CONTRADICTIONS OF INTERSTATE LEGISLATION REGULATING THE SECTOR OF LOCAL SELF-GOVERNMENT IN THE CONTEXT OF CURRENT CONSTITUTIONAL REGULATIONS

Tamara SHAKARYAN
PhD in Law, Associate professor at PAA of RA
Vahagn PETROSYAN
Lecturer at PAA of RA

Key words: community, local self-government, local self-government bodies, law, guarantees, problem, authority, rights of communities, charter

Introduction

A number of basic and key regulations provided by the Constitution of the Republic of Armenia have not yet been expressed or have not found their expression in the laws regulating the field of local self-government, particularly in the Law "On Local Self-Government". Based on the above, within the scope of this article, reference was made to the contradictions between the RA Constitution and the Law on Local Self-Government, their elimination, restrictions on the activities of communities and their local self-government bodies, and the need for their elimination. Those issues were also discussed in the light of the provisions of the European Charter of Local Self-Government and concrete proposals were made to improve the existing legislation.

Methodology

The article is mainly based on the comparative method, within the framework of which the legal comparative analyzes between the relevant regulations of the RA Constitution, the European Charter of Local Self-Government and the Law on Local Self-Government was carried out. At the same time, the systemic method was also used, in the context of which, an attempt was made to discuss the issues raised in the article in the light of the stable institutional development of the local self-government system, proposing the possible legal solutions, as a result of which these problems will receive their logical solutions. The literature was studied both by using comparative and systematic methods, and by using other methods known to jurisprudence and social science.

Literature review

A study of theoretical and practical literature, materials and publications available in Armenian, Russian and English languages was carried out for the work. In that sense, the study of legislative acts occupies a key place in the article, at the same time references were used regarding the norms of international law and the resolutions and recommenddations of the Committee of Ministers of the Council of Europe adopted regarding Armenia. In the basis of the development of the article, several scientific articles were also taken into account, in which the issues of RA domestic legislation and legal applied practice regulating the sphere of local self-government were discussed.

According to Kutafin, theoretician of municipal law, the guarantee of local self-government at the constitutional level indicates the state's obligation, whereby the state not only ensures the protection of the rights of communities, but also guarantees the organizational, financial and economic independence of communities [Kutafin & Fadeev, 2002, 18]. In our opinion, the nature of legal regulation of municipalities and their local self-government bodies is determined not only by the specificity of the subject of regulation of the science of municipal law, but also by the fact that it includes both public and private law spheres. The local self-government bodies of the communities not only carry out public activities, but also bear the rights and responsibilities of the owner in relation to the property of the community. Accordingly, the essence of guaranteeing the rights of communities and their local self-government bodies is that the state, recognizing local self-government as a separate independent power level that is not part of the state government system, enables communities to act independently and under the responsibility of local self-government bodies.

Scientific novelty

The article is the first of its kind, or it can be said as a precedent, because it comprehensively analyzed almost all the norms of the Constitution related to local self-government, in particular, the contradictions and gaps in the 9th chapter of the Constitution. In this sense, it is significant and important that for the first time an attempt was made to comprehensively address the provisions of Chapter 9 of the Constitution and subject them to comparative legal analysis with the provisions of the Law on Local Self-Government. In addition to the mentioned, both the analytical part presented in the article and the recommendations presented as a result were also made in the light of the regulations of the European Charter of Local Self-Government, keeping the principle of hierarchy acceptable in terms of legal norms. The contradictions between the constitutional norms presented in the article, the contradictions between the Constitution and the European Charter of Local Self-Government, the contradictions between the Constitution and the Law "On Local Self-Government" the recommendations made regarding them, as well as the need to define the concept and characteristics of a legal entity of public law can essentially be considered as scientific novelties. Based on the conclusions drawn as a result of the research, specific recommendations were given to improve the national legislation, ensuring the harmonious alignment of constitutional norms at the legislative level, as well as to bring the national legislation closer to European standards.

Analysis

Guaranteeing the protection of community rights is an inseparable feature of local self-government, which is enshrined in both international and national legislation. "Guarantees serve as a bridge between actual action and opportunity creation [Voevodin, 1997, 221]." The legal bases for the protection of the rights of local self-government and communities are primarily of a constitutional nature, not only because the Constitution di-

rectly or indirectly stipulates certain types of guarantees and toolkits for the protection of rights, but also the concept of guarantees of local self-government is defined at the constitutional level [Chebotarev, 2005, 214].

Protecting and guaranteeing the rights of communities, their local self-government bodies, remains an important issue in the sustainable development and livelihood of communities. The provisions of the RA Constitution dedicated to the right of local self-government and the system of local self-government in general are characteristic in this sense. It is necessary to record that the Constitution has dedicated an entire chapter to local self-government [Constitution of the Republic of Armenia, 2015, Chapter 9], which proves that in Armenia, at least at the institutional level, the functioning of both the right and the institution of local self-government is guaranteed.

According to the 2015 amendments to the Constitution [Constitution, 2015, Article 210], the Law on Local Self-Government is brought into line with the Constitution and comes into force on January 1, 2017. It is worth noting that the mentioned constitutional requirement was implemented within the framework of the new edition of the Law "On Local Self-Government" adopted on December 16, 2016.

Despite the fact that the Law "On Local Self-Government" was essentially aligned with the provisions of the Constitution, there are still a number of constitutional provisions that have not found their expression at the level of the law, at the same time, it is worth noting the fact that in Chapter 9 of the Constitution many constitutional norms are fixed, which are in conflict with each other. In this sense, the main function of the law was essentially becoming more difficult, because the process of bringing laws into line with the Constitution would be more beneficial if there were no contradictions between the constitutional norms at the level of the Constitution. The following are the constitutional regulations that have not been implemented or have been partially implemented in the "Local Self-Government" Law:

The concept of legal entity under public law. Part 2 of Article 180 of the Constitution stipulates that the community is a legal entity under public law, and a regulation with the same content on the legal status of inter-community associations is also defined by Part 3 of Article 189 of the Constitution. It is necessary to state that almost 9 years after the adoption of the amendments to the Constitution, both the Civil Code of the Republic of Armenia and (or) any normative legal act of the legislation regulating the field of local self-government have not defined what is the legal entity of public law, its concept and features. In fact, the above-mentioned regulation of the Constitution has not yet found its place in the domestic legislation, in particular, the main legal act regulating civil legal relations, that is, the Civil Code of the Republic of Armenia. It turns out that until today, the civil legislation of the Republic of Armenia continues to consider communities as en-

tities with equal rights to legal entities, but does not define the concept and characteristics of an entity with equal rights arising from the constitutional regulation.

It is worth paying attention to the fact that, regarding legal entities under public law, separate laws have been adopted in many European countries, as well as appropriate additions have been made within the framework of the civil legislation of their countries. For example, in the countries of the Eastern Partnership of Europe, Moldova and Georgia, laws "On Legal Entities of Public Law" were adopted, but the need to have a separate law in these countries was determined by a number of other circumstances. In these countries, not the communities, but the legal entities created by the communities, are considered legal entities under public law, and therefore their need to have a separate law was due to the purpose of defining the specifics of the creation and organization of community organizations.

Based on the above, it is recommended to make amendments and additions to the Law "On Local Self-Government" and the Civil Code of the Republic of Armenia, in particular, to supplement the civil code with a newly titled article, in which the concept of a legal entity under public law, the legislative procedures for its creation and state registration (registration) and, of course, the characteristics of legal entities under public law must be fixed. In the case of the realization of the mentioned proposal, the incorporation of the regulation defined by part 2 of Article 180 of the Constitution will be ensured at the legislative level, at the same time, the legal relations and law-enforcement practice of forming civil-law relations of communities will be clarified.

Listening to community opinion. Article 190 of the Constitution stipulates that the National Assembly is obliged to listen to the opinion of these communities when adopting the relevant law on the unification or division of communities. The mentioned constitutional norm has not been implemented in any legislative act in the context of unification (enlargement) of communities implemented in the Republic of Armenia for more than 9 years. As a result, in the event of a change in the borders of communities, the legal relations related to hearing the opinion of communities are not regulated by law at the moment, therefore, the ways of exercising the right of communities to be heard, the toolkits, the procedure, as well as the responsibilities of the relevant bodies in this regard, are not defined by law[1].

The right of communities to be heard when changing the administrative boundaries of communities means that when making any changes to the boundaries of a local self-government unit (unification or division of communities, inclusion of one community's administrative area into another community's administrative area), the state must first, directly or indirectly, consult with the given community/ with communities and/or local self-government bodies and take into account their opinion on changing administrative boundaries [European Charter of Local Self-Government, 1985, 5]. At the same time, the

interested communities should participate in the process of changing the administrative borders of the communities, both in the preparation stage and in the actual decision-making stage, and have a real opportunity to express their opinion and make it heard. In our opinion, "Community opinion" means the agreement or disagreement of the population of the community to the proposed change of community boundaries. Moreover, the obligation to "listen" to the opinions of relevant communities cannot be of a formal nature.

The obligation to listen to communities can be considered "formal" when communities are not given a real opportunity to make their views heard. The "formal realization" of the obligation to listen to the opinion of communities can be described as the law enforcement practice formed in the second stage of the enlargement of communities, when the Government did not reveal the opinion of the relevant communities through any legal instrument (directly or indirectly), and due to this, the opinion of the communities did not receive its expression at any formal level [Petrosyan, 2019, 149].

As a result, the obligation of the legislature to "listen to the opinion of the relevant communities" was not fulfilled. Realization of the right to be heard by the communities can be formal even when the Government, having legal tools to raise the opinion of the communities, nevertheless does not take into account the negative attitude revealed as a result, as it happened in the first phase of the enlargement of the communities.

This legal gap is due to the fact that after the entry into force of the constitutional amendments of 2015, the RA National Assembly on 16.12.2016 on making amendments to the RA Law "On Local Referendum" HO-238-N repealed the norm on the appointment of a local referendum. (second paragraph of part 1 of Article 7) and did not adopt any other norm instead.

The study of international documents and standards gives grounds for concluding that in the process of changing the borders of the local self-government unit, the consultation with the relevant communities should be carried out in advance. It should ensure the real participation of interested communities in the process, from the preparatory stage to the actual decision-making stage. The European Charter of Local Self-Government considers the referendum to be the best form of consultation with communities (Article 5), as local referendums best meet the objectives of such consultations.

According to the Explanatory Report of the European Charter of Local Self-Government, other forms of consultation should be used by member states in the event that there is no legislative basis for holding a mandatory local referendum on changes to municipal boundaries. In the conditions of the aforementioned legal gap, a "narrow interpretation" was given to the constitutional norm, which led to the formation of an undemocratic legal practice of considering the right to hear the opinion of communities simply as "the right to participate in parliamentary hearings" or "the right to participate in the plenary session

of the National Assembly", which is inappropriate for a legal state and violates RA's international obligations.

In our opinion, in order to interpret the constitutional norm, it is necessary to implement it at the level of the law and to establish relevant structural regulations regarding it by law.

Powers of local self-government bodies. Part 5 of Article 182 of the Constitution stipulates that the powers of local self-government bodies are defined by law, at the same time, from the point of view of the principle of legality [Constitution, 2015, 6], local self-government bodies and their officials are authorized to perform only those actions for which they are authorized by the Constitution or laws. However, it is necessary to record that there are many sub-legislative normative legal acts, in particular or mostly, Government decisions, which define certain powers for local self-government bodies and functions arising from them [Petrosyan, 2018, 21].

Based on the provisions of Article 6, Part 1 and Article 182, Part 5 of the Constitution, it is suggested that the Ministry of Territorial Administration, as the policy-making body of the local self-government sector, initiate a process by which the relevant provisions of the Government's decisions will be invalidated. which imply powers for local self-government bodies.

Funding of delegated powers by the state. Part 2 of Article 186 of the Constitution stipulates that the powers delegated by the state to local self-government bodies of communities are subject to mandatory financing from the state budget. We find that this constitutional regulation is not fully implemented in the "Local Self-Government" law, instead, the same law stipulates that the procedure for the implementation of the delegated powers of the state is defined by the RA government.

From a legal point of view, the law should define the framework provisions for the delegation of authority in a minimal format, but no definition is present in the current "Local Self-Government" law. In addition, reserving the definition of procedures for the implementation of delegated authority to the Government, the mentioned problem has not been resolved, because there is no decision adopted by the Government, which will have a framework regulatory nature and will define the procedure for delegation of authority in general, regardless of the area and type of delegated authority. The government adopts separate decisions regarding each delegated authority and defines the procedure for the exercise of that authority. Perhaps this does not imply a solution to the problem either, because there are more than a dozen delegated powers defined by the law, regarding the delegation of which the RA government has not adopted a decision defining the procedure for the delegation of any powers.

Based on the above, it is proposed to amend and supplement the Law "On Local Self-Government", in particular, Article 10 of the law, defining the principles of the exercise of delegated authority, at the same time, it is proposed to the authorized state management body in the field of local self-government, to initiate work on the development of the draft of the Government's decision on approving the procedure for the implementation of delegated powers and to submit it for the approval of the Government.

The status of the "Local Self-Government" Law. In our opinion, the Law "On Local Self-Government" should at least have the status of a constitutional law. The 2015 constitutional amendments, among others, are aimed at strengthening the autonomy of local self-government bodies, strengthening the role of the council of elders in the local self-government system, clarifying community problems and developing inter-community cooperation. The legislative specification and detailing of the constitutional foundations of local democracy should be done in a systematic way in order to exclude contradictions and collisions between legal regulations, legal gaps and legal obstacles to the development of local democracy caused by them. Emphasizing the impact of the legal status of the main law regulating the field of local self-government on the strengthening and development of local democracy, it is proposed to give the status of a constitutional law to the Law "On Local Self-Government" in the context of constitutional reforms, also taking into account that the constitutional requirement of a qualified majority of votes set for the adoption of constitutional laws directly means that a consensus of a wide range of political forces will be necessary on local self-government issues.

Community problems and the powers of local self-government bodies. Part 1 of Article 182 of the Constitution stipulates that the local self-government bodies' own powers are defined for the purpose of solving mandatory and voluntary problems of the community. The same part of the mentioned article also stipulated that the mandatory tasks of the community are defined by the law, and the voluntary tasks are defined by the decisions of the council of elders of the community.

There is a contradiction between the mentioned two constitutional norms, in particular, if the voluntary problems of the community are defined by the decisions of the council of elders, how should the legislator define in advance by law the appropriate powers for the local self-government bodies, which should be aimed at solving these voluntary problems. For example, if the community council decides to define providing social assistance to disadvantaged families as a voluntary task for the community, then the question arises as to how the law should define its own authority, which should solve the voluntary task defined by the decision of the council. Basically, the council of elders of each community, according to the characteristics and priorities of the given community, can define voluntary issues for the given community, but the legislator cannot take a differentiated approach when defining its own powers by law. The mentioned jurisprudential

conclusion shows that until now, all the own powers established by the Law "On Local Self-Government" aim to solve only the mandatory problems of the community. Taking into account the above, it is suggested that, in the context of possible amendments to the Constitution, paragraph 2 of Article 182 of the Constitution should be recognized as invalid, and at the same time, in part 1 of the same article, it should be established that the community's voluntary issues are defined by law.

The responsibility of the head of the community before the council of elders. According to Article 182, Part 4 of the Constitution, the head of the community is responsible to the council of elders of the community. This constitutional regulation was not directly implemented in any way in the Law on Local Self-Government. From the point of view of legal analysis, it can be characterized that the mentioned constitutional norm was fixed by the constitution maker with the aim of establishing responsibility structures for the head of the community elected by indirect election system, in the case of the Republic of Armenia, in the case of communities with council of elders by proportional election system. Perhaps the logic lies in this, that it is on the part of the leaders of the mentioned communities that the councils of elders have the authority to elect the leaders of the communities, as well as to express no confidence. However, even in those conditions, it is necessary to clearly define by law the limitations or scopes of the application of the quoted constitutional norm in terms of communities, otherwise this norm will continue to be considered as an unimplemented norm at the legislative level. Taking into account the above, it is suggested to make additions to the article defining the legal status of the community leader of the "Local Self-Government" law, in particular, establishing that the community leader is responsible to the council of elders and implements the decisions of the community council of elders.

The financial sources to be defined for the purpose of solving the community's mandatory problems. Part 1 of Article 186 of the Constitution stipulates that tax and non-tax sources, which are necessary to ensure the implementation of these problems, are defined by law in order to solve the mandatory problems of the community. Meanwhile, the new edition of the law "On Local Self-Government", which was adopted 16.12.2016 by the RA National Assembly one year after the adoption of the Constitution, defining the mandatory tasks of the community, did not in any way refer to the necessary funding to ensure the implementation of these tasks.

Article 12 of the law defined 20 mandatory issues for the community, at the same time, the same law defined more than 150 own powers for the purpose of solving these mandatory issues. In this case, when mandatory tasks for the community have been defined by law and at the same time many new additional powers have been assigned to the local self-government bodies, the laws defining the community's funding sources did not in any way refer to the formation of new possible sources of community funding.

We find that the norm defined by Article 186, Part 1 of the Constitution needs to be implemented in the RA Tax Code, the Law "On the Budgetary System of the Republic of Armenia", as well as the Law "On Local Duties and Fees". With the mentioned laws, it is necessary to establish new tax sources that will operate at the community level, as well as to provide communities with other opportunities and powers to establish new types of local taxes and use non-tax sources.

Implementation of the constitutional structures of legal and professional supervision in the national legislation. The authorized body of the Government exercises legal control over the implementation of the community's own tasks in the cases and in the manner defined by law [Sahm., 2015, 188]. There is a certain contradiction in this regulation, in particular, control cannot be carried out over the implementation of the community's own tasks, because, first of all, the community does not have its own tasks, but has mandatory and voluntary tasks [Sahm., 2015, 182], secondly, control should be carried out over the exercise of own powers, and not of the community, because the community is not assigned powers, but over the exercise of the powers of local self-government bodies.

In addition to the above, in fact the Constitution has clearly defined which body can exercise legal control, but the law defines the following: "The authorized body of the Government of the Republic of Armenia can exercise legal control over the exercise of its own powers by local self-government bodies directly or through regional governors [Law on Local Government, 2002, 96]."

Legal practice shows that legal control in the Republic of Armenia is carried out by governors, which essentially meets the requirements of the "Local Self-Government" Law. However, defining such a regulation by law does not correspond to the logic of the norm established by the Constitution of the Republic of Armenia, because the Constitution essentially took into account the special intervention factor of territorial administration bodies, as well as the negative aspects of the legal practice of control by those bodies for years, and perhaps that was the reason, which has clearly defined the name of the competent authority exercising legal control.

Inter-community associations and inter-community cooperation. Article 189 of the Constitution establishes fundamental legal regulations regarding inter-community associations. In order to implement the mentioned constitutional norm, on 7 March 2018, the RA National Assembly adopted the Law "On Intercommunal Associations".

The mentioned law, based on the term "Intercommunity Association" fixed in Article 189 of the Constitution, was entitled and fully addressed only the legal relations related to the formation and operation of organizations with the status of intercommunity association, leaving out the possibilities of defining and applying other formats of "intercommunity cooperation" from the subject of the law.

The fact that the Constitution fixed the term "inter-community association" does not in any way limit the possibility of having other instruments of inter-community cooperation besides inter-community associations by law. Apart from the above-mentioned issue, there is also a problematic issue in Article 189 of the Constitution. In particular, part 1 of the mentioned article stipulates that out of public interest, inter-community associations can be established by law, upon the recommendation of the government. This constitutional regulation was implemented in the Law "On Inter-community Associations" and the legal relations of the creation of an inter-community association, transferred powers, etc. were defined by law.

The mentioned constitutional regulation and the structures defined by the above-mentioned law arising from it imply a direct interference in the realization of the right of local self-government and are imposed on the local self-government bodies of communities as a coercion, regardless of the idea of creating a union. Taking into account the fact that Article 202 of the Constitution provides an opportunity to amend Article 189 of the Constitution without a referendum by the RA National Assembly, it is necessary to address the issue of the government's proposal to create an inter-community association by law, or to revise the law in general.

Perhaps one of the significant changes in the local self-government system was the introduction of the proportional election system of the council of elders [Electoral Code, 2020], which was implemented in the light of the principles of Article 7 of the Constitution, as well as the introduction of the indirect election system of the head of the community arising from it, which in turn resulted from the provisions of Article 181 of the Constitution. The changes in the electoral system of local self-government bodies are directly related to the reforms of the local self-government system, or it would be more correct and accurate to say that it is considered a component of these reforms. Refraining from a general interpretation of that version of the electoral system, the changes should be considered as a positive step [ODIHR (Office for Democratic Institutions and Human Rights) ELE-ARM/409/2021].

In our opinion, changing the electoral system at the level of local self-government requires a review of the powers of local self-government bodies, especially from the point of view of the relationship between the council of elders and the head of the community. In this sense, it is noteworthy that the founder of the community stipulated that the head of the community is responsible to the council of elders of the community. It is valid to observe that at the legislative level, the quoted constitutional norm is not implemented. In the light of recent developments of the local self-government system, the legislation of the Republic of Armenia regulating the local self-government sphere no longer fully "serves" the interests of the local self-government system [Ghazeyan, Pet-

rosyan, 2023, 10]. From this conclusion, it certainly follows that the legislation regulating the sector needs a comprehensive review.

Conclusion

There are many contradictions in the national legislation governing the local self-government sector. These contradictions and legal gaps exist both between the norms of the Constitution and between the Constitution and the main laws regulating the field. Despite the fact that Armenia has fully ratified the European Charter of Local Self-Government, still a number of regulations related to the fundamental issues of local self-government defined by the domestic legislation of the Republic of Armenia contradict the norms of this international law. In order to comply with the norms of international law and the Constitution of the Republic of Armenia, it is plausible to conclude that the laws regulating the field of local self-government, especially the law "On Local Self-Government" need a serious revision, accordingly, a new edition. In the context of the mentioned, it will be possible to reach the solution of the legal contradictions and gaps mentioned in the article at the institutional level.

References

1. RA Constitution (with amendments of 2005), (www.arlis.am)
2. RA Constitution (with amendments of 2015), (www.arlis.am)
3. European Charter of Local Self-Government, adopted on 15.10.1985, (www.arlis.am)
4. Interpretations of the Constitution of the Republic of Armenia. Edited by G. Harutyunyan and A. Vagharshyan. Yerevan, “Law”, 2010.
5. Law "On Local Self-Government", adopted on 05.07.2002, (www.arlis.am)
6. V. Petrosyan, "Theoretical and legal bases of the rights of communities". "Public Administration" scientific journal, N 5/2019, p. 149-157.
7. V. Petrosyan, "Constitutional, branch and other normative legal guarantees of the rights of communities". "Judicial Authority" scientific methodical magazine, N 9 - 10 (231-232), 2018, p. 21-32.
8. Kutafin O.E., Fadeev V.I. Municipal law of the Russian Federation. M., 2002. p. 18.
9. Voevodin L. D., Legal status of a person in Russia. Moscow, 1997, p. 221.
10. Chebotarev G. N., Municipal law of Russia. Moscow, 2005, page 214.
11. Law HO-333-N "On Amendments and Additions to the Electoral Code of the Republic of Armenia Constitutional Law", adopted on 18.06.2020, (www.arlis.am).
12. Democracy through law, opinion of the European Commission (Venice Commission) no. 1026/2021 ODIHR ELE-ARM/409/2021, page 11: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2021)006-arm
13. Khachatur Ghazeyan, Vahagn Petrosyan, "Necessity of expanding the process of decentralization of powers of local self-government bodies and implementation structures". Scientific Journal "Public Administration", N 2023.1-10, pp. 10-23.

Tamara SHAKARYAN, Vahagn PETROSYAN

Contradictions of domestic legislation regulating the sphere of local self-government in the context of existing constitutional regulations

Key words: community, local self-government, local self-government bodies, law, guarantees, problem, authority, rights of communities, charter

This article is dedicated to the main provisions of the local self-government provided by the Constitution of the Republic of Armenia, which were not expressed or fully implemented at the level of the national legislation of the Republic of Armenia. The main goal of the article is to identify and highlight the legal contradictions between the Constitution and the Law on Local Self-Government, to present the constitutional norms that have not been implemented in domestic legislative acts. The article specifically refers to the legislative contradictions between the Constitution of the Republic of Armenia and the Law "On Local Self-Government", restrictions on the activities of communities and their local self-government bodies, as well as the need to eliminate them. These issues were also discussed in the light of the provisions of the European Charter of Local Self-Government, emphasizing the principle of exclusivity and completeness of the powers of local self-government bodies. In the article, according to individual components, the legal entity of public law, listening to the opinion of the community during the merger or division of communities, community problems and the powers of local self-government bodies, the status of the "Local Self-Government" law, the responsibility of the community leader before the council of elders, and the sources of financing defined for the purpose of solving the community's mandatory problems were presented, legal and professional control toolkits and the constitutional regulations defined in terms of inter-community associations and the problems of their implementation at the legislative level. In that context, the article made specific recommendations to improve the current legislation regulating the local self-government sector.