

THE CONCEPT AND THE ESSENCE OF SELF-GOVERNMENT IN THE LITERATURE

A necessary condition for the functioning of any society is the creation of a particular social order that would allow it to function properly. Therefore, it is necessary to create certain principles, rules and criteria to be set mid-order. It is also the designation of tasks to be performed as well as to identify the sources of their funding. Consequently, there has been a separation of local government from state structures¹.

Is a form of self-government to meet the collective needs and is implemented by a specific community or by its representatives². The word government is derived from the German language and was called to determine the local public administration, which was not exercised directly by the structure of the government. However, the government in terms of the functional concerns of communities centered around community activities and involves the transfer of powers by public authorities to attend to some matters of a social group by its representatives. However, an essential attribute of every government is to identify sources of financing its activities³.

However, in terms of administration is the most important form of local government or community organizations – the municipality or district or regional – province. The concept of local self-government was almost always connected with the community⁴. World Declaration of Local Government during the session of the World Congress of the International 27 Association of Local Authorities, held on 22 – 26 September 1985 in Rio de Janeiro has decided that local government is the right and duty of local authorities to regulate and manage public affairs for the benefit of local communities⁵.

Local government is a separate territorial and organized social group, which has its own independent authority related to the implementation of tasks for the social group operates independently within the scope defined by law, subject to the supervision and control of the law and is part of the public administration⁶. Local government is a decentralized public law association established to carry out specific tasks of public administration⁷.

A similar position can be found in the European Charter of Local Self-Government, which says that «Local government denotes the right and the ability of local communities, within the limits of the law, to regulate and manage public affairs essential part of their own responsibility and in the interests of their citizens. This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot, equal, direct, universal suffrage, and which may possess executive organs responsible to them. This provision does not preclude recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute»⁸.

¹ M. Dylewski, B. Filipiak, M. Gorzałczyńska – Koczkodaj, *Finanse samorządowe*, Wydawnictwo Naukowe PWN, Warszawa 2006, p. 11-12.

² A. Antoszewski, R. Herbut, *Leksykon politologii*, Wydawnictwo Naukowe Alta2, Wrocław 2002, p. 397.

³ A. K. Piasecki, *Samorząd terytorialny i wspólnoty lokalne*, Wydawnictwo Naukowe PWN, Warszawa 2009, p. 30.

⁴ A. K. Piasecki, *Samorząd terytorialny i wspólnoty lokalne*, op. cit., p. 30

⁵ K. Pająk, *Rola samorządu terytorialnego w kształtowaniu rozwoju lokalnego*, Wydawnictwo Akademii Ekonomicznej w Poznaniu, Poznań 2005, p. 20.

⁶ M. Dylewski, B. Filipiak, M. Gorzałczyńska – Koczkodaj, *Finanse samorządowe*, op. cit., p. 12.

⁷ M. Jastrzębska, *Finanse jednostek samorządu terytorialnego*, Wolters Kluwer Polska sp. z o.o., Warszawa 2012, p. 15.

⁸ Europejska Karta Samorządu Terytorialnego, Część I, art.3, p. 1.

The Polish Constitution says that the basic unit of local government is the commune. The role of the municipality specifies Act of 8 March 1990, the Local Government (Journal of Laws No. 16, item. 95). The municipality carries out tasks through their bodies, which include the municipal council (a body representing and control), and the mayor, the mayor or city president (executive).

The structure of local government in Poland was restored in 1990. The main (lowest) unit of local government is the commune. Several municipalities created district, which in turn – state, which is sixteen. Local self-government bodies exercising power and control are the councils that operate on three levels. Introduce local legislation, adopt the budget and supervise its implementation, impose local taxes and fees (based on existing legislation) and adopt regulations on property rights⁹.

Local government lived to see many shots of definition. This resulted in a wealth of approaches but also their ambiguity. This situation is due in part to the fact that the essence of self-government was and is complex and partly that she showed and shows some differences both in the temporal and spatial. The obligation to its definition must therefore be completed by compiling expressions reflecting all important common characteristics, the dominant contemporary local government structures. In light of these circumstances the local government should be defined as mandatory union inhabitants of the territory jointly deal with their public affairs of local importance, and as a form of decentralization of state administration, performed on the basis of relevant laws, by local, independent authorities¹⁰.

The oldest unit of local government is the commune understood as a basic form of organization of public life. The municipality has a legal personality and is independent in its activities. Body control at the same time constituting the Municipal Council. The municipality was established to implement the primary goal is to meet the collective needs of local communities¹¹.

The municipality or community of people connected to each other directly has always been a form of neighborhood organizations and local public life also is not subject to direct interference of state power¹².

The population of the basic units of local government in Poland consists of 2,479 municipalities. Their size can be determined by the surface area occupied by the population either. But the more important indicator is the number of people as the population creates a demand for public services, on the other hand is also affected, either directly through taxes or indirectly through grants or subsidies on the development of the financial capacity of the municipality¹³.

The projects carried out by local governments can be categorized according to the criterion of separating government for their own hindquarters, commissioned and assigned to either the universality criterion dividing the tasks of local optional and mandatory¹⁴.

However, the classical theory of government divides its tasks on its own and commissioned. Tasks own municipality should exercise alone without the possibility of any interference of state bodies. Permitted only possible intervention in the form of correction

⁹ <http://www.poland.gov.pl/Podzial,administracyjny,i,samorzad,terytorialny,120.html>.

¹⁰ A. Sztando, Oddziaływanie samorządu lokalnego na rozwój lokalny w świetle ewolucji modeli ustrojowych gmin, Samorząd Terytorialny 1998, nr 11, p. 12.

¹¹ A. Miszczuk, M. Miszczuk, K. Żuk, Gospodarka samorządu terytorialnego, Wydawnictwo Naukowe PWN, Warszawa 2007, p. 25.

¹² H. Gawroński, Zarządzanie strategiczne w samorządach lokalnych, Wolters Kluwer Polska sp. z o.o., Warszawa 2010, p. 17-18.

¹³ A. Miszczuk, M. Miszczuk, K. Żuk, Gospodarka samorządu terytorialnego, op. cit., p. 33.

¹⁴ M. Dylewski, B. Filipiak, M. Gorzałczyńska – Koczkodaj, Finanse samorządowe, op. cit., p. 23-25.

supervision involving the activities carried out in accordance with the law¹⁵. Tasks own community is a task to satisfy the needs of local communities, which means that a local government performs certain tasks on their own behalf, on his own responsibility and within available resources¹⁶. Tasks include their own community meeting collective needs in particular by¹⁷:

- Corporate planning, real estate management, environmental protection and nature conservation, as well as water,
- Municipal roads, streets, bridges, squares and traffic organization,
- Water supply and water supply, sanitation, disposal and treatment of waste water treatment, maintenance of cleanliness and order and sanitation, landfill and municipal waste, supply of electricity and heat and gas,
- Local public transport,
- Health,
- Including social assistance centers and nursing homes,
- Public education, including pre-primary, primary and middle schools,
- Municipal housing,
- Culture in the municipal libraries and other institutions dissemination of culture,
- Physical culture and tourism including recreational and sports facilities,
- Markets and market halls,
- Green areas and trees,
- Municipal cemeteries,
- Public order and safety, and fire and flood,
- The maintenance of municipal buildings and public facilities and administrative buildings,
- In this family-oriented care to pregnant women to ensure social, medical and legal,
- Supporting and promoting the idea of self-government,
- The promotion of the community,
- Co-operation with NGOs,
- Collaboration with local and regional communities of other countries.

The tasks assigned are applied to the municipality on the basis of relevant laws, and are compulsory. However, the duty of government is to provide funds for the implementation of the tasks assigned. For tasks assigned to the municipality include, among others¹⁸:

- The payment of social assistance,
- The provision of care to people with mental disorders,
- Conduct environmental self-help houses,
- Conduct of civil,
- Issuing identity cards,
- Economic activity,
- Lighting roads in cities,
- Providing training in the field of civil defense,
- Maintaining records of property,
- Maintain records of voters.

¹⁵ B. Dolnicki, Samorząd terytorialny, Wolters Kluwer Polska sp. z o.o., p. 25-26.

¹⁶ M. Dylewski, B. Filipiak, M. Gorzałczyńska – Koczkodaj, Finanse samorządowe, op. cit., p. 23.

¹⁷ A. Miszczyk, M. Miszczyk, K. Żuk, Gospodarka samorządu terytorialnego, op. cit., p. 39.

¹⁸ A. Miszczyk, M. Miszczyk, K. Żuk, Gospodarka samorządu terytorialnego, op. cit., p. 46.

In addition to the tasks assigned to the local government unit may also perform the tasks assigned to a task that is transmitted by means of agreements or arrangements between local government units, not necessarily at the same level, and between a local authority and government. The agreement of the task set is ordered and the amount of funds allocated to execute this task. Frequently this type of contract or agreement on municipal services, education and business ventures of social welfare, culture, tourism and recreation, and promotion¹⁹.

By analyzing the distribution of tasks of local government based on the criterion of universality distinguished optional and mandatory tasks. Optional tasks are not due to any laws but only with the voluntary written obligation to the local government units to implement them. However, due to the obligatory task of the law and can be either their own tasks and commissioned²⁰.

Local government as a link in the public sector to carry out their tasks using public funds, due to the following facts²¹:

- performing only those tasks that are public and for the public,
- budget of the local government unit is linked to the state budget,
- addition competence of government bodies,
- between local government and the state and society are financial relationships,
- provide for funding from the local government budget issues within the responsibility of the government,
- to be subject to supervision by the state.

A feature of each local government is its independence, which may be in terms of²²:

- law arising from the legal system, which gently with the local government unit is equipped with a legal personality, and is associated with independence and lawmaking of their own affairs,
- Political – associated with the right to choose the direction of the line with the idea of a particular political party or organization that is directly related to the concept of community life, the implementation of liberties and civil rights, pro-social activities, etc., is also associated with the electoral law and the possibilities of entering into agreements or compounds economy – associated with the implementation of specific tasks and business activities,
- organization, which is associated with the right to establish their own bodies, offices, agencies and staffing.

If the local government can also speak about his financial independence involving the obtaining by the authorities of the local government the right to decide on the structure and level of income as well as the types and amount of expenditures.

Another feature of local government is the systematic creation of conditions for social initiatives, which is the primary function of civil society, give a sense of social bonds and tend to account. It is through the support of community initiatives citizens identify with a particular community and create a climate for social and economic development.

Another feature of the local government is subsidiarity, meaning that no government should not interfere with people or social groups in decision making and carrying out actions aimed at self-realization and the common good²³.

¹⁹ A. Miszczuk, M. Miszczuk, K. Żuk, *Gospodarka samorządu terytorialnego*, op. cit., p. 47.

²⁰ M. Dylewski, B. Filipiak, M. Gorzałczyńska – Koczkodaj, *Finanse samorządowe*, op. cit., p.25.

²¹ M. Dylewski, B. Filipiak, M. Gorzałczyńska – Koczkodaj, *Finanse samorządowe*, op. cit., p. 12.

²² M. Dylewski, B. Filipiak, M. Gorzałczyńska – Koczkodaj, *Finanse samorządowe*, op. cit., p. 13.

²³ M. Dylewski, B. Filipiak, M. Gorzałczyńska – Koczkodaj, *Finanse samorządowe*, op. cit., p. 13-14.

In today's Poland may see a change in local government in the co-host and co-organizer of the public life of local communities, which is responsible for the identification and prioritization skilful preferences inhabitants.

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EXIT STRATEGY – AN OPTION NOT ONLY IN RECESSION

The events of the recent years have undoubtedly provoked a number of discussions on the correctness of functioning of international and domestic mechanisms for supporting economic growth. A lot of questions have been raised with respect to reaching the economic growth limits or rightness in perceiving free market as a self-regulating structure. Reflections upon fiscal, monetary or economic policy in the both global and regional dimension have been followed by those revolving around survival strategies for enterprises in the times of recession, increased risk and difficulties in obtaining funds for further operation.

A greater interest in anti-crisis management methods and tools has also resulted in more attention being paid to defence mechanisms and their more frequent application. The aim of this article is to present one of them, i.e. exit strategy, and to provide an overview of the respective terms, point out its advantages and finally focus on its legitimacy.

Exit strategy is fairly often associated with company liquidation. This approach however seems to be too narrow. First of all, it is important to define the entity that is capable of implementing such strategy. This may be as follows: