

THE PUBLIC MANAGEMENT - FACTOR OF THE DEVELOPMENT OF LOCAL COMMUNITIES IN ROMANIA

KEY WORDS

Public Management

Public Administration

Public Services

Local Development

Reform

Public-Private Partnership

Judicial Service

ABSTRACT

The development of local communities in Romania is an indisputable priority in any state government. The need for institutional management change of the administrative system and, mainly of the public management defines its usefulness and efficiency to meet social needs in that environment and placed in the local priority issues, the need for a complex of organizational, operational, structural and functional development communities locally through the action of various factors, especially of public management.

Also, one of the reasons behind the choice of this theme, *Public Management –Factor of the Development of Local Communities in Romania*, was an attempt to find that bond between the public administration, public services and development of local communities, through the application of a proper public management.

A realistic and objective argument of the importance and timeliness of the research subject is the focus of the literature on the public management issues, and especially on the quality of the management process.

Major reforming of areas such as: political, social and economic, relationships between the national administrations of Romania and the European Community administration, more active assertion of the state in relations with international organizations implicitly assume a new vision of local public administration and, consequently, of the public management.

The present research, starts from the general principle that public management does not provide concrete solutions, only to be applied step by step, for the success of the local communities development; instead, it can change the perception of administrative phenomenon, of the public services in this case, and the most important, it can influence public managers mentality in Romania, of those people who can, through their activity, boost in a positive way the operating manner of the administrative institutions.

In order to facilitate this research, the main objective was divided into specific objectives as follows: investigating the basis of public management, public administration in Romania to align with EU requirements, regional and local development by reforming public administration, development of public services by promoting public-private partnership, judicial reform implications on the development of local communities.

The first chapter, *The Basis of Public Management* is based on the study of theories, concepts, principles developed by well-known authors in public management, particularly in public administration management, namely synthetic presentation of the fundamentals of the public management, and also its general principles and functions exercised in all public sector institutions. In this context, there are discussed: the concept of public management, public management science, the new public management, but most of this chapter is devoted to public management functions.

Regarding the functions of management, to understand their content is important to consider at least two aspects: the first is due to the fact that public management, although a distinct field of management science, is heavily influenced by it, from whose common core was derived and customized in the public sector institutions. The second aspect, at least as important as the first, derives from the specific public sector, which significantly influences the content of public management functions and the way they are applied.

Therefore, there are two categories of functions of management in public sector institutions: public management functions generally available and specific functions for each

separate area of the public sector: administration, health, education, welfare, culture, etc. Surely between the two categories of functions there are absolutely necessary interdependencies and compatibilities of the content. General functions of public management are clearly reflected in management processes and execution process of all public institutions. The fundamentals of public management functions entail the exercise of specific functions in total compatible content with the first.

The second chapter, *Public Administration - Integration into the European Union Model* is an introduction to public administration reform. Thus, in this chapter is developed the concept of public administration in Romania and Europe, by the fact that EU membership was also the assumption of the transition to a new administrative and institutional architecture. In this context, one element of "Europeanization" of the Romanian model of administration is the decentralization of public administration the considerations of the present case and being summarized in this chapter. Through consistent and continuous progress of the decentralization process in the near future we will be witness of the increasing quality and efficiency of public services and local administrations would respond in an improved manner to citizens and local development requirements.

Starting from defining the need and the opportunity to reform, referred in Chapter Three: *Public Administration Reform - Vector of Regional and Local Development*, there were summarized the principles underlying the reform strategy, the current status of reform, but also risks of running this process.

Public administration reform faces two major obstacles: the first one refers to the fact that the process is not fully conceptualized and it does not have a specific purpose, being performed under the pressure of short-term financial implications, and the second obstacle is that it persists the fragmentary approach, like the measures contained in the IMF agreement and the Memorandum signed with the European Union, although there should be a coherent action plan to link the steps together. Given the imprecise targets which are not framed in the best framework, the public administration reform reflects a lack of institutional capacity, both because it has not been made any assessment of public organizations and public services, and due to the politicization of public function.

Thus, referring to the fact that there no evaluation was made of the public organizations such as ministries and government agencies, or county councils and municipalities, it should be considered the fact that in the Memorandum with the EU there is a measure regarding the analysis of public organizations to be performed in two stages this year. Therefore, the European Commission has thought of this, but which was not taken into

account in Romania. If this assessment would be conducted in two stages last year, in fiscal year 2010 would have already passed measures to restructure the administration and it would have saved money.

Regarding the *assessment*, this should be the starting point of all action plans that define public administration reform. The evaluation of public services allows the identification their number, size, cost and employees from the administration sector. On this basis budgetary savings and restructuring can be legally and rationally made. At the same time, the assessment of public services helps in setting standards for cost, and on another level, the restructuring of ministries and agencies who are service providers. Finally, the evaluation of public services is the primary support of decentralization, since the government must know the decentralized number of public services, their cost, and separate those abolished or reformed. If such an assessment of public services is made, decentralization does not help to improve service quality, but to strengthen the power of mayors and county councilors, who will have more financial resources available, without any economic and political justification.

Regarding the politicization of the public function, the public administration is "infected" with political advisors. These are employed at the dignitary offices, or they are brought through contests, thus mixing with career public servants. For this reason, it is almost impossible to distinguish between public servants who have acquired professional competence and experience and others. Also, local, the prefect has become a political function. In addition, the prefect must be redefined functions, since it can not drive all the decentralized structures of ministries and agencies. It is inoperable. The prefect must be subordinated only institutions that provide services of public policy and national security.

In light of these obstacles, and those risks identified eight categories of public administration reform, *strategic planning* need has to be based on clearly defined principles: these principles form the basis for the proposed restructuring involving both modern public management methods as and new forms of institutional organization. This way, reform becomes an extensive process, comprehensive, which changes the approach to the main problems currently facing public administration in Romania.

So we need a three-pronged *strategic planning*. One regarding the restructuring of public services and central public administration (internally, based on procedures and performing management), the second is to organize the process of decentralization and the third civil service. State's services lack vision in terms of local needs and tend to behave with restraint in the allocation of credit, which, however, should fund the new skills automatically.

From these results a strong frustration of local elected officials, who can rightly say that decentralization stated in legal texts is insufficiently applied and ultimately depends on the ability of local elected officials to negotiate with the state, political risk arising thereof.

Unfortunately, the public sector is characterized by the bureaucratic rules rigidity imposed by specific regulations regarding the organization and performance, the setting and destination of financial resources, the public function, the motivation system of the public servants or of the contractual personnel in public administration, the system of functions involving the public management, public sector reform being a step in a continuous expansion and expertise. In this context, the literature outlines the necessity to satisfy the public interest through *appropriate public services* as a means to eliminate or reduce the factors of stagnation of public sector development.

Free market orientation, public services diversification, increasing demands and citizen involvement in public service conducted to the identification of new forms of public service development performance oriented, identifying at this juncture the *promoted partnership by public sector*. This issue is actually developed and investigated in the context of the fourth chapter: *Local Administration and Public Services*. Partnerships, in spite of expressed reserves, are accepted as *viable alternatives to achieve development projects that focus on cooperation, consensus and participation*, both domestically and at European level, their success being fully proved in practicing the public sector.

This chapter investigates from theoretical and practical aspects, issues related to local *public services and local development through the public private partnership*. Our lives are influenced daily by public services, their development directly influencing the level of living, meeting needs identified as being of general interest, and which cannot be realized by private initiative, needs that may relate to secure rights and fundamental freedoms.

The Romanian society is in changing process, in which all the elements of economic, social, political, civic saw a new dynamic in trying to adapt to present conditions. A democratic system is operational when the economy records success since there is developing a democratic spirit in social mentality. In this transformation of Romanian society the public administration system, the need to introduce a European dimension in this field in accordance with the values of administrative space, public-private partnerships can not be ignored.

The concept of *public - private partnership* has proven its usefulness in the economies of all states that have used it and allowed to answer the essential needs of the community without the burden on public finances and to release public power of simple management tasks. Recently, public-private partnership has become an increasingly important area of

social policy. Public-private partnership, based on the "government reform," has legitimized the idea of cooperation between different sectors (public, private, social) in order to face, in an optimal and effective manner, the many challenges of the communities by the participation of all the community actors. Based on the principle of voluntary cooperation, public-private partnership is the belief of public and private actors that they will benefit from such an approach more than if they have acted by themselves.

Although the partnership is thought to affect only benefits for both parties involved in its implementation, it may happen that the partnership and cooperation effort to fail. Reasons for failure may be different: the lack of an adequate legal framework, which limits government's ability to engage in forms of partnership with the private sector and lack of mutual understanding of the specific sector of the governmental and private areas. To ensure the success of such cooperation and to avoid failures, activities and decisions must be coordinated; it is also required a quality management of joint action, which involves the acceptance by the partners of the rules and the common operating procedures; partnership contracts must be well negotiated and legally structured; the private partner must be monitored during all the phases of in the investment and exploitation, which calls for public sector knowledge on entrepreneurial management, lack of competence of the public institution in this field could create difficulties in managing the partnership.

Partnership Agreement is not an ordinary contract. Initiating such a process is caused by the need to solve the requirements with critical evolution, its result being conditioned both by the policy-makers and the decision-makers, and by the direct involvement of the members with catalyst role. Given this, and after the presentation of the development of the public private partnerships, of the characteristics, types and areas of interest of the benefits and risks of such a partnership, it was achieved the practical approach of the alternative of public private partnership in the judicial system. Besides the positive impact on local community development, this project aims to introduce a new type of management in the judicial system while representing a novelty not only in terms of intersection of the two types of management: public and private, but also because legal basis for public-private partnership was adopted in 2010.

As study of case it was chosen the public private partnership in the judiciary system, namely the construction of prisons, because of the absolute novelty of this type of partnership for Romania. In addition to the state benefits, by identifying new sources of funding, this type of partnership has a great influence on the public community development in economic and social perspectives (creating new jobs, paid at a higher level than the national average, the

need to insure the assets, services and other utility services necessary for the operation of prisons, increasing the local budget by using judicial stamps, by increasing the number of trials at the local courts, etc.).

To fulfill its recuperative role, penitentiary administration system must be primarily a safe place both for people in detention, and for system employees or for any other person who come into contact with it.

Based on the current situation of the prison system, namely: continuous deterioration of infrastructure; poor prison conditions; deficit of accommodation for prisoners (7,000 seats); the European trends relating to extradition of prisoners (about 12,000 Romanian citizens are incarcerated outside the country); high operational costs of the penitentiary system, mainly due the inadequate infrastructure – it is imperative to build new accommodation for prisoners, coupled with the creation of an effective management system leading to reduced operational costs. This management system is given by the public-private partnership, which involves both the specific advantages of the private sector (more competitive and efficient) and the public sector (with responsibilities to society regarding the public spending).

Of course, international experience has shown that the award of a PPP contract is a long time process (18-24 months), whose success depends basically on the stage of preparation, which is much more complex and takes longer than in case of a traditional public procurement project.

Considering that judicial system management includes both prison management, as well as that of the courts, in the sixth chapter with: *The Investigation of Local Development Through the Decentralization of Justice* - the study of judicial reform at the local level by introducing a new management system, namely the manager of the court, which would result in both improving justice and contributing to local community development.

The presentation of this new management system in local judicial system is preceded by a theoretical, methodological and applied approach of system reform and the computerization strategy for the Judiciary system.

The computerization of the judiciary system is a tool for efficient activity, both in terms of trial and prosecution and administrative terms. Using modern information technology will accelerate the reform process by ensuring the standardization of procedures across the whole system, merging them, and by introducing of indicators to evaluate the efficiency of justice.

Another component of judicial reform aimed at relieving the management of courts of administrative problems. In this regard, the study was conducted on the judicial system

efficiency, by introducing new administrative management structures and new working methods.

The need for change in this area arises from the fact that the presidents of courts have to comply with numerous administrative tasks. These activities occupy much of their time and they are not issues that concern the work of judicial magistrates, which means that such tasks can be undertaken by a specialist in the administration, hereinafter referred to court manager. This concept is equivalent to public administrators in local public administration, a term introduced since 2006 and which aims to increase professionalism in the functioning of public authorities at county, city, town and village level.

By introducing this concept to the courts, it may prevent the presidents of courts exercising their proper functions. At the same time, judges must perform administrative tasks that have no direct connection with judicial activity.

The study starts with an analysis, of six instances, in the current situation in the administration of justice from the fundament of the annual budget, the expenditure management, property management, personnel management tasks, namely the president of the court on this line and the current role of the economic manager and the support staff in the administrative sphere.

After establishing the courts to be studied, both procedures and administration organization, and support areas of the six instances have been analyzed, in order to provide appropriate improvement proposals.

The research resulted in a large number of proposals to improve the management of courts, which have already been partially translated into action, proving that the introduction of a court manager should significantly facilitate the administrative operations in courts, so that the presiding judge will deal strictly of judicial conduct, effects primarily aimed at increasing the satisfaction of individuals from the provided public service, the main measure of public service quality measurement.