

The administrative and legal status of local government communities and residents of local government units

Keywords:

1. Local government community
2. Resident of a local government unit
3. Administrative and legal status
4. Rights and obligations of residents
5. Citizen participation

SUMMARY

The study is dedicated to the issues of membership in a local government community, analyzed from the perspective of administrative law. The main subject of the study is to determine the administrative and legal status of a resident of a local government unit and the scope of their rights and obligations. The research aims to establish the nature of the status of a local government unit resident and to clarify whether it constitutes a separate category of legal subjectivity, independent of state citizenship.

The discussion begins with an analysis of the concepts of "community" and "resident" in both ethnic and legal language. It is highlighted that a local government community is not merely a legal construct but also a real social category based on territorial, economic, and cultural ties. In the context of administrative law, the concept of a resident is associated with a person's permanent connection to a specific local government unit, distinguishing them from a citizen, who is subject to constitutional law regulations.

The study examines issues arising from the lack of clear regulation of the resident's status in national law. The analyzed structural provisions concerning municipalities, counties, and voivodeships define the local government community as the totality of its residents but do not specify the exact rights and obligations resulting from this membership. The author also analyzes solutions found in foreign legal systems and in the European Charter of Local Self-Government, which emphasize residents' participation in public life, as it constitutes a key element of democratic local governance and democratic legitimacy.

The next part of the study is dedicated to analyzing the "resident" as an institution of administrative law. The author points out that administrative law does not treat the resident as a classic subject of rights and obligations but rather as an element of the local government's organizational structure. This results in a range of theoretical and practical issues, including ambiguity regarding the scope of residents' participation in local decision-making and the lack of effective mechanisms for protecting their rights.

The study also addresses proposed legislative changes that could improve the functioning of local government communities. Among the recommendations are the introduction of a statutory definition of a local government unit resident, the determination of rules for acquiring and losing this status, and the specification of their rights and obligations. The author also advocates for greater precision in defining the scope of residents' participation in decision-making processes, which could strengthen their legal subjectivity.

The study provides a comprehensive analysis and evaluation of the current status of a local government unit resident, highlighting the need to clarify their position within the administrative law system. Residents play a crucial role in the functioning of local government communities, yet their rights and obligations are defined in a manner that is too fragmented and not always consistent. Therefore, the need for legal reforms has been emphasized, which could contribute to improving the functioning of local government and strengthening its democratic character.