

JUDIT SIKET

TERRITORIAL AND LOCAL ADMINISTRATIVE SYSTEM IN HUNGARY

**I.
Introduction.
General Interpretation**



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CHAPTER I

GENERAL INTERPRETATION

Content of the Chapter:

1. Public Administration
2. Subsystems of Public Administration
3. Fundamental organizational principles of Public Administration

The aim of the Chapter: This Chapter gives a general overview on essential elements of Public Administration from various aspects. Then the subsystems of Public Administration are discussed from organizational view. The last part presents the most important organizational principles of Public Administration.

Estimated reading time: 25-30 minutes

1. PUBLIC ADMINISTRATION

There are various ways to specify the concept of public administration, different definitions are commonly known. Furthermore, definitions may change from time to time, in accordance with the government perception. The relevance of public administration also depends on what challenges the government has to face periodically. Recently, the fiscal crisis has the following effects: downsizing the relevance of public administration, reduction of bureaucracy, confirmation of outcome and result-orientation.¹

Start the clarification of the concept with a general definition of Public Administration.

***Public administration**, the implementation of government policies. Today public administration is often regarded as including also some responsibility for determining the policies and programs of governments. Specifically, it is the planning, organizing, directing, coordinating, and controlling of government operations. Public administration is a feature of all nations, whatever their system of government. Within nations public administration is practiced at the central, intermediate, and local levels.²*

Read the definition, think it over and identify conceptual elements of the definition. Enter them into the table below.

a)	b)	c)
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¹ A comparative overview of public administration characteristics and performance in EU28. <https://op.europa.eu/en/publication-detail/-/publication/3e89d981-48fc-11e8-be1d-01aa75ed71a1/language-en> (2020. 06.15.)

² <https://www.britannica.com/topic/public-administration>

d)	e)	f)
g)	h)	i)

Examination of *additional definitions* allows three main interpretations,

- (1) negative,
- (2) functional and
- (3) subjective.

In the *negative approach*, based on the separation of powers, public administration is in a broader sense a part of the State's activities, which is neither the creator of legislation nor the judiciary, and which, therefore, acting on the basis of the provisions of law and under the supervision of a judicial authority in accordance with the principle of legalism, is responsible in the public authorities system for the practical status and overall public affairs.

This leads to the *objective, functional approach* where public administration means direct, practical execution of State tasks in a broader sense. In this approach public administration can go beyond the execution of laws, and refers to the management of public resources, for carrying out tasks from the scope of public administration. In the functional approach public administration performs four types of activities – and administration: (a) rationing-ordinal, which makes use of measures typical of the public imperium; (b) providing for the delivery of public services in the sphere of education, health, culture, but also public transport or public administration body collective water supply and discharge of waste water; (c) ownership, or public property management; (d) development management, primarily through public planning. Public administration tasks can, where legislation provides for this, be carried out by entities not belonging to the p.a. structure, such as non-governmental organizations or entrepreneurs.

In the *subjective approach* public administration means public administration apparatus – a team of people that are part of institutions distinct in the organizational structure of the State in a broader sense, created in order to perform tasks from the scope of public administration. These institutions are public administrative entities, among which a special place is occupied by public administrative apparatus, i.e. bodies with statutory competence in the area of public imperium.

Various aspects of public administration expressed in various approaches, can be connected in the consolidated subjective-objective definition:

public administration is a group of activities, actions and organizational and implementary projects carried out for the benefit of public interest by various entities, bodies and institutions on the basis of the law and in forms defined by law.

In this sense public administration can be divided into State and local government; in state administration a central role is played by Government, and in local government administration local government.³

Match the phrases with statements. Sometimes there is more than one solution.

- a) negative
- b) objective, functional
- c) subjective
- d) subjective-objective

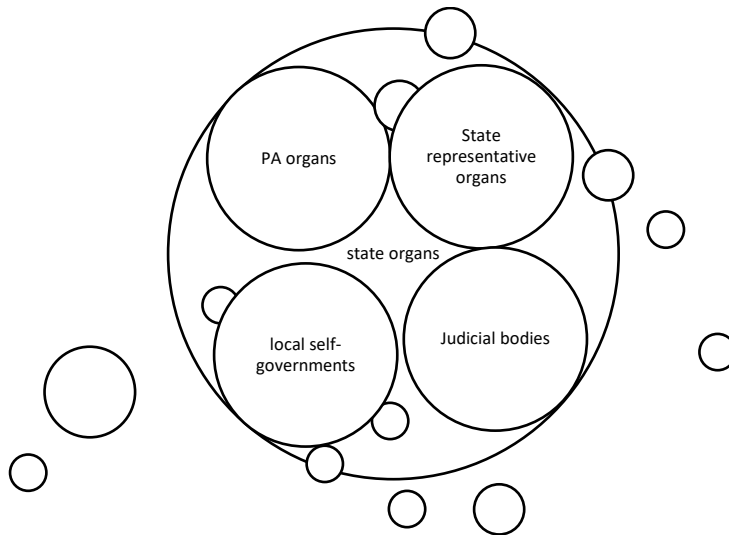
- ___ 1 This aspect includes activities carried out for the benefit of public interest.
- ___ 2 Public administration performs various types of State's activities.
- ___ 3 This approach is based on the staff with special legal status.
- ___ 4 In this sense public administration is empowered with public imperium.
- ___ 5 This approach based on the separation of powers.
- ___ 6 Public administration can be divided into two section, State and local government.
- ___ 7 Public administration performs such tasks, like implementary projects.

2. SUBSYSTEMS OF PUBLIC ADMINISTRATION: DIVISION OF LABOUR BETWEEN THE DIFFERENT PUBLIC ADMINISTRATIVE BODIES

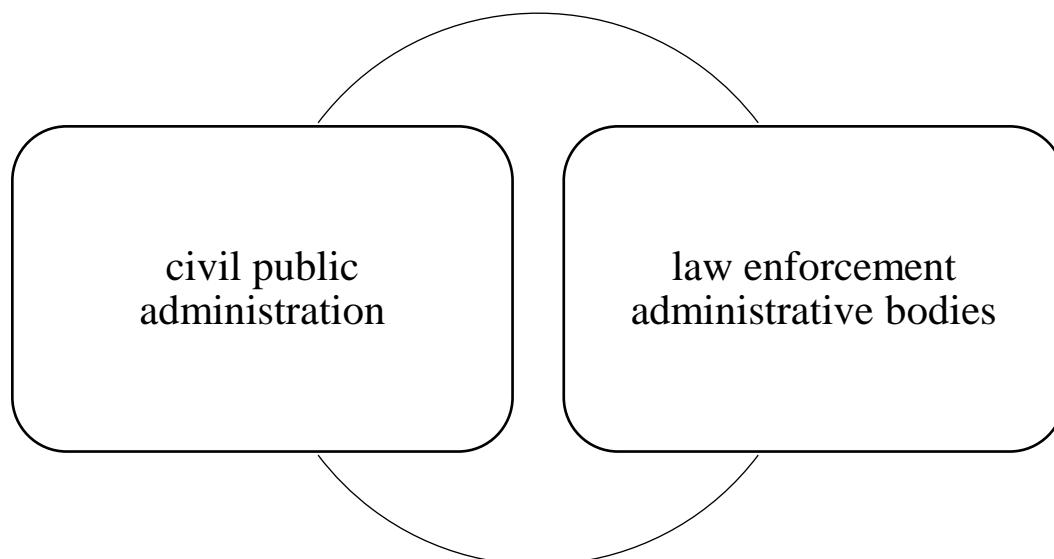
The system of state organs includes different types of organs, may be classified generally as follows:

- (a) law enforcement bodies, and prosecution authorities,
- (b) public administrative organs,
- (c) judicial bodies,
- (d) legal supervisory and control bodies,
- (e) diplomatic bodies,
- (f) central state representative organs, and
- (g) local self-governments.

³ Hubert Izdebski: Public Administration. In: Jolanta Itrich-Drabarek (Ed.): Encyclopedia of Public Administration ELIPSA, Warszawa 2019, p.231-232.



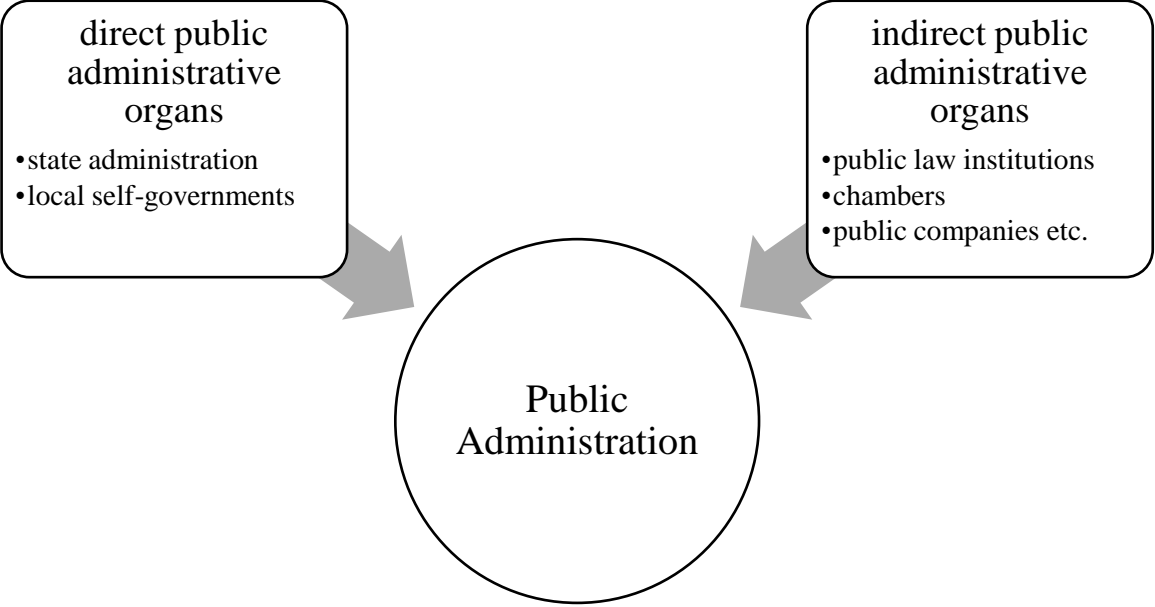
As could be seen, public administrative bodies form *essential part of state organs*. The organizational system of public administration may be divided into two main components in classical sense, on one hand it consists of civil administration and on the other hand of law enforcement organs. By the early 20th century this structure emerged, and it has prevailed ever since.



The civil administration has two dominant subsystem:

- (1) the state administration directed by the central government and
- (2) local self-governments based on autonomy of community of local citizens.

The activity of local self-government may include the law enforcement activity as well (police and fire brigades), but in certain systems the compliance of these responsibilities is subordinated to the central public administration.



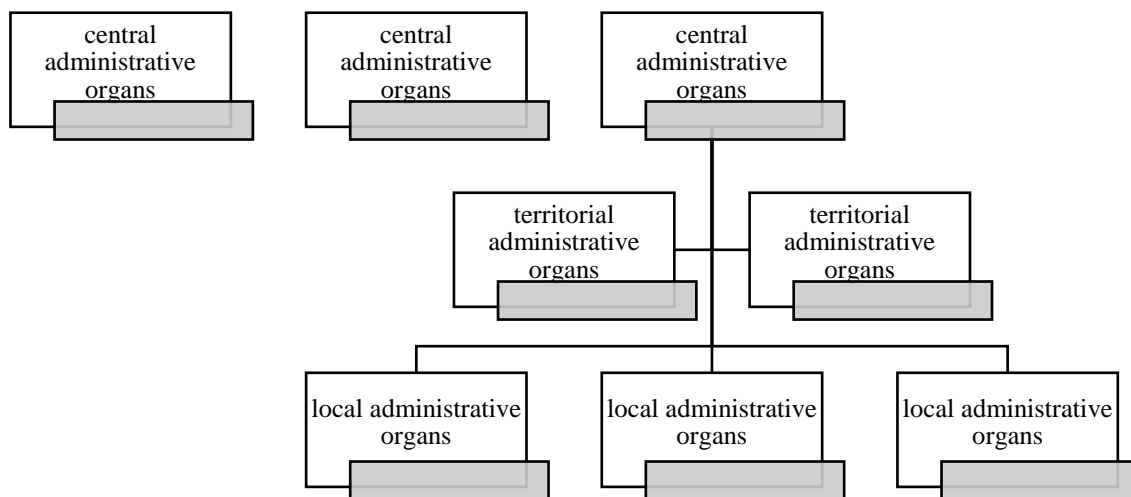
In a broad sense, public administration organizational system is complemented with those organizations (public law institutions, chambers, public companies, public foundations or natural persons), which have no public administrative tasks as their main activity, but they fulfil some kind of administrative function, too. This latter type of public administration may be characterized as indirect public administration, the previous is the direct public administration.

Which type of state organs exercise public power? Which are the so called service provider organizations? Look for examples taking account the abovementioned classifications.

Organs entitled with public power	
Organs have legislative functions	
Judicial bodies	
Organs have autonomy	
Direct PA	
Indirect PA	
Self-government	
Law enforcement body	

The degree of specialization is increasing in Public Administration. Both horizontal and vertical division of labour may be shown in public administrative structures. The *vertical* share

of competences means that the public administrative organs are established at central, territorial (e.g. regional, county level) and local (e.g. municipal, district) level, as well. The vertical structure aims that between the government and the municipalities different level administrative organs are established, with dual purpose: the organizational system (1) transmits the central decisions and ensure their realization, and (2) collects local information and voices local interests. The different levels of public administrative organs will be demonstrated in details in next chapter (Chapter II). The *horizontal* share of labours means that the same or similar activities are organized in one unit, facilitated the effective implementation of public tasks. These organizations are in cooperative relationship with each other, and hierarchical relations are not prevailing. The structure in this case is based on tasks. The horizontal cooperative relationship dominant at all levels of public administration, at central, territorial and local level, as well, but this type of labour sharing is not specific in the framework of legislative and judiciary organizational systems.



3. FUNDAMENTAL ORGANIZATIONAL PRINCIPLES OF PUBLIC ADMINISTRATION

The public administrative system although consists of different organs, however public law organs shall not considered as a part of public administrative system. The law enforcement bodies are the part of administrative system only in so far, as they implement public administrative tasks.

Legal status, division of labours and competence of public administrative organs are determined by the law, however in the organizational system different principles applied. The discussed principles are as follows

- (1) centralization,
- (2) deconcentration and hierarchy,

(3) decentralization and autonomy,

(4) integration and

(5) public service.

(1) The principle of *centralization* ensures the unity of public administration, means in the political sense, that the system serves the implementation of unified government will. This principle has an administrative sense as well. In this interpretation the similar cases are assigned to certain body, or another mean, that cases are withdrawn to a higher level organ, from local to territorial or from territorial to central level.

(2) *Decontrentation and hierarchy*: The state administrative tasks are allocated to different administrative organs in territorial means. The amount of tasks, the geographical, traffic and communication conditions require the central administrative organs to establish organs at territorial and local level also. These organs generally have financial and civil law subjectivity. They do not have autonomy in the compliance of their tasks. The deconcentration and hierarchy are appropriate. The dominant relationship between the administrative organs may described as a direction relationship.

(3) The principle of *decentralization* is a sharing of competences between public administrative bodies, which have different level of *autonomy* in contrary with the decontrentation. The principle of decentralization may prevail as a territorial and a functional decentralization. The functional decentralization means the implementation of public tasks by public law entities. The territorial means of decentralization will be negotiated in the next chapter (Chapter II).

(4) The *integration* principle expresses interconnection between those public administrative organs which are not in a hierarchical position with each other. The main characteristics of these relationships are the coordination and the cooperation. There may be coordinative bodies, when the organ exercises the right to consultation, to consent, to make co-decisions. In this context consultative assistance, technical cooperation, mutual informational connections emerge between the administrative organs.

(5) *Civil service* as a principle means that in the organizational system of public administration the tasks and responsibilities of organizations are fulfilled by the professional, well-educated, competent staff. Generally, civil servants are employed in a special legal relationship, based not on general labour law provisions, but the public law.

Consider the following statements and mark the correct answers.

1. The application of this principle ensures the unity of state administration.

- a) integration
- b) centralization
- c) civil service

2. Civil servant are employed in a special legal relationship

- a) is ruled by labour law

b) is ruled generally by public law.

3. Administrative bodies are subordinated to each other, the principle of hierarchy dominant in their relationships.

a) true

b) false

4. Public law organs, like chambers shall be considered as a part of public administrative system.

a) true

b) false

5. The principle of decentralization means

a) sharing of competences between public administrative bodies, which have different level of autonomy

b) that in the organizational system of public administration the tasks and responsibilities of organizations are fulfilled by the professional staff

c) that the decentralized organs do not have autonomy.