

E-ISSN: 2360 – 6754; ISSN-L: 2360 – 6754

European Journal of Law and Public Administration

2018, Volume 5, Issue 1, pp.104-114

<https://doi.org/10.18662/eljpa/31>

**DEFINITORY COORDINATES REGARDING
THE LOCAL COLLECTIVITIES AND THE
REPRESENTATIVE PUBLIC ADMINISTRATION
AUTHORITIES. THE CASE OF THE COUNTIES
FROM THE NORTH-EAST OF ROMANIA**

Petronela SCUTARIU

Covered in:

**CEEOL, Ideas RePeC, EconPapers, Socionet,
HeinOnline**

Lumen Publishing House

On behalf of:

**STEFAN CEL MARE UNIVERSITY FROM SUCEAVA,
FACULTY OF LAW AND ADMINISTRATIVE SCIENCES,
DEPARTMENT OF LAW AND ADMINISTRATIVE SCIENCES**

DEFINITORY COORDINATES REGARDING THE LOCAL COLLECTIVITIES AND THE REPRESENTATIVE PUBLIC ADMINISTRATION AUTHORITIES. THE CASE OF THE COUNTIES FROM THE NORTH-EAST OF ROMANIA

Petronela SCUTARIU¹

Abstract

For an efficient and operative management of the public issues, the state organizes its territory in administrative units, as intrinsic parts of the national space in which there are local human collectivities characterized by collective interests distinct from the state ones. From this point of view, in the space of this article we propose to analyze the configuration of the administrative decoupling of the Romanian national space to describe the territory, the population and the local public administration authorities - definitory coordinates of the local collectivities, with specialization at the level of the counties in the north-eastern part of the country. The research conducted in the pages of this paper shows that territory and population are essential constituents for the existence of local communities themselves. Also, the resolution of public affairs in counties, municipalities, towns and communes is the responsibility of the authorities designated for this purpose by the local collectivities themselves from their territory. The rationale for which local communities are organized and for which the state recognizes them administrative powers lies precisely in a better resolution of local affairs and the interests of citizens in the respective administrative-territorial unit.

Keywords:

administrative-territorial units, national collectivity, territory, population, local public administration authorities

JEL classification: H79, H83

¹ Lecturer PhD, "Ștefan cel Mare" University of Suceava, Faculty of Law and Administrative Sciences, Suceava, Romania, petronela.scutariu@fdsa.usv.ro

Introduction

No state collectivity is in a position to manage all administrative affairs on its entire territory, in which it organizes local divisions and recognizes for them the right to self-management. These local territorial collectivities can be regarded as state components characterized by their own common economic, social, cultural and not only interests, manifested within the boundaries of a determined part of the national territory. Solving the interests and needs of local communities is achieved not by national authorities, but by their own designated bodies and empowered to act on their behalf.

In this context, through this paper, we propose as a general objective *the analysis of the configuration of the administrative decoupling of the Romanian national space to describe the territory, the population and the authorities of the local public administration - definitory coordinates of the local collectivities, with specialization at the level of the counties in the north-eastern part of the country.*

The specific objectives that support the achievement of the general objective and which we are aiming to achieve on the following pages concern:

- argumentation of the necessity of division of the state collectivity into administrative-territorial units;
- explanation of the territorial divisions - county, municipality, town, commune, as part of the Romanian state collectivity;
- presentation of the composition of counties in the north-east of the country from municipal, town and communal communities;
- description of the county collectivities in the north-eastern part of the country in terms of the territory and the population held - the constitutive elements defining their existence;
- examining the system of local public administration authorities with the presentation of the way of constitution and the role of each in the management of the local communities.

From a methodological perspective, the achievement of both the general objective and the specific objectives subsumed in the first requires the use of a qualitative-quantitative approach. With this type of approach, it will be possible to analyze the way in which the administrative decoupling of the Romanian national space is presented to describe the territory, the population and the local public administration authorities, as fundamental elements in the existence of the local communities, considering the case of the north-east counties of the country.

I. Administrative-territorial units components of the romanian national collectivity

For a good administration of public interests, the state organizes its territory in administrative units, as intrinsic parts of the national space. According to the provisions of Law no. 215/2001 regarding the local public administration, administrative-territorial units are the communes, the towns, the municipalities and the counties. Further, the same law explains that "administrative-territorial units are legal entities of public law, with full legal capacity and their own patrimony. These are legal subjects of fiscal law, titles of the tax registration code and of the accounts opened with the territorial cash registers, as well as with the banking units. The territorial-administrative units are entitled to the rights and obligations deriving from the contracts for the management of the assets belonging to the public and private domain to which they are part, as well as in the relations with other natural or legal persons, according to the law"².

Cutting the national territory into these administrative divisions is justified by the following arguments [7:117]:

- prompt and efficient solving of the problems of the state, as well as of the local communities;
- supporting the economic and social development of the localities, with the support of the economic agents;
- ensuring the exercise of the management functions through planning, organization, command and control, as well as motivation at the level of the administrative system;
- elaborating and executing the administrative decision on the management of public affairs;
- eliminating development imbalances between major urban centers and less favored areas;
- guaranteeing the functionality of the state mechanism as a whole, but also of the local mechanisms;
- the determination of the system of authorities of central and local public administration, with a clear definition of their competencies and the relations between them.

A clear picture of the territorial delineation of the state's constituent administrative units is presented in the following figure (see Figure no. 1):

² Art. 20 and 21 from Law no. 215/2001 regarding the local public administration

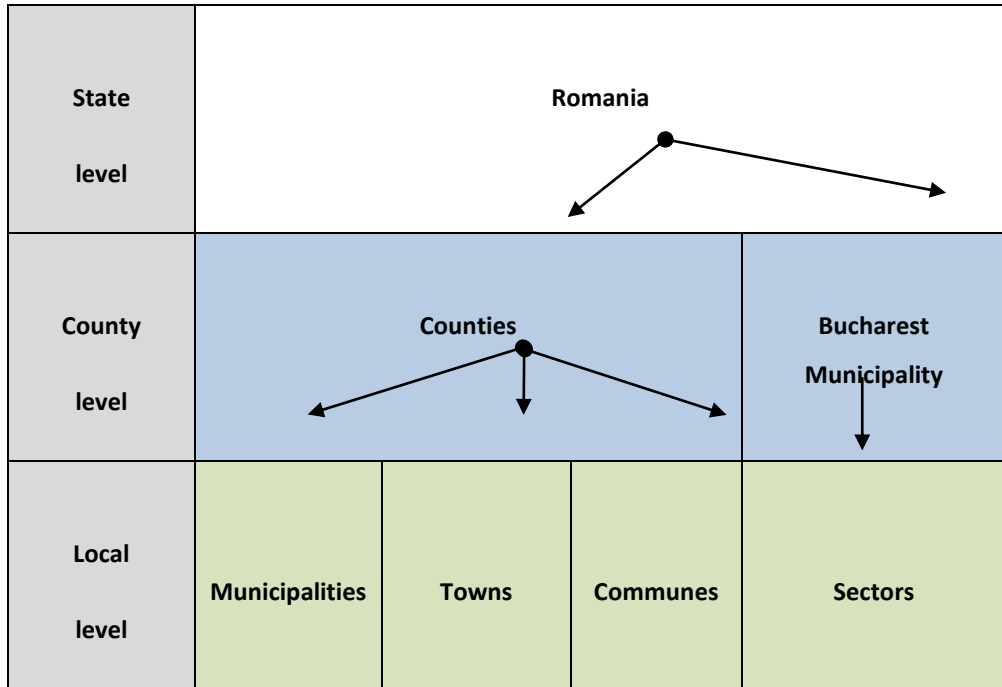


Figure no. 1. Territorial levels of the Romanian national administration

Source: own elaboration

The county represents an interim administrative-territorial unit, established by law, between the state and the basic territorial divisions: the urban and rural localities it encompasses. Through this territorial unit the unitary coordination of management, guidance, coordination and control activities on urban and rural localities is carried out. The county facilitates and realizes the operability by direct and prompt application of the directives of the central power organs, while at the same time, bringing the central state management closer to the local collectivities [3:304-305].

The municipality is the urban locality with a larger number of inhabitants, a special significance in the economic, social-political and cultural-scientific life of the country. The municipalities where the public authorities of the county have their headquarters are municipalities- residence [6: 45]. The capital of the country, Bucharest, is organized in 6 territorial subdivisions called sectors [3:324].

The town can be regarded as a population center with complex social activities - economic, political-administrative, cultural-educational and

scientific, with a name and legal personality, being organized by law as an administrative-territorial unit. [7:121]

The commune comprises the rural population united by community of interests and traditions, consisting of one or more villages, depending on economic, social, cultural, geographical and demographic conditions. By organizing it, the economic, social, cultural and household development of rural localities is ensured [3:324-325].

II. Definitory elements on county collectivities from the north-east part of the country

After explaining in general the territorial units of the Romanian national territory, the focus is on the county collectivities from the north-east of the country.

A first step towards examining the peculiarities of these collectives is their location in the Romanian territory (see Figure no. 2):



Figure no. 2. Location of the counties in North-East of Romania

Source: available on the website of the National Institute of Statistics at <http://www.constanta.insse.ro/main.php?id=417> [accessed on June 7, 2018]

From the view of the above map, the Romanian territory is divided into 41 county collectivities, along with Bucharest Municipality - the Capital. The north-eastern part of the country comprises 6 counties, namely Bacău, Botoșani, Iași, Neamț, Suceava și Vaslui.

Each of the counties of the country brings together its municipalities, towns and municipalities from a given geographical area, linked by common

interests. Also, the 6 counties analyzed have in their composition municipal, town and communal communities, as follows (see Table no. 1):

Table no. 1. Counties and the number of municipalities, towns and communes from the North-East of Romania

Current No.	Counties	Number of municipalities	Number of towns	Number of communes	TOTAL
1.	Bacău	3	5	85	93
2.	Botoșani	2	5	71	78
3.	Iași	2	3	93	98
4.	Neamț	2	3	78	83
5.	Suceava	5	11	98	114
6.	Vaslui	3	2	81	86
TOTAL		17	29	506	552

Source: National Institute of Statistics, Tempo-online Base, the last update March 7, 2018, available at <http://statistici.insse.ro/shop/index.jsp?page=tempo3&lang=ro&ind=ADM101A> [accessed on June 7, 2018] [8].

The data recorded in the previous table shows that this part of the national territory consists of 17 municipalities, 29 towns and 506 communes. Suceava County has the largest number of localities - municipalities, towns, communes (5/11/98). On the opposite side, the lowest number of urban and rural units is associated in Botosani County (2/5/71).

In describing the county collectivities in question, the territory and the population, as constituent elements, are of interest at this moment of the research.

The territory describes the geographical boundaries in which the human community is organized. This constituent element is essential to the existence of local communities themselves, because the territorial dimension of the community directly determines [2:12]:

- development and functioning of self-management mechanisms;
- volume of competencies attributed to the local public authorities;
- size and structure of the local administrative apparatus and the expenses for its maintenance;
- possibilities of local public authorities to make a beneficial influence on local economic development;
- modalities of execution and the quality of public services;
- paces of achievement of structural reforms at local level.

The population is another fundamental criterion in the composition of territorial units, especially since the serving of public interests is the aim

pursued by their creation. In explaining this defining element, it is worth mentioning the provision of Law no. 215/2001 stating that "by local community is understood the total of inhabitants in the administrative-territorial unit"³. The existence of the population at local level is determined by the following essential elements [2: 13]:

- placement of a group of families within the perimeter of a given territory;
- existence of a high degree of integration of the inhabitants;
- awareness by the inhabitants of membership of the respective community.

The presentation of the 6 county collectivities analyzed, in terms of area and population, can be found in the following table (see Table no. 2):

Table no. 2. Area and population of counties in North-East of Romania

Current No.	Counties	Area (km ²)	Population (number of inhabitants)
1.	Bacău	6.620,5	600.421
2.	Botoșani	4.985,7	394.849
3.	Iași	5.475,6	788.547
4.	Neamț	5.896,1	455.622
5.	Suceava	8.553,5	629.498
6.	Vaslui	5.318,4	387.345
TOTAL		36.849,8	3.256.282

Source: Eurostat Database, the last updates May 19, 2018, respectively June 1, 2018, available at http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=demo_r_d3area&lang=en, [1]. http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=demo_r_pjanaggr3&lang=en [1].

[accessed on June 8, 2018]

According to the data recorded above, the most extensive area is found in Suceava County (8,553.5 km²), and the smallest area is encountered at the Botosani County level (4,985.7 km²). Regarding the number of inhabitants, Iasi County has the largest population (788,547), while the lowest number of inhabitants is registered also in the case of Botosani County (394,849).

³ Art. 3 para. 4 from Law no. 215/2001 regarding the local public administration

III. Local public administration authorities representing the communities interests

The management of the affairs at the level of the administrative-territorial units is done through the local public administration authorities. In territorial terms, the local public administration authorities are divided according to the territorial jurisdiction of that authority, i.e. at the communal, town and county level [9:198-199]. From the perspective of their competencies, we can distinguish between deliberative and executive authorities of the local public administration. A presentation of these existing authorities at the level of each type of local community can be found in the following figure (see Figure no. 3):

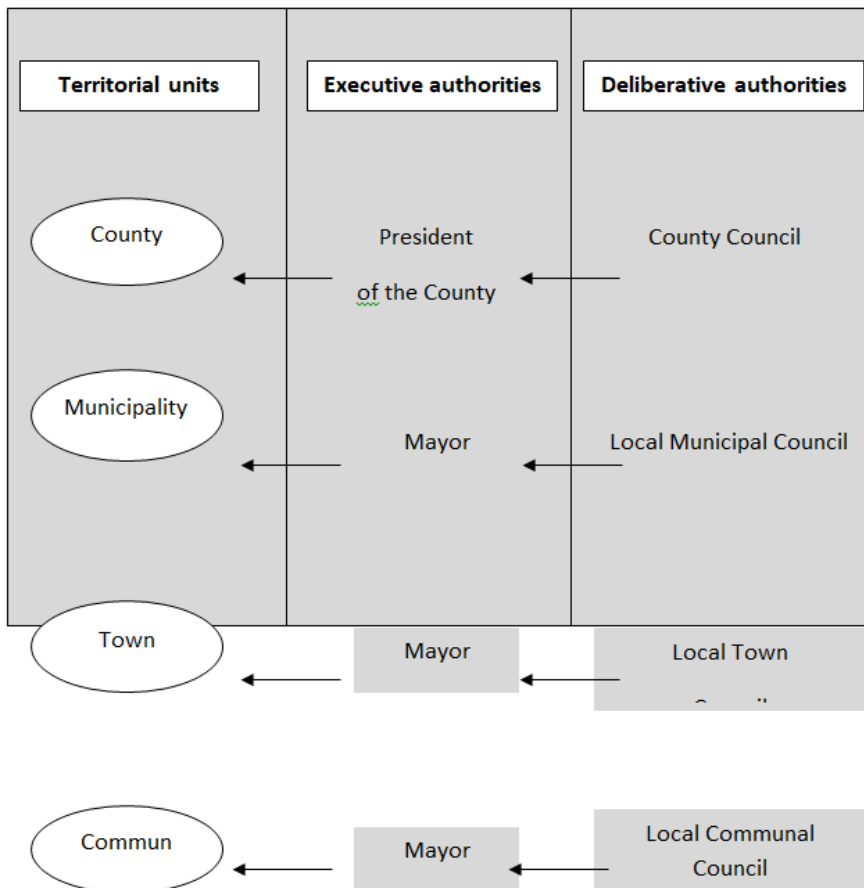


Figure no. 3. The system of authorities of the Romanian local public administration

Source: own elaboration

As it can be seen in the above figure, at the level of each local collectivity (county, municipal, town, communal) are organized and functioning local public administration authorities in order to respond to the needs existing in that part of the territory: *county, municipal, town, communal councils; presidents of county councils, mayors of municipalities, towns, communes.*

The executive authorities of the local public administration are uninominal, under the head of each county being a president of the county council, and at the head of each municipality, town and commune being a mayor.

The deliberative authorities of the local public administration are collegial, the number of the members of each county council, respectively the local council is established by order of the prefect, according to the number of inhabitants of the county, respectively of the municipality, the town or the commune, reported by the National Institute of Statistics on January 1 of the current year or, as the case may be, on 1 July of the year preceding the election⁴.

The constitution of the authorities from the administrative-territorial units is done according to the provisions of Law no. 115/2015 for the election of the local public administration authorities. Thus, the local councils, the county councils and the mayors are elected by universal, equal, direct, secret and freely expressed vote and the presidents of the county councils are elected by indirect vote by the county councils⁵ [5].

The county council is the authority of the local public administration, constituted at the county level for the coordination of the activity of the communal, town and municipal councils, in order to achieve the public services of county interest⁶[4].

The local council (communal, town, municipal) has the initiative and decides, under the law, on all issues of local interest, except for those given by law in the competence of other local or central public authorities⁷ [4].

The president of the county council represents the county in its relations with the other public authorities, Romanian and foreign natural and legal persons, as well as in the judiciary. This is responsible to the county council for the good functioning of the county public administration.⁸ [4].

⁴ Art. 29 and 88 from Law no. 215/2001 regarding the local public administration

⁵ Art. 1 para. 2 and 5 from Law no. 115/2015 for the election of the local public administration authorities

⁶ Art. 87 from Law no. 215/2001 regarding the local public administration

⁷ Art. 36 para. 1 from Law no. 215/2001 regarding the local public administration

⁸ Art. 102 para. 1 and 2 from Law no. 215/2001 regarding the local public administration

The mayor represents the administrative-territorial unit in relations with other public authorities, Romanian or foreign natural or legal persons, as well as in justice⁹[4].

IV. Conclusions

In the light of those presented in this paper, we can conclude that the analysis of the configuration of the administrative decoupling of the Romanian national space has allowed the description of some defining coordinates for the existence of the local collectivities, namely the territory, the population and the local public administration authorities, referring to the counties from the north-eastern part of the country.

First of all, we emphasized that the efficient management of public affairs is not possible without the organization of local collectivities, as intrinsic divisions of the state, situation which fully justifies the need to divide the national territory into territorial units: county, municipality, town, commune.

Then, after explaining these parts of the Romanian state collectivity, we presented the constituent localities of the counties in the north-eastern part of the country. As a result of this presentation, we have found that this part of the national territory consists of a total of 17 municipalities, 29 towns and 506 communes. Also, at this level of the research, we pointed out that the largest number of component localities is found at the level of Suceava County (114), while Botosani County brings together the smallest number of localities (78).

Further, we have retained and described the territory and the population, as essential constituents for the existence of local communities themselves. The importance of the territory lies in the fact that it limits geographically the size of the administrative apparatus, its powers, the provision of public services and not only. The importance of the population is given by its role as a recipient of public actions and services, the meeting its interests being precisely the goal for which the communities are created. As a result of the analysis performed in the north-eastern counties in terms of area and territory, we found that Suceava County has the largest area (8,553.5 km²), while the lowest area is recorded for Botosani County. Regarding the number of inhabitants, the largest population (788,547) we encounter in Iasi County, and at the opposite pole we find the lowest number of inhabitants in Botosani County (394,849).

Finally, the examination of the system of authorities in the national public administration allowed for identifying for each of the local collectivities

⁹ Art. 57 para. 1, 62 para. 1 from Law no. 215/2001 regarding the local public administration

(county, municipal, town, communal) own authorities meant to meet the needs existing in that part of the territory: county councils, local councils (municipal, town, communal); presidents of county councils, mayors of municipalities, towns, communes.

Overall, the resulted conclusion from the study consists in the fact that the reason for which the local territorial collectivities are organized lies precisely in a more prompt and efficient solution of local public affairs, the state recognizing to these collectivities own management powers.

Bibliography:

- [1] Eurostat Database, the last updates May 19, 2018, respectively June 1, 2018. Available at http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=demo_r_d3arca&lang=en, http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=demo_r_pjanaggr3&lang=en [Accessed on June 8, 2018]
- [2] Cornea S., Cornea V., *Autoadministrarea colectivităților locale: aspecte teoretico-practice*, Stat University "B.P. Hasdeu", Cahul, Republic of Moldova, 2010. Available at http://www.academia.edu/8405584/Autoadministrarea_colectivit%C4%83%C5%A3ilor_locale
- [3] Ivan S., Bădescu M., Neagu A., *Administrație publică*, Bucharest_ Lumina Lex Publishing House, 2002
- [4] Law no. 215/2001 regarding the local public administration
- [5] Law no. 115/2015 for the election of the local public administration authorities
- [6] Preda M., *Drept administrativ. Partea generală*, Lumina Lex Publishing House, Bucharest, 2006
- [7] Munteanu C. D., *Administrația publică teritorială*, Universul Juridic Publishing House, Bucharest, 2010
- [8] National Institute of Statistics, Tempo-online Base, the last update March 7, 2018. Available at <http://statistici.insse.ro/shop/index.jsp?page=tempo3&lang=ro&ind=ADM101A> [Accessed on June 7, 2018]
- [9] Manda C., Manda C.C., *Dreptul colectivităților locale*, Bucharest: Universul Juridic Publishing House, 2008
- [10] Website of the National Institute of Statistics. Available at the <http://www.constantainsse.ro/main.php?id=417> [accessed on June 7, 2018]