

**JUDIT SIKET**

**TERRITORIAL AND LOCAL ADMINISTRATIVE SYSTEM IN HUNGARY**  
**III. Two pillars of Public Administration: State administrative functions**  
**and local self-governance.**



*This teaching material has been made at the University of Szeged, and supported by the European Union. Project identity number: EFOP-3.6.2-16-2017-00007*

## CHAPTER III

### TWO PILLARS OF PUBLIC ADMINISTRATION: STATE ADMINISTRATIVE FUNCTIONS AND LOCAL SELF-GOVERNANCE.

#### Content of the Chapter:

1. The scope of public affairs
2. State functions
3. State administrative functions
4. Local self-governments in the state organizational system

The aim of the Chapter: This Chapter contains an attempt to determine the scope of public affairs. The state and state administrative functions are divided and discussed separately. It tries to specify the function of local self-government system in the state organizational system.

**Estimated reading time: 25-30 minutes**

#### 1. THE SCOPE OF PUBLIC AFFAIRS

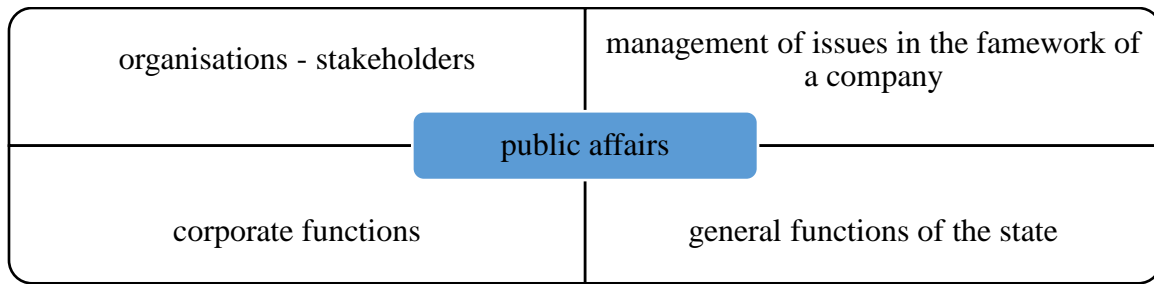
The definition of public administration is detailed in Chapter I, it may recognized, that the organizational and functional aspects worth to evoke. From the organizational view public administration is the complex system, is responsible for the compliance of public affairs. From functional view it means public affairs are fulfilled by public administrative organs. Therefore, first of all, the meaning of public affairs needs clarification.

There is no universal consensus about what the content of the term of *public affairs* is. There are a lot of perception;

- (1) public affairs is a term used to describe an organisation's relationship with stakeholders,
- (2) if the difference is revealed between public affairs and public relations, by James *Grunig* public affairs is the management of issues, public relations is the management of the interface between the company and the outside world,
- (3) public affairs may be defined as corporate functions as well as a management skill,<sup>1</sup>
- (4) general functions of the state.

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<sup>1</sup> Phil Harris: Evolving Discipline of Public Affairs. Journal of Public Affairs (2010) p. 369-371.



From the scope of public affairs a separate part, the *sphere of local public affairs* is need to be explained. In general, local public affairs are considered those general matters, which affect local community, and have local interests. Local public affairs are essential part of democratic local self-government, thus the local self-governance means the exercise of decentralized public power in self-organized manner.

The Council of Europe established a local self-government model governed by general clause and within the framework of the Charter defined the common concept of local public affairs.

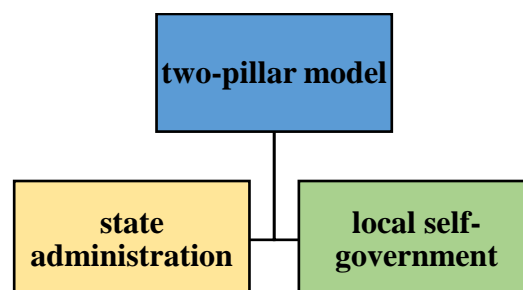
According to the *Article 3 of the Charter*, local self-government

*denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.*

Local authorities shall have full discretion. The Charter remains in silent on the substance of public affairs, denotes only a general meaning. It does not give any guidance for the purpose of local public affairs. It only requires the effectiveness of principles of decentralization and subsidiarity.

Different aspects on pillars of public administration are known,<sup>2</sup> from the view of the chapter it is distinguished the *two-pillar* model,

- (1) on one hand the state administration and
  - (2) on the other hand the local self-government system,
- both involved in compliance of public affairs.



<sup>2</sup> e.g. National Academy of Public Administration has identified four pillars of public administration: (1) economy, (2) efficiency, (3) effectiveness and (4) social equity. These pillars are equally important in the practice of public administration and to its success.

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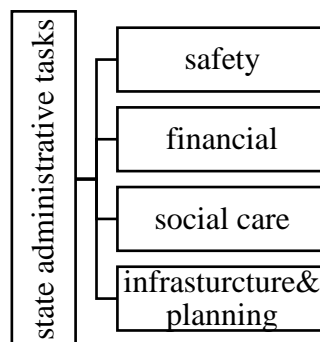
## 2. STATE FUNCTIONS<sup>3</sup>

The *general functions* of the state is a subject to an ongoing controversy. It may be distinguished a lot of theories on the role of the state in the society. One of them is the night-watchman state, when the state has minimal legitimate functions, like military, police, judicial functions and protection of individuals. Another far-out theory is on the omnipotent state, when the state take every action in relations to human life. The administrative function of the state is in tight correlation with the general sense of government.

The functions, responsibilities of the state have changed over time, in connection with the absolutism emerged the so-called police state, where the law enforcement functions dominated. After that as a result of the constitutional revolutions, the *rule of law has triumphed*, and the legal limitations of the state, the ensuring of individual rights came into focus in the operating of the state. The liberal rule of law state has been developed to the welfare state, where the rule of law principle prevails. In this period the state actively contributes the welfare being of its citizens, providing services for them. The good governance principle ensures that the state is trying to find the balance in the field of public tasks between the state, the economy and the civil sphere.

Basically *four groups* of state administrative tasks may be distinguished:

- (1) guarantee of safety,
- (2) financial administration
- (3) care sector,
- (4) ensure the infrastructure and planning.



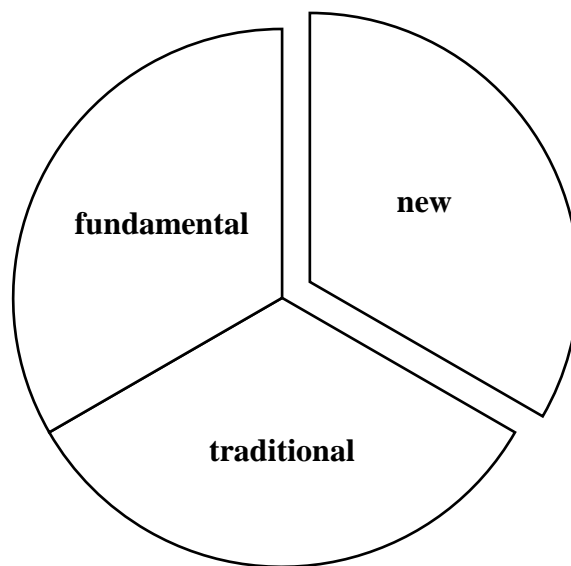
In accordance with another approach, *administrative tasks may be aggregated* and this leads to the *functionality of state*. This concept brings up closer to the transparency of state

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<sup>3</sup> This part of the Chapter based: Patyi, András: A közigazgatási működés jogi kérdései. In: Patyi, András–Varga Zs., András (ed.): Általános közigazgatási jog (az Alaptörvény rendszerében). Dialóg Campus Kiadó, Budapest – Pécs, 2012.141–156. p.

responsibilities. It based on the French administrative sciences, according to it, there are three levels of state functions:

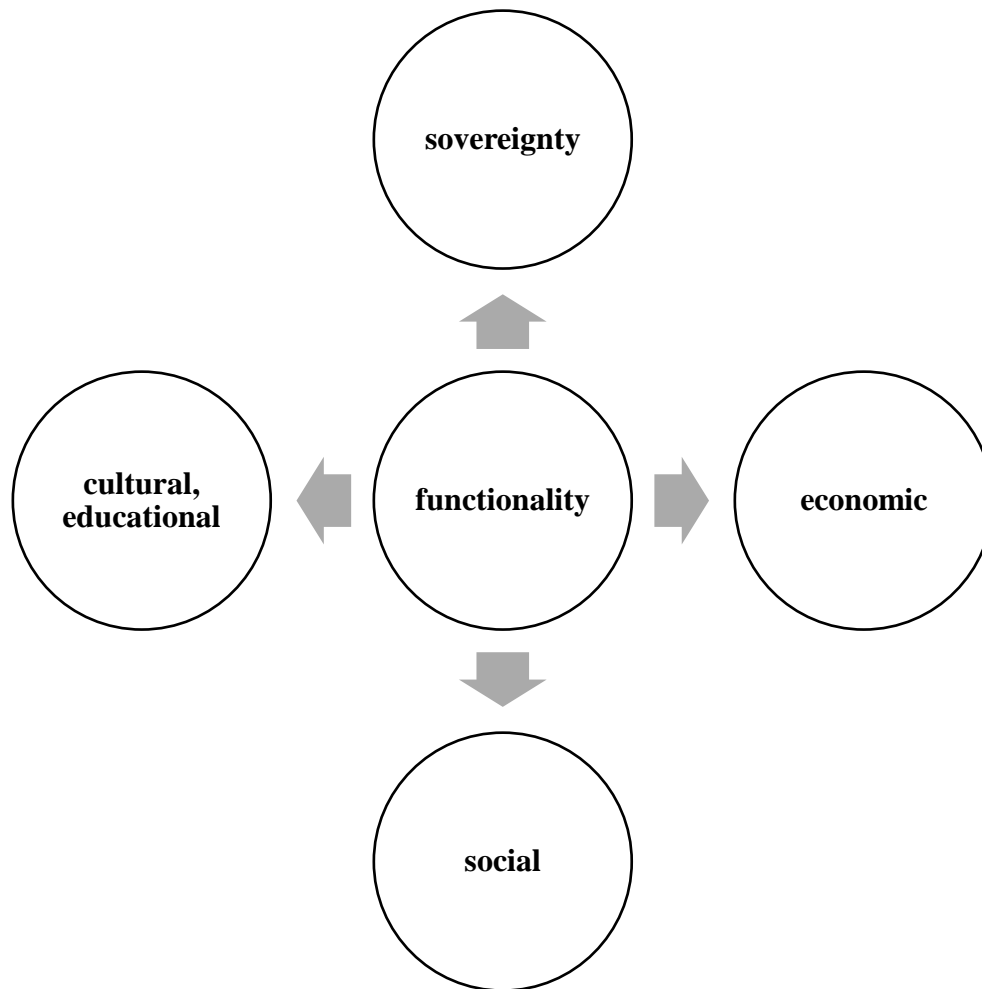
- (1) *fundamental* functions, like national defence, foreign policy, jurisdiction, law enforcement and execution of sentences,
- (2) *traditional* functions, like public transport, communication, postal services, education, social care,
- (3) *new* functions, like defence and development of private sector, support of literature, arts and sciences.



*Functionality of the state (1)*

There is another French administrative science based classification, which is worth for mention. According to this, four functions of the state may be distinguished. This perception could clear the administrative functions, as well. The functions are as followed:

- (1) functions, related to the *exercise of state sovereignty* (external functions: national defence, foreign affairs, internal functions: law enforcement, jurisdiction, execution of sentences, register of citizens, political functions: operation of political institutions, organizing of elections, ensure the operation of representative bodies, inform the public)
- (2) *economic functions* (monetary emission, particular measurement in the energy field and agriculture, economic and financial coordination, spatial planning, development and credit or loans system, tax system, price regulation)
- (3) *social functions* (health care, urban construction, defence of interests and social groups)
- (4) *cultural and educational functions* (scientific research, education, communication, preservation of historical sites and buildings).



*Functionality of the state (2)*

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### **3. STATE ADMINISTRATIVE FUNCTIONS**

Significance of the *state administration* may be detected in those function, that the competence of their organs covers the whole country, the administrative strategic and operative decision-making tasks. The power of the central administrative organizations includes the determination of the frameworks of public administration, influencing the operations of the state and society, as well as governing activities.

The functionality of the state is correlating with state administrative responsibilities. In the framework of state administrative functions, the following groups and tasks shall be differentiated

- (1) *protection of society*: disaster protection, protection public security, environment protection;
- (2) *safety functions*: safety of workplace, food safety, public health protection, epidemics function, public transport emergency protection;
- (3) *defence of the state*: national defence, defence of the national boards, foreign functions;



	environment protection
	foreign policy
ensure sources	safety of workplace
	management of public assets
state operation	election
	registration
economic function	collection of fines
	communication
cultural, health care, social demands	public security
	maintenance of state institutions
protection of society	public transport

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#### **4. LOCAL SELF-GOVERNMENTS IN THE STATE ORGANIZATIONAL SYSTEM**

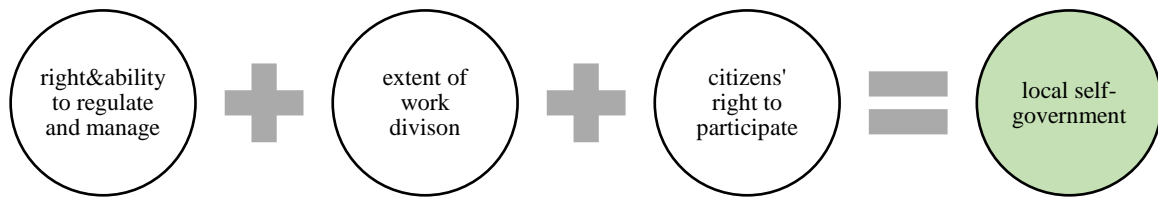
The structure of modern states' public administration is divided into two tiers, on one hand the state administration governed by the central government and on the other hand the local self-government system, having independence from the central government.

Local self-governments are organized on territorial base, having decision-making power concerned all citizens living at the territory of local self-government. Local governments have autonomy, it means the independence from the central state power, generally. Local self-governments are organs of the state undoubtedly, therefore the independence from the state is relative, and the extent of the independence and the frameworks of the autonomy are determined by the public law regulation of the state. However, it should be noted, that local self-governments exist only, where the local self-governance is recognized by the state, the independence is regulated by the law, bodies of local self-governments may participate in the organization of community life.

Local self-governments exist, if the following conditions are compliance:

- (1) local self-governments have the right and the ability to regulate and manage public affairs under their own responsibility related to their citizens,
- (2) there is an appropriate extent in the field of work division between central and local bodies,
- (3) citizens of local communities have the right to participate in local public affairs.





However, local self-governments have autonomy in the framework of state organizational system, but not considered as an independent branch of power. Generally local self-governments are part of the executive power.

How may be placed local self-governments in the state organizational system? Two dominant concepts prevail related to it. On one hand, *local self-government concept*, emerged in the Anglo-Saxon system. Local self-governments have own local sovereignty, powers to regulate and administer local public affairs. The state only exercise supervision according to the activity of local self-governments in this system. On the other hand the *local administration* may be differentiated, which has its roots in the Napoleonic administrative structure of France. Due to this concept, the sovereignty of the state is single and indivisible. Therefore local self-governments have only delegated competences from the state.

A third, so-called *interactive concept* also emerged, the core point of this concept is the answers of local self-governments to social challenges. In this system local self-governments are responsible to ensure the access of their citizens to local public services only, therefore encourages stakeholders, the responsibility is not direct in this case.

Mark the correct answers.

1. The state functions and state administrative functions are the same.
  - a) true
  - b) false.
2. Local self-government concept emerged in the Napoleonic French public administration system.
  - a) true
  - b) false
3. Economic functions of the state are in tight connections with the monetary emission.
  - a) true
  - b) false
4. Supervision of safety of workplaces is not the task of state administration.
  - a) true
  - b) false
5. Jurisdiction is generally a state administrative task.
  - a) true
  - b) false