



Received: 30 May 2018
Revised: 15 June 2018
Accepted: 15 June 2018
Published: 30 June 2018

REFORMA ADMINISTRACJI LOKALNEJ W POLSCE - UWARUNKOWANIA PRAWNE I SOCJOLOGICZNE

THE REFORM OF LOCAL ADMINISTRATION IN POLAND - LEGAL AND SOCIOLOGICAL CONDITIONS AND EXPECTATIONS

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Streszczenie

Samorząd lokalny jest podmiotem władzy publicznej, który uczestniczy w sprawowaniu władzy publicznej ze względu na swój interes prawny. Zadania samorządu terytorialnego wykonywane są we własnym imieniu i na własną odpowiedzialność. Konstytucja RP nie określa struktury samorządu terytorialnego w Polsce. Celem artykułu zatytułowanego "Reforma administracji lokalnej w Polsce - uwarunkowania prawne i socjologiczne" jest ocena prawna funkcjonowania samorządu powiatowego w Polsce oraz ocena ustawy o samorządzie okręgowym.

Słowa kluczowe: reforma, administracja lokalna, Polska

Abstract

The local self-government is the entity of public authority which participates in exercising public authority because of its legal interest. The tasks of local self-government are exercised in its own name and under its own responsibility. The Constitution of the Republic of Poland

ISSN 2543-7097 / E-ISSN 2544-9478

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[DOI 10.5604/01.3001.0012.2130](https://doi.org/10.5604/01.3001.0012.2130)

does not specify the structure of local self-government in Poland. The aim of the article titled "The reform of local administration in Poland - legal and sociological conditions and expectations" is the legal assessment of the functioning of district self-government in Poland and the assessment of the District Self-government Act.

Keywords: reform, local administration, Poland

Introduction

Research on local communities is conducted within the framework of the sociology of urban and rural settlements. There is any other social research. Therefore, in the science of sociology there are following elements which constitute local communities: space and territory; the human community inhabiting this territory; social interactions between inhabitants of the territory; mutual bonds between persons and institutions which provide internal integrity of the community and enable to undertake joint activities for the solution of local problems. The entities which have a large influence over realization of common interests of local communities, especially in urban communities, are associations, non-government organizations and social groups functioning on their territory as representatives of such interests. In traditional societies, local communities have greater autonomy, their activities are regulated by their own social norms, while in modern societies the macro-social normative system becomes dominant. Under such a system, borders of local communities are established administratively and their cultural borders are less significant. The factor which transforms territorial communities into social communities is the participation of inhabitants of given territories in social activities, however, such participation is more probable in case of persons with higher social status. In the conflict perspective, local community is defined as the stage of conflicts between inhabitants, representatives of local authorities and local entrepreneurs. For that reason, the sociological approach to the notion of self-government occurs among legal notions. It refers to legally separated social groups such as a municipality, a district or a voivodeship, participation in which is constituted under the law. Such approach to the notion of self-government is accepted by the doctrine of administrative law. It is reflected in provisions of the Polish Constitution and statutes defining the structure of Polish self-government which are: the Municipality Self-government Act, the District Self-

ISSN 2543-7097 / E-ISSN 2544-9478

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government Act and the Voivodeship Self-government Act. Methodological framework of discussed problems is presented through the prism of legal and sociological analysis. The main method used in the study is the dogmatic legal method which involves exegesis and interpretation of legal provisions of administrative law, views of doctrine and opinions of judicature. The authors make use of the comparative law method as well. Research analyses are in most cases conducted from administrative legal and sociological point of view.

Local self-government - systematic and comparative legal aspects

The organization of modern countries and the idea of self-government are based on the principle of subsidiarity. It means that the authority is constructed vertically. Tasks fulfilled by organizational entities of a lower level cannot be delegated to higher level organizational entities unless their character exceeds the competences and possibilities for their fulfilment by lower level entities. Systematic changes in Poland were aimed at the conversion of the centralized state into the democratic, civic state which organizational basis was supposed to be self-government. In such a context, municipality self-government is perceived as the permanent organizational institution which is not subject of any doctrinal reflections. Article 164(1) of the Polish Constitution establishes the existence of a municipality as the basic entity of self-government. The power to create districts was granted to the common legislator under Article 164(2) of the Constitution. In relation to that, it is worth to ask a question whether it was justified to create districts despite such a discrepancy and whether were that legal, historical, political or economic conditions that influenced it. Even today there are opponents of districts. It seems that the discussion about the functioning of state structures and its territorial division should lead to postulates concerning the abolition of districts, the enlargement of territories of municipalities and granting municipalities with powers, tasks and competences of districts. In contrast to municipalities, districts are facultative elements of the constitutional structure of self-government. In the doctrine there is a view which claims that the Polish Constitution excludes the possibility of existence of only municipality self-government. However, the District Self-government Act is not the supreme act and can be amended by an

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other statute. The problem of the incongruence of legal system in Poland is permanent and addresses municipalities, however in relation to municipalities it can be limited due to constitutional guarantees included in Article 164(1) of the Constitution. District self-government is in a worse situation since it is more vulnerable for the results of the low standard of Polish legislation. Today, it is hard to expect the significant rise of position and durability of provisions concerning district self-government since there is not the answer for the question asked above - is district self-government needed? Such a situation does not change *de lege lata* absolute character of district self-government which makes it similar to municipality self-government and voivodeship self-government. Therefore, it is the Polish legislator who has the power to make choices whether to create districts, to reduce their number or to remove them. The corporative nature of a district can be the instrument supporting the formation of the civic society, if it provides the guarantee for the members of the district community to participate in decision-making within the competences of district self-government (Stec R., 2014). For the reasons mentioned above, it is important to interpret the provisions of the District Self-government Act as provisions regulating relations between members of the district self-governing community and district authorities.

The District Self-government Act understood in this manner leads to a number of doubts since there is the lack of provisions concerning relations between district authorities and the members of the district self-governing community. The doctrine enables to interpret such cases as the creation of democratic structure, differing from the model of self-government understood as a corporative entity, in which the subjects of law are the self-governing community and its territory (Stec R., 2014). After the ratification of the European Charter of Local Self-Government (The European Charter of Local Self-Government was ratified by Poland in 1993) and entry into the force of the Polish Constitution of 1997, it could be reasonably expected that the reform of public administration, which entered into force at 1 January 1999, would be, first and foremost through the creation of districts, the radical step towards decentralisation. However, it did not happen and the introduction of decentralization in the Polish self-government administration is not as simple as it seems. There are

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many problems with it as well as with the functioning of the civic society at the level of local and regional government.

Article 15(1) of the Polish Constitution states that the territorial system of the Republic of Poland shall ensure the decentralization of public power. Article 15 (2) indicates that basic territorial division of the state into local government units is determined by statute, allowing for social, economic and cultural ties. It ensures the territorial units' capacity to perform their public duties. In the scope of the regulation of the structure of local self-government, the Polish Constitution is moderate in legal and systematic arguments, even though it contains the principle of decentralization of public authority which is of utmost importance for these matters. The Constitution does not specify the scope and the degree of such decentralization. It was caused by different views presented during the work of the Constitutional Commission of the National Assembly by the members of contemporary government coalition and the members of the Commission preparing the draft of the Constitution. As the result of substantial and legal differences, the provision of the Constitution introducing districts has not been included into its final text (Skrzydło W., 2015a, Lex Omega).

In relation to different views on the structure of local self-government, the Constitutional Commission has decided to omit in the constitutional provisions referring to succeeding tiers of local self-government. These matters were left to be regulated by the Sejm in the common statute. The solution in which matters concerning the structure of local self-government, which are of utmost importance, were delegated to the common statute has been the political and legal mistake. It weakened the structural position of district and voivodeship self-government, even though it was justified by the views claiming that such solution is aimed at more detailed specification of matters which are not of constitutional character and which were not agreed during the elaboration of the draft of the Polish Constitution (Skrzydło W., 2015a, Lex Omega).

Analyzing the District Self-government Act, it is worth to present the example of Croatia where self-government structure is two-tier. The first tier are municipalities and cities, while the second are countries. Each of municipalities and cities, which are local self-government units, as well as each of countries, which are region-

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al self-government units, has the legal personality granted by a statute. Two types of units are considered as cities in Croatia: those which are the seat of country authorities as well as those which have more than 10.000 inhabitants and constitute spatial, historical, natural, economic and social unity. A city, as a local self-government unit, can encompass also the suburban areas inhabited by the local community, which together with the city constitute economic and social unity connected by every-day, local needs of their residents. A country is the entity of regional self-government which territory constitutes natural, historical, economic, communicative, social and self-governing unity organized in order to exercise regional tasks. Since 2003, the territorial structure of Croatian administration consists of 429 municipalities, 126 cities and 21 countries, including the capital city of Zagreb (Matei L., Flogaitis S., 2011, p.48-49).

Another example of two-tier administrative division of the state is the Czech Republic. The Czech Constitution divides the territory of the state into municipalities and regions. The Czech Republic is the example indicating for the rationality of two-tier division of the state since till 2002 there was also the third tier - intermediate between those existing currently. It was a district which was the counterpart of a Polish district. Czech districts had marginal self-governing powers and were removed as the result of administrative reform. Currently, in Czech Republic there are 6249 municipalities and 14 regions. Prague is simultaneously the region and the municipality. Municipalities are units of non-uniform character and can be divided into several types: common municipalities, cities, market cities, statutory cities and the capital city of Prague. It is worth to indicate that while the division into cities and market cities has exclusively formal character and does not lead to the differences in the status of such municipalities, statutory towns can be additionally subdivided into smaller units – quarters (Moreno Á. M., 2012, p.113-114).

In Poland, the matter of principles which form the basis for territorial division of the state is limited in the constitutional provisions, only indicating that the territorial division of the state should take into account ties of social, economic or cultural character and provide the capacity to exercise its own public tasks and delegated tasks as well as to ensure the functioning of the civic society. Therefore, de-

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spite numerous legal and political endeavors, the differences existing at the level of the work of the Constitutional Commission prejudged that general provisions defining the structure of local self-government have not been introduced in the draft of the Constitution. It was the result of the lack of consensus between members of Constitutional Commission and the lack of political decision concerning the specification of the structure, tasks and powers of self-government in the Constitution. The solution that has been agreed to is not complete since the issues concerning the functioning of municipality self-government have been regulated in the Constitution and the matters of functioning of district and voivodeship self-government were delegated to the common legislator. As a result of such directives concerning the introduction of new units of the territorial division of the state and the development of structures of territorial self-government, in 1998 the Sejm adopted self-government acts [Aside of the Act of 8 March 1990 on Municipality Self-Government (Consolidated text: Journal of Laws from 2001 No 142 item 1591 as amended), the Act of 5 June 1998 on District Self-Government (Consolidated text: Journal of Laws from 2001 No 142 item 1592 as amended), the Act of 5 June 1998 on Voivodship Self-Government (Consolidated text: Journal of Laws from 2001 No 142 item 1590 as amended), the Act of 5 June 1998 on government administration in Voivodship (Consolidated text: Journal of Laws from 2001 No 80 item 872 as amended) - this Act has been repealed and replaced by currently binding Act of 23 January 2009 on the Voivode and government administration in the Voivodeship (Journal of Laws No. 31, item. 206, as amended)].

Article 16 of the Polish Constitution states that the self-governing community is formed by all inhabitants of the units of basic territorial division. Therefore, it encompasses not only Polish citizens, but also foreigners. Self-government units exercise public powers in its own name and under its own responsibility, has the legal personality and its independence is the subject of legal protection. Under current regulations, the local community consists of all inhabitants of a certain unit – a municipality, a district or a voivodeship. It is the community formed in accordance with the law and participation in it is obligatory. Therefore, a natural person cannot refuse to be a part of such community and the body of local self-government unit

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cannot exclude any person from it (Article 16 of the Constitution of the Republic of Poland: 1. The inhabitants of the units of basic territorial division shall form a self-governing community in accordance with law. 2. Local government shall participate in the exercise of public power. The substantial part of public duties which local government is empowered to discharge by statute shall be done in its own name and under its own responsibility).

Local self-government is the entity of public authority which participates in exercising public authority because of its legal interest. Tasks designated to it are executed in its own name, except for tasks reserved for the bodies of governmental administration. The tasks of local self-government units are exercised in their own name and under their own responsibility. They can also exercise certain delegated tasks from the scope of governmental administration on the basis of agreements with bodies of governmental administration and those delegated by a statute (Skrzydło W., 2015b, Lex Omega).

The Constitution of the Republic of Poland does not specify the matter of the structure of local self-government in Poland. Such a problem was the object of disputes during the work of the Constitutional Commission which were connected with the specification of the territorial division of the state and the introduction of a new tier of administrative division – a district. Originally, the draft of the Constitution did bring districts back, but at the final level of works, in order to find a compromising solution enabling to adopt the draft, the constitutional regulation was abandoned. However, it did not mean that the issue of the territorial division of the state was prejudged. It may provoke the question whether such a solution is reasonable. Due to the lively disputes which took place at the time, the Constitutional Commission decided to sweep such problems under the carpet. It was assumed that the matter of territorial division of the state can be regulated in the Constitution, but it is not the only solution since such a matter can also be delegated to regulation in a statute (Stec R., 2014).

Therefore, under the current law, the Constitution states that only a municipality is the basic unit of local self-government, but there are also other units. The prospective regulations are directed by the content of Article 164(2) of the Constitution

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which contains a reference to a statute defining other units of regional and local self-government. The fact that a municipality is defined as the basic unit of local self-government is the basis for legal principle stating that a municipality fulfills essential tasks of local self-government. It means that all basic matters are reserved for a municipality and tasks of all other units should be clearly specified by the law. A municipality is the legal entity separate from the state which acts in its own name and under its own responsibility. A municipality exercises its own tasks as well as delegated tasks from the scope of governmental administration indicated in statutes or delegated on the basis of agreements with governmental administration bodies. The matter of the structure of local self-government was prejudged in the Constitution, but in statutes adopted in 1998: the District Self-government Act, the Voivodeship Self-government Act and, mainly, the Act on the Introduction of Basic Three-Tier Division of the State (Article 164 (2) of the Constitution of the Republic of Poland: Other units of regional and/or local government shall be specified by statute¹). District self-government is therefore a separated local community functioning within the structure of public administration which has been designated to independently exercise tasks of public administration and provided with substantive tools enabling it to execute its statutorily specified tasks. District local self-government constitutes the second tier of territorial self-government in Poland, beside municipality self-government and voivodeship self-government. It has the legal personality and the capacity to shape its own internal organization through first and foremost the election of local government bodies (the district council and the district management board) and adopting local law by these bodies. It is headed by the district governor who together with the district management board is the executive body of the district.

In the Czech Republic, municipalities are mainly responsible for: the management of municipality budget, local development, the municipal guard, water distribution, the restoration of buildings, agriculture, elementary education, housing, social care and urban planning. The unique role has been granted in Czech local government system to cities with special status (statutory cities) – currently there are 23 of them. They have been granted with extended powers designated to them in relation to their size, as well as their economic, cultural and social importance for

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regions in which they are located. Regional self-government is responsible for secondary education, roads, social care, public transport, development and health care in a region. The legislative bodies in 13 regions are councils which aside of powers applied in their own territory have also the right to initiate legislation in the Parliament. The internal structure of the region council is not extensively bound, but the Self-government Act obliges to establish the financial committee, the committee for education and employment as well as the committee for national minority, if there are more than 5% of foreigners in the community. The executive power is exercised by the hetman along with the region management board (Marek D., Baun M., 2010, p.68-69).

The differentiation of municipalities leads to gradation of their powers. Average municipality has 1653 citizens, but there are also units which have several dozen persons. All municipalities in Czech Republic deal with health care, education, culture, housing and public order. Larger municipalities, in which municipality offices so called delegated offices are located, are granted additional powers mainly from the scope of construction. The third group of municipalities (so called small districts) execute the tasks of removed districts in the area of such municipality and the nearest municipalities. The legislative power in a municipality is exercised by the municipality council, which is elected for four years. The members of the municipality council work in committees, which number and scope of activity is previously set. The Czech self-government Act establishes the obligation to create financial committee, controlling committee and the committee for national minorities, if at least 10% of inhabitants are foreigners. The council can also designate the committee of a settlement, which has the right to initiate legislation. It is the case, if such a settlement was a separate village in the past. The executive body of larger municipalities (those which have more than 15 members of the council) is the management board headed by the mayor elected from its members. In smaller municipalities, executive tasks are divided between the mayor and the council. The legislation enables to conduct the local referendum, but it is rarely used. The supervision over municipality administration is exercised by the regional office (municipality's own tasks) and the Ministry of internal affairs (delegated tasks) (Panara C., Varney M. R., 2013, p.57-60).

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In Croatia, the units of local self-government are responsible for the execution of tasks from the scope of solving local issues. These are first and foremost: the spatial planning, municipal activities, social problems, healthcare, primary education, culture, sport, customers' protection, environment protection and fire protection. Regional self-government is responsible for first and foremost: spatial planning, economic development, cultural, educational and social activity. It is also possible to transfer powers between different tiers of territorial division, what is made by agreements. A municipality has the right to delegate individual obligations to a country, if the country agrees to it. Regional authorities can also demand to delegate them some tasks of local government on condition that there are certain funds secured for such purpose. The council of a municipality, a city or a country is the legislative body which adopts annual budget and approves its execution. It is elected once each four years. It can also establish regular or temporary commissions or other subsidiary bodies. The activity of local self-government units is supervised by state bodies taking into account only the legality of their actions. The important element of democratic mechanisms in various tiers of local self-government is the citizens' capacity to directly express their opinion. It can be done by participation in the referendum, the submission of a petition to proper bodies of local self-government and the participation in meetings with municipality, city or country authorities (Matei L., Flogaitis S., 2011, p.47-49).

It is worth to ask another question concerning the functioning of Polish district self-Government. Such a question was asked by P. Chmielnicki in his commentary to the District Self-government Act: why the District Self-government Act does not indicate the proceeding in which a local community can challenge individual decisions in an administrative court without reference to effective legal institutions such as the local referendum. If there are no provisions regulating it in the Act, it means that such a right does not exist (Chmielnicki P., 2005, p.23). In the literature and in the doctrine, it is possible to interpret such cases as the creation of democratic structure differing from the model of local self-government understood as corporative entity in which the subject of law is the local community and the territory inhabited by such a community. The District Self-government Act indicates for the territo-

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ry and the local community of inhabitants, but in the face of such lacks in regulation, the inconsistency of the legislator in the specification of rights of this community may lead to conclusion that district self-government is the district council and the district management board. It is unclearly regulated in the Act. Such doubts does not exclude the self-governing character of districts and their legal nature. District self-government is the legal entity which acts through its bodies. Its corporative nature is limited by a few basic forms of direct democracy. It should be politically assessed whether the existing mechanisms of direct democracy are enough or should they be increased in order to guarantee a higher participation of the inhabitants in decision making processes of district bodies (Chmielnicki P., 2005, p.23-24). The District Self-government Act was enacted after the Polish Constitution came into force. In the Act the direct application of constitutional provisions clause has been adopted. It creates the right of each entity to refer to the provisions of the Constitution without the necessity to wait for a common statute incorporating such provisions to the internal legislation (Rudnicki S., 1998, p.986). The repetition of constitutional provisions in the District Self-government Act is extensively used which has a negative influence over the content of the Act. The constitutional provisions prejudged the independence of self-government units. This is the reason why at the level of preparing the draft of the District Self-government Act, the approach to it should have been changed and the regulation of district's political position should have been radically limited and left to regulation in each district's charter. After the ratification of European Charter of Local Self-Government and entry into force of the Polish Constitution of 1997, it could be reasonably expected that after the reform of public administration, which enter into force at 1 January 1999, it will be, first and foremost through the creation of districts, the radical step towards decentralisation (Chmielnicki P., 2005, p.25). It is a wrong assessment since the narrow scope of the district's activity, low financial resources and the practical lack of inhabitant's participation in decision making processes lead to conclusion that district self-government is the weakest link of territorial self-government in Poland and seems to be redundant. In the discussions concerning the functioning of the civic society, there is a view that "district self-government has been created in order to store politicians who

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are not elected to other authorities”. It is a vulgar argument, but after careful analysis of the District Self-government Act concerning the tasks and powers of district self-government, it is hard to question its rationality (Zimmermann J., 2006, p.201 and next). Despite extensive criticism towards the functioning of districts, the democratic character of its structure cannot be questioned. It is proven by democratic election rules to the district council, the possibility to recall it before the end of its term with the use of the district referendum, the transparency of district bodies' activity, the democratic nature of relations between the district council and the district management board (Zieliński E., 2004, p.51 and next). Another argument proving this is the shape of external control and supervision over district self-government by the Prime Minister, voivodes, regional chambers of auditors, self-government appeals boards and administrative courts (Czarnow S., 2003, p.28 and next).

A district should be understood as a local self-governing community and the territory inhabited by it, which is territorially unified in terms of spatial and settlement pattern and because of social and economic ties. It should be the local self-governing community granting the support for local initiatives as well as for local culture and identity. The district council is the legislative and controlling body in all matters concerning a district, except for those which are reserved exclusively for the district referendum. Resolutions of the district council are binding for all entities on the district's territory or only for district bodies. The council works during sessions. The members of the district council are elected every four years. There are from 21 to 31 members of the council. The second body of a district is the district management board consisting of the district governor, the vice district governor and other members. It is the executive body of a district. Its task is to prepare drafts of resolutions, to execute the council's resolutions, to implement the budget and to manage district's property. Its work is organized by the district governor. The district has the legal personality separate from the state. It is the administrative entity providing public services on its own which means that it is done using its own resources, in its own name and under its own responsibility.

The exclusive powers of the district council includes organizational, planning, financial, personal, controlling issues and other matters (Cieślak Z., Lipowicz

ISSN 2543-7097 / E-ISSN 2544-9478

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I., Niewiadomski Z 2002, p.139 and next). An organizational regulation is established by the district council upon an application of the district management board. It specifies the structure and tasks of the district office. According to the District Self-government Act, a district executes public tasks in its own name and under its own responsibility, in accordance with the principles set out in statutes and using the independence protected by courts. The state has no power to influence the activity of a district, except for extraordinary situations indicated in statutes. The main tasks of a district concern technical and social infrastructure, security and public order, spatial and ecological planning, namely the satisfaction of collective needs of the local community. Executing its tasks in its territory, a district is independent. Its activity is regulated in statutory provisions which indicate its powers which can be limited only in statutory provisions. In extraordinary cases, there can be a necessity to mutual assistance between units of self-government.

Districts are the second tier of self-government. They consist of territories of bordering municipalities. A district is also a city which has been granted with the right of a district. Inhabitants of a district form the self-governing community. Similarly to municipalities, districts have the legal personality and is the holder of the property. They are legally protected. Districts exercise public tasks of local nature, which are not exercised by municipalities. They have not overriding and supervisory powers in relation to municipalities. The district council is the legislative and controlling body. It executes tasks analogous to the municipal council. Its internal structure is regulated in the charter. The district management board is the executive body. Tasks delegated to districts are financed from state budget resources and their own revenues. Currently in Poland there are 379 districts. District can conclude agreements with voivodeships and local government units. Among districts, urban districts can be identified. There are 65 of them. These are mostly cities with more than 100.000 inhabitants (Wierzbowski M., 2009, p.208 and next). Urban districts are municipalities which exercise tasks of districts. Instead of the district governor, there is the mayor of a city. The district council is replaced with the city council. According to the legislator, these are cities with district rights. Land districts consist of a few rural municipalities, urban municipalities or rural-urban municipalities. The execu-

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tive power is given to the district governor and a district management board. Therefore, what is the role of a district as the self-government unit? Local government is currently considered as one of the essential elements of a democratic state ruled by the law. Systematic changes in Poland were aimed at conversion of the centralized state into the democratic, civic state which organizational basis was self-government (See the judgment of Constitutional Court of 20 February 2002 .K 39/00, *Orzecznictwo Trybunału Konstytucyjnego*; *zbiór urzędowy*, Seria A 2002, no 1, item 4). Similarly to municipalities and voivodeships, districts are corporative units. The corporative character of a district can be the instrument supporting the formation of the civic society, if it provides the guarantee for the members of the district community to participate in decision-making processes within the competences of district self-government (Zieliński E., 2004, p.51 and next). The analysis of the District Self-government Act does not provoke any doubts that it is decentralized structure. District government has been created to fulfil tasks from the scope of public administration. In this scope it is similar to municipality self-government. District government is the holder of public financial resources and in this respect it is classified as a public administration body (Chmielnicki P., 2005, p.25 and next). It is worth to initiate the discussion on local self-government, its structure, position and tasks. The following question should be asked here: is the district government necessary in the structure of public administration. Maybe the better solution would be the creation of larger municipalities which bodies would be equipped with broader powers. Would such solution implement all the provisions of the European Charter of Local Self-Government in the scope of full public participation in exercising power namely the consultation of all local authority's decisions defining legal situation of local communities?

Conclusions

The District Self-government Act contains legal and legislative flaws which after nineteen years of its functioning should be corrected by the Polish legislator. These flaws are: providing excessive details in the Act, rigid, statutory specification of the number of members of the district management board, rigorous compliance with the

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postulate to minimize a number of provisions for example direct repetition of constitutional provisions, frequent reference to other acts even though they are insignificant for its content, the lack of substantial provisions which specify the powers of district bodies and the lack of provisions encouraging the recreation of the civic society. The District Self-government Act, which includes a number of legislative flaws, does not improve the efficiency of public administration activity. The district government does not have revenues from the activity of district's organizational units. It is financed from state the grants and injections. It also does not improve dealing with inhabitants issues – they would be more effectively dealt with by a municipality. The time for the discussion on the shape, structure and tasks of local self-government in Poland has come. The outcome of such discussion should be the draft of the act removing districts, enlarging municipalities and reducing their number by half as well as widening their tasks and powers. In Europe, the system of the functioning of local self-governments is varied and functions in different legal and structural models. It is a result of social, cultural, economic, historical and traditional conditions. In Poland three-tier system of local government is criticized by politicians, administrative lawyers, constitutional lawyers, economists and political scientists as ineffective and poorly financed. It refers mainly to district self-government. Therefore, such a system requires changes which should be preceded by careful political, financial and legal analysis of its functioning and the answer for the question what should be the shape of self-government in Poland. It seems to be reasonable to take into consideration the Czech model of two-tier construction self-government.

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ISSN 2543-7097 / E-ISSN 2544-9478

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ISSN 2543-7097 / E-ISSN 2544-9478

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