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Good Administration and Performance of Local Public Administration

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Abstract

At first glance, defining good administration seems easy to be done, but it is not always like that. As a quite new concept, promoted by the supporters of the new public management, good administration is a fundamental right of the European Union and, at the same time, a principle established by the European Court of Justice or a concept used in the administrative sciences. To characterize the way an administration works, good administration is an indicator of performance in public administration. For this reason, as a concept, it was developed by the doctrine. As a concept, good administration is a model of administration. As a principle, good administration outlines the boundaries inside which the public administration activity should take place, by establishing, on the one hand, a set of ethical rules of behaviour, and on the other hand, standards to be taken into account by the public administration activity. Thus, the public administration activity should be developed efficiently, effectively and economically. This article aims to analyse all the three aspects, which the good administration is found in - concept, principle, and right. In analysing the good administration, we shall use the experience of the European countries - Sweden, Great Britain, and other countries in the European Community. At the end, we shall present the results from a study developed in the Brasov City about the way the citizens of Brasov perceive the proper administration of their community.

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1. Introduction

The concept of good administration of local communities reflects the way a modern administration understands to manage the local needs and interests. This involves the performance of a due diligence activity of the local authorities for and in the interest of the citizen. As we noted also in the specialty literature, we have no uniform regulation for good administration, as it is defined by the jurisprudence of the European Court of Justice

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(Tizziano, 2011, p28-41), of the European Charter on Human Rights, by the European Code of Good Conduct or as a concept subject of political sciences, a right defended and promoted by the European Ombudsman (Danwitz, 2010, p.8). The difficulty of understanding and application of good administration is that this right contains more independent rights and on the other hand is constituted in procedural warranties for the citizen but also the fact that, by the ethical rules it imposes, it characterizes a model of administration.

1.2 Good local governance and public performance

In Romania, the legislator regulates the principle of good administration and the concept of good administration in different ways. Thus, while the principle of good administration is established at communitarian level by contribution of jurisprudence, the Romanian legislator established the principle of good administration as a model for administration operation. It must develop its activity with efficiency and economy (Matei L., 2006, p. 194). The legal regulation also imposes the development of local public administration activity to execute the general interest by promoting therefore the general interest in the detriment of private interest. As a matter of fact, the specialty literature also noted the conflict generated by the will to have a performing and efficient administration with the need to promote ethics and integrity for the purpose of achieving the common welfare. The concept of good administration is relatively recently regulated and characterizes a mean of administration by imposing a due diligence and prudence from the one exercising it. The constitutional provisions referring to equality of rights, free access to justice, right to defence, right to information, right to petition, and right of injured person to a public authority establish the entitlement to a good administration indirectly. We can see that the right to a good administration has within its content a series of this right as an "umbrella" right. (Mendes J; 2009, pp. 7-8). As a matter of fact, studies (Statskontoret, 2005; Matei and Matei, 2012) made in the field revealed that at European independent rights (Kaňska ; 2004), fact that determined the authors in the field to characterize level, there is a set of principles common to the concept of good administration, applied by constitutional norms or by special laws, but also the fact that the application of these principles depends on the administrative tradition of the respective country. Another aspect resulted from the researches regarding the good administration, is that of administrative procedures importance. The good administration promotes the power of procedures. The administrative procedures must be a mean to fight bureaucracy and corruption, and not to encourage them, therefore we consider necessary that in its activity, the administration to consider that balance indicated in the foreign doctrine and jurisprudence, and namely between protecting the private and public interest. The way this concept is regulated, allows an amalgamation between the two approaches - the judicial one and the administrative one - without existing a conflict between the management and observing the right to good administration. (Matei et al.2009; Matei and Enescu, 2012)

1.3 An empirical research in the municipality Brasov

In order to be able to analyse the way in which the good administration serves or not to the interest of citizens, we made an analysis of the main departments within the Mayorality of Brasov, which we correlated with an empiric research made at Brasov City's level. The analysis of the activity of the two public departments included a period considered relevant for their activity and had as purpose the way the transparency and public access of citizens to information, and also the operating costs of these public departments in achieving the good administration, are observed. Before analysing the activity of these two departments, we must make some remarks regarding the activity of public servants within the Mayorality of the City of Brasov. Their activity is developed by some rules included in the Internal Regulations of the specialty department of the Mayor of the City of Brasov and the Conduct Code for the employees of the Mayorality of the City of Brasov. The Employees Conduct Code, according to art. 4 of the code, has the purpose to increase the quality of services and to perform a good administration in achieving the public interest. The activity of the Conduct Code is based on the principles of transparency of law supremacy, but also of achieving the public interest. By these regulations, the public servants must have a conduct based on correctness, respect, kindness, impartiality to ensure a quality public service, but

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