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# THE PRINCIPLE OF THE RULE OF LAW IN THE SYSTEM OF LOCAL SELF-GOVERNMENT

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## ABSTRACT

The principle of the rule of law, or legal guarantee, plays a key role in the system of local government, providing a framework and restrictions for the actions of local authorities. This principle implies that all actions and decisions taken by local authorities must comply with the law, including legislation at higher levels of government, constitutional norms and local legal acts. The rule of law in the system of local self-government ensures legal stability, protection of the rights and freedoms of citizens, prevents arbitrariness and corruption, and also helps ensure justice and equality before the law for all members of society.

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## Introduction.

In terms of local government, the rule of law implies that municipal bodies should comply with the laws and regulations prescribing their powers and rights. This means that decisions and actions of local self-government bodies shall be legal, transparent and comply with national laws.

The rule of law ensures protection of citizens' rights and freedoms, as well as stability and predictability in the system of local government. It also plays an important role in upholding the rule of law and combating corruption, preventing arbitrariness and abuse of power at the local level.

Adherence to the rule of law in the system of local self-government is required for the development of democracy, the rule of law, and ensuring fair and efficient administration at the local level.

Local self-government institutions contribute to the promotion and upholding of the rule of law within the law-governed state. While providing civic engagement mechanisms, ensuring transparency and accountability in decision-making, and adhering to laws and regulations, local self-government contributes to reinforcing the rule of law. This, in turn, fosters a more stable and predictable environment that promotes economic growth, social cohesion and protection of individual rights.

Local self-government supports and reinforces the rule of law as follows:

## **1. Compliance with the law.**

Local self-government acts within the framework of laws and regulations established at the national or regional level. Local authorities are bound by statutory requirements governing their powers, functions and duties. Local self-government ensures that administrative decisions are made in accordance with established laws subject to compliance with the law, and promotes predictability, consistency and fairness of regulations and their application within the law-governed state. [Lafont, C., 2017, p.16]. Local self-government complying with the law makes significant contribution to the rule of law in the system of the law-governed state institutions:

- Commitment to laws and regulations: Local self-government institutions operate within a legal framework comprised of laws, regulations, and ordinances established by upper tiers of government. These laws define the powers, duties and restrictions of local authorities. While complying with these legal provisions, local self-government ensures that its actions comply with the rule of law.

- Compliance with the Constitution: Local self-government bodies are bound by constitutional principles and provisions. They shall have respect for the fundamental rights and freedoms enshrined in the constitution, as well as follow constitutional processes and procedures. Local self-government contributes to the rule of law while complying with the supreme laws of the land and ensuring compliance with the constitution.

- Legitimacy of decision-making: Local self-government institutions make decisions through processes set forth in the law. This includes the following procedures for development, discussion and adoption of policies, orders and resolutions. Local self-government promotes the rule of law and the legitimacy of governance actions while ensuring legitimacy and transparency of decision-making processes [León-Moreta, A., 2018, p. 2592].

- Respect for court decisions: Local self-government bodies have respect for the decisions of the judiciary, including those related to legal disputes associated with municipal or local government matters. Adherence to court decisions demonstrates commitment to the rule of law and the principle of judicial independence, and ensures resolution of legal disputes in accordance with established legal principles.

- Compliance with administrative law: Local self-government institutions follow the principles of administrative law regulating their actions. This includes compliance with administrative procedures, transparency in administrative actions, and responsibility for administrative decisions. Local self-government contributes to the rule of law while complying with the requirements of administrative law, ensuring fairness, accountability and legitimacy in administrative processes.

- Regulatory compliance: Local self-government institutions follow rules that govern various aspects of governance, including land-use planning, environmental protection, public procurement, and provision of public services. Compliance with regulatory requirements ensures compliance of local government actions with legal standards and obligations, promotion of the rule of law and protection of public interest [Sharpe, L.J., 1970, p.161].

Thus, compliance with the law is the cornerstone of local self-government's contribution to the rule of law in the system of the law-governed state institutions. While complying with laws, regulations and constitutional provisions, ensuring the legitimacy of decision-making processes, having respect for court decisions, adhering to administrative law principles and regulatory requirements, local self-government promotes the rule of law, protects legal regulations, and increases public confidence in governance processes within the law-governed state.

## **2. Accountability.**

Local self-government promotes accountability while holding elected officials and government agencies accountable to the law and the citizens they serve. Local authorities are

subject to legal and administrative mechanisms that ensure transparency, control and monitoring of their actions. This accountability increases confidence in government institutions, reinforces the rule of law, and enhances the legitimacy of governance processes within the law-governed state [Smith, 2009, p.132]. Local self-government makes a significant contribution to the rule of law in the system of the law-governed state institutions through accountability:

- Transparency in decision-making: Local self-government institutions operate transparently, ensuring that their decision-making processes are open to public scrutiny. Transparency enhances accountability enabling citizens to monitor actions of local authorities and hold them accountable for their decisions. Local self-government contributes to the rule of law promoting transparency and ensuring that governance processes are conducted in an open manner and in compliance with the law.

- Public reporting and disclosure: Local self-government institutions are subject to public reporting and making disclosures on their actions and finance. These statements allow citizens to evaluate performance of local authorities and hold them accountable for the use of public resources. Local self-government promotes accountability and transparency while reporting and making disclosures to the public, and reinforces the rule of law within the law-governed state.

- Controls: Local self-government institutions are subject to controls that ensure accountability for their actions. These mechanisms may include internal audit functions, external audits by independent auditors, and oversight by elected officials or designated bodies. Controls hold local authorities accountable for their decisions, actions and use of public funds, and promote accountability and integrity in governance processes.

- Civic engagement: Local self-government institutions actively involve citizens in decision-making processes, allowing them to be engaged in governance activities and provide feedback on policy decisions. Civic engagement promotes accountability while ensuring that local authorities are responsive to community needs and preferences. Facilitating civic engagement and involvement, local self-government enhances accountability and legitimacy, contributing to the rule of law within the law-governed state [Jong, D., 2021, p. 44].

- Compliance with legal standards: Local self-government institutions comply with legal standards and requirements governing their actions, including laws, regulations and constitutional provisions. Compliance with legal standards ensures that local authorities operate within the law and have respect for regulations set by upper tiers of government. Local self-government promotes accountability adhering to legal standards and upholds the rule of law within the law-governed state.

- Ways to address non-compliance with law: Local self-government entities shall be held responsible for non-compliance with laws or regulations through legal and administrative measures. If citizens believe that local authorities have acted illegally or violated their legal obligations, they are entitled to protect their rights through judicial or administrative procedures. Local self-government enhances accountability while providing remedies for non-compliance with the law and ensures that governance processes are conducted in accordance with the rule of law.

Thus, accountability is a fundamental aspect of local self-government's contribution to the rule of law in the system of the law-governed state institutions. Local self-government promotes transparency, public accountability, controls, civic engagement, compliance with legal standards, and addressing non-compliance with the law, enhancing accountability, increasing public confidence, and upholding the rule of law within the law-governed state. [Dawkins E., 2019, p.1455].

### **3. Judicial review.**

Local self-government may be subject to judicial review to ensure compliance with laws and protection of citizens' rights. Courts may review actions, decisions, and policies of local self-government bodies to determine their legitimacy, constitutionality, and compliance with established legal principles. Judicial review acts as examination of performance of local authorities, ensuring that administrative decisions comply with the rule of law and that fundamental rights and freedoms are respected [Collins P.H., 2019, p.175].

Local self-government plays a crucial role in contributing to the rule of law in the system of the law-governed state institutions through judicial review. Judicial review contributes to the rule of law in the context of local self-government as follows:

- Ensuring compliance with the law: Judicial review ensures that local self-government institutions operate within the framework of the law. Courts examine actions and decisions of local self-government bodies to determine their legitimacy and compliance with regulations established by upper tiers of government. While holding local self-government bodies accountable for compliance with law, judicial review contributes to the rule of law within the law-governed state.

- Support of constitutional principles: Judicial review protects constitutional principles and rights within the jurisdiction of local self-governments. Courts review local laws, policies and actions to ensure their compliance with constitutional provisions, fundamental rights and freedoms. While adhering to constitutional principles, judicial review reinforces the rule of law and protects individual freedoms within the law-governed state.

- Prevention of abuse of power: Judicial review acts as examination of the exercise of governmental powers by local authorities. Courts examine actions of the government, including local self-government institutions, to prevent abuses of power, arbitrary decisions, and violations of legal rights. Investigating government actions, judicial review promotes accountability, fairness, and the rule of law within the law-governed state [Vaneev, O.N., 2010, p.214].

- Resolution of legal disputes: Judicial review provides a forum for resolving legal disputes related to local self-government entities. Courts hear disputes between local authorities, between local authorities and citizens, or between local authorities and other tiers of government. Judicial review contributes to amicable resolution of conflicts while resolving legal disputes, protects legal rights, and ensures effective functioning of local self-government within the framework of the rule of law.

- Explanation of legal standards: Judicial review contributes to clarification of applicable legal standards and interpretations to local self-governments. Courts make decisions that establish legal precedents, interpretations and principles governing actions and decisions of local authorities. While clarifying legal standards, judicial review enhances legal certainty and consistency in the application of laws within the law-governed state.

- Promoting accountability and transparency: Judicial review promotes accountability and transparency in the actions and decisions of local self-governments. Courts provide a mechanism for citizens to challenge government actions, address claims, and hold local authorities accountable for their decisions. While promoting accountability and transparency, judicial review enhances public trust, confidence and involvement in governance processes within the law-governed state.

Thus, judicial review is essential to promote the rule of law in a system of law-governed state institutions, particularly in the context of local self-government. Judicial review contributes to legitimacy, efficiency, and integrity of local self-government institutions while ensuring compliance with the law within the law-governed state, protecting constitutional principles, preventing abuse of power, resolving legal disputes, clarifying legal standards, and promoting accountability and transparency.

#### **4. Protection of rights.**

Local self-government plays a role in protecting and promoting the rights and freedoms of citizens in society. Local authorities are responsible for protecting constitutional rights, human rights and civil liberties within their jurisdiction. Local self-government contributes to the rule of law while respecting and protecting individual rights and ensuring that governance decisions are guided by the principles of justice, equality and respect for human dignity. [Savchenko, M.S., 2013, p.198]. While protecting the rights of individuals within its jurisdiction, local self-government makes significant contribution to the rule of law in the system of law-governed state institutions.

- Respect for constitutional rights: Local self-government institutions operate within the framework of constitutional principles and protection. They respect fundamental rights and freedoms established in the constitution, and ensure that their actions and decisions do not infringe these rights. Local self-government promotes the rule of law while protecting constitutional rights and protects individual liberties within the law-governed state.

- Ensuring equal protection: Local self-government ensures equal protection under the law for all individuals within its jurisdiction. It prohibits discrimination based on race, ethnicity, sex, religion or other characteristics and guarantees fair and impartial treatment of all citizens. While ensuring equal protection, local self-government contributes to the rule of law promoting justice, equality and non-discrimination within the law-governed state.

- Protection of due process of law: Local self-government institutions adhere to the principles of due process of law in their administrative and judicial proceedings. They provide fair and impartial hearings, opportunities for legal representation, and access to justice for those involved in legal disputes. Local self-government upholds the rule of law and protects the procedural rights of individuals within the law-governed state [Siddikov, R.R., 1993, p.11-12].

- Protection of property rights: Local self-government protects property rights of individuals while ensuring the right to own, use and dispose of property within the framework of applicable laws and regulations. It protects against arbitrary expropriation, unlawful seizure, or infringement of property rights without just cause and due legal process. While protecting property rights, local self-government promotes economic stability, investment and development within the law-governed state.

- Promotion of civil liberties: Local self-government institutions promote civil liberties within their jurisdictions, such as freedom of expression, assembly and association. They respect the rights of individuals to express their opinions, to organize peaceful demonstrations, and to establish associations or organizations without interference or intimidation. Local self-government upholds the rule of law promoting civil liberties and protects individual liberties within the law-governed state.

- Facilitating access to justice: Local self-government institutions facilitate access to justice providing mechanisms for individuals to file complaints and resolve legal disputes. They establish administrative procedures, legal aid services and alternative dispute resolution mechanisms to ensure that individuals have access to appropriate, timely and effective justice. Local self-government promotes the rule of law facilitating access to justice and ensuring that individuals can defend their rights and seek legal remedies for legal violations within the law-governed state. [Held, D., 2014, p.154].

Thus, local self-government contributes to the rule of law in the system of the law-governed institutions while protecting the rights of individuals within its jurisdiction. Local self-government upholds the rule of law and promotes justice and respect for human rights under the law respecting constitutional rights, ensuring equal protection, ensuring due legal process, protecting property rights, promoting civil liberties and facilitating access to justice.

## **5. Settlement of disputes.**

Local self-government bodies provide mechanisms for resolving disputes and conflicts in accordance with the law. Local authorities may establish administrative procedures, mediation services or legal channels to resolve complaints and conflicts between citizens or between citizens and government agencies. Local self-government facilitates amicable dispute resolution while providing accessible and effective dispute resolution mechanisms, and reinforces the rule of law within the law-governed state. Local self-government contributes to the rule of law in the system of the law-governed state institutions while facilitating effective dispute resolution mechanisms as follows:

- Administrative dispute resolution: Local self-governments often have administrative mechanisms for settlement of disputes within their jurisdiction. These mechanisms may include administrative hearings, mediation services or ombudsman offices, which provide opportunities for individuals or organizations to resolve conflicts with local authorities without resorting to formal litigation. While offering options for settlement of administrative disputes, local self-governments help to resolve disputes in a timely and cost-effective manner, reinforce the rule of law, and maintain public confidence in the legal system. [Postovoy, N.V., 1995, p.122].

- Judicial remedies: Local self-governments are subject to judicial review, and individuals or organizations may seek legal remedies through the court system if they believe their rights have been infringed or if they wish to challenge the decisions or actions of local authorities. Courts have jurisdiction to hear cases relating to local self-government matters and to issue orders granting remedies or relief to aggrieved persons. While providing access to judicial remedies, local self-government contributes to the rule of law ensuring that individuals have their disputes dealt with independently and impartially.

- Alternative dispute resolution: Local self-government institutions can encourage the use of alternative dispute resolution methods, such as arbitration or negotiation, to resolve conflicts or disputes with individuals, organizations or local authorities. These mechanisms offer the parties flexibility, confidentiality and the opportunity to reach mutually acceptable resolutions outside of formal court proceedings. While promoting alternative dispute resolution, local self-government uphold the rule of law, facilitating efficient and amicable dispute resolution, reducing judicial workload, and promoting collaborative problem solving.

- Community mediation programs: Local self-governments can establish community mediation programs or centers to resolve conflicts or disputes between residents or community members. These programs offer mediation services facilitated by trained mediators who help parties communicate, identify interests, and negotiate mutually satisfactory solutions to their disputes. Community mediation programs promote social cohesion, empower communities to resolve conflicts themselves, and contribute to the rule of law while promoting amicable dispute resolution at lower tiers. [Marquart, E.,2015, p.88].

- Legal services: Local self-government institutions may provide legal services or support programs to individuals or organizations with limited resources to obtain legal advice, representation, or assistance in dispute resolution. Legal services ensure that all persons have equal access to justice and can effectively defend their rights, regardless of their financial capacity. While supporting legal services, local self-government promotes the rule of law expanding access to justice, protecting vulnerable population and promoting fairness and equity in the legal system.

- Enforcement of decisions: Local self-government institutions are responsible for enforcement of decisions or orders issued by administrative bodies or courts after resolution of disputes. Enforcement mechanisms ensure compliance with legal judgments, administrative decisions or settlement agreements and may include measures such as fines, injunctions or other enforcement actions. Local self-government protects the rule of law while ensuring

enforcement of decisions, respects legal authority, prevents cases of non-compliance with the law, and ensures protection of individual rights and interests within the law-governed state.

Thus, local self-government contributes to the rule of law in the system of the law-governed institutions while providing effective dispute resolution mechanisms. While offering administrative dispute resolution options, access to judicial remedies, promoting alternative dispute resolution methods, establishing community mediation programs, supporting legal services, and ensuring enforcement of decisions, local government promotes timely, fair, and amicable dispute resolution. [Arcila, B., 2021, p.12].

## **6. Legal certainty.**

Local self-government contributes to legal certainty while providing clear procedures and rules governing local governance processes. Citizens and businesses can rely on established legal frameworks and administrative procedures when interacting with local authorities. This legal certainty enhances confidence in stability, predictability and fairness of governance processes, supports the rule of law, and facilitates economic development and social progress within the law-governed state. Local self-government makes significant contribution to the rule of law while promoting legal certainty in the system of the law-governed state institutions:

- Clarity of the legal framework: Local self-government bodies act within a clearly defined legal framework that reflects their powers, responsibilities and restrictions. Legal statutes, ordinances, and regulations provide guidance on jurisdiction and procedures for decision-making. While adhering to a clear legal framework, local self-government promotes legal certainty while ensuring predictability and consistency in governance processes.

- Consistency in decision making: Local self-government institutions try to consistently apply laws and regulations in their decision-making processes. They adhere to established legal principles and precedents, and ensure uniformity in the interpretation and application of legal norms. Consistency in decision-making promotes legal certainty while providing individuals and organizations with confidence in the reliability and predictability of governance outcomes.

- Fairness and impartiality: Local self-government institutions operate so as to uphold the principles of fairness, impartiality and equality before the law. They treat all individuals and organizations equally, without discrimination or preference, and ensure that decisions are based on objective criteria and legal standards. Fair and impartial governance promotes legal certainty while instilling confidence in integrity and reliability of the legal system. [Önen, M. S., 2016, p.223].

- Protection of property rights: Local self-government institutions protect property rights while ensuring that individuals have secure and enforceable rights to own, use and transfer property. They support legal mechanisms for land registration, property transfer and dispute resolution, providing individuals with certainty and security in their property rights. Protection of property rights contributes to legal certainty while fostering investment, economic development and stability within the law-governed state.

- Availability of legal information: Local self-government institutions provide publicly accessible and transparent information on laws, regulations and governance processes. They publish legal statutes, ordinances, and administrative procedures and provide guidance on compliance requirements and rights. Accessibility of legal information enables individuals and organizations to understand their legal obligations and rights, promotes legal certainty while reducing legal uncertainty.

- Compliance with legal procedures: Local self-government institutions follow established legal procedures and due process requirements in their decision-making processes. They provide opportunities for participation, consultation and appeal, and ensure that those affected by government decisions have opportunities for redress and review. Adherence to legal procedures promotes legal certainty while providing individuals with confidence in fairness, transparency and integrity of governance processes. [Önen, M. S., 2001, p.33].



Thus, through a clear legal framework, local self-government ensure legal certainty, consistency, fairness and impartiality in decision-making, protection of property rights, compliance with legal information and legal procedures, and providing individuals and organizations with confidence in reliability, predictability and integrity of governance processes, reinforces legal certainty, stability and trust within the law-governed state.

**In conclusion**, it can be said that local self-government is an integral part of the institutional framework of the law-governed state, contributing to decentralization, subsidiarity, civic engagement and the rule of law. While empowering local communities and municipalities to manage their own affairs, local self-government enhances effectiveness, legitimacy and accountability of governance systems within the law-governed state.

Local self-government plays an important role in the system of the law-governed state institutions and makes significant contribution to the principles of democracy, governance and the rule of law. With its autonomy, accountability and adherence to legal frameworks, local self-government serves as a cornerstone of democratic governance, promoting civic engagement, responsive decision-making and effective service delivery at the lower tier.

Local self-government reinforces the rule of law while ensuring compliance with laws, protecting individual rights and providing dispute resolution mechanisms. While acting within a clear legal framework, promoting consistency in decision-making, and supporting the principles of fairness and impartiality, local authorities contribute to legal certainty and stability within their jurisdictions.

In addition, local self-government promotes community empowerment, social cohesion and civic engagement, enabling citizens to actively engage in governance processes and shape the development of their communities. Through mechanisms such as civic engagement, representation and transparency, local self-government strengthens democratic values and promotes inclusive governance within the law-governed state.

Thus, local self-government serves as an important component of the system of law-governed state institutions, contributing to the rule of law, democracy and good governance. While empowering communities, protecting rights and promoting accountability, local self-government plays a significant role in promoting the principles of justice and equality within the law-governed state.

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