



THE HISTORICAL EXPERIENCE OF ORGANIZING LOCAL SELF-GOVERNMENT BODY AS A PUBLIC ADMINISTRATION ORGAN IN GERMANY

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Annotation

In the world, the system of citizen self-government is recognized as the lowest stage of mass governance, an integral feature of a democratic state and a form of social governance of society. Improving the national legislation governing the self-government of citizens as an administrative body and increasing its role and importance in the system of public administration has become a requirement of the times. This article highlights the German experience of organizing local self-government as an administrative body.

Keywords: Democratic governance, national values, administrative body, state, community, administrative act, administrative movement, local government.

Introduction

A unique form of citizen self-government, the Eastern style of democratic governance - Has long been a neighborhood and has a long history. It also fully embodies national values, the people's way of life.

According to the logical conclusion born in the process of studying and analyzing the sources, we need to analyze the history of the establishment of the mahalla institute, which is the main link of citizens' self-government bodies, and the process of their formation.

In the early twentieth century, the state strictly controlled and directed local activities carried out by communities. "This is a direct impact of the legislation on the powers of public authorities and the involvement of communities in the process of performing public duties."¹.

During the Weimar Republic (1919-1933) the centralization of local self-government intensified and the final unification of the status of local governments throughout Germany was achieved.

¹ Актуальные проблемы реформы местного самоуправления и развития муниципального права в России : Учебное пособие / С.А. Глотов, А.Н. Дементьев, А.А. Кузнецов, А.А. Ходусов [и др.]. – М.: Международный юридический институт, 2013. – С-75.





The next important stage was the formation of a strong model of local self-government in post-war Germany. This process took place in the context of the real collapse of the German state - the dictatorship of the Third Reich Hitler.

Some authors note that in the process of economic chaos and the collapse of statehood, local governments have primarily taken on the task of providing basic conditions for the survival of the population, eradicating devastation and starvation, and resolving millions of problems such as refugees.².

Different parts of Germany were occupied by several countries, and in these regions they introduced their own models of local self-government, as a single German model of local government no longer existed. Thus, 4 models of public administration and local self-government were established. These were American, British, French and Soviet models.

In the territories occupied by Britain and the United States, they created two different models of urban (local) self-government based on historical and local traditions.

The French model of local self-government was most easily rooted, as the use of the French experience of the Reformation was not first introduced in Germany.

A union-like system was created in the territory controlled by the USSR: local authorities were part of the system of state bodies, and legislation in this area almost replicated the Soviet Union. All activities of local governments were regulated by the state and controlled by the party.

In 1990, the Federal Republic of Germany and the GDR were merged into the modern and popular Federal Republic of Germany. In fact, the GFR caused the collapse of the former GDR and imposed its own political and legal system on it. Accordingly, self-government was organized on the basis of a ready-made template³.

Nevertheless, some researchers conclude that the influence of some "Eastern" model in the former GDR is still experienced in all parts of United Germany⁴.

In the early stages of the unification, the GDR experienced some difficulties due to shortcomings in its previous structure. First, there were financial difficulties in modernizing the local government system. The teams received assistance in the form of monetary compensation from the German Unity Fund. Second, the problem of shortage of qualified personnel has been exacerbated by the lack of appropriate training institutions in the GDR. "This has forced local government officials to learn

² Wehling H-G. Kommunalpolitik in Geschichte und Gegenwart / H-G Wehling // Kommunalpolitik. Informationen zur politischen Bildung. – Bonn, 1994. – № 1. – S. 44.

³ Авдонин В.С. Развитие местного самоуправления в Германии и России: история, проблемы, перспективы / В.С. Авдонин // Политическая наука. – 2008. – № 3. – С. 96.

⁴ Wollmann H. Kommunalpolitik: Mehr (direkte) Demokratie wagen / H. Wollmann // Aus der Politik und Zeitgeschichte. – Bonn, 1999. – № 24/25. – S. 15.





to work in a changing legal environment. Intercity cooperation has been gradually established⁵.

Consequently, the modern German model of local self-government incorporated the characteristics of the four great states and had a great influence on its formation and development.

The Federal Republic of Germany consists of 16 lands (Länder). At the same time, three cities - Bavaria, Saxony, Thuringia - are called "Free States" and two more cities - Hamburg and Bremen - are called "Free Cities". But this does not mean that the lands have special rights or powers, such names are only historically developed.

The next administrative division of Germany is the districts (counties), of which there are 429. Districts are then divided into communes, with a total of 12,141 in Germany. The community can be urban, rural, or a combination of several settlements. German communities have an important feature, the mandatory existence of which is enshrined in the Constitution of each land. Accordingly, it is the only unchanging administrative-territorial unit of any federal land. It should also be noted that under the Basic Law, the boundaries of communities may change, but only for good public good and by mutual agreement of the stakeholders⁶.

In the first decade of the 21st century, the community (commune) level has been severely criticized. In particular, for delays in meeting the needs of citizens; for poor communication with the population and low quality of information; for high costs for the retention of local governments and administrators; service and society have been criticized for failures as human resource inefficiencies⁷.

In Germany, as in any other state, power is divided into three branches: the legislature, the executive, and the judiciary. Legislative power at the federal level is exercised by the Bundestag and Bundesrat, while at the regional level it is exercised by land parliaments and burgerschafts. The federal level of executive power is exercised by the Federal Government, headed by the Federal Chancellor. At the level of federal subjects, the head of the executive branch is the Prime Minister (Burgomaster).

In Germany, there are four main forms of communal self-government in a number of German laws, such as the Statute of the North German Council in Local Self-

⁵ Самохвалов С.С. Местное самоуправление в ФРГ: история развития и особенности в настоящее время / С.С. Самохвалов, Т.Б. Смашникова // Научные исследования и современное образование: материалы IV Междунар. науч.-практ. конф. (Чебоксары, 24 окт. 2018 г.) / редкол.: О.Н. Широков [и др.] – Чебоксары: ЦНС «Интерактив плюс», 2018. – С. 257–260.

⁶ Gemeindeordnung für Baden-Württemberg (Gemeindeordnung – GemO) in der Fassung vom 24. Juli 2000– [Электронный ресурс]: Landesrecht BW Bürgerservice – Website des Innenministeriums Baden-Württemberg. – Режим доступа: <http://www.landesrechtbw.de/jportal/?quelle=jlink&query=GemO+BW&psml=bsbawueprod.psml&max=true&aiz=true> – (Дата обращения: 27.04.2020).

⁷ Хальсман Дж.С. Чрезмерные ожидания / Дж.С. Хальсман, Ян Техаяу // Internationale Politik (изд. на русск. яз.). – 2007. – № 1. – С. 22–27.



Government, the Statute of the South German Council in Local Self-Government, the Statute of the Burgomaster, and the Statute of the Magistracy⁸.

The Northern German model (North Rhine-Westphalia and Lower Saxony)

The main features of this model were adopted from England because it was born in the area occupied by the British in the post-war period. The representative body (Council) is elected by the population, after which the council elects a burgomaster or ober-burgomaster (chairman of the community council) acting as a representative. At the same time, professional managers who manage the management, represent the interests of the team outside and implement the decisions of the board are appointed to the position of team director.

The Community has the right to resolve all matters of local importance unless there are restrictions in the City Council Charter or the Community Statute.

The disadvantage of this model is that there are two equal representatives of management. They do not always work precisely and uniformly under certain conditions. Therefore, in some cities, the practice of combining the positions of the mayor, who works on a professional basis, has recently been used by the city community.

South German model (Bavaria, Saxony, Baden-Württemberg). Like the previous model, it is a model developed in the post-war period, but under the influence of the United States. The main difference from Northern Germany is that the citizens directly elect not only the Council but also the Burgomaster, giving him full power. Combines executive and representative functions.

Citizens also elect the city council, whose members voluntarily perform their duties. The council decides on the life of the community (commune), except for those appointed to the burgomaster.

The mayor (burgomaster) is responsible for resolving current governance issues, exercising certain powers of the state represented in the state (e.g., defense, conscription, civil protection, etc.), resolving budget and personnel issues, and appointing a council with a delayed veto. acts as chairman. He may also perform other duties assigned to him by the Council⁹.

⁸ Местное и муниципальное управление в развитых странах: учебное пособие / отв. ред. В. А. Колесников. – Волгоград : Издательство Волгоградского института управления – филиала РАНХиГС, 2016. – С. 41–45.

⁹ Зотов В.Б. Система муниципального управления: учебник для студентов вузов / В.Б. Зотов. – СПб. : Питер, 2008. –С. 515.





Burgomaster model (Rhineland-Palatinate, Saar)¹⁰. This model is largely similar to the French system of governance developed after the 1982 reform. A representative body elected by the population appoints a burgomaster from among its members, who simultaneously becomes chairman of the council and head of the executive committee. The board also appoints a board that prepares board decisions. The Burgomaster has important powers and also has the right of veto.

The council resolves all issues not assigned to the mayor (burgomaster). In turn, the mayor has the right to convene council meetings, exercise current administration, and exercise certain state powers.

In conclusion, based on the German experience, in Uzbekistan, as an administrative body, along with citizens' self-government bodies, local khokimiyats (khokimiyats) within districts and cities are given the status of local self-government and their representative and executive bodies are elected by the population. we offer. This is because giving cities and districts the status of self-government leads to decentralization in public administration, and they can decide their own destiny independently without the intervention of the center. Also in Germany, the representative body of the city and district is elected by the population of the respective territory, the executive body headed by the Council and the mayor.

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¹⁰ Мухачев И.В. Местное самоуправление и муниципальное управление: учебник / И.В. Мухачев. – М. : ЮНИТИ: Закон и право, 2009. – С. 144.





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