

European Trends in Local Public Administration: Adapting to Globalization

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ABSTRACT:

The trend of globalization, accompanied by the dynamic development of social systems, places national states in a completely new position, in which institutions and administrative systems must be adapted. Any intervention in the field of public administration reform implies changes in major components, including central administration, local administration and public services. On the other hand, the development of democracy calls for the establishment of a new relationship between citizens and the administration, increasing and strengthening the role of local authorities and reconsidering the partnership with civil society. There are numerous reasons for the structural and functional modernization of the public administration in Romania, starting from the need for more efficient functioning of government institutions to the aspiration to become a member of the European Union. The present study aims to address these aspects, taking into account the impact of the reform measures at the public administration level that have been undertaken recently. Through the coherent and continuous development of the decentralization process in the next period, we will be able to witness the increase in the quality and efficiency of public services, and local administrations will respond to the demands of citizens and local development in an improved way.

Keywords: development, Europe, municipalities, public administration

1. Introduction

On the world level, the trend of the last twenty years is that of globalization and the intensive development of social systems (Popescu et al. 2021). In this new context, national states are placed in a completely new position, in which institutions and administrative systems must be flexible in order to adapt to these changes. In the new geopolitical context, central and local public administration have become defining factors in the economic competitiveness of a country or economic region (Agostino & Arnaboldi, 2016).

Improving the quality of public administration is an objective subordinate to the main targets of the Europe 2030 Strategy- economic growth and job creation (Burlacu, et al., 2023). A comparative study prepared for the European Commission on the Quality of Public Administration in EU countries highlights that: "it's essential that the institutions that govern economic and social interactions in a country meet certain criteria such as the absence of corruption, a practical approach in public policies regarding competition and

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acquisitions public, a functional legal framework and an efficient judicial system. Moreover, strengthening institutional and administrative capacity, reducing administrative burdens, and improving the quality of legislation are the basis of structural adjustments that can promote economic growth and job creation" (Ciobanu et al., 2019).

The Government of Romania signed a memorandum of adherence to the Open Government Partnership. Through this memorandum, the Government undertakes to promote "transparency", the fight against corruption and the use of new technologies to strengthen the act of governance and dialogue with citizens.

On the world level, the trend of the last twenty years is that of globalization and the intense development of social systems (Radulescu et al., 2018). In this new context, national states are placed in a completely new position, in which institutions and administrative systems must be flexible to adapt to these transformations. In the new geopolitical context, central and local public administration have become defining factors in the economic competitiveness of a country or economic region.

2. European premises

The Union did not impose on the candidate states and does not condition the member states to follow a certain model (Rădulescu, Angheluta et al., 2022). However, the states in the center and east of Europe, being wronged from a historical point of view but also by the geographical context, closely followed the developments of the member states from the moment of submitting their candidacy. Solving national problems according to the experiences of other states became a good guide, especially since there were regulations in this regard.

Thus, the candidate states for the European Union were tempted to approach solving the problems that involved the adoption of the community *acquis* a certain model of society, obviously, western. We can talk about imitation here, but the phenomenon can only be natural. A tendency towards imitation has always existed. On the other hand, the European Union has constantly urged, both by establishing the conditions for joining this structure, and through the representatives of the institutions, that the implementation to be done considering compliance with the "loyalty clause", according to art. 10 of the Treaty. This assumed that, with the signing of the European Agreement establishing an association between Romania on the one hand, and the European Communities and their member states, on the other hand, our country had drawn clear lines regarding the acquisition of statehood member.

The approach of a deep and lasting reform represents the desire of any society that migrates from one form of government to another, at least if it is also in the situation of replacing a totalitarian regime with another democratic one (Ansell & Gash, 2008). The idea of a convergence of European administrations was the source of numerous studies in specialized literature, the widened interest of the concerns having as a theme the context of European integration, to then create a reaction that generated real arguments for or against. Placed in this landscape, aspects regarding the definition of the term convergence, the processes through which it appeared, the proportions and the precise display of the elements of the administrative systems that converge, are linked in a unique way to the European construction (Ferraro, Etzioni & Gehman, 2015).

The creation of a European administrative space, because of the convergence between the national administrations of the states, brings into discussion not only theoretical aspects regarding the community legislation, but also older rivalries between the supporters of preserving the national identity of the states in the face of the phenomenon of Europeanization and sympathizers of the supranational, federalist solution.

Of course, this is also about the evolution of the existing legislative systems at the level of the member states at present, because of traveling a long way and not with few obstacles, by closely following the fulfillment of the criteria established in the *acquis Communautaire*, especially by the candidate states accession.

At this moment, the European states have changed their perception regarding the defense of interests and the protection of national values. It is not only the interests of the state, viewed globally, that today bring effervescence to the life of the Union's institutions, interests that can anyway be defended very well at the level of national legislation, but the interests of the community citizen. No other form of organization of European countries has enshrined, in such a wide range of fields, the rights and interests of the citizen, the success in protecting these interests being obviously given by the extent to which the Union of Member States understands to develop and to perfect the methods of achieving them (Ospina, 2017).

It is obvious that the free movement of services, of goods, of people (initial factors of the Europeanization process) give rise to so many rights and obligations for the community citizen. As the member states regulate more competences at the Union level, and in other areas, the proportions of possible convergence increase. The reason why the research of a possible convergence between the administrative systems of the European states was not a concern in the specialized literature until then is primarily explained by the historical context. In the administrative law of the European states, there were no criteria for convergence if there was no interference between the administrations of the national states likely to determine a jurisdictional system, or at least customary obligations by which to try to delimit some principles (Curry, Van de Walle. & Gadella, 2014).

Administrative law is first a national law, the particularities and specificities of a state representing the way in which it can be distinguished or imposed in front of another. By national law, we do not refer only to the formal nature of the act or its obligation at the state level, but especially to the traditions of a people, thus represented by the laws that make up the administrative law of a state (Groh, 2014).

In the continuation of this case study, we will analyze what challenges the public administration system faces in member countries of the European Union (EU) and the Organization for Economic Cooperation and Development (Pollitt& Bouckaert, 2017). Common problems and challenges for the public administration and civil service in EU and OECD member countries will be presented, determined by the economic crisis manifested after 2008 or generated by the COVID-19 pandemic (Gâf-Deac et al., 2024; Negescu et al, 2021). Among them can be pointed out:

- Reduction of the available budget for public expenses; the need to work more with fewer resources (do more with less);

- Pressure from external stakeholders regarding the quality, accessibility and cost of public services
- Stakeholder requirements regarding the legitimacy of governance, decision-making transparency, integrity of civil servants and anti-corruption measures
- The expansion of information technology
- The European Commission considers that the activity of the public administration in the member countries can contribute to increasing economic competitiveness and improving the standard of living (through social services) in these countries

The report *Excellence in public administration for competitiveness in EU member countries* starts from the premise that quality public services and the stability of the legislative framework are a precondition for economic development (Howlett, Capano & Ramesh, 2018).

Improving the quality of public administration is an objective subordinate to the main targets of the Europe 2030 Strategy - economic growth and job creation. A comparative study prepared for the European Commission on the Quality of Public Administration in EU countries highlights that it is essential that the institutions that govern economic and social interactions in a country meet certain criteria such as the absence of corruption, a practical approach in public policies regarding competition and public procurement, a functional legal framework and an efficient judicial system. Moreover, strengthening institutional and administrative capacity, reducing administrative burdens, and improving the quality of legislation are the basis of structural adjustments that can promote economic growth and job creation.

European states are characterized by a great diversity of administration systems (Casula, Leonardi & Zancanaro, 2020). Apart from economic, social-political and historical motivations, this diversity also results from the political-administrative organization of political power in each of the European states. From this point of view, European states are grouped into: federal states (Germany, Austria, Russia, Serbia), regional states (Italy, Spain), unitary states (France, Portugal, Holland, Romania). The need to establish general common features in the regulations of European bodies regarding local communities organized in administrative-territorial units has thus appeared (Bauer & Becker, 2019).

2.1. The organization of local public administration in the states of the European Union

2.1.1 Local public administration in Spain

Spain is a decentralized unitary state that includes 17 regions, 50 provinces and just over 8000 communes. The constitutional text guarantees the right to autonomy for different nationalities and regions.

To apply the principle of autonomy of regional communities, the Spanish Constitution did not establish a charter of autonomy, did not establish autonomous communities and did not provide for a uniform division of competence. However, it defined the procedure for establishing autonomous communities. Thus, neighboring provinces with common historical, cultural and economic characteristics can claim to be reunited in an autonomous community.

The fundamental legal instrument of each autonomous community is the Statute, which includes its attributions, from the "inventory of attributions" that can be recognized by the autonomous communities, provided by the Constitution. The result of the application of these constitutional provisions was the creation of 15 autonomous communities (regions), which have different and unequal spheres of legislative competence. However, regional communities have legislative powers and have institutions, deliberative and executive, comparable to those of a federated state. Spain being a state of "autonomies", sustained concerns were manifested here for the definition of autonomy and efforts were made to clarify the concepts in this field. Thus, local autonomy is defined as the right of local authorities to intervene in any field of public life that falls within the scope of their own interests.

The competences of the Madrid City Hall are local public services (transportation, water, sanitation, public lighting, etc.); circulation; urbanism and historical heritage; the municipal police. In addition to the local autonomous governments, in addition to the Madrid city hall, there are also anonymous companies with exclusively municipal capital, with the following objectives:

2.1.2 The organization of local public administration in Italy

In Italy, the organization of the state administration has a pyramidal structure, at the top of which are the Government and the ministries, the local authorities being subordinate to the ministries. The same system of administrative organization is found here on three levels - communal, provincial and regional, with a rich recent legislation in the matter of local autonomy. It is, for the most part, of French inspiration, being a uniform regime at the level of the entire country. In addition to local authorities, the decentralized administration system also includes public services, which have the status of legal entities, bodies with legal independence, constituted under public law and with different degrees of self-governing power.

Italy is the state with the widest administrative decentralization in state-dependent services"³⁴, since according to the Italian constitutional text, the Republic is based on the principles of local administrative autonomy and the maximum decentralization of services provided by the state.

Municipalities can establish territorial decentralization constituencies, if they are communes of provincial residence or have a population greater than 100.000 inhabitants. The organization of these constituencies is done by the commune's statute, drawn up under the law. As a constituency for decentralization of the state, it fulfills its attributions, the most obvious being in the fields of: organization and conduct of elections, civil status, recruitment and incorporation, statistics (Ferlie& Ongaro, 2015).

The communes carry out public services and exploitations of an industrial and commercial nature, and the provinces have powers that are close to those of the departments, intervening with a series of sanitary, public instruction and hygiene measures (Vilkaite-Vaitone& Povilaitiene, 2022).

The local territorial collectivity located at the first intermediate level is the province, considered a local institution that represents the interests and promotes the development of the provincial community.

Among the attribution's characteristic of local autonomy, which belong to the province, we mention: the adoption of its own regulation of organization and operation (the Statute), the adoption of its own budget, the regulation of the organization and operation of its own administrative services. Other important attributions of the province are economic planning, development of the territory of the province, certain segments of environmental protection; construction and maintenance of roads of provincial interest, civil protection, etc.

Unlike communes and provinces, regions are created to organize the exercise of administrative functions at the level of communes and provinces. The regions have the power to adopt laws in certain areas established by the Constitution, but the state having general competence, the regional laws cannot contravene the state laws, the regional interest or the interests of other regions. They therefore have the power to legislate, using the provinces and communes as the main execution agent. The regions are also competent to establish the general objectives of the economic-social development programming, being able, on this basis, to allocate the necessary resources for local investments.

Through the regions, it was desired to establish a federalist regime in Italy, establishing an autonomy like the Swiss cantons, but these regions are not member states in the federation, but are the maximum limit of a decentralization, an autonomy compatible with the system of the unitary state. Regions have certain legislative powers in certain defined areas, in the sense that they can decree parallel legislation in ordinary regions and exclusive legislation for specific issues in special regions. The term "decentralization" means, in this case, that apart from the powers necessary to solve local problems, the state and the region can transfer other powers to the local communities, which, for one reason or another, they do not want to exercise through their own bodies (Nolte, Bushnell & Mews, 2019).

The provinces exercise both specific powers of local autonomy and powers transferred by the state and the region. Over a period of several years, attempts were made to reform regional and local administrations and adapt them to constitutional developments. A particular problem has been posed by the financial system since all authorities have only limited tax revenues available and obtain most of their revenues from the state- this representing a limitation of autonomy and decentralization (Cluley, Parker, & Radnor, 2020).

2.1.3 The peculiarities of the Finnish system of local public administration

The current Constitution entered into force in 2000 enshrines the autonomy of the communes and leaves the regulation of administrative subdivisions larger than the commune to the law. In Finland there is no government administration exercised directly at the regional level, but municipal federations can be established, because of strong cooperative relations. Thus, large federations were formed, especially in the field of health and education. In Finland there are more than 400 such municipal federations and approximately 460 municipalities divided into two categories: districts and cities.

Municipalities collect taxes and receive consistent financial support from the state budget to maintain the decentralized structures of the state. The main responsibility of municipalities is the provision of public services to citizens, especially in the fields of health, education and social assistance.

At this level, the Municipal Council or the Municipal Government operates, representing the authority with the greatest decision-making powers. It consists of 17-85 members elected by direct vote every four years depending on the number of inhabitants of the municipality.

Finland is divided into approximately 450 municipalities that enjoy considerable autonomy. Municipal councils are elected for a 4-year term. Following the same procedure as the Parliament, following the proportional system. The municipal council designates the executive authority of the commune, the municipal commission, as well as the various municipal committees. In these collective bodies, political parties are represented according to their share in the council. The principal agent of the commune is the director, appointed for life, i.e. until retirement, or on the contrary, during the term of office of the municipal council.

Since 1994, in Finland there is a public institution at the departmental level, the Development Region, which in time could turn into a local territorial collectivity. Its legal capacity is restricted to regional development policies, regional planning and the allocation of funds from the state budget. The development region has a deliberative structure called the Regional Council, made up of members elected from among the communal councils, by them. However, the regional council does not have an executive body or its own administration, its decisions being implemented by the authorities and administrative services of the communes.

2.1.4 The organization of local public administration in Romania

According to the Constitution, Romania is a national state, sovereign and independent, unitary and indivisible, which is organized according to the principle of separation and balance of the three powers: legislative, executive and judicial. If the legislative function in the state is ensured by the Parliament, and the judicial function by the courts, the executive authority is represented by the president of the country, who has the attribution of watching over the observance of the Constitution and the proper functioning of the public authorities, as well as the Government, which has the role to ensure the internal and external policy of the country and to exercise the general leadership of the public administration. The executive activity therefore has two basic components, respectively: governance- drawing essential decisions for the present and future of a country, including from the perspective of relations with other states or international organizations, and administration - solving the current, everyday needs of the respective state.

Provision of public services within the limits of the law. Public service means the activity organized or carried out by a public administration authority to satisfy social needs in the public interest (Burlacu, et al., 2024). The central public administration and the local public administration are in a relationship of control but at the same time autonomy. Decentralization of the public administration conferred autonomy to the local public administration (Burlacu, 2019).

2.1.5 Comparative analysis between the local administration of the four states: similarities and differences

In Spain, a system with three levels of local administration is established, there are at the regional level - 15 regions with the status of autonomous communities, at the departmental level- 50 provinces with the regime of local collectivities and at the basic level - 8089 municipalities, with the regime of collectivities local. Spain is nicknamed the country of "autonomies". In Finland, a system with a single level of local administration is drawn, being at the regional level divided into 6 provinces, at the departmental level 19 development regions and at the basic level it has 452 communes with local collectivity regime. Finland, like Romania, is a unitary state.

In Italy there is a system with three levels of local administration, being divided into 20 regions, 5 of which have special status, having the regime of autonomous communities. At the departmental level, 103 provinces and 3 provinces with special status, with the regime of local collectivities, and at the basic level, 8100 communes with the regime of local collectivities. It is called a regional state.

Romania is a national state, sovereign and independent, unitary and indivisible, which is organized according to the principle of separation and balance of the three powers: legislative, executive and judicial. Romania benefits from central and local public administration, being divided into counties, cities and communes, all administered by territorial administrative units. Leadership is chosen by voting, being an exercise in democracy.

3. Conclusion

Regardless of the country where we find them, local communities are characterized by the following elements: the existence of a territory; the recognition of a certain degree of autonomy, even though the constitutional provisions, justified by the existence of local interests; the principle of electing local bodies through universal suffrage; a certain degree of legal protection, under legislation.

Within the European Union, unitary administrative systems (France, Italy) and federal administrative systems (Germany, Belgium) can be found, the two forms of organization leave their mark on the way local public administration is structured. The territorial collectivity belonging to a unitary state has only administrative powers and does not affect the unitary structure of the state, the same cannot be said about the territorial collectivity of a federal state. A member state of a federation acquires some own powers guaranteed by the Constitution, apart from some administrative powers, it receives its own powers in legislative, executive and judicial matters.

The European Union, through its treaties (the Treaty of the European Union and the Treaty on the Functioning of the European Union), does not condition the member states to follow a certain model of organization of the central and local public administration, nor has it imposed on the candidate states a certain type of organization of the administration. However, looking at the states in central and eastern Europe, we find that they followed the evolution of the member states from the moment they submitted their candidacy.

Solving national problems according to the experiences of other states has become a good guide, one can speak of imitation here, but the phenomenon can only be natural. Thus, the candidate states for the European Union were tempted to approach a certain model of society, obviously Western. The EU did not impose a certain model of organization of the local and regional public administration, but it came up with recommendations in this regard.

The public administration, both central and local, seeks to satisfy the public interest, the public utility, the common good, disinterestedly, including by providing public services.

The purpose of the public administration's activity is both the satisfaction, on a regular and continuous basis, of essential requirements, common to the entire human community, which exceed the possibilities of individuals by their scope, as well as the satisfaction of requirements that, by their nature, are unprofitable and no one can offer to insure them.

Looking at public administration as an organizational activity, its position stands out between the plan of political leadership and the plan in which political values and political decisions are realized. In the current language, the notion of administration has several meanings, respectively to administer means to organize, manage, direct public and private activities. From a terminological point of view, the phrase local authorities represent the generic term, used in all the states of the Union, the term territorial collectivity being used, rather, to designate the territorial support or the population to which the powers of these authorities apply.

Local and regional public authorities have a significant role in achieving the objectives of the European Union. The good management of public services of local interest and the consultation with the citizens of the local communities in the administrative-territorial unit are the main reasons for the existence of the mayor's institution.

Looking at public administration as an organizational activity, its position stands out between the plan of political leadership and the plan in which political values and political decisions are realized. Local councils are elected based on proportional representation, in a list election. Democratic elections are the basic rule by which a state can be called democratic.

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