

## LOCAL COMMUNITY IN THE SYSTEM OF STATE GOVERNANCE

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## SUMMARY

The paper deals with universal and contemporary phenomena, phenomenon of management and the phenomenon of local community. The governance implies a continuous activity of planning, directing, controlling, evaluating, and re-routing some government's activities for its implementation and goal achievement. Management system appears as: personalistic, territorial and functional management. The main aim of the territorial and functional management or governance is to ensure the best possible conditions for material production and service delivery. The proper course of management processes in social systems is carried out through an instrument of institutional and executive levels with the presence of feedback, which closes the system of governance. Local community, as territorially narrowest and lowest hierarchical organizational unit in the country, has a dual significance in the system of governance, because it appears as an executive level, as well as initiator of new information and giver of feedback on the needs of local communities. In addition it has its own system of governance that goes from the local community to the individual and in the reverse order, from an individual through the local community and further to a higher level or to the state.

**Keywords:** state, system, target, governance, management territorial, functional, activity, flow, level, feed-back, local community, citizen.

## 1. Introduction

The subject of this paper is local community in the system of state governance. The aim is to get acquainted with the role and significance of community in the system of state governance. In order to achieve this goal, it is necessary to first get familiar with governance in general, with systems of governance, with state governance (territorial and functional), during the process of governance in social systems, and eventually governance related to the local community. After that we would draw adequate conclusions derived as the result of this work.

## 2. Governance in general

There are theories striving to explain behaviour of people in social organizations in order to achieve the goals set.<sup>1</sup>

According to the traditional approach, the subjects of the study of governance are: problems of the organization in general, then the principles applied in the organization of human society, the role of people, that is personnel in organization, material resources which organization uses, interpersonal relationships within the organization, as well as other issues related to organization. Issues of the management in the organization, problem of functioning of information system in the organization, and the question of control of the bodies and organizations in the management system could be added to the previously mentioned problems. Contemporary approach to the governance encompasses all traditional categories, but also includes modern elements as: cybernetic modelling, information technologies, public sector, etc. The governance as complex issue encompasses at least two basic meanings: "governing things" (e.g. governing motor vehicle, boat, plane etc.) and "governing people", or the exercise of authoritative action on the basis of political authority and power (eg, issue orders for coercive work).

Starting point of legal-politic theory of governance connects governance to the state and determines it as one, so called legal function of state authority. However, today, prevailing models of governing in developed countries, especially in

Europe, are being derived from the concept of "social function" management and administrative activities. By performing social function public governance is being transformed into public service, and model of state governance into model of public administration. Therefore, early in the 20th century emerges so called concept of analytic organisation of work, emphasizing that governance should be set on analytical basis, in order to find "the one" the best path. A continuous activity planning, directing, controlling and evaluating, re routing of some government activities within the wider system of rules, or within the already adopted decisions on the objective to be achieved. In order to increase the degree of realization of management, its efficiency and cost-effectiveness, the list of administrative tasks; that are standardized for each form of management and apply to public and private sectors; is given. Those elements of management are: planning, organizing, personnel, directing, and coordination, reporting and budgeting.<sup>2</sup> Thus, the question has been raised on how to establish "good management" in the organization, what does the concept on "analytical governance" contain, what problem of management should be primarily understood as issue of the organization, which factor (and that is personnel) is the most important in the organization with its complex psychophysical structure and "society" (as social environment of the organization)?

Theory and practice of managing organizations in the past twenty years, received special dynamics of development of the "new administrative pragmatic" in the organization ("the knowledge of how to do work efficiently) with the new referent standards of "administrative efficiency" and support of the new "technologies". Basic pragmatic orientation has been "enriched" by the methodology of general system theory, as well as by achievement of theory of communication, information technology and decision-making.

<sup>2</sup> Stevan Lilić, Milan I. Marković, Predrag Dimitrijević, *Nauka o upravljanju sa elementima pravne informatike, Savremena administracija*, Beograd, 2001., page. 9-13.

<sup>1</sup> Eugen Pusić, *Nauka o upravi, Školska knjiga, Zagreb, 2002., page. 356.*

### 3. Systems of the governance

Observing systems in the time line as they emerge, they can be given as: personalistic management, territorial management and functional management.

#### **Personalistic management**

In the primeval community we can find governance based on connection of personal attributes (personalistic management). In the first phase the authority is patriarchal. All members of the extended family are subjected to this mode of government, regardless when they became the part of the family. This power is characterized by: unlimited by scope, carried out on a relatively small area, personal command of the elders in the household, and personal, almost everyday contact between the head (ruler) and all subjects (members of the family). The basis of this authority is the authority of elders and personal relationship respect from individuals subjected to them.

#### **Teritorial governance**

With the advent of the first forms of authority (patriarchal power) starts the system of territorial governance, because clans and tribes started settling. Thus, process of *teritorialization was followed by teritorialization of the governance*. In this system connection is being established based on a territory, leading to institutionalization of the government, so along with emergence of private property emerge property dependence. Prevailing relation becomes relationship between land owner and equipment used for production. This system is called patrimonial system, since it is based on the property. Over time some of the functions become monopolized by the class, as for example governing functions. Final product of the class patrimonialism is feudalism in Western Europe. In the framework of the "patrimonialism" emerges political power (politically-territorial sovereignty) as separate form of government, what is then reflected on the organization of the state, because the state more and more becomes system of political power over particular territory. In this system state governance was not yet identified as separate system. The Pyramid of the power was unique. Only with division of the power in the state; with emergence of bourgeois states; political governing over territorial communities was divided from managing of estate, house, or land. In that process public administration establishes monopoly of the physical power over territory and people. Thus we come to distinguish governance based on political power and property management on the basis of private ownership.

#### **Functional governing**

At the beginning of its development modern administration is linked to the seventeenth century. This is the era of absolute monarchy, where the administration as a separate function is reduced to the apparatus of government. Until the mid nineteenth century the process of differentiation of the administrative system did not extend beyond the classic five departments: army, foreign affairs, justice, internal affairs and finance. Thereafter, the state performs many other major social activities in the field of economy, transport, utilities, etc. During the industrial revolution

industrial companies authorities occur, as well as other organizations that are not administrative-territorial organization. Their overall function is focused on the execution of business functions. What is the territory for the territorial body that is the function for these organizations. Thus we come to the functional management, and functional organization. Therefore, the functional elements of connectivity prevail in the organization not only in economic affairs, but also in various services, whether of technical or social character. Consequently, the role of administrative organizations is being reduced, as these activities increasingly rely on "the legality of its profession", and less on the state's monopoly of coercion. Thus, in the modern era of administrative organizations appear increasingly as holders of public office, i.e. as direct providers of certain functionally-oriented activities. So there is a conscious connection between the territorial and functional system of management of public affairs.

### 4. State governance (territorial and functional)

Exploring the phenomenon of governance, it seems that; in the world and here as well; there is a crisis in the systematic analysis of governing, especially when it comes to functional management and its relationship to territorial management.<sup>3</sup> Under the condition of the market economy there is no more influence of the state, no more interventions in a dispute, therefore there is a problem of finding new solutions. According to this concept of territorial and functional management (governance) or management in the wider sense is one of the basic social processes. In order to define the concept of governance in a broader sense, as a set of specific activities that have specific characteristics, one must start from the social work being done in the community, and to meet the needs of the population, or particular needs of the members of the community. In connection with the performance of social work in meeting the needs of members of the community, two basic types of activities can be distinguished: production and operations performance of the material and other types of services for members of the community and the jobs that precede the production process, and services. These and other processes are usually called by the common name "management" Thus, jobs that are covered by the concept of governance should provide proper and continuous operation of the production process and providing services. With the progress of productive forces, the constant exercise of expanded reproduction, the progressive division of labour, the cooperation of manufacturers, fulfilment of personal obligations etc. special social activity "management" is being set aside.<sup>4</sup> When it comes to business management, it is necessary to distinguish between management which is performed within the state, as one of the most modern organizations, or within smaller territorial units (e.g. republics, provinces, local government, etc.) from the management of other organizations (e.g. commercial enterprises). The main

<sup>3</sup> Stevan Lilić, Milan I. Marković, Predrag Dimitrijević, Ibid, pg. 47.

<sup>4</sup> Sead Dedić, Osnovi nauke o upravljanju, Viša upravna škola Sarajevo, Sarajevo, 1982., pg. 39.

objective of territorial governance is to enhance the organization's basic social process - the process of production of material goods, and services. The state is one of the oldest, most important and most complex human organizations of which there are still many doubts and many questions remain unanswered in terms of its essence and future. Two relevant dimensions of organization and governance are the relationships between their different functional spheres and territorial levels, as well as the relationship between public and private sectors. In each country content and form of the relationship between central and local levels of government, their autonomy and determination and limits, and interweaving, inter influence is in a very large extent determined by the dominant characteristics of the management and decision making. But these relationships and processes in complex federal states are complex and uncertain, as well as in larger and more developed countries, on larger areas with large populations, with richer content of the economy and society, and with developed legitimate needs of its members. Territorial management, or governance or narrower territorial communities consist of several activities. During the differentiation of specific activities that governance is consisted of, generally we begin from three main national activities that include the management process: the legislative, administrative and judicial activity.<sup>5</sup>

#### 5. The flow of governance in social systems

Careful analysis of the concept of management activities and the importance of governance in social systems we come to the overview of the flow of management process in social systems. The flow management process starts from the institutional (political) level, goes to the instrumental (administrative) level, and then comes to executive management level in social systems, and then the process goes in reverse.

##### Institutional level of governing

Management in organizations starts at its highest level, which is referred to as the institutional level to determine the organization's objectives. At this level it is decided what the organization wants, or what its members want to achieve in a given period. In fact, here is decided on the best interests of members of organizations based on value assessment, which are formed in the organization. Decisions have basic or fundamental importance for the operation of the organization as a whole, or as a system. The socio-political organizations at this level bring the laws, social plans and other general acts with which objectives to be achieved in the socio-political community are determined. Finally, tentative decisions mostly of common importance in which a primary focus is given around the further course of management processes at lower levels. With these decisions a policy organization is set or determined. Because of this level is indicated as a level of political management or political level of the organization. Decisions at this level of management represent are the first phase of control and form a starting point for the further

course of management. Political, principal and general nature of decision-making at this level is reflected in the structural scheme of the organization at that level. This level is the highest authority in certain organizations, and the socio-political organizations to the Assembly, Council, Parliaments, etc. These bodies are formed according to the principles of the policy, so they have legitimacy of decision-making on behalf of all members of the organization and on their own behalf. If it comes to the state as a social organization, then in name and on the behalf of all citizens of that state, members of these bodies are elected according to certain rules from all parts of the system and all subsystems of the organization. At this political level of decision making is based primarily on value premises. For delegates and councillors or representatives, or deputies or representatives special expertise is not required, but more political awareness of the development of society and the entire organization in accordance with the existing management system. Authorities who make decisions at this level usually do not have to indulge (but they can) into the details of the professional issues that they should decide on. They rely on the trust of professionals, who presents the material from that or the lower level, but they may in certain cases, if necessary, check the expertise of material seeking opinions or other neutral attitude of professional institutions. Some preparation for the decision shall be made by the working bodies of the body (Assembly, Parliament, Council, etc.) such as commissions, committees, clubs, etc. Decisions are made after detailed discussion, agreement or voting by majority rule, with possible restrictions (eg. two-thirds majority).<sup>6</sup>

##### Instrumental level of governance

From the first, institutional or political level of governance, the flow or actions goes towards lower technical-professional level in the organization, where all principal made decisions are being made concrete, professionally processed and prepared for immediate implementation or execution. This level of management we call instrumental management level. The concept of this level of management is based on the word instrument, which means an asset or a simpler mean of achieving the goals of the organization. Decisions about the professional and specific issues are made at this level, so called fact-based decision making, based on professional premises. At this stage should be decided how to achieve the goals adopted at the institutional and political level. At this level we find a number of bodies, or organizational units that are composed of professionals.<sup>7</sup> Above all from staff personnel, consistency, expertise and professionalism are requested at this level Organizational position with a certain autonomy is admitted to the authorities, or organizational units at this level of organization. In the socio-political communities these organizations have a position of authority, or we can say that they are administrative authorities (municipal, republican, federal, etc.) because they perform the function

6 Stevan Lilić, Milan I. Marković, Predrag Dimitrijević, Ibid, pg. 47.

7 Stane Vlaj, Teorija javne uprave, Fakultet za upravu, Ljubljana, 2006., Ibid. 20-41.

5 Stevan Lilić, Milan I. Marković, Predrag Dimitrijević, Ibid, str. 46.

of the state government. Therefore, this level is determined as administrative level as well, or institution with public authority, which have the status of internal organizational unit for technical, accounting, water supply, development, utilities and similar services with the respective heads of the organizations connected by business executives.

### **Executive level of management**

Certain phase where action at the executive level is concentrated is shaped within framework of instrumental management. This is a level of management where the principal policy translates into actual performance or executive action, and from where the course of performing of the action is directed, coordinated and controlled. At this stage it is about political decisions and also of the professional nature of which largely depends the success of the entire campaign of management. This phase is referred to as a management executive, but not in terms of effect. Authorities who make decisions at this level are usually labelled as chief executive. In the socio-political communities these are the executive councils, in some bodies of the executive committees and, in some business executive whether individual (manager) or the collective. In this way, in terms of functional and organizational structure, these organs connect the professional organizational units and bodies and lead them towards a common goal. Therefore, it is functionally and organizationally executive level in the organization. At this stage of the management the greatest concentration of responsibility takes place, as well as the greatest concentration of social power in the organization. Definitely, certain problems may occur which is why these bodies are elected only for a limited period of time. At this point, we will only mention that the management in business organizations there is fourth, technical level of management as well.

### **The role and importance of feedback**

Management process as described above is not really finished, but reverses in the opposite direction. Action is now flowing in the opposite direction, i.e. from the place of an immediate solution to the administrative level and on to the political level. In this way, there is a possibility that the competent authority of the system is immediately informed of the course of action, and is given the opportunity to immediately intervene if there is need, so to remedy any delays that interfere with the action. At certain intervals, only administrative level will intervene to the executive level, and sometimes the very political level will have need to intervene, when it comes to the politics or principle direction of the organization. This confers the possibility of pre-setting carried out by authorities for planning actions in the organization or post-setting action that has already run. This ensures that we have feedback as the goals and the possibility of correction, corrections are achieved. By this avoiding large losses; due to inadequate and inappropriate set policies (eg, due to significantly altered relationships in the environment, etc.); is achieved. Now we can conclude that the management in the organization is circular information process by which the system of the management is closed. The importance of this management

is that it clearly shows the functional relationship and mutual dependence of phase control in a single work process. It is only now apparent that inconceivably set goals or aimlessly set goals, as well as harmfully set goals at the political level, could not be implemented properly even by the best professional administration, so it cannot be held responsible for the failure of implementation. From the other hand, it is impossible with weak, irresponsible, incompetent administration that does not provide any feedback, to attain distinctive decision making at the political level, where achievable goals should be systematically set. Moreover, the appropriate relationship between the levels of management is of utmost importance, because each level should act within its limits and not interfere in other levels of management. It is therefore of utmost importance that the working areas of bodies that perform management tasks at specific levels of each system are understood properly. So at the state level we are talking about the distinction of demarcation of jurisdiction. Otherwise, we would have poor quality and irresponsible management.<sup>8</sup>

In practice, it is possible that jurisdiction or competence among the levels is divided improperly, so that the authorities at the political level of decision making, make decision on purely technical matters, while, on the other hand, it could happen that professional administration really determines the political goals of the organization. In these cases we are dealing with technocracy, or techno-bureaucracy. The relationship between levels of government is one of the most problematic and hardest solvable management issues, in the system itself, and in practice as well.

Therefore, at this point, we present management schemes in the state.

## **6. Management in the local community**

### **The concept of local community**

The concept of local community is determined in different ways. But the notion of community is usually defined as a territorial community, where at the lowest level there are certain common needs of the population that can be addressed only in a common manner.<sup>9</sup> Therefore, the local community is a social community composed of people settled in a particular area. Local community by itself can be viewed in its natural form, but we are interested in local communities recognized by the state and state system of governance. In this context, the local community is seen as a first and narrowest in the hierarchy of territorial communities which at higher levels emerge as the local community of a wider meaning, such as regions, provinces, districts, cantons, etc., above which territorially is the state community that encompasses all of them and connects the municipalities across the region to the state in an organizational system linked territorially and functionally. However, human needs to be addressed in a joint manner are unique to all territorial communities. When we consider the territory as an element of the local community, then we

<sup>8</sup> Eugen Pusić, *Nauka o upravi: Školska knjiga, Zagreb, 2002.*, pg. 88-98.

<sup>9</sup> Smiljko Sokol, Branko Smerdel, *Ustavno pravo, Informator, Zagreb, 1998.*, pg. 5 i 6.

must commit the local community, whether it is a settlement, an administrative unit or a social phenomenon which has its territorial dimension that can only opt in conjunction with all other elements that make up the contents of this social phenomenon. Another element that determines the local community is people. This element is huge, already in his concept of "community", and in the concept of "settlement". In connection with this notion of people in the local community could be defined as permanently settled people in a certain territory, which with the settlement becomes a settled space or a community of people where they work and live. We also know that people can work and live in different places, so therefore we must seek another binding element, and these are the needs within the community that meet basic human needs. In further analysis, we must bear in mind the activities performed to meet customer needs. Activities can be quite informal (amateur) such as: helping a neighbour, volunteer work, voluntary contributions, etc., or that formal activities of the organizational forms that act as a planning expert and public institutions that organize and maintain institutional power in the local community, e.g. municipalities. Here we find contiguous point of local communities, but also differences depending on whether the local community is in the institutionalized system of government and if it is dependent and maintained by the state system. If the local community is institutionalized, then it is obliged to take the greatest satisfaction of basic needs of people as its self-management and administrative task.<sup>10</sup>

Finally, another element of the concept of community is the awareness of people about their common belonging to this community. Only now we can say that the local community is a social system built on a territorial basis, which has two foreign relations, relations related to natural human relations in society and the legal relations in the country.

### Types of local communities

Analysing the local communities we can safely say that they can be divided into two groups. The first and primary group of local communities are municipalities. The second type of local communities is wider local communities with diverse community names such as region, province, district, county, district, entity, etc. Wider local communities are, for example, districts in Germany, Spain, Italy, Belgium and province in the Netherlands, Departments in France, districts in Portugal, districts, counties in Britain, committees in Hungary, okres in Czech Republic, lön in Sweden, etc. In modern times the greatest attention is paid to the cities in the system of local government, and especially the important question of management of large cities. It is especially important contemporary issue or phenomenon called "European Regions", which occurs after the current process of regionalization in the formation of modern states. Region appears between the state and local governments. The appearance of regions tends to fill the space between the state and local government and enable the achievement of the welfare state. Thus, regionalization, as a state policy, and now the policy of the European Union, aims to establish

a region to which the state transferred part of their responsibilities and qualify to use them as subjects to help countries overcome their own space and enhance the development. Thus, the reorganization occurs as a process that begins from above, from the state down and a process that takes place from below, from municipalities across the region up to country.<sup>11</sup>

### The importance of systems of local communities

The local community has a dual role in management. First, it has its place and significance in the local community self-management, and secondly, the role and importance in the system of governance, as part of the system with which it is territorially and functionally related.

### Management system in the local community

The manner of governing local communities is of fundamental importance for the local government. The special relations of citizens in the local community are expressed to carry out the tasks that need to be more direct than that of state governance. One of the elements of the local government is that members of the local communities themselves, on their own responsibility, perform the tasks of the local community, either directly, in the form of direct decision-making and direct action or through their elected bodies and it is so called organizational element of self-government. Therefore, it is necessary to clearly distinguish the local government from the state administration. The citizen is subject in self-governance, while the citizen in the administration is the object of the management.<sup>12</sup> In practice this means that the state decides on the activities of citizens by its government. State acts as the authoritative power. Citizens in the administrative procedure are object of administrative decision-making procedure, and thereby have a condition of a party in the proceedings.<sup>13</sup>

In the area of local government the citizens themselves decide about their jobs as they are subject of decision-making. In practice, this distinction is often lost in cases where the authorities of local communities in carrying out conveyed state tasks make decisions on matter of citizens, for example, in administrative proceedings. The only difference is that official is responsible to the local community where citizens of that local community govern. However, most jobs in the local community do not consist of the authoritative decisions, but decision making is performed on the immediate local needs. From this it follows that the focus of decision making in local communities is not exactly in the local community, but in its bodies, which are directly elected or indirectly managed by citizens themselves, and where citizens decide on an issue or need, referendum for example, or the assembly of citizens, etc. The relations among the bodies of local community cannot be founded on the principle of division of power into legislative, executive and judiciary, and is in

<sup>10</sup> Stane Vlaj, *Ibid*, pg. 40.

<sup>11</sup> Janez Šmidovnik, *Lokalna samouprava, Univerzitetna knjiga*, Sarajevo, 1999., pg. 13.

<sup>12</sup> Janez Šmidovnik, *Ibid*, pg. 16.

<sup>13</sup> Janez Šmidovnik, *Ibid* pg. 94.

accordance with the principle of division of labour. This means that local community, in addition to the elected local authorities may have law enforcement tasks bodies that because of the volume of business, professional or technical can not spend elected representative bodies. In doing so, we should distinguish between organs that (in the council) for the state within its jurisdiction shall perform duties and tasks. Management in local communities is just extra - technical activity and draws all its power in local affairs from the decisions of the representative of the local community. Thus, in the local community we have direct governing, governing that would mean that citizens decide directly and indirectly through local government representative bodies, like the municipal council for example.<sup>14</sup>

### Governance in local communities

Government in local communities does not have task only to implement conclusions and decisions of representative bodies. In order to professionally perform its job government requires independence. Each local community must have its own professional services and technical officials. So, it turned out that; in modern social circumstances in the process of management; is impossible to perform the process of decision making, implementing decisions of local community bodies, state legislations of higher level that are at the local jurisdiction, or to carry out any other task without experts or professional work. Therefore, legislation regime, by the rule, determines the law on civil servants and for civil servants. When we consider decentralization as a phenomenon, then the government only goes up to the level of local communities (municipalities), and goes no further. This in some sense ignores local community and local government.<sup>15</sup> This neglecting of local communities by the community are similarly transferred to the neglect of higher levels of the local community, such as cases when the authority of higher levels grants concessions that apply to the local community, and those local communities were not consulted. Often, the local government complains that local communities make difficult creation of local plans, so citizens in local communities and not informed with the plans and decisions. When we observe local community as a whole, a system, then the flow of municipal management process should run from the municipal councils (municipalities) across the local community to the individual, the citizen of the local community and to have feedback how decisions are implemented and how new needs of individuals through local communities and municipalities are initiated. Considering the regularity of the flow management process in the local community and its place and importance in the management of the state, clearly we come to know that individual as a citizen is the one to whom the process of managing the country should come, and to be the one from which feedback will go back on course management, results management, the needs of the individual, through the local community to the local

community and continues through higher levels of organization, e.g. the region, to country where we would have a closed system of governance.

### 7. Conclusion

This paper treats the two universal and contemporary phenomena, such as local community and governance. There are various opinions on governance, but under the management we mostly consider: continuous activity planning, directing, controlling, evaluating and re-routing some government activities within the wider system of rules, or already taken a decision on the objective to be achieved. Management systems appear as personalistic, territorial and functional management. Governance or the territorial and functional management implies that management is performed within the state as the most modern organization and organization of its smaller territorial units. The main objective of territorial governance is to promote basic social process - the process of production of material goods, and services. In the process of governance, two relevant dimensions of organization and governance are clearly seen, namely: the relation between their different functional spheres and territorial levels and the relationship between public and private sectors. Regular flow of process management of social systems is carried out through the levels of management, namely: institutional, instrumental and executive level management and emphasizing the need for the existence of feedback, or the need for closed management system. The local community is a territorial community. It is located in the territorial and functional system of governance as the narrowest part of the territorial and the lowest part of the terms of a hierarchical organization of the state. The local community has a double significance and role in the system of governance, because it appears as an executive, implementer of the decision, but also as initiator of new ones and giver of feedback. In addition, the local community has its own system in which the flow of management (self-management) runs from the local communities (municipalities) across the local community to the individual (citizen) with feedback from individuals across the local community to community and continues through the upper level to the state.

<sup>14</sup> Janez Šmidovnik, *Ibid*, pg. 103.

<sup>15</sup> Musafa Kamarić, Ibrahim Festić, *Upravno pravo, Editio Iuristica*, Sarajevo, 2004., pg. 295.

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