

EDITORIAL:***Research developments in public law
and administrative sciences in
Romania*****Dragos TROANTA R. TURCULEANU****INTRODUCTION**

The first issue of the Academic Journal of Law and Governance marks a new starting point in Romanian and European research dedicated to public law and administrative sciences.

The Academic Journal of Law and Governance intends to bring forward to the European and international academic scene, the efforts conducted by Romanian researchers and their European counterparts in investigating the developments in public law and administrative sciences with a clear focus on the European continent.

Reflecting the diversity of the fields, the Journal intends to publish peer-reviewed research studies, case and national studies that will grow the scientific knowledge on the European continent from both general and also comparative points of view.

As a first step, the editorial will present important developments registered in Romania in the last years, developments that can contribute to the real affirmation of Romanian doctrine in the international academic arena.

The article will present the starting point (1) of a new evolution in Romanian research, naming here the research project “*The Right to a Good Administration and its Impact on Public Administration's Procedures*”, a short presentation (2) of the Romanian Academic Society of Administrative Sciences and last (3) a brief presentation of the scientific results obtained in the fields of public law and administrative sciences in the last years by Romanian researchers.

1.The starting Point

Research Project: “The Right to a Good Administration and its Impact on Public Administration Procedures”

Started in October 2007 and for a period of three years the national research project entitled “The Right to a Good Administration and its Impact on Public Administration Procedures” marked the development of a new stage in Romanian administrative sciences and public law research.

The research project ID 698 was financed by the Romanian Council of Scientific Research after being selected in the national IDEAS research grants competition organised in 2007.

The research team based at the National School of Political Studies and Public Administration was formed by University Professor PhD Emil Balan, Vice-Rector of the National School and the following researchers: Cristi Iftene, Dragos Troanta, Gabriela Varia and Marius Vacarelu.

Project Presentation

The research project proposed the research of a new theme in the Romanian administrative and juridical space. The project proposes to detail and study thoroughly, through substantive comparative analysis the concept of good administration, its determinations, and, in the same time, to identify its impact on public administration procedures. The research team proposed to analyze and systemize

the legislation which contains the administrative procedures norms that developed the fundamental right to a good administration. In our research we focused on the hypothesis that the simple inscribing of these procedural rules in international instruments, even with a great importance did not guarantee its application. Some of these procedural rules imply a continuous process of learning for both citizens and civil servants.

The research was innovative on two directions: scientific and practical, because it intended to bring into public debate an issue which was not merely scientific, but also had the valences of a public issue, in the conditions in which the social impact of administrative procedures is a certainty.

Objectives

The first part of our research was oriented on the international and European dimension, based on an analysis of the international and EU developments on the topic, as well as a comparative analysis at the level of EU Member States. The main objectives are aimed at:

- Clarifying and correct understanding of certain concepts specific to the research;
- Identifying the content of the right to good administration in the international doctrine;
- Identifying the principles that govern administrative procedures, principles that build up good administration (both at the level of the European Union and of that of the Member States);
- Analysing and identifying the exact representation of these principles by

tracing the manner in which they are regulated from the legal point of view, the manner in which they and their effects are applied.

Thus the existing good practices in the matter at the level of EU Member States and the requirements for achieving a good administration formulated on EU and international level will be highlighted.

The second part of our research was oriented towards the domestic level, having as main objective to achieve a clear image of the present conditions regarding the administrative procedures in Romania and at identifying the similarities and differences existing at national level. The main objectives are aimed at:

- Identifying if the principles revealed in the first part of our research have a correspondent;
- Identifying the manner in which the principles are regulated, applied, as well as the effects obtained;
- Identifying the expectations of the Romanian populations with respect to a good administration;
- Identifying the opinions of civil servants regarding the procedural requirements necessary in order to ensure a good administration.

The last part of our project had as main objectives a series of proposals and solutions: both legislative and of public policies/initiatives for the executive, which should allow: alignment with international and European standards, administrative simplification, elimination of existing contradictions at domestic level, systematization and unification of

administrative procedures, thus resulting the fundamentals of an administrative procedure code, development of training programs for civil servants, organisation of workshops for the general public regarding the rights they have in relation with public administration and the obligations of public administration bodies and last involvement of the academic environment for the duration of the project by organizing a national conference each year and different roundtables and workshops.

Results

The project results contained the series of proposals and solutions for the legislative and the executive, training programs for civil servants and public information's made available for the general public, dissemination of the research results in the academic environment both at national and international level through research and institutional visits, scientific events participation and organisation and scientific publications.

For a more detailed presentation of our research project results the research team can make available findings and information's related to the project. Also important aspects related to our current research can be obtained by contacting the members of the research team through the Centre of Public Law and Administrative Sciences based at the National School of Political Studies and Public Administration, Bucharest, Romania.

2.The Evolution

Romanian Academic Society of Administrative Sciences

The Academic Society Presentation

Talking in consideration the new evolutions registered in the field of social science research in Romania, most important in the fields of administrative sciences and public law, the need to develop a new academic arena for the dissemination of scientific results in these fields of study in Romania was born.

The founding members¹ of the Society, naming here the research team involved in the national research project “The Right to a Good Administration and its Impact on Public Administration Procedures” envisioned the formation of a new scientific forum at national level, composed of representatives of the Romanian Universities, members of the academia with interests in these fields of research, members of the executive authorities, civil servants and practitioners and members of the judicial power, naming here judges at the highest ranks specialized in administrative contentious.

Having obtained legal personality in March 2008, the Romanian Academic Society of Administrative Sciences is registered in the national Registry for Associations and Foundations of the same year. The Academic Society of Administrative Sciences is a moral person of private law, being regarded as an association established according to the

provisions of Government Ordinance no. 26/2000.

Objectives

Based on its legal Statute, the Society has the following five objectives:

- a) Promoting and defending the rights and interests of the academic members in the field of administrative sciences.
- b) Stimulating and developing Romanian higher education and excellent scientific research in the field of administrative sciences on national, European and international level.
- c) Increase the level of scientific authority and in visibility at a national, European and international level of the professional elites in this field.
- d) Promoting free movement of information between its members.
- e) Defending and promoting other interests of A.S.A.S. members.

As specific objectives the Society intends to:

- a) Focusing, using and putting to good use the human potential of the highest qualification by the academic community in the field of administrative sciences.
- b) Forming and developing a nucleus and of a network of excellence in the field of administrative sciences.
- c) Accumulating knowledge, results and good practice in the field of administrative sciences.
- d) The increase in the administrative capacity of Romania and aligning Romanian administration to the European and international excellence standards.

¹ Emil Balan, Cristi Iftene, Dragos Troanta, Gabriela Varia and Marius Vacarelu.

- e) Disseminating and transferring research results towards the national and international academic members, to the decision makers and the administrative field.
- f) Informing public authorities and civil society about the problems and demands for reform and development of public administration in Romania.

3. The results

Annual Conferences and scientific publications

Based on the partnership between the National School of Political Studies and Public Administration, the Romanian Academic Society of Administrative Sciences and the National Council of Scientific Research a series of annual conferences was launched in 2008.

2008 Annual Conference

The first annual conference was dedicated to the start of the research project “The Right to a Good Administration and its Impact on Public Administration's Procedures”. The conference was organised on 28th of March 2008 with the title “*Contemporary Administrative Law: Towards a Unitary Conception in Romanian Doctrine and Practice*”.

Based also on the interests manifested by the National School and the Academic Society the conference was structured in three scientific sections, naming here:

1. Evolution of Romanian administrative law after 1990.

2. The Bologna process and the study of administrative law.
3. The relations between national administrative law, European administrative law and global administrative law. The right to good administration.

Taking in consideration the theme of the conference the participants were also invited to reflect on a series of seven questions that were debated during the scientific conference:

1. What were the main factors (internal and external) that generated major changes in Romanian administrative law after 1990?
2. What are the new juridical institutions that appeared in Romanian administrative law after 1990?
3. Jurisprudence role in the evolution of Romanian administrative law after 1990?
4. How has Romanian administrative doctrine reflected the changes in administrative law?
5. The Bologna process and its influence on administrative law as a discipline in the curriculum of law and public administration faculties?
6. Can we speak of the existence of European administrative law? What about global administrative law? Is there a kind of administrative law specific to each continent?
7. Romanian administrative doctrine: openness or isolation?

2009 Annual Conference

The second annual conference was organised by the National School of Political Studies and Public Administration in partnership with the

Romanian Academic Society of Administrative Sciences and with the financial support from the National Council of Scientific Research.

The conference tried to develop the understanding of the right to good administration, stated in article 41 of the Charter of Fundamental Rights of the European Union, trying to cover different perspectives related to the topic and also to present preliminary results obtained by the research team.

The second conference entitled “*The right to good administration – between doctrinal debate and normative regulation*” was organised on the 13th of November 2009, having two scientific sections:

1. Historical and doctrinal research on the right to good administration.
2. Perspectives regarding the normative consecration of the right to good administration.

2010 Annual Conference

The third annual conference was organised by the National School of Political Studies and Public Administration in partnership with the Romanian Academic Society of Administrative Sciences and with the financial support from the National Council of Scientific Research. The third conference marked the partnership with the Romanian Institute of Public Law and Administrative Sciences, autonomous administrative authority recognised by Romanian law (Law no. 246/2007).

The conference entitled “*The right to good administration and its impact on public administration*” was

organised on the 18th of November having four scientific sections:

1. Romanian Constitution revision in the matters regarding public administration:

- The eventual consecration of the right to a good administration in the fundamental text;

- Proposals to found a Superior Administrative Council in Romania.

2. The practice and application of the principles of good administration by Romanian public authorities.

3. Judicial courts practice and the developments in the matter of administrative contentious implications.

4. New regulations in higher education. Implications in the fields of law and public administration.

2011 Annual Conference

The fourth annual conference organised by the National School of Political Studies and Public Administration in partnership with the Romanian Academic Society of Administrative Sciences and the Romanian Institute of Public Law and Administrative Sciences marked a new collaboration with the Romanian National Authority for Scientific Research.

The conference was financed by the Romanian National Authority for Scientific Research, following the success of a research conference project submitted by the organisers² during the 2011 national grants competition, under the title “*Field administrative reforms in the*

² Emil Balan, Cristi Iftene, Dragos Troanta, Gabriela Varia and Marius Vacarelu.

European administrative space in the context of good administration—implementation and evaluation”.

The annual conference organized on 18th of November has taken in consideration the possible developments of constitutional nature but also the fundamental changes occurred in 2011 in Romanian legal system, naming the adaptation of the new Civil Code.

The conference was organised in four scientific sections:

1. Administrative-territorial Reorganisation and other constitutional reforms.
2. The practice and the application of good administration principles in Romania.
3. The implications of the new Civil Code on Romanian system of law.
4. New regulation in higher education. Implications for the fields of law and public administration.

2012 Annual Conference

The fifth annual conference organised by the National School of Political Studies and Public Administration in partnership with the Romanian Academic Society of Administrative Sciences and the Romanian Institute of Public Law and Administrative Sciences marked the second collaboration with the Romanian National Authority for Scientific Research.

The conference was financed by the Romanian National Authority for Scientific Research, following the success of a research conference

project submitted by the organisers³ during the 2012 national grants competition, under the title “*The administration and political power. Trends and evolutions in European Public Space*”.

The annual conference organized on 26th of November was organized in two general scientific sections:

1. Constitutional democracy. Utopia or/and reality.

- The necessity to redefine the concept of democracy.

- The limits of constitutional democracy.

- The crisis of parliamentarism and administration.

- The Status quo of constitutional democracy.

- The uninominal vote and elective autocracy.

2. National administration and the challenges of today society.

- Legality and efficiency in public administration.

- The function and public service in the era of reforms.

- The free administration of local communities.

- Administrative justice: alternative methods.

Scientific Publications

From the scientific publications developed from the research findings of the ID 698 research project and the annual conferences, I would like to name the most important ones as it follows:

³ Emil Balan, Cristi Iftene, Dragos Troanta, Gabriela Varia and Marius Vacarelu.

1. *Romanian civil servants perception diagnose on the right to good administration*, Ed. IRECSO, ISBN: 978-973-7694-47-8, Bucharest, 2008.
2. *Romanian citizens perception diagnose on the right to good administration*, Ed. IRECSO, ISBN: 978-973-7694-46-1, Bucharest, 2008.
3. *Contemporary administrative law: towards an unitary conception in Romanian doctrine and practice*, Ed. Comunicare.ro, ISBN 978-973-711-183-8, Bucharest, 2008.
4. *Study on the global dimension of good administration and the influences on public administration*, Ed. Comunicare.ro, ISBN 978-973-711-210-1, Bucharest, 2009.
5. *The right to good administration between doctrinal debate and normative regulation*, Ed. Comunicare.ro, ISBN 978-973-711-210-1, Bucharest, 2010.
6. *The right to good administration and its impact on Public Administration procedures*, Ed. Comunicare.ro, ISBN 978-973-711-281-1, Bucharest, 2010 (both in Romanian and English).
7. *Good administration: from vision to action*, Ed. Comunicare.ro, ISBN 978-973-711-285-9, Bucharest, 2011.
8. *Administrative capacity consolidation in the context of good administration*, Ed. Comunicare.ro, ISBN 978-973-711-314-6, Bucharest, 2012.
9. *Administration and political power. Tendencies and evolutions in European public space*, Ed. Comunicare.ro, ISBN 987-973-711-453-2, Bucharest, 2013.

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