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POLITICAL ACCOUNTABILITY OF THE GOVERNMENT AND ITS MEMBERS - THEORETICAL ASPECTS

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Abstract

According to the legal framework, any validated dignitary in his office is held to politically answer to his mandates, namely the people. The delegation of the executive function by the people implies the assumption of the joint political opinion by the entire executive group and not individually. Under this concept, the constitutional texts regulate the institution of the Government on two legal levels, one belonging to the constitutional law and the other one belonging to the administrative law.

According to the first role, the Government is a promoter of political decisions, which also defines the political responsibility, and in the second instance, the Government appears as the administrator of the central public affairs. This paper is a summary of what we call the governmental concept of political accountability.

Keywords:
Democratic government, political opinion, assuming the political accountability

JEL Classification: K10, K19
INTRODUCTION

The Romanian Constitution comprises several procedures whereby the Government and its members are politically or individually responsible to the Parliament. The constitutional text stops on art. 109 “(1) The Government is politically responsible only to Parliament for its entire activity. Each member of the Government is politically responsible with other members for the Government’s work and for its acts.

The political accountability of the members of the Government to the Parliament is related to the parliamentary control. The Constitution is based on the use of two variants of expression of responsibility, namely: a variant is stipulated in art. 109 paragraph (1) which uses the term “political accountability” and the second term in art. 111 paragraph (1) “parliamentary control”. Article 111 paragraph 1 of the Constitution says that “The Government and the other bodies of the public administration, within the parliamentary control of their activity, are obliged to present the information and documents required by the Chamber of Deputies, the Senate or the parliamentary committees through their presidents. If a legislative initiative involves changing the state budget or state social security budget, the request for information is mandatory.”

According to Professor Cristian Ionescu, both terms explain the form of government responsibility, a political responsibility of a constitutional nature (Ionescu).

CONSTITUTIONAL ASPECTS OF THE GOVERNMENTAL POLITICAL ACCOUNTABILITY

The form of accountability of the Government and of its members is stipulated in several articles of the Constitution, which are subject to different control procedures (Nemțoi).

Thus, we can identify a few articles by which the Government or its members are under the form of control or accountability to the Parliament, the body that issues the vote of investiture, accepting the governing team and its program.

So:

• Article 111 paragraph (1) obliges the Government and the other bodies of the public administration, within the parliamentary control,
to inform the deputies and the senators about the carried out activities;

- Article 112 paragraph (1) allows deputies and senators to ask questions and interpellations to the Government and to each of its members in order to elucidate political, social and economic issues;

- Article 112 paragraph (2), guarantees the right of the Chamber of Deputies and the Senate to “adopt a simple motion in which to express its position on an internal or external policy issue or, as the case may be, on an issue which has been the subject of an interpellation”, which was debated plenary;

- Article 113, provides for the constitutional procedure by which “the Chamber of Deputies and the Senate may, in a joint sitting, withdraw the confidence given to the Government by adopting a motion of censure, with the majority vote of the deputies and senators”;

- Article 114, emphasizes the main and most important form of accountability: “The Government can assume the responsibility for a program, a general policy statement or a draft of law before the Chamber of Deputies and the Senate in a joint session”; 

- Article 107 paragraph (1), presents the control procedure by which “the Chamber of Deputies or the Senate presents reports and statements on the Government’s policy, which are debated with priority”;

- Article 64 paragraph (4) establishes the legal and constitutional framework for each Chamber to “establish standing committees and establish investigative committees or other special committees. Chambers may form joint committees”, which, through their duties, exercise control over the action of the Government or its members in office.

It is generally assumed that political accountability is based on the idea of political guilt in the exercise of the mandate, and the most serious form establishes as sanction the dismissal of the Government by the adoption of a motion of censure by the majority of deputies and senators according to article 113 of the Constitution.

As stated in the constitutional text, the political accountability has a solidary character, “each member of the Government is jointly responsible with the other members for the work of the Government and for its acts”.

As a result, the governmental team receives solidary, the Parliament’s vote of investiture, which makes the political responsibility of the government act to be unitary.
Penalizing a member of the Government, for a political act or for a criminal act, will reflect on the overall image of the executive, depending on the gravity of the committed deeds or the political situation, the dismissal of the entire cabinet (Deleanu).

The Law no. 115 of June 28, 1999, on Ministerial Responsibility, requires governors, the exercise of a mandate in compliance with the Constitution and the Governing Program accepted by the Parliament. Also, the general context of the special law refers to the constitutional framework of article 109.

The political accountability also includes sanctions, the gravity of which must be directly proportional to the guilt or guilt that has been imposed on the Government or the ministry concerned.

The guilt within the political accountability in the case of a minister is justified by the Parliament’s interpellation through deputies and senators on its political governance. The interpellation addressed to a member of the Government demonstrates the conduct of a guilty conduct, an inefficient governance of the ministry that it leads, such as wasting public funds, unjustified expenses, the failure to observe deadlines for implementing the governance program, etc.

However, although the fault is justified, the application of the interrogation procedure does not end with the issue of an act stating the publicity of the offense or deeper, which would lead to a form of sanction for that minister. He will continue his mandate but will be stigmatized and indirectly “controlled” as a member of the ineffective government.

And in the case of simple motions, although the culpable is reported, there is no concrete sanction against a minister to correct his conduct, the only effect is that the final evaluation of the activity will be taken into account. Only in the case of the censure motion can one outline a form of sanction – the dismissal of the Government, but this procedure also involves a number of subjective factors.

In our own opinion, we can say that the responsibility of the members of the Government, regardless of whether it is political, criminal, contraventional, or in the public procurement field (Pascariu), has political consequences (Tănăsescu).

If, in the case of the political responsibility of the members of the Government, applies the principle of solidarity in the case of criminal liability, the situation changes, each ministerial member is responsible for his criminal deed.
The political responsibility has a legal component and its expression is given by the motion of censure.

CONCLUSION

In conclusion, the political responsibility of the Government is given by all members, in the form of a whole. Government members, from a political point of view, can expose themselves. Political views on how to govern. Consequence of these views refers to their relationship with the population.

Another aspect, in terms of political opinions, is that of credibility. The electorate will sanction the candidate with opinions, wrong. Although they are not penalized

Political opinions, play an essential role in the exercise of power.

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