

PUBLIC SERVICE REFORM IN ROMANIA - STRATEGIES FOR REDUCING BUREAUCRATIC DYSFUNCTION OF THE PUBLIC SERVICE

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Abstract

Since the analysis of the reform process in the domain of the public service in Romania has not been explored often enough, the present paper aims to identify various types of bureaucratic dysfunctions of public service with special focus on the causes of these dysfunctions. The paper also points out the strategies and mechanisms proposed by the government to reform the public service, an area of crucial importance for the activity of public administration. For a better understanding of the causes of bureaucratic dysfunctions, the article makes a brief comparative analysis of the solutions of reform applied by other European states in order to find possible ideas or models that could be also efficient for the Romanian public administrative system.

Keywords: public service, reform, bureaucracy, bureaucratic dysfunction, public administrative system

1. Introduction

Evolving in an environment that has been recently shaken by a global economic crisis and that has been getting more and more complex, public administration has to cope with more and more complex problems, such as: its duty to contribute to the social-economic progress and to the improvement of people's life through a higher quality of the public services, the decrease of social inequalities (when their total removal is not possible), solving the citizens' requests, increase of efficiency, quality and responsibility. All these matters are only some of the many and varied challenges that public administration has to face, both in the most and less advanced countries, Romania belonging to the latter group. The solutions are not easy to find, all the more that the environment is continually changing. This fact requires a continuous effort of adaptation for public administration, but also the determination to solve all problems through a joint endeavor of all the affected parties, primarily the citizens.

Scientific research in the field of public service in Romania is not as extensive as expected, whereas important aspects like administrative dysfunctions and their correction as a consequence of an appropriate sense of responsibility for the organization and delivery of public service are not analyzed very often. These are the main reasons for which this paper aims

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to present a brief analysis of the bureaucratic dysfunctions of public administration in Romania, concentrating mainly on the causes of these dysfunctions. Another objective has been to identify the main characteristics of the environment in which public administration carries out its activities at both a national and international levels.

The research methods used are the qualitative analysis and the comparative study, following the exploration and evaluation of the specific scientific literature, available in Romania and other European countries.

2. Current European trends in public service reform

The challenges that the public administration has to solve in the 21st century are not anymore and not only national ones. These challenges that manifest themselves on a global scale (the handiest example being surely the global economic crisis that started in 2008) have a serious impact on national public administrations in ways that have never been anticipated. Professionals and scientific researchers in the field have been stirred to reflect on the necessity of transformation of political-administrative systems and to define the role of public administration, of 'what is and what public administration should be' (Curry 2014: 5).

During the last decades, as a global trend, we can see that public administration and the various organizations in the public sector have gone through an extensive transformation process, with a view to finding and applying the most appropriate strategies to ensure an increase of their efficiency and efficacy (Broucker, De Wit, Leisyte 2015; Broucker, Cromptvoets 2014; Pollit, Bouckaert 2000).

The specialists, who have been interested in analysing the evolution of public administration in the last years, have grouped the factors that have the greatest impact on public administration in several different categories. These categories have been established on the basis of various trends of evolution, such as: changes of the socio-economic context, changes of the modes of governance in the public sector, and changes of the theories and approaches of public administration as a scientific field (Curry 2014: 8).

In the first category, namely the changes or aspects related to the socio-economic environment, the researchers have, first of all, included the financial crisis and the demographic changes, but also the climatic changes that appear to take place more and more often and are more and more difficult to predict and manage. These are considered the main and worst challenges that governments have been confronted with at a global level, in the last five years (Broucker, Cromptvoets 2014: 2; Curry 2014: 8). At the same time, the specialty literature in the field highlights another important

fact, and that is the pressure exerted on public administration by the citizens whose expectations related to the quality and promptitude of the public services have become greater and greater with the passing of time (a tendency that may be synthetically expressed by a simple phrase: public administration is expected to do more and more with less and less – fewer resources!)

To all these factors another one has to be added: the growth of public spending in parallel with the decrease of the public revenues, which, disappointingly enough has a negative influence on the overall evolution of public administration and its capacity to provide better public services. In this sense, the main action to be taken is to strike a balance between the level of public spending and that of the revenues which can only be accomplished by finding new sources of revenues at the level of public local administration. The task of finding new resources is assigned to local administration because it is considered to be the closest level to the citizens.

At present, at a time considered as 'post-crisis' by specialists, most of the European countries are going through a reorganization process in the public sector. The scientific studies show that the reform measures applied by governments have first of all intended to rationalize the spending and to raise the efficiency of public services. It is also true, that these measures have had a variety of forms and have aimed at solving many different aspects related to the activities carried out by public administration, like the administration organizational structures, the number of the employees in public administration, the policies in the field of the human resources, the work conditions, but the main goal remains that of reducing the public expenditure to better adapt to the growing financial pressures (Dogaru 2015: 2). Related to the solutions that have been found by governments, various authors (Curry 2014; Peters, Pierre and Randma-Liiv 2011) state that their reaction to the economic crisis has been very different, being determined by the context, and therefore it is hard to be classified in a certain category (Peters, Pierre and Randma-Liiv 2011: 13-27; Curry 2014). Nevertheless, several categories may be established on the basis of the similarities observed between the countries. Thus, states like France and Germany have preserved their fundamental vision of governance, so that their governments' approach of the problems of the public administration was not radically influenced by the economic crisis. Other countries, for instance Great Britain has initiated a profound reform process of the public service. There are other states, like Finland where the government preferred to strengthen the centralization of the public administration, whereas countries like Sweden and Slovenia chose to deepen the decentralization process, as a response to crisis (Curry 2014: 10).

Romania has also gone through the economic crisis and the main measures applied were aimed at rationalizing the costs of public administration. These measures, including substantial salary cuts, did not bring about the expected outcome and did not contribute at all to the increase of the quality of the public services. On the contrary, Romania's current slow reform process seems to be even slower and more difficult than ever. In this sense, the main obstacles are represented by the structural flaws of the strategies elaborated by the government, and at times, by a lack of vision and political motivation to carry out the reform in public administration.

3. Public service in Romania - legal framework

In Romania, the organization of public administration is ruled primarily by the Constitution of 1991, revised in 2003, and by the existing legislation adopted in compliance with the constitutional principles, namely: Law no. 215/2001 on local public administration (republished in 2006), Law no. 195/2006 (the Framework Law on decentralization) together with its methodological norms; Law no. 273/2006 (regarding the local public finances); Law no. 340/2004 (on the institution of the Prefect). At the same time, there is the Law no. 51/2006 on the public service, called the 'law on the community services of public utility'.

According to the Romanian Constitution (art. 120) and the Law no. 215/2001 on local public administration, public administration in Romania is organized on the basis of the principles of decentralization, local autonomy, public service deconcentration, the eligibility of local public authorities and the principle of citizens' consultation about issues of local interest. According to this law, the autonomy is of administrative and financial nature, which means that, besides the organizational and functioning autonomy, the law establishes a patrimonial and financial autonomy, sustained by local taxes and fees (Manda 2007: 122).

It is important to note that the main source of the power of the public administration is the law which can bestow discretionary powers on the administrative authorities to enable them to accomplish their specific tasks (Bălan 2005: 28). These powers are exerted on the citizens, not only in the process of the execution of the law, but also in the process of the delivery of public services, and through various other activities, like granting of permits and authorizations (Bălan 2005: 29). Along the same lines, the literature in the field states the importance of the notion of public service, highlighting the idea that the administrative law itself is defined by two fundamental concepts: the organic one (the legal entity of public law) and the material one which refers to the notion of public service (Manda

2005: 291). The concept of the public service is closely connected with the idea of public interest and citizenship welfare and may be defined as 'the activity carried out by an administrative authority (organ) or public agent (of the state or private) in order to fulfill a general interest' (Bălan 2008: 129).

4. Bureaucratic Dysfunctions in the Public Administration in Romania

The Romanian public administration, organized mainly as central and local administration, has gone through profound changes after 1989, one of the most important achievements being Romania's integration in the European Union in 2007. This event had a significant impact on the reform process of the public administration, forcing the government to make considerable efforts to meet the criteria required to access the EU. One of the immediate consequences was the necessity to adopt and adapt the public administration to the EU legislative corpus and to the European mechanisms of governance.

The time before the accession was one of progress because, under the pressure exerted by the EU institutions, the Romanian public authorities demonstrated their will to apply the necessary strategies and adopt the necessary laws to meet the standards. Unfortunately, neither the will, nor the effort required by the reform were firm enough, and with all the positive accomplishments, the public administration continues to face serious issues, caused by structural factors such as:

- excessive politicization of administration which leads to a lack of professional competency;
- widespread distrust of public administration, both amongst the politicians and the citizens who see the administration as an inefficient system, a heavy apparatus that spends too much and charges too many taxes, a view that is strengthened by a rather high level of corruption. At the same time, the relationship between the two spheres, political and administrative, is marked by a lack of trust and frequent tensions between the two, which has a negative impact on governance and on the overall image of public administration;
- the lack of a true political and organizational culture that usually sustains the idea of the state as a source of welfare for all its citizens and as a promotor of economic growth for all, not only for some people or groups (legal entities or individuals);
- lack of a coherent strategic vision on the future and evolution of Romanian society;

- lack of transparency in the decision-making process, resistance to change, lack of initiative on the part of public administration;
- little involvement from partners of the business environment, civil society and the academic field, as well as other associative structures of the administrative-territorial units, so as to play an active role in the establishment of strategic visions or in the decision-making process
- high frequency of institutional and legislative changes which causes a lack of coherence and continuity in the field of public policies, as well as the impossibility to maintain and consolidate institutional capacity;
- ambiguity of the institutional role manifested in practice as an unclear assignment of responsibilities between the organizational structures at the central level which actually leads to a 'dilution' of responsibility (Bivins 2012).

Despite the fact that the EU granted Romania financial aid to ensure the development of its administrative capacity, under the form of pre-accession funds and later through the Operational Programme Administrative Capacity, the factors mentioned earlier have caused a lack of transparency and inefficiency in spending public money. This is the main reason for criticism, many voices identifying public administration with an excessive and costly bureaucracy. In this sense, researchers have remarked that, over the last ten years, there has been a growing interest in the phenomenon of bureaucracy. The newest trend of research is represented by the analysis of the impact that bureaucracy has on the citizens' daily lives and on the capacity of public administration to address social issues. This interest has been doubled by a constant encouragement to find solutions to reduce bureaucracy.

In Romania, one of the domains that is seriously affected by bureaucracy is the public service. Keeping in mind that the delivery of public services is one of the fundamental activities of public administration, Romanian scholars and professionals have pointed out the necessity to apply a set of rules to reduce the costs and accelerate the response of the administrative authorities to the citizens' needs. Among these rules to be cumulatively fulfilled, the most important are: the existence and applying of standards of quality and cost, a more appropriate distribution of both competences and resources in the process of public service delivery, the development of the administrative capacity to ensure the accomplishment of administrative tasks.

In order to reduce these structural deficiencies and to meet the standards existing in the EU, the Romanian government has tried to

elaborate and apply a series of strategies in an effort to diminish the bureaucracy. The main goals of these strategies are to simplify the administrative procedures for the citizens and the business representatives and to lessen the burden represented by a costly administrative apparatus, respectively. The elaboration of the governmental strategies was based on the analysis of the existing legislation and on the measurements of costs to find out what are the real costs of the administration which have to be cut down.

Between 2001 and 2013, the measures that have been taken were mainly meant to simplify the administrative procedures for the citizens. One of these measures proposed the introduction of the principle of the 'one-stop-shop', understood as a unique office for the delivery of identity (ID) cards, electoral ID cards, vehicle registration certificates, license plates, driving licenses and simple passports, which represent the most solicited documents by the citizens. For the business environment, there has been some progress in the field of taxes and fees.

In 2014, the government presented the *Strategy for the Consolidation of Public Administration 2014-2020* (shortly, *the Strategy*), approved by the Government Decision no. 909/2014. In order to remove the bureaucratic obstacles and simplify the administrative procedures that have a negative impact on the citizens (in terms of costs, information, time of response etc.), *the Strategy* proposes a fourfold action, along the following directions: the analysis of the needs and goals to be accomplished in order to simplify and rationalize the administrative procedures, the elaboration of an integrated plan of action, the auxiliary activities of implementing and monitoring the plan, and the periodical evaluation of the impact of the adopted measures. Until now, two stages, the analysis of needs and objectives and the elaboration of an integrated plan, have been concluded. In 2014, at the level of the central public administration, the process of measuring the costs paid by the businesses (costs that are caused by the complicated and too long procedures) was completed.

In as far as the legislation is concerned, an effort to arrange systematically the administrative corpus and provide the missing and ever needed legislative codes, such as the Administrative Code, the Administrative Procedure Code and the Code of the Local Public Finances, has to be carried out. Unfortunately, only few steps have been made in this direction, namely the amendment of the codes specific to the judiciary procedures, but the announced administrative codes have not yet been adopted and it seems that the term of their completion is indeterminately postponed.

The Integrated Plan on the Simplification of the Procedures Applicable to the Citizens was elaborated in agreement with the *Strategy for a Better*

Regulation 2014-2022 and the National Strategy on the Digital Agenda for Romania in 2020. At the same time, the *Plan* has been based on the conclusions of the *Analysis of the Needs and the Objectives of Simplification and Rationalization of the Administrative Procedures for the Citizens*. This analysis concerned eight domains: citizens' rights and obligations, public transportation, immovable property, work and social benefits, healthcare, family, education and the service of personal records. A number of fifty four services have been evaluated and classified according to four degrees of priority, namely 'very high', 'high', 'moderate', 'reduced' priority. The 'very high degree' of priority has been assigned to seven services: identity cards, construction authorization, buying and selling of a vehicle, vehicle registration certificates, purchase of a building, fiscal obligations and other taxes to the local and state budget and non-fiscal obligations.

The main measures of simplification are represented by solutions of e-governance, applied in agreement with both the national and the European legislation and standards, and by the necessary solutions to ensure the communication with the citizens who are not familiarized with the use of technology until the moment of introducing the e-services as a generalized, common practice. Another way of simplifying the procedures is the single gathering of data from the citizens, in the sense that the documents and information already collected by the public administration will not be required from the citizens each time they have a request or need to be fulfilled. The data will be transferred from the public institution which owns and manages the documents and information and this practice based on simple rules and principles will ensure a unitary and faster interaction with the citizens. The main modalities to communicate with the public administration will be the physical interaction and the interaction in the electronic environment (online). The town hall will be the main point of physical meeting between the administration and the citizens and at the same time will ensure the citizens' access to the majority of the available services online.

5. Conclusions

The analysis of the phenomenon of bureaucracy in the public administration makes the subject of a very diverse and rich scientific literature. The scholars interested in the research of this topic have elaborated an entire typology of the dysfunctions which may affect the public administration's activities in the 21st century, trying to characterize and classify these dysfunctions and presenting some possible solutions to apply when confronted with 'red tape'. Nevertheless, the researchers have, on every new occasion, highlighted the importance of making an analysis

which is closely related to the specific context in which the problems manifest themselves, insisting on the difficulty to find universal recipes. The analysts of this phenomenon insist on the idea that the bureaucratic dysfunctions are very difficult to analyze, define, and all the more difficult to solve. For instance, Jorrit de Jong, one of the co-founders of the 'Kafka' brigade, the author of *Dealing with Dysfunction: Innovative Problem Solving in the Public Sector* (2016), considers that: 'The "Anna Karenina principle", applies here: all well-functioning bureaucracies are alike; every dysfunctional bureaucracy is dysfunctional in its own way' (xi). Jorrit de Jong, as a representative of the Kafka brigade, proposes new methods of research in the field and asserts the importance of finding innovative solutions to deal with dysfunctions.

Bureaucratic dysfunctions and the public service represent a research topic which poses many challenges to the researcher. The essential goal remains that of finding the answers to the questions that arise from the complex relationships between the public administration and the citizens, a relationship which is fundamentally influenced by the quality of the public service. The natural concern should remain that of ensuring the welfare of the citizen, since without this, the public administration cannot fulfill its noble mission.

References

- Bălan, E., (2008) *Instituții administrative*, București: Ed. C. H. Beck
- Bălan, E., (2005) *Procedura administrativă*, București: Ed. Universitară
- Broucker B., Cromptvoets, J., (2014) 'E-governance and the future of innovative public sector organisations',
https://lirias.kuleuven.be/bitstream/123456789/470480/1/Paper_Broucker_Cromptvoets.pdf
- Broucker, B., De Wit, K., Leisyte, L., (2015) 'An evaluation of new public management in higher education: Same rationale, different implementation',
- Curry, D., (2014) 'Trends for the Future of Public Sector Reform: a critical review of future-looking research in public administration', COCOPS Report Work Package 8
- De Jong, J., (2016) *Dealing with Dysfunction: Innovative Problem Solving in the Public Sector*, Washington D.C.: Brookings Institution Press
- Dogaru, T. C., (2015) 'Less for Better: Effects of restructuring public administration on organizational effectiveness', in *Global Journal on Humanities and Social Sciences*, Vol 2, No 1 (2015)

- Manda, C., (2007) *Drept administrativ. Tratat elementar*, Ed. aIV-a revăzută și adăugită, București: Ed. Lumina Lex
- Peters, B., G., Pierre, J. and Randma-Liiv, T. (2011) "Global Financial Crisis, Public Administration and Governance: Do New Problems Require New Solutions?" *Public Organization Review*, 11, pp. 13-27
- Pollitt, C., Bouckaert, G., (2000) *Public Management Reform: A Comparative Analysis*, Oxford: University Press Oxford
- Planul integrat pentru simplificarea procedurilor aplicabile cetățenilor*, www.mdrap.ro/userfiles/consultari_publice/30_06_14/anexa2.doc
- Strategia pentru consolidarea administrației publice 2014-2020*, proiect iunie 2014, www.mdrap.ro/userfiles/consultari_publice/30_06_14/anexa1.doc
- Strategia pentru consolidarea administrației publice 2014-2020* aprobată prin H.G. nr. 909/2014, publicată în M. Of. al României, Partea I, nr. 834bis/17.XI.2014, www.mdrap.ro/userfiles/strategie_adm_public.pdf