

THE PUBLIC ADMINISTRATION AND ITS ENVIRONMENT. PUBLIC ADMINISTRATION MISSION

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ABSTRACT

SOCIETY REPRESENTS, IN A VERY BROAD SENSE, AN ORGANIZED WAY OF EXISTENCE IN THE SPHERE OF LIFE PHENOMENA. IT IS DEFINED AS THE TOTALITY OF PEOPLE WHO LIVE TOGETHER BEING CONNECTED TO EACH OTHER THROUGH CERTAIN RELATIONS OF PRODUCTION. SOCIETY REQUIRES A COMMUNITY LIFE, RELATIONAL, OF HUMAN INDIVIDUALS ARTICULATED IN ORGANIZED ASSEMBLIES, SUCH AS SYSTEMS, STRUCTURES, ORGANIZATIONS, SOCIAL INSTITUTIONS, COMMUNITIES, FAMILY ETC. THE SOCIAL SYSTEM IS MADE UP OF A MULTITUDE OF SUBSYSTEMS AND COMPONENT ELEMENTS, THE ADMINISTRATION BEING PRECISELY SUCH A SUBSYSTEM (ELEMENT) OF SOCIAL ORGANIZATION, BASED ON THE RELATIONSHIPS BETWEEN PEOPLE WHO PERFORM SUCH A SPECIFIC ACTIVITY. OF COURSE, IT BEHAVES IN RELATION TO ITS COMPONENT ELEMENTS AS A SYSTEM, A SOCIAL SYSTEM, PART OF THE WHOLE THAT REPRESENTS THE GLOBAL SOCIAL SYSTEM. THE PUBLIC ADMINISTRATION WILL ALWAYS ACT IN A FRAMEWORK OR, MORE PRECISELY, IN A SOCIAL ENVIRONMENT CONSTITUTED BY A SET OF SYSTEMS, STRUCTURES OR OTHER FORMS OF ORGANIZATION, EXTERNAL TO IT, WHICH ARE LIKELY TO STRONGLY INFLUENCE THE STRUCTURES, FORMS AND THE CONTENT OF THE ACTIVITY OF THE ADMINISTRATIVE AUTHORITIES AS WELL AS THE PSYCHOLOGY AND THE COLLECTIVE AND INDIVIDUAL BEHAVIORS.

KEY WORDS: PUBLIC ADMINISTRATION, SYSTEM, TASK, MISSION, ATTRIBUTION.

1. Public administration and its environment

In the literature, “the system is a complex object, composed of a number of elements, therefore, an organized whole. The elements behave as parts in relation to the system in which they are integrated and as systems in relation to their own structure. One and the same element is therefore, at the same time, a subsystem towards the whole in which it is integrated and a system towards the elements that are subordinated to it.”¹ In fact, the public administration, from a sociological point of view, „represents a vast and complex system of organization. It is, in itself, a visible universe, with its laws, procedures and unlawful means of coercion and influence, with its customs and rites, its symbols, language and means of communication, as well as its abbreviations and logos.”²

The public administration is thus presented as a distinct organization within this special organization and it represents the study of this specific and unique organization in a given state. In other words, administration is an organizational phenomenon, a set of social structures or a “macrocosm of social macrocosms, occupying a special preeminent place in the global society where it is inserted in relation to the other organizations or groups with which it can be compared - the church , associations, trade unions, civil society, in a word, structured and

¹ Manda C., Știința administrației-ediția a II-a, Ed. Lumina Lex, București, 2007, pag. 75

² Ioan A., Tratat de administrație publică, Ed. Universul juridic, București, 2008, pag. 124

hierarchical social groups.”³ „The origins of the concept of public administration cannot be separated from the state, public power, authority (.....), in a sense, it could be said that the administration “helps” in the application of public policies, it being the instrument in the job of the citizen.”⁴

Public administration is the unit for managing public issues. It is also the organization given to any evolved social group, the indispensable instrument of cohesion and coordination, without which society disintegrates.

Public administration is, by its nature, subordinated to purposes that are external to it. The role of public administration, its structures and methods depend on the society in which it is inserted, on its environment. Approaching the public administration from the structuralist vision, we find, at the same time, that the term used has the same meaning as the one of administrative organization, in its fundamental meanings.

In the structuralist conception, the notion of structure designates the ordering of parts that form a whole. In other words, organization appears to us as a way of seeing an institution in the placement of its components, while the structure leads us further, ie to the relationships within it as well as those that occur in the environment in which it exists and which confirms what it is stable and essential in its organization. In this framework, „public administration can no longer be conceived in a double organic and material sense, because the structural elements are conceived as an integration of an activity in a determined organizational framework”.⁵

However, the notion of structure, by relating to other elements of the environment in which it operates, cannot be separated from the activity that takes place inside it nor from its external dependencies and implications, since relations cannot be conceived without carrying out administrative activity. It follows from the above that public administration is a social organization and from a sociological point of view, a system, „the system of public administration, which exists and operates within a macrosystem of social organization of global societies”⁶, considered either nationally or at the level of local communities.

Within society, of this macrosocial system, “there are and operate various other forms of organization outside the public administration system, constituting, for the latter, the social environment in which it exists and functions and, therefore, the social relations between them and the global society, give specific and special sociological dimensions to public administration.”⁷

As a result, there will be links between the global society with its structures and stratifications and the public administration system, called by sociologists, sociality and administrative sociability. From what is presented, it appears that the public administration will always act in a framework or, more precisely, in a social environment consisting of a set of systems, structures or other forms of organization, external to it, which are likely to strongly influence the structures, forms and content of the activity of administrative authorities as well as the psychology and collective and individual behaviors of their staff. It should also be emphasized, in this context, that the administration communicates with all other social structures through collaborative, subordinating or even coercive relationships, reacting appropriately in relation to the given social environment, so that the administration may appear either in harmony with it, be profoundly different and separate from it.

³ Brezoianu D., Oprican M., *Administrația publică în România*, Ed. CH Beck, București, 2008, pag. 21

⁴ Gorun A, Gorun H. T., *Elemente de epistemologie juridică. Administrația publică și mediul ei. Actele administrative*, Ed. Academica Brâncuși, Târgu-Jiu, 2010, pag. 47

⁵ Manda C., *op.cit.*, pag. 77

⁶ Manda C, Manda C.C., *Dreptul colectivităților locale* Ediția a IV-a revizuită și adăugită. Ed. Universul juridic, București, 2008, pag. 54

⁷ Bălan E., *Instituții administrative*, Ed. CH Beck, București, 2008, pag. 56

Another problem that has arisen in the doctrine is to know if there is a certain connection between the administration and the global society and if a certain type of social organization corresponds to a type of social structure. In the first case it was answered that between the administration and the social organization there is, without a doubt, an interdependent connection, „the administration being determined by the social organization”⁸. In other words, a type of social structure will also determine the administration through social organization, through the structure and relations between the social strata and classes of the respective society (for example, the administration organized at the level of capitalist states). There are, however, certain peculiarities of the historical evolution of some societies that personalize the administration of the respective states, making them very different.

As for the second case, it is stated that, although the administration is determined by the social organization, “this does not mean that there cannot be a certain autonomy of the administrative phenomenon, it consists in fact in some data, techniques, or procedures that can be encountered in any administration.”⁹

In conclusion, it can be said that two characteristic ways of assessing an administration system are highlighted, depending on the social environment: on the one hand, the common general characteristics, and on the other hand, the specific characteristics, specific to the social environment or respective global society. This inseparable link between administration and the social environment, “characterized by the social dimensions of the system of administrative organization, in time and space, which gives it a place, a presence and a distinct autonomy in all social structures, defines the notion of administrative sociability.”¹⁰

2. Political and legal environment of public administration

In any society there are several factors that set the objectives and tasks, the internal organization and the competences of the public administration. All these factors depend, however, on the political power, the political organization of the state and the structure of the political, economic and social forces, respectively on the political parties and pressure groups.

The public administration is, by its very nature, “without its own philosophy, which obviously derives its legitimacy from the system of dominant values, from the political power.” This system is also the one that fixes to the public administration, in general, the aims and the means that it must use to achieve them. Also, the public administration has no purpose of its own as it acts in the general interest, an interest which is defined, in turn, by the political bodies.

The public administration can be, in principle, only subordinated to the political power, from the perspective of the political philosophy, as well as in the institutional transposition of the political doctrines, the decision-making power being given from the beginning to the political bodies. This results from the conceptions of sovereignty: “only the people or (and) the nation are sovereign. The direct exercise of sovereignty is not possible in a country like Romania, as such, there are certain bodies that are tasked to represent national sovereignty.”¹¹ These bodies are political bodies. They are able to set guidelines, to determine the country's policy.

The public administration and other public institutions, as well as the private ones, must comply, as such, with the choice made by the representative bodies of sovereignty. This way of governing is characteristic of all democratic countries. Our constitution, revised in 2003, states in art. 102, paragraph (1), last sentence, the primacy of political institutions over public administration, specifying that the Government „exercises the general leadership of public administration”.

⁸ *ibidem*, pag. 59

⁹ Manda C., *op.cit.*, pag. 78

¹⁰ Tabără V., *Știința administrației*, Ed. Universității Naționale de Apărare ”Carol I”, București, 2013, pag. 12

¹¹ Voican M., *Principiile cadru ale administrației publice locale*, Ed. Universul juridic, București, 2008, pag. 21

Moreover, the subordination of public administration to political bodies is also explained by the “reason that results from the essence of the administration, it does not have its own ideology, will always have to receive from outside and will consist of the general interest, which is defined by political bodies.”¹² The public administration is permanently placed below the political level, thus emphasizing that above all administrative institutions there are political institutions that facilitate the existence of the state and the satisfaction of the common needs of the community, in accordance with the decisions of political institutions.

The public administration appears, in this context, “as a social structure, constituted by the set of public services whose good development allows the achievement of the objectives defined by the political power.”¹³

The public administration is, by its very nature, closely linked to the ruling party (s). In single-party political regimes, public administration has special characteristics, which we do not find in multi-party regimes. From the beginning, the organization of power in such a regime will always achieve two distinct administrative apparatuses, one controlling the other. The administration itself will be subordinated, in principle, to the government, but, in essence, controlled and directed by the central party apparatus. The existence of the single party also has a strong influence on the recruitment of administrative staff. Although party membership is not necessarily mandatory for holding an executive position, it is crucial for holding leadership positions. The characteristics of the regime and its administration depend, in this framework, on the conditions of accession to the party, if they are open, it will be possible for the competent officials to make a career; if the political conditions are very strict, the functions in the administration will be the prerogative of the regime's loyalists, regardless of their degree of competence.

Public administrations in multiparty regimes are also not safe from political influences, but they are not so important. The place and role of public administration in political regimes also depend on the influences that interest (or pressure) groups are able to exert.

The science of administration, in the current sense of the term, is against the excessive legalization of public administration; At the same time, however, it cannot neglect the legal aspect of the administrative phenomenon. „Indeed, in reality, from the global perspective of public administration, the legal and non-legal factors are inseparable, and the organization and activity of the administration have, in fact, a significant gap in relation to the legal rules governing them.” This aspect highlights that the action of the public administration is established and appreciated in relation to the legal norms that constitute its very framework of existence. Consequently, the science of administration cannot but also take into account the legal aspect and, as a result, the public administration must be analyzed in this respect as well.

The principle of legality is, in essence, the fundamental principle of the organization and functioning of the public administration of any rule of law. According to this principle, the public administration, in terms of its structure and activity, must be based on the law. Regardless of the political regime, the structure and the form of government of the state, the public administration, through the role conferred within the society, has the obligation to submit, objectively, to some dominant commands of the respective stage. These commands are much more evident in the case of the rule of law and democracy, based on the separation of powers in the state and respect for the fundamental rights and freedoms of citizens. It can therefore be stated that, in this framework, „the enthronement of legality or ensuring the supremacy of the principle of legality is the cornerstone of any free and democratic society.”

Legality is the basis of administrative action, which specifies that the administration can only act by issuing legal acts when it is empowered by a rule of law to do so or, in other words, unless it is competent to perform those acts. This forces the public administration to act in the

¹² Brezoianu D., Oprican M., op. cit, pag. 56

¹³ Manda C., op.cit, pag. 85

effective sense of law enforcement or, more precisely, the administration must act permanently to restore the effective legality. In this sense, the administration is obliged to make known, through publication or any other form of communication, the law.

3. Tasks of public administration

According to Emil Balan the public administration is the personification of the state in order to regulate its own interests, always vigilant power, which replaces and completes others and generates their action, leads the general problems and intervenes, as a tutelary forum, in the management of local problems.

The public administration is experiencing an impressive increase in the tasks assigned to it. This increase in public administrative burdens is mainly due to the amplified demands of societies and the citizen, but also to the complexity of social life. As a result, in order to fulfill all these tasks, the public administration had to organize itself, on scientific criteria, with modern methods and efficient means of action.

As can be seen, the notions of task and mission are common when public administration has to carry out activities in various fields. From a literary point of view, the notion of task has the meaning of obligation, duty, responsibility, and that of mission, of assignment, empowerment given to someone, task of doing a certain thing. In the science of administration, the terms task and mission are considered synonymous.

In the Romanian doctrine, the notion of task of a state body was defined by the distinction made between tasks and attributions.

In this context, the literature states that, when the law uses the notion of task, it takes into account the concrete objectives that these state bodies must achieve in exercising the powers to lead local activity in the economic-household, social and social field. cultural and administrative.

As for the notion of attribution, unlike the one of task, it evokes the sphere of obligations they have and that of the rights with which the state bodies are invested to fulfill their tasks, in order to achieve state power and fulfill state functions.

The notion of tasks of the public administration bodies is defined as “the set of social needs objectively determined, politically evaluated and enshrined by legal norms, substantiating the raison of being of these bodies.”¹⁴ Analyzing the definition, we find that the tasks of public administration authorities are dependent on political power and, as such, the character, meanings, implications are different from one political regime to another and even from state to state, although the idea is accredited in some specialized works. , of the existence of a theoretical model of the tasks (missions) of the administration, valid for all epochs and within all political regimes.

A first classification of public administration tasks was developed by L.D. White in the U.S.A, as early as the sixth decade of the twentieth century, in three broad categories, provided by administrative units, as follows: operational missions (tasks); auxiliary missions (tasks); leadership missions (tasks).

Operational tasks are, in fact, the main tasks of public administration and they concern political (defense, public order), educational and social (health, social assistance) and economic tasks. They are tasks through which the public administration performs services to the citizens directly.

Auxiliary tasks have the role of supporting the main ones. During these tasks, the civil servants who perform them are not in direct contact with the citizens, but perform services only to some administrative departments, such as personnel, accounting, property management, documentation and legal, etc.

¹⁴ Bălan E., Dreptul la o buna administrare și impactul asupra procedurilor administrației publice, Ed. Comunicare.ro, București, 2010, pag. 92

The tasks of management, or of the general staff, are carried out directly in contact with the political activity, taking into account the management of the institutions and administrative authorities, as well as the elaboration of their policies.

Corneliu Manda states that the main tasks of the administration can be reduced to four characteristics, as follows:

1. the information task, the role of the administration consists in this first task, it being the starting point of any administrative action, at any level;
2. the task of study, it is the study of any general or special problem that follows the information stage and precedes the decision one;
3. the task of preparing decisions, in fact, the decision is taken by the political authority and, by delegation, the administrative authorities act at its command. Instead, the preparation of the decision, as a result of the first two tasks, is always a task of the public administration;
4. the task of execution and adaptation is the most important task of the administration and the one that puts it in direct contact with the people. Within these tasks, the decision-making process is repeated indefinitely, down to the smallest administrative actions.

In the specialized literature are highlighted two major tasks of the administration, respectively the general and the technical ones.

The general tasks of the public administration comprise two subgroups of tasks, design and management. Their objective is to research and determine the means that allow the subsequent satisfaction of needs based on resources. They tend to adapt to the directions of political, economic and social orientation, established by the government, to the conditions of the administration environment. These, in turn, give the administrative services (authorities) more or less imperative directives for the realization of a political, economic, social program, and through them, the transmission to the administrators, their groups and the local collectivities.

The tasks of conception are divided into tasks of forecasting and organization.

Forecast tasks can be subdivided into two subcategories: information and planning, which are interdependent.

Organizational tasks, in turn, comprise two categories of tasks: those of the actual organization of the administrative apparatus and those of personnel management (human resources). The tasks of the organization are meant to create specialized administrative services or their reorganization.

The objectives of the organizational tasks consist in determining and distributing the tasks themselves; coordinating the activities of the services and the relations between them as well as simplifying the structures whenever necessary. The personnel management tasks have as objective the selection and recruitment of staff, civil servants in particular, state services and local authorities, the establishment, preparation and updating of their personal files, which is the basis of the career of civil servants.

Management tasks are also subdivided into three categories of tasks:

- those regarding the orientation and preparation of actions;
- management of actions;
- control (use of means and execution of orders).

The management tasks do not consist in the simple fact of giving orders or taking measures or formulating directives, but, first of all, in establishing and preparing actions and, especially, in distributing the means necessary to support them (financial and material).

Technical tasks are tasks that have precise objectives. They are: tasks of national interest and execution and management tasks, which aim at the direct and immediate satisfaction of the economic and social needs of the community.

Tasks of general interest are those that fall to the administration through those of representation and those of defense of national interests. Representation tasks are subdivided

into: external (or diplomatic) representation tasks and internal representation tasks. The tasks of defending national interests (security) are also divided into: tasks of defense and tasks of maintaining order.

Execution and management tasks are those technical tasks that immediately and directly target objectives that constitute the social purposes of administrative actions.

Within this category of tasks, are distinguished:

- economic tasks, for example, public works, transport and telecommunications, research and exploitation of energy sources, urban planning, construction and land use planning;
- social tasks, for example, education, culture, social assistance and social security, health care and medical care.

Starting from the content of the public administration as an activity, in the specialized literature there are two large groups of tasks that belong to the public administration: management and organization tasks and performance tasks.

The management and organization tasks derive from the traditional function of the state to regulate the activity of the members of the society and consist in the dispositive actions through which the execution is organized and the laws are executed in the most different fields of social activity in which the state acts. They involve a whole range of tasks in preparation for action, information and documentation, planning, decision-making and control.

The performance tasks belong to the public administration system, which is obliged to provide members of the social community with public goods and services of various kinds. Such tasks are of national interest, for example, tasks of defending public order and village security or tasks of diplomatic representation. Other tasks are of local interest and concern the satisfaction of material or spiritual needs of members of society (such as the production or purchase of goods or services, the schooling needs of children and young people, social and medical assistance, etc.).

4. Conclusions

The public administration is the social structure which, together with the government, as well as other groups that constitute the society, is always ready to carry out actions with concrete, immediate and direct effects, to highlight it in front of citizens, even if the results obtained or failures they are perceived by them as belonging to the political power, considered as the case may be, efficient or inoperative. In this regard, dissatisfaction and satisfaction will thus be received by the administration, according to the response given to the company or the failures suffered from the non-realization of the projects that the company claimed. There is a difference of nature that separates two categories of social relations, some that are established between the administration and other organizations or social groups, others between the administration and citizens.

In its relations with social groups, the public administration, it can be stated that it is in a continuous dialogue, due to the community of problems that are put before them, for the fact that there is an institutionalization of forms of consultation, as well as the feeling of rights and obligations which each of them has. Each of them is convinced that they make a significant contribution to solving certain problems, even if they have divergent points of view. The mentioned situations are only by way of example, they in reality being infinitely numerous, especially when the public administration has the power of appreciation. In these cases, the question arises of knowing to what values admitted by society the public administration is more or less sensitive, to which it acts more or less intensely, what criteria determine its choice or if it can leave it indifferent.

The public administration, in order to be able to carry out its tasks, needs to rely on political power. Its authority in the respective company is an essential factor of the efficiency of the public administration. There is also a very close collaboration between the public

administration and the political power in the state in all fields of economic and social life and, especially, in the field of organizing the execution and concrete execution of normative acts, so that it is almost impossible to establish a clear border which separates them. In this context, it is obvious that the public administration of a given state depends directly on the organization of public powers through the fundamental law and, at the same time, on the structure of the state.

The organization and functioning of the public administration must be regulated, as far as possible, from the outset, so as to cope with any tasks without changing its structures, except when this is imposed by objective factors and the general interest. The correct understanding of public administration as a social reality involves overcoming the formal-legal framework and, simultaneously with the study of legal regulations, studies are needed dedicated to specific problems of research in the political, social, economic, and also involves capturing coordinates such as science and art. leadership, quality, effectiveness and efficiency.

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