

Eldos Zhumagulov¹, Nikolai Evdokimov²

*¹Doctoral student of LN Gumilyov Eurasian
National University, (Nur-Sultan, Kazakhstan),
e-mail: aikelbet@mail.ru*

*²Head of the Scientific Information Center under the President
of the Republic of Bashkortostan, Candidate of Political Sciences,
Associate Professor (Ufa, Russia)
bagsu_opi@mail.ru*

MODELS OF LOCAL SELF-GOVERNMENT ORGANIZATION: INTERNATIONAL EXPERIENCE

Abstract. The research work is devoted to the theoretical analysis of the political and legal models of the organization of local self-government and its purpose is to identify the features, determine which model of local self-government in modern Kazakhstan corresponds to. In addition, the analysis of the existing models of local self-government: Anglo-Saxon, continental and mixed. Along with the analysis of the concepts of local self-government, examples of states using different management models are considered. On the basis of theoretical research, the main characteristics of each sample, their advantages and disadvantages, as well as some features of their application in modern conditions are revealed.

Keywords: *management, local self-government, models of local self-government, local public administration, local community.*

ЖЕРГІЛІКТІ ӨЗІН-ӨЗІ БАСҚАРУДЫ ҰЙЫМДАСТЫРУ ҮЛГІЛЕРІ: ХАЛЫҚАРАЛЫҚ ТӘЖІРИБЕ

Елдос Жұмағұлов, Николай Евдокимов

Аңдатпа. Зерттеу жұмысы жергілікті өзін-өзі басқаруды ұйымдастырудың саяси-құқықтық үлгілерін теориялық талдауға арналған және оның мақсаты қазіргі Қазақстандағы жергілікті өзін-өзі басқару үлгісінің қай үлгіге сәйкес келетінін анықтау, ерекшеліктерін анықтау болып табылады. Сонымен қатар, жергілікті өзін-өзі басқарудың қолданыстағы англосаксондық, құрлықтық және аралас үлгілеріне талдау жүргізілді. Жергілікті өзін-өзі басқару тұжырымдамаларын талдаумен қатар басқарудың әртүрлі үлгілерін қолданатын мемлекеттердің мысалдары да қарастырылады. Теориялық

зерттеудің негізінде әр үлгінің негізгі сипаттамалары, олардың артықшылықтары мен кемшіліктері, сондай-ақ оларды қазіргі жағдайда қолданудың кейбір ерекшеліктері анықталады.

Түйін сөздер: *басқару, жергілікті өзін-өзі басқару, жергілікті өзін-өзі басқару үлгілері, жергілікті мемлекеттік басқару, жергілікті қоғамдастық.*

МОДЕЛИ ОРГАНИЗАЦИИ МЕСТНОГО САМОУПРАВЛЕНИЯ: МЕЖДУНАРОДНЫЙ ОПЫТ

Елдос Жумагулов, Николай Евдокимов

Аннотация. Исследовательская работа посвящена теоретическому анализу политико-правовых моделей организации местного самоуправления и ее целью является выявление особенностей, определение того, какой модели местного самоуправления в современном Казахстане соответствует. Кроме того, проведен анализ существующих моделей местного самоуправления: англосаксонского, континентального и смешанного. Наряду с анализом концепций местного самоуправления рассматриваются примеры государств, использующих различные модели управления. На основе теоретического исследования выявлены основные характеристики каждого образца, их достоинства и недостатки, а также некоторые особенности их применения в современных условиях.

Ключевые слова: *управление, местное самоуправление, модели местного самоуправления, местное государственное управление, местное сообщество.*

Introduction

In world practice, there are currently various models of local self-government. The search for an optimal model of local self-government is an important task of any state seeking social and economic development, increasing the participation of citizens in the management process, as well as a high level of trust in power. This, in turn, will ensure the most harmonious and sustainable development of society.

Therefore, from a scientific point of view, it is important to analyze local government models, determine the causes of certain changes, as well as the expert component of applying the established approaches in management. This work provides for the main models of local self-government: Anglo-Saxon, continental and mixed. The importance of such theoretical analysis depends on the importance of understanding the

specifics of each model, as well as the peculiarities of their application in various countries, including Kazakhstan, in modern conditions.

Research methodology

When considering local self-government samples in the article, the method of comparative and analytical analysis was used, which made it possible to determine the features of the models. In addition, a systemic approach was applied in the study of samples. In addition, the study selected the method of description needed to study local government samples in different countries.

Research results

Several models of the organization of local self-government have developed. But first we need to understand what the «local government model» is. The «local government model» is a system of vertical and horizontal relations between local government entities. There is a need for more detailed analysis of models in order to understand how the institute of local self-government works.

You can specify the following types: Anglo-Saxon, continental and mixed (Figure 1). These models differ in the formation of local self-government, the issues considered, the nature and peculiarities of the relationship of local self-government bodies with state bodies, etc.

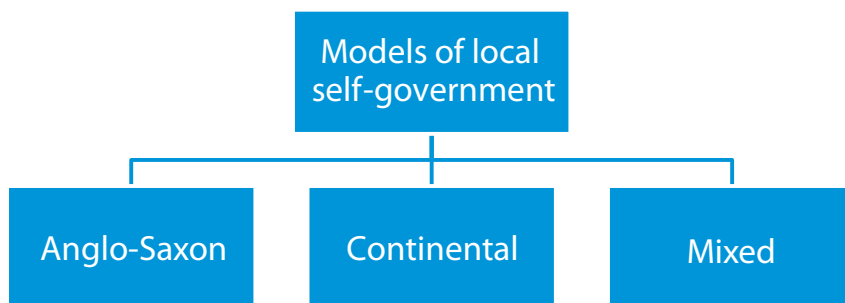


Figure-1 - Models of local self-government

The first local government system that appeared is the Anglo-Saxon model. The Anglo-Saxon model appeared in the homeland of the classic municipality - Great Britain. Since the 11th century, self-governing communities have been granted wide autonomy in the internal political management of local affairs and the publication of local law. Local

authorities had many areas and management powers [1]. Currently, this sample is used in the USA, Canada, Australia, New Zealand, India and other countries.

The Anglo-Saxon model is characterized by wide autonomy of local authorities, as well as the lack of explicit subordination to higher authorities. You can note the following main features of this model:

- high degree of decentralization of local self-government (wide competence of local self-government bodies in solving local issues);
- multilevel model of local self-government with preservation of wide autonomy of different levels of municipal power (presence of two sometimes three levels of local self-government);
- election of local self-government bodies and officials;
- the main subject of local self-government is the collegial and representative body (Council), it is elected by the population and has normative legal law, mandatory for legislative execution within the framework of its competencies;
- the absence of local powers appointed by the central authorities, which monitor the legality of decisions taken by the local self-government authorities and may suspend their operation;
- monitoring of the activities of local self-government bodies by the central authorities is carried out indirectly - through sectoral ministries and courts, as well as using financial mechanisms;
- local self-government bodies are not considered as part of the state.

The Anglo-Saxon model has two main types: English and American.

English System of Local Self-Government. In the administrative-territorial structures of Great Britain, elected local self-governments - *Councils* are formed. There are no direct government bodies at the local level, so the Councils are in some sense such bodies, since they are entrusted with powers by Parliament. However, special services may be provided to a special body not affiliated with local governments. Councils are elected for 4 years or updated every 2 years in half or every year one third is updated. The council is chaired by the mayor or lord mayor (if the population does not exceed 75 thousand) and is elected from among the council. The mayor does not have executive powers. He carries out only representative activities [2].

In general, the following organizational structures for the formation of the local self-government system are used in the UK (Figure 2):

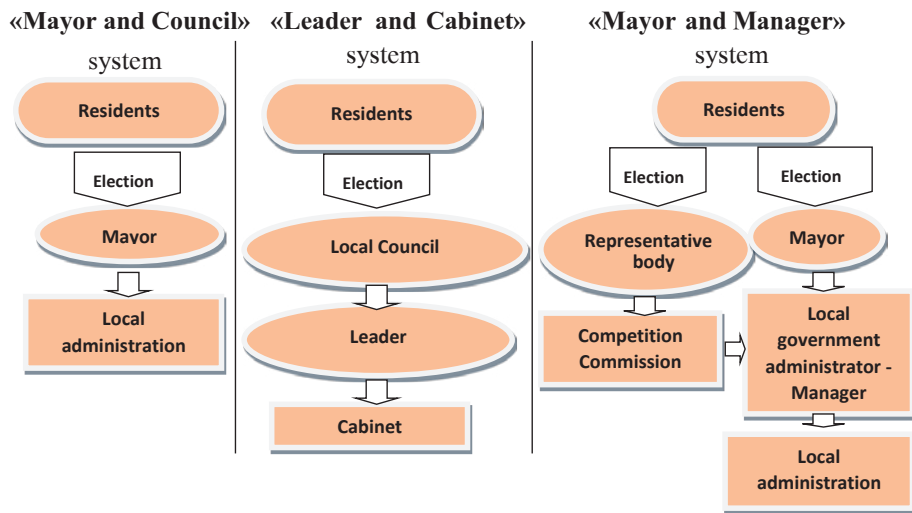


Figure-2 - «UK Local Government System Samples»

- «*Mayor and Council*» system. Local residents elect a mayor. He oversees the executive branch and appoints from two to nine assistants (cabinets).

- «*Leader and Cabinet*» system. Local residents elect a council and elect from among the members of the council the head of the executive branch. The «cabinet» is formed by the head or council.

- «*Mayor and council-appointed manager*» system. The mayor, elected by the local population, shares his powers with the governor, elected by the residents. The «Cabinet» is formed by a supervisor or council.

The following issues fall within the competence of local self-government authorities of Great Britain: local health care, educational affairs, landscaping, public utilities, public order protection, household services, local transport service, fire safety, etc. The rest is supplemented by a centralized subsidy. The government will determine the amount of expenditure of the council for the coming year. In the UK, there is no special body that controls decisions made by local authorities, but you can also go to court in the event of unlawful decisions [2, p. 91]

In general, local self-governments in the UK have sufficient political independence. However, there are the following forms of central government influence on local authorities:

1. regulating the activities of these bodies directly through the adoption of laws and legislative acts;

2. control over the work of municipal bodies;
3. influence by allocating certain subsidies [3].

American System of Local Self-Government. The local self-government system in the United States is distinguished by a high level of freedom from the central one. Each state, municipality, territorial unit is a structure independent of the central government with a high degree of automation.

One of the most common models of governance in US municipalities is the «mayor-council» system, which is actually implemented in the following forms:

- «*weak*» mayor – «*influential*» council;
- «*influential*» mayor – «*weak*» council.

The «weakness» of the mayor is expressed in his veto on council decisions, as well as limited competence in resolving administrative and other organizational issues.

The form of government in which the mayor has significant «influence» is characterized by his full control over the executive apparatus. the appointment and dismissal of heads of all services within the competence of the Mayor; formation, approval and execution of the budget, veto on council decisions, etc. [4].

Continental model. This sample is distributed in France, Italy, Sweden, Denmark, Belgium and some countries of French-speaking Africa and Latin America. This model is based on a combination of «direct local government» and local self-government. The features of the model are as follows:

- harmonization of state power and local self-government within a certain administrative-territorial unit;
- There is strict administrative control of the central authorities over local self-government bodies;
- a high level of centralization of local self-government;
- multilevel local government model;
- Lack of clearly defined competence of each level of authority (a certain issue is considered by both the elected local authority and other representatives of the state authority);
- municipal activities are considered as a part of the public service;
- There is a special commissioner of the central authority (national commissioner), who monitors local self-government bodies using the following administrative methods: «approval,» «suspension for a certain period of time,» «destruction of the source of the decision,» «withdrawal,» «dissolution,» etc.;

■ Local self-governments may be established on an elected or appointed basis.

Local Self-Government System in France. The place of formation of the continental model is France. Therefore, this model is also called French. This is characterized by direct state administration in all administrative-territorial units. The country has a bureaucratic subordination of the center and the province. Central authorities have various instruments to influence local government.

«In France, there are 4 levels of government: center, region, department and commune. The basis of local self-government in France are *communes*. Each commune has its own *council*, which elects a mayor from its ranks. The mayor is the head of the executive branch and, at the proposal of the mayor, the council elects his deputies. The structure of the municipal administration mainly corresponds to the main competencies of the commune. The mayor and his deputies form the executive body of the commune. The council and the mayor are elected for six years. The mayor is not only the head of the communal executive bilging, but also the representative of the central government. He exercises his powers under the control of the municipal council and the representative of the state - the *prefect* of the department. The prefect controls the legality of decisions made by communes. The prefect has the right to apply to the administrative court to determine the decision of the commune on compliance with the law» [5] (Figure 3).

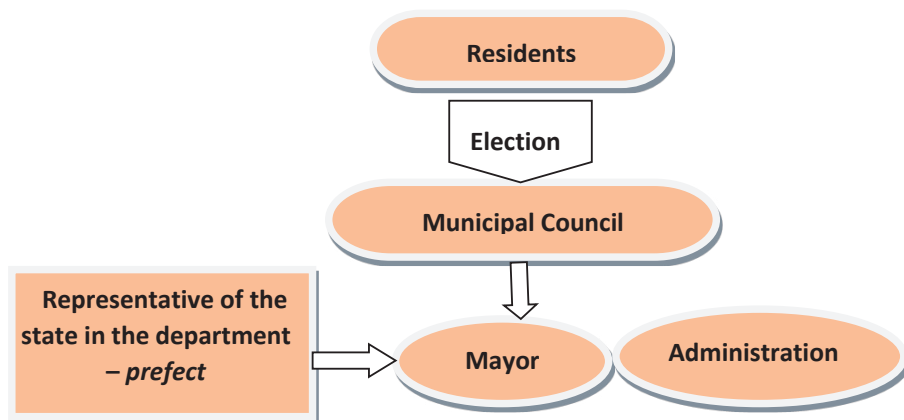


Figure-3 - Local government structure in France

Thus, in France, the prefect is the "guardian" of state power in the department. In order to ensure national interests, it is responsible for

monitoring compliance with the laws, regulations and decisions of the Government. Under the leadership of ministers, he leads the services of the department. The Minister of the Republic in the region has the same status. The Council decides the following issues: approval of the budget and financial statements of the mayor, creation and organization of municipal services, management of the property of the commune, regulation of public works in the commune, approval of a communal plan for land use, etc.

At the departmental level, a representative body is established, called the main council, whose president is the head of the executive branch. The competence of the departments includes: housing assistance, roads and transport, construction, college support, land management, environmental and cultural protection, social sphere and health care [5, p. 116].

Local Self-Government System in Italy. In Italy, a representative of the continental system is also sent to each administrative-territorial unit. In the provinces, such a representative is the prefect. He is appointed by the central government. Directs the activities of the state administration in the territory entrusted to it. In communes, he serves as a representative. At the same time, he is the chairman of the communal council (executive body). The syndic is elected by the communal council. Upon taking office, the representative of the State swore allegiance to the prefect of the province [6].

The continental pattern is characterized by a certain subordination of local lower levels above. In countries where the continental model is established, the principles of regulation of local self-government are established, according to which they are able to carry out activities that are not prohibited by law.

Thus, the continental example resembles a hierarchical pyramid that actively works through agents of central authorities on the ground.

Mixed model. Mixed model. In Germany, Austria, Hungary, Poland, Finland, Japan and several other countries, a mixed model of local self-government has developed. This sample has similar sides to both the Anglo-Saxon and continental samples. But you can also notice the features:

- local self-government is independent of public administration, but the state actively supports and encourages the self-organization of citizens on the ground.

- the basis of the status of local self-government is approved by the center, but detailed regulation of the competence of local communities is contained in regional legislation.

- associations are given the right to "conduct" all affairs of the local community within the framework of the law and under their responsibility.
- the practice of transferring certain state powers to local self-government bodies with appropriate financial, material and technical support is common.

Local Self-Government System in Germany. Germany consists of 16 federal districts (subjects of the federation), which are divided into districts (50), districts (630), and districts - into associations. Local self-government is carried out at the level of districts, regions and communities. The community is the main territorial unit for the exercise of local self-government. At the district and district level, local government is combined with local government.

Community organization is decided in different forms. There are four types of community organization in Germany:

1. *North German model.* This kind of local government system is similar to the English model. The representative body - the council - elects the burgomasters who direct its work. The Council appoints a professional manager to the position of director of community or city administration for a period of 6 to 12 years. Its powers are to resolve issues of administration, land management. In large cities, the council can appoint an assistant director and assign certain industries to him. The Board may challenge or terminate the Director's decisions. The burgomaster can challenge the decisions of the council and the director. The community director can also challenge illegal decisions of the council.

2. *Magistrates' sample.* By general votes of residents, a council is formed. The Council shall elect a Chairman from among its members. The Council appoints from 6 to 12 years a collective executive body - a magistrate - from among professional managers by vote. The magistrate consists of the burgomaster (chairman) and his deputies. The burgomaster does not have a large seat, presides over meetings of the magistrate, represents the magistrate on the council, has a decisive vote in the magistrate (with equal votes). He is not the head of the magistrate. The members of the magistrate are elected by the council.

3. *Burgomaster sample.* This model is very similar to the institutional structure of French communes. The Council elects a burgomaster (chief burgomaster) from its composition. He is the chairman of the council and the head of the executive community. The Council elects the board from among professional managers and from its composition. It also includes a burgomaster. The burgomaster and the council may express dissatisfaction with each other's decisions.

4. *South German sample.* This sample is similar to a burgomaster sample. The authority of the representative, together with the council, is the burgomaster (chief burgomaster), elected by the population as the main body of the community. The Burgomaster, as the head of the executive branch, deals with current issues of local government, and also chairs meetings of the representative body of the community. The Council shall be composed of a board or other body with the participation of the burgomaster. This body reports to the Council in its executive work and preparation of decisions of the Council [7].

Self-governing units in Germany have three levels of authorization:

- independent powers based on general competence;
- mandatory powers required by law;
- additional powers assigned.

Local Self-Government System in Poland. For Kazakhstan, the system of local self-government of Poland as a unitary state, which uses this mixed model, and the results of its reform, is especially interesting.

During the reforms in Poland, the local government system worked according to the following principles:

- *political independence (autonomy) of local self-government bodies;*
- *providing a sufficient budget to meet the needs of society (as established by law);*
- *availability of personal property of the local community;*
- *state supervision of compliance with legislation [8].*

Local government in Poland operates in a three-tier system. This corresponds to the administrative division of rural districts, districts and regions of Kazakhstan. The first level is about 2500 gminas and cities (gmina - rural community, legal entity), the second level - 314 counties (districts), the third level - 16 voivodeships (analogues of regions). At the same time, lower levels of local self-government are not accountable to those who are higher. The authority and functions are distributed among the levels according to the horizontal principle, each level solves its tasks and is not mixed with others.

Gminas solve a number of issues at the local level: support for secondary education, health care, museums and other places of culture, the implementation of local police, land management, road construction, environmental protection and other tasks of local importance.

The second level of local self-government in Poland - the county performs public tasks that are of a nature outside the gmina: secondary special education, health care at the level of large hospitals, social assistance with the impracticality of creating structures in the gmina,

orphanages, homes for the disabled and elderly, public transport and passes through the territory of several gmina, a large employment center, geodesic services, register, etc. [9].

Voivode is the largest level of self-government in Poland. The governor is the only unit of local self-government with the participation of the governor-official appointed by the Polish government. The governor has exclusively representative and controlling functions and is a representative of the Polish Government. But even in this status, some appointments of representatives of central authorities take place without his participation, for example, in the tax service. The most important task of the governor is the equal development of the territory, the creation of attractive conditions for investment and the implementation of environmental policies.

Local Self-Government System in Finland. In this country, the main body in the municipality is the municipal council. Every four years, the members of the Council are elected by the population in local elections. The municipal assembly appoints a political executive body to prepare the political agenda of the assemblies and implement the decisions taken.

Finnish residents do not elect the head of administration. The municipal administration is headed by a professional municipal manager appointed by the council. The manager, like all specialists working in the municipal administration, retains his position after the election and does not depend on their results. Thus, stability in the activities of the municipality will be ensured. Finnish residents choose professionalism and competence over populist drastic changes.

Finland is currently conducting an experiment to expand the freedom of municipalities, which currently involves more than half of the municipalities. It is based on the declarative principle of participation: the municipality notifies the Ministry of the Interior of the decision to join the experiment, after which, according to a special temporary law, it begins to freely exercise its management as necessary. For the participants of the experiment, mutual cooperation is freer, the process is ongoing, privatization, accounting for some public services is simplified [10].

Conclusion

The study of examples of the organization of local self-government allows us to conclude that the formation of a system in a certain state is significantly influenced not only by the peculiarities of its legal system, but also by the principles of the state structure and the associated territorial division of power, as well as the historical features of the development

of local self-government. At the same time, the system of local self-government of each country is formed depending on the peculiarities of the territorial organization of the country, the level of development of the general democracy.

Thus, it can be said that each model of the system of local self-government abroad has its own characteristics. The advantages and disadvantages of each of the established samples, which we have identified ourselves, can be seen in Table 1.

Table 1. Main advantages and disadvantages of local self-government organization models

Model	Advantages	Disadvantages
Anglo-Saxon	The main advantage of the Anglo-Saxon model is to ensure the independence of local self-governments in solving local problems.	The disadvantage of the model is excessive autonomy, that is, the isolation of the local community and the low degree of their connection from the central government.
Continental	In this model, government and local authorities work together to address management issues at the local level. Central authorities provide and supervise the necessary assistance to local authorities. In addition, the law regulates in detail the issues of municipal services.	One of the disadvantages of the model is the presence of a tense situation between the central government and local residents. Since representatives of the local administration are appointed from the center, this is sometimes not in the interests of the local population. At the same time, the interference of the state authorities in the work of the local administration significantly limits the autonomy of the local community.
Mixed	In this model, local self-government is more independent than public administration, but the state actively supports and encourages the self-organization of citizens on the ground.	The basis of the status of local self-government is fixed by the center, but even here the rights of the local community may be limited, since the detailed regulation of the competence of local communities is covered by regional legislation

We can say that the nature of the institution of local self-government in Kazakhstan corresponds to the continental model. Specific factors such as a wide range and unitary state structure, as in our country, require the improvement of their own model, taking into account the international experience of local self-government and local characteristics. This is the main task of the new concept for the development of Local self-government.

REFERENCES:

1. Chueva A.S., Kurdjuk P.M., Ivanenko I.N. Opyt organizacii mestnogo samoupravlenija v zarubezhnyh stranah [Experience in organizing local self-government in foreign countries]. Krasnodar.: 2013. - p. 94.
2. Fenenko Y.V., Munitsipal'nye sistemy zarubezhnykh stran: pravovye voprosy sotsial'noi bezopasnosti [Municipal systems of foreign countries: legal issues of social security]. Moscow.: MGIMO-University, 2004. - p.401
3. Kirichuk S. M. Ot mestnogo upravlenija k mestnomu samoupravleniju: [From local government to local self-government]. Monograph-Tyumen: Vector Book, 2005. p.262.
4. Saudakhanov M.V., Khazova V.E. Nekotorye osobennosti organizatsii mestnogo samoupravleniya v Soedinennykh Shtatakh Ameriki [Some features of the organization of local self-government in the United States of America] // Bulletin of the Moscow University of the Ministry of Internal Affairs of Russia. 2017. - No. 3 - pp. 155-157
5. Lebedeva M. L. French regionalism: politiko-pravovoe issledovanie [French regionalism: a political and legal study]. 2015. - No. 2 -pp. 115-119.
6. Reformy mestnogo upravleniya v stranakh Zapadnoi Evropy [Reforms of local government in the countries of Western Europe] : Collection of articles and reviews / Ed. Maklakov V. V.-M.: INION, 1993. – p. 125.
7. Hrustalev A. Organizacionno-pravovye i finansovye aspekty mestnogo samoupravleniya v FRG [Organizational-legal and financial aspects of local self-government in Germany] // Encyclopedia of Local Self-government. URL: <http://emsu.ru/ml/default.asp?c=1795&p=1> (date accessed: 23.05.2021).
8. «Pol'skij put' decentralizacii. Mestnoe samoupravlenie v 1990-2006 godah» [«Polish way of decentralization. Local self-government in 1990-2006»] / Collective monograph edited by R. Stannik. Education – Development – Environment Foundation. Bolekhovice. - 2006. - p.306
9. Kacpjerchik O. Pol'skij opyt reformy gosudarstvennoj administracii i mestnogo samoupravlenija [Polsky experience of the reform of state administration and local self-government]. // Local Law URL: <http://www.mestnoepravo.com/docs/2014-03-005.pdf> (date accessed: 24.05.2021).
10. «Mestnoe samoupravlenie v Finljandii: opyt ob#edinenija municipal'nyh obrazovanij» («Local self-government in Finland: the experience of combining municipalities»). – URL: <https://komitetgi.ru/analytics/3318/> 24.05.2021. (date accessed: 25.05.2021).