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Local Self-Government Bodies in the Republic of Azerbaijan: Legal Status, Tasks and Prospects

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Abstract: The relevance of the study lies in the fact that effective local self-government in all its forms is a sign of a democratic, law-based social state that ensures the fullest realisation of human and civil rights and freedoms. The purpose of the article is to analyse the system of local self-government in the Republic of Azerbaijan, its types, main tasks and areas of activity, and the main ways of improvement in accordance with the generally accepted standards of European democratic states. In order to achieve the research goal, the general scientific research (induction, deduction, analysis, synthesis) was used, as well as special research methods (historical and legal, formal and logical). The results considered the problem of the functioning of various types of local self-government in the Republic of Azerbaijan and determined that the main obstacle to the effective implementation of its tasks and goals is insufficient state funding. The results noted that for the further development of the local self-government system in Azerbaijan, it is necessary to develop its comprehensive concept, which can be implemented in accordance with the principles and positions of democratic statehood at the local level of self-organisation of the population in order to ensure the implementation of all types of local self-government. The results considered that due to the shortcomings of the current national legislation in comparison with the fundamental constitutional provisions, the domestic traditions of the Republic of Azerbaijan have been violated, and foreign experience in the implementation of all types and existing institutions of local self-government was not sufficiently used.

Keywords: municipality, self-government, executive power, European Charter of Local Self-Government.

Introduction

The local government in the twenty-first century can be considered as one of the most effective ways of implementing the democracy in the world's rule-of-law social states. It is gradually developing and leading to the emergence of its new forms. The local governance based on democratic values is the most important factor in the administrative structures necessary for the effective management of the society, and all its possible types are best implemented to ensure the life of a particular territorial community. A progressive and effective local self-government based on democratic values, the implementation of its various types and forms, and the provision of effective services at the local level have significantly contributed to the democracy establishing at the national level in many countries, including the Republic of Azerbaijan.

After the collapse of the Soviet Union and the corresponding political and legal reforms in the country, some municipalities in Azerbaijan are already using the potential of an effective regulatory framework in addressing local issues and have been able to achieve significant success in this area in organising the life of society at the local level. For example, the organisation of national associations of municipalities in the Republic of Azerbaijan to coordinate their activities provides the best opportunities to protect the interests of territorial communities and other municipal authorities, as well as to realise their other goals and objectives provided for and guaranteed by the current national legislation. However, along with the positive experience, there are serious problems in the work of local governments in Azerbaijan that impede the implementation of all forms of local self-government.

The history of human civilization and the organisation of life in a certain territory of a certain community show that the effectiveness and stability of state power depend on the level of support of the people, which is carried out by them through a number of methods and means. The method is understood to mean those mechanisms that include the direct and indirect participation of the people in the government, while the means include legal and other norms that regulate this process. The very support of the government by the people makes it viable, and accordingly, it is necessary to implement appropriate measures, particularly, to ensure the efficiency, the separation of powers is implemented, which is able to keep the branches of power under their mutual control. One of the most important tasks of the socio-economic development of the modern era, and ensuring the human rights, is the proper organization of power at the State and local levels, and the effective functioning of all its forms and types.

The relevance of the research topic and its significance for science and practice is that the main task of a democratic state is to create favourable conditions for the realisation of the rights and freedoms of its citizens, which can be ensured through the exercise of their rights in the field of self-government at the local level in various forms and types. The issue of a rational state system is primarily about creating a system of government and administration that would solve this problem most effectively. Objectively, at the present stage, there are problems that can be solved only at the national level with the involvement of centralised funds and resources. These include, first and foremost, the formation of full-fledged local self-government, the creation of a unified legal framework, the development and implementation of state policy in the field of law enforcement, constitutional recognition and guarantees of fundamental rights and freedoms of citizens, and the adoption and implementation of state programs in the field of law enforcement and security. At the same time, the implementation of many of these tasks, as well as the insurance of an adequate living standard, is carried out not at the level of the state, but at the level of specific territorial units with compact population, i.e. municipalities. Therefore, it is important ensuring the effective implementation of all forms of local self-government.

Research Problem

The modern systems of local self-government are dynamic in nature, they change depending on the historical experience of different countries, their customs, and traditions, culture, and rights, and therefore there are different theoretical views on the study of this issue, just as there are different forms

of local self-government and ways of their implementation. There are different approaches to the study of local self-government. For example, in the Republic of Azerbaijan, this system of organising the life of the population at the local level is implemented based on the guiding provisions of the Law of Azerbaijan “On the Status of the Municipality” and is based on the basic principles and theory of the state. Municipalities in the Republic of Azerbaijan with local self-government have been functioning for a long time, but the process of formalising municipalities and local self-government in the Constitution of Azerbaijan, although an important step towards decentralisation of the government is not yet complete.

The constitutional consolidation of the system of local government in the Republic of Azerbaijan was carried out through the use of the dualist theory: the existence of local state authorities and municipalities - representative bodies of local self-government – was enshrined. The model chosen by Azerbaijan is based on the understanding of local self-government as a special form of local public authority. According to this model, local executive authorities and self-government bodies do not have any authority over each other, and their powers do not overlap or duplicate. The power of local self-government bodies is not state power, while the heads of local executive authorities exercise state power, receiving their powers directly from the President of the Republic of Azerbaijan.

Research Focus

In recent years, the international interest in municipalities in many countries has significantly increased among scholars and practitioners, which was primarily due to the ratification of the European Charter of Local Self-Government in 2001. This legal act prepared a favourable basis for the further development and improvement of the local self-government system in the Republic of Azerbaijan: in accordance with its provisions, more than 20 laws and a number of bylaws were adopted, which were the legal basis for the activities of municipalities.

In the field of local self-government, the state must create conditions for citizens in order to exercise their rights and freedoms guaranteed by it, as well as ensure the possibility of orderly living, since it is at the local level that local governments face the daily challenges of ensuring the safety of citizens, providing them with medical care and the opportunity to obtain a standard education, creating jobs for citizens, providing them with transport, trade, household, and communal services. These tasks can be achieved if citizens realise all forms of local self-government.

Research Aim and Research Questions

The legal and political reforms that have been implemented in the field of local self-government in the Republic of Azerbaijan in recent years are significant and large-scale, which testifies to the fact that at the present stage, the process of radical renewal of the statehood of this country is underway. A fundamentally new legal system is being formed; the place and role of the state in society, the relationship between the state and the individual, as well as the values recognised and protected by the state are changing. Given the instability of modern public life, characterized, first of all, by the weakening of law and order, the confrontation between the centre and the regions, and the emergence of other negative social processes in the interaction of authorities at the State and local levels, the issue of ensuring that territorial communities exercise all types of local self-government is one of the priority areas of activity of public authorities.

This study aims to achieve interrelated goals: scientific - to study the theoretical foundations of the organisation of the local self-government system and its organisational forms in the Republic of Azerbaijan; and applied - to develop a scientifically based model for the implementation of constitutional provisions in this area.

Research Methodology

General Background

To achieve the objectives set, modern methods of cognition of legal, economic, and social relations in the process of the democratic structure of the state under study were used. General scientific and special legal methods were also used as research methods.

Sample / Participants / Group

The object of the study is the legal framework, principles, and forms of structuring the local self-government in the Republic of Azerbaijan, the system of legal relations that develop in the course of activities of local self-government bodies in the context of the implementation of the constitutional model of Azerbaijan's statehood; the practice of activity and the role of local self-government bodies and officials in addressing issues of protection of citizens' rights and implementation of various types of local self-government by them.

Instrument and Procedures

The use of general scientific and special research methods allowed studying the objects in their interconnections and interdependencies, their integrity and comprehensiveness, to identify some trends, to make generalisations, to formulate recommendations for improving. The general scientific methods of induction and deduction were used to highlight the general theoretical foundations of local self-government in the Republic of Azerbaijan, and the methods of analysis and synthesis were used to characterise various forms of local self-government in Azerbaijan in their practical implementation. Special historical, legal and formal logical methods were used to clarify the peculiarities of the emergence, formation and development of various forms of local self-government in the Republic of Azerbaijan, to identify current problems arising from their implementation, and to develop recommendations for their elimination.

Data Analysis

As a result of the process of selecting and reviewing articles on the study of this issue on search sites MENDELEY and ZOTERO, only 41 state-of-the-art sources from 2018-2023 were selected (given that the system that is the object of research is dynamic, outdated scientific sources were not used for this analysis) related to the study of the local self-government system and its types. In order to achieve the purpose of the study, the national legislation of the Republic of Azerbaijan and international legal acts regulating the activities of the local self-government system, as well as scientific works of scientists from the Republic of Azerbaijan and foreign countries who have studied various aspects of the local self-government system were analysed.

Literature Review

At a certain stage of history, the development of the constitutional system in different countries has been characterised by general and special trends. One of the general trends in countries where political, legal, and administrative reforms were aimed at further democratic development was related to the need for interconnection between the branches of government, as well as regulation of relations between the local authorities and local self-government bodies. In order to ensure the human rights realisation, their protection, the formation of a democratic regime, and the regulation of relations between local self-government structures and state authorities, a vertical separation of powers was implemented. In addition, a system of local self-government with various types and forms was created.

The topic of the study is relevant at the present stage, since municipalities in the modern world, despite the progressive reforms implemented by most states in this area, have difficulties in realising their goals and objectives. Most municipalities in developing countries face the problems of economic collapse and poverty, lack of resources, lack of support from the central government, stigmatization, and

lack of awareness, underreporting, shortcomings in the MOH surveillance system, limited access to health services, limited number and weak role of municipal police, political patronage, favouritism, and interference, as noted by Al-Mulki et al. (2022). These factors do not contribute to the implementation of all types of self-government and cause inefficiency of the existing ones used in a particular state.

For example, the powers of local authorities include the management and development of public utilities, environmental protection, planning the location and construction of settlements, general control over the construction of cities, the development of the local transportation system, and the definition of traffic regulations, construction, cleaning of streets and pools, etc. As Salvador notes in his study, to fulfil this role, local governments must have various capacities that will allow them to analyse, manage, and transform their environment through public policy (Salvador & Sancho, 2021). Under such conditions, it is possible to implement different forms of local self-government and their effective functioning.

The system of local self-government in all its forms must be adapted to the requirements of the times, as Yigitcanlar et al. (2023) emphasises in his research paper. The scientist notes that the rapidly developing capabilities of artificial intelligence have turned it into an extremely attractive technology for many industries, as well as for the public sector, including local governments (Yigitcanlar et al., 2023). Therefore, the local government system should apply the achievements of technological progress and various innovative tools and technologies in its activities. In addition, it is possible to introduce a digitalised form of local self-government (electronic portals with information on the activities of municipalities or surveys on important issues of a particular territorial community).

Municipalities may be granted additional powers by the legislature and the executive branch, in addition to those provided for by the legislation of a particular country, which the executive branch must monitor. As Cho et al. (2021) emphasizes in his study, these additional powers are important because local governments are making efforts in their sustainable development activities through a number of initiatives, often voluntary. At the same time, it will contribute to the development of new forms of local self-government and improve the efficiency of existing ones.

A conceptually and competently organised the local government in all its forms has the right conditions to provide citizens with social services that meet their requirements, taking into account how the needs of citizens are specified and what the demand for them is (Lachytová & Smolnická, 2021). By holding meetings between representatives of certain territorial communities and representatives of local governments, questionnaires, referendums, and other forms of local self-government, it is possible to achieve the highest level of satisfaction of such needs.

It is not only the interaction between the state and local governments that is important. Thus, as Šaparnienė et al. (2021) notes in her research paper, according to the results of the analysis of their activities, the main reasons for the lack of participation in the local governance are the lack of information and knowledge about public participation, the lack of information about opportunities for participation, lack of communication and response to opinions and suggestions expressed. It is also important to raise the level of legal culture of the population, familiarise them with the purpose and objectives of their activities, and create conditions for the implementation of public initiatives. It is equally important to educate the population of a particular territorial community about the work of the local government system itself, namely their forms and potential capabilities in the human and civil rights and freedoms realisation, and their protection.

Research Results

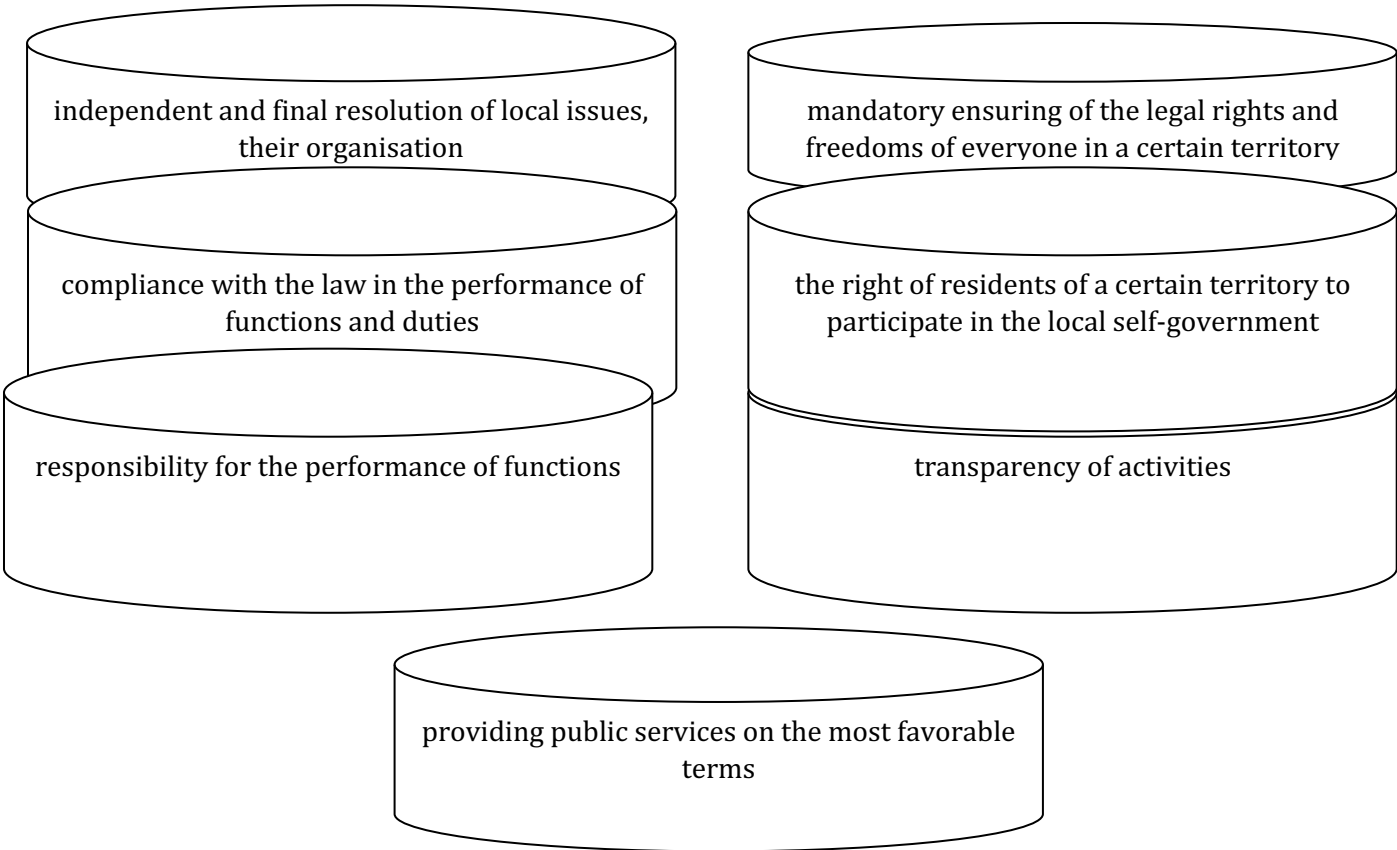
The traditional vertical separation of powers began its existence with the recognition of the independence of the legislative, executive, and judicial branches within their respective powers, but it was considered insufficient. Gradually, the idea of horizontal separation of powers became widespread. Together with its implementation, through decentralisation, the power began to be established at the

local level. This process historically coincided with the period of struggle of national and ethnic groups for independence, as changes in the distribution of power usually do not occur voluntarily and without any struggle. For example, there are few cases of voluntary transfer of functions by the holders of power to the entities that were endowed with this power, and the most non-conflictual cases of transition from centralised power to self-government were observed under the threat of very sharp social clashes of a political, social or economic nature. Thus, in developing countries, the central government transforms local governments into its informal structures or simultaneously forms its own vertical administrative structures in order to retain power at the state level rather than to divide it between the state and local levels.

At the same time, the involvement of citizens in public issues is changing. It leads to the emergence of new forms of community organisation, also called self-organisation or self-management in the literature, as well as its various forms and types (Nederhand et al., 2019). Regardless of which form of local self-government is implemented, it will be based on the following principles (Figure 1).

Figure 1

Principles underlying the exercise of powers by local self-government bodies



Source: Muminov et al. (2020)

Changes in society, political and legal reforms in most countries of the world, as well as the power decentralisation and its transfer to the local level, have become possible through the implementation of certain organisational and structural reforms that differ depending on the historical, political and economic traditions of a particular country. Accordingly, different systems of interaction and mutual influence, as well as different forms of local self-government, have emerged in the relationship between the state and local governments. At the present stage, there are various models (systems) in the world practice related to the relationship between state authorities and local self-government. In general

terms, we can note the Anglo-Saxon, continental, mixed, and other models, as well as their respective varieties and forms implemented in a particular state.

A comparative analysis of the experience of local self-government in a number of democratic countries shows that local self-government is carried out in the form of parallel work of representatives appointed by the centre and without them. In the Anglo-Saxon system, a parallel structure also functions alongside local self-government. In this system, unitary states have autonomous institutions, federal states have federal subjects, and along with autonomy, local self-government also operates. The local governments operate independently, without any authorised government representative on the ground.

The Anglo-Saxon (classical) model is widespread in the United Kingdom, the United States, Canada, India, Australia, New Zealand, and other countries. The main features of this model include the following: the independence of formal autonomies and local self-government; absence of authorized representatives of the central government on the ground that control local governments. As for the definition of the rules of authority, the biggest difference is related to the peculiarities of legal systems. In the Anglo-Saxon law, the principle of parliamentary sovereignty is in effect, and other public authorities derive their sovereignty by implication.

In states that are oriented to the classical model, local governments can only carry out activities provided for by the law, i.e., only in the forms provided for by law, since any other activity is considered an abuse of power and is assessed in court as illegal actions by local governments. Problems of any nature that arise in the area of powers between local self-government and the central government are resolved in court. This freedom brings the Anglo-Saxon system closer to the quality of autonomy, and sometimes even identifies it with it. There is a parallel in the division of powers in the continental system: the local self-government is supervised by an authorised person appointed by the government, who is also subject to administrative control by the central government. In the classical system, the local self-government also carries out any activity not prohibited by law. However, unlike the other system, decisions of local self-government bodies must be approved by local state authorities.

The continental system also has different systems of division, according to which it is possible distinguishing between the French unitarism with its forms and subtypes that is characterised by its conservatism, and German models that reflect the federal culture and liberalism of the countries in which they are represented. The French model is used in countries such as Italy, Spain, Finland, and Greece, at the state and local levels by the respective authorities. Self-governing bodies have the right to conduct examinations of the compliance of all acts with the law, as well as to demand the abolition of acts that contradict the law in court, which is a form of local self-government.

The peculiarity of the German model, which is currently used in Germany, Austria, Switzerland, and Japan, is that the federation and federal states are not the only subjects of public administration. In this system, local governments are perceived as an element of public administration, and local government institutions are those bodies that perform any functions assigned to them by communities, self-government bodies, or the state, respectively, there is a variety of forms of local government depending on the subject composition that vests powers in local governments. Therefore, it should be noted that depending on the characteristic features, there are different forms of the German model, and the main factor that determines the difference in local self-government models is related to the system of administrative-territorial units and their specific administrative structure. Thus, in states with a federal administrative-territorial structure, the elements of this system are more complex. However, the main factor that ensures the flexibility of the system is the independence of local self-government institutions.

Despite the fact that the rule of sequential subordination of different administrative units of a particular state covers different levels of local self-government (e.g., village, settlement community), the same administrative-territorial division does not exist in most states, and there is no rule of mutual

subordination: compared to a village community, the urban self-government has no powers. This means that the local government system lacks a position of vertical authority and subordination. However, at the same time, this does not mean that the local self-government institutions have an unequivocal autonomy, as do local territorial communities. An ideal autonomous model of local self-government is defined as a system with horizontal governance, where each territorial level authority has its own exclusive competence that does not overlap in terms of powers and responsibilities with higher levels of government (Muminov et al., 2020).

The local autonomy is a very common feature of European governance, and the field of integration is no exception (Hernes, 2021). In European countries that have adopted the continental legal system, the powers of local authorities are determined by negative regulation: local authorities can engage in any activity that is not prohibited by law and has been delegated to other authorities, and accordingly, there are different forms of local self-government.

There are three main groups of powers of local governments. First of all, these are traditionally available at the municipality level public utilities, construction of local roads, construction, and maintenance of social and cultural facilities, landscaping, and other powers in this area. The burden of public services has led to the need to reform the provision of services by local governments and has also affected the relationship between central and local authorities in this area (Brezovnik et al., 2021).

The needs of a particular community can be found out through relevant meetings of local government representatives with the territorial community, surveys, discussions, and other forms of local self-government.

The group of powers related to the social state principle covers the relevant public sphere: the healthcare and education, as well as employment. Local governments have significant powers in the social sphere, especially in the provision of social assistance to low-income groups. This includes the construction and maintenance of homes and dormitories for the elderly, municipal schools, hospitals, and maternity hospitals using municipal revenues. In order to implement the tasks within the scope of these powers, it is also advisable involving communities in their solution through those forms of local self-government that are effective for the first group of powers.

Since the mid-twentieth century, the third group of powers includes those associated with the increased need to solve the tasks of local self-government bodies with the help of the state: the environmental protection, economic and territorial planning, and participation in economic development. Local governments have legally elected representatives who, through their actions, influence the daily lives of local residents (Klobučník & Bacík, 2015). However, since the end of the last century, in a number of countries, the powers of local governments have also included powers in the field of foreign economic relations and international cultural cooperation, and, accordingly, the tools and forms of local self-government for solving such tasks have expanded.

In addition to these three groups of powers, in some countries, the state has granted municipalities additional powers, such as investment attraction. These powers are also important for the further development of the local government system and the emergence of its types and forms, as the innovative behaviour of corporations is one of the important driving forces of the economy to achieve stable and sustainable growth, while it is an important basis for cultivating new dynamic energy for development and realizing the shift in the power of economic growth (Li & Qi, 2023). It is territorial communities that can ensure the realisation of such tasks when citizens implement various forms of local self-government.

In the initial period of the formation of the Soviet state, a new semi-independent form of self-government was formed in Azerbaijan - the Soviets, but gradually they came under the full influence and control of the state and the Communist Party. Subsequently, the local self-government in Azerbaijan, unlike in a number of other post-Soviet countries, was established not at the initiative of the population, but at the initiative of the authorities. Given that the country had no deep traditions of local self-

government, it is obvious that it was impossible to form the institution of municipalities immediately after the adoption of the Constitution. First of all, it was necessary to create an idea of local democracy among the population and the authorities. For this reason, the first municipal elections in Azerbaijan were held four years after the adoption of the Constitution.

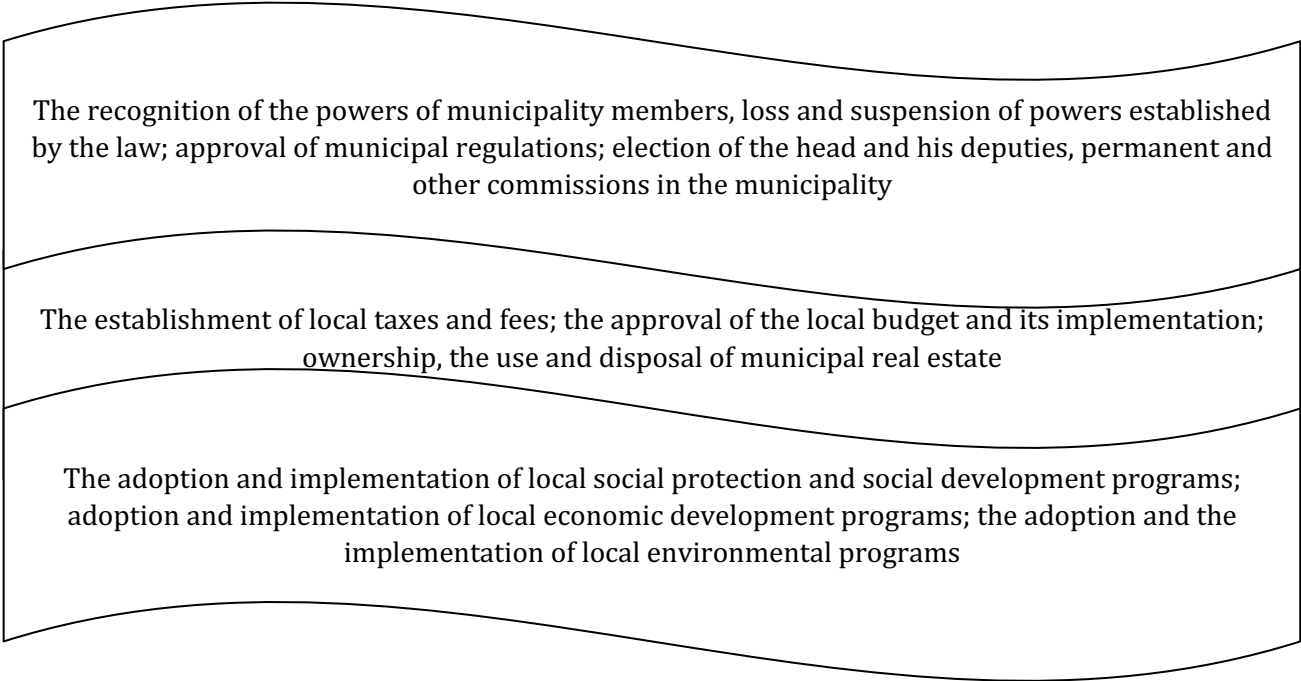
Thus, the creation of a new system of local self-government bodies in an already independent state began in 1995, when the first adopted Constitution of the Republic of Azerbaijan enshrined provisions on the establishment of municipalities and the holding of elections to their bodies. In the fourth section of Chapter IX, Article 142.1 of the Constitution of the Republic of Azerbaijan states that municipalities implement the local self-government. Thus, the basis for the establishment of municipalities is the Constitution of the Republic of Azerbaijan, as well as adopted laws, presidential decrees, and other regulatory legal acts. And, since the existence of legal boundaries is inevitable for the rational operation and development of local self-government, they were defined by the same legal acts. It is also important to note international legal acts that have influenced the national legislation of the Republic of Azerbaijan in the field of local self-government. Thus, at the initiative of the European Council, a charter was adopted in 1985 to ensure and protect the rights of local governments. The said legal act obliges the states that are members of the European Council to protect and enhance the social, administrative, and financial freedom of local communities. In this regard, the principle of the autonomy of local governments is enshrined at the highest international level, and compliance with these principles is considered a key manifestation of real democracy. Accordingly, this is how the diversity of local self-government forms is ensured. The first part of the charter defines the concept of local self-government, the scope of its activities, legal protection, methods of monitoring its activities, and identifies sources of funding. Thus, the use of the institution of vesting local governments with certain state powers has gained wide international recognition and has been enshrined in the European Charter of Local Self-Government. This objective process involves a focus on the decentralization of state power, where the local governments are entrusted with specific functions and tasks that have lost their national significance. At the present stage, the most important strategic problem in the relations between state and local governments is the issue of delineation of powers and responsibilities. The lack of delineation of powers between these entities leads to duplication of their work. For the Republic of Azerbaijan, the concept of delegation of functions is a key and fundamental task on the way to developing the governance system. Therefore, functions and powers are divided between state and local governments based on the principles of subsidiarity, collegiality, and transparency.

As Azerbaijan has recently embarked on the path of democratic development, the form of municipal self-government in the country is also new. In the Republic of Azerbaijan, the system of the new form of governance is based on the constitution and legislative acts: the legislation sets out the most important tasks of local self-government, which include the formation, approval, and execution of local budgets, the determination of local taxes and fees, the development and implementation of local social protection and local development programs, and local economic development. In Azerbaijan, municipalities, as well as public authorities, in their activities adhere to the general socio-economic direction of the country's development and the priorities of their own functioning, have the right to attract local and foreign investment, and in case of obtaining the rights of full ownership of their real estate, they can effectively solve social and domestic problems of the population. Thus, the effective interaction of state and local governments in most countries of the world leads to an increase in the economic well-being of the country, as the mechanism of influence indicates that economic competition, environmental competition, competition in the service sector, and integrated competition significantly affect economic growth through economic agglomeration and modernisation of the industrial structure, respectively (Su et al., 2022). These objectives can be achieved through the use of various forms of local self-government. Recognition of local self-government means that the state sees it as a kind of social institution that does not have the properties of a state structure. Decentralisation of governance is a way not only to preserve the integrity of the state, but also to effectively protect society and citizens, and to

develop spiritual, cultural, and economic ties between all regions of the Republic of Azerbaijan. Practice shows that the process of state support in the form of implemented policy in this area has a positive impact on the effectiveness of local governments (Sudiby et al., 2017). Equally important is the law-making activity of the state to realize the goals and objectives of local self-government in all its forms. As noted above, in the Republic of Azerbaijan, when municipalities were established, numerous laws and regulations were adopted to govern their activities. In accordance with them, the powers of municipalities in Azerbaijan include the following (Fig. 2).

Therefore, the exercise of these powers by local governments is not always successful. Thus, the results of the analysis of work in this environmental area show that local authorities are more inclined to mitigate environmental regulations when the losses from their tightening increase, which simultaneously leads to an increase in the number of environmental regulations themselves (Zhang et al., 2023).

Figure 2
Powers of municipalities of the Republic of Azerbaijan



Therefore, the exercise of these powers by local governments is not always successful. Thus, the results of the analysis of the work in this environmental area show that local governments are more likely to mitigate environmental regulations when the costs of tightening them increase, which simultaneously leads to an increase in the number of environmental regulations themselves (Zhang et al., 2023).

Local governments perform management functions directly at the local level and act as free elements of the government mechanism from a legal point of view. Today, local governments and their executive bodies are among the largest and most significant elements of the governance system in terms of their size and number. In a number of modern countries, the legal and actual autonomy of local governments has a specific character: their independence has both similarities and differences, which are related to the establishment of self-determination and autonomy of a particular state, which, in turn, led to reforms in their local government systems. A characteristic feature of these reforms is the decentralisation of power and its transfer to the local level.

Local self-government is closest to the population and is the primary unit of public authority, so shortcomings in the work of local governments have a negative impact on the entire society and, consequently, on the entire state. Decentralisation of power is carried out in two directions. In one direction, the powers of the central government in local administrative-territorial units of the state are transferred to local self-government structures, and in the other direction, power is transferred to local self-government bodies (Table 1).

Table 1

Forms of power transfer to local governments

Form	Feature
The transfer of powers from the central government to local authorities	In general, it does not change the nature of political power, but the transfer of powers from the central government to local self-government structures changes its significance. In this case, the subject of power changes, and the government becomes popular, being formed based on elections. The transfer of certain administrative powers of purely local significance to bodies elected directly by the population of the specified territorial unit takes place.
The transfer of powers to local governments	Administrative management, law-making, and implementation are transferred to structures formed directly by the local population. In countries with a high level of democratic development, local self-government is perceived not as an initiative of the local population, but as an objective existence of the vertical separation of powers, which ensures a logical division of forces at all levels of government. Local self-government bodies perform management functions directly on the ground and act as free elements of the power mechanism from the legal point of view.

** Authors' development*

With the regard to the forms of local self-government in the Republic of Azerbaijan, the following key forms of interaction between local authorities and communities can be identified: mutual information about the needs and problems of local authorities and community residents; public participation in solving problems and meeting current needs; social partnership; and delegation of authority. It also seems possible to identify the following main forms of social partnership: mutual negotiations (consultations) on aspects of labour and social relations regulation; collective bargaining on the preparation of relevant agreements and their conclusion.

At the present stage in the Republic of Azerbaijan, much attention is paid to municipal elections as a form of local self-government. The current question is how to make them more transparent, how to increase the interest of citizens in them so that they actively participate in all stages of the election process and thus ensure both their own needs and the needs of the entire territorial community. In addition, local governments play a significant role in ensuring human rights, especially when it comes to social rights (Qaracayev, 2022). Local elections, in turn, can be an effective mechanism for their realisation. At the same time, while elections have the much-needed potential to realise the ideas of a democratic civil society, they should not be idealized, as the population does not always choose the most deserving candidates for a variety of reasons.

In addition, according to the current legislation of Azerbaijan, a local referendum on issues of local importance is one of the key forms of democracy that can be applied within the municipality. At the same time, the decision taken at the local referendum is subject to mandatory implementation in the territory of the municipality and does not require approval by any state authorities, their officials, or local self-government bodies. At the same time, the local self-government bodies themselves ensure the implementation of the decision adopted at the local referendum in accordance with the division of powers between them, as defined by the municipality's charter.

A survey of citizens, as a form of local self-government in the Republic of Azerbaijan, is conducted throughout the municipality or in a certain part of it in order to find out the opinion of the population and take it into account after decisions are made by local self-government bodies and local self-government officials, as well as by state authorities. The results of the survey are advisory in nature and are open to residents of the municipality who have the right to vote.

Citizens' appeals and complaints act as a kind of regulator of local authorities' activities; they are an important political institution that forms the basic structure for decision-making and control over their implementation throughout the hierarchical vertical of power. Another form of interaction between society and the government at the municipal level is the public reception offices of municipal leaders.

As a rule, they use the following methods and forms of work in their activities: close interaction of municipal bodies with regional executive authorities (ministries, committees, departments, offices) in the process of solving problems that are within the competence of regional structures; establishing constant communication with local council members, with the receiving deputies, in order to jointly remove bureaucratic obstacles in addressing vital issues of municipal residents; attracting sponsors (from among public, commercial, and other organizations).

Another form of interaction between representatives of municipal authorities and local residents is regular meetings with city residents. For example, one of the most difficult tasks of interaction between local governments and voters is realized through preliminary discussion of any (proposed) legal acts or decisions with the involvement of the media, as well as meetings of citizens - representatives of the local community. During such meetings, various arguments and positions of the parties are established, debates and discussions are held, and the purpose of such discussions is to make more informed and correct decisions based on them.

Thus, the forms of interaction between local self-government bodies, state authorities, and the local population are as follows (Table 2):

Table 2

Forms of interaction between local governments, state authorities, and local residents

Subjects of interaction	Forms of interaction
Public authorities, municipal authorities	Interaction of municipal bodies with regional executive authorities (ministries, committees, departments, offices) in the process of solving problems within the competence of regional structures; establishing constant communication with local council members, with receptionists
Public authorities, municipal authorities	The legislative and executive branches may delegate additional powers to municipalities but with the obligatory assignment of the necessary material and financial resources to them
Municipal authorities, the local population	Mutual information about the needs and

	problems of local authorities and community residents
Municipal authorities, the local population	Public participation in solving problems and meeting current needs
Municipal authorities, the local population	Social partnership
Municipal authorities, the local population	Delegation of authority
Municipal authorities, the local population	Polls
Municipal authorities, the local population	Local elections
Municipal authorities, the local population	Local referendum
Municipal authorities, the local population	Work of reception offices of municipal heads
Municipal authorities, the local population	Appeals, complaints
Municipal authorities, the local population	Regular meetings, including those with media participation
Municipal authorities, the local population	Electronic methods and forms of communication

Source: Authors' development

In addition to the above forms of interaction between representatives of the authorities, both state and municipal, and society, various electronic methods and forms of communication are now widely used. The Internet portals of state and local authorities are designed to organise and directly interact with the public and organisations, providing them with the opportunity to contact various authorized persons to resolve their problems and issues and to control the process of fulfilling requests.

With the adoption of the current legislation of the Republic of Azerbaijan regulating the local self-government, the principle of diversity of forms of local self-government has in a sense been reduced to the limits of the possibility for the population to choose different forms of participation in the local self-government. The principle of variability in the organisation of local self-government is a broader concept than the principle of diversity of organisational forms of local self-government since organisational forms can be understood as forms of direct and representative democracy in which local self-government is implemented. Variability, as a principle of organisation and functioning of local self-government, in turn, implies:

- different forms of interaction between state authorities and local governments;
- different ways of forming the local self-government bodies;
- the ability to enshrine its own system of local self-government bodies in the charter;
- different forms of interaction between the local self-government bodies;
- multiple forms of public participation in the local self-government and the ability to choose from those forms defined by law and to enshrine in the charter its own system of forms of public participation in local self-government;
- the possibility to enshrine in the municipality's charter other forms of public participation in the implementation of local self-government, except for those provided for by the current legislation of the Republic of Azerbaijan.

Discussion

Traditional forms of self-government, which imply the responsibility of local elites for local public affairs, can be observed in all countries, but in the process of nation-building, a modern way of "local government" is emerging with the integrated and self-regulated influence of local geographical communities and a single national administrative system that is being created to ensure the effective and balanced implementation of education, tax, and social welfare policies (Huang, 2018). It is the local governments that make important managerial and organisational decisions about the life of a particular

community since a managerial decision at the local level is specified in the form of a program; it specifies a list of activities, methods of their implementation, timing, and boundaries of actions, the range of performers, as well as the planned results and criteria for their evaluation (Rakhimboev et al., 2021). In accordance with this specification, it is possible to choose a more effective form of local self-government to achieve the greatest effectiveness in solving the goals and objectives of a particular territorial community, since the core of society is located at the local level: in a village, neighbourhood, or city district (Krüger et al., 2022).

Citizens of the Republic of Azerbaijan exercise the right of local self-government on the territory through elections to municipalities, direct expression of will, polls, free expression of opinions, proposals, and initiatives, as well as in other forms related to the organisation of local self-government bodies. It is influenced by a number of factors and its multi-stage structure, due to the peculiarities of the administrative-territorial division of the state. The latter directly affects the activities of local governments established in these units. These issues are regulated by special legislative acts, taking into account the scale of the institution, demographic situation, ethnic, social, and other issues, and the appropriate forms of local self-government are chosen.

Thus, the difference in the administrative-territorial division of different countries also affects local self-government: local self-government institutions operate in accordance with two-, three-, four-, and five-stage systems of administrative-territorial units. A factor that affects the nature of local governments is the extent to which they are inclined to centralization or decentralization. For example, decentralisation in Georgia follows the European model of public policy, while Azerbaijan retains the former Soviet model of weak self-government, in which the central government plays a leading role in public services (Czachor, 2022). Within the framework of modern public administration, public authorities, and self-government pay the most attention to the outcome of such services, as well as to the special requirements of citizens, budgetary responsibility for them, and a product-oriented approach. However, it is clear that the following tasks are more efficiently solved at the local level.

While in some countries, such as Italy, France, and partly Germany, there is a link between the lower and higher levels of government, in other countries, such as the United Kingdom and the United States, local governments operate on the principle of autonomy due to the lack of direct subordination. In many cases, local government structures are under the control of the Ministry of the Interior (UK), and in some countries, a special department within the Ministry of the Interior is even created to deal with these institutions. For example, in France, the main state body that implements local government policy in the modern world is the Bureau of Territorial Units of the Ministry of the Interior, which legally limits the forms in which self-government can be exercised at the local level.

In Germany, local governments (municipalities, cities, and districts) are responsible for both their own tasks and for the implementation of a large part of federal and state laws (municipal administrations and their so-called dual function: local self-government and the lowest level of state administration) (Ruge, & Ritgen, 2021). According to the modern German doctrine, the local self-government is understood as the execution of public orders by legal entities. In contrast to administrative districts, representation is specific to districts, and here, in some areas, the district and in others the head of the executive branch, who is elected in direct elections, are considered as civil service. The municipal council, which is elected by the population of the communities in elections, is headed by the mayor. Just like in France (the mayor), the burgomaster is also considered a representative of the state. Thus, voluntary local leaders play an important role in the establishment of self-governance institutions, as they can directly influence the expected costs and benefits of self-governance for local users (Andersson et al., 2020).

For modern societies, digital democracy in most countries of the world is a key concept that defines the relationship between collective self-government and intermediary digital infrastructures,

the state and local governments (Berg & Hofmann, 2021). The distribution of powers between these entities is carried out in order to meet the needs that are necessary for the proper functioning of the local government unit and its residents, and such distribution plays an important role in the economic development of the unit and, consequently, the entire country (Jurgilewicz, 2015).

At the same time, the main scope of powers of local governments is established by national legislation and, in certain cases, may differ within one state, but, in fact, they have the authority to address issues of local importance exclusively. The European Charter of Local Self-Government (CETS No. 122) is the main document based on which European local government systems are being improved. The Charter acts as the main source of norms and at the same time as a benchmark for the improvement of local self-government systems in European countries. Thus, it is one of the main sources in the legal framework of local self-government in the Republic of Azerbaijan.

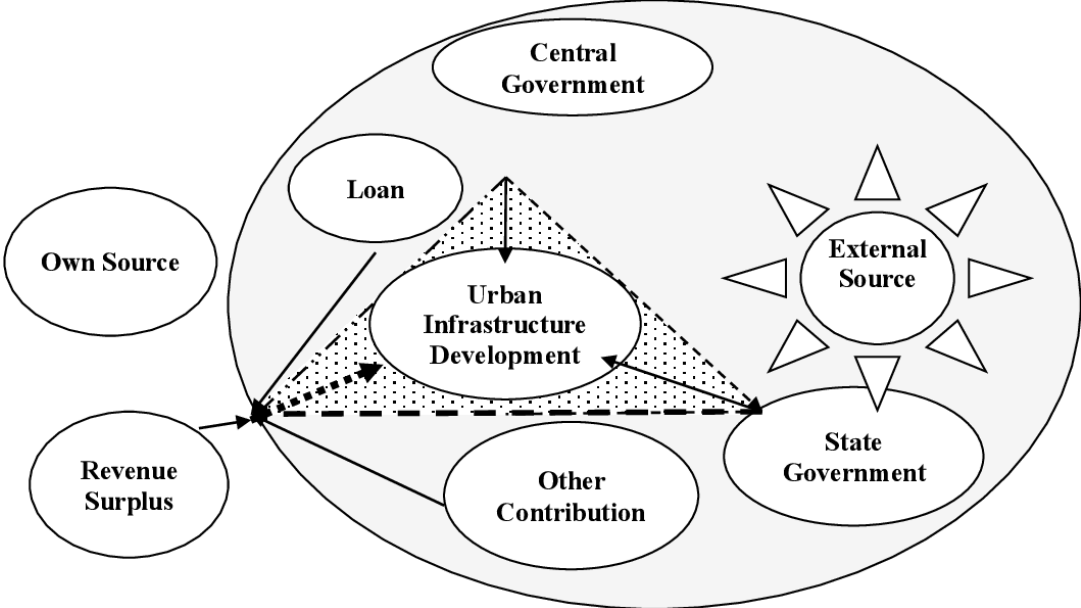
The genesis and stages of development of local governance in Azerbaijan imply that since ancient times there have been various forms and types of governance in this country, and although these have some similarities with the structure of governance at the state and local levels in other countries, it has a distinctive character, which is different in its structure, composition, and activity (Ismayilov, 2018). On the other hand, the level of development of local self-government in different periods depended on the attitude of the state authorities to these entities.

At the present stage, the Republic of Azerbaijan is showing an increased interest in the development of the local self-government system. For example, Articles 142-146 of Section 4 of the Constitution of Azerbaijan specify the main provisions on the legal status of local self-government, and the legislation also formulates provisions on local taxes and fees, the local budget, and reports on its implementation, as well as the procedure for establishing and approving local taxes and budgets. The Republic of Azerbaijan has also adopted laws regulating self-government issues, including the following: "On the Status of Municipalities" (1999), "On the Financial Principles of Municipalities" (1999), "On the Status of a Member of a Municipality" (2000), "On Local (Municipal) Taxes and Payments" (2001), and "On Administrative Control over the Activities of Municipalities".

Thus, local self-government in the Republic of Azerbaijan is based on democratic principles, organized to ensure independent resolution of issues of local importance, taking into account economic and territorial factors (Kheybat & Mikayil, 2022). In accordance with the provisions of these legal acts, the interaction of state bodies and local self-government can be summarised as follows (Fig. 3):

Figure 3

Matrix of interaction between state and local authorities



Source: Jha (2018)

The cases of post-Soviet natural resource-rich countries show that such states exchange information and experience to strengthen authoritarianism in their countries and transfer political technologies to each other that they use against democratic institutions, particularly, the local self-government system (Ibadoghlu, 2022). However, the Republic of Azerbaijan is an exception to this list, as it is one of the democratic countries in which public authorities at the local level are increasingly experimenting with different approaches that promote civic governance and give citizens a prominent role in initiating and managing local development projects and support the development of their self-governance capacity (Ubels et al., 2019).

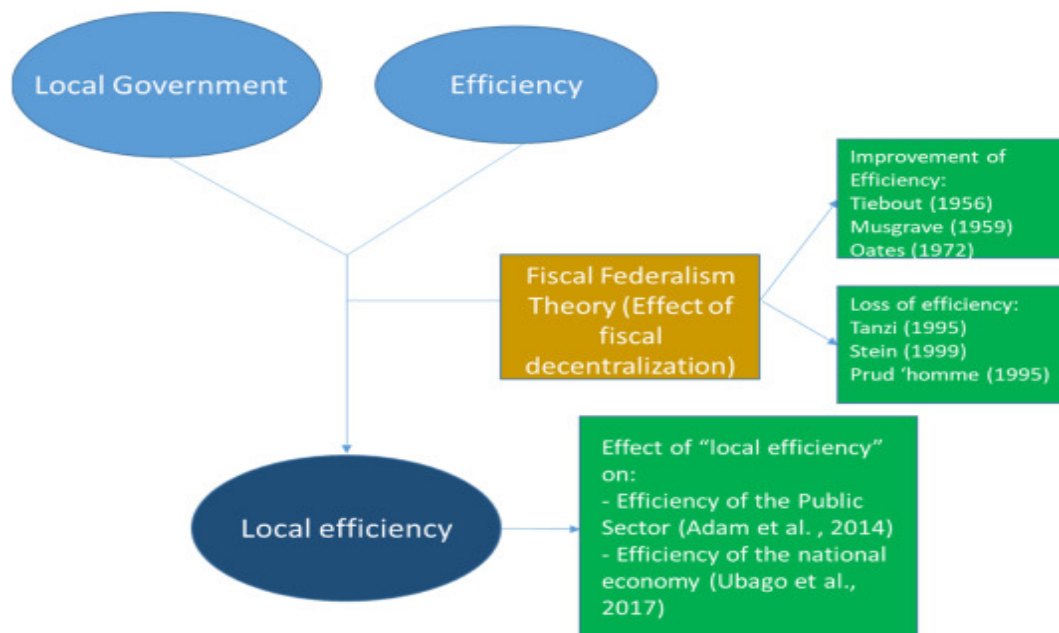
The status and powers of municipalities in the Republic of Azerbaijan are defined in the Constitution and the relevant Law on the Status of Municipalities, according to which the local self-government is a system of organising the activities of Azerbaijani citizens, which provides them with the opportunity to exercise their right to independently and freely resolve issues of local importance within the framework of the law in accordance with the definition given in the Constitution. The latter does not provide for the status of municipalities as institutions that have real power or are part of the state administration. Due to the absence of a clear definition of the status of municipalities, their powers are limited, and all functions (public utilities, landscaping, water supply, etc.) that are usually considered to be the responsibility of municipalities are performed by local executive committees.

The self-government has an internal and external aspect: the former covers the right of the people to exercise their rights, interests, aspirations, and sovereignty within their state, while the latter refers to the right to establish a separate state (hence secession) (Szapak, 2020). According to the internal aspect, local self-government refers to specific institutions or organizations established by national constitutions (Brazil, Denmark, France, India, Italy, Japan, Sweden), state constitutions (Australia, USA), defined by ordinary legislation of the highest level of the central government (New Zealand, United Kingdom, most countries), implemented under provincial or state legislation (Canada, Pakistan) or under the control of the executive branch (China) to provide a number of specific services in a relatively small geographical area (Papcunová et al., 2020).

The decentralization process in different countries has different consequences, as well as different goals and approaches to decentralisation itself (Liu et al., 2023). As for the global experience, its analysis shows that the activities of the local government system in other countries are gradually becoming more and more effective (Figure 4):

Figure 4

Evolution and latest trends of local government efficiency: Worldwide research (1928–2019)



Source: López et al. (2020)

One of the forms of local self-government is multifunctional autonomy, in which citizens can comprehensively manage their communities with the support of the state (Ohta et al., 2021). The existence of such autonomy can be explained from the point of view that in Western democracies, the municipal governance is mainly based on the principle of representative democracy, according to which citizens govern themselves through their elected representatives (Valkama et al., 2022). The local self-government system in Azerbaijan also has a certain degree of autonomy in this sense. Thus, in accordance with the provisions of the legislation of the Republic of Azerbaijan, members of municipalities are elected by popular vote and, before the municipality begins its activities, the elected members elect a chairman from among themselves by a simple majority vote.

As noted earlier, in addition to national legislation, the European Charter of Local Self-Government plays a significant role in regulating the local government. Fixed revenues of municipal budgets do not ensure the correspondence between expenditure obligations and financial resources of local governments, which contradicts the requirements of the European Charter. Arguments for increasing functional efficiency have had a profound impact on local government reforms in developed democracies over the past 60 years (Erlingsson et al., 2020). The main problems of local authorities in the post-Soviet countries can be identified as follows: low financial capacity, lack of public trust in the authorities, a narrow revenue base, and very weak connection with the local population (Zarandia, 2018).

Democratic governance in rule-of-law and welfare states requires accountability to the public to increase transparency in disclosing information about budgets and finances (Adiputra et al., 2018). The sources of revenues of municipal budgets are not diverse (there are 4 types of local taxes and 7 types of local fees), as stated in the European Charter. According to the provisions of the Azerbaijani legislation, one of the sources of municipal budget revenues is state grants, the distribution of which also does not

fully comply with the requirements of the European Charter. Thus, the legal framework for ensuring the economic and financial activities of municipalities in the Republic of Azerbaijan has not been developed sufficiently, so at the present stage, the provisions of the Charter are being identified with the national legislation on local self-government.

The local self-government, as one of the main forms of the constitutional order, can be trustworthy only if it coexists with the state authorities in practice (Rusadze et al., 2020). The municipalities that exist in Azerbaijan at the present stage cannot have full operational management due to one main reason: insufficient funding. The current legislation, in particular, the Tax Code, the laws “On Local (Municipal) Taxes and Fees” and “On the Basics of Financial Laws of Municipalities” have identified a significant number of sources of local government revenues. However, in reality, many of these sources of revenue do not provide municipalities with a sustainable and high basic income. An effective way to solve this problem is the experience of China, according to which, in order to solve the financial problem of self-government activities bypassing regulations, a special-purpose mechanism was created: local government financing mechanisms that act as the main financial agents for local governments (Ang et al., 2023).

The UN Declaration on the Rights of Indigenous Peoples recognises the rights of indigenous peoples to self-determination and to maintain their distinct institutions (Postero & Tockman, 2020). As noted above, in the Republic of Azerbaijan, the decision of a local referendum has the highest legal force and can be appealed in court by citizens, local governments, and state authorities authorized by law. At the same time, a local referendum is a rather complicated procedure, so it is rarely used. Most often, a local referendum is organised to address issues of particular importance to a particular municipality (e.g., issues related to the reorganisation of the municipality itself or its boundaries).

A local referendum is a vote of those citizens who permanently or predominantly reside in the territory of one municipality, held on the most important issues of local importance. The issues to be put to a local referendum or a set of potential options are usually called a referendum formula, the general requirement for which is that it cannot include questions:

- an emergency and urgent nature (taking emergency and urgent measures to ensure public health and safety);
- those that require specialized knowledge (adoption and amendment of the budget);
- issues, the answer to which is known in advance (salary increase, reduction of utility bills);
- personnel issues (formation of local self-government bodies and their personnel).

This list of prohibitions is exhaustive in order to prevent municipal authorities from imposing alternative restrictions on the holding of a local referendum.

Local referendums are mainly held to determine the will of the residents of the municipality on the organisation of local self-government or to unite the conflicting interests of different groups of the population and determine the will of the majority.

Another form of local self-government, the poll, despite its practical effectiveness and relatively low costs, has no legal force. For this reason, polls can be conducted much more frequently, and their topics can cover a wide range of issues and problems. In a survey, it is sufficient to establish the opinion of not all representatives of the local community, as, for example, during a referendum, but only a certain number of people representing different segments of the local population (according to various criteria and criteria in accordance with the objectives of the survey). Currently, various forms of questionnaires are actively used, both in terms of structure and content; technologies for implementing both written and oral surveys, etc. The results of the surveys are taken into account by local governments when making specific management decisions.

The social and civic passivity of local communities in municipalities, which causes the unknown spread of direct democracy, can be overcome not by political or administrative means, but by facilitating the organisation of municipal residents for the joint exercise of local self-government through the creation of appropriate institutional, legal and informational conditions. Thus, local governments may be offered to form interactive platforms for open dialogue with business representatives, activists of certain social groups, and public organisations that carry out their activities regularly.

Specialised forums and sessions in remote and in-person formats can be aimed at identifying administrative barriers and restrictions to the direct implementation of local self-government, raising legal awareness, providing assistance in legal support and information support to municipal residents. Accelerators and incubators for start-up projects in the municipality's areas of interest will help develop the economic base. Encouragement of residents involved in local self-government can be carried out in the form of annual competitions, conferences, and roundtables to identify representatives of the local community who are most active in solving problematic issues of the municipality. To provide information and organisational support to the local community in the exercise of local self-government, a special administrative unit may be established, as well as an executive/manager of the municipality.

The results of solving local issues that were not only initiated by the population but also implemented within the framework of active actual or financial (self-taxation, crowdfunding, initiative budgeting) participation of residents are significantly more effective. In such cases, the community shares the responsibility with the authorities and officials for the effectiveness of the results of their activities and takes direct measures to preserve and develop them. However, despite all the prospects of these forms of public participation in addressing local issues, they are not widespread at the present stage. The above-mentioned mediates the need for local governments to facilitate the wide dissemination of information about their activities on the Internet, including on the official websites of municipalities.

The recognition of the website of each municipality, along with the printed media, as the main official source of publication of municipal regulations, will lead to a significant increase in the information transparency of local government activities while entailing significant additional contributions, both financial and organizational. Thus, the involvement of the population in solving local issues can be further achieved through the wide dissemination of information on the Internet about meetings with deputies, public meetings, and other forms of direct interaction with the authorities; their organization, and holding in places accessible to every resident and at a convenient time, taking into account the natural employment of the population. Live broadcasts of such events on the city's information portal with the possibility of feedback will lay the foundation for the transition from the openness of the authorities to active interaction with the municipality's community.

The regulatory development of e-democracy in local self-government and, as a result, the expansion of its application to the non-local level, as an additional resource demanded by modern society, will help to increase the level of communication and information exchange and create the possibility of electronic public control over the activities of local self-government bodies. Increasing the possibility of feedback and stabilizing electronic resources will accelerate the process of solving local issues.

Conclusions and Implications

Based on the results of the study, the following conclusions can be drawn:

1) municipalities in the Republic of Azerbaijan face difficulties in carrying out their activities that are not only of a financial and economic nature. Despite the funds allocated by the state, municipalities

cannot turn into influential a social institution, which indicates that the formation of the institution of local self-government in the Republic of Azerbaijan is incomplete;

2) despite the various types of implementation of the local self-government system in Azerbaijan, its significant drawback is that it is a one-level system, and, accordingly, the country continues to implement reforms in the field of local self-government, which are at different stages of implementation and develop in different ways. However, the search for an effective local government system remains a priority for society;

3) the analysis of the processes of interaction between local self-government bodies includes the following main components: types, channels, the content of the interaction, as well as evaluation of the effectiveness of this process. The main areas of interaction are: management of the economic, socio-political, cultural spheres of the municipality's life; joint social, economic, cultural, political activities of self-government bodies and local communities.

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Conflict of Interest

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