

Current aspects of Romania's public administration and judicial system

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Abstract

The rule of law in Romania is currently undergoing a comprehensive process of crystallization of the principles that should govern the public administration and judicial system.

This study aims to reveal aspects of the current period of transition from People's Democracy to the modern Rule of Law.

Keywords: *Public administration. Justice. Rule of law. Mentality. Public perception. Citizen.*

INTRODUCTION

Romania's transition during the period 22 December 1989 -1 January 2007, from people's democracy to European Romania, required a structural reform of the public administration and judicial system, which plays a key role in changing mentalities.

Between 30 December 1947 or 6 March 1945, according to some authors, and 22 December 1989, the public administration and judicial system have established egalitarian principles, in line with a pronounced statist mentality.

We emphasize that not all principles and mentalities of popular democracy were negative. Thus, law enforcement was subject to the principle of firmness and primacy of collective interest.

The major negative aspect of that period was determined by the strong ideologisation of the administrative and legal acts. Even if the popular democracy society expressed some discontent towards the public administration and judicial system, such discontent was not aimed against persons exercising different powers, but against the system's mentalities.

Today, one can easily notice some crucial components of the public administration and judicial system, which are shortcomings of the system established

after December 22, 1989 and which attempt to create a new mentality, seeking the personal interest instead of a group's interest.

Some mentions need to be made, related to the context in which we analyze the public administration and judicial system.

The large number of legal acts adopted by the Parliament, Government and other government entities, acts which are not based on feasibility studies and are not in correlation, lead to the excessive bureaucratization of the public administration, with a negative impact on citizens.

At present, the judicial system is dealing with the enforcement of the "new codes", basically a massive change of the laws and traditional concepts of laws.

The new legislation represents an "experiment" and also a "test" for Romania, for its public administration and citizens.

The excessive bureaucratization of public administration has led to unreasonable expenses and the perception of citizens, the beneficiaries of public services, that they are the "slaves" of public administration.

Spending public money for outsourcing some services leads to a waste of the financial budget resources.

The Rule of Law, whose consolidation has benefited from an amazing promotion over the last two decades [1], is one of the line of action of the Public administration and Judicial system, the Rule of Law principles being supported by the two branches of governance.

SECTION I

Public administration is currently passing through structural transformations, but is reminiscent to some mentalities which are alien to the Rule of Law.

We are witnessing an excessive bureaucratization of the administrative act.

Another aspect to be noted is the politicization of the public administration structures, based on an "algorithm" that leads to the discreditation of public administration.

Public administration is not currently in the service of the community and citizens, being often hostile to them.

The media signals speak for themselves, presenting desperate situations that bureaucrat officials cannot solve. Citizens, who are also tax payers, feel "betrayed", because the public administration system is hostile to them.

SECTION II

Justice [2] is undergoing many transformations, but it is not an "effective" justice, in any respect, if we take a look at the settlement of the fundamental issues brought to justice in a state governed by the Rule of Law.

Although one of the stated goals of adopting "the new codes" was shortening the time of settlement of cases, hyper lawmaking has led to "administrative terms" and mechanisms for procedure "regulation", which have led to new extensions which do not justify the citizen's loss of time.

There is a lack of legislative consistency, which, amid the adoption of an impressive number of laws, which are in perpetual change, has led to an inconsistent application of laws, and a variety of "judicial practices" in an unitary state governed by the Rule of Law [3].

SECTION III

A careful analysis of the aspects of Romania's Public Administration and Justice, reported by the media, reveals corruption at all levels of the systemic institutions belonging to the two areas analyzed.

The perception of citizens, the beneficiaries of these public services, is negative. They note that the public services paid by them do not meet their requirements.

Recently, the Ministry of Finance through the National Tax Administration Agency created a video ad, broadcasted by several national televisions, which promotes the idea that Romania's development is the result of payment of taxes to the State, creating a mentality that is wrong and contrary to the idea of production.

CONCLUSIONS

A mentality change in the Public Administration and Justice is necessary, which must be followed by a change of the way the citizens of the state governed by the Rule of Law perceive the public services of the two components of a state governed by the Rule of Law, namely the Public Administration and the Justice.

Another negative impact on citizens is determined by the sterile and never-ending media "debates" of the same "leaders of opinions in society", leading to a phenomenon of "media intoxication", which emphasizes the public perception towards a certain direction.

The consequences of the negative impact perceived by the citizens materialize in the citizen's lack of reaction to the most important ideals of a state governed by the Rule of Law, namely their participation, as voters, in elections to various dignities - parliamentary, local, presidential, referendum - as they do not trust the fundamental institutions of democracy.

Bibliography:

TRANDAFIR C., TOADER D., Law and Society, Legal Sociology, University manual, SITECH Publishing House, Craiova, 2007;

ROSANVALLON P., Counter-democracy : politics in an age of distrust, NEMIRA Publishing House, Bucharest, 2010;

Constitutions of Romania(1864, 1866, 1923, 1938, 1948, 1952, 1965, 1991 and 2003).

CHEVALLIER J., Rule of Law, Repere collection – Politics-Law, Universul Juridic and Universitaria Craiova Publishing Houses, 2012, pag. 7

Details, Del VECCHIO G. in his work JUSTICE, translation by Vladimir BOANTĂ, foreword by Mircea DJUVARA, Cartea Românească Publishing House, Bucharest, 1936.

Details, MANDREA T. T., in his work THE ROLE AND MISSION OF THE MODERN JUDGE, foreword by Eugen HEROVANU, Bucharest, 1937.

References:

[1] CHEVALLIER J., Rule of Law, Repere collection – Politics-Law, Universul Juridic and Universitaria Craiova Publishing Houses, 2012, pag. 7

[2] Details, Del VECCHIO G. in his work JUSTICE, translation by Vladimir BOANTĂ, foreword by Mircea DJUVARA, Cartea Românească Publishing House, Bucharest, 1936.

[3] Details, MANDREA T. T., in his work THE ROLE AND MISSION OF THE MODERN JUDGE, foreword by Eugen HEROVANU, Bucharest, 1937.