JOURNAL OF MODERN SCIENCE
4/64/2025
www.jomswsge.com
DOI: 10.13166/jms/214325

MARCIN RADZIŁOWICZ
University of Warmia and Mazury
in Olsztyn, Poland
ORCID iD: 0000-0002-5514-3629

THE CONCEPT OF LOCAL GOVERNMENT IN THE CONSTITUTIONS OF SELECTED EUROPEAN UNION COUNTRIES

POJĘCIE SAMORZĄDU TERYTORIALNEGO W KONSTYTUCJACH WYBRANYCH PAŃSTW UNII EUROPEJSKIEJ

Abstract

This study attempts to compare the differences and similarities among the fourteen member states of the European Union, including Poland. The central research question is analysing the various constitutional guarantees granted to local self-governments, which, despite the common European framework provided by the European Charter of Local Self-Government (ECLSG), reflect deeply rooted state traditions.

The study is based on formal-dogmatic and legal-comparative methods. During the course of the study, the content of constitutional norms was analysed, with the ECLSG serving as a normative point of reference. The main findings indicate that there are four fundamental models of the constitutionalisation of local self-government.

These include the federal-regional model (Germany, Austria, Spain and Italy); the Scandinavian model (Sweden, Finland and Denmark); the post-authoritarian model (Poland, the Czech Republic and Portugal); and the evolutionary unitary state model (France and the Netherlands). It is precisely these distinct legal and historical traditions that underlie the significant and lasting divergences in the constitutional status and actual autonomy of local entities. This phenomenon persists despite an increasing convergence of key principles, such as democratic legitimacy, the presumption of competence and the judicial protection of autonomy.

The article reflects the legal status as of 1 September 2025.

Keywords: *constitution, self-government, municipality, European Charter of Local Self-Government, European Union*

Introduction

One of the fundamental elements of a modern democratic state is the concept of local self-government, which is an institutional expression of the principles of subsidiarity and decentralisation of public authority (Sitek, 2016, s.127). *An entity separated within the structure of the state, formed by operation of law as an association of a local community, established to independently perform public administration tasks, equipped with the necessary resources to fulfil its duties* (Orlikowska, 2014, pp. 207–209). This definition appears in administrative law doctrine. It highlights the main characteristics of self-government: a public-law entity that is distinct from the state; foundation on a community of residents (personal substrate) and a defined territory (material substrate);

and the right to independently perform essential public tasks, albeit within statutory limits. Consequently, local self-government is a fundamental institutional framework that shapes civil society. It is not merely an administrative organisation (Gołębiowska, Zientarski & Stępień, 2016, pp. 17–19). The European Charter of Local Self-Government (ECLSG), established under the auspices of the Council of Europe and adopted by all EU member states, has become a key reference point for assessing the status of local self-government worldwide (the Carta-Monitor – Monitoring of the European Charter of Local Self-Government (https://www.congress-monitoring.eu/) best reflects the degree of implementation of the Charter's provisions). *The right and ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population* (European Charter of Local Self-Government, drawn up in Strasbourg on 15 October 1985, Journal of Laws of 1994, No. 124, item 607) is the definition of local self-government according to Article 3 (1) of the Charter.

Although the ECLSG is an international treaty, it goes beyond the boundaries of traditional international law to become a 'model of values' that shapes the essence of self-government and sets standards for national legislation. Its provisions, especially those concerning the constitutional and legal requirements for the existence of self-government, its scope of competence, adequate financial resources and judicial protection, create a standard conceptual framework through which solutions in different countries can be analysed and compared (Izdebski, 2015, pp. 89–100).

This article aims to address the following research questions: How do the constitutions of selected EU member states ensure the existence and operation of local self-government? What are the main similarities and differences between the constitutional status of local governments and the institutional models that can be identified on this basis? The central thesis of this study is that, while the principles expressed in the European Charter of Local Self-Government (ECLSG) are widely incorporated into the constitutions of EU countries, they are implemented through models that are deeply rooted in the traditions of each state, whether federal, unitary, post-authoritarian or Scandinavian. Consequently, different forms of autonomy emerge, ranging

from quasi-state powers in federal systems to functionally defined administrative decentralisation in states with traditionally centralised structures.

The analysis will be carried out in three stages. The first step will be to present a classification of models of constitutional local self-government establishment. This classification is based on where and how the guarantee of self-governance is placed within the constitution. The second part will discuss the scope of responsibilities and financial guarantees. The final section will address the constitutional framework of state supervision and the legitimacy of democratically elected local government bodies. The analysis takes into account the constitutions of the following countries: the Republic of Poland, the Czech Republic, Lithuania, Portugal, Austria, Germany, Denmark, Ireland, France, Italy, Spain, the Netherlands, Sweden and Finland.

1. Constitutional guarantees and autonomy

The constitution addresses the issue of local self-government in a manner that is not merely a matter of legislative technique. It may grant self-government its own extensive chapter, or guarantee it within a single article. This is a crucial determinant of the place of self-government within the state's structure and reflects the system's underlying political and historical philosophy. A comparative analysis shows that there are four main models for framing local self-government in the constitutions of the European countries discussed.

1.1. Integrated model

Characteristically, the constitution contains a separate chapter devoted specifically to local self-government. Such a solution highlights the importance of self-government as a key component of the state's architecture. This approach is common in countries that have established decentralised legal systems after periods of centralisation or authoritarian rule.

In this regard, Poland serves as a good example. *Local Self-Government* (Samorząd Terytorialny) forms part of Chapter VII of the 1997 Constitution of the Republic of Poland (Articles 163–172). Aiming to break with the

centralist model of the socialist state, the constitutional drafters decided to include it directly in the Basic Law (Lipowicz, 2019, p. 112). This chapter contains the key provisions that define the foundations of Polish local self-government. Article 163 specifies the competences of local self-government, Article 164(1) designates the gmina (municipality) as the basic unit, and Article 165 grants local self-government entities legal personality, ownership rights and judicial protection (Constitution of the Republic of Poland, 2 April 1997, Journal of Laws, 1997, No. 78, Item 483, as amended).

Similar strategies have been adopted by other countries in the region. Chapter 7 of the 1992 Constitution of the Czech Republic, titled 'Self-Governing Territorial Units' (Samorząd terytorialny), encompasses Articles 99–105 and grants territorial self-government entities autonomy. These entities are civic communities with the right to self-government (Article 100(1) Ústavy České republiky ze dne 16. prosince 1992).

Chapter 10 of the Constitution of the Republic of Lithuania of 1992, titled 'Local Self-Governments and Governance' (Samorządy terytorialne i zarządzanie), also reflects this approach. Unlike the constitutions of Poland and the Czech Republic, which require the existence of gminas (the basic units of local self-government), the Lithuanian Constitution grants the right to self-government to state administrative units as defined by law (Article 119). Article 120 of the Lithuanian Constitution further provides that local authorities operate freely and independently (Lietuvos Respublikos Konstitucija, adopted on 25 October 1992). Furthermore, Southern European countries that underwent democratic transformation also opted for this model. For instance, Part III of the Constitution of the Portuguese Republic of 1976, titled *Organisation of Political Power*, includes Title VIII, Local Power (Poder Local), comprising Articles 235–265. This section provides detailed regulations regarding the status of parishes, municipalities and administrative regions, demonstrating a strong constitutional commitment to decentralisation within a unitary state. *Local authority bodies are territorial legal persons possessing representative organs that aim to pursue the interests of the local population* (Constitution of the Portuguese Republic, 2 April 1976, Article 235(2)).

A similar solution was adopted by Austria. The municipality (Gemeinde) is defined in Part V, *Self-Government*, of the Federal Constitutional Law

(Bundes-Verfassungsgesetz, B-VG) (1 October 1920) as an autonomous territorial and economic entity possessing both its own and delegated spheres of competence. This guarantee constitutes an essential element of the state's federal structure.

1.2. Guarantee model

In this model, local self-government is not given its own separate section in the constitution; however, its existence and fundamental operating principles are defined in a key article, typically within the part of the constitution that outlines the state's general structure. The strength of this guarantee derives from its foundational nature and connection to the state's constitutional principles.

Germany provides an excellent illustration of the guarantee model. *The constitutional order in the federal states must conform to the principles of a republican, democratic and social state governed by the rule of law*, as stated in Article 28 of the German Basic Law, found in Chapter II, which concerns 'The Federation and the federal states'. In this context, the Basic Law guarantees municipalities (Gemeinden) *the right to regulate all local affairs on their own responsibility within the limits prescribed by law* (Grundgesetz für die Bundesrepublik Deutschland of 23 May 1949). This guarantee of self-government forms a cornerstone of German federalism and democracy.

The right of local authorities to manage their own affairs, under the supervision of the state, shall be laid down by statute, reads the concise provision of the Danish constitution. Despite its brevity, when considered alongside Denmark's long-standing tradition of robust local democracy, this article is regarded as a fundamental guarantee – one whose absence would necessitate a constitutional amendment (Danmarks Riges Grundlov of 5 June 1953). A similar approach can be found in the Constitution of Ireland of 1937. Article 28A, which was added to the Constitution following a referendum in 1999, is titled *Local Government* and states: *The State recognises the role of local government in providing a forum for the democratic representation of local communities, in exercising and performing, at a local level, powers and functions conferred by law, and in promoting, by its initiatives, the interests of such communities* (Constitution of Ireland (Bunreacht na hÉireann), enacted by the People on 1 July 1937). Ordinary legislation has

formed the primary basis for the structure, organisation and competences of Irish local government (Radzik, 2010, pp. 133-152).

1.3. Decentralised model

This model is characteristic of unitary states with strong centralist traditions that introduced decentralisation as a fundamental principle of state organisation during their constitutional development. In such systems, local self-government is considered a means of organising the state rather than an inherent right of local communities. France is one of the most notable examples. In 2003, this historically centralised state underwent significant constitutional reform. Article 1 of the Constitution of the Fifth Republic was amended to include the following statement: *Its organisation is decentralised*(Constitution de la République française of 4 October 1958). Chapter XII, *On Territorial Communities* (Des collectivités territoriales), covering Articles 72–75, elaborates on this principle. It defines communes, departments, regions and communities with special status and grants elected councils the right to exercise powers independently (Article 72). This amendment reflects the ongoing tension between the pursuit of enhanced local democracy and the deeply rooted unitary tradition.

At this point, it is worth highlighting the example of Italy. Article 5 of the Italian Constitution states: *The Republic, one and indivisible, recognises and promotes local autonomies; it fully implements administrative decentralisation in services dependent on the State; it adapts the principles and methods of its legislation to the requirements of autonomy and decentralisation.* Further details concerning this general principle can be found in Part II, Section V, *Regions, Provinces, Municipalities* (Articles 114–133) of *The Organization of the Republic*. Following the constitutional reform of 2001, the system became highly decentralised, with regions, municipalities, provinces and metropolitan cities being recognised as constitutive elements of the Republic, alongside the State (Article 114).

The constitution of Spain of 1978 establishes a unique model of a *state of autonomies*. Municipalities (Article 140) and provinces (Article 141) possess autonomy and are granted legal personality (Chapter II, *On Local Administration*). However, Title VIII, *On the Territorial Organisation of th*e State, primarily aims

to regulate the status of the Autonomous Communities (Articles 143–158), which enjoy extensive powers, including legislative authority (Constitución Española de 27 de diciembre de 1978, BOE núm. 311, de 29 de diciembre de 1978). This is an example of deep decentralisation within a state that is moving away from formal unitarism in response to historical regional conflicts. As a sovereign state, Spain retains the right of veto and control over national integrity, making it an intermediary solution (L. Vandelli, 2014).

In the Netherlands (Grondwet voor het Koninkrijk der Nederlanden of 1815, consolidated text of 1983), a different approach has been adopted. Title seven, Articles 123–136, regulates local self-government. Although the constitution does not provide for federalisation, it ensures a significant degree of decentralisation. The Netherlands thus remains a unitary but decentralised state.

1.4. Scandinavian model

In the Scandinavian countries, local self-government holds a unique status. It is not merely perceived as an administrative structure or a democratic process, but as a fundamental pillar of the political system and the primary executor of the welfare state's functions. This perspective is reflected in the constitutions of these countries (Kettunen, 2021, pp. 55-65).

The Constitution of Sweden (formally: Regeringsformen (RF) av den 27 februari 1974, Instrument of Government of 28 February 1974) explicitly states in Chapter 1, Article 1, that *The Swedish system (…) is implemented through a representative and parliamentary system of government as well as municipal self-government. Public authority is exercised within the framework laid down by law* (Regeringsformen (RF) av den 27 februari 1974). By placing local self-government on an equal footing with parliamentarism as a means of realising democracy, it is granted exceptionally strong legitimacy. Chapter 14, *Municipalities*, further elaborates on the principles of municipal self-government, stating that *Municipalities shall, guided by the principle of local self-government, be responsible for resolving local and regional matters in the public interest* (Chapter 14, § 2).

In Finland, Section 121 of the Constitution states that *Finland is divided into municipalities whose administration is based on the self-government of their residents*. This is the only provision in Chapter XI, *Administration and*

Self-Government, that refers to local communities (Suomen perustuslaki / Finlands grundlag 731/1999). Nevertheless, this constitutional guarantee forms the basis for the municipalities' extensive competence in providing public services, ranging from education to healthcare and social welfare.

This approach demonstrates that the method of constitutionalising local self-government is rooted in underlying assumptions about the nature of the state. In post-communist countries, a comprehensive model has emerged as a deliberate attempt to break away from a centralist past. In Germany, federalism is constructed 'from the bottom up'. In France, the decentralist model illustrates how the principles of decentralisation have evolved within a historically entrenched and powerful central system. On the other hand, the Scandinavian model shows that local governments are responsible for shaping both the welfare state and democracy.

2. Tasks and financing

2. 1. Scope of activities and degree of financial independence

A formal constitutional guarantee of local self-government is only given real significance when it is given specific tasks and adequate financial resources. Autonomy of action and budgetary autonomy constitute the two pillars upon which the effectiveness of a local government unit rests. The European contribution to defining these key elements comes in various forms. The foundation of self-government is the principle of subsidiarity, whereby public authority is exercised at the lowest possible level. This principle is reflected in the legal order as the general clause, or presumption of competence, which assigns all public matters of local importance to local governments, unless they have been reserved for other entities (M. Radziłowicz, 2014, pp. 34–36). The first sentence of Article 163 of the Constitution of the Republic of Poland states: *Local self-government shall perform public tasks not reserved by the Constitution or statutes for other public authorities* (op. cit.). This is one of the most important constitutional formulations of the

presumption of competence, creating an open catalogue of local government tasks and ensuring the freedom to respond swiftly to new needs and specific local conditions.

Similarly, in Germany, Article 28 of the Basic Law establishes a constitutionally protected sphere of autonomous competences by guaranteeing municipalities the right to 'regulate all matters of the local community' (op. cit.). The Federal Constitutional Court has repeatedly defended this sphere against excessive interference by federal and state legislators alike. In Austrian federal constitutional law, a distinction is made between two types of municipal competence – own and delegated. The own sphere includes all matters that lie within the exclusive or predominant interest of the local community, as represented by the municipality, and which are carried out by that community within its territory. According to Article 118(2) of the Constitution, the matters falling within a municipality's own sphere of action must be explicitly defined.

The Constitution of Spain outlines an extremely complex and clearly asymmetric system. The guarantee granted to municipalities (Article 140) contains no general competence clause – thus, there is no uniform principle for the division of competences. However, Articles 148 and 149 specify the scope within which competencies are divided between the state and the autonomous communities. Municipalities perform tasks defined in both the state's basic legislation and that of the autonomous communities. This means their scope of action depends heavily on decisions made at higher levels of government. S. Bolgherini (2016) argues that the transformation of a centrally managed state into a quasi-federal state depends on regions being granted genuine agency.

2.2. Ensuring financial autonomy

The responsibility for ensuring adequate financial resources in the performance of tasks is merely an illusion. Consequently, guarantees of financial autonomy are a reliable indicator of the actual strength of local self-government, while also assuming constitutional character. A comparative analysis reveals clear differences in the scope and strength of these guarantees, particularly with regard to own revenues and taxing powers.

Contemporary constitutions predominantly grant local governments the right to participate in public revenue. For instance, Article 167(2) of the Polish Constitution states: *The revenues of local government units shall consist of their own revenues, as well as general subsidies and earmarked grants from the state budget* (op. cit.). Similarly, Article 119 of the Italian Constitution sets out the principles for financing the expenditure and revenue of municipalities, provinces, metropolitan cities and regions, providing them with their own levies and revenues, as well as a share of state tax revenue.

Financial autonomy is based on the constitutional right to independently determine and collect taxes. In this respect, the Scandinavian model can serve as a benchmark. In Chapter 14, §4 of the Swedish Constitution (Instrument of Government), it is explicitly stated: *Municipalities have the right to levy taxes to carry out their tasks* (op. cit.). Swedish municipalities enjoy such broad freedom in shaping their own financial policies because their authority is inherent and not subject to delegation. In other systems, this authority is often limited. Article 168 of the Polish Constitution grants local governments the right to set the level of local taxes and fees, but only *within the scope specified by statute* (op. cit.). This means that local governments do not create taxes themselves, but rather operate within limits defined by the legislature. Meanwhile, Article 72-2 of the French Constitution grants territorial communities financial autonomy, stating that they may receive all or part of the revenues from various taxes, and that legislation may authorise them to set their own rates.

A fundamental element is the Swedish-Polish or French model. In the first variant, local government functions as an autonomous fiscal entity, whereas in the second, it operates as a participant in the national redistribution system and acts within established regulations.

This principle is crucial from the perspective of the ECLSG. It requires the transfer of new tasks to local governments to be accompanied by adequate resources for their implementation. This serves as a safeguard against so-called 'unfunded decentralisation'. Article 167(4) of the Polish Constitution is one of the few examples of this principle being directly constitutionalised: *Changes in the scope of tasks and competences of local government units shall be accompanied by corresponding changes in the distribution of public revenues* (op. cit.). It should be noted, however, that despite this constitutional protection,

the principle remains a subject of discussion between the central and local administrations. In most countries, it is part of ordinary legislation or case law, which provides weaker protection.

3. Selection of authorities and state supervisory framework

Local self-government cannot exist without a democratic core. Autonomy and democracy go hand in hand. It is the decisions of residents, expressed through elections, that grant local governments legitimacy and empower them to act independently. On the other hand, local governments operate within the framework of the state, meaning that there must be mechanisms in place to ensure their actions comply with the law. In order to establish genuine limits on local autonomy, it is crucial to strike a balance between democratic authority and state supervision.

3.1. Democratic legitimacy of local government bodies

A universal standard, confirmed in all the analysed constitutions and consistent with the ECLSG, requires the fundamental bodies of local self-government (councils or assemblies, depending on the terminology adopted) to be elected through direct elections. This forms the basis of the entire structure of local self-government. Article 169 (2) of the Polish Constitution stipulates that elections to legislative bodies shall be *universal, equal, direct and conducted by secret ballot* (op. cit. Constitution of the Republic of Poland).

An almost identical formulation appears in Article 28 of the German Basic Law, which states that the representation of the people in the federal states, districts and municipalities must result from *general, direct, free, equal and secret elections* (op. cit.). This terminological similarity indicates the existence of a common European democratic standard at the local level, which is rooted in the ECLSG. Some constitutions go further and also guarantee institutions of direct democracy. The Polish Constitution explicitly states in Article 170 that *members of a self-governing community may, by means of a referendum,*

decide on matters concerning that community, including the dismissal of an organ of local self-government elected in direct elections (op. cit.). This gives residents power not only in the electoral process, but also in everyday governance. In many other countries, such as Germany and France, local referenda are permitted. However, the rules governing these referenda are set out in ordinary legislation rather than in the constitution, which gives lawmakers greater flexibility in shaping these procedures.

3.2. Constitutional framework for supervision

The tension between autonomy and the need to ensure the uniformity and legality of state actions is resolved by supervision. The extent to which a constitution defines the scope and criteria of supervision is one of the most important factors in determining how independent local self-government is in practice.

The most effective safeguard against interference by central or regional authorities is a constitutional limitation of supervision solely to the criterion of legality. This means that the supervisory body can only verify whether the local government is acting within the law, not whether it is acting properly, fairly or justly. Such a provision serves as a constitutional 'shield', protecting autonomy. Article 171(1) of the Polish Constitution makes this matter clear: *The activity of units of local self-government shall be subject to supervision as to legality* (op. cit.). Similar solutions exist in federal systems such as Germany (Rechtsaufsicht) and Austria (Aufsichtsrecht), though they are sometimes phrased in more general terms. In these systems, supervision aims to ensure compliance with federal and state law, rather than to substantively evaluate local decisions.

The case of the Constitution of the Kingdom of the Netherlands is also worth noting with regard to supervision. Article 132(4) states: The annulment of decisions of administrative bodies may only take place by Royal Decree on the grounds of a violation of the law or of the public interest *(op. cit.). This introduces the additional concept of 'public interest' alongside the standard criterion of legality. The absence of an explicit constitutional limitation of supervision to the criterion of legality, as exemplified by the general wording of §82 of the Danish Constitution ("The law shall determine the right of local communities to manage their own affairs under the supervision of the state*), theoretically

permits the legislature to introduce elements of substantive supervision. In practice, however, countries with a well-established democratic tradition are constrained by their prevailing legal and political culture when interpreting this in this way.

In unitary states, supervision serves an additional function: ensuring the cohesion and unity of the state. In France, the classic example is the role of the prefect, who acts as the government's representative in the field and verifies the legality of actions taken by local authorities on behalf of the state. This mechanism strikes a balance between administrative autonomy and the principle of the 'indivisible Republic' (Article 1 of the French Constitution).

The right to judicial review is the ultimate guarantee of local government independence. The ability to appeal supervisory decisions to an independent administrative court represents a fundamental aspect of the legal protection of local self-government. Article 165(2) of the Constitution of the Republic of Poland states that *the independence of units of local self-government shall be protected by the courts* (op. cit.). Moreover, Article 166(3) entrusts administrative courts with resolving jurisdictional disputes between local government bodies and the government administration. In Germany and Austria, the role of constitutional and administrative courts in delineating competences and protecting municipal autonomy against unwarranted interference is key. his judicial protection embodies the principle of the rule of law in the relationship between the state and local self-government (Cheba, 2017).

4. Summary

A comparative analysis of the constitutional foundations of local self-government in selected European Union countries allows several key conclusions to be drawn. Despite ongoing harmonisation of standards resulting from the European Charter of Local Self-Government, Europe's system of territorial self-government remains deeply diverse. This reflects the distinct histories, political traditions and governing philosophies of individual states.

4.1. Summary of results

All of the analysed constitutional systems indicate that local self-government is an important element of public order. Fundamental principles, such as the democratic legitimacy of bodies elected through direct elections, the granting of legal personality to local government units and endowing them with their own property, and subjecting their activities to supervision primarily limited to the criterion of legality, are universally accepted. However, the manner in which these principles are expressed and guaranteed in constitutional texts, as well as the extent of the autonomy granted, varies significantly.

4.2. Model presentation

Based on an analysis of modes of constitutionalisation, the scope of responsibilities, financial autonomy and supervisory frameworks, four basic ideal models can be identified to help organise this diversity:

- **The federal/regional model (Germany, Austria, Spain, Italy):**
  In this model, local autonomy is an inherent feature of federal or highly regionalised state structures. The constitution establishes a vertical division of power, and local self-government (particularly in Germany and Austria) has a well-protected sphere of competence. In Spain and Italy, however, the model is more complex, with a strong emphasis on regional autonomy, which significantly influences the relationship between local self-government and the regions.

- **The Scandinavian model (Sweden, Finland, Denmark):**

This model is characterised by the exceptionally strong constitutional status of local self-government, which is considered to be an equivalent form of democracy to parliamentary democracy. A key feature is the extensive scope of responsibilities relating to the implementation of the welfare state, alongside a high degree of financial autonomy based on the constitutional right to levy taxes.

- **The post-authoritarian model (Poland, Czech Republic, Portugal, Lithuania):**

In states that have transitioned from centralism and authoritarianism to democracy, the constitution contains extensive and detailed chapters devoted to local self-government. These serve to define the status of local self-government and establish a solid constitutional barrier against the resurgence of centralist tendencies. These guarantees are often highly specific; for instance, Poland's constitutional principle stipulates that financial resources must correspond to the scope of assigned tasks.

- **The evolutionary unitary state model (France, the Netherlands, Greece):**

This model applies to countries with a long tradition of unitarism and centralism, which have gradually strengthened the position of local self-government through successive reforms. Constitutional amendments, such as those introduced in France in 2003, incorporate the principle of decentralisation into an already strong centralised state structure. In this context, local autonomy arises primarily from legislative decisions, though it is also protected by general constitutional principles.

4.3. Conclusion

The diversity of constitutional models of local self-government within the European Union is not a relic of the past, but rather an active component of European constitutional pluralism. It demonstrates that the concept of subsidiarity can be implemented in different ways depending on a sovereign state's historical context and institutional arrangements. In the face of global challenges that manifest locally, the strength of constitutional guarantees for local self-government becomes a crucial factor. These guarantees determine the capacity of local communities to respond innovatively and flexibly to emerging challenges, and consequently influence the resilience and vitality of democracy at the level closest to citizens.

References

Bolgherini, S. (2016). Crisis-driven reforms and local discretion: An assessment of Italy and Spain. *Italian Political Science Review/Rivista Italiana di Scienza Politica*, *46*(1). https://doi.org/10.1017/ipo.2015.23

Cheba, S. (2017). Konstytucyjne uwarunkowania sądowej kontroli administracji publicznej w Austrii, Niemczech i Polsce. *Zeszyt Studencki Kół Naukowych Wydziału Prawa i Administracji UAM*, (7).

Gołębiowska, A., Zientarski, P. B., & Stępień, E. (2016). Konstytucja Rzeczypospolitej Polskiej a samorząd terytorialny. W P. B. Zientarski & A. Gołębiowska (Red.), *Funkcjonowanie samorządu terytorialnego: Uwarunkowania prawne i społeczne*. Kancelaria Senatu.

Izdebski, H. (2015). Europejska Karta Samorządu Lokalnego a polskie prawo samorządu terytorialnego. *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, *77*(3).

Kettunen, P. (2021). Local autonomy in the Nordic countries: Between a rock and a hard place. W T. Bergström, J. Franzke, S. Kuhlmann, & E. Wayenberg (Red.), *The future of local self-government: Palgrave studies in sub-national governance* (s. 1–20). Palgrave Macmillan. https://doi.org/10.1007/978-3-030-56059-1_5

Kommers, D. P. (1998). *The basic law of the Federal Republic of Germany: An assessment after fifty years*. Notre Dame Law School, Law Faculty Scholarship.

Lipowicz, I. (2019). *Samorząd terytorialny XXI wieku*. Wolters Kluwer.

Orlikowska, J. (2014). Zagadnienia pojęcia i ustroju samorządu terytorialnego w Polsce. *Miscellanea*, (9). https://doi.org/10.5604/01.3001.0013.7205

Radzik, K. (2010). Irlandia. *Annales Universitatis Paedagogicae Cracoviensis. Studia Politologica*, (4).

Radziłowicz, M. (2014). Wybrane aspekty podstaw funkcjonowania polskiej administracji samorządowej. *Studia Ełckie*, *16*(1).

Sitek, B. (2016). State interest vs. the interests of local government: Conflict or cooperation of the state and local government? *Journal of Modern Science*, *4*(31), 165–173.

Vandelli, L. (2014). Crisis-driven reforms and local discretion: An assessment of Italy and Spain. *Italian Political Science Review/Rivista Italiana di Scienza Politica*, *44*(3).

Legal acts

Bundes-Verfassungsgesetz (B-VG) vom 1. Oktober 1920 (Federal Constitutional Law of the Republic of Austria of 1 October 1920, according to the consolidated text of the Federal Constitutional Law of 1 January 1930, in the version of 7 December 1929), Polish translation: https://biblioteka.sejm.gov.pl/wp-content/uploads/2015/05/Austria_pol010811.pdf (01.09.2025).

Constitución Española de 27 de diciembre de 1978, BOE núm. 311, de 29 de diciembre de 1978 (Constitution of Spain of 27 December 1978), Polish translation: https://biblioteka.sejm.gov.pl/wp-content/uploads/2015/10/Hiszpania_pol_300612.pdf (01.09.2025).

Constituição da República Portuguesa de 2 de abril de 1976 (Constitution of the Portuguese Republic of 2 April 1976), Polish translation: https://biblioteka.sejm.gov.pl/wp-content/uploads/2016/03/Portugalia_pol_010116.pdf (01.09.2025).

Constitution de la République française du 4 octobre 1958 (Constitution of the French Republic of 4 October 1958, after the constitutional revision of 28 March 2003), Polish translation: https://biblioteka.sejm.gov.pl/wp-content/uploads/2015/10/Francja_pol_010711.pdf (01.09.2025).

Constitution of Ireland (Bunreacht na hÉireann) enacted by the People 1st July 1937 (Constitution of Ireland adopted by the People on 1 July 1937, entered into force on 29 December 1937), Polish translation: https://biblioteka.sejm.gov.pl/wp-content/uploads/2015/11/Irlandia_pol_010711.pdf

Costituzione della Repubblica Italiana del 27 dicembre 1947, G.U. n. 298 del 27 dicembre 1947 (Constitution of the Italian Republic of 27 December 1947), Polish translation: https://biblioteka.sejm.gov.pl/wp-content/uploads/2016/11/Wlochy_pol_010711.pdf

Danmarks Riges Grundlov af 5. juni 1953 (Constitution of the Kingdom of Denmark of 5 June 1953), Polish translation: https://biblioteka.sejm.gov.pl/wp-content/uploads/2015/07/Dania_pol_010811.pdf (01.09.2025).

European Charter of Local Self-Government, drawn up in Strasbourg on 15 October 1985 (Journal of Laws of 1994 No. 124, item 607, as amended).

Grondwet voor het Koninkrijk der Nederlanden van 1815, tekst jednolity z 1983 r. (Constitution of the Kingdom of the Netherlands of 28 March 1814), Polish translation: https://biblioteka.sejm.gov.pl/wp-content/uploads/2015/10/Holandia_pol_010711.pdf (01.09.2025).

Grundgesetz für die Bundesrepublik Deutschland vom 23. Mai 1949, BGBl. S. 1 (Basic Law for the Federal Republic of Germany of 23 May 1949), Polish translation: https://biblioteka.sejm.gov.pl/wp-content/uploads/2016/02/Niemcy_pol_010711.pdf (01.09.2025).

Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. (Constitution of the Republic of Poland of 2 April 1997, Journal of Laws of 1997 No. 78, item 483, as amended).

Lietuvos Respublikos Konstitucija (Constitution of the Republic of Lithuania adopted by the citizens of the Republic of Lithuania in the referendum of 25 October 1992), Polish translation: https://biblioteka.sejm.gov.pl/wp-content/uploads/2016/01/Litwa_pol_010711.pdf