

ADMINISTRATIVE AND POLITICAL CONSIDERATIONS, IN SOME EUROPEAN COUNTRIES

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***Abstract:** Democracy, freedom, authority, institutional-type relations between public authorities is a content and different form from one country to another, which proves that they are different concepts with a countenance variable. The theoretical and practical concepts of political institutions, analyses from the perspective of constitutional doctrine, according to legal and social realities, in a continuous transformation, are often unable to provide a correct classification and interpretation of certain facts or phenomena of social power. Both legal systems, political, administrative and political systems are subsystems that are touching, of the social system. They have different roles and functions, depending on the particularities of national and European policies.*

***Keywords:** democracy, European, political, law, authority*

1. CONSIDERATIONS

Democracy, freedom, authority, institutional-type relations between public authorities is a content and different form from one country to another, which proves that they are different concepts with a "variable in an instant".

As regards the notion of "political scheme" can be said that this term is not synonym with the term "political system". Political systems and political systems are subsystems that intersect the global social system. They have different roles and functions. If the political system indicates the mode of organization and the exercise of political power by the State authorities in accordance with a set of values and ideas, programs of political parties, political regime highlights the methods of the exercise of the power used by public institutions of the State. That's why the political system cannot change the configuration (for example, the transformation of the Republic into a monarchy), without regime change (it remained ahead of democracy). Without substituting for constitutional arrangements, political regimes were identified in the literature as representing certain ways in which political power is organized in a specific country.

According to the French authors Julien Freund¹ and Philippe Ardant², the notion of political regime is a complex notion, which refers to the rules of organization and functioning of constitutional institutions, the party system, the practice of political life, and their ideology and political mores. In this respect are essential as regards relations between the political forces that are in the process of governance between the governed and the

¹ Julien Freund, *Qu'est-ce la politique*, Paris, Seuil, 1967, pag.45.

² Philippe Ardant, *Institutions Politiques et Droit constitutionnel*, 17e edition., L.G.D.J., 2005 , pag. 92.

Government, but also the relationships that are established between the political institutions that are part of a particular political system.

Option for direct democracy cannot be explained unless it starts at conception of Government, and the governed. In Christian countries, but particularly in the Catholic democratic sovereignty concept was based on the thesis presented by Toma D'Aquino³, that power comes from God, but through people.

Democratic political regimes have arisen since slave society, the most eloquent example of this, being the Athenian political system. The rebirth of democratic regimes takes place with the modern era, when, for some developed countries, they become the main form of exercise of the political leadership of the company. Today, democratic political regimes constitute a dominant contemporary political life, as they are heading both former Communist countries of Eastern and Central Europe, as well as most of the countries of the third world. Some political scientists believe that democracies have won in the face of totalitarian regimes after World War II through the ability to better manage collective emotions and social violence. Otherwise, this superiority is due, not just principles, respect for human rights or the separation of powers in the State, they are not always sufficient, but to a large extent and manner in which the State authorities fail to adapt and cope with major disturbances or changes occurring in society.

In essence, through their organizational structures, through the mechanism, democratic political regimes represent, defend and promote the interests of all members of society. Democratic regimes shows a notable diversity, depending on their institutional structure (presidential, parliamentary, and presidential chairs), their systems of parties, their operation and efficiency.

Within each company, according to the report which is established between major components of State power in terms of its political institutions (Government, Parliament), but also as a result of the political traditions of democratic political regimes dress up in their practice, the following forms:

***the parliamentary political system.** Under this regime, the Parliament in relation to the other organs of State power, holds a predominant role, resulted in a surplus of powers and prerogatives. The head of Government, and in some countries even the head of State, is appointed by the Parliament and is responsible for its entire business in front of it. The Parliament can dissolve the Government by expressing a vote of no confidence, may start and conduct investigations and control over its work, debate and approve political, economic treaties with other States, acting in the major problems of the internal and external development, etc. Such schemes are to be found in England, Germany, Italy, etc.

***a presidential regime.** In this case, the head of State is vested with the Supreme leadership of the State, holding, in the system of State bodies in a prime location with broad powers and prerogatives, such as the appointment of the Prime Minister, Cabinet members, legislative initiative, pursuit of important positions in the State (he is nominally the Commander-in-Chief of the army), resisting the veto some laws, the conclusion of international treaties, the promulgation of laws. Unlike the parliamentary system, if a presidential regime, the legislative power and a part of the executive authorities (head of

³ Saint Toma D'Aquino (1225, was born in. Aquino, Italy; died 7 March 1274, O.p.), was a dominican friar, philosopher, theologian, doctor of the Church.

State) have a legitimacy and, consequently, the same authority. This identical legitimacy is, in fact, the result of an evolution of how to look at the issue of the award and the exercise of sovereignty. Legislative power and the head of State have the same legitimacy as well, since both are representative, being chosen by direct vote or indirectly.

***semi-presidential regime.** We can say that it has the traits of self-reliant, which differentiates both parliamentary regime, and the presidential;

Based on the finding that some schemes do not satisfy them, Maurice Duverger was trying to demonstrate that this dichotomy cannot explain the existence of what he called the "semi-presidential regime". In his opinion, this procedure has the following Duverger features⁴:

- the President is elected by universal suffrage for a specified period;
- the President has considerable power;
- Prime Minister holds a part of the Executive power so long as Parliament does not express distrust in Government;
- There is a double consisting of authority the President and the Prime Minister;
- the President's authority is independent from that of Parliament; his will, to be able to be implemented must correspond with that of the Government;
- the Prime Minister and other members of the Government will depend on the support of the majority of Parliament and are accountable to it;
- the relationship between the President and the Prime Minister there is a potential for autonomy, due to the existence of a system of checks and balances within the executive power.

Theoretically, in the case of semi-presidential regime, the Government has a political responsibility only in front of the Parliament, as in the case of parliamentary regimes; in practice, however, the President revoked the Cabinet members and even the Prime Minister, due to the lack of rules to the contrary.

In the current historical conditions exist in the form of monarchy constitutional, monarchical regime constitutionally governed respectively by the fundamental principle according to which the King has no involvement in politics but remains a symbol of the State, while retaining the attributions of the President of Republic in parliamentary systems.

Each State has its specificity due to historical and social considerations, which is reflected in the level of public authorities.

Because the public authorities could be based on mechanisms of functioning very well developed, it is necessary to realize a comparative analysis thereof in various European countries, in order to be able to adapt and to streamline cooperation between the report on a European level. Unfortunately, the politicians do not give due importance to this phenomenon, and at least at the level of Romania, at the present time it has reached that certain legal phenomena to be misunderstood or to act wrong intentionally, so that the impact at the level of public authorities will be negative and ultimately society itself, meanwhile, will be one with disastrous effects. For example the uninominal vote was often wrong or understood, from the desire of politicians to achieve their personal interests, not the General should bear in mind, it is that certain people, who have been known to

⁴ Maurice Duverger, *Introduction a la politique*, Paris, Gallimard, 1990, pag.26.

various reasons but fall short of a total specialization that would give even a certainty that they will be able to provide and to understand the mechanism of the society by the public authorities, to make decisions in an informed and positive impact in the future, to be candidates for public office in this State if we have a politician who proves incompetent in the political point of view, how can I do to work well the public authorities? Unfortunately, the electorate is still devoid of political culture and very easy to handle.

Politicians, experts, must be all very well prepared to cope with the complexity of the operating mechanisms and especially to organize and give them direction in accordance with the dynamic evolution. That is precisely why it is shown the study comparing the public authorities in the Constitutions of European States, because at the present time the implications of these authorities at national and European level are rocketing.

A comparative examination of modern constitutions reveals in some undoubtedly functional separation between State powers even in those countries where it is not expressly provided for the principle of separation of powers as a principle of constitutional organization. An absolute separation of powers rule can be seen only in the constitutional arrangements under which Presidential prerogatives and responsibilities of the State powers are precisely delineated, while, in the other semi-presidential system and parliamentary, the separation of powers is visible but not strictly delimited and with a focus on collaboration of powers. The separation of powers in the State have seen the complex, including aspects relating to the balance, collaboration and control between the powers of the State.

2. STATE STRUCTURES

By understanding how the structure of the Organization of State power in relation to the territory. There are two types of classification of States, i.e.:

One according to constitutional law, according to which States are divided into: unitary, federated and confederated. For the second, more realistic and take into account certain peculiarities and the States that they are divided into: unitary states: e.g. Denmark, Greece, Finland, Sweden; Federal States: Austria, Belgium, Germany; States with strong regional and community structures: e.g. Spain and Italy; States integrate in an Assembly of a Confederate: France, Netherlands and United Kingdom⁵.

A special situation of States with strong regional and community structures that are located in an intermediate state between the unit and the federal State. Sooner or later these States it will crystallize one of the choices between the two structures. With regard to the former colonial powers, which have major interests in the face of overseas territories they belonged or still belong to them, for the uniform structure of Metropolis (the European part of France, Great Britain and Netherlands). But they have developed relations with former colonies that resemble those in the compound or the States⁶.

Regardless of the data element definitions to a penalty shootout to the Confederacy a Federation is that unlike the Federation, the Confederation does not constitute a new State different from the Member States (CIS). They remain independent, equal, distinct

⁵ Crisitan Ionescu, Constitutional law and political institutions, All Beck Publishing House, Bucharest, 2004, p. 12

⁶ Jacques Ziller, *Administrations comparées, Les systèmes politico-administratifs de l'Europe des Douze*, Ed. Montchrestien, Paris, 1993, pag.58.

topics of public international law, but with some common bodies, whose acts as a rule do not apply immediately, in the confederate States. But the Confederation cannot be applied to relationships between metropolis and their former colonies, which are legally or at least politically and sociologically, distinct from these, but the former metropolis has a dominant position and provides certain political-administrative activities⁷.

The term case confederation also applies to particular forms of linking the islands belonging to European countries and those of the North Atlantic, from the United Kingdom or Denmark, kingdoms that they depend on using a centuries-old tradition. On the contrary, the term case confederation cannot be applied to conventional nature of relations between France and Monaco of Italy and the Vatican, or that are independent, but can be applied to special relations and administrative issues between Andorra, Spain and France. In the case of relations between Italy and San Marino Republic there is no kind of case confederation-type.

Unitary States are those that have a single center of governmental and political impulses. Political power in the fullness of its powers and functions, belongs to a unique holder is a legal entity of the State. All individuals placed under the sovereignty of the State are subject to the same unique authority, living under the same constitutional regime and are directed by the same laws. Although the unitary State is not incompatible with the autonomy of the local authorities, it is limited to central power. I must point out that in this kind of State there are different configurations, the French model and illustrative model.

In France the State unitary character was consecrated by various constitutional texts and legal regime is uniform throughout.

In the United Kingdom there is no written Constitution, the fundamental constitutional principle being that of the sovereignty of Parliament that may legislate throughout Great Britain, which demonstrates the unitary character of the State. According to this principle, Parliament may legislate differently for certain parts of the territory and may also delegate the power of local bodies, so the British state is accompanied by a variety of laws⁸.

Federal States

According to Georges Burdeau⁹, federal State, although one appears as a single subject of public international law, is made up of Member States what they keep certain attributes of sovereignty and in particular an important part of the legislative power.

Member States (Federated) differ from local self-government unit, through the State that possesses its own competence set by the Federal Constitution, legislative and jurisdictional matters and participates in the formation of a federal State. In the European Union there are three federal States: Austria, Belgium and Germany.

States with strong regional and community structures

This form of State of nature is an intermediate structure between the unit and the federal State, as defined by Philippe Lauvaux, thus: "the regional State Model has been designed by the authors of the Spanish Constitution of 1931 under the name Republican State. The distinction between regional and federal State is primarily of a legal nature¹⁰.

⁷ Armenia Androniceanu, Gabriela Stanculescu, *European systems of public administration*, Ed Uranus, Bucharest, 2006, p. 29.

⁸ Dana Apostol Tofan, *European administrative Institutions*, ed. CHBeck, Bucharest, 2006, p. 22

⁹ Pasquino Gianfranco, *Political science course*, ed. European Institute, Iași, 2002, p.17

¹⁰ Philippe Lauvaux. *Les grandes démocraties contemporaines*. Paris, P.U.F., 1990, p.33.

The regional State there is only one constitutional order that of the State, and the Constitution's original central is the one that determines the status and powers of regional bodies, in accordance with the principle of allocation of powers, federalist laws. On the contrary, the federalist State possesses a duality of constitutional order: the order of the federal State and the Federated States ' agendas¹¹.

Definition of regional state expressly to Spain and Italy and from 1970 to 1993 and has been applied. The 10th Spanish Constitution dates from 1978 and resumes the Republican Constitution of 1931 principles according to which "the State structure is based on the indissoluble unity of the Spanish nation, the common and indivisible motherland of all Spaniards, as well as recognizing and guaranteeing the right of autonomy of the nationalities and regions of which it is composed and the solidarity between them." The current Constitution of Italy dates back to 1947. Citing the Italian Republic unique and indivisible but recognizes, at the same time, the autonomy of the regions by adapting the principles and methods to the needs of legislative autonomy and decentralization. Through the referendum of 7 October 2001 which confirmed the review title V "Regions, provinces and municipalities," Italy has made an important step toward federalism and State Structure. Art. 1 (1). 1 of the Constitution enshrines the unitary structure of the State. This is almost identical to that of France the key difference in the relationships of the confederate's quasi metropolitan France has overseas territories with some of its former colonies.

3. FORMS OF GOVERNMENT

Parliamentary character results in a similarity of forms of Government, but there are a number of features that allow certain classifications, being envisaged two main criteria: the nature of the institution of the State and structure of the parliaments. Classification of Community States after nature of presidential institution. According to this criterion of Community States are classified as follows: monarchies(Belgium, Denmark, Luxembourg, the Netherlands, Spain, Britain and Sweden), republic(Austria, Finland, France, Germany, Greece, Ireland, Italy and Portugal). In turn, these Republics are of two types: -the President of the Republic is elected by direct universal suffrage (Austria, Finland, France, Ireland and Portugal) and the President of the Republic-is elected indirectly (Germany, Italy and Greece).

The institution of the *monarchy* has a number of advantages, but they depend on the personality of the monarch, the political situation and the will of the political parties to do or not in the issue of the monarchy a political issue. Under normal circumstances the succession does not have a political stake, as opposed to the elected Heads of State succession. Currently attending the general trend of decreasing the role of monarchs keeping them purely decorative while reducing the prerogatives and rigors of dynastic houses (e.g. Norway, Netherlands). Permanent and responsible involvement constitutes notable exceptions (e.g. Spain, Denmark).

The institution *the head of State*, has its roots in the beginnings of life, when human collectivities, at the onset of their social (civil), have been effectively under the leadership of an individual, usually a member of that company, which undertakes-

¹¹ Armenia Androniceanu, Gabriela Stanculescu, *European systems of public administration*, Ed Uranus, Bucharest 2006, p.22.

following its designation of the community as a whole-the most important prerogatives of public power in his person. In time, she felt the need to give a unified and continuous performance of expression at the highest level of the supreme representative of the exercise of public power by a single man, personified by the head of State.

It performs a public function of prime importance in the State--regardless of the theoretical political and legal nature of the exercise (which is based on the principle of uniqueness, collaboration or separation of powers)-in that sense it is either a distinct or contiguous power or mixed of existing ones, regardless of the form or single-Member collegiate which is exercised or elective or hereditary method to access the Supreme function or permanent or temporary duration.

The form of Government of a State is characterized by the formation of the supreme function in the most general sense classification distinguishes between monarchy and Republic, a distinction that reflects the way the appointment of the head of State himself. The monarchy is a form of Government in which the Supreme function is owned by a person who exercises on life, whether one acquires by choice (elective) or through inheritance (hereditary), while, conversely, the Republic is characterized by the same functions by an authority chosen on limited time.

In the course of history, particularly the monarch, has concentrated power in the powers of multi person to legislative, executive and judicial — because even in the modern systems and, especially, in the contemporary State, to produce a more rigorous delimitation of its duties to other authorities, and to legislative the Executive Board (called to realize the will of the legislature) and the judiciary (meant to penalize breaches of the law).

After the scope and the fullness of the prerogatives of public power tempered the supreme function in conjunction with the report of the systems of authority, may be parliamentary monarchies or republics, parliamentary, and presidential or parliamentary elections may be. Most of the links and boundaries between State authorities have operated between the head of State and the Executive power, which has resulted in essentially the form of Government.

In this sense, the State where the head of State is simultaneously head of the Executive, whether it is a single public authority in which the head of State, is backed by a team of Government (cabinet) officials appointed by him or that we distinguish two different authorities, namely the head of State and the Government run by a Prime Minister or premier (two-tier Executive). Exemplifying this absolutist monarchies and presidential republics or despotism¹².

On the contrary, the State is member (republican or monarchical) if the head of State is distinct from that of head of Government, but the power of the legislature, the President is keeping only functions as a rule, representative, formal. See in this regard are the cases of Japan, England, Germany.

The Palacio real, particularly after the second world war, records and a new intermediate-trend called semi parliamentary or semi presidential-in which the head of State, the President, through his choice (based on a broad electoral representation it cross check of the Parliament) without being head of Government, but given the important tasks, including the appointment of an executive Prime Minister and dissolving Parliament,

¹² The Constitution of the United States of America, All Beck Publishing House, Bucharest, 2002.

becomes a political institution and function and become a valued both the representative and the power exercised by the (typical case is that of France, since the Constitution of 1958). The latter scheme is considered, in attenuated form, as specific modes of governance under the current Constitution. Fundamental provisions of law (in particular art. 80) it follows that the Romanian President meets head of State, being invested with the powers inherent in the constitutional, political and administrative. He does not have absolute power in carrying out its functions, whereas their exercise is shared with the Government, all those exercising authority and control each other, each over the other.

4. CONCLUSIONS

Human society today through a new stage of its existence. There are many factors that influence decisively the trajectory that is part of it but it is certain that such a deep complexity and not necessarily very visible I had so far. Worldwide, including major European women already are felt, for example, the effects of the economic crisis, and without going into details, it should be noted that States have the legal and institutional mechanisms available for managing all types of crises, to prevent and combat them. At European level, has become a major need for knowledge of the system of public authorities, how they are regulated in the Basic Law of the States concerned, and especially how they interact and affect each other, given that we are talking about a European Community with its specific rules, about the future of Europe and about the impact on the legal regulations of Member States and at European level including public authorities.

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