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LOCAL DEMOCRACY: THEORETICAL AND LEGAL CHARACTERISTICS

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ABSTRACT: The article presents a theoretical and legal analysis of local democracy. The top place in democratic transformations in local democracy; is an effective system of local self-government that is impossible without working mechanisms to implement legislation in the field of local democracy at both national and local levels.

The author points out that the importance of local democracy is determined by its essence and role. After all, the local level is the closest to the population, needs, and problems. The creation of appropriate living conditions should be determined locally.

It is determined that the term «local area» means a reasonably extensive range of phenomena and processes. In defining this term in scientific doctrine, emphasis is placed on a particular phenomenon or process. The predominance of local democracy is understood as a national model of democracy, as the participation of citizens in governance, as a form of self-organization of citizens and as a democratic system at the municipal level.

Based on the analysis of scientific points of view, conclusions are made about the peculiarities of local democracy. The main characteristics of local democracy are an organization of the life of the territorial community on the principles of equality, participation, public dialogue; involvement of citizens in community affairs, dissemination of practices of local initiatives, referendums; self-organization of the population.

The local democracy is the development of the people, the broad involvement of local people in participation in matters of meaning. Effective local democracy is a prerequisite for sustainable and equitable economic and social development, good governance, and the promotion of democratic values.

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The proper functioning of democratic institutions and processes at the local level is a determining and vital factor. Active citizenship at the local level lays the foundation for a stable and robust democracy at the national level because the policy at the national level uses practices and methods at the local level. In contrast, experience at the local level is the basis for national policy and reform.

INTRODUCTION

An important place in democratic transformations belongs to local democracy, as the development of an effective system of local self-government and the formation of civil society is impossible without creating proper regulatory and organizational conditions and, most importantly – working mechanisms for implementing legislation in local democracy at national and local levels.

In Ukraine, due to the decentralization reform, new standards of interaction between public authorities and the community and new approaches to the exercise of local self-government powers, more democratic and open, are being introduced. In particular, the tools of local democracy are increasingly used, such as citizens' appeals, e-petition, access to meetings, general meetings, advisory bodies, control and supervisory bodies, participation budget, self-organization bodies, local initiatives, public hearings.

But currently, in Ukraine, there are several problematic issues regarding the use of local democracy instruments, due to the lack of proper legal regulation of these instruments, lack of public awareness of the use of these tools to solve problems of local importance, and so on.

THEORETICAL AND LEGAL APPROACHES TO THE TERM “LOCAL DEMOCRACY”

The term ‘local democracy’ means a relatively wide range of phenomena and processes. Therefore, different authors in defining this term, as a rule, emphasize a particular phenomenon or process. Thus, local democracy is understood as a national model of democracy, as citizen participation in

governance, as a form of self-organization of citizens, and as a democratic system at the municipal level.

The first works on the theoretical analysis of local democracy give the end of the twentieth century. At that time, local democracy was defined as a space for introducing democratic patterns of behavior; even then, the mechanisms of representative democracy were actively involved – the election of local leaders. It is worth quoting the British scientist Danny Burns, who notes that the idea of local democracy is quite simple – the more citizens participate in decision-making at the local level while controlling the activities of local governments, the more effective and democratic local government will be local authorities (Burns, 2000, p. 963).

It is worth noting the first global report on decentralization and local democracy, prepared by the World Organization of United Cities and Local Governments (UCLG) in 2008. This report draws attention to ‘local democracy’ and points out that this definition varies significantly from one country and continent to another. It alters the concept of relations between local people and the state. To better understand the essence of local democracy, related ideas are analyzed – decentralization and local self-government. The report notes that local democracy refers to the relationship between different levels of government; decentralization – to the status of local government, and local self-government is a way of exercising power. A comparison between the three terms shows convergence at the level of political ideas and legal concepts. Therefore, local democracy is a way to exercise control at the local level (Decentralization, 2008, p. 20).

A broad definition of local democracy is provided by Hungarian researchers Gabor Soos and Violetta Zentai, who understand this category as autonomous, effective, open, and representative of self-government, which operates in civil society and guarantees political rights for citizens (Soos, Zentai, 2005, p. 38).

According to the International Institute for Democracy and Electoral Assistance (IDEA), local democracy is a city of self-government, towns, villages, and districts based on democratic principles, usually the election of mayors, workers, and other officials at the local level (Bulmer, 2017, p. 12).

The European Association for Local Democracy (ALDA) explains that local democracy is self-government that gives local authorities the right to regulate and manage part of public affairs within the law. This right is conferred on councils or assemblies consisting of freely elected members by secret ballot and accountable to their local constituency (Local democracy today and tomorrow, 2014, p. 21).

From the view of Alexander Novoselov, in formulating the term «local democracy» must consider the wide range of phenomena and processes inherent in this concept. The scientist provides his definition, which in his opinion, allows avoiding a narrow interpretation of this phenomenon and provides an opportunity to specifically consider some of its components and processes. In particular, he defines local democracy as a dynamically evolving system with many interconnected and ever-changing components, which includes methods of interaction at the local level of factors such as supranational forces and institutions, national and local governments, civil society, as well as different pressure groups in the process of making universal decisions. We believe that this definition is a broad interpretation of local democracy, as it combines political and legal features and components of local democracy (Novoselov, 2006, p. 12).

Another author Mykola Bondar provides a broad definition of local democracy and defines it as a self-governing form based on the unity of freedom and responsibility of the population at the place of residence of public authority, collective and individual rights of citizens to decide independently within the limits established by the Constitution and current legislation. Direct livelihoods and the provision of municipal services in the interests of the local community and individual citizens (Bondar, 2009, p. 42).

Thus, summarizing the approaches of foreign authors, we can conclude that local democracy is the basis of local government, which is based on democratic values, uses democratic mechanisms, and is based on the active position of the local population.

DOMESTIC DOCTRINAL APPROACHES TO THE ESSENCE OF LOCAL DEMOCRACY

The topic of local democracy is becoming widespread in national legal doctrine. The works of numerous scientists evidence this. Alexander Batanov, defining the essence of municipalism, emphasizes the importance of the local level. The scientist believes that in a state where an effective system of local self-government has been created and tested. The principles of municipal policy have been set; an algorithm can be formed according to which the legislature is democratically elected and the executive is controlled and responsible. In a state where the institutions of municipalism have been created, people elect and contain both those who pass the national laws under which they will live and those who adopt these laws on the ground (Batanov, 2010, p. 25).

Myroslava Lendel defines local democracy as a political regime implemented at the lowest territorial level of public authority within the local self-government institutions, guaranteed by the state, and characterized by autonomy, a combination of representative and direct forms of democracy, elite competition, democratic participation in politics and conditionality. Favorable political and cultural orientations (Lendel, 2011, p. 39).

Ganna Muzychenko draws an important conclusion that local democracy determines democratic processes in places where decentralization of state power is widespread, there are institutions of local self-government and civil society, democracy comes from the people, is carried out by the people and in the interests of the people (Muzychenko, 2002, p. 321).

Svitlana Bula notes that local democracy should be understood as a type of self-government that is autonomous, effective, open, and representative, operating in civil society and guarantees political rights for citizens (Bula, 2012, p. 17).

Eugenia Sadykova emphasizes that the local factor is essential and manifested in all models of democracy, including the participation of citizens in political life, which is determined not only by the need to protect individual interests, but also the development of general awareness of public unity, which is seen as a prerequisite for the introduction of quality political representation on the ground (Sadykova, 2016, p. 53).

Alexander Loshchykhin and Maria Martynyuk on the analysis of foreign and domestic achievements, defines local democracy as a local level of democracy, a form of organization of a territorial community in which the local community is a source of local government, in particular, the community forms local governments their activities, including the participation of civil society institutions and directly involved in decision-making, is responsible for their implementation (Loshchykhin, 2017, p. 8).

Marat Tsumariiev defines local democracy as a state-guaranteed way of organizing power at the local level (within local self-government), based on the self-organization of political participation of citizens (members of the territorial community or part of it) in local issues, using standardized mechanisms and tools of local democracy (Tsumariiev, 2019, p. 41).

Thus, local democracy is a way of organizing local government, which consists of the participation of citizens in the development and decision-making of power through the institutions of local democracy.

CHARACTERISTICS OF LOCAL DEMOCRACY

An essential aspect of understanding local democracy is identifying specific features that are unique to it as an institutional form of organization of political life in the community.

The International Institute for Democracy and Election Promotion (International IDEA) has identified three fundamentals of local democracy:

- citizenship, equal rights, and justice – including local citizenship, personal, political rights, economic, social, and cultural rights, the rule of law, and access to justice;
- representative and accountable institutions and processes – elections and mechanisms of direct democracy at the local level, local authorities, political parties, and other institutions of civil society;
- civic initiative and participation – active involvement of citizens and the media (Local democracy today and tomorrow, 2014, p. 14).

Mykola Bondar entifies six inherent features in local democracy as a political and legal phenomenon:

- it is carried out in a particular sphere of public relations, which is formed by issues of regional importance;
- secondly, it is implemented at the lower territorial level of public authority;
- it has its spatial boundaries of the territory of municipalities;
- based on the principles of self-government, it provides for the complete convergence of governing and governed entities, municipal authorities, and the local community and, accordingly, direct and representative democracy (but without their identification);
- it is organizationally separated from the democratic institutions of state power;
- municipal democracy is not limited to relations at the state level but also includes institutions of public, non-public nature (for example, territorial public self-government, public opinion polls, meetings (Bondar, 2009, p. 19).

Svitlana Kramarenko to the signs of local democracy includes the connection of the subject and object of management activities in local government; the most democratic ways of formation and composition of the mechanism of municipal government; taking into account national, historical, cultural, and other local features in the implementation of local self-government; ensuring the balance of state and local interests through practical cooperation between local governments and public authorities as democratic bodies of people's representation; the possibility of effective control by the population over the activities of local authorities while opening these bodies (Kramarenko, 2013, p. 32).

Scholar Myroslava Lendel identifies among the signs of local democracy:

- belonging to the community. Thus, the participation of residents in it is intensified;
- deliberation – effective dialogue between different interest groups is vital for the democratic process;
- political education, which is necessary for the “conscious” participation of citizens and knowledge of politics at the level of the local elite to be on equal terms at the educational group;

- control over the government's actions by citizens because of highly qualified and high-quality implementation of good governance and social welfare (Lendel, 2011, p. 206).

According to Svitlana Bula, the main conceptual characteristics of local democracy are the organization of the life of the territorial community on the principles of equality, participation, public dialogue; involvement of citizens in community affairs, dissemination of practices of local initiatives, referendums; self-organization of the population (Bula, 2012, p. 18).

Summing up, we note that local democracy has the following features:

- promotes the active involvement of local people in solving problems through various institutions of local democracy;
- is manifested in the interaction of local governments and residents, based on mutual responsibility and mutual support;
- allows to identify the needs of the urban population and promptly solve local problems.

CONCLUSIONS

Effective local democracy is the foundation of an effective and national solid democracy. The local level is decisive because it is here that citizens first get acquainted with the political system of which they are a part; this is their primary basis for political participation and representation.

The importance of local democracy lies in the possibility of greater public participation in local issues, which increases the level of legal culture, forms the social values of the population on the one hand, and improves the provision of services and local government by increasing public accountability on the other. It is local democracy that reflects the needs and interests of local people, contributes to the effective and efficient solution of problems and conditions that may arise on the ground, improves the interaction of the population and the quality of services.

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