

DOI <https://doi.org/10.30525/2592-8813-2024-1-8>

LEGAL BASIS OF THE PRINCIPLE OF SUBSIDIARITY IN A DEMOCRATIC SOCIETY

Karim Yemelianenko,
Chief Consultant at the Research Service,
Verkhovna Rada of Ukraine (Kyiv, Ukraine)
ORCID ID: 0000-0002-7035-6470
karimkiev@ukr.net

Abstract. The article is dedicated to theoretical basis of the definition of the concept of "subsidiarity" in the context of its application as a key principle of a democratic society in the relations between central and local authorities; examines the definition of the conceptual and categorical group of scientific research of the principle of subsidiarity; researches the legal framework, place and role of this principle in a democratic society, in particular, in the EU countries. The author pays attention to the fundamental approaches to the application of the principle of subsidiarity in the implementation of the State regional policy of Ukraine in budgetary relations.

Key words: subsidiarity, principle of subsidiarity, legal principles, power, government, authorities and local self-government bodies, democratic society.

Introduction. Democracy is an important and universally recognised value in the organisation of the social order. However, democracy is formed and gains its true meaning through its characteristic properties – democratic values and principles, which are the life-giving force of society and filling it with primary legal essence through consideration of interests of different social groups in the social organisation.

Undoubtedly, one of the foundations for ensuring the sustainable development of a democratic society is the enshrining of fundamental principles at the level of the basic law or declaration of guarantees in the organisation of the democratic society with the formation of power institutions, which carry out the most important representative function in the name of society and in the public interests. Therefore, a democratic society in its fundamental law ensures and guarantees the implementation of principles and values as its ideal principles, including: freedom, equality, justice, limitation of power and its institutions, free and responsible individual, rule of law, constitutionalism, freedom of speech, freedom of the press, pluralism of opinions, etc. It is obvious, that realisation of law in the relations between a member of society (individual, citizen or social group) and institutions (public, state) is the most possible and effective in a democratic society, which implemented through the specified values and principles.

One of these principles of organising public life is the principle of subsidiarity, which guarantees the protection of individuals from abuse by higher-level authorities and calls on the authorities to help individuals and social groups fulfil their social responsibilities. This principle applies both between the individual and the community and between the individual or community and state institutions, whereas each individual or social group can offer something authentic to the state institution, declare or initiate with the intention of balancing certain interests. Denying subsidiarity or limiting it in the name of democratisation or equality of all members of society limits or even destroys the spirit of freedom and initiative.

Certain forms of centralization, bureaucratization, social assistance and unjustified and excessive presence of the state and its power apparatus in the life of society are contrary to the principle of subsidiarity. The origins of subsidiarity as a principle are rooted in the fundamental positions of the philosophy of law and the development of public governance in general. In this way, the principle of

subsidiarity in the context of modern governance development is currently applied with the role of complementarity and harmonization of the resource and public parts in a democratic society, which is established at the level of constitutions or fundamental laws of countries. Therefore, in the context of the scientific objective for this research, there is a necessity to reveal the nature of the subsidiarity principle, its theoretical and practical significance, and the importance of its implementation in the field of law, in particular, on the examples of European countries.

Given the current research on the principle of subsidiarity, it should be noted that the attention is currently focused on studying its content from the side of traditional application – basically in the context of political and philosophical analysis and public administration, whereas in this research we examine the constitutional and legal basis of the principle of subsidiarity in a democratic society in general, i.e. in a somewhat expanded sense.

Among the most famous scholars of constitutional, administrative law and public administration who have researched the principle of subsidiarity in various aspects, it is worth noting the following: V.B. Averyanov, S.S. Alekseev, P.M. Rabinovich, Y.P. Bytyak, O.V. Batanov, M.I. Kozyubra, as well as works by O.F. Skakun, V.V. Ladychenko, I.A. Kuyan, N.V. Mishina, O.O. Maidanyk, B.V. Kalynovskyi, T.V. Panchenko, P.M. Liubchenko, M.Y. Saviovskyi, I.V. Drobush.

Purpose of the Study. The purpose of this article is to research the legal fundamentals of the principle of subsidiarity in a democratic society in terms of the origins and genesis of the definition, and to expand the scientific general theoretical value and scope of application of this principle.

Main Part. The legal nature, sources and origins of the principle of subsidiarity are an important precondition for determining the legal basis of the principle of subsidiarity, as well as its connection with human and society, and its formation as a scientific and democratic social value in ensuring effective of constitutional regulation (Batanov, 2020: 87). Subsidiarity (from the Latin *subsidium* – additional) is an organizational and legal principle according to which tasks should be solved at the lowest, smallest or most remote level where their solution is possible and effective.

The principle of subsidiarity has its roots in the ideas of Plato and Aristotle, as well as in Medieval Urban Law. In the Catholic social teaching, this concept became a part of the official doctrine after the publication of the Encyclical *Rerum Novarum* (1891) by Pope Leo XIII. Later, Pope Pius XI promoted the advantages of subsidiarity as a third possible way, intermediate between state dictatorship and state non-interference in the economic sphere of society. In accordance with the principle of subsidiarity, the transformation of a centralized state administration into an authoritarian one was opposed by the thesis that the legal and administrative functions of the state should be delimited.

The essence of this new principle was clear: it required the centralized state to protect local and regional democracy. The original purpose of the principle was to resolve the conflict between the individual and society, which would avoid the extremes of both individualism and collectivism (Nojkhauz, 2005).

In addition, according to the main provisions of the Code of Canons of the Eastern Churches (*Codex Iuris Canonici Orientalis*), the principle of subsidiarity "states that the authority of individuals and inferior institutions should not be subordinated by the supremacy" (Nedungatt G. (ed.), 2008).

The word "subsidiarity" is of Latin origin and in Ukrainian translation means "additional", "secondary," or "residual". Subsidiarity of power, therefore, means that higher levels of government should be additional, or secondary, in solving the tasks that appear at the lower levels. In other words, the principle of subsidiarity requires building a system of governance from the bottom up rather than from the top down.

The concept of subsidiarity states that local conditions and circumstances not only differ from one another, but also change with time. Therefore, the scope of services provided, as well as the scope of functions of local governments, should be appropriate to ever-changing and updated needs and conditions, taking into account local requirements and wishes. Consequently, the principle of

subsidiarity is a principle of decentralization, according to which social problems should be solved at the lowest and most distant level from the center. Moreover, the central government should play a subsidiary (auxiliary) rather than a subordinate (subordinate) role. The application of the concept of "subsidiarity" as a characteristic of the organization of relations between different levels of government is associated first of all with the development of European federalism, the origins of which are associated with Protestant reformism based on the teachings of J. Altuzius (Panchenko, 2011: 33) and the theory of the sovereign monolithic state by J. Baudin. Thus, J. Baudin theoretically substantiated absolutism both in France and in Europe at that time.

According to the teaching of J. Altuzius, "...every larger union is composed of corporate unities of closer unions. The State, like the unions that compose it, differs from them only in its exclusive sovereignty; it, as the highest legal force, is endowed with new features and functions, but its right is limited by the rights of the unions that compose it" (Nedungatt G. (ed.), 2008). According to the teaching of J. Altuzius, a human being is completely dependent on others to ensure his life in harmony with the God".

Also, according to J. Altuzius, the sovereign should be the nation, not the monarch. The liberal version of complementarity, as one of the foundations of the concept of subsidiarity, on the one side, contains the idea of a complementary approach in organising the relationship between government and the individual, and on the other side, directly prevents or limits the interference of a higher social authority in the affairs of a lower one.

The paradigms of political and legal thought on subsidiarity were conceptually formed by Aristotle, but in the Medieval epoch, the origin and essence of the state were laid down in the then dogmas of the Roman Catholic Church, by the follower of Aristotle and theologian Thomas Aquinas (Panchenko, 2011).

The Catholic Church, which had a very powerful power at that time, significantly supported the teachings of Thomas Aquinas. Because according to the scientist's interpretation, "all power is from God", the doctrinal essence of power introduced such an order of relations of domination and subordination in society, which determined the limits of state interference in private affairs, requiring certain obligations from higher parts of social organisations in relation to lower ones, thereby already introducing the principle of subsidiarity as an approach to public legal relations.

For a long time, the rigid and hierarchical form of government in France and most of the European continent was aimed at levelling regional and local peculiarities, but ensured the implementation of national decisions of a centralised country. Accordingly, in contrast to such a state, a decentralised and federal state looked weak.

In Europe, this was especially evident in the Medieval period during constant military conflicts, when a federal state, having no federal army but only army units from different federal states, lost to the army of a monolithic and centralised state system. A convincing example of this was Napoleon's administrative organisation, which became a model for other European states, as it most effectively ensured the implementation of the will of the head of state or parliament. Consequently, until the XXth century, in the European society and the world were dominated by confidence in the power of centralised state power.

However, after the Second World War, as a result of socio-political transformations, preference was given to a decentralised organisation of the state and the principles of subsidiarity and regionalisation. Moreover, even in France, a powerful centralised model of state structure was abandoned. Scholars have also researched the genesis and legal origins of the principle of subsidiarity in the Federal Republic of Germany from the Christian Church, which also dominated the society of the Middle Ages at the level of state institutions, and which in modern circumstances has preserved and consolidated its institutional extension in Germany itself and outside its representative limits in the European Union.

Thus, the socio-political structure of the European continent was built on a new firm worldview that centralism does not enhance the state, and, moreover, it can lead to the incapacity of the government and government institutions. Therefore, enhancing the role of the regions, as opposed to decreasing the overall role of the centre, became the leading principles of European policy. So, the fundamental principles are the most important foundational principles on which law as a mandatory social regulator is based (Petryshyn, Poghrebnyak, Smorodynskyj, 2015: 125).

The visions of modern legal scholars differ in the definition of the concept and application of the "principle of subsidiarity", for example, O.F. Skakun believes (Skakun, 2021) that in accordance with the principle of subsidiarity, the state determines the powers that should be given to local representative bodies and their executive committees to the extent that they can fulfil. Ukrainian scientist O. Batanov considers subsidiarity in social relations as the principle of priority of the rights and interests of an individual over the rights and interests of any community, the priority of a smaller, previously formed community, compared to a higher-level community.

Moreover, according to his opinion, subsidiarity comes from a specific individual, i.e. an individual participating in a system of different communities, outside of which he has the opportunity to be realised as a personal being. The communities (social groups or institutions) of which an individual is a member can be of any nature: family, territorial community, union, association, nation, nationality, civil society, labour collective, enterprise, i.e. everything within which a human being realises himself as a person.

In spite of the fact that there is a whole hierarchy of communities (institutions) in society, each person assesses the significance of each of them according to his/her own scale of values, on the basis of which he/she builds his/her own hierarchy of communities (institutions). Based on this, the scholar believes that in the most general form, the principle of subsidiarity is reduced to the fact that communities are subsidiary (additional) to the individual, or otherwise, it is not the individual who exists for the community, but different communities are formed to realise his or her interests (Batanov, 2004).

Thus, the state should form a theoretical basis and establish a single line and rules for the coexistence of various political forces, corporations, etc. within individual territories (states) and in relations between them (Kujan, 2013: 51).

Therefore, the principle of subsidiarity is a principle of decentralisation from the perspective of the central government. According to some national researchers (Moshak, 2017: 40), in democratic states, the principle of subsidiarity is the basis of the institutional organisation of power and governance, and it means that, firstly, the state fulfils only the functions that cannot be fulfilled by citizens, their associations and territorial communities, and, secondly, that the competence of higher-level self-government bodies includes the fulfilment of only those tasks that cannot be better carried out at a lower level.

Consistently implemented, this principle can work quite effectively. At the same time, attempts to incorporate it into the legislative framework in many cases face great difficulties and do not receive logical development and pose a serious problem of interaction between the existing levels of government in the state. As stated in the European Charter of Local Self-Government (European Charter of Local Self-Government, International document, 994_036) the goal of the Council of Europe is to achieve greater unity among its members in order to preserve and implement ideals and principles, including the principle of decentralisation of power. The European Charter also defines the obligation to have a constitutional and legal basis for local self-government in the national legislation (of the country that has joined the Charter) and to have such a basis "as far as possible in the constitution" of country.

In addition, Article 9(4), (5) and (7) of the Charter defines in more detail the approaches to the distribution of financial resources of local self-government bodies, in particular, the financial systems

that form the basis of local self-government resources should ensure that the available resources are brought in line with the real growth in the cost of the tasks they perform; protect financially weaker local governments, introduce budget equalisation procedures or similar measures to overcome the consequences of unequal distribution of financial resources. In other words, the approaches of "financial subsidiarity" are laid down at the stage of formulating the principles in the national legislation of a Community Member State.

In general, given the ambiguous consequences of regionalisation in European countries, the draft European Charter of Regional Self-Government developed by the Council of Europe was never adopted. This document established the definition of regional self-government, the powers of regional self-government bodies, and their rights. And this is despite the fact that the draft included the right of any Council of Europe member state to adapt the application, and also defined the principles of administrative supervision of regional self-government bodies by the state. In Europe, the idea of subsidiarity has a long history and is connected with the Catholic tradition that society should intervene in a person's affairs only when the actions of the family and regional religious community prove ineffective. The principle of subsidiarity is one of the cornerstones of European Union law and a basic requirement of the European Charter of Local Self-Government. The principle of subsidiarity is very important for the EU, as it allows for balanced decision-making, with due regard for the interests of EU member states.

Article 5 of the Consolidated Version of the Treaty on European Union as amended by the Lisbon Treaty, that "In accordance with the principle of subsidiarity in areas not within its exclusive competence, the Union will act only when and to the extent that Member States cannot properly achieve the aim of the measure planned ... and that it is better to do so at Union level having regard to the scope or results of the measures proposed" (Treaty establishing the European Economic Community, international document, 994_017).

In particular, the provisions of this Article are more specifically specified in Article 133(1) and Article 155(1) of the Treaty on European Union regarding the conduct of the European Union's trade activities Common – "trade policy shall be based on the same principles, in particular with regard to changes in tariff rates, the conclusion of tariff and trade agreements, the achievement of uniformity of liberalisation measures, export policies and trade defence measures, such as those to be taken in the event of dumping or subsidies" and that the EU, in order to achieve a common objective "may support projects of common interest supported by Member States and identified within the framework of the recommended projects ...", in particular "by analysing their implementation, providing loan guarantees or subsidies for interest relief. ...the Community may also promote the financing of individual Member States' projects in the sphere of transport infrastructure through a Cohesion Fund...".

The thesis that European integration is impossible without the introduction of subsidiarity has been proved by a large number of studies and can be considered an axiom. According to the Declaration on Regionalism in Europe, which was adopted at the initiative of the Assembly of European Regions (Declaration on Regionalism in Europe, international document, 1996), a region reproduces the specifics of its political identity, which can take a variety of forms that demonstrate the democratic will of each region, while taking into account that the participation of regions in the decision-making process in European institutions in accordance with the principle of subsidiarity makes the activities of the European Union more open for the citizens, subsidiarity becomes the main principle that establishes the role of any region.

According to the Declaration, the division of powers between the state and the regions is established by the national constitution or national legislation in accordance with the principles of political decentralisation and subsidiarity. According to these principles, functions should be performed at the level closest to the citizens. Following Article 9, paragraph 1, of the Declaration, regions and local authorities, carrying out the powers which have been delegated to them, cooperate on the basis of mutual trust and in accordance with the principle of subsidiarity.

National constitutions of EU countries reflect the principle of subsidiarity in their constitutions in different ways. For example, Article 2 of the Constitution of the Republic of Poland (Shapoval, 2018) states that the Republic of Poland is a democratic state based on the rule of law, which implements the principles of social justice. In other words, the principle of subsidiarity is established as a constitutional basis that constitutes social justice in the orderly and coherent organisation of state power and legal life of the society of the Republic of Poland. The only exception is the norms of part three of Article 228 of the Constitution, which defines restrictions on the principles of activity of public authorities of the Republic of Poland during the period of state of emergency. In its turn, the Republic of Bulgaria, in enshrining its national constitutional foundations (Constitution of the Republic of Bulgaria, 1991), is guided by universal human values such as freedom, peace, humanism, equality, justice, tolerance, considering the highest principle to be the rights of the individual, his or her dignity and security; the preamble to the Constitution of the Kingdom of Spain (Constitution of the Kingdom of Spain, 1978). guarantees democratic coexistence within the framework of the Constitution and laws in accordance with a fair economic and social order; the preamble to the Constitution of the French Republic contains references to the principles defined in the Declaration of 1789, confirmed and supplemented by the Constitution of 1946 and the Charter of the Environment of 2004 (Constitution of the French Republic adopted by referendum on 04.10.1958, 2015). In particular, the Declaration of 1789 considered society as a single social organism, whose political institutions are based on simple and unquestionable principles and were aimed at the observance of the Constitution and the happiness of all.

The Constitution of the French Republic of 1946 enshrined economic, political and social principles and the principle of preservation of the environment for future generations in Article 2 of the Charter of the Environment. In the Constitution of the French Republic, it is worth paying attention to the first and second parts of Article 88-6, which establishes the right of the National Assembly or the Senate to issue a reasoned decision on the compliance of any draft European legislative act with the principle of subsidiarity.

Such an opinion can be sent by the President of the relevant chamber of the French National Assembly to the President of the European Parliament, the Council and the European Commission or through the French Government's appeal to the Court of Justice of the European Union for reasons of the inconsistency of the European legislative act with the principle of subsidiarity. The basic provisions in Article 1, paragraph 2 of the Constitution of the Slovak Republic (Constitution of the Slovak Republic, 1992) only refer to the recognition and observation of the general rules of International Law and international obligations, but in Chapter IV "Local Self-Government" of Article 65, paragraph 2, states that a municipality and a higher territorial unit shall finance their needs primarily from their own income and from state subsidies.

In this part of Article 65 of the Constitution, it is also underlined that the issues of distinguishing taxes and fees of community and taxes and fees of a higher territorial unit are established by law, in particular, the issue of subsidies. In the Preamble of the Constitution of the Czech Republic (Constitution of the Czech Republic, 1992), it only states that the Czech society as a democratic state is based on respect for human rights and the principles of civil society and the rule of law. According to Article 22 (1) of the Constitution of the Federal Republic of Germany (Constitution of the Federal Republic of Germany, 1949), in order to implement the idea of a united Europe, the Federal Republic of Germany is participating in the development of the European Union, whose responsibilities include guaranteeing compliance with the principles of a democratic, legal, social and federal state, as well as compliance with the principle of subsidiarity, which guarantees the protection of the basic rights that are in essence identical to the fundamental rights determined in the Basic Law.

The principle of subsidiarity is a fundamental principle of the European Union's legal framework. According to Article 5 of the Treaty establishing the European Community (Treaty establishing the

European Economic Community), the European Community acts under the powers conferred to it by this Treaty and for the purposes set out in this Treaty. At the same time, in areas that do not belong to its exclusive competence,

The Community acts in accordance with the principle of subsidiarity only if and to the extent the purpose of the planned measure by the Member States.

Among the protocols attached to the Treaty on European Union and the Treaty establishing the European Community, the Protocol (No. 30) on the implementation of the principles of subsidiarity and proportionality (1997) was also approved (Batanov, Levenets (ed), Shapoval (ed) and others, 2011). In accordance with paragraph 3 of Protocol No. 30, the principle of subsidiarity is the guiding principle of how such powers should be carried out at Community level.

Subsidiarity is a dynamic concept and should be applied in the view of the goals formulated in the Treaty, and it enables the Community to within its powers, to expand its actions when circumstances so require, or to limit or discontinue them when circumstances so require, or, conversely, to limit or discontinue them if their their implementation is no longer justified. The concept of subsidiarity has been legally enshrined in EU regulations, according to which decision-making in the EU should be as close to the citizens as possible. This implies that the EU, even if it has legislative and other powers, should refrain from interfering in those issues of public life that can be resolved no less effectively by central, regional or municipal authorities of the Member States [22].

Nowadays, local authorities are considered to be the main institutions of democracy, i.e. institutions that are closer to citizens and manage local affairs in accordance with the principle of subsidiarity. In Ukrainian legislation, the principle of subsidiarity has a very practical meaning, which is not directly reflected in the Constitution of Ukraine, however it takes a place in the fundamental approaches to the realisation of regional policy and in the mechanisms of budgetary relations between the State, Communities and Regions. In accordance with Article 8 of the Constitution of Ukraine (Constitution of Ukraine was adopted at the fifth session of the Verkhovna Rada of Ukraine, No. 254к/96-BP), the principle of the supremacy of law is recognised and applied in Ukraine. In accordance with point five of Part One of Article 3 of the Law of Ukraine "On the Principles of State Regional Policy" (Law of Ukraine On the Principles of State Regional Policy, 2015, No 156-VIII), the principle of subsidiarity is defined as the principle of realising power at the lowest level of government, where it is most effective. Under point seven of Part One of Article 7 of the Budget Code of Ukraine (Budget Code of Ukraine, 2010, No 2456-VI), the budget system of Ukraine is based, in particular, on the principle of subsidiarity, which is defined as the distribution of types of expenditures between the state budget and local budgets, as well as between local budgets, and is based on the need to maximise the approximation of public services to their direct consumers. The Budget Code of Ukraine also establishes the criteria for the allocation of the types of expenditures specified in paragraphs 2 and 3 of part one of Article 82 of this Code between local budgets based on the principle of subsidiarity, with due regard to the criteria of completeness of public services and their proximity to the direct consumer.

Conclusions. Our research has shown that the reasons for decentralisation were mainly the following: decreasing the dominance of the "centre" with the subsequent establishment of independent local self-government, the transition from a rigid state-planned economy to market relations, and the providing of quality services to the public. The study confirms the fact that decentralisation of state power and administration, the delimitation of powers between central, regional and local authorities, are aimed at partnership through the application of the principle of subsidiarity, which is a recognised principle of governance in a democratic society. The broadening of the scientific general theoretical value and sphere of application of this principle, in our vision, should be reflected at the constitutional level and take a worthy place in the national legislation of each European country in the field of self-government and regional development.

References:

1. Batanov O.V. (2020) *Porivnjaljna kharakterystyka unitaryzmu ta federalizmu: konceptualjni aspekty teorii ta praktyky* [Comparative Characteristics of Unitarism and Federalism: Conceptual Aspects of Theory and Practice], Journal of the Kyiv University of Law. vol. 2. pp. 87–92.
2. Nojkhauz N. (2005) *Cennosty khrystyanskoj demokratyy. perevod s nemeckogho* [The Values of Christian Democracy. translated from the German.], Moscow: Respublika.
3. Nedungatt G. (ed.) (2008) *Putivnyk po Skhidnomu kodeksu : Kodeksu Kanoniv Skhidnykh Cerkov* [Guide to the Eastern Code : The Code of Canons of the Eastern Churches.. Translation from English by O. Gladkyi], T1. Lviv: Svichado.
4. Panchenko T.V. (2011) *Pryncyp subsydiarnosti u suchasnomu demokratychnomu rozvytku. Monohrafiya* [The principle of subsidiarity in modern democratic development. Monograph], Kharkiv: Maidan.
5. Petryshyn O.V., Poghrebnyak S. P., Smorodynskiy V. S. (2015). *Teorija derzhavy i prava: pidruchnyk* [Theory of state and law: textbook], Kharkiv: Pravo.
6. Skakun O.F. (2021) *Teorija prava i derzhavy. 4-te vydannja, stereotypne. Pidruchnyk* [Theory of law and state. 4-th edition, stereotyped. Textbook], Kyiv: Alerta.
7. Batanov O.V. (2004) *Politologichnyj encyklopedychnyj slovnyk 2-ghe vydannja dopovnenne i pereroblene* [Political Science Encyclopaedic Dictionary. The second edition is supplemented and updated], Kyiv: Geneza.
8. Kujan I.A. (2013) *Suverenitet: problemy teorii i praktyky: konstytucijno-pravovyj aspekt. Monohrafiya* [Sovereignty: problems of theory and practice: constitutional and legal aspect. Monograph], Kyiv: Akademia.
9. Moshak O.V. (2017) *Pravovyj zmist pryncypu subsydiarnosti v umovakh jevrointehraciji Ukrainy* [The legal content of the principle of subsidiarity in the context of Ukraine's European integration], *Lex Portus*. Vol. 3 (5). Retrived from: http://nbuv.gov.ua/UJRN/LP_2017_3_7 (accessed 10 February 2024).
10. European Charter of Local Self-Government (1985). Retrived from: https://zakon.rada.gov.ua/laws/show/994_036?find=1&text=%D0%BF%D1%80%D0%B8%D0%BD%D1%86%D0%B8#w1 (accessed 10 February 2024).
11. Treaty establishing the European Community (Treaty establishing the European Economic Community) (1992). Retrived from: URL: https://zakon.rada.gov.ua/laws/show/994_017?find=1&text=%D1%81%D1%83%D0%B1%D1%81%D0%B8%D0%B4#w1_1 (accessed 10 February 2024).
12. Declaration on Regionalism in Europe (1996). Assembly of European Regions (AER). Retrived from: <https://constituanta.blogspot.com/2013/03/1996.html> (accessed 10 February 2024).
13. Shapoval V.M. (with a foreword) (2018) *Konstytucija Poljskoi Respubliki (z peredmovoju Volodymyra Shapovala)*. [The Constitution of the Republic of Poland with a foreword by Vladimir Shapoval], Kyiv: Moskalenko O.M. Retrived from: http://pol-translit.com/upload/konstitutsiya-polshchi-na-01_2018-v_-shapoval.pdf (accessed 10 February 2024).
14. Constitution of the Republic of Bulgaria (1991). Retrived from: <https://legalns.com/download/books/cons/bulgaria.pdf> (accessed 10 February 2024).
15. Constitution of the Kingdom of Spain (1978). Retrived from: <https://docs.google.com/viewerng/viewer?url=http://legalns.com/download/books/cons/spain.pdf> (accessed 10 February 2024).
16. Constitution of the French Republic adopted by referendum dated 04.10.1958 (2015) *Konstytucija Francuzkoi Respubliki pryjnjata na referendumi 04.10.1958: pereklad z francuzkoi* Retrived from: <https://pravo-izdat.com.ua/image/data/Files/127/1-13.pdf> (accessed 10 February 2024).
17. Constitution of the Slovak Republic (Collection of Laws of the Slovak Republic) (1992). *Konstytuciya slovac'koi Respubliki*. Retrived from: https://www.slov-lex.sk/documents/10184/493489/460_1992_1.pdf/716c7f51-7b5b-416f-9fbe-f09b4dcb2127 (accessed 10 February 2024).
18. Constitution of the Czech Republic (1992). Retrived from: <https://www.wipo.int/wipolex/ru/legislation/details/7324> (accessed 10 February 2024).

19. Constitution of the Federal Republic of Germany (1949) as amended by the Unification Treaty dated 31.08.1990. Retrived from: https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html (accessed 10 February 2024).
20. Protocol (No. 30) on the application of the principles of subsidiarity and proportionality (1997). Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union with protocols and declarations as at 30.03.2010. Retrived from: https://zakon.rada.gov.ua/laws/show/994_641#Text (accessed 10 February 2024).
21. Batanov O.V., Levenets Y. (ed), Shapoval Y. (ed) and others (2011) *Subsydiarnistj. Politychna encyklopedija* [Subsidiarity. Political encyclopaedia], Kyiv: Parliamentary Publishing House
22. The Constitution of Ukraine was adopted at the fifth session of the Verkhovna Rada of Ukraine (1996). Retrived from: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> (accessed 10 February 2024).
23. Law of Ukraine On the Principles of State Regional Policy No 156-VIII (2015). Retrived from: <https://zakon.rada.gov.ua/laws/show/156-19#Text> (accessed 10 February 2024).
24. Budget Code of Ukraine was adopted by the Law of Ukraine No 2456-VI. (2010). Retrived from: <https://zakon.rada.gov.ua/laws/show/2456-17#Text> (accessed 10 February 2024).