

THE FUNCTIONS OF PUBLIC ADMINISTRATION IN THE LAW ON THE SPECIAL FORECASTS AND PROGRAMMING FUNCTIONS AND THE RELATIONSHIP WITH CITIZENS

Iulian M. NEDELCU*

ABSTRACT: *The function is defined as¹ "administrative task that someone provides regularly and organized in an institution, for a salary" or the "rank that someone has in an administrative hierarchy".*

In relation to public administration, the function is a set of tasks set by law or by acts issued on the basis of law, tasks that a person engaged in a public administration body has, and is legally empowered to perform these functions of the public administration.

Law no. 188/1999 republished and amended - Law on the Statute of civil servants defines the public function² as "all powers and responsibilities established by the public authority or institution under the law, in pursuit of its powers". Public functions are provided in the annex to the law and may be supplemented by a Public administration decision.

KEYWORDS: *Duties, responsibilities, authority, function, institution*

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To study the administration is necessary first to define the object of its activity, to identify its functions. Activities developed by public administration are clearly essential to classification of functions and services. It is estimated³ that of the many classifications of

*Professor, PhD. Head of Department of Public Administration, Faculty of Law and Administrative Sciences the University of Craiova, Romania.

¹ The Explanatory Dictionary of the Romanian Language, Encyclopedic Universe Publishing, Bucharest, 1998, p. 404

² Law no. 188/1999, Article 2 paragraph 4, published in the Official Gazette of Romania no. 600 from December 8, 1999, as amended by. UG no. 82/2000, O.U.G. no. 284/2000, republished in the Official Gazette of Romania, Part I, no. 365 of May 29, 2007, amending documents: Public administration Emergency Ordinance no. 48/2007, Law no. 236/2007, the Public administration Emergency Ordinance no. 45/2008, Public administration Emergency Ordinance no. 97/2008, Public administration Emergency Ordinance no. 125/2008, the Public administration Emergency Ordinance no. 229/2008, the Public administration Emergency Ordinance no. 3 / 2009, the Constitutional Court Decision no. 185/2009, the Public administration Emergency Ordinance no. 37/2009.

³ Bernard Gournay, Introduction à la science administrative, Presses the Fondation Nationale des Sciences Politiques, Paris, 1978, p. 13-16.

the functions and services the clearest is that proposed by some American specialists in public administration. These authors distinguish in administration three categories of organisms or services: line service, auxiliary services and the so-called staff services, i.e. services of design or control.

Line services meet, under the form of direct benefits to those administered, the very tasks (services) for which the administration or service was created. The work of these services, which are identified with the public administration order, is directed - or should be - facing the public, the users. Examples of line services: a post office, an office of people evidence, a municipal library.

Auxiliary services - which André Molitor⁴, the Belgian specialist in administration science prefers to qualify as institutional services as opposed to functional services – do not have own purpose. They do not work directly in contact with public service users. They were tasked to provide tangible or intangible benefits to other services and in particular line services or offering them with means of action, or performing certain administrative operations in their place. It is often said that it "manages their administration".

What are the types of benefits of auxiliary services?

These benefits are primarily fit for the staff of the administration. It is about services or directions or staff offices that have the task of recruiting and as officials, to ensure the enforcement of decisions concerning their career, to calculate their wages, etc.

Secondly these services should be construed as financial and accounting services. They must obtain the funds required for the administration and to ensure their correct use.

A third set of tasks to ancillary services is to provide goods and services to other administrative units. The provision of material goods is made by production services (especially existing in the military field), through supply services. Non-material or less material character services are primarily concerned with intellectual tasks such as documentation services, legal advice, law department, implementation tasks services: typing, copying by diverse technical means (photocopying, printing), office computing.

Staff services often called design or control services have no daily management tasks, but tasks that are related to making major decisions.

Officials listed in "Major - states" have conducted the following activities:

- Carry out all necessary investigations and studies of each public service policy development; they may consult outside persons or bodies for administration.
- Prepare estimates or assumptions concerning the future development set for each public service and its external world;
- Prepare draft programs or action plans;
- Ensure the implementation of decisions and programs, coordinating the work of services and controlling their execution results;
- Prepare all arrangements for the reorganization of structures, the improvement of working methods and improve human relations within and outside the service.

⁴ Idem

This tripartite classification has the merit of reflecting quite accurately the structure of many organizations such as the army field, enterprises, banks, insurance companies, administrative institutions, enabling useful and fruitful comparisons.

The fact that the distinction line auxiliary - staff follows exactly the structure of the military administrations should not worry because the authors of the scheme used as a model the organization of the armed forces.

Two observations may be made about this classification, which for some authors and practitioners has become a dogma⁵. It may be invoked, to the extent that it aims to provide a classification of existing administrative services, its artificial nature. The second criticism of the scheme is as follows: in the case of organs or functions it is not arbitrary to distinguish between "auxiliary" and "staff"? Are these two concepts closely related in practice? As such it can be shown that the current staff management is a auxiliary function but aren't principled decisions on personnel policy indestructibly related to the general policy of the service, i.e. "Staff" activities? You can also find that the same functions are ranked by some authors in the category "staff" and by others under "auxiliary".

To overcome difficulties arising from the tripartite classification, certain authors have proposed replacing it with a bipartite classification by forming one group of auxiliary and control functions, designated by a generic term "horizontal functions".

All these considerations are meant to show that in the civil service, public administration, there is no simple formula and that between all activities in this field are numerous and often subtle complex links.

In the current administrative vocabulary the term mission is synonymous with task or attribution, being applicable to any service, whatever the subject matter thereof. This word may be assigned a larger sense, namely through the missions of administration is understood as the functions to be met by the public services established by the political power.

An important question to be resolved by administration science is to clarify how to classify administration missions.

The tasks performed by public administration are extremely numerous, so their classification is not easy to be made. One classification⁶ groups of administrative activities into four categories: a) protection, b) help c) regulation d) direct service. The fault of this group is that the separation between the activities of "protection" and "help" is not very precise.

Other classifications have been also proposed. Some authors distinguish for example, "political functions" and "technical functions" or "general administrative functions" and "special functions". All these classifications have qualities and faults.

French literature⁷ proposes an appropriate classification of current practice of French administration, which seems appropriate to the Romanian administration, classification according to which there are:

⁵ Bernard Gournay, op. cit., p. 17.

⁶ Idem.

⁷ Bernard Gournay, op. cit., p. 18.

a) The missions of sovereignty (or political mission), which in turn are divided into:

- external sovereignty missions: national defense or security, coordination of external relations;
- internal sovereignty missions: to provide the framework for the administration of justice, ensuring public order through the police;
- political missions: ensuring the functioning of political institutions (elections, meetings), coordination of relations with religious institutions, public information about political goals.

b) economic missions, which are reflected in:

- State functions on the currency; there should be noted that the issue of currency is considered by some authors as one of the missions of sovereignty;
- specific actions in different sectors of economic life (energy, mining, transportation, telecommunications, manufacturing industries, agriculture and fisheries, services, etc.) and specific actions or issues relating to features common to all sectors (applied research, invention, taxation, external trade, investments, etc.)
- overall coordination of economic and financial policy (here including the coordination of space: spatial planning).

c) social missions;

This category includes:

- health actions;
- shares in housing and urbanism;
- safeguarding the rights and interests of socio-professionals;
- maintaining or transforming social structures (family policy);
- income distribution of vulnerable social groups, namely social protection.

d) educational and cultural missions.

In the category of those missions are:

- basic scientific research (or pure);
- education of children and adolescents (general education, vocational), namely the scheme for youth;
- organizing leisure activities for citizens, especially cultural, namely information with nonpolitical character;
- development of artistic activities: conservation of artistic and historical heritage, fostering artistic creation, public exhibition of works of art;
- conducting studies and specific activities to protect natural resources and environmental improvement.

The analysis of public administration tasks is essential for understanding the functioning of the organ system of exercising executive power. It highlights the multiplicity and heterogeneity of the tasks performed by public administration. It is possible to construct a theoretical model called “functional pyramid” by breaking each function or task in several sub-functions, each sub-function in turn can be decomposed into elementary activities.

Obviously, any classification of the missions of the administration is scholastic, for any such missions are highly interdependent.

Technological development and social changes strongly influence the pattern of administration tasks. These are primarily reflected in the growth of these missions and the considerable expansion of the scope of benefits to citizens, and secondly we can talk about increasing the quality of these benefits.

The conditions under which a new feature of the administration occurs and develops are closely related to the balance of political and social forces. This occurrence is

often explained by access to power of political parties which had an electoral platform entered or because politicians occupying a place in public administration are responsible for the system pressure or demands of certain circumstances of a party or an interest group. Expanding the missions of administration can take place without being accompanied by political battles, but it rarely happens to occur without the intervention of a group.

In this context the function of forecasting and scheduling is related to the relationship function with citizens under the law.

Henry Fayol⁸ said "Administrer c'est prévoir, commander et contrôler" (The administration means providing, commanding and control). This statement emphasizes the idea that in order to perform its functions, public administration appeals to all the attributes of leadership, and it must:

- provide and schedule;
- organize the process of implementation;
- decide, but also to prepare decision options for policy makers;
- coordinate the implementation process;
- review all enforcement activity and achieving political values.

Even if the decision belongs as a choice to a particular program of political factor, however, we must acknowledge that public administration influences the establishment of forecasts and programs especially in human resources at its disposal, but also by material means.

In order to achieve a program it is necessary to provide what future developments are to come. Such developments cannot be provided unless the past and present is carefully analyzed and known.

In conclusion, the function of forecasting and scheduling of public administration requires⁹:

- in-depth knowledge of the present states;
- provision of "spontaneous" trends;
- curriculum development.

Any administrative decision is adopted in order to solve a problem of a human collectivity. A decision implies the existence of those who take responsibility and draw their liability for the consequences of its adoption.

To prevent potential negative effects of an administrative decision, there should be a careful and thorough documentation prior, looking at the past and present realities closely related to the subject and drawing the conclusions that can be useful in the modeling of future developments. Making a model requires understanding the phenomenon and explaining it, because practically a model is a concise application (which possibly uses symbol concepts) of a phenomenon.

Administrative errors are most often due to wrong perception of reality.

Collection of information and feeling community pulse can be achieved through several methods¹⁰:

⁸ Henry Fayolle, *Administration Industrielle en general. Prévoyance, organization, commandement, coordination, inspections*, cited by John Alexander in *Public administration. Theories. Facts. Perspectives*, Ed Lumina Lex, Bucharest, 1999, p. 84.

⁹ Bernard Gournay, *op. cit.*, p. 74.

¹⁰ *Idem*.

- working contacts and direct talks between officials and citizens;
- consultations, discussions involving public administration representatives and leaders of various outside public administration organizations (e.g. trade union leaders, leaders of NGOs);⁷
 - through advisory committees operating within the central public administration;
 - exchanges of experience in the meetings of officials occupying decision functions by the local public administration authorities;
 - based on the conclusions of the various control bodies retained in documents produced during the various control actions;
 - through briefings made by prefects and sub-prefects and submitted to the Public administration;
 - with advice on general trends in other states, information carried by diplomatic personnel located in activity in our country's embassies and consulates in such countries;
 - analysis with discernment and objectivity, passing through the filter of specialists in administration, of the signals launched by the mass media - media;
 - through private or public bodies specialized in gathering information;
 - by local referendum.

Gathering information and observing the phenomena of society are two elements necessary but far from being sufficient. To be useful for modeling, developing programs, they must form a triad with statistics. Heterogeneous ensemble of information is taken by statistics and processed through its specific methods in order to offer specialists who develop models a systematic information base, which became operational following the conclusions they came with.

The conclusions obtained by using statistics would be meaningless if not used more in the forecast, the forecasting of trends in the near or distant future.

You can not overlook the contribution of technical means of information processing. Modern technology increasingly reduces the error rate in modeling but requires all officers to supplement their professional knowledge with information through which they could use all the features this technique offers for storing, processing and transmitting information.

Medium and long term¹¹ forecasts are necessary especially for situations in which decisions taken at a time is irreversible or where any changes, adjustments would involve greater financial efforts and even waste of human resources.

Forecasts are needed also in respect to administration: personnel, material and financial means, power.

Analyzing the trends in society, establishing which will be the main problems that administration faces in the near or distant future can produce forecasts also in the fields of: competence of administration and public servant model.

¹¹ Bernard Gournay, in work quoted on p. 76 and 77 illustrates this idea with the need to develop energy forecasts as a strategic area of national economy and hence the main field of concern of central public administration, forecast in infrastructure land, air and sea transport, in the military, environmental protection fields – framework of existence within society.

Regarding the power, forecasts will have to first determine which is the optimal administrative structure, hence resulting consequently the definition of territorial jurisdiction, then followed by the determination of the content of material competence.

Optimal administrative structure will be determined taking into account economic trends and policy developments at national and administrative - territorial level.

Short-term forecast also takes an important place in the existence of public administration, about financial position of the public administration (about drafting the national budget and in accordance with the principle of local autonomy, about drafting local budgets).

Regarding a potential model for public servants, after having set trends for future jurisdiction, an array of all attributes can be shaped that a public official needs to show to deal with the powers that were vested upon receipt of such duties and may be expected if an increase or decrease in the number of civil servants is necessary.

The literature considers¹² that a program can be considered a coherent set of objectives and means to meet cumulatively the following:

- a critical analysis of the overall situation analyzed at a given time (may be considered the realities of one or more periods);
- forecast of future global development trends or at least different directions of development;
- setting specific objectives, priority or secondary, to be achieved at a given date;
- accurate description of the means which will achieve the targets;
- establishment of methods that will help control the degree of promotion of the plan.

Also the relationship with citizens is an important component of public administration activity as the reason for which administration exists is that law enforcement should be organized and be enforced in practice to correctly achieve the company goal: to ensure the individual wellbeing in the context of the general wealth, so the combination and harmonization of individual interest with public interest.

Administration cannot exist without citizens. The administration is set up to serve the citizen, so it would be meaningless without the existence of the served. It is understood that for the public administration to fulfill its mission and activity and for the recipient to feel served by this system it is necessary to have a two-way communication channel between public administration and citizen. This is why in all administrative structures were set up in departments for public relations and establish systems for civil audiences granted by public servants occupying key executive or decision functions.

"We may say that public opinion, democracy and rule of law are real and closely related concepts but always accommodated to the inherent change in society, the mentality of the people. (...) Its unity, more an aspiration than a reality, finally revealing itself to the historical experience as a continuing search for coveted balance

¹² Bernard Gournay, op. cit., p. 78.

between individual and community in the exercise of freedom. And if the public function in different stages, and its action as an agent of change is directly related to the nature of political power and the degree of manifestation of democracy, it is also true that the latter, in turn, can be stimuli or brakes of currents of thought and behavior acts which gather as tributaries to the national public opinion"¹³

A question naturally arises: what are the procedures that can be used to improve communication between the administration and the administered?

The literature¹⁴ mentions three types of methods:

- methodic study of the public needs and attitudes;
- general public information;
- use of practical information.

In terms of needs and methodical study of public attitudes¹⁵, actions are done to improve the organization and functioning of those sectors of coming into contact with ordinary people, improvement is aimed to eliminate or minimize the dissatisfaction that could be caused to the recipient public of administration activities.

Attitudes and needs of the administered are relatively easy to know as every public official before being a public administration official is a citizen and is the recipient of all benefits offered by the administration. However, in particular decision, officials who are around them, given the large load of each day's activity, often have an incomplete or incorrect information, contradictory, distorted, so that their image on the needs and attitudes of the public may not match the real image. Hence the need for the methodical study mentioned.

By informing the general public we want to define the administrative authorities' efforts to raise awareness of the following categories of information:

- information of a political nature, namely those concerning the objectives of the rulers;
- information by which users are aware of their rights and objectives, about steps they can do about the conditions under which they can take those steps.

In this information activity, administrative authorities must show objectivity, neutrality, to keep a formal tone but without departing from the public.

To carry out general public information, the administration can act directly through their spokesmen and their press organs, thus achieving a coherent information policy with its own means, or may act indirectly through intermediaries, not other but the media operators.

Publicly offered practical information to improve information flow and relationships between public administration and the public is a daily practice of public, simple, clear, and precise services, with simple formalities, with documents that use an accessible language, unsophisticated and unnecessarily unloaded with scientific terms.

So practical information actually means to provide a daily service in a manner that satisfies the beneficiaries.

¹³ Aurelian Bondrea, Public opinion, democracy and rule of law, Ed Foundation "Romania of Tomorrow", Bucharest, 1996, p.5

¹⁴ Bernard Gourmay, op. cit., p. 81 - 85.

¹⁵ Idem.

In this way, to improve the relationship citizen – administration we must consider the method of brochures made available to familiarize citizens with the flow of documents, objectives and working methods of public service and even the legislation that is the cornerstone of the business of the administrative structure and legal basis for the approach of the citizen. Even if one can argue about the cost of such brochures, however, we consider it a necessary and effective method, and the funds from the budget are from the citizen to the citizen, so this investment is justified.

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