Public administration and the citizen

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Abstract: The administration continues to regard the users of their services with superiority and disdain. The legislative framework is useful but not enough, because one law cannot change the one that enforces it over night. On the other hand, initiative and imagination are almost non-existent elements in Romanian administration, as it confines itself to enforcing the law, its attempts to do more based on the legal attributions representing much too isolated cases.

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1 Introduction

The primary role of public institutions is firstly to provide a service or a product to a consumer or to a beneficiary. The reasoning behind the public enterprises' realising of public services is defined by putting public policy into effect, by providing certain free, redistribution services, certain services that are paid by the users when they benefit from them, etc. [1]

Services represent a series of transactions between the customer and the provider, covering more or less perceptible areas, very diverse services and products like: roads and bridges, disabled persons assistance, direct redistribution of money, weather forecast, personal security, etc.

2 Problem Formulation

One of the realising ways of the reformation process in Romania is changing the way to finance public services – from impositions and taxes financing to taxable public services, financed through user tariffs. A component of this process is represented by the functional separation of different activities, especially the production of the distribution of public services, as well as the introduction of competitive market mechanisms, where possible.

In this context, the concrete roles that the local public administration has to play are [2]

a) The role of customer in all contracts of providing public services, that do not suppose a provider – individual consumer direct contract;

b) The role of regulating and monitoring the provision of public services where there are provider – individual consumer direct contracts;

c) The deciding role in user tariffs area.

The concrete roles of public services providers are:

a) to provide the public services they committed to by contract;

b) to have a contract with public authority;

c) to have, if necessary, a contract with the individual beneficiaries (consumers);

d) to participate, if necessary, to the process of establishing user tariffs.

The consumers' concrete roles are[3]:

a) to benefit from the public services that are provided;

b) to pay impositions, taxes or user tariffs to cover the public services costs that he benefits from;

c) to protect his consumer rights, when necessary;

d) to act, at the same time, as a citizen, by asserting his/her voting right, when necessary.

For users, the notion of public service is very extended, especially in the countries that have a strong tradition in this sense. Many associate it with the notion of service indispensable to individual life. The users perceive the public service through the...
agency of direct benefit, of utility and of involvement, one way or another, in the providing act, of the degree to which personal needs are satisfied. The public service influences the life of every individual and implicitly the standard of living of each of them. The expectations of the public services' users are in close connection to the civilization degree.

In traditional thinking, the notion of user represents a person administered with rights and obligations.

For a long time, the public service's users have been its 'vassals'... This terminology has conveyed the competition of an 'obedient', passive public, for which the labour conscriptions are unilaterally and centrally conceived. The public bears the options, the activities, the dis-functionalities of public enterprises. In fact, in the bureaucratic traditional system, within a de jure state, the public power holds the entire science and legitimacy (whose guarantee is given by the democratic vote): it falls upon it (the public power) to orient the public activities, according to the needs it determines for the population's well-being.

Thus, the public system lies apriori far from any dimension of the market: the public is 'captive'. Moreover, it is supposed that the activity provided for it is realised "for its own good", which itself confirms trough its electoral choices[4].

The users play a special role in the evolution of public services, claiming the necessity to be a component part of the management of public services, through representation mechanisms, and they pretend, more or less explicitly, an egalitarianism as far as the provision conditions are concerned.

The evolution of the record of public services users represents the centre of the traditional way to provide services. For a long time, they played no part in the definition and evolution of public services.

In France, the accreditation of the users' rights was indicated by a decision of the State Council in 1906, entitled Syndicat des propriétaires et contribuables du quartier Crois-de-Seguey-Tivoli, an important stage in attacking the power abuse. Likewise, the rights of the users have represented a central element of the public service School, especially for Pierre Laroque[5].

The user's role in defining public services has become more and more important, giving salience to the citizen-customer, whose needs have to be satisfied. This phenomenon has been an accentual one with the market size of certain services, the arrival of the competition and the possibility of choosing the operator, elements that have also led to a higher concern for quality. An important influence in this process is represented by the European Commission, in whose documents the consumer's rhetoric is often found.

A strict reference of the service to the client supposes taking into consideration the following aspects [6]:

- Access;
- Choice (option);
- Information;
- Amendment(re-establishing balance);
- Representation.

The concept of governance in arntership between the elected officials and the citizens, based on honesty, transparency from the part of the elected ones and the opportunity that people are offered to play an important role in the governance process, and even in every day activity [6], has led to the politicians' perceptiveness in front of the new services requests.

In many countries there has been an increased interest in satisfying the customers within public services. One reason for this has been the belief that, paying more attention to the customers' desires, the services that are destined to the individual users may improve significantly without cost increase or with a reduced cost increase. One of the ways to pay more attention to customers' desires has been the expansion of the customers' possibilities to choose.[7]

In the OCDE countries there is a convention regarding the fact that administration has to be perceptive to its customers' demands, perceptiveness that translates into:

a) Transparency – customers must be acquainted with the way the administration functions, what are the constraints over public servants' actions, who is responsible and what is he responsible for, and what are the remedies in case things do not turn out right;

b) Customer participation – customers must not be treated as simple passive beneficiaries of the services provided by the administration. In many case, their involvement is necessary, if the administration wishes to improve its activity;

c) Satisfying customers' demands – as much as possible, the customers must be offered services that correspond to their specific situations. A service that fits all demands is no longer adequate nor necessary, because the new flexibility within the public sector allows the services' harmonization with the demands;

d) Accessibility – customers must be offered easy access to public institutions, at convenient timetables, as well as information in an adequate
language.

Practically, these ideas suppose the existence of an administration that knows its customers well and wishes to involve them in the complex activity of the governance process. On the other hand, a continuous transfer of information from the administration to the citizens and efficient ways through which the administration gathers information from the citizens are needed.

And last but not least, the customer-citizens must get informed and, understanding the problems of the administration, must honour their obligation to participate as equal partners in its activities.

Therefore, the incorporation of the public services’ users’ expectations presupposes a partnership that is based on informing and consulting them.

All reformation processes of the public administration in Romania have, one way or another, incorporated these ideas, except that their practical realisation is still to be accomplished.

The conclusions are not hopeful in any way. The administration continues to regard the users of their services with superiority and disdain. The legislative framework is useful but not enough, because one law cannot change the one that enforces it over night. On the other hand, initiative and imagination are almost non-existent elements in Romanian administration, as it confines itself to enforcing the law, its attempts to do more based on the real attributions representing much too isolated cases.

3 Problem Solution

By deconcentration of the public relations we understand the transfer of certain attributions that are accrued to the central level of administration, to some subordinated entities, that function in the territory, since it is about a decreased form of the centralization system.

The difference stands in the fact that at the territorial level there are no agents, as in the case of the centralization, but administrative bodies (institutions), appointed, reversible and amenable to the authorities of the central civil service, having self-proficiency and decision-making power.

The warrant of the deconcentration is found, for instance in France, in the display of motivations of the decrees from 1964: “In order to comply with ongoing necessities, the state is obliged to interfere with the most various forms in the life of the country […] faced with this phenomena and before this policy, adapting administrative structures is required […] this restructuring will facilitate the deconcentration, which will have as advantages the closeness between the administration and the citizens and the decisions’ speed up.

Deconcentration takes two forms: horizontal and vertical form. The first one aims to entrust the responsibility of the deconcentrated services of different ministries to a single representative of the state (the prefect), while the second form places these services according to a direct hierarchy where the chief service depends only on the Sector Minister.

Horizontal deconcentration centralizes territorial authority in the hands of the prefect, single representative of the Government, strengths his power and applies to the territory a coherent system, developed at the national level. In the case of the vertical deconcentration, it is preserved a certain administrative continuity, but the tendency is towards a ministerial sectorialization.

Romanian Constitution, modified, uses both the collocation of deconcentration (Art. 123 (2): “The Prefect is the local representative of the Government and leads decentralized public services of the ministries and other bodies of the central public administration from the administrative-territorial units”) and the collocation of decentralization (Art. 120 (1) : “Public administration from administrative-territorial units is based on the principles of decentralization, local autonomy and deconcentration of public services”).

Therefore, as it concerns the public services organization, both deconcentration and decentralization are used in Romania, but the absence of further details, in practice, brought out confusions in the application of these two principles. Confusions appear especially in the deconcentration’s area.

In Romania, the variant of horizontal deconcentration has been adopted (the prefect runs the deconcentrated public services), without having an individual analysis of the public services, in order to identify, for maximum performances, for which of them the vertical deconcentration is profitable. This led to various dysfunctions because practically there is a double subordination of these services – to the prefect and to the ministry and implicitly conflicting decisions.

In most cases we deal with strictly specialized services, being obvious that the prefect can’t be involved in the running of specific activities and, if the system is maintained, it must be specified what
exactly supposes the prefect’s activity of running and for what proficiencies the subordination to the ministry exists.

The legitimating of the present system consists in the fact that beyond the closeness to the citizens appears the necessity of realizing a counterweight to the local authority elected members in order to maintain the state authority. There are European trends, especially in France, that target to remove from the prefect authority those services that suppose a private use: education, labor inspection, collections, public expenditure and control accounts and their transfer to the local collectivities.

Taking into account the extent of decentralization, deconcentration aims at creating a national interlocutor for the local authorities, strong enough for taking decisions that oblige different services to act under its responsibility.

Nevertheless, at least in Romania, we assist at an attempt of increasing the deconcentrated administrative power, many prefects wishing to exercise over local authorities not just a control of legality, but also one of opportunity and even to have the power to sanction directly the local authorities. Or, it is impossible to apply such a system in a decentralized system, where the local authorities are chosen by the collectivity.

4 Conclusion

As previously stated, the principle of public services decentralization consists in “transferring the services from “the center” to the local communities, in order to satisfy social needs.”

Formally, decentralization allows the self-administration of the public services, under state control; which instates legal authority, allows the establishment of their own authorities and equips them with necessary resources.

The term of privatization is associated with the transfer of assets – property, management, resources, control – from the public sector to the private one [8]. In the strictest sense, it represents the sale of goods from the private field of the state or from the local collectivities.

In some specialized studies, privatization is associated with a whole range of measures:

• Assignment of assets – the sale in whole or in part of an enterprise or of some goods belonging to the state or to the local communities;
• Subcontracting services – the desk clerks play the role of services administrators;
• Establishment of user charges – these allow the state or the local communities to collect royalties for services that are provided by the private sector.

• Partnership between public and private sector – for financing, management and risk sharing in a common project;
• Liberalization – consists in the suppression provisions that prevent the enterprises from private sector to enter public sector markets.

The variety of these measures shows that privatization is defined increasingly larger, in a way that tries to encourage private sector’s contribution to the public services. Broadly, privatization does not necessarily mean full transfer of ownership and control services.

Privatization is a current widespread as concerns the state way of being. Tendency has been influenced by many factors as technological, economic, political, environmental, social and cultural evolution. International economic integration under the form of globalization and regionalization has most strongly influenced the evolution of the state and the market role, as well as the relation between them, but at the same time the structural and organizational evolution of public services.

There were economic and social pressures on the effective use of public finances and on charges and taxes restriction, in parallel with new service requests. The public is less and less tolerant with the lack of effectiveness of a public service, the low quality of providers, the stiffness and the lack of reaction. Privatization has been influenced by the technological evolution, the underinvestment in public services, issues of public finance, environmental pressures and globalization.

Although there are long experiences of public services privatization, the method of privatization is still a highly controversial issue. The approaches differ according to the activity area where privatization is achieved.

Therefore, in order to encourage privatization and the appearance of competition in public services, there are at least three fundamental types of measures that could be established:

Great Britain, for instance, is the single European country which has introduced competition for community transport services. Different suppliers are in competition on the same line. There is a free market for the community transport and all the providers are private.

Within the sector of public service, the most important component of privatization has been services subcontracting or outsourcing. Although this process is assimilated particularly by Great Britain, United States of America and New Zealand,
only a few countries have applied it. Nevertheless, the range of services offered through this method is still poor, one wishing to increase it.

We are talking about public-private-social partnerships which promote investments and service delivery.

Decentralization and privatization are two major issues within public service reform, being considered ways of improving public services effectiveness and efficiency.

In this respect, it is important that public administration creates a favorable investment climate of private enterprises. According to a study realized by World Bank, “the efficient development needs a favorable environment, which allows enterprises and individuals becoming productive and competitive, in a world of liberalization and integrated markets”.

However, public services privatization doesn’t have to become an end in itself [9]. Contrary to some opinions under which total privatization may be and has to be achieved across all economic sectors, including strategic ones, in the western democracies things are not as they seem to be.

On the contrary, particularly in the case of some sectors which are obviously of national interest and constitute industries, overhead or strategic services, the mix of public and private is most of the times favorable for the public space. Moreover, “whole industries work integrated, avoiding their atomization in order to keep from dysfunctions of the whole system”[10].

References: