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Inter-municipal cooperation and municipal political autonomy in Argentina: Legal framework and practice

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Abstract. Inter-municipal cooperation enables municipalities to perform their functions more efficiently, especially under conditions of limited resources. However, in many countries the practical implementation of inter-municipal cooperation in practice faces challenges such as imperfect legislation and differing interpretations of municipal authority. This makes the study of foreign experience particularly relevant. Argentina stands out for its extensive and varied experience in regulating inter-municipal co-operation. The diversity of legislative approaches among Argentina's provinces provides a valuable basis for comparative analysis. Of particular interest is Argentina's constitutional guarantee of municipal political autonomy, which shapes the legal landscape for inter-municipal cooperation. The purpose of this article is to comprehensively examine the forms and mechanisms of inter-municipal co-operation employed in Argentina. The methodological basis of the study includes general scientific methods of analysis and synthesis, as well as comparative-legal and historical approaches. The study examines both federal and regional Argentine legislation, law enforcement practices, and relevant doctrinal sources. The findings indicate that Argentina's approach to regulating inter-municipal cooperation exemplifies the practical realization of the constitutional municipal autonomy. Provincial legislation on this issue is notably diverse: in some provinces, inter-municipal cooperation is regulated by both public and private law, while in others it is treated solely as a public law matter. The Argentine experience offers valuable insights that could be adopted for use in Russia, provided they are appropriately tailored to the local context.

Key words: inter-municipal co-operation, municipal power, local self-government, municipal autonomy

Conflict of interest. The authors declare no conflict of interest.

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Правовое регулирование межмуниципального сотрудничества в Аргентине в контексте муниципальной политической автономии

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Аннотация. Межмуниципальное сотрудничество – инструмент, позволяющий муниципальным образованиям с большей эффективностью решать возложенные на них задачи даже в условиях ограниченности ресурсов. В то же время во многих государствах институт межмуниципального сотрудничества на практике сталкивается с определенными трудностями, которые могут быть вызваны несколькими факторами: несовершенство законодательства; применяемые в государстве подходы к определению природы муниципальной власти и др. В этой связи актуализируется исследование соответствующего зарубежного опыта. Одним из государств, имеющих богатый опыт регламентации вопросов межмуниципального сотрудничества, является Аргентина. Законодательство субъектов федерации в Аргентине по рассматриваемому вопросу отличается разнообразием, что позволяет проанализировать различные подходы в исследуемой сфере. Дополнительный интерес в контексте заявленной темы исследования представляет конституционно гарантированная муниципальная политическая автономия. Цель работы – комплексное исследование применяемых в Аргентине форм и механизмов межмуниципального сотрудничества. Методологическая основа исследования – общенаучные методы анализа и синтеза, а также сравнительно-правовой и исторический методы. Рассмотрено законодательство Аргентины (федеральное и, в большей степени, региональное), правоприменительная практика, доктринальные источники по теме исследования. Авторы пришли к выводу, что реализуемый в Аргентине подход к правовому регулированию межмуниципального сотрудничества представляет собой один из примеров реализации конституционной нормы о муниципальной политической автономии. Примечательно, в отдельных провинциях в основу правового регулирования межмуниципального сотрудничества положены как публично-правовые, так и частноправовые начала, в то время как в других провинциях оно рассматривается исключительно в качестве публично-правового механизма. Используемые в Аргентине подходы могут быть заимствованы в России при условии его надлежащей адаптации.

Ключевые слова: межмуниципальное сотрудничество, муниципальная власть, местное самоуправление, муниципальная автономия

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Introduction

Inter-municipal cooperation is a crucial mechanism that enables municipalities to effectively perform the publicly significant functions assigned to them. The use of legally provided forms of such cooperation can help mitigate common challenges faced by municipal authorities, the most prominent of which in many modern states are financial difficulties (Komlev, 2024). Since many countries continue to seek an optimal model for organizing municipal public power, the forms of inter-municipal cooperation also vary accordingly.

Regarding Russia, contemporary researchers highlight both legislative (Kabanova, 2018:2) and methodological (Mironova, 2016:4) challenges in the development of inter-municipal cooperation, while acknowledging its significant potential for advancing local self-government overall. Moreover, inter-municipal cooperation can positively contribute to strengthening international relations (Verbitskaya, 2020:4). In this context, the study of relevant foreign experience becomes particularly important, especially considering the ongoing municipal reform in Russia, which logically follows the recent constitutional reform.

Latin America has always been an exceptionally interesting region for analyzing municipal governance practices. The region's unique model of local self-government is shaped by a rich historical and cultural heritage combined with the influence of European legal traditions and the Anglo-Saxon legal family's impact on the development of law in general. This distinctive model has been comprehensively and clearly demonstrated by Professor V.V. Eremyan (Eremyan, 2016).

Among the states whose experience in inter-municipal cooperation has not been comprehensively studied in Russian legal science, Argentina stands out. Argentina's status as a federal state adds particular relevance to research topic for Russia. The county's approach to the legal regulation of local self-government reveals a variety of regional practices that can differ significantly from one another. This

discovery is valuable for analyzing the Argentine experience and considering its possible adaptation.

Constitution's norms on municipal autonomy in Argentina

Argentina's federal structure comprises three levels of political decision-making: federal, regional (provinces and the Autonomous City of Buenos Aires), and municipal. Consequently, the legal framework for inter-municipal cooperation is implicitly established at multiple levels: at the federal level in the Constitution, at the provincial level in provincial Constitutions and relevant legislation, and at the local level in municipal organic charters (where adopted).

The Argentine Constitution¹ does not contain explicit provisions on inter-municipal cooperation. However, municipal autonomy is enshrined in Article 5, which states:

"Each province shall adopt a constitution within the framework of a republican representative system, in accordance with the principles, declarations, and guarantees of the National Constitution, which shall ensure the administration of justice, municipal regime, and primary education. In these conditions, the federal government shall guarantee to each province the existence and functioning of its institutions."

Further important provisions on municipal autonomy are found in Article 123, which provides: *"Each province shall adopt its own constitution, in accordance with the provisions of Article 5, ensuring municipal autonomy and regulating its scope and content in the institutional, political, administrative, economic, and financial spheres."*

The provision of Article 123 of the Argentine Constitution gained even greater significance following the 1994 constitutional reform, which formally enshrined the political autonomy of municipal entities in the Constitution. Constitutional reforms in Latin American countries often predetermine the beginning of transitional phases in the development of various legal relationships, including those related to municipalities (Eremyan, 2001). Notably, the constitutional guarantees of municipal political autonomy were the result, first, of developments of provincial legislation, and second, of judicial lawmaking.

For example, in 1989, the Supreme Court of Argentina affirmed that "municipalities have a constitutional, not merely legal origin; therefore, they cannot be dissolved at the will of the provinces, nor can the provinces deprive them of the minimum powers necessary to carry out their duties". The Court also observed that many provinces were seeking to strengthen municipal autonomy, suggesting that such autonomy was requiring enhanced constitutional protection².

¹ Constitución de la Nación Argentina. URL: <https://www.argentina.gob.ar/normativa/nacional/804/texto> (access date: 01/28/2025).

² Corte Suprema de Justicia de la Nación, Acuerdo de 21 de marzo de 1989. URL: <http://www.biblioteca.jus.gov.ar/fallo-rivademar.html> (access date: 01/28/2025).

As a result of this legislative practice by regional lawmakers, supported by the Supreme Court, the political nature of municipal autonomy was incorporated into the National Constitution through the 1994 reform. Although challenges remain in implementing these constitutional provisions – for instance, not all provinces have yet enshrined municipal political autonomy in their legislation (Grandinetti & Miller 2020) – this development remains highly significant for the present study.

Beyond these constitutional norms, Argentina lacks federal regulation of municipal legal relations. Consequently, the organization of municipal power within each state entity (provinces and the Autonomous City of Buenos Aires), including the procedures for inter-municipal cooperation, largely depends on regional legislation.

According to Argentine researcher Nestor Pedro Sagués, provinces enjoy considerable discretion in legal regulating municipal relations, but they must not distort the constitutional norms governing municipal autonomy (Sagués, 2018). In one decision, the Supreme Court of Argentina emphasized that municipalities' prerogatives derive from those of the provinces, highlighting the close relationship between municipal and regional authorities³. However, municipal autonomy is guaranteed by the national Constitution and does not originate solely from the provinces. Consequently, in cases of conflict between regional and municipal authorities, the latter must demonstrate how regional acts contradict the national Constitution. Despite differences between Russia and Argentina in their approaches to local self-government regulation and constitutional control models, it is notable that the highest constitutional control bodies in both countries share similar views on the nature of municipal authority (Chikhladze & Boldyrev, 2020).

Constitutional norms regulating municipal autonomy establish fundamental principles and outline elements related to inter-municipal cooperation. These principles are further detailed in regional legislation, provincial constitutions, and municipal legal acts. Most Argentine provinces include provisions recognizing municipalities' rights to form associations, consortiums, and other unions among themselves and with provinces.

Daniel Cravacuore, a leading Argentine scholar of municipalism, highlights the connection between the evolution of municipal political autonomy and the development of regional legislation on inter-municipal cooperation. He notes that historically, Argentine municipalities performed three main functions: regulating and controlling urban infrastructure and economic activity within their territories; implementing direct social actions; and managing local authorities. These tasks did not require horizontal cooperation, as they were primarily local in scope. However, recent processes of decentralization and transfer of new responsibilities – particularly in local development – amid the decline of centralized governance have created a need for inter-municipal cooperation. The limited capacity of local authorities to address emerging challenges and

³ Corte Suprema de Justicia de la Nación, Acuerdo de 4 de abril de 2006, Fallo Cablevisión S.A. v. Municipalidad de Pilar. URL: <http://www.planetaius.com.ar/fallos/jurisprudencia-c/caso-Cablevision-SA-v-Municipalidad-de-Pilar.htm> (date of access: 01/28/2025).

the scale of these problems demand innovative solutions beyond strictly defined local boundaries, making inter-municipal cooperation the most viable option in this context (Cravacuore, 2001).

Regional legal frameworks for inter-municipal cooperation

In the absence of federal regulation of municipal legal relations, the constituent entities of the federation possess considerable discretion in this area. Nevertheless, a certain degree of similarity can be observed in the approaches taken by regional legislators, particularly regarding the territorial organization of local self-government⁴ and the structure of local self-government bodies.

However, when it comes to inter-municipal cooperation, the legislation of the federation's constituent entities, while sharing some common features, is marked by significant diversity. It is important to note that the regulation of inter-municipal cooperation varies from state to state. To some extent, the manner in which cooperation between municipalities is organized reflects and results from the broader municipal legal policy pursued within each state.

For example, the challenges faced in implementing this institution in Spain are evidently linked to the fact that the Constitutional Court of Spain regards municipal autonomy as purely administrative. This view significantly limits municipalities in carrying out certain projects, including those involving collaboration with other municipalities (Carbonell Porras, 2022). Similarly, some of the difficulties in developing inter-municipal cooperation in Russia stem from trends in Russian legislation on local self-government, which is characterized by increasing centralization of public authority (Voroshilov, 2021). While centralization in municipal legal relations is not only possible but also, to some extent, inevitable (Ebzeev & Chikhladze, 2024), legislation must nevertheless ensure the principle of local self-government independence – an issue that is particularly sensitive in the context of regulating and practicing inter-municipal cooperation.

In Argentina, inter-municipal cooperation, as well as cooperation between municipal and regional authorities, is shaped by the political nature of municipal autonomy. Despite constitutional guarantees, the specific content of the political aspect of municipal autonomy remains unclear in Argentine's legislation. Similarly, judicial practice does not provide a definitive interpretation of what municipal political autonomy entails. Nevertheless, it is evident that political autonomy implies that municipalities engage with other public-territorial entities on an equal and mutual basis. Consequently, Argentina has developed contractual principles governing interactions between municipalities and other public-legal entities. However,

⁴ Despite the existing diversity, a common feature among Argentine regions is that the territory of each federal constituent entity is typically divided between municipalities and communes. Communes generally have fewer powers to address local issues, including questions concerning their political autonomy. The approach of the Autonomous City of Buenos Aires differs significantly due to its unique status, which is somewhat comparable to cities of federal significance in the Russian context.

legal regulation in this area remains insufficient, as detailed rules and administrative procedures could be perceived as infringing upon municipal autonomy (Bernal & Pizzolo, 2018).

The very ability to cooperate with other public-territorial entities is regarded in Argentina as an element of municipal autonomy. However, the constituent entities of the federation adopt varying approaches to regulating these provisions in their legislation. This variation partly stems from differences in how provincial constitutions enshrine municipal autonomy. Argentine scholars note that, despite the constitutional recognition of political autonomy at the federal (national) level in 1994, not all provinces have incorporated similar provisions in their constitutions (Masserdotti, 2015). For example, the province of Buenos Aires does not explicitly recognize the political nature of municipal autonomy in its basic law.

Regarding inter-municipal cooperation, the Constitution of the Province of Buenos Aires specifies that municipalities have the right to form consortia with other municipalities and residents' cooperatives for the purpose of establishing electric power enterprises⁵. Although the Constitution of the Province of Buenos Aires formally limits the application of inter-municipal cooperation rules to electric power issues, ordinary legislation contains significantly broader provisions on the subject.

For instance, the Organic Law of the Province of Buenos Aires on Municipalities, in its prior edition, included rules on consortia, stating that: "Consortia may be created between several municipalities, or between one or more municipalities and the nation, province or other provinces, for implementation of activities of common interest... Such consortia may include individuals or corporations... The contractual regime of consortia shall be determined by their organic by-laws and relevant regulations, without prejudice to the supervisory powers of the competent authorities... Internal documents shall specify the purpose of the consortium, which may include one or more activities, the share of participation for each member, the procedure for reinvesting profits, and the disposition of property upon liquidation... To establish a consortium, municipalities may levy a special fee designated solely for this purpose... Each municipality shall authorize the introduction of the fee, collect it, and deposit the funds into a special account"⁶.

Subsequently, the Province of Buenos Aires adopted new law on Consortia for Management and Development⁷, which superseded the aforementioned provisions of the

⁵ Constitución de la Provincia de Buenos Aires de 1994. URL: <https://www.congreso.gob.ar/constituciones/BUENOS-AIRES.pdf> (access date: 01/31/2025).

⁶ Ley orgánica 6.769/58 de 29 de abril de 1958, de municipalidades. URL: <https://www.sajj.gob.ar/6769-local-buenos-aires-ley-organica-municipalidades-lpb0006769-1958-04-29/123456789-0abc-defg-967-6000bvorpyel?q=%28numero-norma%3A6769%20%29&o=0&fTotal%7CTipo%20de%20Documento/Legislaci%F3n%7CFecha%7COrganismo%7CPublicaci%F3n%7CTema%7CEstado%20de%20Vigencia%7CAutor%7CJurisdicci%F3n/Local/Buenos%20Aires&t=1> (accessed: 31.01.2025).

⁷ Ley 13.580 de 8 de noviembre de 2006 "Consortios de gestión y desarrollo". URL: <https://www.sajj.gob.ar/13580-local-buenos-aires-consorcios-gestion-desarrollo-lpb0013580-2006-11-08/123456789-0abc-defg-085-3100bvorpyel?q=%28numero-norma%3A13580%20%20>

Organic Law on Municipalities. This new legislation substantially expanded the provincial framework for inter-municipal cooperation concerning consortia. It permits the creation of consortia between municipalities, and between municipalities and the province, including joint ventures with individuals and legal entities. The law also defines the objectives for such consortia, including supporting the development of small and medium-sized businesses, fostering closer inter-municipal interaction, facilitating experience and information exchange, and so forth. Furthermore, it outlines the procedure for establishing consortium management bodies, detailing the rights and obligations of consortia, and the procedure for joining them. For example, municipalities are required to adopt a special municipal legal act to formally join a consortium.

Thus, the example of the Province of Buenos Aires illustrates that inter-municipal cooperation is, on the one hand, an integral part of the broader cooperation among public-territorial entities. On the other hand, it involves a blend of public-law and private-law elements, as public entities interact not only with each other but also with individuals and legal entities. Moreover, the political nature of such cooperation is evident, as municipal entities independently decide to create consortia.

The political character of these consortia is demonstrated both by their operational practices and their founding objectives. For example, analyzing the experience of one of the earliest consortia of the Province of Buenos Aires – the *Consortio del Corredor Productivo del Sudoeste Bonaerense* – Daniel Cravacuore notes that it was established by the municipal leaders in response to socio-economic challenges within a large and populous territory. According to its statutory documents, the consortium was created to “achieve a coordinated reduction in production costs and harmonious growth; promote the creation of information mechanisms among producers for the development of innovative projects; jointly assess internal and external market conditions; encourage the unification of regional producers and their proper legal registration to obtain credit support; foster the development of various innovative industries; manage the construction of necessary infrastructure (primarily roads) to facilitate the transportation and distribution of regional products; and leverage municipal purchasing power to support regional producers and service providers” (Cravacuore, 2000).

The formation of consortia as a mechanism for advancing inter-municipal cooperation is also present in other provinces. For instance, the Law of the Province of Chubut On the Establishment of Municipal Corporations⁸

29&o=0&f=Total%7CTipo%20de%20Documento/Legislaci%F3n%7CFecha%7COrganismo%7CPublicaci%F3n%7CTema%7CEstado%20de%20Vigencia%7CAutor%7CJurisdicci%F3n/Local/Buenos%20Aires&t=1

⁸ Ley No. 46 de 9 de septiembre de 2010 de Constitución de las Corporaciones Municipales. URL: <https://www.saij.gob.ar/46-local-chubut-ley-constitucion-corporaciones-municipales-lpu1600046-2010-09-09/123456789-0abc-defg-640-0061uvorpyel?q=%20titulo%3A%20Corporaciones%20AND%20titulo%3A%20Municipales&o=19&f=Total%7CTipo%20de%20Documento/Legislaci%F3n%7CFecha%7COrganismo%7CPublicaci%F3n%7CTema%7CEstado%20de%20Vigencia%7CAutor%7CJurisdicci%F3n/Local/Chubut&t=20> (date of access: 02/02/2025).

regulates the creation and operation of consortia within the province. It stipulates that the municipal consent to participate in or establish a consortium must be granted by the relevant representative body. Consortia may be exclusively inter-municipal or may include participation from the province, the nation or residents of the municipalities involved. In cases involving external participants, municipal representation in consortium management bodies must constitute at least fifty-one percent, and any net profits generated must be reinvested to improve the quality-of-service provision. Similar provisions are also found in the legislation of the provinces of San Juan⁹ and Formosa¹⁰.

The possibility for municipalities to participate in consortia is also provided for in the legislation of the Province of Tierra del Fuego, Antarctica, and the South Atlantic Islands. The provincial constitution enumerates among the powers of municipalities the ability “to conclude all kinds of interjurisdictional agreements with other municipalities, with provinces, or with the state in order to develop activities of interest to the local community; to join regional or interprovincial organizations; to maintain intermunicipal relations to satisfy mutual interests within their competence; to agree with the provincial government on the transfer of provincial functions beyond their competence; and to participate in the development of regional development plans”¹¹.

In turn, the provincial Organic Law On Municipalities stipulates that municipalities may create consortia to provide public services and carry out public works. These consortia may be exclusively inter-municipal or may include participation from the province, the state, or residents¹².

The institution of inter-municipal cooperation is particularly significant for the Autonomous City of Buenos Aires. This importance arises from the formation of the so-called urban (capital) district (*área metropolitana*), which, in addition to the city

⁹ Ley Orgánica municipal № 430-P de 19 de noviembre de 2014. URL: <https://www.saij.gob.ar/430-local-san-juan-ley-organica-municipal-lpj1600430-2014-11-19/123456789-0abc-defg-034-0061jvorpel?&o=5&f=Total%7CFecha%7CEstado%20de%20Vigencia%5B5%2C1%5D%7CTema/Derecho%20administrativo/Municipalidad/Poder%20Ejecutivo%20Municipal/intendente%7COrganismo%5B5%2C1%5D%7CAutor%5B25%2C1%5D%7CJuridicci%F3n%5B5%2C1%5D%7CTribunal%5B5%2C1%5D%7CPublicaci%F3n%5B5%2C1%5D%7CColecci%F3n%20tem%Elitica%5B5%2C1%5D%7CTipo%20de%20Documento&t=356> (date of access: 02/02/2025)

¹⁰ Ley Orgánica de 22 de diciembre de 1992 № 1028 de municipios. URL: <https://www.legislaturaformosa.gov.ar/informes.php?f=1028> (date of access: 02/04/2025).

¹¹ La Constitución de la Provincia de Tierra del Fuego, Antártida e islas del atlántico sur, de 1991. URL: <https://www.congreso.gob.ar/constituciones/TIERRA-DEL-FUEGO.pdf> (access date: 02/04/2025).

¹² Ley orgánica de 28 de septiembre de 1984 № 236 de municipios. URL: <https://www.saij.gob.ar/236-local-tierra-fuego-ley-municipios-lpv0000111-1984-09-28/123456789-0abc-defg-111-0000vvorpel?q=%28numero-norma%3A236%20%29&o=1&f=Total%7CTipo%20de%20Documento/Legislaci%F3n%7CFecha%7COrganismo%7CPublicaci%F3n%7CTema%7CEstado%20de%20Vigencia%7CAutor%7CJuridicci%F3n/Local/Tierra%20del%20Fuego&t=2> (date of access: 02/04/2025).

of Buenos Aires itself, generally includes twenty-four municipalities¹³ from the Province of Buenos Aires. The normative foundation for the functioning of this urban district is set out in the Constitution of the Autonomous City of Buenos Aires¹⁴. According to Article 27, the city develops policies for urban planning and management that are integrated with economic, social, and cultural development strategies, taking into account its inclusion in the metropolitan area. The city undertakes a continuous process of territorial and environmental planning based on broad participation, which supports the achievement of various constitutional objectives.

The creation of the urban district occurred in a “natural” manner, which, as noted in Russian legal doctrine, is logical in the context of many countries (Tabolin, 2021). At the same time, the integration of neighboring municipalities into the so-called “Great Buenos Aires” was also formalized through agreements between the Province of Buenos Aires, the city of Buenos Aires (which was a municipality prior to gaining autonomous status), and the surrounding municipalities (Sabsay, 2002). This process has been ongoing since the early 20th century and was taken into account during the drafting of the Constitution of the Autonomous City of Buenos Aires.

The experience of other provinces in regulating inter-municipal cooperation is also noteworthy. For example, the Constitution of the Province of Catamarca identifies the conclusion of agreements and contracts with the state, the province, and other municipalities for the construction of facilities and the provision of public services as one of the main powers – and, to some extent, duties – of local government bodies¹⁵. Similarly, the Organic Law of the Province On the Municipal and Communal Regime establishes that “municipalities may conclude agreements among themselves or with the province for the provision of services, the execution of public works, technical and financial cooperation, or activities of common interest”¹⁶.

In practice, such agreements in the province are concluded between municipal and regional authorities. For example, the agreement dated July 24, 2024, between the Province of Catamarca and the Municipality of Valle Viejo obligates the municipality to adhere to the agreed tax regime, including commitments such as refraining from

¹³ URL: <https://web.archive.org/web/20101113161116/http://www.indec.gov.ar/nuevaweb/cuadros/4/folleto%20GBA.pdf> (access date: 02/03/2025).

¹⁴ La Constitución de la Ciudad Autónoma de Buenos Aires de 1996. URL: <https://www.congreso.gob.ar/constituciones/CABA.pdf> (access date: 02/03/2025).

¹⁵ La Constitución de la Provincia de Catamarca de 1998. URL: https://www.argentina.gob.ar/sites/default/files/constitucion_de_catamarca.pdf (access date: 02/01/2025).

¹⁶ Ley orgánica municipal y régimen comunal, decreto-ley 4.640 de 22 de octubre de 1991. URL: <https://www.saij.gob.ar/4640-local-catamarca-ley-organica-municipal-regimen-comunal-lpk0004640-1991-10-22/123456789-0abc-defg-046-4000kvorpyel?q=%28numero-norma%3A4640%20%29&o=3&f=Total%7CTipo%20de%20Documento/Legislaci%F3n%7CFecha%7COrganismo%7CPublicaci%F3n%7CTema%7CEstado%20de%20Vigencia%7CAutor%7CJurisdicci%F3n&t=8> (date accessed: 01.02.2025).

increasing the number of municipal employees¹⁷. This agreement was adopted within the framework of the Municipal Fiscal Agreement approved by the provincial law of Catamarca¹⁸, which itself followed the conclusion of corresponding agreements between the federal government and the Province of Catamarca¹⁹. These examples clearly illustrate the nature of relationships between public-territorial entities, where certain issues are resolved not through legislation and imposed obligations but on a contractual basis.

Similarly, Article 201 of the Constitution of the Province of Chaco establishes that municipalities have the right to enter into agreements among themselves to jointly carry out work aimed at meeting common needs and interests. It also highlights the participation of municipalities in the process of regionalization when such processes affect their interests²⁰. Unlike the previously discussed examples, the Province of Chaco places greater emphasis on inter-municipal cooperation, although it also acknowledges the interaction between municipalities and the province through regionalization and municipal involvement in that process.

The Organic Law of the Province of Chaco On Municipalities specifies that the interaction between municipalities is carried out through the creation of supra-municipal structures. The primary purpose of these structures is to coordinate joint actions on issues of common interest and to collaborate with regional and federal authorities to strengthen the municipal regime. These supra-municipal bodies are governed by representatives from the member municipalities, along with one representative from the provincial executive branch. The governing bodies have the authority to issue legal acts binding on the municipalities. Until they adopt their own regulations – which they must do within sixty days of their establishment²¹ – they operate according to the procedures and internal rules of the Provincial Chamber of Deputies.

¹⁷ Convenio de adhesión al régimen de responsabilidad fiscal entre la provincia de Catamarca y la municipalidad de Valle Viejo de 24 de julio de 2024. URL: https://digesto.catamarca.gob.ar/media/decretos/DECRETO_E.-T.P.yR.H.-Ec._N_747_-_2024_-_Anexo_II.pdf (access date: 02/01/2025).

¹⁸ Ley Nº 5540 – Decreto Nº 787, ratifícase Convenio fiscal municipal de 9 de marzo de 2018. URL: <https://digesto.catamarca.gob.ar/digesto/crearpdf/ley/1457> (date of access: 02/01/2025).

¹⁹ Ley 27.429 de 21 de diciembre de 2017 de aprobación del Consenso Fiscal suscripto por el Poder Ejecutivo nacional y representantes de las provincias y de la Ciudad Autónoma de Buenos Aires. URL: <https://www.saij.gob.ar/27429-nacional-aprobacion-consenso-fiscal-suscripto-poder-ejecutivo-nacional-representantes-provincias-ciudad-autonoma-buenos-aires-lns0006388-2017-12-21/123456789-0abc-defg-g88-36000scanyel?q=%28numero-norma%3A27429%20%29&o=0&f=Total%7CTipo%20de%20Documento/Legisla%F3n%7CFecha%7COrganismo%7CPublicaci%F3n%7CTema%7CEstado%20de%20Vigencia%7CAutor%7CJurisdicci%F3n&t=2> (date of access: 02/01/2025).

²⁰ La Constitución de la Provincia de Chaco, 1957-1994. URL: <https://www.congreso.gob.ar/constituciones/CHACO.pdf> (date of access: 02/02/2025).

²¹ Ley Orgánica Municipal Nº 4.233 de 6 de diciembre de 1995. URL: <https://www.saij.gob.ar/4233-local-chaco-ley-organica-municipal-lph0004233-1995-12-06/123456789-0abc-defg-332-4000hvorpypel?q=%28numero-norma%3A4233%20%29&o=3&f=Total%7CTipo%20de%20Documento/>

Thus, the ordinary legislation of Chaco emphasizes inter-municipal cooperation through the formation of independent entities that facilitate collaboration not only among municipalities but also with the province and, if necessary, with federal authorities. While the provincial constitution does not explicitly mention this form of interaction, the presence of a general provision stating that the procedure for inter-municipal cooperation is established by law suffices such arrangements.

The Constitution of the Province of Corrientes also acknowledges the possibility of such entities forming, which may be inter-municipal or supra-municipal in nature. Participation in these structures is always voluntary for municipalities. The Constitution permits the creation of governing bodies within these associations and allows for the involvement of public, private, and third-sector entities, as well as international organizations²². These constitutional provisions are further detailed in the Organic Law of the Province On Municipalities²³. Accordingly, to implement inter-municipal cooperation envisioned by the provincial constitution, municipalities have the right to enter into agreements and undertake joint actions with other municipalities on a temporary or permanent basis, as well as to form legal entities under public and/or private law to serve common interests.

The legislation of the Province of Corrientes permits the establishment of inter-jurisdictional bodies – comprising both municipalities and provincial government – for the coordination of joint actions on a range of issues, including road construction and traffic management, environmental protection, and waste management. The specific powers and functions of these bodies are determined either by law or through formal agreements. Special emphasis is placed on the international cooperation of municipalities²⁴. According to the Organic Law of the Province On Municipalities, municipalities are authorized to enter into agreements and undertake joint initiatives with international organizations, foreign states, or cities. However, such activities must not infringe upon the powers of the federal government or the province, both of which must be promptly informed of any such actions undertaken by municipalities.

Given that the active development of inter-municipal cooperation and interactions between municipalities and the province – often conducted on a contractual basis – can increase the risk of disputes, provincial legislation typically addresses procedures for

Legislaci%F3n%7CFecha%7COrganismo%7CPublicaci%F3n%7CTema%7CEstado%20de%20Vi
gencia%7CAutor%7CJurisdicci%F3n&t=9 (date of access: 02/02/2025).

²² La Constitución de la Provincia de Corrientes de 1993, reformada en 2007. URL: <https://www.congreso.gob.ar/constituciones/CORRIENTES.pdf> (access date: 02/03/2025).

²³ Ley Orgánica de 6042 de 7 de abril de 2011 de las municipalidades. URL: <https://www.hcdcorrientes.gov.ar/Leyes-texto/Ley6042.pdf> (access date: 02/03/2025).

²⁴ Giving municipalities the ability to carry out international cooperation is not uncommon in Argentine legislation. For example, such an opportunity is enshrined in Article 220 of the Constitution of the Province of Santiago del Estero / La Constitutions and de la Province de Santiago del Estero. URL: <https://www.congreso.gob.ar/constituciones/SANTIAGO-DEL-ESTERO.pdf> (access date: 02/04/2025).

resolving such conflicts. The Organic Law of the Province of Corrientes On Municipalities provides clear guidance in this regard:

- If municipalities are acting solely as legal entities, disputes involving them are resolved in the ordinary manner by courts of general jurisdiction.
- If they are acting as public-territorial entities, disputes arising from these legal relationships are adjudicated by the Supreme Court of the province, in accordance with the provisions of the provincial constitution.

This framework ensures both flexibility in cooperation and clarity in the resolution of potential conflicts, supporting effective governance at the municipal and provincial levels.

Regionalization as a tool for enhancing inter-municipal cooperation

One of the key instruments for interaction between municipalities, as well as between municipalities and the province, is regionalization. This mechanism can be considered as a distinctive feature of Latin American states in coordinating the activities of public authorities across various public-territorial entities. For instance, Professor V.V. Eremyan highlights this mechanism in relation to Mexico and, after a thorough analysis of doctrinal sources, concludes that “in Mexican scientific literature, regionalization is understood, firstly, as the creation of new administrative-territorial units (regions) that, to some extent, unite or coordinate the activities of existing units on one or several economic or social issues, and for this purpose have the necessary permanent representative or administrative institutions of their own, or at least periodically convened consultative meetings of representatives of the authorities of those territorial units that (fully or partially) are part of the regions thus formed...” (Eremyan, 2001).

A similar understanding of regionalization applies to Argentina. The term “regionalization” is used in the legislation of several Argentine provinces. Unlike other forms of interaction between municipalities and other entities – such as consortia – regionalization is exclusively a public-law instrument. For example, in consortia, municipalities may act both as public-territorial entities and as legal entities when interacting with private business entities.

According to Article 235 of the Constitution of the Province of Chubut, “regionalization for integral development shall be carried out through the participation of municipalities in the development of provincial policies regarding territorial planning of interjurisdictional spaces, where municipalities are included or linked to socio-economic development plans and processes at the regional or subregional scale”²⁵.

The issue of regionalization is also regulated in detail in the legislation of the Province of La Rioja, primarily through ordinary laws. The provincial constitution states that the organic charters of municipalities must guarantee a process of regionalization aimed at economic and social development. This process should enable the unification and coordination of efforts to achieve common interests through interdepartmental

²⁵ La Constitución de la Provincia de Chubut de 1994. URL: <https://www.congreso.gob.ar/constituciones/CHUBUT.pdf> (date of access: 02/02/2025).

agreements, within the framework of which bodies with the authority to implement their objectives may be established. The constitution also lists the existing regions within the province²⁶.

The Organic Law of the Province of La Rioja On Municipalities²⁷ establishes the following regarding regionalization:

- Regionalization for municipalities involves the development of socio-economic policies with the participation of provincial and national authorities within the relevant territory.
- It requires consideration of the common interests of municipalities when implementing economic policy.
- Municipal representative bodies have the power to approve regional agreements on economic and social development, enabling the unification and coordination of efforts to achieve the common interests of the region.
- These bodies may create entities empowered to implement these goals and oversee the execution of regionalization policies.
- Each region must have a municipal prosecutor's office operating at the regional level.
- Each region must also have an Accounts Tribunal (or Accounts Chamber) functioning at the regional level.

Another province that places special emphasis on regionalization is Córdoba. Provincial legislation there facilitates the integration of local authorities into the public administration system, support the joint development of management decisions, and encourages the collaborative exercise of powers. This collaboration often serves as an alternative to the formal transfer of powers by law and is frequently conducted on a contractual basis.

Córdoba has also adopted the Organic Law On the Regionalization of the Province of Córdoba²⁸, which provides for the formation of so-called regional communities corresponding territorially to the province's departments. In exceptional cases, additional regional communities may be created based on applications from municipalities or communes. Furthermore, municipalities and communes may, as an exception, be allowed to join more than one regional community.

²⁶ La Constitución de la Provincia de la Rioja de 2008. URL: <https://www.congreso.gob.ar/constituciones/LA-RIOJA.pdf> (access date: 02/05/2025).

²⁷ Ley Orgánica de 9 de diciembre de 1999 de Municipalidades. URL: <https://www.saij.gob.ar/6843-local-rioja-ley-organica-municipalidad-lpf0006843-1999-12-09/123456789-0abc-defg-348-6000fvorpyel?q=%28numero-norma%3A6843%20%29&o=2&f=Total%7CTipo%20de%20Documento/Legislaci%F3n%7CFecha%7COrganismo%7CPublicaci%F3n%7CTema%7CEstado%20de%20Vigilancia%7CAutor%7CJurisdicci%F3n&t=7> (date of access: 02/05/2025).

²⁸ Ley Orgánica de Regionalización de la Provincia de 22 de diciembre de 2004. URL: <https://www.saij.gob.ar/9206-local-cordoba-ley-organica-regionalizacion-provincia-cordoba-lpo0009206-2004-12-22/123456789-0abc-defg-602-9000ovorpyel?q=%28numero-norma%3A9206%20%29&o=0&f=Total%7CTipo%20de%20Documento/Legislaci%F3n%7CFecha%7COrganismo%7CPublicaci%F3n%7CTema%7CEstado%20de%20Vigilancia%7CAutor%7CJurisdicci%F3n/Local/C%F3rdoba&t=1> (date of access: 02/05/2025).

The key difference between the aforementioned departments and regional communities lies in their structure and functions. Departments are purely administrative units established for administrative purposes – such as courts and electoral districts – and do not have their own governing bodies. In contrast, regional communities have a governing body known as the Regional Commission, which consists of mayors and chairpersons of the councils of the relevant municipalities and communes, as well as a provincial legislator (deputy) elected from the corresponding department.

Regional communities also possess specific functions and competencies, including exercising certain police powers that fall outside the jurisdiction of municipalities and communes, participating in regional planning, and exercising powers delegated by municipalities and the province. For municipalities and communes, joining a regional community is entirely voluntary, with the decision made by the authorities of the respective territories.

Inter-municipal cooperation regulation in municipal organic charters

One distinctive feature of the legal regulation of municipal relations in Argentina is that individual municipalities are granted the opportunity to adopt their own organic charters. Typically, provincial legislation categorizes municipalities based on criteria such as population size (Fidyka, 2020). Larger municipalities, therefore, have the right to adopt organic charters, a process carried out by an elected constituent body specially formed for this purpose. These charters serve as the primary normative legal acts regulating municipal relations within their territories, second only to the provincial constitution. Notably, once an organic charter is adopted, ordinary provincial legislation applies to that municipality only subsidiarily (Komlev, 2024: 1).

Consequently, inter-municipal cooperation is also regulated within these organic charters. Among them, the Charter of the City of Córdoba is particularly noteworthy. Article 14 states that the municipality may conclude agreements with neighboring municipalities and communes, as well as with national, provincial and inter-municipal bodies, to address common problems and promote balanced regional development²⁹. This provision aims to facilitate the creation of an urban (capital) Córdoba, analogous to Buenos Aires.

The Organic Charter of the Municipality of Villa Carlos Paz (Córdoba Province) establishes in Article 81 that “the municipality shall coordinate public policy with the province, the nation, and national and/or international organizations”³⁰. Similarly, the Charter of the Municipality of Marcos Juárez provides that “the municipality, through its executive department and without affecting its autonomy, may enter into agreements with the federal government, the government of the province of Córdoba, governments of other provinces, other municipalities,

²⁹ Carta Orgánica Municipal de la Ciudad de Córdoba. URL: https://static.cordoba.gov.ar/DigestoWeb/pdf/741407bf-8b83-483f-8423-e40942451dbc/COM_1.pdf (access date: 02/05/2025).

³⁰ Carta Orgánica Municipal de la Ciudad de Villa Carlos Paz. URL: https://www.villacarlospez.gov.ar/download_prov/cartaorganicamunicipal.pdf (access date: 02/05/2025).

decentralized entities, and private, national or international bodies to achieve objectives such as assistance and information exchange. The municipality may also participate in federations or confederations of municipalities and inter-municipal organizations, while maintaining its autonomy and in accordance with the municipal legal acts adopted for this purpose”³¹.

In the province of Jujuy, the municipal organic charter of the city of Palpalá stipulates that “in the area of municipal regionalism, the municipality shall ensure inter-municipal cooperation with neighboring municipalities, considering the following conditions: political, economic, social and environmental planning; participation of interested municipalities in the regionalism process; determination of urban development dynamics, communications, transportation, and other services within the framework of municipal regionalism; and joint urban planning with other municipalities, taking into account sociological, economic, political, legal, architectural, sanitary, and other services closely related to residents’ well-being”³².

Those examples demonstrate, on the one hand, the strong interest of municipalities – both “capital” and others – in developing inter-municipal cooperation, and on the other hand, the broad scope for normative and legal regulation of this issue. While provincial regulations often emphasize the interaction between municipalities and the province, municipal organic charters tend to focus specifically on fostering cooperation among municipalities themselves. This difference partly stems from the fact that municipal organic charters have limited authority to regulate matters affecting provincial interests. However, when it comes to cooperation with other municipalities, these charters typically provide more detailed and specific regulations.

Conclusion

Inter-municipal cooperation is a vital mechanism for the development of local self-government in most modern states. It enables municipalities to accumulate resources, exchange experience, and jointly implement public functions in the interests of multiple public-territorial entities.

Regarding Argentina, several distinctive features emerge within this context. First, the legal regulation of municipal relations applied in Argentina – characterized by the delegation of relevant powers to the constituent entities of the federation – allows for the analysis of multiple approaches. The general trend here is to view inter-municipal cooperation as an integral part of broader cooperation between municipalities and other public-territorial entities. Some provinces emphasize cooperation primarily among municipalities, while others focus more on collaboration with the province and the federal government. Nonetheless, the latter aspect is reflected in one form or another across most provinces.

³¹ Carta Orgánica Municipal de la Ciudad de Marcos Juárez. URL: <https://www.argentina.gob.ar/sites/default/files/carta-organica-marcos-juarez.pdf> (access date: 02/05/2025).

³² Carta Orgánica Municipal de la Ciudad de Palpalá. URL: <http://www.municipios.jujuy.gov.ar/Archivos/Carta%20Organica%20Palpala.pdf> (access date: 02/05/2025).

Since the Argentine Constitution recognizes municipal political autonomy, this, combined with the relative absence of detailed federal regulation, has resulted in broad discretion for both and for municipalities in determining the procedures for cooperation. The predominantly contractual nature of interaction – both between municipalities and between municipalities and provincial or federal authorities – is noteworthy. This arrangement reflects the constitutional principle of municipal political autonomy: municipalities engage in legal relations with other public-territorial entities on an equal footing and have the opportunity to express their will on matters of both property and public law, such as the delegation of certain state powers.

On the one hand, this broadens the scope of municipal independence (autonomy). On the other hand, the lack of clear, standardized procedures for interaction among public-territorial entities somewhat weakens the principle of unity of public power, which may ultimately have adverse effects on the municipalities themselves.

The constituent entities of the federation in Argentina adopt different approaches to implementing inter-municipal cooperation. In some provinces, legislation emphasizes the public-law nature of such interactions, including the formation of supra-municipal entities with governing bodies and the delegation of certain powers to these bodies. In other cases, there is a blend of public-law and private-law principles, where the primary form of cooperation involves the creation of consortia that may include exclusively public-territorial entities as well as individuals and corporations.

Beyond provincial legislation, municipal legal acts play a significant role in regulating inter-municipal cooperation in Argentina. Notably, municipal organic charters – adopted by municipalities authorized to do so – often expand the scope of inter-municipal cooperation. For example, these charters may explicitly provide the possibility of entering into various types of international agreements. However, this aspect should be approached with caution, especially when considering the transfer of foreign experience to other contexts, such as Russia. It is essential to analyze these circumstances comprehensively, taking into account the full range of characteristics of municipal relations in Argentina, including its location within the Latin American region. This regional context is important because the nature of inter-state relations in Latin America had specific features shaped by various factors.

This research gains additional significant relevance in light of ongoing municipal reforms in Russia. While federal legislation in Russia places considerable emphasis on inter-municipal cooperation, practical implementation often faces numerous challenges. The constituent entities of the Russian federation are also exploring optimal mechanisms for cooperation among public-territorial entities. For instance, the administrative districts in the Sverdlovsk region bear some resemblance the public-territorial structures formed in Argentina under the framework of regionalization. Therefore, Argentina's experience with inter-municipal cooperation holds both scientific and practical interest for comparative study and policy development.

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