



*Financial independence of local authorities:
A matter of choice or necessity for reform?*

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Abstract

Local authorities in Algeria, according to the laws of the province and municipality, enjoy financial independence. Each has legal means for local finance known as the local authorities' budget, consisting of annual expenses and revenues that allow them to ensure the proper functioning of public services.

The nature of financial independence of local authorities in Algeria is characterized by limited self-resources, relying on financial subsidies approved in the state budget, as well as the centralization of interests and its external apparatus for the collection process.

This research aims to study the concept of financial independence of local authorities in Algeria imposed by the administrative decentralization approach, to determine whether it is a matter of choice or a necessity for reform.

Keyword. Financial independence, local authorities, administrative decentralization, elected local bodies.

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1. INTRODUCTION

Decentralization is one of the methods of administrative organization, meaning the distribution of administrative functions between the central authority of the state and the elected administrative bodies that carry out their tasks under the supervision of this authority.

Referring to the Law of the Province, we find that the latter is a local non-centralized regional body with legal personality and financial independence.

As for the municipality, it is the fundamental regional political, administrative, economic, and cultural entity enjoying public legal personality resulting in financial independence. Both the province and the municipality have legal means for local finance, known as the local authorities' budget, consisting of estimates of their annual revenues and expenditures to ensure the proper functioning of public services.

This study aims to determine the nature of the financial independence of local authorities, especially municipalities, due to the limited self-resources and reliance on financial subsidies approved in the state budget, as well as the centralization of interests and its external apparatus for the collection process. This raises the question of whether the concept of financial independence of local authorities imposed by the administrative decentralization approach is a matter of choice or a necessity for reform?

To answer this important question, we relied on descriptive and analytical legal methods by analyzing legal texts. We divided our research topic into two sections: the first section discusses the financial independence of local authorities as a matter of choice, while the second section focuses on whether financial independence is a necessity for reform?

2. Financial independence of local authorities: A necessity for reform.

In light of the financial resources shortage that local authorities rely on, based on the limited income system, which depends on some local tax revenues or financial subsidies allocated by the state to these local authorities (Ali, S. S, 2009, p65), the elements of administrative decentralization remain incomplete. Completing these elements necessitates the availability of an independent budget and financial resources for the local non-centralized entity, whether it be regional or municipal (Fahmi, 2003, p. 71).

The absence of activities that generate financial resources for local authorities poses several challenges to local development that must be overcome through the

implementation of sound developmental policies. It is appropriate here to address two issues: the shortage of financial resources as an obstacle to local development on one hand, and the issue of local financial reform as one of the major challenges on the other hand.

2.1. The shortage of financial resources as an obstacle to local development.

The alarming increase in political, social, and state responsibilities in caring for non-productive sectors such as the elderly, widows, and the disabled, along with the rise in healthcare services and social security, all represent a heavy burden on the general budget. Therefore, local financial reform in the decentralized state is of paramount importance in terms of significance, concept, objectives, strategies, obstacles, and methodology of implementation.

We will address two issues: administrative reform, by presenting points such as administrative development, administrative modernization, reorganization, and administrative development in the first branch, and the issue of scientific and technological development, democratic transformations, and combating forms of administrative corruption in the second branch.

2.1.1. Administrative reform.

Administrative reform is a comprehensive process that targets all aspects of the administrative system, including behavioral, functional, and organizational, such as structures, rules, systems, procedures, and operations (Al-Qurayuti, 2001, p. 11).

As for the reasons that necessitate administrative reform:

- Economic reasons: These reasons stem from the economic dilemma, scarcity of resources on one hand, and the increasing economic pressures and citizens' needs on the other.
- Inadequacy of public administration in achieving its goals: Many countries face budget deficits, low economic growth rates, and failure to create wealth and added value.
- Demographic reasons: These reasons arise from the lack of control or regulation of population growth in many countries, exceeding the growth rate in economic growth rates.
- International reasons: The current period is characterized by globalization, where borders between countries have blurred, relationships have intertwined, and competition has become fierce and unequal between advanced industrialized

countries and developing countries.

It is necessary to clarify some concepts in the field of administrative reform, such as administrative development, administrative modernization, reorganization, and administrative development.

2.1.1.1. Administrative development

Perhaps the most crucial development at present is administrative development, which serves as the cornerstone of aspirations. Stemming from development in the administrative domain, plans for social, economic, and cultural development can be actualized, given that administration guides all developments (Sabreena & Asmaa, 2021, p. 17).

Efforts aimed at improving the level of services provided involve increasing the size of administrative bodies in terms of both human resources and administrative structures. This has prompted a new slogan for administrative reform in the current period, emphasizing the necessity for the state to divest itself of many of these bodies and departments that have become burdensome on the state budget. The increasing number of these bodies and their associated costs has become one of the obstacles to administrative development.

2.1.1.2. Administrative modernization

Administrative modernization refers to the means, methods, and organizational culture adopted by developing countries. These methods and means often resemble those found in the administrative systems of developed countries, but they prove futile due to the lack of suitable groundwork. Instead, attention should be directed towards prioritizing environmental and foundational factors, such as agriculture. For example, the United States produces enough to meet the needs of four percent of its population and exports the remaining surplus.

2.1.1.3. Reorganization

Reorganization refers to sincere efforts and processes aimed at improving the performance of administrative bodies by reassessing organizational structures that consist of positions and units more than necessary, which also burdens the public treasury. The process of reorganization involves developing organizational structures and transforming them from complex, multi-level mechanical structures to organic and networked structures that allow for achieving development objectives, adapting to environmental changes, and meeting the diverse needs of citizens.

2.1.1.4. Administrative development.

A set of positive changes carrying administrative and scientific values that occur in a particular administrative system with the aim of increasing its effectiveness or transforming its status to be more responsive to the needs of social change (Mohammed, 2001, p. 176).

It also means continuous improvement in management performance through the adoption of practical methods, addressing all problems in a timely manner, supporting existing managerial capabilities, and then introducing anything that can keep pace with developments occurring at the international level.

2.1.2. Scientific and technological advancement, democratic transformations, and combating administrative corruption.

Administrative reform is not complete without embodying concepts such as administrative modernization, administrative development, and organizational restructuring. Moreover, it requires each local community to keep pace with scientific and technological advancements, ongoing democratic transformations worldwide, and vigorously combat all forms of administrative corruption.

2.1.2.1. The rapid scientific and technological advancement.

As a result of the growing roles and tasks of the state, governments worldwide are no longer able, with their central authorities alone, to respond to the diverse needs of citizens across the nation. This has led most countries to move towards decentralization, delegating some tasks to local authorities to improve services and expedite responses to citizens' needs at the local level. Local units are considered the closest decentralized nucleus to citizens and serve as intermediaries between central authorities and citizens. One of the main objectives pursued by countries in their move towards local governance systems is achieving sustainable local development (Salami & Bourish, 2016, p. 408).

However, achieving these goals requires supporting local communities with rapid financial and technological resources to keep pace with scientific advancements.

In light of a study conducted on digitizing municipalities and improving e-government services, it emphasized that public service has become an increasingly important focus. To enhance and uplift these services and improve the image of administration among citizens, the Algerian government emphasized the tremendous advancement in information and communication technology (ICT), rendering traditional administrative methods inadequate and unsuitable for dealing with modern

innovations.

Consequently, rehabilitating public administrative facilities, responsible for delivering these services and in close contact with citizens, becomes imperative. Municipalities, in particular, bear the brunt, as their needs grow day by day. Adopting the concept of e-governance, modernizing local communities has significantly contributed to improving electronic public service provision. The Municipal E-Governance Project has played an effective role in enhancing electronic public services.

2.1.2.2. Democratic transformations.

Democratic transformations are considered one of the main features of political development witnessed by third world countries. Therefore, recognizing human rights, exercising public freedoms, party pluralism, and political participation are all essential. This has led citizens to pressure and oversee the administrative apparatus to respond efficiently and effectively to their demands.

Global currents advocating for administrative reform are mostly based on political, economic, and social considerations. Politically, administrative agencies, being executive bodies funded significantly by citizens through taxes, are expected to manage public funds efficiently. As mismanagement and waste of public funds increase, or as demand for public services rises, citizens feel the need for prudent financial management to provide better services at lower costs. Global democratic transformations have helped people understand their rights better and realize that they are the source of sovereignty. They perceive public administration as their servant and executor of their will, leading to increased sensitivity towards administrative inefficiency and the demand for governance system reform (Al-Qurayuti, 2001, p. 11).

Economically, the increasing demographic growth surpasses resource growth, leading to a growing scarcity of available resources. Administrative management costs, the growing need for public funds to settle wages, cover expenses, and invest, all exert increasing pressure on available resources. Additionally, various forms of administrative corruption, such as embezzlement of public funds or money laundering, further strain public resources.

2.1.2.3. Combating administrative corruption.

Corruption in its various forms, including bribery, embezzlement, abuse of power, unethical behavior, and money laundering, has become widespread in most countries.

These practices have led to a crisis of trust between citizens and administrations. Administrative corruption creates significant problems for countries, resulting in the loss of billions annually. Therefore, all countries seek to reduce this phenomenon (Kahal al-Ras, S. & Shawaydia, M., 2021, p. 236).

Administrative reform is currently receiving increasing attention across various levels. There is much discussion about the need to reform local government systems and improve the services provided by local administrations, whether regional or municipal, to citizens. This can only be achieved through initiating local financial reform in decentralized states that take into account the needs of citizens.

Local financial independence is a fundamental pillar of decentralization. Although distinct self-interests justify centralization, they are not sufficient on their own. Indeed, supervising local government affairs should be entrusted to independent administrative bodies. True administrative decentralization relies on entrusting local affairs to a selected body of locals, independent of the central government but subject to its supervision and oversight.

If there is agreement among scholars on the independence of bodies overseeing local interests, these bodies must be managed by those concerned, who feel more involved than others in combating all forms of administrative corruption. Since it is impossible for residents of a region to directly carry out this task, they must select representatives to do so on their behalf.

2.2. Local financial reform is one of the greatest challenges.

Many Islamic movements within various governments, especially in developing countries like Algeria, advocate for improving the efficiency of public administration. This includes local financial reform for decentralized states by seeking new resources, whether through local taxation or the establishment of productive local activities that generate additional revenue (Lamouchi, 2018, p. 41).

2.2.1. Local tax reform.

Local tax reform sought in France, for example, did not ensure true financial independence, as stated in a report by the Local Responsibilities Development Committee for the year 1976/Part Two. Moreover, the law of 1982 concerning the financial system of municipalities, prefectures, and regions did not achieve satisfactory results.

The financial independence of administrative bodies and units, funded by their own finances, holds them responsible for the harmful actions of their employees

(Jouda, 1997, p. 100), Given the long-standing tradition of local tax issues in France, where municipalities and prefectures are financially independent but lack sufficient resources, the situation resembles that of a financially dependent adult living on their parents' allowance (Al-Madi & Musa, 1988, p. 3).

Financial reform of decentralized states addresses a crucial issue: the distribution of taxes among local communities due to the disparities in financial capacities among these local administrative bodies. Some are wealthy, while others are poor. However, equal distribution is both unjust and detrimental. For example, municipalities that serve as dormitories for residents working in economically superior municipalities benefit from tax resources without contributing proportionally.

The proposed financial distribution between wealthy municipalities and poorer communities necessitates revisiting the principles of justice. However, there are potential dangers. Poor municipalities might be inclined to perpetuate their financial status by establishing activities that generate additional revenue. Moreover, the supposed distribution requires state oversight, which may increase central government pressure on local communities.

There is also a technical aspect to tax distribution among local communities within administrative decentralization. Decentralized administration is better equipped to interact with residents on a daily basis, understanding their tangible needs and desires. Facilitating resident cooperation enhances technical efficiency, a prerequisite for successful administrative operations. This includes proposing, registering, and officially adopting developmental projects, whether public infrastructure or investment initiatives, based on available local funds and in coordination with the central authority within the framework of international cooperation.

2.2.2. Establishing productive and organized local activities for generating additional revenue.

The financial independence of local communities is not just the theoretical possibility of having financial resources and managing them, but the practical ability to organize a decentralized system for obtaining financial resources and choosing their uses. This is a key condition for a tangible decentralization. For example, the French local tax reform has not ensured real financial independence. The 1982 law regarding the financial system of municipalities, provinces, and regions in France did not achieve satisfactory results. The reform of local finances has become one of the most significant

challenges. Regional organizations in most countries have started to focus on this aspect, with many countries striving to integrate and consolidate their economies. We are witnessing efforts by many countries to integrate and consolidate their economies, such as those in the European Union, in pursuit of gaining access to new international markets and competing with major economies like the United States and Japan. There are also calls for administrative reform within the United Nations system. The U.S. government, for example, has cited poor management as a reason for not paying its outstanding debts to international organizations, arguing that administrative reforms are necessary to settle these debts.

In terms of governance, ensuring equal treatment for all citizens represents a reformative trend by defining rights and duties to foster national identity and loyalty to the entire population (Ridwan, p. 29)

Technological evidence alone is not conclusive in the ongoing debate about local financial reform in decentralized states. There are political issues involved, including the freedom inherent in decentralization, the risks of what is good and what is bad, but experience has shown that participatory measures, collective decision-making, and open discussions ultimately lead to better outcomes in the long run compared to bureaucratic procrastination, favoritism, bribery, coercion, and the exclusion of stakeholders. The reality is that the benefits of decentralization cannot be realized unless it is applied to sufficiently large units (Al-Khamaisha, 2013, p. 185).

3. Local financial independence for local communities is a power of choice.

The decentralized system of managing provinces, states, regions, governorates, and major cities undergoes constant evolution according to the needs of any country. This evolution can be gradual at times but can also undergo radical changes if significant new circumstances require it. This is particularly evident in developing countries seeking to break away from their old administrative traditions that lean towards narrow centralization. If they wish to leverage their material and human resources for maximum development, they often need to adopt some degree of decentralization in favor of local administration (such as state or provincial governments and their equivalents) (Videl & Delvolve, 2001, p. 302).

Regarding financial independence, its presence allows the legal entity to be financially self-sufficient. With financial independence, the legal entity possesses financial autonomy separate from the financial obligations of the entity or individual that established it. Thus, it becomes a separate entity with its own rights and obligations

arising from its activities (Maziani, 2001, p. 108).

3.1. The insistence of the decentralized state on decision-making authority and its reasons.

Algeria has its own distinctive approach and unique method in defining the scope and domain of decentralized administrative system, as there exists an Algerian general policy and strategy in the implementation of the decentralized administrative system (Jouda, 1997, p. 100), Several Algerian national environmental (ecological) factors and foundations govern the issue of determining the scope of implementing the decentralized administrative system (Duverger, 1974, p. 210).

Since elected councils serve as the base of decentralization and as a venue for citizen participation in public affairs management (El-Garf, 1973, p. 179), financial independence means that funds are allocated to legal entities or entities that subsequently acquire their own financial liabilities along with all ensuing rights (Awabdeh, 2007, p. 203).

For instance, the financial liability of a municipality is independent of the financial liability of the state, serving as a guarantee for its creditors and a means to carry out its tasks and manage its affairs. Moreover, public institutions established by the municipality within its jurisdiction have their own separate financial liabilities independent of the municipality (Al-Qadi, 2001, p. 109).

3.1.1. The centralization of decision-making authority by the state.

If humanity shares a common heritage of administrative experience, each country tends to have its own administrative system. This variation is due to the different political, economic, and social conditions specific to each country, which collectively form the environment of administration, local administration, provincial or state administration, and administration of major cities, etc. This significantly influences administrative practices and local governance in each country.

There is no doubt that there are many elements related to the administration of provinces or districts, such as local administration and its development, including those related to its legal form represented by local governments and their administrations within the framework of the state's political system.

The fragmentation of the administrative system in a decentralized state and its division into several independent administrative units and groups through granting them legal personality, whereby they become legally independent entities from the

state, entails several important consequences.

While administrative bodies and groups enjoy legal personality and the autonomy from the state, this does not mean that they are completely independent and autonomous in their confrontation with the state. Rather, their independence is governed and restricted by the boundaries set by the legislator for this independence in the law establishing these bodies or administrative units granted legal personality.

They remain subject to state supervision and oversight through the administrative guardianship system. Therefore, the financial independence of local governments in decentralized states is more of a choice than a necessity.

Moreover, granting legal personality to some administrative bodies and units leads to the fragmentation of the administrative authority concept and the distribution of aspects of public authority and privileges between the state and these bodies, which exercise the aspects and privileges of public authority within their competencies and defined objectives (Al-Saghīr, 2004, p. 185).

As for the workers and employees of administrative legal entities, they are public workers and employees subject to the provisions of public employment law and organizational rules that they must adhere to.

It is important to emphasize that the funds of administrative legal entities are managed and operated in accordance with public law (general accounting rules), and these funds enjoy means of protecting public funds for the state.

The right to litigation granted to these bodies and units as a result of granting them legal personality, and consequently, disputes and lawsuits brought against these units and groups with legal personality and not against the state, lead to arranging the results of these judicial disputes at the expense of or for the benefit of the financial responsibility of these fictional entities.

3.1.2. The reasons for the central state's insistence on decision-making authority.

The insistence of the decentralized state on decision-making authority has several implications, and we can understand its main reasons in two aspects:

3.1.2.1. The issue of planning.

The planning process is aimed at achieving specific pre-defined goals with precision, all revolving around enhancing administrative performance and achieving comprehensive development. It is crucial and stems from the core responsibilities of the decentralized state, based on its continuous pursuit and insistence on making the

best choices amid increasing internal pressures and international reform requirements. In the context of a complex economy that necessarily requires decentralized planning, it is essential to closely monitor and accurately identify the basic needs of citizens and then implement designs, which must be approached from a centralized perspective in some aspects. Therefore, planning remains the focal point of overall economic choices, relying on arbitrating between options expressed at the decentralized level and exercised by the central authority.

3.1.2.2. The issue of decision-making level.

The issue of decentralized state's insistence on decision-making authority has several implications (Algerian Civil Law, Order No. 75-58, 1975), and it's appropriate to place the decision at the top of the hierarchy, near the top, or conversely, to lead through decentralization. This task is precisely assigned to an element subordinate to the administrative hierarchy.

The issue of control, its extension, and density are closely related to the level of decision-making and the principle of good management, avoiding pushing control beyond a certain point, maintaining a balance. However, abuse should be avoided, and opinions and consultations should be sought without hesitation. For instance, French administration is characterized by its multiple forms of oversight, whether preceding or subsequent, and the presence of multiple bodies responsible for oversight, such as the Council of State or financial inspection, highlights the decentralized state's adherence to decision-making authority.

This adherence becomes clearer in terms of administrative control or supervision, a notion applied in civil law regarding the management of funds for certain legally incapacitated individuals (such as minors), and reflected somewhat rebelliously in administrative law to demonstrate the oversight exercised by state officials concerning the activities of regional entities or public institutions, especially for legal compliance. Administrative control or supervision also serves a suitable purpose.

3.2. The nature of financial independence and the fear of local authorities overstepping their bounds.

Financial independence for local communities is a crucial principle that embodies decentralization as stipulated in municipal and provincial laws (Forges, 1995, p. 123). Without delving into the myriad financial challenges facing municipalities, it's essential to note that municipalities, in reality, lack sufficient financial independence.

Their own resources cover only 40% of their expenses, with the rest being covered by the state. If this is the situation in France, then the prevailing condition in Algeria is not much different, especially considering the difficult financial situations faced by Algerian municipalities.

3.2.1. The nature of financial independence.

In Arab countries, regardless of their political systems, they all have some form of local administration. This system has become a manifestation of modern states, directly linked to the distribution of their functions among administrative bodies through a decentralized approach. This approach distributes administrative tasks between central authority and local councils within a regional scope, aiming to handle local burdens, which form the basis of the state's public responsibilities.

Municipal resources mainly come from taxes, with property taxes, including those on buildings and land, being the most significant. This creates a significant tax burden imbalance among municipalities. Consequently, the state is compelled to provide financial assistance to municipalities to compensate for the observed deficit. Moreover, more than 10% of municipal financial resources are granted in the form of loans, usually provided by major public institutions.

Concerning regional governance, given the broad powers and the election of regional councils, they enjoy relatively advanced administrative interests, primarily related to health and social affairs, managed by regional directors. These interests are closely linked to the state's interests at the regional level and usually involve a portion of the authority over employees (Kiveko, 1980, p. 317).

Regions have their own budgets, structurally similar to municipal budgets, where they allocate general mandatory expenses (such as social assistance, health care, sanitation, road maintenance, and sidewalk work) alongside optional expenses that have seen a noticeable increase in recent years.

As for regional revenues, they benefit from revenues generated by four types of direct local taxes: vehicle taxes, registration fees, real estate advertising fees, and property transfers. These tax revenues represent about 30% of the region's resources. Additionally, non-real estate revenues for the region depend on state contributions, covering various expenses in the budget, including operational and equipment costs, as well as general budget appropriations related to the value-added tax, rental expenses for public domain properties, mandates, grants, and compensatory fund coverage.

The financial crisis affecting regions, albeit to a lesser extent than municipalities,

accounts for more than half of the municipal budget (Kiveko, 1980, p. 317).

3.2.2. Fear of Local Authorities' Overreach.

The independence of administrative bodies should not be total to ensure the unity of the legal and political state entity. Otherwise, these bodies may transform into a state within a state. Therefore, it is natural for their independence to be restricted within the boundaries set by law, and for them to exercise their functions under the supervision of the central government.

The decentralized system relies on the degree of independence local council members have from central authority. The stronger this independence, the stronger the decentralized system becomes, and vice versa. This independence is crucial for distinguishing administrative decentralization from a system of administrative concentration, where administrative units are subject to strict control by the central government and remain part of the centralized administration. This independence grants local bodies legal personality distinct from that of the state, with significant consequences, including:

"Having financial independence and legal capacity in ownership, disposal, litigation, and assuming responsibility."

Thus, it can be said that centralization has its limits. Functional independence or recognition of local needs within this system allows for such limits. If these limits are exceeded, the relationship between local authorities and the state goes beyond decentralization into the realm of federal or confederal state systems (Lbad, 2010, p. 86).

4. RESULTS AND DISCUSSION

Summary of the foregoing allows us to arrive at the following conclusions:

Results:

- ✓ Administrative decentralization cannot be achieved without the presence of independent budgets and financial resources for local communities. It is natural for the independence of these entities to be restricted within the boundaries set by law and for them to exercise their functions under the supervision of the central government.
- ✓ The financial independence sought by local communities should rely on reforming local taxation to ensure genuine financial independence.
- ✓ Financial independence for local communities is not only the theoretical possibility

of possessing financial autonomy but also the practical ability to organize decentralized financial resources and choose their utilization. This is a crucial condition for tangible decentralization.

- ✓ Despite everything, centralized economic planning remains the cornerstone of overall economic decision-making, relying on arbitration between options expressed at the decentralized level, with arbitration exercised by the central authority.

4. CONCLUSION

Administrative development necessitates the state's abandonment of many agencies and departments that have become a heavy burden on the state budget. The increasing number of these entities and the required expenditure have become obstacles to administrative development. Additionally, there is a need to reconsider organizational structures that consist of more positions and units than necessary, which also burden the public treasury.

Public authorities should adopt the experience that has proven that the widespread adoption of participation procedures, collective decision-making, and open discussions leads, even in the long run, to better results than bureaucratic procrastination, favoritism, bribery, coercion, and the refusal to involve stakeholders. Furthermore, it is essential to support citizen supervision and oversight of local affairs.

For public administration, supporting the financial independence of local communities and making decentralization a school for teaching democracy and responsibility for elected local officials is crucial. Simultaneously, it should also be a school that enables citizens to learn how to manage public affairs and gain valuable experiences through daily interactions.

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