

# The evolution of the relationship between administration and citizens in Romania

CLAUDIA ELENA MARINICĂ

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## ABSTRACT

The article addresses an ever-current issue that Romania faces, in the central and local public administration, namely the relationship between administration and citizens, from the perspective of its evolution since 1989 until now, on a legislative and practical level. A series of aspects concerning the relationship between the public administration and the citizen are presented, emphasizing those aspects regarding the need to consolidate and improve this relationship, by referring to public interest and to the citizen, the main beneficiary of the activity carried out by public administration, having as a goal the implementation and identification of constructive solutions to the current problems that the public administration is facing.

**KEYWORDS:** *citizen, public administration, good administration, transparency*

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## 1. Introduction

The year 1989 represents for Romania the transition to a society founded on the compliance with and the promotion of fundamental values such as freedom, democracy, the rule of law, pluralism, and human rights. The post-December administrative law has as its starting point the individual, the general interest and the insertion of all the global actors in a democratic state under the rule of law, and it is concerned with the definition and evaluation of the various public policies. Since 1990, Romania has pursued the creation of a modern and efficient system of public administration, at central and local level, going through a period of transition to a democratic regime and the aim was to ensure an efficient, transparent and successful functioning of the state institutions, supplemented by an involvement of citizens in the relationship with the administration and regarding the decision-making processes.

On the other hand, globalization and socio-economic development led to the adapting of institutions and public administration to a new relationship between administration and citizens. The equality in rights of citizens in what concerns the law and the public authorities, no discrimination and no privileges, is one of the basic democratic principles that emphasizes in the first place that no one is above the law, as it also results from the provisions of article 16 of The Constitution of Romania,

and that the authorities involved in the public administration are called upon to ensure by their activity (together with the other public authorities) full equality in rights irrespective of domain, for all citizens of the country, regardless of race, nationality, ethnic origin, language, religion, gender, political affiliation, wealth or social background.

The administration-citizen relationship should be regarded as a fundamental relationship that underlies the functioning and organization of any society since the state, through administration and not only, identifies with its citizens, as the citizen identifies with the state. The public administration is based on citizens, civil society, organizations, etc. and is more effective and relevant when using a gradual approach and continually trying to be efficient.

Currently, the public administration can no longer function without the citizen. The relationship between the administration and the citizens was established in order for the former party to be aware of and find ways to solve problems in a socio-economic and political context centrally and locally. Citizen participation in the public decision-making process is a *sine qua non* condition of modern governance, both at national and at European level. The reforms initiated by Romania after 1989 are completed by the reforms due to the accession and integration to the European Union in 2007. The context of Romania's accession and integration into the European Union in 2007 has meant that it aimed to achieve the proposed objectives as well as to adapt and comply with the standards in European administration, respectively improving the standards of public administration and the implementation of public policies. These policies include those concerning the development of relations between the national administration and the European administration, on the one hand, and the European administration and its citizens, on the other hand in order to increase the confidence level regarding the activity and the institutions of the European Union.

In this presentation, we will try to give some brief details about the level of improvement defining this relationship during the last three decades of reforms and, at the same time, to identify a series of quality solutions and policies and ways to better implement them in the relationship between administration and citizens.

## 2. Literature overview

Immediately after 1989, the activity of the public administration in Romania represented a permanent topic subject to criticism on the part of the institutional actors, including citizens, and underwent a continuous process of creating an efficient, transparent and citizen-oriented public administration, by implementing reforms and solutions in specific situations<sup>1)</sup>.

In the first place it was the objective of bringing the administration closer to the citizen, carried out by the adoption of the *Government Strategy on accelerating*

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<sup>1)</sup> Ex. Approved by the Government Decision no. 1006/2001 for the approval of the Government Strategy on accelerating the reform in the public administration, published in the Official Gazette of Romania, Part I, no. 660 of October 19, 2001.

*the reform in the public administration from 2001*, which involved creating an administration close to the citizens, and having as means the creation of mechanisms for effective citizen consultation, integrating providing of services, using information and communication technology to create a more accessible and transparent public administration and changing bureaucratic mindsets. In the immediately following period, the updated *Strategy of the Government of Romania on accelerating the reform in the public administration, 2004-2006*<sup>2)</sup> was adopted. This strategy has been adopted mainly for attaining progress in the field of civil service, decentralization, deconcentration of public services and the process of formulating public policies, but also for bringing the administration closer to the citizen.

The access to information of public interest followed, in this sense being adopted *Law no. 544/2001 regarding the free access to information of public interest*<sup>3)</sup>, which ensures “free and unrestricted access of the person to any information of public interest”, representing also “one of the fundamental principles of relations between individuals and public authorities”.

These legislative regulations are supplemented by *Ordinance no. 27/2002 regarding the regulation of the activity of solving petitions*<sup>4)</sup> which regulates the way of exercising the right to address petitions formulated by citizens in their own name to the authorities and public institutions, as well as the way of solving them. The right to petition is “an expression of interdependence or complementarity in the system of rights and freedom”<sup>5)</sup>, considered to be a guarantee-type of right<sup>6)</sup>, that ensures the effective protection of the legitimate rights, freedoms and interests of citizens, a right granted to the citizen so as to create a direct relationship between his initiative and the state authorities, in addition existing the possibility of solving some aspects of personal and general interest. Thus, an interactive relationship imposed between the two parties is created, the citizen and the state authorities, namely the citizen exercises his right of petition and the state authorities must answer them within the terms and conditions established by the law.

Next, *Law no. 52/2003 on the decision making transparency in the public administration*<sup>7)</sup> is adopted, its purpose being to increase the degree of responsibility of the public administration towards the citizen, as a beneficiary of the administrative decision, the active participation of the citizens in the administrative decision-making

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<sup>2)</sup> Approved by Government Decision no. 699/2004 and published in the Official Gazette of Romania, Part I, no. 542 of June 17, 2004.

<sup>3)</sup> Published in the Official Gazette of Romania, Part I, no. 663 of October 23, 2001, with subsequent amendments and further additions.

<sup>4)</sup> Published in the Official Gazette of Romania, Part I, no. 84 of February 1, 2002, with subsequent amendments and further additions.

<sup>5)</sup> Deleanu, I., 2006, *Intitsuții și proceduri constituționale – în dreptul român și în dreptul comparat-*, Bucharest, Romania: C.H. Beck Publishing House, p. 156.

<sup>6)</sup> Constantinescu, M.; Iorgovan, A.; Muraru, I.; Tănăsescu, E.S., 2004, *Constituția României revizuită – comentarii și explicații*, Bucharest, Romania: All Beck Publishing House, p. 106.

<sup>7)</sup> Republished in the Official Gazette of Romania, Part I, no. 749 of December 3, 2013.

process, regarding the process of elaborating normative acts and increasing the degree of transparency at the level of the whole public administration. Law no. 52/2003 envisages the application and observance of the principle of informing the citizen, which also implies a right of the citizen, that of being informed.

In 2014, *The Strategy for the consolidation of the public administration 2014-2020*<sup>8)</sup> aims at Romania having an efficient and responsive administration to the needs of the society by 2020, specifying that the public administration “will follow a spiral of trust in relation to society, in that the beneficiaries will enjoy integrated, timely and quality public services” and “the values that underlie the development of such an administrative body are transparency, professionalism, predictability and receptivity to needs that arise, all of them serving the public interest”. The objective to gain the trust of the citizens will be attained by offering prompt services and ensuring a constant quality of the services provided, by stimulating the involvement of citizens in adopting appropriate services to them. Why this attitude? Because it is considered that the relationship between the public administration and the citizens “means dedication, correlation and orientation towards solutions that harmonize with the reforms in the social, cultural-educational, economic-financial, justice and democracy fields”<sup>9)</sup>.

The tendency of involving the citizens in the activity of the administration has become more and more pronounced over the years, but it has been found that this is not sufficient and that there is a substantial need to strengthen and maintain the confidence of the citizen in his ability to influence the public decision.

In order to increase efficiency in the public administration and to maintain the confidence of the citizen, more attention was paid to the computerization of the relation between the public administration and the citizen, by providing electronic services, by developing mechanisms of coordination and institutional cooperation within the public administration, through the creation of portals (virtual one-stop shops) and appropriate websites for reducing bureaucracy, and a series of normative acts to this effect has been adopted. (e.g. Government Decision no. 58/1998 approving the National Strategy for computerization and implementation at an accelerated pace of the information society and of the Action Program on the large-scale use and development of the information technology sector in Romania<sup>10)</sup>, Law no. 677/2001 for the protection of persons regarding the processing of personal data and the free movement of these data which was recently repealed by Law no. 129/2018, for amending and supplementing Law no. 102/2005 on the establishment, organization and functioning of the National Supervisory Authority for the Processing of Personal Data, as well as for the repeal of Law no. 677/2001 for the protection of persons regarding the processing of personal data and the free movement of

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<sup>8)</sup> Approved by the Government Decision no. 909/2014 and published in the Official Gazette of Romania, Part I, no. 834 bis of November 17, 2014.

<sup>9)</sup> The Strategy for strengthening the public administration 2014-2020.

<sup>10)</sup> Published in the Official Gazette of Romania, Part I, no. 93 of February 27, 1998.

these data<sup>11)</sup>, Law no. 455/2001 regarding the electronic signature<sup>12)</sup>, Government Decision no. 1007/2001 for the approval of the Government Strategy regarding the computerization of the public administration<sup>13)</sup>, Law no. 161/2003 regarding some measures to ensure transparency in the exercise of public dignities, public functions and in the business environment, preventing and sanctioning corruption<sup>14)</sup>, with subsequent modifications and further additions, a.s.o.).

Taking into consideration a modern and efficient public administration, a series of measures have been adopted to strengthen the institutional capacity, in this respect the Administrative Code was adopted<sup>15)</sup>, being an act of fundamental character in the field of public administration that was adopted with the purpose of increasing the quality of the decisional act. The Administrative Code aims to “adapt the structure and mandates of central and local public administration to the needs of the citizens, ensuring the optimal framework for the distribution of competences between central and local public administration, adapting the human resources system to the demands of a modern administration, de-bureaucratising and simplifying at the level of public administration, strengthening the capacity of the public administration to ensure quality and access to public services”<sup>16)</sup>. The reason underlying the adoption of this normative act is determined, inter alia, by the need for a unitary and coherent legislative framework in the field of public administration, for the fulfilment of the commitments made by Romania to the European Union, whereas up to that time there have been various “frequent, disparate, inconsistent and, in some cases, uncorrelated changes in some normative acts with major impact on a field of public interest (public administration), changes occurring either as a result of some initiatives of the primary legislator, either through interventions of the delegated legislator”. Among others, for the first time in the Romanian legislation, the general framework for public services is in place, as well as the regulation of the principles applicable to them (transparency, equal treatment, continuity, adaptability, accessibility, responsibility for the provision of the public service), the provision of public services in compliance with the quality norms/standards a.s.o. The Administrative Code has a major impact on the whole public administration, ensuring “the premises of increasing transparency regarding the activity of the public administration and the rules that it must follow”<sup>17)</sup>.

Changes, further additions or even repeals that have occurred over time concerning these normative acts are mainly due to Romania being a member of the European Union, and the acquisition of European citizenship<sup>18)</sup>, so that the necessity of

<sup>11)</sup> Published in the Official Gazette of Romania, Part I, no. 503 of June 19, 2018.

<sup>12)</sup> Published in the Official Gazette of Romania, Part I, no. 316 of April 30, 2014.

<sup>13)</sup> Published in the Official Gazette of Romania, Part I, no. 705 of November 6, 20014.

<sup>14)</sup> Published in the Official Gazette of Romania, Part I, no. 279 of April 21, 2003.

<sup>15)</sup> Published in the Official Gazette of Romania, Part I, no. 555 of July 5, 2019.

<sup>16)</sup> For more details, see the note on the Government Emergency Ordinance no. 57/2019 regarding the Administrative Code, p. 3.

<sup>17)</sup> *Ibidem*, p. 27.

<sup>18)</sup> For more details see Moroianu-Zlătescu, I.; Marinică, E., 2017, *European Union Law*, Bucharest, Romania: Universul Academic Publishing House and Universitară Publishing House, pp. 257-269.

respecting the rights of persons, especially those regarding the protection of persons by processing personal data (the right to information, the right of access, the right of rectification, the right to restrict the processing, the right to delete data, the right to data portability), as well as regarding the most effective interaction in the relationship between administration and the citizen. The role that national authorities play in the protection of private data and personal data of natural persons/individuals is essential, the National Supervisory Authority for the Processing of Personal Data being the responsible institution in this matter.

Following the regulation at European Union level, in the Charter of Fundamental Rights of the European Union (Articles 41 and 42), of the fundamental right to good administration, we consider that at national level this right should be addressed from the perspective of the citizen, and not necessarily from the perspective of public administration, as the real beneficiary of public policies is the citizen.

As for the European Union, in order to be considered democratic "it must be characterized by representativeness, transparency, accountability and, consequently, legitimacy and authority. The way in which democracy is understood in the European Union derives from the involvement of civil society in the different stages of European policy-making, from the way in which public interest is favoured over private interest and also from the transparency that it is trying to manifest."<sup>19)</sup> All these ideas can also be applied at national level to prove the existence of a democratic society.

### 3. Scientific research

The last three decades of reforms in Romania regarding the relationship between administration and the citizen have somewhat improved this relationship, but not enough improvements have been registered, especially regarding the consolidation and the rendering the citizen's confidence permanent when it comes to his ability to influence public decisions. We consider that the determining reasons for this situation are difficult to interpret and analyse, since the evaluation of the reforms is not entirely faithful to reality, sometimes it is subject to limitation or interpretation only from certain angles, and sometimes it has only a collateral perspective on the real beneficiary of public policies.

It can be stated with certainty that the administration and public institutions have become more transparent, more efficient, more open, that access to public services has increased considerably, but it is not enough to improve and strengthen the relationship with the citizen. In this context, it may be a solution to develop partnership agreements between citizens, civil society and other stakeholders, attracting and effectively involving citizens in the activity of a quality administration, including the modification and implementation of a new administrative culture for both the citizen and for administration. It is obvious that the confidence of the citizen in the public administration is closely linked to the quality of public services, to the perception of

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<sup>19)</sup> Marinică, E., 2018, *European Union issues - Protecting democracy, human rights and the rule of law*, Fiat Justitia Review, no.2/2018, Cluj, p. 166.



these services, but also to the need to develop tools and mechanisms to evaluate the evolution and effects of public policies, as well as to make alternative proposals.

At the same time, the communication between the administration and the citizen is also an improvement solution for increasing confidence, a solution that can be found in the implementation of the digital governance program (e-Government), in order to provide better communication and management of information between public institutions and citizens, to serve the citizen quickly and efficiently, by reducing bureaucracy and simplifying procedures, by implementing and providing services such as online payment of taxes and fees, the possibility of transmission or registration of a series of online petitions, quick access to forms of administrative nature, a.s.o. Reducing bureaucracy will also result in reducing its negative impact on the citizen, mainly by simplifying the administrative procedures applicable in areas essential to it such as records of persons, documents of civil status, payment of various taxes, health, work and social benefits, registration of vehicles and procedures related to the issuing of driving licenses a.s.o).

At the same time, it is beneficial to set general objectives for simplifying these administrative procedures (identifying, establishing simplification measures and tools, implementing them and, last but not least, periodically assessing the impact of these measures) but also identifying the real problems that the citizen is facing in the relationship with the public administration.

Improving the citizen's access to public administration services is another imperative objective, the access being ensured, on the one hand, as a result of the permanent evolution of public administration, doubled by the increase in the quality of public services. In direct relation with the development of information technology, with the solutions of digital governance but also with the help of a close relationship with the citizen, the public administration should implement solutions such as the development of the technological infrastructure of public administration, the creation of web pages with an accessible interface, with information that is as clear, transparent, easy to follow and constantly updated, the creation of portals, call centre or toll free phone number systems and single virtual or physical counters as efficient as possible; also the creation of telephone lines that ensure the easiest access to necessary public information and the best training of employees in the field of public relations, the creation of an electronic document management system, the possibility of submitting and editing online administrative forms, educating the citizen in the field of using information technology, a.s.o. Unfortunately, at the level of 2018, Romania ranks last in the European Union in terms of digital public services<sup>20)</sup>, while in the European Union there is "a tendency of convergence between the Member States for the period 2014-2019, 64% of Internet users who submit forms to their public administration currently using online channels (compared to 57% in 2014), which demonstrates the advantage of online procedures over other procedures that involve more bureaucracy".

The participation of citizens in the decision-making process is equally important, which is why the creation and effective implementation of stable consultation

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<sup>20)</sup> For more details see *The Digital Economy and Society Index (DESI)*, available at <https://ec.europa.eu/digital-single-market/desi>.

mechanisms is an essential condition, ensured through a permanent dialogue on citizens' initiatives and the identified options, and through the accessibility of the general public to information (including using online space), by implementing partnerships and pilot projects to educate the citizen in this regard a.s.o. Thus, the citizens will become visible, real and serious partners of the public administration and, at the same time, they will be able to exercise control over the public administration. Last but not least, this process will increase the self-esteem of the citizen, the confidence in his abilities (psychological aspects) and, at the same time, he will be convinced that through his activity he contributes to the decision-making process, to the development of the local community or even to its administration and will gain confidence in the public administration.

We believe that the relationship between administration and the citizen should not be viewed as a relationship based exclusively on equity, because the state's interest in the broad promotion of public participation in public policy decisions is fundamental, this objective that is not an easy target, as it involves, among many others, a rethinking of the way the government structures operate, a change in the organizational culture but also a better and more efficient allocation of resources.

Finally, we believe that good administration at national level involves besides civic values a series of democratic qualities, applicable at the executive level to those in the public administration, but also to the citizens, in order to maintain an efficient, balanced relationship, but also one that is dynamic and ongoing. Asking for a good functioning of the public administration is a right of the citizens, the activity of the public administration serving the general interest and representing the objective of answering the needs of the citizens. The fundamental right to demand good administration must be regarded as universally valid and at the same time as the opposite of the right of "bad administration", which violates the principles of equality, legal certainty, and legality.

## 4. Conclusions

In the light of the foregoing, it can be concluded that a thorough analysis of the modern public administration must have as a main reference point the relation between the public administration and the citizen; also, the confidence granted by the citizen to the public administration must be permanently sustained, in order to reach a degree of satisfaction in accordance with the general and individual interest.

It is easy to understand that without a permanent modernization of the public administration, without support from the political decision-making factor at national and local level and, why not, without citizens who know their rights and obligations and who exercise them but who, at the same time are active citizens, the evolution of the public administration, its capacity to develop efficient and citizen-oriented public policies is cumbersome, slow and less efficient.

Obviously, in relation to the modern nature of public administration, ensuring the rights of citizens to good governance and good administration is complemented by



multi-levelled governance as seen in efficient human resources management, efficient public policies, and electronic governance, e-government services, and the increase in the degree of information, performance and transparency complete the landscape characterized by the efficiency and effectiveness of public administration.

Further on, one can consider that there is a need for increased and constant attention paid to these aspects regarding public administration, supplemented by possible proposals of solutions and measures that need to be taken in the short and long term, which come in anticipation of citizens' wishes and in support of an innovative evolution of the public administration by discussing its responsibilities and involving citizens in the process.

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## ABOUT THE AUTHORS

**Claudia Elena Marinică**, PhD., University Assistant at the National University of Political Studies and Public Administration, Bucharest, Romania,

Email: [elena.marinica@administratiepublica.eu](mailto:elena.marinica@administratiepublica.eu)