

FUNDAMENTALS OF THE ADMINISTRATIVE DECENTRALIZATION PROCESS

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Abstract: Public administration, as an activity carried out by the administrative authorities, can be achieved through several forms of organization. In this sense, centralization, deconcentration and decentralization, together with its corollary, local autonomy, constitute in organizational regimes of an administrative nature, more or less democratic, and with characteristics that vary according to the degree of dependence between the authorities of the public administration institutions at the central level and local public administration authorities.

There is no single form of organization that incorporates the characteristics of a particular regime. The complex expectations of modern society have led to the blending of features of different forms of organization in order to create a balance of activity within the public administration, in order to exercise the functions of executive power for the benefit of citizens, not by conferring unlimited autonomy but by considering the fundamental principle of legality.

JEL classification: R1, R5

Key words: public administration; administrative authorities; centralization; decentralization; local autonomy

1. INTRODUCTION

Decentralization is an attribute of democracy and involves the existence of autonomy. Administrative decentralization is a phenomenon characteristic of a system of administrative organization that allows human communities to be administered individually, under the control of the state, having legal personality and being authorized to form their own authorities. The literature suggests that through decentralization, the public administration has all the elements to evolve towards a more efficient functioning, bringing the problems faced by the population at a more local level.

Decentralization in the public administration is therefore a legal regime in which the settlement of local problems is no longer carried out by officials appointed by the center but by people elected by the electorate. In this type of administrative regime, the state delegates to local public authorities also the right to exercise public power to solve problems. The functioning of this legal regime is based on the existence of its own patrimony within the territorial-administrative units, separate from that of the state, which provides the means necessary for the management of the local interests.

2. OBJECTIVES

If we leave away from regional policy objectives, three key elements summarize the restructuring of the institutional landscape in which regional policies are being implemented: decentralization and deconcentration. Decentralization is an essential part of regional development policy. It appears to be a solution to solve failures that have emerged as a result of the creation of comprehensive bodies that have led to the formation of increasingly centralized societies, often in developed countries, operating in a market economy, resulting in complex conflict situations. Deconcentration is a principle of administrative organization that requires a strict subordination of subordinate institutions to the central institution, which in certain circumstances may delegate but not transfer certain decision-making powers in view of solving problems related to a particular community.

3. METHODOLOGY

Methods of scientific research and analysis are those that are used internationally and take into account the fact that research into evolution of regional disparities that can go from the way of administrative organization, correlated with the study of convergence and its characteristics indicators.

4. ANALYSES

Administrative decentralization produces the recognition of legal personality for administrative-territorial units, the existence of their public authority, and the transfer of public services previously under the authority of central authorities to local authorities.

The dominant tendency in administrative decentralization was deconcentration, whereby a number of ministries delegate regional and / or local authorities and functions. Deconcentration is a limited form of decentralization, comprising only the relationships between the central level organisms and their lower levels. Deconcentration is thus the process whereby decision-making remains at the center, while at the regional / local level the decisions taken at the center are implemented.

Deconcentration was initially seen as a more efficient way of conducting the activity of public administrations as an assurance on the efficient functioning of the state, as a way of diminishing citizens' dissatisfaction with the activity of local administrations.

However, the failures of the centralized forms of state intervention and the acceptance that deconcentration has its, are arguments for adapting the public service to real decentralization. In the 1980s, and especially in the 1990s, various governments tried to minimize the negative effects of deconcentration through the transfer of decision-making power, but not at local levels of central government institutions, but rather to elected officials within local jurisdictions, or civil society organizations. Thus decentralization by delegation consists of the transfer of functions, resources and decision-making capacity to the citizens themselves, who will use these attributes assigned either to the local administrations or to their representative organizations.

Regarding deconcentration as a form of decentralization, we can appreciate that this tendency toward decentralization is a shift from administrative decentralization to political decentralization. Administrative decentralization thus consists in the fact that

decentralized powers are under state supervision and management is often called, not having enough autonomy in the use of its resources. Thus, administrative decentralization is more similar to deconcentration, while political decentralization implies a real delegation of increased competencies.

Administrative deconcentration, as a way of organizing and running public administration, is not based on the promotion of local interest as an element of diminishing executive power concentration. The main idea of the decentralized way of organizing, is to ensure the fulfillment of the tasks of the central public authorities through their own agents, organized on territorial criteria. In this way, the ministries' external services, now organized at the county level, will carry out the specific tasks of those ministries that run them, in whose subordinate functions, having territorial competence limited to the administrative unit for which they have been constituted . The establishment and operation of such services does not, however, exclude the promotion of local interest, but in this situation the objective is not primary, but has a secondary character. Decentralization is the system that has the origin of recognition of local interest, distinct from the one existing at national level, the communities having their own organizational and functional structures and own patrimony, allocated to the realization of the local interest. Thus, we can appreciate decentralization as a democracy applied to the administration, providing a whole, where citizens are involved in conducting local public activities with the help of representatives of the local authority elected by them (Institute for Public Policies).

The principle of administrative decentralization is also achieved by transferring a series of services from "center" to local communities, in order to better meet social needs. Formally, decentralization empowers public services to be managed on their own, still under state control, with legal personality, creating own authorities and having the right resources (Debbasch C., 1972). The economic literature reveals that it is a technical decentralization, through which the civil service is allowed to have legal personality (Dincă D., 2004).

Disengagement or decentralization can also be achieved by recourse to the market, in particular by assigning certain functions to a public person or to private or non-governmental institutions, in order to achieve the public interest through the participation of the public person. This system of decentralization consists of subcontracting services, deregulation or even full privatization, and decentralization can often be regarded as a prerequisite for privatization.

Deconcentration is therefore an administrative regime that lies between administrative centralization and administrative decentralization. The likelihood with the centralization is due to the fact that local power holders are not freely elected by the local electorate, but they are called from the center. Similar to decentralization is the fact that local power holders have the power to solve local problems themselves without subjecting them to the head of the center, but they are under its control and are obliged to comply with the decisions of its superiors. In the situation of deconcentration, the local public administration authority is an integral part of the central hierarchy system, the decision making at the local level being made under the hierarchical power of the central authority.

We need to point out that the administrative tutelage regime is even closer to decentralization. Within this regime, local authority owners are not nominated by the center but appointed by the local authority itself. They have the attributions of solving

local issues, issuing administrative acts, but only after consulting and approving them by the central authority stipulated by the law. Administrative tutelage is therefore the right of the guardianship authorities to approve, annul or reject certain acts of the decentralized authorities for the elements of legality. If the number of administrative acts under the trusteeship regime is low, referring only to those that concern a general interest, leaving the local administration to solve the economic and social situations that concern them, we appreciate that the guardianship regime is similar to that of decentralization. Administrative tutelage is therefore an institution of public law through which the central authority (the Government or the Ministry of Justice) and its local representatives have control over the activity of decentralized local public administration authorities.

The transfer of attributions and resources between different levels of the government institution (deconcentration) becomes more prominent with the transfer of the central government's decision and resources to civil society (decentralization). Most often, the reforms involved in decentralization imply a series of changes, which are in fact objectives of efficient administration:

- Establishing new jurisdictions at regional or local level;
- Consent to vote by universal suffrage to cover all jurisdictions;
- Transferring the authority at the same time as transferring sufficient financial resources to enable sub-national jurisdictions to perform their assigned functions;
- Determining the a priori oversight role of state representatives and the administrative-legal control institution, as well as a posteriori control of budgets (Dumitrică C.D., 2012).

The degree of administrative decentralization is dependent on the number of public services transferred to the competence of local authorities and on the way in which the relations between local and central public authorities are organized. If local authorities are elected, decentralization is higher, if they are appointed by the central authorities, the degree of decentralization is lower. The degree of administrative decentralization is also dependent on the form in which the administrative tutelage is carried out, and the way in which the control activity is carried out by the central authority.

In conclusion, the degree of administrative decentralization is given by the way the decentralized authorities are organized (by choice or by confirmation by the central authorities), by the form of the administrative tutelage and the number of public services transferred to the decentralized authorities.

In Romania, related to the first aspect, how to form the autonomous, decentralized authorities, the laws in force reveal that these authorities are chosen. Regarding the administrative tutelage found in our administrative system, it should be noted that the prefect exercises guardianship control only on the legality of the administrative acts, and can thus appreciate that there is a high degree of decentralization. At the same time, the guardianship body, namely the prefect, does not have the possibility to cancel the inappropriate or illegal acts of the autonomous authorities which are now decentralized, this being possible only by the administrative court of law (Preda M., 2001).

In Romania, if we refer to the third aspect, the administrative decentralization is ample, the number of public services transferred to the competence of the decentralized authorities is high. Thus, according to the Law of local public administration, these

authorities have the competence to solve all problems concerning local or county interests, under the conditions established by the legal provisions.

The decentralized administrative system can produce great efficiency, adaptability and attention to the needs of the community, bringing about a rapprochement between the elected representatives of the electorate and the citizens, thus ensuring a great communication and connection between the policies developed and the wishes of the community. This can best solve local problems, and public services in the community can be better managed by local authorities, as they do not have to comply with the guidelines or instructions from the center.

An advantage of decentralization also exists at a political level, as this system has positive effects on the responsibility of the authorities and the participation of the citizens in the community to the public life, and on the economic level, the existence of the decentralized power system allows for greater efficiency, diversification and participation in local activities.

At the same time, the election of civil servants takes place for a limited period, a measure that potentially reduces bureaucracy and routine from local activity, and supports the participation of locals in making local authority more efficient. Thus, by choosing periodically the representatives of the local authority, their spirit of responsibility is enhanced and the desire for initiatives for the community increases, motivating the elected representatives to identify solutions to the problems faced by the community.

Administrative decentralization also has drawbacks, of which the most important is the reduction of the power of the central power, and the emergence of the local interests to be primordial in relation to the central ones. By democratically choosing decentralized authorities, Party policy can interfere with local government, vindicating decisions and decisions, bringing new issues such as lack of skills, lack of accountability, the emergence of demagoguery, the lack of experience of the new elected authorities on the party line. In this way, the advantages of decentralization will be overshadowed by the possible emergence of decisions and measures incapable of genuinely addressing the needs of the community (European Commission Information Center).

Decentralization involves participation, and this in turn leads to the identification of new forms of association or the creation of partnerships between local community actors. The partnership represents the latest trend in decentralization, moving in the field of rural and local development as well. This trend implies that public institutions should include new actors in decision-making processes and in those related to responsibility. Thus, in order to build responsibilities for civil society and local authorities, wider public participation and consultation at all stages should be promoted, in this way decentralization is, in fact, geared towards citizen participation in local public life. Participation involves: creating and implementing local micro-projects, building contractual relations between different participants in the field of rural development, and creating conditions that will enhance effective participation (Enăchescu V.A., 2012).

Decentralization brings many benefits with effects on a country's prosperity, such as:

- Ensure a proper climate for local interests to be realized naturally, according to the local traditions and according to their real needs, which no one else knows better;
- Creating and enhancing the spirit of individual initiative, considering that centralization minimizes the role of citizens only to the administration, reaching indifference towards the local administration, which can not lead to their development;
- It supports the multilateral development of local human communities by creating a system of local freedom and increasing the interest for the "public good".

An intense local activity is the essential attribute of a free community. It favors social solidarity and a growing number of activities and efforts at the service of the population through the authorities elected within the local communities. They are capable of realizing civic education and conveying to its inhabitants the reality of the society in which they live.

Reducing the authoritarian function of the state and empowering administrations to perform their functions of service and promotion requires the establishment of appropriate rules and procedures in order to effectively achieve the proposed objectives. This determines the change of administration primarily in the strategic plan, that is, the delimitation of the role of the state from that of the private organizations and in a legal plan, in order to achieve a reduction in the legislative density.

5. CONCLUSIONS

For the good functioning of the public administration, a number of conditions must be met: the establishment, in the legislation on the establishment and organization of public authorities, of the principles of communication, efficiency, accountability, participation, transparency, coherence, proportionality and subsidiarity and clear definition of the mechanisms of application; the division of responsibilities between the various public authorities in relation to public policies, financial support and public service provision; the creation of a simple and transparent public policy mechanism to enhance the design and implementation of programs, projects, action plans and draft laws; differentiating the level of public policy development from their implementation; selecting a number of civil servants in connection with the definition of a public service and taking into account the quality standards of each type of service; permanent supervision and appreciation of the effectiveness of the reform measures adopted.

Without financial support, a real decentralization can not be achieved, some theorists even appreciating that local freedom is linked to the existence of budgetary availability. Decentralization is a way of fragmentation, a way of dividing political power, but governments remain the most important institutions in society. They develop the rules governing the economic system, and only they have authority and power to legitimately decide on the wealth, freedom and even the life of community members. Thus, in order to create a balance in front of this power, decentralization is regarded as the best means, if not the only one. The objective of decentralization appears to be to circumvent an excessive concentration of power and authority and to support the creation of competing elites.

By creating more power centers, more space is created where civil society organizations and institutions (interest groups, employers, trade unions, the media, etc.) can identify and develop livelihoods. Such poles of power, especially when they have a

certain autonomy, can ensure the strengthening of the government's responsibility towards the whole society.

Decentralization will create the possibility of political opposition groups and, in particular, resources for political parties that work in opposition to power. Decentralization allows opposition political parties to mobilize, empowers them to gain the power that derives from the exercise of local responsibilities, ultimately creates the possibility of developing competencies and enhancing democratic practices.

At the citizen level, decentralization also offers the advantage of having multiple choices for choosing a particular service. At the same time, by administrative decentralization, if the possible solution at a certain level is not satisfactory, citizens can adopt strategies designed to provoke a favorable reaction in another instance. Generally, citizens tend to respond favorably to closer government, even though the most favorable effects for individuals are not obtained through government policies (Barbu Fl., 2015).

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