

**LEGAL REGULATION OF  
PUBLIC MANAGEMENT AND  
LOCAL SELF-GOVERNMENT:  
COMPARATIVE EXPERIENCE  
AND MODERN CHALLENGES**

**Monograph**



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## **SPECIFICS OF LOCAL SELF-GOVERNMENT FUNCTIONING IN POLAND IN THE CONTEXT OF EUROPEAN STANDARDS AND THE PRINCIPLE OF PUBLIC AUTHORITY**

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**Abstract:** *This chapter aims to analyze the specific features of local self-government functioning in the Republic of Poland in the context of European standards and the principle of unified public authority. The study outlines theoretical approaches to local self-government as a democratic institution, reveals the essence of the subsidiarity principle as a cornerstone of the European legal framework, and examines its implementation within the Polish self-government model. It traces the evolution of administrative-territorial reform in Poland after 1990 and outlines the modern three-tier structure of local government bodies: gmina – powiat – voivodeship. A comparative analysis of the interaction between local authorities and the state administration within the unified public authority system is presented, including the role of voivodes as government representatives at the regional level. Special attention is paid to mechanisms of direct citizen participation in public governance, such as participatory budgeting, public hearings, and local initiatives, with a focus on their legal status, organizational mechanisms, and effectiveness. Key challenges facing Polish local governance are discussed, including financial autonomy, staffing, and political influence. Prospects related to digitalization and the strengthening of local autonomy are also summarized. The Polish case is considered a valuable transformational model for post-socialist countries aiming to harmonize their governance systems with European standards of good governance.*

**Key words:** *Local self-government, Poland, subsidiarity principle, European Charter of Local Self-Government, public authority, decentralization, territorial community, participatory budget, administrative reform, voivodeship, governance model, institutional autonomy, sustainable development.*

## **1. Introduction**

In the current context of accelerating democratic transformations, integration into the European legal space, and adherence to the principle of public authority, the issue of effective local self-government has gained particular importance. It serves not only as a foundational institution of democratic order but also as a key prerequisite for sustainable socio-economic regional development, civic participation, and decentralization policy implementation.

Poland, which introduced an ambitious local government reform in the early 1990s, is often cited as an example of a country with a progressive municipal model. However, recent years have revealed growing risks and challenges, particularly associated with tendencies toward re-centralization (Swianiewicz, 2003, p. 15; Levitas, 2024, p. 3). The relevance of this study is driven by the increasing tension between local autonomy and enhanced central control – a phenomenon observed in many European countries but especially visible in Poland. The shift from decentralization toward formal subordination of local authorities, changes in election procedures and council functioning, limitations on financial independence, and rising political pressure – together justify a scholarly analysis of the current state of local governance in the country (Stefan Batory Foundation, 2023, p. 12; Freedom House, 2023).

This article aims to examine the functioning of local self-government in Poland in light of European standards of autonomy, transparency, accountability, and citizen participation. The objectives include studying the institutional architecture of local authorities, evaluating their competencies, resource base, and public participation mechanisms, and determining the degree to which the Polish model complies with the principles of the European Charter of Local Self-Government.

The study's methodological foundation comprises comparative-legal, institutional, and functional approaches. These allow for a comprehensive analysis of legal frameworks, administrative practices, and actual changes in the relationship between state and local levels of governance. Particular attention is paid to participatory budgeting as a deliberative democracy tool, especially in the cities of Wieliczka and Dąbrowa Górnicza (Faliszewski et al., 2023; Participedia, 2023; Sobociński, 2024, p. 391).

## **2. The Principle of Subsidiarity and the European Charter of Local Self-Government**

In European tradition, local self-government is considered one of the core institutions of a democratic society. It ensures the right of territorial communities to manage public affairs independently within the limits set by law. In its classical sense, local self-government is a form of decentralization of public authority, involving the delegation of specific powers to the authorities closest to citizens (Council of Europe, 1985). Its essence lies in combining political, administrative, and financial autonomy to secure local effectiveness and accountability.

Scholarly studies confirm that effective local self-government is a key indicator of a mature democratic system, as well as a tool for increasing citizen trust in public institutions (Swianiewicz, 2003, p. 16). Accordingly, modern European legal thought emphasizes not only the formal recognition of municipal autonomy but also the real possibility to exercise local competencies without excessive state interference.

One of the fundamental principles underpinning public governance in the European Union is the principle of subsidiarity. According to Article 5 of the Treaty on European Union, the EU shall act only in areas where the objectives of proposed actions cannot be sufficiently achieved by the Member States themselves (European Union Treaty, 2012). In the context of local self-government, this means that powers should be exercised at the level closest to the citizen, provided that the action can be more effectively carried out there.

Subsidiarity carries not only philosophical and political weight but also practical legal significance. It serves as the basis for allocating competencies among state, regional, and local levels of governance. In post-socialist countries, including Poland, this principle played a vital role in building a modern multi-level power system after the transformations of 1989–1990 (Levitas, 2024, p. 3; Sejm publication, 2024).

In Poland, subsidiarity is reflected in both constitutional and practical terms. The autonomy of gminas (municipalities) is enshrined in Articles 16–17 of the Constitution of the Republic of Poland, and local authorities operate as primary subjects of public administration.

The European Charter of Local Self-Government, adopted by the Council of Europe in 1985, became a cornerstone international legal document that defined the legal nature, functions, and guarantees of local self-government. Poland ratified the Charter in 1993, thus confirming its commitment to the democratic principles of decentralization and citizen participation (Council of Europe, 1985).

After the dissolution of the socialist bloc, the Charter became a key instrument for the Europeanization of public governance across Central and Eastern Europe. It introduced standards for the election of local authorities, financial autonomy, freedom to shape administrative structures, and the right to judicial protection against undue interference from central authorities (Bastianen & Keuffer, 2023).

The analysis of the theoretical foundations of local self-government within the European legal framework confirms the deep integration of subsidiarity, decentralization, and participatory governance ideas. At the same time, the practical realities in post-socialist countries, including Poland, demonstrate both progress and ongoing challenges – such as politicization, fiscal dependency, and formalization of democratic mechanisms (Freedom House, 2023).

### **3. Administrative Reform and the Three-Tier Structure of Local Self-Government in Poland.**

Poland was among the first post-socialist countries in Central Europe to implement a profound decentralization reform immediately after systemic transformation. The initial stage was marked by the adoption of the Act on Local Self-Government on March 8, 1990, which reinstated gminas as the basic unit of local governance and introduced the principle of self-governance for local authorities (Levitas, 2024, p. 4).

The second stage, known as the 1998–1999 administrative reform, introduced a three-tier system of local government: gmina – powiat – voivodeship. This reform also abolished the former structure of 49 small voivodeships and established 16 larger and more administratively capable territorial units (Swianiewicz, 2003, p. 12). Each level of government was assigned clearly defined competencies and separated financial responsibilities.

These reforms reflected a strong political will to establish genuine self-government and conform to European norms as outlined in the European Charter of Local Self-Government (Council of Europe, 1985).

#### **4. Financial autonomy is a crucial condition for the real functioning of local self-government in Poland**

The main sources of income for gminas and powiats include: Local taxes and fees (e.g., on property and transport), Shares in national taxes (especially PIT and CIT), General subsidies and targeted grants from the central budget. Despite these provisions, researchers highlight the high level of financial dependency on the central government, particularly through conditional grants. This raises concerns regarding the actual autonomy of local governments (Banaszewska, 2024; Trzeciakowski & ec, 2023).

Moreover, local governments are subject to administrative supervision by the voivode (the state's regional representative) and oversight by state audit institutions.

#### **5. Local Self-Government and the Management of the Socio-Cultural Sphere**

One of the key areas of competence for local self-government in Poland is the management of the socio-cultural domain. According to Polish legislation, gmina authorities are responsible for overseeing institutions of education, culture, healthcare, physical activity, and supporting civil initiatives. A telling example is the gmina of Kraków, where local authorities fund municipal theaters, libraries, and museums, and organize cultural festivals using resources from the local budget. Similarly, the healthcare system is supported at the powiat level, where county councils manage secondary-level hospitals (Mirska, 2021).

#### **6. Poland's local governance model is the result of years of structural transformation and efforts to harmonize with European standards.**

It combines: a three-tier institutional structure, the principle of subsidiarity, relative financial autonomy, and the effective provision of social services. However, challenges remain – particularly those related to centralization tendencies and dependency on budgetary transfers, which continue to limit development.

A key principle of democratic governance is the unity of public authority, which calls for coordinated functioning of both state and local government institutions within a single public system. Poland serves as a striking example of a country that, following the transformative processes of the 1990s, developed a model of interaction between central and territorial levels that strikes a balance between autonomy and state control.

Polish law does not define local self-government as part of the state administration. However, the Constitution of the Republic of Poland (1997) states that local governments are subjects of public authority, exercising their powers independently within the law (Konstytucja RP, 1997, Articles 15–16). This aligns with the broader European approach, as codified in the European Charter of Local Self-Government (Council of Europe, 1985), which guarantees institutional autonomy for territorial communities.

At the same time, the Polish model features a well-defined mechanism of state supervision through the office of the voivode. As a representative of the central government in the region, the voivode fulfills a dual function: ensuring the legality of local government actions and implementing state policy within the voivodeship. This structure helps maintain a balance between decentralized management and the coherence of national policy (Swianiewicz, 2003, p. 8).

According to the Act on the Voivode and Government Administration in the Voivodeship (2009), the voivode has the right to suspend decisions of local authorities if they are deemed unlawful and to refer such cases to an administrative court (Ustawa, 2009, Articles 90–92).

### **7. Direct citizen participation in local decision-making is an integral component of democratic governance, enshrined in numerous international legal instruments, including Article 3 of the European Charter of Local Self-Government (Council of Europe, 1985)**

After restoring its democratic institutions in the 1990s, Poland emerged as a regional leader in developing participation mechanisms at the local level. These include: territorial auxiliary self-governance units (*samorząd pomocniczy*), participatory budgeting, public hearings, and local civic initiatives.

In Poland, auxiliary territorial self-governance refers to subdivisions established at the gmina level – such as villages (sołectwo), residential neighborhoods (osiedla), and urban districts (dzielnice) – which may hold either consultative or executive powers. These bodies are headed by a chairperson (sołtys or przewodniczący dzielnicy) and operate through elected councils. They can influence budget distribution, initiate public discussions, and mobilize local residents (Swianiewicz, 2003, p. 14).

The main tools of citizen participation include:

1. Public hearings (konsultacje społeczne): mandatory in cases defined by law, such as changes to gmina borders or the development of strategic plans. However, in practice, their effectiveness is often limited due to the formalistic nature of procedures (Levitas, 2024, p. 108).

2. Participatory budgeting (budżet obywatelski): a popular method for residents to co-decide how part of the municipal budget is spent. For example, in Kraków, over PLN 38 million (approx. EUR 8.5 million) was allocated in 2023 via public voting on local projects (Piszczyk, 2024, p. 69).

3. Local civic initiatives: allow residents to submit collective proposals to gmina councils. However, many gminas lack clear implementation regulations, which hinders institutionalization (Sobociński, 2024, p. 397). Thus, Poland demonstrates active efforts to develop institutions of direct participation, especially at the gmina level. However, as comparative studies show, low legal certainty, dependency on local political will, and the lack of systemic support may reduce the effectiveness of these mechanisms. To achieve sustainable results, it is necessary to: strengthen legal frameworks, develop digital platforms for participation, and engage youth in decision-making processes (People Powered, 2025).

## **8. Current Challenges and Development Prospects for Local Self-Government in Poland**

After more than thirty years of decentralized public governance, Poland faces a set of systemic challenges that hinder further progress in local self-government. While the Polish model remains one of the most stable in Central and Eastern Europe, it requires adaptive reforms in response to social, economic, and technological shifts (Swianiewicz, 2003, p. 21;

Levitas, 2024, p. 109). One of the most pressing challenges is the limited financial capacity of local budgets, especially at the gmina level. Although legislation guarantees a degree of financial autonomy, significant disparities in revenue between municipalities persist. Dependence on subsidies and transfers from the central budget undermines long-term strategic planning and implementation of local development strategies. Another major problem is the shortage of qualified personnel in small gminas. Demographic shifts, labor migration, and the low attractiveness of public service careers among young people have resulted in staffing shortages in key sectors such as social care, urban planning, and digital services (Sobociński, 2024, p. 398). This directly limits the administrative capacity of local authorities.

Furthermore, recent years have witnessed increased political interference from the central government in local affairs, including legislative initiatives that enhance state control or alter the mechanisms by which local powers are formed. These trends have raised concerns in both academic circles and among European institutions (European Committee of the Regions, 2022, p. 19).

Despite these obstacles, Poland's local governments show strong potential for transformation through the digitalization of public services. The implementation of e-government strategies – such as online voting platforms, digital registration of administrative services, open data access, and Smart City initiatives – has already improved efficiency in large urban centers. Additionally, the agenda includes further expansion of gmina autonomy, particularly in areas like regional planning, infrastructure development, and energy independence. Municipalities are increasingly taking the lead in climate action, decentralized energy solutions, and environmental policy.

The Polish experience holds strategic relevance for post-Soviet countries undergoing decentralization reforms. The success of Poland's local government reform stemmed from a combination of legal stability, clear division of powers, broad civic engagement, and financial incentives for municipalities. Notably, Poland acted as a knowledge donor for the Ukrainian decentralization reform of 2014–2020, particularly in the development of amalgamated territorial communities (OTGs) and inter-municipal cooperation (Furmankiewicz & Campbell, 2019, p. 2).

## **Conclusion**

The future development of local self-government in Poland depends on its ability to adapt to information society conditions, while maintaining institutional autonomy and strengthening civic engagement. Lessons from the Polish experience can serve as a benchmark for reform in Central and Eastern Europe, particularly in the areas of: decentralization, legal clarity of powers, and human capital development at the local level.

This study concludes that the Polish local governance system is among the most balanced in Central and Eastern Europe. It effectively combines institutional autonomy with mechanisms for public accountability. The reform that began in 1990 went through multiple stages, resulting in a clear three-tier structure – gmina, powiat, voivodeship – which ensures the proper allocation of powers, accessibility of administrative services, and implementation of grassroots initiatives. Poland's approach to subsidiarity and adherence to the European Charter of Local Self-Government demonstrates its commitment to democratic European standards (Swianiewicz, 2003, p. 5; Levitas, 2024, p. 17).

A particularly important role is played by citizen participation, realized through tools of direct democracy such as participatory budgeting, local initiatives, and public hearings. These tools help build trust, increase decision-making effectiveness, and foster a responsible civic culture (Sobociński, 2024, p. 390; Faliszewski et al., 2023).

Nevertheless, the system faces several challenges, including political pressure, uneven financial resources, personnel shortages, and risks of recentralization. Therefore, priorities should include: further digital transformation of local governance, smart administrative solutions, and enhanced institutional capacity of municipalities (Stefan Batory Foundation, 2023). The Polish case has strategic importance for post-socialist states aiming to build decentralized governance models. It shows that effective decentralization is possible with political will, clear legislation, support for civic initiatives, and systemic interaction across levels of government. Ultimately, local self-government is not merely a tool of administrative management, but a foundation for sustainable development, local democracy, and national resilience. Strengthening it requires a consistent policy focused on empowering local communities,

developing institutional capacity, and introducing innovative public management approaches.

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