

Civil Servant Corps in Romania – Facts and Prospects

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ABSTRACT: The world boasts a rather rich experience with regard to both public function itself and public function institution, hence civil servant category. Public servants appeared along with the organised state, a relevant culture, even a patrimony developing throughout millennia and centuries. Civil servants (even if not always called as such) have existed in all societies all over the world. Certainly, the meaning of this concept and of civil service differed in time. For some, civil servants were a kind of clerks dealing with the paperwork needed in the relation of the powerful with their subjects, of the authorities with the citizens, for others they included state administration, clerks in ministries, those responsible with tax collection, more or less all those remunerated from the state budget, except dignitaries and military. Presently, all states have civil servants who work in keeping organic laws which regulate the activity pertaining to the operation of a state, to public order and to state security, to optimising the relationships between authorities and citizens etc. In Romania, the activity of civil servants is regulated by Law no 188/1999, amended in 2018, on the Statute of Civil Servants, and by Law no 156/2018 amending Law no 188/1999.

KEYWORDS: bodies, civil servant, citizen, public administration, public function, state

Introduction

A society has always been a dynamic and complex system, associated with specific processes, which generate and implement, timely and adequately, the characteristics indispensable to its existence and proper functioning: unity, diversity, coherence, ability to adapt to new conditions, integrality, flexibility, adaptability, efficiency and durability. Unity and diversity are both structure and functioning related components, which make up the structural universe of an identity. They are ensured, we believe, particularly by the congruence between the value systems generated in time, which form the cultural and mostly the axiological foundation of any type of society, the modality which all kinds of managers (political, economic, social, administrative, educational, military, communicational etc.) use in order to identify, make work and connect – within the same concepts – vital national interests with value support systems, under the conditions provided by the international, global and regional environment.

Each of the aforementioned domains, both related and supplementary, has its structure and complexity, its role and purpose, but the vital centres which gather and interconnect all the elements and structures on which and through which actions are taken, are two, integrated and interdependent: *the individual* and *the society*. All the components of the social and societal structure operate specifically within this framework, but the median and coagulant factor and, equally, the pawn, the pivot and the ant which set up, test, build and keep together and coherent this unitary, viable and flexible edifice is what laws everywhere in the world call *civil servant*. Far from being a factotum (actually, each civil servant is but a toiler in the anthill and for the anthill, a bee in the beehive), this individual who works hard in a kind of synopsis, actually providing, in an interactional and pragmatic manner, what the law calls “professional, transparent, stable, efficient and impartial civil service, both in the interest of the citizen and of authorities and institutions (Law no 188/1999, on the Statute of Civil Servants, amended in 2018, republished, art. 1(2)), and ensuring the consistency and vitality of the synopsis, is only a tiny dot in an immense and complex dimension.

Civil servants – as old as the organised human society – exist, perpetually renewed, commented and reconfigured, under two extreme and categorical authorities: the *individual* whom they serve and the *authority* which they attend. And even if the law defines, quite clearly, civil servants’ role, duties and competences, the mechanism within which and by means of which they work, determinations and, mainly, perturbing factors upset the linearity of this profession and of this indispensable and often unsatisfying social function (which some consider to be friendly and easy) and turn it into a non-linear, very complex, highly diversified and extremely demanding dimension.

That is why it seems that there is no perfect civil servant always adapted to the requirements of the variable dynamics of the social and individual life, in such a complicated and unpredictable society.

Public Function and Civil Servants

The two jaws of a huge vise – *the state authority and the individual and insatiable group need* – squeeze the civil servant in a corset woven from law rigours, complex determinations, equally rigid and aleatory, and eternally specific and sophisticated demands. They turn this profession as well as this social and professional category into a distinctive species, suffocated by shells, regulations and bureaucracy and left alone and helpless in the elegant or primitive jungle of a complicated society, made up of complex civilisations and different, more than often dissatisfied people.

Particularly for the present Romanian society, which experienced, due to the extremely complicated and controversial revolution in 1989 and the following years, a complex, austere and dramatic transformation process from the socialist society, with a different brand, a different configuration, a different system of values, laws and institutions, with a different concept of freedom, equality, security, responsibility etc. to a liberal, capitalist-type society, with determinations contrary to those of the former society, the price of this maieutic is dazzling and extremely high. We talk about millions of people forced to leave the country in search of a job, about a severe disturbance of social order, about several thousands getting rich by means of fraud, about the enhancement of social anomalies, about the recrudescence of corruption and violence, about the striking, uncontrolled and paradoxical weakening of state administration and institutions etc. etc., with destructive or, in any case, perturbing effects on legality, legitimacy, social order and way of life.

The new political, economic, social, moral and security configuration, according to the western model, which respects the market, freedom and property, and not by merely resuming the one that existed until 1945, that is the old pre-war rules and customs, but by fully, furiously and sometimes wrongly destroying in anger and without discernment all the structures, components, values, heritage and effects of an epoch that lasted only half a century, in the name of another epoch, partly recovered, partly rebuilt not from values but from all kinds of rifts, frustrations, scenarios and hopes, has destroyed not only a concept but a perennial universal foundation, that of civil service, existing in every type of society, part of mankind's heritage and ensuring the actual functioning of the society. It is the professional category that serves the citizen and the society as a *modus vivendi* of people, as an institution of the economic and social life.

As well known, civil servants are part of this heritage. They do not and should not have political, ideological or party membership, but a necessary existence and intrinsic civic and professional determination. Their conscience and vocation is not affected by socialist, liberal or non-liberal political concepts, but only by civic, economic, social and professional concepts. They do not issue or legitimise policies, strategies, wide-scope operations and tactics, they just enforce and implement those accepted, selected, issued or validated by the lawful authorities, by the most appropriate means. Civil servants are not communists, socialists, liberals or anarchists, but professionals in the service of the society, of the people, intelligent and tenacious performers, mediators, clerks. But they are also creative, intelligent and diligent, they are experts, specialists.

They may be intelligent or less intelligent, they may have likings or preferences, but in their profession they can only be the conveyors, the professionals that enforce the law, promptly meet citizens' demands, requirements and needs, operate the economic and social mechanism, certainly not as a blind interface between decision makers and doers – being instruments and performers – but also as intelligent and qualified elements of human potential, as conscientious and rigorous clerks, as creators in an interface pool between law and the beneficiaries of its effects, between authorities and citizens.

Nonetheless, civil servants are not a mere conveyor that goes on and off according to an algorithm, to the will of the powerful or to the demands of individuals. They are elements of a determined, intelligent and moderate construction, who solve problems, within their competence, who connect the will of the authorities with the needs of the citizens, participate in the drafting of

policies, strategies and of the other elements pertaining to the dynamics and philosophy of public policies, documentations, support and surveys required by the processes specific to the state of law.

All these are highly important. The way various countries and administrations address them is both similar and specific, but not definitive, rigid and categorical. That is why we believe that a thorough analysis of public function, of civil servants and of this numerous, interdependent, rigorous and creative category is both beneficial and necessary. This derives from the changes in the political, economic, social and administrative paradigm occurred over the past decades in Europe and the world over, as well as from the significant degradation of the international security environment and of human condition in our zone of direct strategic interest.

We set out from two expectancy horizons and two categories of premises when we chose this subject:

- the new dynamics of the demands for a configuration and reconfiguration of the public function in a democratic state, conditioned by the new internal and external, geopolitical and geostrategic exigencies and determinations, within which interdependencies, pressures, dangers and threats, just as vulnerabilities to all these go beyond what we call state of law and greatly complicate its support parameters;

- specific determinations resulted from internal organisational processes, from deep-going mutations – some of them destructive – occurred in the implosive and divided Romanian society, in the European and Euro-Atlantic context.

None of these horizons is clear with regard to their pillars and projects, which actually do not exist, or if they exist they are late, timid, arguable, not unanimously accepted or even prolix. This whole legislative and executive tumble, generated by the lack of political and strategic projects and of appropriate matrices of intrinsic safety, of stability, security and hope has created a dominant feeling of temporariness, of uncertain and tense expectation, of fear and, eventually, of disappointment and even resignation, when some developed only their accumulative, corruptive, arriviste functions, whereas most of the inhabitants developed only their survival functions, all while the social project and the long-term country project and the strategic concept on durable development lacked altogether.

This reality is corroborated by specific internal determinations which failed to boost honesty, endogenous responsibility, trust, hope, as well as responsibility and commitment to designing and implementing a country project able to bring together all inhabitants, not even in the year when we celebrate the centennial of the Great Union and of the foundation of the modern unitary and indivisible national state.

The absence of a unitary and integrated vision and of a national enthusiasm able to promote a genuine and absolutely necessary country project has proliferated negative qualities, the will and even the need to emigrate, the temptation of the jobless to make do with the social benefits the state give to almost all those without a stable income.

At first glance, the effect of such policies, poor in nuances and realism, on the public function was to render it superficial and levelled, to take it out of the exigencies of our epoch and of its deontic logic. Deviations appeared at all levels from the deontology of public function and of the profession of civil servant, respectively.

A first assessment of this deviation, based on both study and practical experience, evinced the idea that until 1999, when Law no 188 on the statute of civil servants was passed, and even afterwards, even after it was amended in 2018, there were at least three trends in exercising this profession:

- excessive bureaucracy, materialised in the fussy, blind, narrow-minded and unimaginative clerk, the messing up clerk;
- relative proliferation of endogenous corruption, petty, conditioned and extended;
- development of the typology of present and future civil servant, very modern, intelligent, motivated, imaginative, communicative and responsible.

The type of rigid, fussy, excessively bureaucratic, messing up clerk who does not understand the flow, connection, or his role in the economic, social, administrative, military, security and public order

mechanism, evolved for a while to the detriment of the intelligent, motivated clerk able to accept demands and understand in a nuanced and realistic way the exigencies of a public function, and to abide by the optimal parameters of its philosophy and physiognomy. This type of clerk, extensively criticised over the past years, helps neither the citizen nor the institution where he works (town hall, agency, ministry etc.). He terrorises the poor citizen and renders the correct enforcement of the law extremely difficult. Certainly, such a clerk cannot be accepted or tolerated for long, but it is very difficult to identify him among the numerous civil servants and to prove his incompetence and ill faith. Consistent, even excessive fussiness and bureaucracy are not necessarily a bad thing. But the line between excess and exigent, between rigour and terrorist excessiveness, between the inflexible clerk who just does his duty and the one who always finds something wrong – for real or not – is hardly detectable or even demonstrable. That is why the institutions monitoring the rule of law and the proper enforcement of law provisions in the relation with the citizen often fail to notice the inadvertencies, dishonesty and incompetence of the civil servant. In the end, it is not the exclusive job of the specialised institutions to monitor whether a public function is exercised correctly; the relevant institution should have this expectancy horizon included among its competences.

The public function and, consequently, the civil servant are of strategic importance for any state. That is why we believe that this issue should be tackled at all levels, but the strategic level is always the basic, fundamental one. When we speak about public function and civil servant, we should bear in mind not only the approach to actions specific to this type of activity, what the civil servant does on a daily basis, but also the way in which he works in this highly important domain. Just as today, in the battlefield, each soldier is a pawn in an extremely risky aggregate, whose action always has a strategic effect, the public function and the one exercising it must be understood as having a strategic importance in the social-economic reality.

As stressed before, in Romania, the activity of civil servants is regulated by Law no 188/1999, amended in 2018, on the statute of civil servants and by Law no 156/2018 which amends Law no 188/1999. Art. 2 of Law no 188 defines both the public function (*the aggregate of duties and responsibilities, set under the law, for the central public administration, the local public administration and the autonomous administrative authorities to carry out their prerogatives*) and the public servant (*the person appointed, under the law, in a public function*).

Paragraph (3) of the same article lists the activities performed by civil servants. The fact is interesting that the first provisions of this article of Law no 188/1999, as amended, takes the civil servant out of the narrow, strictly executive context, once limited to solving petitions and applications and to other fussy and annoying bureaucratic activities, extending it to other domains, such as the *drafting of norms and other regulations specific to public authorities or institutions and their endorsement, the drafting of the projects, policies and strategies needed to put in place and implement public policies...*, of the documentation required by law enforcement etc.

The concept of public servant has been extended, is more complex and diversified, the public servant being compared with bees in a beehive, or, more suggestively, with highly skilled workers of an enterprise, actually of the state, in the service of both authorities and citizens.

While carrying on my activity within the National Agency of Civil Servants (for some time now) I noted that self-verification, the feedback relation and the improvement of own functionality were not so simple to achieve; it is just the opposite, especially in recent years due to the changes occurred in legislation, to the changes, transformations, reforms and substantial improvements made to Public Administration.

Since Caragiale (renowned Romanian writer of the 19th century), the more or less institutionalised culture of the public function, hence of the civil servant seems, at least at a first glance by an outside observer, to have a more pamphlet-like than a brand resonance. Still, the latest reforms and recent updates and amendments have brought some fresh air in this domain.

The image of the Romanian civil servant, just as of the public function institution is not firm or rigid, like that of the German or English civil servant, for example; it is rather conditioned by times and by the whims of the regimes that have ruled our country along the years.

That is why we believe that scientific research – both fundamental and applied – still has a lot to explore and many problems to solve in this domain.

The Romanian society, especially in the European, Euro-Atlantic and global context, and despite the debatable situations it is going through, evolves rapidly. Sophisticated technologies, IT, networking, digitisation, fast communication in real time, as well as the complex and sudden transformation processes imposed by corporations and fluid economy trigger a new, specific dynamics with regard to public function and civil servant.

It is highly probable that in the future a large share of the civil servant's current duties will be taken over by automated systems and solved via robotisation and cybernetics. This may entail new characteristics, new dimensions, new consonances and a specific flow of resonances, but by no means a degradation of this function; on the contrary, it will be modernised and freed from excessive bureaucracy, human error and ill faith, which has never disappeared, not even in the best moments of our civilisation on Earth.

On the one hand, this survey will truthfully and thoroughly X-ray this domain, the complex dynamics of processes, reality and current projects of the public function and of the socio-professional category of civil servants, with all their determinations and conditions – political, economic, social, legal, hierarchical, networking etc. – and on the other hand will identify new potential and integrated management resources, the prospects of these processes.

I state this since it is common knowledge that our country suffers from negative, excessive, stressful, even terrorising bureaucracy, with a worrying inefficiency index, which affects not only the citizens and the community, the working team and management of any organisation, but also the intrinsic, endogenous security of systems and processes, durable development, everyday life and human condition as a whole.

It is true that the National Agency of Civil Servants and the National Institute of Administration have many achievements as regards the founding of the public function, of the civil servant and of the Civil Servant Corps on new modern and up-to-date co-ordinates, but it is still hard to clear this domain and only a few swallows do not make a summer.

There still is a lot to be done, and scientific research needs to contribute more substantially to flattening and smoothing this still rough and uneven ground. This process has already started, strongly and efficiently. For instance, the specialised department of the National Institute of Administration is to provide continuous professional training for important categories of personnel already specialised in central and local public administration. They are the future candidates for jobs as high civil servants, civil servants or staff working under individual labour or management contracts, persons that have been designated, elected or appointed in public functions, or people of other categories.

All the current programmes of continuous specialised professional training tackle complex, innovative topics which ensure the development and updating of competences and skills in high demand, abreast with the requirements of modern, flexible and high-performance public administration (INA 2018b). Unfortunately, the Romanian society, in all its component parts, just as the present administration, is still divided, unstable, incoherently reformed whenever governments change, which renders almost impossible clear long-term projects, country or public function related.

Nevertheless, in order to attain such a goal of strategic importance, like that of recruiting and brushing up the knowledge of trainers that train highly skilled trainers and civil servants, the National Institute of Administration recruited for 2018, at national level, specialised staff (trainers) to provide brush-up programmes in 2018 in its territorial centres in the following 18 domains (INA 2018a): Public policies; Regulation drafting; Human resources; Financial management: programme budgeting; Internal audit (including the use of the Managerial Internal Control System); Project management; Institutional representation; Public acquisitions; Quality management; Territorial planning; Urbanism; IT&C application administration; Communication and PR; Emergency situation management; Ethics and integrity; Social service management; Strategic management; Register Office. The mere enumeration of such important domains, which belong to what we call

public function and public project, evinces the broad and complex character of this undertaking of the Institute.

That is why we intend to analyse the new political, strategic, operational and tactical management of the public function and civil servant domain, imposed by the new form of Law no 188 and promoted by the National Institute of Administration, as well as the feedback effect generated by inter-level and inter-domain interactions.

Conclusions

In conclusion, this scientific demarche, regarding a highly important structure of the present but more particularly future Romanian society, showed that the major goal was to identify the main elements and co-ordinates of the evolution of public function and of the institutions that define, modernise and support it, particularly of the modern civil servant and the civil servant corps of Romania. We believe that its contribution to the proper functioning of the state and of the relation among the various components of the society should be substantial, supported by law, procedures, practice and scientific research so that best results should be obtained in the shortest possible time.

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