

GOOD GOVERNANCE REFLECTED IN THE CARAȘ-SEVERIN AND OTHER COUNTIES ADMINISTRATIVE ACTIVITIES

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This article aims to underline the important role of good governance while presenting some inovative activities within the county administrative system. A transparent, citizen centric administration that enables communication is a perfect way to achieve an efficient administration. Moreover only by understanding the historical and social context and the needs of the society one can focus on the sustainable human development. We try to analyze the processes of reglamentation and interaction focusing on the transparancy and free access to public information.

Administrative reforms although encountering various barriers, tend to create a change in the way civil service system operates, and seen in a comparative manner, they can offer a perspective in the new public governance and in the long run they can develop over time. All in all the government process at our county refers to the way the laws, norms and actions are structured in order to produce a specific outcome.

Keywords: transparency, good governance, active citizenship, free access to information of public interest

Introduction

Free access to information of public interest is a fundamental principle of a democratic society, which promotes transparency and accountability in governance. This principle assumes that information about the activity of public institutions and their decisions should be accessible to citizens, without unnecessary restrictions.

There are different ways to ensure free access to information of public interest, such as:

- the adoption of laws and policies to regulate this aspect, and which should stipulate that information of public interest should be available free of charge and without undue delay;
- the creation of online portals where citizens can access information of public interest and request additional information;
- promoting transparency in public procurement and the management of public funds, so that citizens can monitor how their money is spent and can detect possible abuses or illegalities.

It is important that governments ensure free access to information of public interest so that citizens can make informed decisions and can evaluate the performance of public institutions. Moreover, transparency in

governance can contribute to preventing and fighting corruption and improving the quality of citizens' life (Alistar V. 2005).

Research Methodology

This article focuses on the implementation of decision-making transparency in public administration in the context of current legislation and the basis of good governance. It is very important that decision-making transparency is applied for a good functioning of the governance of the public administration. Decision-making transparency in administration refers to the principle that public institutions must make decisions in an open and transparent manner, so that citizens can be informed about the decision-making process and can trust public authorities.

This principle is based on the idea that governments and public institutions must be responsible to provide citizens with information and access to their decisions. Therefore, public institutions must provide sufficient and relevant information regarding the decision-making process, as well as allow access to relevant documents and information.

Decision-making transparency can be ensured through various mechanisms, such as the regular publication of relevant information and documents on the websites of public institutions, the organization of public meetings and consultations, access to information through the media or other means of communication, and others .

In general, decision-making transparency is an important element of open governance, and can be an important factor in building trust and credibility within a society (Bularda, D., Chioveanu, P., Pop, A., Preda, O ., Presada, F., 2008).

1. The notion of decision-making transparency in public administration

Transparency aims to ensure that citizens have more extensive access to information and documents held by state institutions, that citizens participate in the decision-making process and ensure the government's legitimacy and effectiveness to citizens. The concept of transparency in the decision-making process in institutions refers to ensuring citizens' access to documents under the management of state institutions, as well as to citizens' consultation regarding the formulation of regulations. Broadly speaking, transparency refers to free access to any kind of information and refers to the possibility of making choices in any form.

The phrase "decisional transparency" refers to the degree to which the decision-making process of public institutions is open and accessible to citizens and other interested actors. This concept involves several meanings, including:

- access to information - an institution that wants to be decision-making transparent must provide relevant information about the decision-making process, such as the work agenda, reports and studies, as well as the decisions taken.

- citizen participation - by promoting an open and constructive dialogue with citizens and other stakeholders, public institutions can ensure that their decisions reflect their interests and needs. This can be done through public consultations, hearings and other forms of dialogue.

- responsibility - by assuming responsibility for the taken decisions, public institutions can encourage a high level of decision-making transparency (Banciu D., 1997). This can be achieved by providing public reports and evaluations of the impact of the taken decisions.

- the accessibility of the decision-making process - ensuring an open and accessible decision-making process can encourage citizens' participation and increase trust in public institutions. This can be achieved by regularly publishing information about the decision-making process and ensuring easy access to it.

Overall, decision-making transparency can help ensure a fairer and more responsible decision-making process that reflects the interests and needs of citizens and that contributes to the development of a democratic and responsible society (Alistar V. 2005).

The transparency of local public administration activities is the rule for all stages and procedures (preceding, concurrent and subsequent) of the administrative decision, confidentiality being the exception that is limited to the information established by law due to the need to protect specific interests in the field of public safety, crime prevention, currency and credit protection, or of privacy.

Decisional transparency tools are tools that help facilitate access to information about decisions made by public or private authorities. These tools are designed to increase transparency, responsibility and citizen participation in the decision-making process. Some of the most common decision-making transparency tools include:

Transparency portals - These are websites that provide information about decisions made by public or private authorities, as well as data about budgets, projects and other relevant aspects (Alexandru I., Cărăușan M., Bucur S., 2009).

Public Consultation Platforms - These are online platforms that allow citizens to provide feedback and suggestions on important projects and decisions.

Abuse reporting systems - These are systems that allow citizens to report abuses or irregularities, such as corruption or human rights violations.

Public information access mechanisms - These are tools that allow citizens to request information from public authorities, such as relevant reports or documents.

Publication of decisions and normative acts - These are tools through which decisions and normative acts are published in a format that is easy to be accessed and understood by citizens.

Mechanisms for monitoring and evaluating the implementation of decisions - These are tools that allow citizens to follow the implementation of decisions and provide feedback on how they are put into practice (Negoiță A., 1997).

All these tools are designed to increase transparency and responsibility in decision-making, allowing citizens to take a more active role in governance and exercise their democratic rights.

The Law on Decisional Transparency is a law that establishes the obligation of public authorities to make decisions transparently and to inform citizens about these decisions. It requires public authorities to publish information about their decisions, the decision-making process and the resources used to reach those decisions.

According to the law, public authorities must provide opportunities for citizens to participate in the decision-making process and make available complete and accurate information about their decisions. Further on, public authorities must respond to citizens' questions and requests in relation to the taken decisions (Alistar, V., Cocoșatu, M., Dincă, D., Popescu, I., 2009).

The Decisional Transparency Act aims to ensure open and responsible government that offers citizens the information they need to make informed decisions and actively participate in the decision-making process. This contributes to strengthening democracy and increasing citizens' trust in public authorities.

2. Good governance and decisional transparency

The article aims to analyze and centralize the data gathered by accessing the websites and web pages of the county councils and town halls, highlighting the following elements:

- the existence of reports on the transparency of decisions on the websites of the competent public authorities
- analyzing the content of these reports in accordance with legal requirements.

In all cases where this information is not identified on the website of the public authority under investigation, it should be provided in accordance with Law no. 544/2001 regarding free access to information of public interest.

We focused on the following items:

- ✚ The number of approved regulatory acts;
- ✚ The number of meetings and public debates;
- ✚ The number of normative behaviors raised in public debates;
- ✚ The number of people attending these meetings and debates;
- ✚ The number of interested citizens' suggestions;

The period considered for this research is 2021-2022.

This survey was conducted at the level of 40 county councils and 47 city/town halls.

Based on a quantitative and qualitative analysis we try to analyze statistical data to show the establishment of patterns and trends and we want to find out if all involved institutions apply the transparency of the decisionmaking process according to the legislation in force in Romania.

If one institution does not meet the minimum requirements of the legislation in force for the preparation of annual reports, it is considered that the institution does not comply with the applicable legal requirements.

2.1 Participation in the process of drafting normative acts

We analyzed the ways in which the local public administrations participating in the research interact with citizens and NGOs in the process of elaborating decisions.

YEAR 2021

| | Adopted acts | Projects under consultation | Projects under consultation from adopted documents (%) |
|--|---------------------|------------------------------------|---|
| | | | |

| | | | |
|-----------------|-------|------|------|
| County councils | 5940 | 719 | 12.1 |
| City/Town halls | 6545 | 1633 | 30 |
| TOTAL | 12485 | 2352 | 18,8 |

YEAR 2022

| | Adopted acts | Projects under consultation | Projects under consultation from adopted documents (%) |
|-----------------|---------------------|------------------------------------|---|
| County councils | 5541 | 445 | 8 |
| City/Town halls | 9772 | 1813 | 18.5 |
| TOTAL | 15313 | 2258 | 14.7 |

Table 1. County level

Therefore, it was found that of all the draft decisions and the decisions adopted in 2021, a total of 2352 out of a total of 12485 were submitted for consultation, representing 18.8%.

In 2022, out of a total of 15,313 draft decisions adopted, only 2,258 were submitted to public consultation, representing 14.7%.

It can be seen that the town halls have a high degree compared to the county councils in terms of subjecting the adopted projects to consultation.

| 2021 | | | | 2022 | | |
|-------------------|---------------------|------------------------------------|---|---------------------|------------------------------------|---|
| | Adopted acts | Projects under consultation | Projects under consultation from adopted documents (%) | Adopted acts | Projects under consultation | Projects under consultation from adopted documents (%) |
| CENTER | | | | | | |
| City/Town halls | 805 | 86 | 10.9 | 840 | 86 | 10 |
| County councils | 885 | 90 | 10,1 | 886 | 83 | 9 |
| TOTAL | 1690 | 176 | 10,8 | 1726 | 169 | 10 |
| NORTH-EAST | | | | | | |
| City/Town halls | 215 | 164 | 77 | 667 | 520 | 78 |

| | | | | | | |
|-------------------|-------------|------------|-------------|-------------|------------|-------------|
| County councils | 555 | 2 | 0,1 | 1051 | 1 | 0,1 |
| TOTAL | 770 | 166 | 22 | 1718 | 521 | 31 |
| NORTH-WEST | | | | | | |
| City/Town halls | 725 | 563 | 77,2 | 935 | 37 | 3,8 |
| County councils | 1337 | 406 | 31 | 1275 | 313 | 24,7 |
| TOTAL | 2052 | 969 | 48 | 2210 | 340 | 15,6 |
| SOTH | | | | | | |
| City/Town halls | 1511 | 55 | 3,7 | 1486 | 55 | 3,6 |
| County councils | 839 | 12 | 1,3 | 830 | 12 | 1,2 |
| TOTAL | 2340 | 67 | 2,8 | 2216 | 67 | 2,8 |
| SOUTH-EAST | | | | | | |
| City/Town halls | 497 | 215 | 43,3 | 1653 | 551 | 33,2 |
| County councils | 1039 | 189 | 18,4 | 455 | 12 | 2,7 |
| TOTAL | 1536 | 404 | 26,5 | 2108 | 563 | 26,7 |
| SOUTH-WEST | | | | | | |
| City/Town halls | 795 | 15 | 2 | 840 | 10 | 1,2 |
| County councils | 365 | 10 | 3 | 355 | 15 | 3,8 |
| TOTAL | 1160 | 25 | 2,2 | 1195 | 25 | 2 |
| WEST | | | | | | |
| City/Town halls | 1055 | 50 | 4,7 | 1945 | 60 | 3,1 |
| County councils | 810 | 10 | 1,2 | 560 | 10 | 1,5 |
| TOTAL | 1865 | 65 | 3,1 | 1505 | 70 | 2,7 |

Table 2. Regional level

Thus, we find that, at the regional level, the town halls are more involved in applying the law on decision-making transparency in the public administration than the county councils.

The most transparent region is the North East, which submitted to public consultation, in 2021, a percentage of 77% of the adopted normative acts, and in 2022 a percentage of 78%.

In 2021, in terms of decision-making transparency at the level of town halls, the Northwest Region is on the same position as the Northeast, with a percentage of 77.2%.

During 2022, the desire to participate in the preparation of documents of the town halls in the region drops drastically, registering only a percentage of 3.8%.

The most "non-transparent" region, which stands out from the perspective of the transparency of the town halls, is the South West Region, registering a percentage of 2.2% in 2021 and 2% in 2022.

Regarding the transparency of the county councils, the most transparent is the North West Region with a percentage of 31% in 2021, and a percentage of 24.7% in 2022.

From the perspective of transparency at the level of County Councils, in second place is the South East Region, registering a percentage of 18.4%, in 2021. However during 2022, the interest in participating in the drafting of normative acts of County Councils in this region drops dramatically, with only a percentage of 2%.

Considering the percentage from 2021, it is not a mistake to say that the County Councils in this region are well aware of the provisions of Law no. 52/2003, but it is hard to imagine that, in 2022, there were only normative acts of economic and financial interest, or which contained personal data adopted, as provided by art. 6 of Law no. 52/2003.

With regard to decision-making transparency at the level of County Councils, the most non-transparent region is the North East Region, registering a percentage of 0.1% in both years of the research period.

We may say that, from an annual perspective, in most public institutions, with some exceptions, there can be noticed a decrease in draft normative acts subject to public consultation, and a slight increase of the adopted ones as compared to the previous year.

2.2 Citizens and NGOs' opinions

| | 2021 | | | | 2022 | | | |
|-----------------|-----------------------------|--------------------|----------------|---------------------|-----------------------------|--------------------|----------------|---------------------|
| | Projects under consultation | Citizens' opinions | NGOs' opinions | Considered opinions | Projects under consultation | Citizens' opinions | NGOs' opinions | Considered opinions |
| City/Town halls | 1630 | 110 | 10 | 100 | 1815 | 125 | 15 | 80 |
| County councils | 720 | 60 | 55 | 60 | 445 | 50 | 10 | 50 |
| TOTAL | 2350 | 170 | 65 | 160 | 2260 | 175 | 25 | 130 |

Table 3. National level

In 2021, a total of 235 opinions were collected from citizens and NGOs for 2350 draft decisions, and in 2022, 200 opinions were collected from citizens and NGOs for 2260 draft decisions.

Depending on the information and data that was accessed during the data collection stage, there were situations where the collected data did not contain differences between the opinions of citizens and NGOs.

It can also be noted that the number of citizens' opinions is higher than the number of NGOs' opinions, throughout the researched period.

Moreover the number of citizens' opinions is almost identical in 2021 to those in 2022, and those collected from NGOs is slightly higher in 2021 than in 2022.

Usually, at the regional level, there can be seen as apathy towards citizen and NGO interventions. However, in the process of drafting normative laws in accordance with Law no. 52/2003, in the areas where citizens and NGOs interact with public authorities, citizens are more enthusiastic about NGOs. Citizens earn more money in the NGO structure, which raises questions about the mission and actions of NGOs.

| 2021 | | | 2022 | |
|-----------------|----------------|--------------|----------------|--------------|
| | Public debates | Participants | Public debates | Participants |
| City/Town halls | 10 | 97 | 14 | 77 |
| County councils | 55 | 60 | 10 | 49 |
| TOTAL | 65 | 157 | 21 | 146 |

Table 4 Public debates and citizens' participation

Art. 7 of Law no. 52/2003 establishes that public authorities are obliged to organize public debates only when a legally established association requests the adoption of this method by requesting registration at the organization's headquarters during a period of legal consultation. The law does not clearly state that public institutions should actively organize public debates, but they will not refuse. Whether or not it takes the initiative it is still freely determined by the relevant public authorities.

It seems that in local councils and county councils, the number of citizens participating in public debates is very low every year, especially at the local level.

| 2021 | | | 2022 | |
|-------------------|----------------|--------------|----------------|--------------|
| | Public debates | Participants | Public debates | Participants |
| CENTER | | | | |
| City/Town halls | 0 | 0 | 0 | 0 |
| County councils | 9 | 0 | 5 | 0 |
| TOTAL | 9 | 0 | 5 | 0 |
| NORTH-EAST | | | | |
| City/Town halls | 0 | 0 | 0 | 0 |

| | | | | |
|-------------------|----|-----|----|-----|
| County councils | 1 | 8 | 2 | 23 |
| TOTAL | 1 | 8 | 2 | 23 |
| NORTH-WEST | | | | |
| City/Town halls | 7 | 1 | 6 | 150 |
| County councils | 4 | 58 | 4 | 71 |
| TOTAL | 11 | 59 | 10 | 221 |
| WEST | | | | |
| City/Town halls | 9 | 330 | 21 | 516 |
| County councils | 5 | 230 | 8 | 268 |
| TOTAL | 14 | 560 | 29 | 784 |
| SOUTH | | | | |
| City/Town halls | 5 | 430 | 4 | 430 |
| County councils | 5 | 392 | 4 | 260 |
| TOTAL | 10 | 722 | 8 | 690 |
| SOUTH-EAST | | | | |
| City/Town halls | 3 | 225 | 2 | 36 |
| County councils | 3 | 0 | 3 | 0 |
| TOTAL | 6 | 225 | 5 | 36 |
| SOUTH-WEST | | | | |
| City/Town halls | 17 | 9 | 10 | 15 |
| County councils | 0 | 0 | 0 | 0 |
| TOTAL | 17 | 9 | 10 | 15 |

Tabelul 5 Public debates on regions

As for public debates, at the regional level, they turned out to be organized rarely in a year. Therefore, the conclusion is that the potential value that this process can bring has not yet been realized.

Consequently, in some cases, no citizen participates in public debates. An insufficient number of participants in the debate can lead to poor progress of the project and/or make citizens aware of the possibility of making changes to the normative bill.

There are cases, however, in which, although few debates were organized per year, the participation of citizens was massive. The regions that stand out in this regard are the South Region through the category of County Councils and the South East and West Regions through the category of mayors.

These events constitute deliberations of the mayor and local elected officials at county and local council level. At ministerial level, these events are not used. By organizing government meetings, the deliberation structure corresponding to the legislative measures of the various ministries and commissions is achieved. From this perspective, according to law no. 52/2003, it is not clear whether the interested public can obtain the decision to participate in the decision making process.

| | 2021 | | 2022 | |
|-----------------|-----------------|--------------|-----------------|--------------|
| | Public meetings | Participants | Public meetings | Participants |
| City/Town halls | 1633 | 107 | 1812 | 123 |
| County councils | 719 | 60 | 445 | 50 |
| TOTAL | 2352 | 167 | 2257 | 173 |

Table 6 Public meeting at national level la nivel national

Through the analysis of centralized data, it is natural for local public authorities to organize public meetings for the adoption of normative bills. In addition, the large number of participants leads to the conclusion that citizens are interested in attending public meetings to see that this point of view matters.

The law also allows citizens to make suggestions at these public meetings, but their support in the public meetings is limited, the conference chairman being the one who decides on his own.

Based on art. 10 paragraph (1), the adoption of the decision is entirely under the authority of the public authority.

| | 2021 | | 2022 | |
|-----------------|----------------|--------------|-----------------|--------------|
| | Public meeting | Participants | Public meetings | Participants |
| CENTER | | | | |
| City/Town halls | 93 | 3222 | 87 | 2383 |

Table 7
meetings

| | | | | |
|-----------------|-----|------|-----|------|
| County councils | 96 | 785 | 106 | 870 |
| TOTAL | 189 | 4007 | 193 | 3253 |
| NORTH-EAST | | | | |
| City/Town halls | 15 | 2000 | 75 | 3050 |
| County councils | 92 | 3296 | 93 | 2371 |
| TOTAL | 107 | 5296 | 168 | 5421 |
| NORTH-WEST | | | | |
| City/Town halls | 80 | 801 | 106 | 923 |
| County councils | 74 | 1303 | 67 | 1205 |
| TOTAL | 154 | 2104 | 173 | 2128 |
| WEST | | | | |
| City/Town halls | 56 | 2123 | 94 | 2500 |
| County councils | 32 | 1823 | 51 | 580 |
| TOTAL | 88 | 3946 | 145 | 3080 |
| SOUTH | | | | |
| City/Town halls | 71 | 455 | 65 | 385 |
| County councils | 101 | 2497 | 78 | 1967 |
| TOTAL | 172 | 2852 | 143 | 2252 |
| SOUTH-EAST | | | | |
| City/Town halls | 52 | 355 | 75 | 314 |
| County councils | 89 | 2132 | 72 | 1370 |
| TOTAL | 141 | 2487 | 147 | 1684 |
| SOUTH-WEST | | | | |
| City/Town halls | 60 | 830 | 55 | 735 |
| County councils | 53 | 1726 | 46 | 1615 |
| TOTAL | 113 | 2556 | 101 | 2350 |

Public
by region

The decision is taken by voting in a public meeting. Therefore, it is unlikely that citizens' suggestions will be considered during public meetings, especially if the agenda of public meetings includes many regulatory bills that need to be passed. Thus, the efforts of interested citizens to make suggestions for the draft regulations seem highly ineffective. At this stage of deliberation, citizens can improve few normative behaviors. An inadequate decision-making process will not worsen the public consultation process.

At the level of the central public authorities, it is not clear what has materialized under the name of *public meetings* and therefore the number of participants in this type of meeting is reduced.

At the regional level, public meetings were held to adopt normative behavior and continuous citizen participation. It can be concluded that there are citizen interests in the deliberation process, but the effectiveness of this interaction has not been measured.

| | 2021 | | 2022 | |
|-----------------|-----------------------------|----------------------|-----------------------------|----------------------|
| | Prefect's Rejections | Legal actions | Prefect's Rejections | Legal actions |
| City/Town halls | 0 | 5 | 0 | 20 |
| County councils | 3 | 1 | 0 | 8 |
| TOTAL | 3 | 6 | 0 | 28 |

Table 8 Legal actions

If Law no. 52/2003 is not properly applied, in the case of an adopted administrative act, the Prefect's Institution has the possibility to reject it or the injured person can challenge it in court.

It can be said that throughout Romania, the normative regulations regarding the annual registration are rarely adopted by the local authorities and rejected by the Prefect's Institutions.

In 2021, 3 refusals were registered at the county level, and no such refusals were registered in 2022.

In addition, few injured parties have taken public authorities to court for non-compliance with Law no. 52/2003. If 6 cases were registered before the courts at the national level in 2021, it increases to 28 in 2022. This is a positive signal related to citizens and legally constituted associations, who have begun to realize the possibility by which they can demand their rights and also , demands the legal right of government authorities to make transparent decisions.

When the public has access to the most information about its activities, policies and decisions, public administration is transparent. Transparency is the result of available information.

Transparency is good for participation because it encourages citizens to participate in the decision-making process because in a democratic country, citizens have the right to hold public officials responsible for their actions and for the efficiency of public administration, because only through access to information, whether passive or active, citizens can understand what the authorities are doing for them and appreciate the quality of services and give feedback to the authorities about them.

The concept of citizen participation is based on the need to solicit the views of citizens and express their views on decisions that may directly or indirectly affect them at various levels.

Citizen participation is one of the most important resources and an important tool in public administrative activities for local social and economic development and, through the support provided in the design and implementation of local development plans and strategies, it can improve the quality and legitimize the decision-making process.

3. Citizens' interaction with public administration authorities

The right to vote is one of the fundamental human rights, and elections are one of the most important tools for citizens to influence public decision-making, which is why we present furtheron some questions from which the effects of citizens' interaction with public administration authorities emerge.

3.1 How can I influence through decision-making transparency?

Public authorities which activities fall under the law of decisional transparency continue to adopt or develop regulatory behaviors and make decisions that affect people's lives or activities. The Law on Decisional Transparency allows citizens to comment on the draft regulatory law and express their views on decisions made by public institutions in public meetings. We will discuss each in turn.

A normative act is an act of general applicability adopted by a public authority.

Normative acts can be adopted by Parliament or public administration bodies (Government, Ministries, central and local public administration bodies).

Draft normative laws can be divided into drafts developed within public administrative agencies and drafts developed outside administrative agencies. Except as provided by law, all actions taken by administrative agencies fall under the transparency law.

Therefore, the draft law also falls within the scope of the decision-making transparency law. The only category of normative bills that are not subject to the provisions of the Transparency Law are legislative proposals drawn up by members of the Parliament.

The public consultation process is not necessary for the elaboration of administrative acts that refer to:

- national security, national defense and public order,
- strategic, economic and political interests
- the value, duration and technical-economic data of certain commercial or financial activities,

The public meetings referred to by the decisional transparency law are in fact all the meetings necessary for the corresponding public agency to carry out its activities, and the declaration of the corresponding agency is public. Exceptions are clearly stipulated by law.

In order to influence the decision-making process or normative behavior, people can participate as ordinary citizens or they can be organized according to the so-called "legally formed associations" of the law. The law does not in any way restrict the right of anyone to participate in the mechanism provided by the law, regardless of what the interests represent.

Regardless of race, nationality, ethnicity, language, religion, sex, opinion, political affiliation, wealth or social origin, citizens can participate in the procedures provided by the Transparency Law. A person, an association without legal personality, a non-profit legal person or an alliance can defend a point of view.

3.2 How do I act when I want to express my point of view on certain legislative projects?

First of all, one/you need to find out what regulatory bills are being drafted. Policy-making consultation is a process in which public institutions set an agenda. Public institutions decide which documents to develop according to their situation or priority. This requires constant attention to see what behaviors in your area of interest are being discussed at any given time.

The first step is to inform the documents to consult. Government authorities have provided information from public authorities on the draft normative law that must be negotiated in advance and *ex officio*.

Sources of information about the draft normative law that require consultation and consultation:

- Announcements on the website of public institutions;
- The announcement is displayed in a space accessible to the public at the organization's headquarters;
- Mass media (if they accept the ads sent by the respective agencies).

The transparency law refers to individuals, not to citizens, therefore foreign nationals, stateless people and legal entities, regardless of the form of organization they have, can receive information about the regulatory laws. To effectively use this legal provision, you must pay attention to the following points:

- Submit a request to all public agencies that detail and regulate behavior in your area of interest;
- Ensure that the text of interest fields is wide enough to ensure that no document is notified because of the text used;
- Make sure the information is transferred from the organization to you quickly enough to give you enough time to respond and that the information is within the scope of the organization.

According to the law, in the process of drafting a normative law, you can first participate in the formulation of the normative law and then submit it to the formulation law for analysis and approval. Citizens have a limited time, set by public institutions and it is mentioned in the initial announcement. However, this period will not be less than 10 days from the date of the announcement.

The opinions provided by law based on "recommendations, suggestions, opinions with suggestive value" will be received by people specially appointed by the head of the public agency. The sender must be careful about how the information is transmitted, (for example whether the public body can receive emails or faxes).

In addition to the written comments, another way of negotiation is the organization of public debates. A legally constituted association or other public institution may request a written public debate, and the public institution initiating the regulatory bill must organize the debate.

Although the transparency law does not expressly provide, citizens can use other consultation techniques such as:

- electronic consultation;
- meetings within the community, organized in a public space (not at the authority headquarters) by the public authorities and.

3.3 How do I act when I want to participate in public meetings?

As with normative behavior, the first thing to do is to report the issues that will be discussed in the public meetings. Over time, through the Transparency Law, you will find out which community institutions organize public meetings and their frequency. Usually these meetings are regular (for example, once a week), but depending

on the organization, special meetings may be held. Knowing this, it remains only to know your agenda and see if there is a topic that interests you and what you want to comment on.

The public authority has the obligation, according to the law, to make public the announcement of the public meeting at least three days before the meeting. The announcement is made by:

- ✚ display at the institution's headquarters, on the notice board;
- ✚ publication in the institution's website;
- ✚ through the mass media.

This announcement will necessarily include:

- ✚ date, time and venue;
- ✚ agenda.

The comments in the section on normative conduct also apply here: the law is based on the agency's website, which should be updated regularly. The announcement of the meeting is mandatory for the media. It depends on the media organization to which the ad is addressed and the degree of media interest in the ad.

As with normative acts, the participation of citizens in public meetings has a role of recommendation, the adoption of acts falling exclusively to the authorities.

3.4 What to do if the authorities are not transparent?

- ✚ Opacity encourages corruption, both large and small. Continuous implementation of transparency laws by honest public authorities will increase citizens' confidence in them,
- ✚ Public authorities lack openness towards individuals. Not all civil servants are used to cooperating with the public, and their presence can make them feel insecure. Therefore, instinctive defensive reactions may occur. Administrative transparency automatically leads to the professionalization of civil servants;
- ✚ Some decision makers still think they have a better understanding of what needs to be done. In these cases, stakeholder consultation seems pointless. They do not understand that participation will lead to decisions based on reality or normative behaviors. If these normative decisions or behaviors are part of the process that leads to the adoption of these decisions, then these objects will be accepted more readily than accepted objects.

The opacity response must always be present. Unenforceable laws must be sanctioned. Until the law is enforced, the insistence on demanding respect for the rights guaranteed by the law must remain unchanged. The people who influence the outcome of the consultation or participation process are those with decision-making power and those who must directly apply the law of transparency.

3.5 How do I react if my goal is not achieved by the decisional transparency law?

As noted, the Transparency Decisions Act added other rules to make sure that your rights are respected. According to the Law on access to information of public interest, individuals or organizations can request information from public administration authorities. In this way, you can learn about your decision. The decree containing the right to petition allows private individuals and NGOs to deal with petitions or requests, complaints, notifications or proposals to the public administration. Therefore, we may interact with the administration outside

of public hearings or the negotiation process regarding the adoption of regulatory behavior. The Administrative Litigation Law allows challenging administrative actions that limit the legally recognized rights of citizens.

Conclusions

Research results.

Based on the analyzed public units, it was found that:

a) 2021: the annual reports were published on their websites by 43 public institutions, while 44 public institutions did not published the annual report on their websites.

Thus:

County councils: the annual reports of 27 county councils are published on their website.

Town halls: the annual reports of 16 UATs (territorial and administrative division for local government) are published on the website.

b) 2022: 39 public institutions published annual reports on their websites, whereas 48 public institutions did not publish annual reports on their websites

Thus:

County councils: the annual reports of 19 county councils are published on their website, whereas the websites of 21 county councils did not publish annual reports

Town Halls: The annual reports of 20 UATs are published on their website, the remaining 27 having not published information about the annual report on the website.

From the point of view of the application of Law no. 52/2003, some forms do not comply with the standard format of the requested information, some contain data accumulated over several years, and others are incomplete and did not comply with the format of reports thus being interpret by interested citizens.

It can be observed that, of the total number of public institutions surveyed, approximately 50% of the annual evaluation reports provided for by Law no. 52/2003 are published on their websites;

At the level of the analyzed public institutions, in 2022, compared to 2021, there can be noticed an increased tendency to publish on their website the annual legal evaluation report according to Law no. 52/2003;

At the level of the general council of the Capital, compared to 2021, the tendency to publish the annual evaluation report no. 52/2003 on its own website in 2022 is ignored;

At the level of the mayor of the Capital, compared to 2021, in 2022 the publication of the annual evaluation report was added to the website;

Although not all the analyzed public authorities have published the annual evaluation report on their website from the beginning, they have come to the conclusion that these reports can be published on their own website, but their accessibility may be difficult.

EU regulations provide public authorities or institutions as well as citizens with official texts that illustrate the transparency of law enforcement procedures. The European Constitution embodies the principle of democratic equality in its articles, which oblige European institutions to pay equal attention to citizens.

The principle of transparency is the foundation of good management. In this principle, it is necessary to inform the citizens about the public interests and draw up regulations, ask for their opinion and consult the legal

associations in order to develop public policies and allow citizens to actively participate in administrative decision-making.

The transparency of the decision-making process depends on the management of the government, the culture of the country, the political and administrative traditions and the general approach to the problems of public administration in terms of moral behavior. A fundamental condition of democracy, transparency is required in the activities of public officials to make the best decisions to meet the needs of citizens and guarantee their legitimate rights and interests.

Transparency laws allow citizens to participate in decision-making at the administrative level. The range of ways in which citizens participate in the life of state administrative institutions is wider. In an attempt to define citizen participation, we will say that it is the process of integrating the concerns, needs and values of citizens into the decision-making process of local public administration.

Regarding the amendment of Law no. 52/2003, the following are proposed:

- Distribution of resources in different forms (from the national budget to the budget of local financial resources; provision of logistic structures, Internet connection);
- Promoting the provisions of the law and stimulating the interests of citizens and cooperation with civil society;
- Providing professional training to law enforcement officers;
- Improving communication within, but also changing the mentality of decision-makers;
- Changing the deadlines (reduce the deadline for announcing draft regulations;
- Creation of a database composed of local and national NGOs and an information system to propose draft decisions;

Clear definitions of terms required by law (regulatory conduct, public hearing, meeting minutes), establishing the legal scope and regulating special circumstances and emergency procedures;

When a person is appointed or a department is established, there is no other assignment than that relating to the application of law no. 52/2003;

Establishing clear sanctions for those who do not comply with the law; formulate implementing regulations at the level of each institution; set some recommended conditions etc.

Citizens' access to public information. This information must be accessible in a visible and easily identifiable place on the public agency's website. Furthermore, according to European standards, public information must be clear and concise and must include all necessary details that will help secondary education citizens and stakeholders to respond.

With the help and participation of civil society, public administration agencies can communicate more easily with citizens, encouraging them to participate in the decision-making process.

BIBIOGRAPHY

Alistar, Victor. 2005. Decision-making transparency in public administration. Bucharest: National Institute of Administration.

Alistar, Victor. 2007. Ethics and Transparency in Public Administration, course. Bucharest: Faculty of Public Administration.

Alistar Victor, Cocoșatu Mădălina, Dincă Dragoș and Popescu Ion. 2009. Deontology of civil servants. course Bucharest: Faculty of Public Administration.

Banciu, Doina. 1997. Automated information and documentation systems. Bucharest: Technical Publishing House.

Bularda, D., Chioveanu, P., Pop, A., Preda, O., and Presada, F. 2008. Good governance for Romanians, Good practice guide for strengthening good local governance, Bucharest.

Alexandru Ioan, Cărăușan Mihaela, Bucur Sorin. 2009. Administrative Law. Bucharest: Universul Juridic Publishing House.

Negoită Alexandru. 1997. Administration Science, , Bucharest: Univers Publishing House.

Hrebenciuc Mioara, Rădulescu Laura, Mîrza Constantin, Decisional transparency in Romania in 2007, Monitoring report on the application and compliance with Law 52/2003

Law no. 52/2003 on decision-making transparency in public administration, republished.

Online sources

- www.sar.org.ro/wp-content/uploads/2016
- www.paemalba.ro/wp-content/uploads/2018
- www.transparency.org.ro/publicatii/ghiduri/TransparentaDecizionalaAPL.pdf
- http://www.ipp.md/old/public/files/Proiecte/Info_Brief_no.3.pdf
- <http://www.anfp.gov.ro/R/Doc/2020/Proiecte/Studii%20si%20Analize/Cercetare%20.pdf>
- www.old.advocacy.ro