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PUBLIC COMMUNITY SERVICES

Irina BILOUSEAC¹, Mihaela Simona RAIA (MAIEREAN)²

Abstract

The purpose of the functioning of the public administration is to carry out / provide quality public services for citizens. Within these public services, the community services occupy a special place, the presentation being the objective of this article. The specialized literature has devoted the following categories of community public services: community public services for issuing and keeping passports, public services driving permits and registration of vehicles, community public services for emergency situations, community public services for cadastre and agriculture, public services community records of the person. Community public services represent a special category, as opposed to the decentralized public services in that they are in a double subordination both horizontally and vertically, compared to the local public administration and to a specialized body of central public administration.

Also, within the article is presented a proposal of "lex ferenda" considered useful in the efficiency of the activity of the community public service of records of persons, namely the resignation of civil servants with special status, who are detached from the Ministry of Interior and supplementing them with civil servants employed by the local public administration, because at present the two categories, although they perform similar activities, enjoy different advantages according to the specific statutes.

Keywords:

Community public services; decentralization; deconcentration of public services; double subordination.

JEL classification: H10, H83

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INTRODUCTION

A special category of public services is constituted by the community public services, which have a special role in a community and which represent the intermediary element of the state, which provides services meant to satisfy the general interest, through direct coordination by the local public administration.

The decentralization and deconcentration of public services has led to the establishment of community public services, precisely with the aim of making them more efficient and closer to the citizen.

The legislative norms adopted regarding the establishment, reorganization and functioning of some community public services, aimed primarily at bringing these public services closer to the citizens, translating some services in the direct administration of the local public authority. Community public services are an important instrument of the local public administration, through which they carry out activities of public interest, but under the control of the specialized bodies of the central public administration.

According to the form of organization, we distinguish two categories of community public services:

- *Internal structures*, such as a series of work compartments within the County Council or the Local Council.
- *External structures*, which have been granted legal personality.

II. SUBORDINATION OF COMMUNITY PUBLIC SERVICES

An important feature of community public services, which distinguishes them from other decentralized public services, is that they have **a double subordination**, both horizontally and vertically. In this regard, we have presented in the table below the typology of double subordination for community public services, depending on the specific activity performed.

Table no.1 Types of double subordination of public community services

Cr. no.	Type of public community service	Local public administration	The specialized body of the central public administration
1.	Public community	County Council or Municipal or City Council	„National Inspectorate

	records services	(constituted as public services with legal personality).	for the records of persons” ³ .
2.	Public community services for ordinary passports issuing and records	Prefecture (they are constituted as own services of the prefecture).	„General Directorate for passports within Ministry of Internal Affairs ” ⁴ .
3.	Public community services for driving licences and registration of vehicles	Prefecture (they are constituted as own services of the prefecture).	„Driving licences and registration department within Ministry of Internal Affairs” ⁵ .
4.	Public community services for emergency situations	County councils, General Council of Bucharest, Local councils of communes, cities and municipalities.	„General Inspectorate for Emergency Situations within Ministry of Internal Affairs” ⁶ .
5.	Public community services for cadastre and agriculture	County councils, General Council of Bucharest, Local councils of communes, cities and municipalities.	„County offices for cadastre, geodesy and cartography and County General Directorates for agriculture and food industry” ⁷ .

³ Government Ordinance no.84/2001, with subsequent amendments and completions,art.2 :„the methodological coordination and control of the community public services is provided in a unitary manner by the National Inspectorate for the Evidence of Persons, which is organized and functions as a specialized body of the central public administration, with legal personality, which is part of the Ministry of Administration and Interior”.

⁴ Government Ordinance no.83/2001 regarding the establishment, organization and functioning of community public services for the issuance and registration of simple passports and community services permitted driving and registration of vehicles, with subsequent modifications and completions, art.2: „ the coordination and methodological control of these community public services is ensured by the General Directorate for Passports, respectively the Direction of driving licences and registration of vehicles within the Ministry of Administration and Interior ”.

⁵ Ibidem

⁶ Government Ordinance no.88/2001, with subsequent amendments and completions, art. 7 and art. 11 paragraph 1.

⁷ Government Ordinance no. 13/2001, with subsequent amendments and completions, art.1 paragraph 3: „ The technical-methodological guidance of these public services is ensured by the county offices of cadastre, geodesy and cartography and by the county general directions for agriculture and food industry. ”.

PUBLIC COMMUNITY SERVICES

Thus, the community public service is first subordinated to the local or county public administration that established it under the law. The local council at the level of the county, municipality, city or commune, by decision given under the law, administers the local public service, exercises its full control, reorganization, cancellation, personnel policy, payroll, promotion, sanctioning of the personnel within the service. This coordination of the public administration is limited by the provisions of the law but also by the decisions, orders or methodologies of the specialized body of the central public administration, which approves the majority of the control acts issued by the local council, for legality in order to avoid violations of the law.

Secondly, the activity of the community public service is coordinated and controlled by the specialized body of the central public administration. This control does not affect the independence or the freedom of administration of the community service by the local council, but it has the role to help, respectively to establish a unitary practice at national level, to establish methodologies for carrying out activities in a similar way to all services of the same type, to include the same performance indicators (qualitative and quantitative) identical throughout the national territory. Otherwise, absurd situations would appear, for example: an identity document, a passport, a driver's license, a birth or marriage certificate, or a general form not identical in all localities.

III. TYPES OF PUBLIC COMMUNITY SERVICES

The following categories of community public services are enshrined:

A) Public community services for passports issuing and records. It is a community public service, established by law, respectively Government Ordinance no.83 / 2001, which operates within the prefect's own apparatus. This resulted by the reorganization of the former territorial formations of passports within the county services by the records of the person, which were the distinct structure of the Ministry of Interior.

These categories of services are subordinated to the prefecture, which exercises its administrative control under the law, but by the same normative act by which they were established, the public community services for issuing and recording passports are coordinated and methodologically controlled by the specialized body in central public administration,

represented by the General Directorate of Passports within the Ministry of Interior.

In addition to the hierarchical relationship of double subordination, mentioned above, community public services for issuing and recording passports, have collaborative relationships with other public services: local community public services for individuals, local police service or other state institutions: police Romanian, the Romanian Office for Immigrants, the Directorate for Combating Organized Crime, the Interpol Bureau Romania, etc.

B) Public community services for driving licences and registration of vehicles. There are community public services, established by law, respectively Government Ordinance no. 83/2001 [1], which operate within the prefect's own apparatus. These resulted by the reorganization of the former allowed regime formations within the county police inspectorates, components of the Ministry of Interior.

These community services have double subordination, first of all to the prefecture, being a structure of this authority, and secondly, to the specialized body of the central public authority, represented by the Driving Licences and Registration of Vehicles Department from the Ministry of Interior. This direction ensures the strategy in the field and the application of a unitary conception at the level of the whole national territory.

Also, these services have collaborative relationships with other public services of the state institutions, under conditions similar to the community issuing services and the passport registration, for example: with the local community public services for the registration of persons, the local police service, structures of the Romanian police (the road police service, the criminal record service, the Interpol Bureau Romania, ORI) judicial bodies (national and international), etc. Access to the databases managed by this service for other institutions is made only in accordance with the legal provisions, at the same time these services can have access to the query of the databases of other national public institutions, after the legal approval.

C) Public community services for emergency situations. Pursuant to art.1 of the Government Ordinance no.88 of 2001, the county public, municipal councils, city councils and local councils, community public services for emergencies were established and organized.

According to the training and organization mode, these services are divided into two categories:

➤ professional community public services, are organized in the subordination of the county councils and the General Council of the

PUBLIC COMMUNITY SERVICES

Municipality of Bucharest and come from the taking over of the specialized structures of the County Civil Protection Inspectorates and of the military fire brigades.

➤ voluntary public community services, are organized in the subordination of local councils, by reorganizing and unifying the civilian firemen's formations with the civil protection formations, both previously in their administration.

Public community services for emergencies have a double subordination: a first subordination to the local public administration (county council, local council) and the second subordination to the General Inspectorate for Emergency Situations, as a specialized body of central public administration.

The General Inspectorate for Emergency Situations (GIES) is a specialized body, with legal personality, in the subordination of the Ministry of Interior and ensures the coordination and methodological control of the community services for emergency situations (directly or indirectly through the County Inspectorates for Emergency Situations), and ensures the national strategy and unitary conception in the field of emergencies. At the same time, the county councils and the local councils approve the structure and the endowment of these community public services, based on norms and standards, issued by GIES with the approval of the Minister of Internal Affairs.

D) Public community services for cadastre and agriculture are services established under Article 1 of the Government Ordinance no.13 of 2001 and can be organized as a structure within the own apparatus of local councils or as public services with legal personality, subordinated to local councils.

The community public services for cadastre and agriculture have a double subordination, the first one against the local councils, which established and organized them, according to the law, and the second one against the County Offices of Cadastre, Geodesy and Cartography and the County General Directorates for Agriculture and Food Industry, which as specialized bodies of the central public administration, ensures the methodological control and coordination of these services.

Generally, the activities of the community public services for cadastre and agriculture are free, being borne by the budget of the local council, but they can provide certain services at the request of the citizens, against some taxes established by the local council.

E) Public community records services are organized under Article 1 paragraph 1 of the Government Ordinance No. 84 of August 30, 2001, in the local councils of communes, towns and municipalities and the county councils or of Bucharest [4]. The establishment of these services was carried out by reorganizing the former civil status compartments from the own apparatus of the Local Councils and the former local formations of population record in the structure of the Ministry of Interior.

IV. PROPOSALS FOR LEX FERENDA REGARDING PUBLIC COMMUNITY RECORDS SERVICES

The public community services of the county and of the municipality of Bucharest function as public institutions of county interest, respectively municipal, with legal personality. They manage, on an extra-budgetary basis, the revenues collected from the activities of document issuance, from the provision, according to the law, of the data relating to persons, as well as from donations or sponsorships. At the same time, the financing of current and capital expenditures is ensured from extra-budgetary revenues as well as from subsidies from local budgets.

As a lex ferenda proposal, in order to make the activity of the Local Public Community Service of Records more efficient, state the following:

Currently, at the level of these local public community services, there are two categories of civil servants: *own civil servants*⁸[2] (employees) of the local public authority, who benefit from the status of civil servant and *civil servants with special status*⁹ (policemen and civil contract staff) [3] detached from the Ministry of Interior. The staff detached since 2001, for successive periods of 6 years, had as purpose to ensure the coherence and continuity of

⁸ Their activity being subject to Law no. 188/1999, regarding the Statute of civil servants – republished and updated in 2019 by Law 156/2018, published in the Official Monitor 554 of July 3, 2018

⁹ Law no. 372/2002 for the approval of the Government Ordinance no. 84/2001 regarding the establishment, organization and functioning of community public services for the registration of persons: „*The current personnel, military and civilian, assigned to the Directorate of records of the person, to the Central Service for driving licenses and registration certificates and their territorial structures, within the General Directorate of computerized records of the person from the Ministry of Interior, are seconded or transfer in the interest of the service, as the case may be, to the National Inspectorate for the Evidence of Persons and the structures of the community public services. (1), they retain their specific rights and obligations provided by the legislation in force.*”

PUBLIC COMMUNITY SERVICES

the activity in the field of the person's record and civil status, to the new services established.

Currently, according to the Ministry of Internal Affairs communications, there are about 400 detached officials (207 policemen and 194 contract staff), who are paid by the town hall / county council the due rights for the civil function performed, respectively the basic salary, allowances, prizes, bonuses and other rights that are granted to civilian personnel, but they benefit from additional money, materials, food standard, etc., (having a higher standard of rest and equipment) according to the degree derived from the state of special civil servant.

Because the differences in status create discrepancies, dissensions, animosities and frustration between the officials of the same service, who carry out similar activities but benefit from disproportionate privileges, but especially since at present the local public authorities have succeeded after 18 years to create a staff base, who can efficiently and efficiently perform the activity in the field of the person's record and civil status, we consider that *the detaching of civil servants with special status from the Ministry of Interior*, it is no longer timely and efficient.

On these considerations, it is necessary for the detaching to cease and *we propose to repeal the single article of Law no. 211/2018* for the detaching of the personnel provided in art. 241, paragraph (1) and (2) of the Government Ordinance no. 84/2001 [4] regarding the establishment, organization and functioning of community public services for the registration of persons from the Ministry of Internal Affairs to the public services of community for the registration of persons.¹⁰

V. CONCLUSIONS

Public services have a decisive role in the life of a local community, practically representing the way in which the rule of law satisfies the needs arisen among the citizens.

Public community public services are part of the category of public services, being a separate category of them. The establishment of these public services is a consequence of the implementation of administrative decentralization in the organization and functioning of local public administration.

¹⁰ The single article extended the detaching of officials from the Ministry of Interior, until 12.12.2023.

Specific in the functioning of the public community services is the fact that they have a double subordination (to the local public authorities, which decide on their establishment, but also to the central public administration that ensures the specialized guidance and control over the activity of these services. and national strategy in the field). The delimitation of the competences of the local public administration and of the central public administration, regarding the administration of the public community services, is provided in the existing legislative framework for each community service.

However, a unitary approach is required within the public community services, regardless of the level of provision, in order to avoid incoherence, wage differences, etc. It is necessary, we consider, the relinquishment of civil servants with special status, who are seconded from the Ministry of Interior and supplementing them with public servants employed by the local public administration, because at present the two categories, although they perform similar activities, enjoy different advantages, according to the specific statutes.

Public community services are an important instrument of the local public administration, through which they carry out activities of public interest, but under the control of the specialized bodies of the central public administration.

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