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Development opportunities for small settlements within the system municipal associations– Mandatory association as a possible avenue for reform

ABSTRACT

This study examines the development opportunities of small settlements in Hungary and the role of municipal associations in ensuring their long-term viability, administrative capacity and public service provision. The research focuses on the limitations of the current Hungarian local government framework, particularly the inability of voluntary municipal associations and joint local government offices to adequately address depopulation, fragmentation and the increasing burden of public tasks in small settlements. The paper applies a dogmatic legal and comparative methodology, analysing Hungarian local government regulation alongside selected European models, including Austria, Germany, France, Spain, Italy and several Visegrád countries

The study demonstrates that in several European states mandatory or strongly institutionalised inter-municipal cooperation has become an effective instrument for maintaining administrative efficiency and preserving rural communities. In contrast, the Hungarian system remains largely fragmented due to the predominance of voluntary cooperation and the centralisation of public services following the reforms of the 2010s. The paper distinguishes between municipal associations, joint municipal offices and associated representative bodies, while highlighting the overlapping functions and structural inefficiencies of these institutions.

Based on the comparative analysis, the study proposes the establishment of a new mandatory association model through the integration of joint municipal offices and municipal associations into a single legal institution. The proposed structure would combine administrative and public service functions, reduce parallel operational costs, strengthen development capacity and improve the efficiency of local governance while preserving municipal autonomy and local identity. The study argues that mandatory cooperation, if accompanied by adequate legal guarantees and financing mechanisms, could contribute significantly to sustainable rural development, the retention of population in small settlements and the modernisation of Hungarian local government administration.

KEYWORDS: small settlements; municipal associations; local self-government; mandatory association; rural development; public administration;

Introduction

In this study, I examine the development opportunities of small settlements and the institution of municipal associations, with particular regard to how such associations may contribute to the continued viability and development of small settlements. I also use examples from abroad to illustrate that the institution of association has been used as a means of retaining population in other countries as well. I present the institution itself and distinguish it from other similar institutions. I outline the current regulations, and the problems associated with them. By drawing on examples from abroad, I will highlight how the institution of association could help improve the situation of small Hungarian settlements. The study seeks to answer why, within the current Hungarian regulatory environment, the joint municipal office and the institution of voluntary association are unable to fully address the problems arising from the depopulation, lack of capacity and difficulties in performing tasks in small settlements, and what legal-institutional solution could offer a more effective alternative.

The research is primarily based on a dogmatic and legislative analysis approach, examining the legal nature of local government associations, joint local government offices and associated representative bodies. This is supplemented by a comparative approach, within the framework of which the study examines European countries where various forms of association or territorial cooperation have emerged to address the administrative and public service challenges faced by small settlements. The criteria for comparison are the fragmentation of the settlement structure, the voluntary or mandatory nature of the association, the organisational framework for performance of public functions, and the relationship between local government autonomy and efficiency.

The nature of the problem stems from the fact that the Hungarian legal system contains several similar institutions, yet none has provided a genuine solution to address depopulation and ease the burden of performance of public functions for small settlements. I then outline a proposed solution to demonstrate how efficiency can be improved.

I. Municipal associations in Hungary

In many European countries, the solution to the depopulation of small settlements was seen in the system of local government associations. Although well-known from international examples, such associations have not become mandatory in Hungary; small settlements may simply choose to make use of them.

From the end of the 19th century onwards, due to the growing demands of urbanisation, industrialisation and infrastructure provision, local authorities increasingly worked together, primarily in the areas of water supply, public health and sewage disposal. Initially, these associations were voluntary, but in many countries, they were limited to narrow, technical objectives (e.g. the maintenance of waterworks).¹

Following the change of regime, 2,457 local authorities were established in Hungary, including many small villages with limited administrative capacity. Act LXV of 1990 provided for the establishment of voluntary associations, particularly for the joint organisation of public services.²

The concept of micro-regions took shape in 2004 in Act CVII of 2004 on multi-purpose micro-regional associations of local authorities.³ The Act was enacted to institutionalise multi-purpose micro-regional associations of local authorities, to promote the coordinated development of micro-regions, and to ensure a balanced improvement in the standard of local authority public services. Act CLXXXIX of 2011 on Local Governments in Hungary (hereinafter: Möt.v.) and the new laws on public education, healthcare and social services significantly centralised the provision of public services, thereby transforming the role of the associations.

¹ Hulst, Rudie & Montfort, Andre van (2007): *Inter-Municipal Cooperation in Europe*. Springer

² Soós Gábor (2005): *Kicsik és szétszórtak. A magyar önkormányzati rendszer problémái*. MTA Politikai Tudományok Intézete

³A települési önkormányzatok többcélú kistérségi társulásáról szóló 2004. évi CVII. törvény (last download: 2025.07.22.)

However, this system was short-lived, as from 2013 the majority of public services (schools, hospitals, administrative matters) were nationalised (KLIK, district offices), meaning that in many cases the associations became redundant.

Chapter III of Act LXV of 1990 on Local Governments (hereinafter: Ötv.) dealt with associations of local authorities. Upon its promulgation, the Ötv. stipulated that associations established by local authorities are legal entities. Due to Hungary's settlement structure consisting of small villages, cooperation between local authorities and the organisation of associations carries great weight in terms of their operation.⁴

Associations of local authorities are formed based on an agreement between the representative bodies, with the main aim of performing tasks and exercising powers more efficiently and effectively. Such an association is a legal entity. The Local Government Act regulates their agreements, organisation and operation in detail.⁵ As with local authorities, the metropolitan government offices are responsible for supervising the legality of the association. The government office is authorised to convene the association's council, has the right to request information, and may impose fines for legality supervision fines on the association. As the association is a legal entity, it may have its own assets and an asset manager.

The association's tasks may include, amongst other things, law-making (only in the case of associated representative bodies), determining child protection benefits, disbursing various social benefits, maintaining and caring for the cemetery where a public cemetery is in the relevant municipalities, waste management, kindergarten education, and the maintenance of kindergarten education.⁶

The organisational framework is governed by the Local Government Act. Associations decide by resolution on the assumption of tasks and powers. In the event of disputes arising between the local authorities within the association, the Regional Court at the association's registered office shall decide.⁷

Associations are well-established instruments of local government cooperation, and the freedom to form them is also an important constitutional right. The spectrum is broad, ranging from the joint performance of tasks, through associations for the maintenance of institutions, to their associated representative bodies. Today, the issue of micro-regions is perhaps the most important among the various aspects of associations. Nevertheless, cooperation between local authorities in micro-regions is generally irregular and sporadic. The reasons for this may include conflicts of interest, differences in size, or even the unresolved nature of some local dispute, which has, incidentally, already faded into the mists of time. Yet the principle of subsidiarity does not merely require that every problem be solved where it arose or where it exists; it also implies that local authorities must assist one another.

In addition to local government associations, the Local Government Act provides for other similar institutions, in which case it is important to define precisely what the function of each is. The regulatory framework relating to associations is multi-layered in Hungary. Firstly, Article 10 of the European Charter of Local Self-Government⁸, concerning the right of association, stipulates that local authorities are entitled, within the scope of their powers, to cooperate and form associations with other local authorities to address tasks of common interest. The next level is the Fundamental Law; Article 32. k) provides that they may freely form associations with other local authorities, establish interest groups, cooperate with local authorities in other countries within the scope of their tasks and powers, and become members of international local government organisations.

The most important of the guaranteed provisions is that the law must require small settlements to organise themselves into mandatory associations. The next criterion set out is that the tasks to be carried out jointly with the association must be defined, and the local authority may stipulate that it will

⁴ A helyi önkormányzatokról szóló 1990. évi LXV. törvény

⁵Fábián Adrián: *Kommentár az önkormányzati törvényhez*, Budapest, Complex Kiadó Jogi és Üzleti Tartalomszolgáltató Kft. 2013. 240-245. o.

⁶ Horváth M. Tamás: *Helyi közszolgáltatások szervezése*, Budapest-Pécs, Dialóg Campus, 2002. 180-181. o.

⁷ Möt. 94-95. §

⁸ A helyi Önkormányzatok Európai Chartájáról szóló, 1985. október 15-én, Strasbourgban kelt egyezmény kihirdetéséről szóló 1997. évi XV. törvény (last download: 2026.05.07.)

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voluntarily take on tasks which it currently performs itself. The organisational structure and operation of mandatory associations must also be defined. Their financing system must be developed, and the justification for their continued existence must be continuously reviewed.

Within the framework of the association agreement, the Local Government Act provides an exhaustive list; the most important points are as follows:

It must include the name and registered office of the association, the names, registered offices and representatives of the association's members, the population of the municipalities belonging to the association, and the tasks and powers performed by the association. Naturally, the scope of these tasks may be broader; in practice, this is left to the members to agree upon.

The decision-making body of the associations is the association council. Another important criterion regarding the maintenance and operation of the association is the determination of the level of financial contribution from each municipal council. In some cases, associations are established using assets provided under EU funding; this must also be specified in the association agreement. However, it must also be stipulated what happens if a member fails to meet their financial contribution. It is essential that the association reports on its operations to the members' representative bodies at least once a year to ensure that everything is proceeding correctly. The association's audit procedures, the conditions for amending the agreement, and the conditions for withdrawal and expulsion from the association must be set out.

In the event of the dissolution of the association, the obligation and method of mutual settlement of accounts between the members. In practice, however, the legislator leaves the further framework of the regulations to the members here as well, since the Local Government Act stipulates that they may otherwise lay down any further criteria in the agreement on which the representative bodies have agreed.

The Local Government Act stipulates that an association is established by the representative bodies of local authorities through a written agreement. The agreement is signed by the mayor. A qualified majority decision by each of the representative bodies participating in the association is required for the approval or amendment of the association agreement, or for the dissolution of the association. Membership of the association may be joined on the first day of the calendar year and terminated on the last day of the calendar year; a decision to this effect must be taken by a qualified majority at least six months in advance. The association may establish a budgetary body, an economic organisation or a non-profit organisation to provide public services falling within its remit. A qualified majority requires the affirmative votes of the number of members specified in the agreement, but at least a number of members representing more than half of the votes of the members participating in the association and more than half of the population of the municipalities.

There are four circumstances under which the association may be dissolved:

- if the period specified in the agreement has elapsed, or a termination condition regulated by law has been met
- if the members of the association so decide by a majority
- by operation of law
- by virtue of a final court decision.

The simplest reason for termination is the expiry of time, if the operation was defined within a specific time limit and ceases upon its expiry. The members themselves may also decide that they no longer wish to operate as an association; in this case, a qualified majority vote is required for termination. For example, this was the case with the „Dissolution of the Érd and Surrounding Area Regional Waste Management Municipal Association” dated 31 December 2024, which was adopted as a resolution following a proposal by the mayor, stating that the reason was a change in legislation, pursuant to which: „the public waste management duties of local authorities affected by the association's activities, as well as all duties and powers of local authorities and associations relating to public waste management services, ceased on 1 July 2023. In view of this, pursuant to Section 91(b) of the Local Government Act and Chapter XV, Section 2(a) of the Association Agreement, all members have resolved to dissolve the Association.” The resolution on dissolution must specify the reason for dissolution, the remaining assets and their disposition, and must indicate whether the association has any outstanding debts. With the transfer of waste management powers, we can find many similar resolutions.

However, even a final court ruling may declare the dissolution of the association pursuant to Section 91(d) of the Local Government Act. Under the Local Government Act, this can only occur if,

in the exercise of its powers of legal supervision, the government office finds that the formation of the association was unlawful; in such a case, the court may declare the agreement establishing the association to be unlawful, which results in the dissolution of the association.

II. Joint municipal office

Another similar institution within the context of associations arises among local authorities: the joint local authority office. A question frequently raised in legal literature in this regard is whether the joint office constitutes an association. Given that the establishment of joint offices is mandatory in cases specified by law, and that the head of the government office or the government commissioner may also establish them, the joint office can in fact be regarded as a mandatory association under Article 34(2) of the Fundamental Law.⁹ A joint municipal office is, in practice, a mayor's office established and operated by several local authorities; it was previously known as a 'district notary's office'. The Local Government Act stipulates that local authorities with a population of less than 2,000 may not maintain an independent mayor's office and must join to form a joint local government office. Of course, there is no obstacle to establishing a joint local government office on a voluntary basis even for local authorities with a population of over 2,000. The organisational structure is determined by the representative bodies concerned in their agreement. In addition, the agreement must also include the names of the local authorities, the resolution, the seat of the joint local authority office, its name, the contribution towards its maintenance, the procedure for exercising employer's rights, and the procedure for meetings of the representative bodies.¹⁰ The office's most important tasks include preparing decisions and organising their implementation. As it prepares decisions for several representative bodies, it is essential that it considers the specific characteristics of each municipality.¹¹

In the case of a joint office, administrative procedures must be organised, and it must be allocated which days clients can conduct business at which office. In practice, this works in a similar way to, for example, the district GP system, where the doctor holds surgery for two days in one place and two days in another. The same applies to the clerk.¹²

Ádám Varga takes the view in this regard that the joint municipal office is in fact an administrative organisation aimed at performing tasks, rather than an institution aimed at maintaining the office itself.¹³ On this basis, it can be said that joint municipal offices have unfortunately failed to meet the criteria of efficiency and economy, given that the office itself operates independently in every municipality, is open to the public, and employs at least one staff member; consequently, maintenance costs have not been sufficiently reduced.

We can therefore see that the most important difference between an association and a joint municipal office lies in the scope of the association's tasks, whereas for a joint municipal office it concerns the operation of the entire office and the performance of its duties, and the latter is mandatory for municipalities with a population of under 2,000. A third concept is also worth clarifying, namely the institution of the associated municipal council. A local municipal council may form an associated municipal council with another local municipal council. In this case, they merge their budgets in whole or in part, maintain a joint local government office and operate their institutions jointly. An important rule, however, is that in matters affecting only the municipality in question, the municipal council of each municipality decides independently.¹⁴

⁹ Nagy Marianna – Hoffman István (szerk.): A Magyarország helyi önkormányzatairól szóló törvény magyarázata. Második, hatályosított kiadás. Budapest, HVG-Orac, 2014. 214. o.

¹⁰ Bekényi József – Gyergyák Ferenc: Közös önkormányzati hivatalok megalakulása, a jelenleg még önálló polgármesteri hivatalok, körjegyzőségek átalakulásának folyamata közös hivatallá. *Új Magyar Közigazgatás* 2013/6. 1.

¹¹ Belügyminisztérium: *Jegyző és Közigazgatás* 2012/4. A közös önkormányzati hivatalok megalakításához – I. rész

¹² Belügyminisztérium i.m.

¹³ Varga Ádám: A helyi önkormányzathoz való jog alapvető kérdései, Pázmány Press, Budapest, 2021. 203. o.

¹⁴ Magyarország helyi önkormányzatairól szóló 2011. évi CLXXXIX. törvény 56. §

Compared to other forms of local government cooperation, an association is a much stronger form. It is a voluntary or compulsory form of cooperation within which one or more matters falling within the remit of local government are managed jointly, whilst respecting the autonomy of the parties.

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In the first third of the 2010's, there were nearly 1,200 associations operating in Hungary. These were collaborations comprising 3–5 members, typically focused on a single objective.¹⁶ By now, this number has fallen significantly due to local government reforms. According to data from the Hungarian Central Statistical Office (KSH), there were nearly 900 associations operating in Hungary in 2024.

III. Associated local council

Under Section 56 of the Local Government Act, a local council may form an associated council with another local council. In such cases, the councils merge their budgets in whole or in part, maintain a joint local government office and operate their institutions jointly. The associated council decides on its organisation and rules of procedure. A meeting of the local council must be convened at the initiative of the mayor of any participating municipality. The aims of the associated representative bodies are economy, so that they can perform their tasks with lower costs and shared resources; efficiency, on the basis of which even smaller municipalities have access to professional administrative services; and effectiveness, whereby they can perform joint tasks with a higher quality of service.¹⁷ Associated representative bodies have not become widespread in our country.

IV. Local government associations abroad

In terms of research methodology, I specifically examined countries with similar administrative structures that have responded to the depopulation of small settlements by introducing the institution of mandatory associations. The primary criterion for selecting the countries examined was that their administrative systems, settlement structures or regional development issues should be comparable to the Hungarian model in certain respects. The research focuses on European countries that have faced challenges such as a large number of small settlements, a fragmented settlement structure, or issues relating to decentralisation and the organisation of public services, and which have developed various forms of association to address these issues.

IV. 1. Austria

The current Austrian spatial structure emerged following the 1848 revolution. The Republic of Austria is a federal state comprising nine provinces. The Austrian term for these is 'Land', similar to the German term. The provinces, however, are smaller and their powers are more limited; this constitutes a kind of "centralised federation".¹⁸ Its local government system is single-tiered; there are no regional authorities. Vienna, however, has a special status, possessing autonomous provincial rights. In the Austrian public administration, we also find so-called 'district-level cities', which perform both municipal tasks and the tasks of the districts. To address differences in size, the Austrian public administration also makes use of mandatory associations. The districts act as intermediaries between the provinces and the municipalities. These are decentralised units headed by a district chief. To organise regional development administration, the Austrians hold provincial assemblies.¹⁹

¹⁵ Barta Attila: A helyi önkormányzatok lokális együttműködési lehetőségei, különös tekintettel a társulási megoldásokra 2022. 5. o.

¹⁶ Barta Attila: Önkormányzati társulások a helyi környezetvédelmi feladatok ellátásában. In: Fodor László – Bányai Orsolya (szerk.): A települési önkormányzatok szerepe a környezeti politika és jog alakításában. DUPRESS, Debrecen, 2017. 115. o.

¹⁷ Vigvári András: Költségmegosztási technikák az önkormányzati társulásoknál: Közpénzügyek, önkormányzati pénzügyek KJK-KERSZÓV, 2002, 17-18. o.

¹⁸ Wilfried SCHWENDEN: *Federalism and Regionalism in Western Europe. A Comparative and Thematic Analysis*. Palgrave Macmillan, Basingstoke, New York 2006. pp. 224–.

¹⁹ Hoffmann i.m. 21-25. o.

Section 2 of the Austrian Constitution lists the provinces by year. Section 11 sets out the powers of the provinces. The Constitution not only contains the rules governing the division of powers and responsibilities but also regulates functional cooperation between the two levels; this means that the federal government and the provinces may enter into agreements with one another, and the provinces also possess foreign affairs powers in areas falling within their jurisdiction.²⁰

In the case of Austria, we can conclude that the institution of mandatory association was used as a solution to the depopulation of small settlements.

We can see that subsidiarity and decentralisation are common principles in the Hungarian and Austrian local government systems; furthermore, Hungarian legislation also draws on the principle of autonomy.

IV.2. Germany

Germany is a federal state comprising 16 states, which function as federal states. In German, these are known as ‘Länder’. Administrative districts were characteristic of the old German administrative system, but these were dissolved in the first half of the 21st century and transformed into local government units within other states. Bavaria is unique in this respect, as it has a three-tier local government system: the municipal level and two regional levels, the districts and the counties. The population of the regional local government level ranges between 150,000 and 250,000, thus resembling the Hungarian county level. In German public administration, the issues of economies of scale in small settlements have been addressed differently from one state to another. Mandatory associations of local authorities are common.²¹

In Germany, the two-tier local government system is based on the territorial units of districts (Kreise) and municipalities (Gemeinden); large cities traditionally enjoy the special status of non-district cities (kreisfreie Städte), as they perform district functions in addition to the ‘normal’ tasks of local government. In this respect, they are similar to what are known as ‘unitary’ authorities in the British local government system.

In Germany, whether and to what extent inter-municipal bodies (*Verbandsgemeinden*, *Verwaltungsgemeinschaften*, *Ämter*, etc.) are established depends on the type of territorial reforms implemented by the individual federal states in the 1960s and 1970s. In the ‘old’ Federal Republic and, from the 1990s, in the eastern German states. On the one hand, some federal states, such as North Rhine-Westphalia, opted for territorial reforms involving large-scale mergers, resulting in the creation of merged municipalities (Einheitsgemeinden) with an average population of 40,000, thereby obviating the need for further inter-municipal authorities. On the other hand, most federal states opted for smaller-scale territorial reforms, retaining numerous existing, relatively small municipalities and establishing a new level of inter-municipal administration (operating between the district and municipal levels) to provide administrative support to the municipalities. The municipalities continued to exist as the political units of local government. The number of newly created inter-municipal bodies varies from state to state.²²

The German Constitution defines the division of powers between the Federation and the Länder. It addresses the territorial integrity of the Länder, which it does not regard as absolute. The Constitution introduced the category of so-called joint tasks. The essence of this legal institution is that the Federation contributes to the performance of certain tasks of the Länder. These include, for example, higher education, regional economic structure and the improvement of agricultural structure.²³

German legislation shows similarities with the Austrian model in several respects, as a mandatory association system has been established to prevent the depopulation of small settlements.

IV.3. Spain

²⁰Fábián Adrián: *Válogatott európai önkormányzati modellek*, Institutiones juris, Dialóg Campus Kiadó, Budapest, 2012. 11., 36. o.

²¹Fábián i.m. 20. o.

²²H. Wollmann-G. Bouckaert: *State Organisation in France and Germany between Territoriality and Functionality*, Higher School of Economics, issue 2-3, 2007, 59-90. o.

²³Fábián i.m. 20.o.

In Spain, the regions are represented by 17 autonomous communities. The decrees of the autonomous communities have the force of law; in the event of a conflict with central legislation, the Constitutional Court decides. In Spain, the Constitution designates the region as an autonomous community. The autonomous communities are based on the so-called Statute of Autonomy, which is their fundamental organisational norm, and which is regarded as an integral part of the Spanish legal system.²⁴

In Spain in the 1970s, a distinctive response was devised to address overcrowding in major cities: another aspect of Spanish regional policy, linked to the pillars of the development strategy, was the ‘descongestión polígonos de descongestión’. In 1964, five polígonos were established, reportedly to alleviate the pressure from Madrid by encouraging industry to relocate out of the metropolis, thereby also addressing overpopulation. These “polígonos” are Toledo, Guadalajara, Arando de Duero, Alcázar de San Juan and Manzanares. Businesses seeking to decentralise and set up in the ‘polígonos’ can access official loans and enjoy tax exemptions. Without a detailed examination of the social costs of agglomeration – and no such study has been carried out in Spain – these costs may be exaggerated. The policy may have emerged from the application to Madrid of generalisations drawn from experiences in major foreign cities and from an excessive reliance on a single indicator of road traffic growth.²⁵

Based on the above, it can therefore be said that autonomy is much more prevalent in Spain than in Hungary; the 17 autonomous communities do not allow villages to become depopulated, and the situation observed in Hungary is not evident there.

IV.4. France

Before 1982, France was still a model of a centralised state. In Napoleon’s time, local government at the departmental and municipal levels was under state supervision. The departments were headed by a prefect, who was in turn directed by the Minister of the Interior; thus, sovereignty was not evident in this system. Later, changes led to the establishment of local government units, which, under the 1982 decentralisation law, the Loi Defferre, were organised into counties and regions, which were granted significant powers. As a result, the powers of local councils are limited, meaning that small settlements have remained autonomous.²⁶

In terms of the level of local government, the 1982 decentralisation primarily benefited the departments (as the intermediate level of local government, particularly in the area of social policy), but it also expanded the functions of municipalities (particularly around urban planning and development). Although a significant step was undoubtedly taken towards the introduction and consolidation of area-based local government and a democratically elected (nascent) multifunctional level of government, the political and functional merits and advantages of this step were called into question from the outset for several reasons.²⁷

The French regions have constitutional status. The French Constitution enshrines the process of regionalisation with constitutional force, whilst referring the details of the regulations, and the division of competences between the territorial units and with the government, to separate laws.²⁸

Political strategies developed at national level were implemented through vertical sectoral (broadly speaking, highly specialised) administrative structures – each strategy fell within the remit of a specific ministry, and its implementation was directed by a line ministry, with almost every administrative structure staffed by a diverse administrative elite (grand corps). At the regional/intermediate level, the counties operated as territorially defined administrative units within a centralist model; headed by a prefect appointed by the central government, who was also required to fulfil a coordinating role vis-à-vis the sectoral administrative units. In the nineteenth century, the counties and municipalities (communes) were recognised as local government units operating within a given area. At the same time, in the exercise of their (rather minimal) local government functions, they

²⁴ Fábían i.m. 42.o.

²⁵ H.W. Richardson: *Regional development policy in Spain*, Urban Studies, 1971. 39-53. o.

²⁶ Fábían i.m. 62.o.

²⁷ H. Wollmann-G. Bouckaert i.m. 59-90. o.

²⁸ Fábían i.m. 65. o.

were subject to the close supervision of the prefect, who checked not only the legality but also the ‘appropriateness’ of their decisions (similar to the German ‘Fachaufsicht’). In the Napoleonic model of government, therefore, the implementation of political strategy at the local level was clearly subject to the comprehensive control and coordination of state power in both local administration and local administrative functions.²⁹

In response to the large number of small settlements which were administratively unable to cope with local government issues on their own, a law was passed as early as 1890 to ensure that officially approved forms of cooperation between local authorities (Établissements publics de coopération intercommunale, EPCI), both single-purpose and multi-purpose. Since 1996, when urban communities were established, further forms of inter-municipal cooperation between communities have become a reality. Although the multitude of different inter-municipal bodies performs and coordinates an increasing number of local government functions, these are accompanied by increasingly complex institutional structures and overcrowding within the sub-regional space. The 1991 Loi Chevènement was an attempt to simplify the excessive complexity of inter-municipal bodies. As the various forms of inter-municipal cooperation, including the new forms of cooperation established thanks to the Loi Chevènement, are governed not by directly elected councils but by councils indirectly elected by the councils of the cooperating municipalities, a structural problem arises. Inter-municipal institutions are taking on and performing an increasing number of local government functions, and as their councils are not directly elected, they lack political legitimacy and a basis of their own. At the same time, the participating local authorities possess political legitimacy through their elected councils, but the number of their functions is steadily decreasing. In France, therefore, the sub-regional and local levels consist of several different actors, including the peripheral branches of (vertical) sectoral administration, the departments (as units of local government), the municipalities and the complex interplay of bodies (syndicates, associations, etc.).³⁰

To overcome these differences in scale, the French public administration has established a system of voluntary and mandatory associations, which now act as an intermediary level between the municipality and the county.

In France, where, apart from an unsuccessful reform attempt in the early 1970s, no territorial reform has taken place in the 35,000 municipalities, the average population of a municipality is 1,700.

IV.5. Italy

French influence had a major impact on Italy’s administration, which followed the French model. The country was divided into county-level units governed by prefects, known in Italian as ‘province’. The powers of local authorities were limited, but began to expand from the 1970s onwards, and regional authorities emerged. Their powers have continued to expand.³¹

Italy and local self-government are the subject of debate, specifically because two significant processes are taking place in Italy regarding the administrative and political structure: one has a centrifugal effect (a trend towards decentralisation), the other a centripetal effect (a trend towards centralisation). In this context, it is also necessary to make use of the rich and diverse local government structure. Clarifying the position of the impoverished South, as well as Italy’s place in international political relations as a member of the European Union and one of the world’s most developed countries. Italy, too, has had to implement institutional reforms, which are neither easy nor straightforward, and which must take both processes – globalisation and localisation – into account.³²

The Italian Constitution recognises the autonomy of local authorities and administrative decentralisation. The Constitution sets out in detail the organisation of regional authorities, whilst also empowering the regions to regulate their own forms of government. The territory of the Italian regions enjoys constitutional protection under the draft European Charter of Regional Self-Government, as the

²⁹ H. Wollmann and G. Bouckaert, op. cit., pp. 59–90.

³⁰ H. Wollmann-G. Bouckaert i.m. 70.o.

³¹ Fábán i.m. 43. o.

³² Mirko KLARIĆ: *Local Self-Government in Italy - Towards a New Model*, Zbornik Radova Pravnog Fakulteta u Splitu, 2005, 165-184. o.

Constitution lists them by name. Their merger and the creation of new regions are subject to constitutional law and a referendum.³³

Italy's territorial administrative structure comprises four distinct branches of government: central government, 20 regions, 103 provinces and 8,100 municipalities. There are currently more than 8,100 provincial and municipal authorities operating in Italy. The large number of small local authorities is concentrated mainly in the regions of the Art Nouveau period. The role of the regions has changed significantly because of the 1998 reforms, which led to the reorganisation of the Italian administrative system to strengthen the role of local government and the regions as a second tier. As regards administrative decentralisation, the most significant developments were the enactment of Law No. 59 of 1997 and Decree-Law No. 11998 (also known as the Bassanini Decree), which introduced a model of administrative federalism into Italy's administrative structure, closely resembling the federal model of the German state organisation. Thus, in accordance with the principle of subsidiarity, the central government has entrusted numerous administrative tasks to regional authorities, provinces and municipalities.³⁴

The Italian administration also saw the solution to proportionality issues in the association system.

In the following, I have examined the situation in the Visegrád countries.

IV.6. Poland

Rural areas make up a large part of Poland's territory. These consist of agricultural land (52.3% of the country), forests (30.2%), other natural resources and built-up areas, as well as transport and communication routes. In Poland, agricultural land is steadily shrinking, whilst forests remain stable and are even expanding; the proportion of residential areas and transport routes is increasing. The area of protected sites designated as environmentally valuable is growing slightly.³⁵

It has a vast territory and population, which is why its local government system is three-tiered: local authorities, districts and towns with district status, and at the top, the voivodeships. Later, the local authorities, districts and voivodeships were merged. The number of voivodeships was reduced to 16.³⁶

In Poland, too, there have been initiatives towards smart villages, which have emerged primarily in the context of sustainable development. The UN's 2030 Agenda, published in 2020, also highlights the mechanisms that need to be developed at international, national, regional and local levels to ensure sustainable growth in rural areas. Given the significant diversity of rural areas, the set of 17 sustainable development goals and 169 specific targets relating to such areas must be adapted to geographical diversity and regional/local conditions, which enable the fight against poverty, climate change and environmental pollution, and the provision of public safety and justice, etc. The management of land use, and the creation of an optimal ratio and balance between agricultural, built-up and communication areas, as well as areas comprising natural resources, is a key issue in rural development. 's Agenda 2030 and the Paris Agreement represent one of the most ambitious international initiatives, combining future economic development with environmental considerations. The concept of the 'smart village' emerged in the context of implementing 'Europe 2020'. This concept applies to rural areas and local (regional) communities that wish to build their development on their own strengths and resources. In a smart village, traditional and new networks and services are reinforced by digital technologies, ICT innovations and better use of knowledge, which benefits the population and entrepreneurs. It is expected that this concept will play an increasingly important role in the implementation of rural development programmes in EU countries after 2020. The European Union's concept of the smart village is being implemented within the European Network for Rural Development (ENRD), established in 2008.³⁷

³³ Fábíán i.m. 43. o.

³⁴ KLARIĆ i.m.182-183. o.

³⁵ GUS. *Rural Areas in Poland in 2018: Statistical Analysis*; GUS: Warszawa, Poland, 2020. 15.o.

³⁶ Mieczysław Adamowicz- Magdalena Zwolińska-Ligaj: *The "Smart Village" as a Way to Achieve Sustainable Development in Rural Areas of Poland*, 2020, Pope John Paul II State School of Higher Education in Biala Podlaska, Faculty of Economic Sciences, Poland, 1.o.

³⁷ Naldi, L. Nilsson, P. Westlund, H. WIXE: *What is smart rural development?* [Journal of Rural Studies](#) 2015, Volume 40, 9–101. o.

IV.7. The Czech Republic

The Czech Republic is very similar to Hungary in terms of both area and size. It has nearly 6,800 local authorities. It consists of 14 districts, known as 'kraj' in Czech. Here too, regional development regions have been established, eight in total.

In the Czech Republic, the administration of a municipality is shared between the municipal council, the mayor and the municipal council. The municipal council is an executive body of the municipal assembly; acting within its remit and powers, it is accountable to the municipal assembly. Its meetings are convened and chaired by the mayor, and as a rule, these meetings are not open to the public, unlike those of the municipal assembly. The municipal office assists with administrative preparations.

In the Czech Republic, it is the 'Kraj' regions that hold these 6,800 local authorities together and protect them from depopulation.

From the Czech perspective, the greatest driving force behind the growth of settlements can be traced back to Czech industrialisation, when more than a quarter of rural areas had a plant or factory by the first half of the 20th century. As part of the urbanisation cycle, the process of suburbanisation further increased the population.³⁸

IV.8. Slovakia

The organisational framework of the Slovak local government system began to take shape in the period following the change of regime. The first step was the reorganisation of territorial state administrative bodies in 1960, in line with efforts towards decentralisation; however, the establishment of district and regional local authorities did not take place until 2000.³⁹

The Slovak local government system, partly guided by the experiences of the socialist era, was built on a community-based foundation. The result was, on the one hand, a fragmented settlement structure, and on the other, as in many other European states, the legislature delegated a considerable number of tasks and powers to the local level in Slovakia. The Constitutional Court is responsible for ensuring that regulations are in accordance with the Constitution and the laws. Local authorities can in fact be regarded as a manifestation of popular sovereignty within the Slovak state structure, from which it follows that local municipal and district authorities are accountable to the people, and that voters play a decisive role in their establishment. The municipal council of the municipality () decides on local public affairs within the framework of the law and within its original remit, including: determining the basic principles of the management of municipal assets, adopting the municipality's budget, adopting the municipal development plan, decides on the introduction and abolition of local taxes and other charges, decides on borrowing, issues binding legal regulations, is authorised to establish economic organisations and budgetary bodies, and supervises their operation; it may also establish bodies necessary for the administration of the municipality and is authorised to confer honorary citizenship. In Slovakia, the mayor is elected by the electorate for a four-year term and is the municipality's highest executive body, responsible for administering public affairs within the municipality's territory and representing the local authority in dealings with other bodies and third parties. In Slovakia, municipalities with larger populations are entitled, at their own discretion, to establish an executive municipal council. A distinctive institution in Slovakia is the chief auditor, who is elected by the municipal council for a six-year term; however, neither the mayor nor a municipal councillor may hold this office. The chief auditor's duties include the management of municipal assets and the auditing of the revenue and expenditure sides of the municipal budget.⁴⁰

The territorial model of Hungarian public administration is applied in Slovakia. There are 79 districts within its territory, and development tasks are carried out by the districts.

³⁸ Horeczki Réka: Kelet-európai kisvárosok fejlődési tendenciáinak értékelése a XX. században in: Lengyel I. – Nagy B. (szerk.) 2016: *Térségek versenyképessége, intelligens szakosodása és újraiparosodása*, JATE Press, Szeged, 255–271. o.

³⁹ Fábán i.m. 86.o.

⁴⁰ Fábán i.m. 91-92. o.

IV.9. Romania

Article 120 of the Romanian Constitution deals with the fundamental principles of local self-government; paragraph (1) states that public administration in territorial administrative units is based on the principles of decentralisation, local autonomy and the reconcentration of public services.⁴¹

Romania's situation was most significantly influenced by its accession to the European Union, as the legislative framework for spatial development was established at that time. The Romanian National Spatial Development Programme defined the objectives of spatial development as strengthening the polycentric nature of the urban network, enhancing the role of small and medium-sized towns, and halting the deterioration of living conditions in rural areas.⁴² It was the latter objective that had the greatest impact on small settlements.

A structural analysis of the local economic system shows that Romania generally displays clear signs of underdevelopment. One symptom of this underdevelopment is the significant disparity between the level of development in rural and urban areas. Another significant problem hindering Romania's development relates to the quality of human resources. Although the Romanian countryside accounts for half of the country's population and the same proportion of the nation's active workforce, the quality of the labour force is relatively low. This is due, on the one hand, to the ageing trend of the rural population. To a certain extent, the young and competitive rural workforce tends to migrate to urban centres (although this is not a widespread phenomenon). On the other hand, young people in Romanian villages are turning away from economic activities in their local villages, preferring instead similar activities in Western economies. There is a clear difference between rural and urban areas in terms of education. Firstly, the rate of participation in the education system is lower in Romanian villages than in towns. There is a significant difference in the education index between urban (0.982) and rural (0.786) areas. The main source of these differences lies in the lower literacy rate (the difference is just three percentage points in favour of urban areas) and largely in the level of educational attainment. Thus, among urban dwellers, the number of those enrolled in the three educational cycles is double that in rural areas (93% vs. just 45%), whereas in the secondary and higher education cycles, the ratio among rural residents is a mere 1 in 3. The reason for this is that, due to poor financial circumstances, very few families can afford to support their children in pursuing school and university studies, which are largely carried out in towns and cities. It should be added that many schools in Romanian villages employ unqualified teachers.⁴³

An overview of economic and social life in rural areas shows that the main local factors hindering development can be grouped around infrastructure deficiencies and a decline in investment in human resources. Yet despite this situation, there are numerous opportunities that could prove fruitful in radically transforming living conditions in Romanian villages. The most important resource for overcoming the underdevelopment of Romanian villages is the National Rural Development Plan. Aware of the significant disparities between town and village, the Romanian authorities have developed a strategy financed by national and European funds worth over 11 billion euros for the period 2007–2013. The aim of the plan is to increase the competitiveness of the agri-food sector and forestry, improve the quality of the rural environment, encourage the diversification of the economic structure of rural areas, and promote rural development initiatives. A comparison of the level of development between urban and rural areas in Romania shows that, according to modern economic criteria, the Romanian countryside exhibits signs of underdevelopment. This poses a particular problem for Romanian society, as half of the country's population lives and works in such conditions. Rural development must therefore be a task of strategic importance for the national authorities. In the process of reducing development disparities between rural and urban areas, both obstacles and opportunities must be taken into account. Thus, the most significant problems arising in the course of Romania's rural development process relate to the poor quality of infrastructure and relatively modest investment in human resources. However,

⁴¹ Petronela Zaharia, Irina Biloseac: *Decentralization and local autonomy-local public management defining principles*, *Annales Universitatis Series Oeconomica*, 11 (2), 2009. 805-812. o.

⁴² Horeczki i.m. 263.o.

⁴³G. Mursa, Roxana Paraschiv: *Rural development in Romania, Opportunities and difficulties*. Universitatea de Științe Agricole și Medicină Veterinară Iași *Lucrări Științifice* - vol. 52, Seria Zootehnie, 145.o.

these obstacles can be overcome through public and private investment, by capitalising on the advantages of a low-cost labour force and the natural environment conducive to agritourism. We therefore have reason to believe that, in the medium and long term, the development of rural areas in Romania will reduce the disparities between the country's rural areas and the development of villages in Western Europe.⁴⁴

Under the 2001 law, there are two types of settlements in Romania: urban and rural. These are further classified according to rank. These classifications are based on geographical location, population size, catchment area, accessibility, infrastructure, the presence of financial functions, the existence of public administration and the judiciary, environmental protection, public order and public safety.⁴⁵ These criteria are very similar to Hungary's settlement classification system.

It is very important to note that in Romania, the law restricts the fragmentation of municipalities, stipulating that a settlement must have a population of at least 1,500 if it wishes to remain independent.⁴⁶

This regulation therefore completely prevents the existence of independent small settlements in Romania. In my opinion, if this were introduced in Hungary, it would act as an incentive for settlements and perhaps they would begin to promote themselves as potential places to live. Of course, it is another matter to what extent these conflicts with the principle of subsidiarity, or what constitutional limitations there might be.

V. Proposed solutions for cooperation between local authorities

Based on the above, in my opinion, the institutions outlined above should be merged to create a single large institution, or consideration should be given to establishing a completely different, task-oriented institution, since, if local authorities continue to set up more and more commercial companies, this will tend to hinder development if they are barely able to fulfil their own duties.

V.1. Combining the joint local government office and the association: Mandatory association

The system of joint local government offices and the institution of local government associations are two distinct yet related structures within the Hungarian local government system. Joint offices primarily serve to ensure the efficient performance of administrative tasks, whilst local government associations provide a framework for cooperation between local authorities in the provision of public services and development. However, the current regulations are based on voluntary participation, which often results in fragmented operations with a lack of resources. Combining the two institutions would create a new, mandatory form of association that would encompass both joint administrative management and the integrated organisation of public services. This would ensure the optimal use of resources, reduce duplication and increase the administrative and service capacity of smaller municipalities. Whilst preserving the legal autonomy of municipalities, the new model would establish a nationally uniform, transparent and efficient local government structure through mandatory cooperation. The joint office currently focuses only on administrative tasks and does not manage public services (e.g. nurseries, social care) in an integrated manner. Most associations are voluntary, so coverage and efficiency vary from municipality to municipality. Duplication is common in smaller municipalities.

A new legal institution: the merger of the rules governing joint local government offices and local government associations within the Act CLXXXIX of 2011 on Local Governments of Hungary (Mötv.), thereby establishing the institution of mandatory association.

Article 34(2) of the Fundamental Law has created the theoretical possibility of ordering mandatory associations. József Petrétei and Péter Tilk also explain what rules could be used to establish a system of mandatory associations. In their view, the most important of the safeguard provisions is that the law must require small settlements to organise themselves into mandatory associations. As a further criterion, they explain that the tasks to be performed jointly by the association must be defined, and the

⁴⁴G. Mursa, Roxana PARASCHIV i.m.148.o.

⁴⁵Horeczki i.m. 264.o.

⁴⁶Horeczki i.m. 264.o.

local authority may stipulate that it will voluntarily take on tasks which it currently performs itself. Its organisational structure and operation must also be defined. Its financing system must be developed, and the justification for its continued existence must be continuously reviewed. It would be necessary to introduce compulsory membership for settlements below a certain population threshold, e.g. settlements with fewer than 5,000 inhabitants would automatically be organised into a compulsory legal form.

With regard to responsibilities, it is essential to consolidate administrative tasks, provide integrated public services (nursery schools, social services, transport developments, etc.), and combine development planning, grant management and the organisation of cultural programmes. In terms of its organisational form, it would be an independent legal entity with its own budget and shared institutional maintenance, thereby reducing operating costs and allowing the remaining funds to be channelled into development.

In my opinion, by combining the foreign examples outlined above with the two local government associations in Hungary, we can find a solution to the problems faced by small settlements.

V.2. Civil law partnership agreement

The civil law partnership agreement is governed by Book 6 of Act V of 2013 on the Civil Code⁴⁷ (hereinafter the Civil Code), under which the parties undertake to cooperate in order to achieve their common objective and to make the financial contributions necessary for the realisation of that common objective. The subject of the financial contribution may be money, property of monetary value, a right of monetary value or any other service, in particular personal labour.

The profits and losses of the joint activity are shared among the members in proportion to their contributions.⁴⁸

The members are jointly authorised to manage the affairs of the partnership. The members may also agree to authorise a specific member or members to manage the affairs; in such cases, members not expressly authorised are not entitled to manage the affairs. If several members are jointly authorised to manage the affairs, the members authorised to manage the affairs shall take management decisions unanimously. No person outside the company may be authorised to manage the affairs. The management of the affairs must be carried out in person. In practice, therefore, they may appoint one of the mayors to exercise the company's rights.

Every member is entitled to be informed of the progress of affairs, and in particular to inspect the relevant documents and books. Any agreement between the parties to the contrary is void.

The contract may also be terminated by extraordinary notice for good cause. For example, if one local authority fails to make the required contribution or breaches the terms of the contract, such as by failing to consult with the other members on an important matter.

The contract shall terminate upon the death or dissolution of any member. The remaining members may unanimously decide to keep the contract in force without the deceased or dissolved member. Following the termination of the agreement, a settlement of accounts must take place between the members. Any agreement that excludes such a settlement in advance is void. During the settlement of accounts, the joint assets must be divided among the members in proportion to their contributions. Items provided for joint use must be returned to the owner.⁴⁹

A civil law partnership agreement is most suitable for project-based collaborations, such as research programmes, start-up collaborations between small businesses, the joint provision of services, and the performance of local government tasks; where parties do not wish to establish a commercial company, a civil law partnership agreement may provide a solution.⁵⁰

Based on known examples, we can see that civil law partnership agreements are established in many places for jointly owned flats that cannot operate as a block of flats. A typical example is jointly owned property in the Lake Balaton holiday resort area that is not operated as a block of flats.

⁴⁷ A Polgári Törvénykönyvről szóló 2013. V. törvény (last download: 2025.07.29.)

⁴⁸ a Polgári Törvénykönyvről szóló 2013. V. törvény (last download: 2025.07.29.)

⁴⁹ a Polgári Törvénykönyvről szóló 2013. V. törvény (last download: 2025.07.29.)

⁵⁰ Balázs Tókey: Civil law aspects of partnership agreements, HVG-ORAC, 2017, pp. 89–91.

Under the Local Government Act, Hungarian local authorities are permitted to cooperate with one another through partnership agreements or other contracts; the forms of such cooperation – which are the subject of this study – include local authority partnerships, joint local authority offices, the establishment of commercial companies, and civil law partnership agreements. It should be noted, however, that these are less common but possible forms; they are used not for the performance of public tasks but for project-based cooperation. These projects may include joint tourism programmes, cultural or sports projects, cooperation within the framework of EU calls for proposals, or smaller joint services.

It is very important to note that this is not recommended for the performance of public tasks, as, for example, in the case of water management or social care, a local authority association must be established. At the same time, it is nevertheless a very useful form of cooperation, given that local authorities do not need to form a commercial company.

Conclusion

This study examined the situation of small settlements and the institution of municipal associations from the perspective of how forms of association can contribute to the survival, development and administrative viability of settlements with small populations. The research highlights that Hungary's settlement structure is highly fragmented, which poses significant challenges in terms of the provision of public services, financing and ensuring adequate administration.

Based on the study, it can be concluded that although Hungarian legislation provides ample scope for cooperation between local authorities, due to the voluntary nature of associations and the centralisation of a significant proportion of public tasks, the system no longer fulfils the role it previously played in supporting the functioning of small settlements.

In examples from abroad, mandatory association was one of the solutions used to address the situation of small settlements. With the introduction of mandatory association, the benefits of a joint local government office system and the association could be combined within a single institution, and under the framework of mandatory association, settlements with a population of under 5,000 would be required to maintain a mayor's office, thereby reducing further costs; furthermore, the following would have to be included within the scope of mandatory tasks: nursery schools, cemetery maintenance, environmental health, cultural services, national defence, sport and youth affairs, local public transport and district heating, and water utility services. In other words, all tasks that are effectively a matter of public interest for the associated local authorities, are equally necessary in every settlement and depend on the provision of the same infrastructure. This would be a good opportunity because it would preserve the identity of the settlements, whilst at the same time reducing the burden and expenditure; the remaining funds could be channelled into the development of the settlement. In my opinion, this reform could be integrated into the current administrative structure and local government regulations.

Within the Hungarian local government system, it may be justified to establish a new, mandatory form of cooperation that combines the advantages of a joint local government office and a local government association. Such a model would enable the organisation of administrative and public service tasks, reduce parallel operating costs, and could increase the development opportunities and grant-application capacity of smaller settlements.

During the reform of the association system, particular attention must be paid to preserving local autonomy and identity. Mandatory cooperation can only be effective in the long term if it does not result in the abolition of local authorities or the erosion of their autonomy but rather serves to organise the joint performance of tasks and development policy more efficiently.

In my view, rethinking the association system could, in the long term, contribute to strengthening the ability of small Hungarian settlements to retain their populations, raising the standard of public services, and the sustainable development of rural areas.

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Development opportunities for small settlements within the system municipal associations–
Mandatory association as a possible avenue for reform

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