local or state budgets. This form of implementation of local self-government is more effective for use in Ukraine. In accordance with the norms of the Constitution, local self-government bodies on the basis of and within the powers contained in the Law, establish acts of local law, binding on the territory of these bodies.

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