

TRENDS REGARDING THE ADMINISTRATIVE- TERRITORIAL REORGANIZATION OF ROMANIA PART II - THE HYPOTHESIS OF MAINTAINING A SINGLE INTERMEDIATE LEVEL

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ABSTRACT: *Currently, the administrative-territorial delimitation of Romania is based on two levels: the communes and cities that make up the basic level and the counties corresponding to the intermediate level. Starting from 1999, the regional level was also created, which is not an administrative level, but only a way of functional organization to respond to some requirements of the regional policy of the European Union. With regard to the administrative-territorial organization of Romania, in the two parts of this study we proposed to dwell on the theories that were formulated regarding the administrative-territorial reorganization. We conclude that there is no ideal model to follow in terms of administrative-territorial reorganization, following that each country, depending on the economic, social, political and geographical specifics, will establish its own criterion of administrative-territorial organization, in such a way that it responds to the demands generated by their own development needs and aiming to eliminate economic disparities and achieve territorial and social cohesion.*

KEY WORDS: *administrative-territorial reorganization, local autonomy, intermediate level, regions, county, merge.*

JEL CLASIFICATION: *K22.*

1. A FIRST THEORY REGARDING THE MAINTENANCE OF A SINGLE INTERMEDIATE LEVEL

A first theory regarding the administrative-territorial reorganization of Romania, which involves the maintenance of a single intermediate level, is materialized in supporting the reduction of the number of counties.

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As we will see below, maintaining a single intermediate level while reducing the number of administrative-territorial units at the intermediate level can be achieved in two ways: by reducing the number of counties, which can be done by merging them, on the one hand, or by the abolition of counties and the establishment of administrative-territorial units much larger than counties, such as regions, on the other hand. In the end, the difference between the two options is not very big, it basically has the same content, the creation of administrative-territorial units larger in size than those existing at the present time, which would constitute the only intermediate local level, being different only in the manner in which is put into practice.

The theory of maintaining a single intermediate level is supported with the argument that it would be more efficient and beneficial for Romania, because it would avoid the creation of another intermediate link between the local level (collectives in communes and cities) and the central power (the state), which would could generate very high costs, and, in addition, reducing the number of administrative-territorial units of intermediate level would reduce local administration expenses compared to the current ones.

Another advantage of maintaining a single intermediate level would be that the new administrative-territorial unit (consisting of two or more counties) would be much stronger than the current county, both in terms of economic and financial potential, as well as in terms of population, situating at a similar level to such entities from many European countries.

Therefore, maintaining a single intermediate level and increasing the size of the intermediate administrative-territorial units would give strength to the local territorial collectivities both at the national level and in collaboration with similar structures from other European Union states and would eliminate the expenses that would entail the organization and functioning of another level of administrative-territorial units (Panduru, 2007, p. 81).

For all these arguments, in our turn we support the idea, already expressed in the first part of this study, that we do not approve the establishment of a second intermediate level and we are of the opinion that the most effective way for the administrative-territorial organization of Romania is the existence of a single intermediary level. As we have already pointed out, we believe that first we should start from a reorganization of the basic level through a merger of communes and cities, only then a reorganization of the intermediate level will be discussed through the same method of moving to a merging among the counties by reducing their number.

And in the specialized literature it was shown that an administrative-territorial reorganization would also exist in the hypothesis in which, keeping the administrative organization with a single intermediate level, the current counties would be organized in larger administrative-territorial units, not having importance if these units would also be called "counties" or "regions" or "provinces" (Preda, 2007, pp. 3-7).

The idea is not new, it was expressed during the debates on the draft Constitution of 1991, when among the few parliamentarians, Ioan Rus, categorically opted "for the establishment of provinces, as administrative-territorial units and the abolition of counties, which would represent a financial burden for state and would involve the establishment of structures that would lead to the perpetuation of

bureaucracy in our administrative apparatus" (Iorgovan, 1998, p. 42); we note, therefore, that this also did not support the establishment of a second intermediate level, but the maintenance of a single intermediate level but by creating other structures instead of the counties.

In the same vein, regarding the administrative-territorial reorganization of Romania, the reduction of the number of counties is supported, as only large communities will be able to be strong enough to be truly autonomous (Popescu, 1999, pp. 126-131). Moreover, as it was shown in a study (Nistor, 2000, p. 116), by increasing the territory of the counties, a real administrative decentralization is favored, but this advertises, at the same time, competence and administrative personalities with special skills.

For our part, we believe that in the case of an administrative-territorial reorganization of the intermediate level, the simplest option would be to merge some counties, specifying that we still opt for the use of the county name, because the county has successfully passed the test of time and ensured a harmonious development of the territory and, in addition, it is impregnated in the consciousness of the collective, and in this way the shock of the change would be mitigated; in addition, thus, the constitutional text should not be revised and, from this point of view, the reform would not seem so radical.

This measure is not utopian, but on the contrary achievable, as no constitutional provision prevents the increase of the size of the counties or the attribution of wider competences to them (obviously, which should not be in contradiction with the legislative competences or related to the sovereignty of the state). In addition, the regrouping or merger of certain local territorial collectivities will have the main consequence of strengthening local autonomy.

We emphasize, however, that an administrative-territorial reorganization that would have the effect of abolishing some counties would cause a brutal interruption of the balance and existing relations between the cities and communes of a county and the city-seat of the county created over time.

Also, in a study it was shown that the counties established in 1968 are complex territorial units from an economic and social-cultural point of view, relatively balanced in terms of surface area, number of inhabitants and economic potential; so the structure is good, it could only be improved through an even greater harmonization of the counties regarding their territory and population so that each of them can function autonomously and not end up in financial collapse requiring the intervention of the state (Popescu, 1994, pp. 53-54).

In conclusion, we are of the opinion that this version of the administrative-territorial reorganization by creating larger administrative-territorial units from the intermediate level presents the advantage that it will create new intermediate administrative-territorial units, without starting a large-scale reform that to require the revision of the Constitution, since these are aspects that can be corrected by means of the law, because although the existence of the county is enshrined at the constitutional level, the regulation of its dimensions can remain the responsibility of the law, through the appropriate amendments, which can bring the county closer to a true region. Also, this variant of keeping the counties, but in a smaller number by increasing their size,

will also result in a correct relation of the Romanian counties to administrative-territorial units from the intermediate level in the other states of the European Union, because, as it is stated in the specialized literature, at the present time due to its geographical size, population and resources, the county is far from the dimensions that characterize a region of the European Union states (Popescu, 2005, p. 15).

2. A SECOND THEORY REGARDING THE MAINTENANCE OF A SINGLE INTERMEDIATE LEVEL

A second theory regarding the administrative-territorial reorganization of Romania, which involves the maintenance of a single intermediate level, is embodied in the possibility of re-establishing the counties abolished by the law of 1968 (Iordan & Alexandrescu, 1996, pp. 118-121). In this sense, after 1989, the "League of Abusively Abolished Counties" was established, which insisted on the re-establishment of the counties that disappeared from the country's map on the occasion of the adoption of the Administrative Organization Law of 1968, a cause rightly criticized in the specialized literature (Iorgovan, 1998, p. 291). In 1998, a parliamentary group submitted a law proposal for the establishment of new counties, 20 in number, and in another version 23. The vast majority of specialists declared against such a request, showing that taking into account the requirements of efficiency and democracy, a realistic position would be doubling the area of the counties, thus reducing them by half and by no means establishing new ones (Iorgovan, 1998, p. 291; Kovacs, 2000, pp. 210-211). In addition, it was also shown that if this proposal were to become law, it would involve exorbitant expenses and would result in the suffocation of the counties' autonomy, due to the reduction of their human and economic strength (Popescu, 2005, pp. 137-138). In the financial sphere, we could point out as a disadvantage the impossibility of drawing up a satisfactory budget with which major investments in infrastructure can be made due to a narrow tax base and the absence of economic investments from the respective local communities. Fortunately, these actions remained without consequences.

Regarding the number of counties and the theories regarding increasing their number, there are arguments for and against. Some specialists believe that an act of administrative repair should be made by returning to the traditional counties and communes, others, on the contrary, believe that a change in this sense would require very large expenses and would affect the established and developed inter- and intra-county socio-economic relations since 1968 and would not be effective in any way.

The disadvantage of a territorial reorganization by which the number of counties would be increased would be, first of all, an economic disadvantage arising as a result of the establishment of small counties, with weak economic potential and smaller population, with the risk that they would not have sufficient development resources and not be able to engage, on an equal footing, in profitable collaborative relationships with other administrative-territorial units, including from other countries. In addition, the inhabitants of such very small counties will pay taxes and fees that will be much higher than those of the inhabitants of large administrative-territorial units and, of course, with superior economic power and resources. This disadvantage could not be

removed, since in a market economy, decentralized and unplanned, as is the Romanian economy today, the state no longer has many levers at hand to intervene to ensure the economic and social development of the new units .

The tendency is, at least in Europe, which has as its main objective to be united, to reduce the number of administrative units and not to increase them, so at the moment when the great majority of European states came to the conclusion that the number of administrative-territorial units it must be as small as possible, it would be ridiculous for us to establish even more.

In the controversial matter of increasing the number of counties, a series of arguments against the establishment of a greater number of counties supported by statistical data must be taken into account; thus, at the present time among the 41 counties, some of them have a much smaller territory and population (Covasna - 222.449, Sălaj – 248.015, Tulcea – 256.492, Ialomița - 296.572 and Giurgiu - 297.859) than others (Prahova - 829.945, Iași - 816.910, Dolj - 734.231) , it being obvious, considering the disadvantages listed, that the solution is in no case to increase the number of counties, but rather to abolish and merge those with reduced territory and small population.

In other words, small administrative-territorial units are not viable, because they do not have the material and human potential to ensure their development. It should also be emphasized that the argument of the old tradition of the counties was lost in the collective memory of the population after the passage of a period of more than 40 years, so these requests are, rather, the expression of some local pride and, in addition, it must be shown that the dynamics the natural state of the counties is the one that determines the dissolution of some counties due to their uneven evolution.

Supported by all these arguments, we also believe that the number of counties should not increase under any circumstances, especially since the establishment of administrative-territorial units "is not and cannot be an arbitrary action" (Preda, 2006, pp. 52), on the contrary, it must always be based on objective elements and factors, on scientific criteria and respond to both present and perspective requirements.

An action to increase the number of counties cannot bring anything good from the point of view of an efficient administrative-territorial organization, as it is costly, ineffective and leads to the weakening and even the annihilation of local autonomy, by the fact that we will have territorial collectivities poorer and, therefore, dependent on the state, generating an intense and unnecessary fragmentation of the geographical space.

In the specialized literature (Benedek, 2004, pp. 210) it was also shown that in Law no. 351/2001 regarding the approval of the National Territorial Development Plan, the conditions for the establishment of new administrative-territorial units are regulated, respectively the conditions that a rural settlement must meet in order to acquire the status of a city or to establish a commune, but for the level county no specification is made. It follows, therefore, that through this regulation the modification of the number of counties was never pursued - in the sense of increasing their number - since the law does not provide under which conditions a certain area could acquire the status of a county. From the text of the same law, it follows that administrative-territorial units cannot be created based on ethnic, linguistic or similar

criteria, the criteria having to be general and common for all administrative-territorial units of the same rank or level.

Analysing the current administrative-territorial organization of Romania, we are of the opinion that at the moment there is no need for an administrative reform aimed at an administrative-territorial reorganization. We believe that a single intermediate level is sufficient for Romania, which is why we maintain our opinion, expressed in the first part of the study, regarding the futility of creating a second intermediate level, through the establishment of regions, because we believe that it would have a negative influence on the organization and the functioning of the local public administration.

As regards a possible administrative-territorial reorganization with the maintenance of a single intermediate level and the reduction of the number of counties, we consider that it is not necessary at the moment, and as regards the administrative-territorial reorganization with the maintenance of a single intermediate level and the increase of the number of counties, we are completely against it, because we believe that it can only bring disadvantages to the organization and functioning of the local public administration.

3. CONCLUSIONS

Currently, the administrative-territorial delimitation of Romania is based on two levels: the communes and cities that make up the basic level and the counties corresponding to the intermediate level. Starting from 1999, the regional level was also created, which is not an administrative level, but only a way of functional organization to respond to some requirements of the regional policy of the European Union.

With regard to the administrative-territorial organization of Romania, in this study we proposed to dwell on the theories that were formulated regarding the administrative-territorial reorganization.

We believe that the appearance of these theories was determined, on the one hand, by the crisis that the Romanian administration is going through and the need to discuss a series of trends regarding a new administrative-territorial organization, and, on the other hand, by the current the establishment of administrative-territorial units that are larger in terms of territory and stronger at the European level.

We conclude that there is no ideal model to follow in terms of administrative-territorial reorganization, following that each country, depending on the economic, social, political and geographical specifics, will establish its own criterion of administrative-territorial organization, in such a way that it respond to the demands generated by their own development needs and aiming to eliminate economic disparities and achieve territorial and social cohesion.

It remains to be seen if in the future an administrative-territorial reform will be considered necessary in which regionalization will play a primary role and if it will move to a new level of territorial organization of the state with all that this implies (the creation of regional institutions and the transfer of administrative competences at the regional level).

The problem of regionalization must be carefully analysed, because examples from not too distant history - the creation of the 10 lands between 1938-1940 and the

establishment of the 28 regions in 1950, which proved unviable, ineffective and unsuitable for the Romanian tradition and were abolished - show us that the establishment for a better administrative organization of administrative-territorial units larger than the counties, such as the lands in 1938 or the regions in 1950, did not always have the expected result.

We believe that a series of discussions, both at the doctrinal and political level, regarding the regionalization of Romania, consists in the need to start the reform of the organization of the public administration after 1989. Thus, considering the national and European context, aspects such as the rethinking of the administrative-territorial structure of Romania were increasingly brought into discussion, especially when the question of an effective process of financial decentralization (Kovacs, 2000, p. 199) and of public services was raised.

We support, again, in this context, our opinion that regionalization must be carefully analysed, especially from the point of view of the establishment of a second intermediate level, because we do not believe that it will solve, or anyway it will not solve only by itself, the social and economic problems which the current Romanian society is facing and will not represent the saving solution by which the activity of the public administration will be made more efficient.

On this subject - of regionalization - we must not seek to imitate other states, because it is possible that the models of other states, such as France, do not suit us, and also, we must not seek to establish regions just for the sake of following the European example, as long as these regions would have limited resources and would not face the competition with the regions of other states.

Anyway, as far as the administrative-territorial reorganization of our country is concerned, until now nothing has been undertaken, therefore an eventual administrative-territorial reorganization seems to be the philosopher's stone that was sought by all the politicians who tried to govern, but which was not found by any of them.

For our part, we believe that this delicate problem should be addressed, first of all, by consulting specialists in the fields of history, law, public administration, geography, sociology and economics in order to find the optimal solution regarding administrative-territorial organization. However, the political context in which the debate will take place and the way in which the central public authorities will substantiate their final decision are also essential. This must be the result, on the one hand, of a consensus achieved at the level of the political class regarding the necessity of the reform and its main directions, and on the other hand, the result of a consultation process with civil society, because, the administrative reorganization- territorial issue is a matter of national interest that equally interests all citizens.

At the same time, the recommendations of the European institutions should also be taken into account, although they do not impose a certain model, based on the experience accumulated over time and in different areas, they can propose viable solutions. Whatever the adopted solution, in the case of an administrative-territorial reorganization, this will represent an extensive process that involves a multitude of factors and that can only be achieved after completing distinct stages.

A possible administrative-territorial reorganization of Romania, starting from the postulate that the territory of a state constitutes the fundamental element of its structure, must not harm the unity and indivisibility of the Romanian state, must take into account the possibilities and mentalities existing at the time and ensure a wide decentralization.

In the case of an administrative-territorial reorganization of Romania, it will have to ensure the creation of administrative-territorial units well sized in terms of size and balanced in terms of material and human potential, capable of providing optimal conditions for their future development.

In the works studied, we noticed that, regarding a possible administrative-territorial reorganization of Romania, in general the proposed solutions are either the creation of regions and therefore of a second intermediate level, or the preservation of a single intermediate level with the abolition of counties and the creation of some units administrative-territorial areas larger in area. Also, all doctrinaires are against the trend of increasing the number of counties.

For our part, we believe that for the moment an administrative-territorial organization with a single intermediate level must be preserved. We believe that the first step towards the efficiency of the administrative-territorial organization must be a reform at the basic level consisting of the merger of communes and localities, because in the period after 1990 their number increased unjustifiably, reaching the ridiculous situation of having cities, such as the city of Căzănești in Ialomița county, which was raised to the rank of a city, but the residents wanted their town to return to the rank of a commune, achieving this goal after the organization of three local referendums. This topic is presented in detail in a previous study published in 2017 (Cenușe, 2017, pp. 193-200; Cenușe, 2017, pp. 255-264).

Although, through a normative act adopted in 2007, the legislature increased the minimum number of inhabitants for an administrative-territorial unit to be declared a city or municipality, we consider that the ferenda law still requires the amendment of the legislation in such a way that it does not there are also municipalities with less than 3,000 inhabitants, cities with less than 15,000 inhabitants and municipalities with less than 50,000 inhabitants.

Regarding this subject related to the administrative-territorial reorganization at the basic level, we feel obliged to make certain clarifications. Although the Law on the approval of the National Territorial Development Plan underwent a series of changes through a normative act adopted in 2010 which emphasizes the government's effort to support the declaration of new municipalities by unifying several neighbouring municipalities and cities, we consider that at the moment the effort to merging is not applicable in practice, because the existing cities, municipalities and villages have no interest in losing their independence, being absorbed by the neighbouring city or municipality, which means that they will never express such wishes. Thus, for a real administrative-territorial reorganization at the basic level, the law will have to impose conditions regarding the minimum number of inhabitants that a city, a municipality or a village should have, and the administrative-territorial units that do not it also falls within these limits to merge with the neighbouring administrative-territorial unit. Even so, we recognize that this issue of merging neighbouring administrative-territorial

units, which no longer fall within the legal limits, is delicate if we look at it through the lens of the obligation of the referendum in the case of changing the territorial limits of the administrative-territorial units; as such we consider that the idea remains open to discussions and possible proposals.

Also in the same direction, we specify that, although the Law on the approval of the National Territorial Development Plan through the amendments made in 2007 increased the minimum number of inhabitants necessary for a city to be declared a municipality and a commune to be declared a city, still the question remains which will be the measures that will be taken for the situation of those cities and municipalities declared before the amendment of 2007, but which now would no longer meet this criterion considering the increase in the number of inhabitants provided for by law. We believe that for all these situations the mergers we were talking about should be taken into account.

Then another essential measure must consist in strengthening the autonomy of administrative-territorial units, especially in the financial field. But regarding this aspect and proposing concrete measures, I already published another study in 2014 (Cenușe, 2014, pp. 13-18). Only then, we consider that it will be justified to discuss a possible reorganization of the intermediate level, specifying that, in this case, our opinion is that the most appropriate option would be to maintain a single intermediate level with the preservation of the counties, which in order to increase efficiency and financial capacity should increase their size, so practically they should be merged.

With regard to this theory, we feel obliged to state that the idea is not new, it was also supported by the famous professor, Paul Negulescu, in the first volume of his treatise on administrative law from 1934, which regarding the much-discussed issue related to of the establishment of the regions during the interwar period, he advocated a concentration of the existing counties in 18-20 large counties, without the existence of administrative-territorial units superior to them, in his view, the large counties being the equivalent of the regions.

REFERENCES:

- [1]. **Benedek, J.** (2004) *Amenajarea teritoriului și dezvoltarea regională*, ED. Presa universitară clujeană, Cluj-Napoca
- [2]. **Cenușe, M.** (2013) *Romanian Administrative-Territorial Units in Financial Crisis*, Annals of the University of Petroșani - Economics, 13(1), pp. 49-54
- [3]. **Cenușe, M.** (2013) *General Considerations Concerning the Opening of Insolvency Proceedings of the Administrative-Territorial Units of Romania*, Annals of the University of Petroșani - Economics, 13(1), pp. 51-56
- [4]. **Cenușe, M.** (2014) *Some considerations regarding the financial Autonomy of the Romanian administrative-territorial units*, Annals of the University of Petroșani - Economics, 14(2), pp. 13-18
- [5]. **Cenușe, M.** (2017) *A Prefigured Crisis of Small Cities – I (Introduction)*, Annals of the University of Petroșani - Economics, 17(2), Editura Universitas, Petroșani, pp. 193-200
- [6]. **Cenușe, M.** (2017) *A Prefigured Crisis of Small Cities – II (Small Cities v. Villages)*, Annals of the University of Petroșani - Economics, 17(2), pp. 255-264

- [7]. **Cenușe, M.** (2019) *Theoretical and Practical Considerations Regarding the Insolvency of the Administrative-Territorial Unit Aninoasa – Part I*, Annals of the University of Petroșani - Economics, 19(1), pp. 31-38
- [8]. **Cenușe, M.** (2019) *Theoretical and Practical Considerations Regarding the Insolvency of the Administrative-Territorial Unit Aninoasa – Part II*, Annals of the University of Petroșani - Economics, 19(2), pp. 5-14
- [9]. **Iordan, I.; Alexandrescu, V.** (1996) *Considerații geografice privind reorganizarea administrativă a teritoriului României*, Revista Geografică II-III, , Institutul de Geografie, Academia Română, pp. 118-121
- [10]. **Iordan, I.** (1993) *Județele, comunele și satele abuziv desființate. Dreptul la funcționalitate*, România Liberă, 1 octombrie
- [11]. **Iorgovan, A.** (1998) *Odiseea elaborării Constituției*, Ed. Uniunii Vatra Românească, Târgu-Mureș, p. 42
- [12]. **Kovacs, L.C.** (2000) *Probleme majore ale administrației publice din România*, Revista Transilvană de Științe Administrative, 1(4), p. 199
- [13]. **Kovacs, L.C.** (2000) *Organizarea teritorial-administrativă ca premisă a politicilor regionale*, Revista Transilvană de Științe Administrative, 1(4), pp. 210-211
- [14]. **Negulescu, P.** (1934) *Tratat de drept administrativ român*, vol. I, ediția a 4-a, Editura Marvan, București, p. 611
- [15]. **Nistor, I.S.** (2000) *Comuna și județul. Factori ai civilizației românești unitare. Evoluția istorică*, Editura Dacia, Cluj-Napoca
- [16]. **Panduru, V.** (2006) *Regionalizarea României, o necesitate?* Caietul științific al Institutului de științe administrative „Paul Negulescu”, nr. 8, p. 115
- [17]. **Panduru, V.** (2007) *Aderarea României la Uniunea Europeană, teme al unei noi arhitecturi administrativ-instituționale*, Revista de drept public, nr. 2, p. 82
- [18]. **Popescu, C.-L.** (1999) *Autonomia locală și integrarea europeană*, Editura All Beck, București, pp. 126-131
- [19]. **Popescu, C.-L.** (2002) *Aspecte constituționale privind regionalizarea în România*, Analele Universității din București, nr. 1, p. 40
- [20]. **Popescu, C.-L.** (2005) *La réforme de l'organisation administrative du territoire et de l'administration publique locale – l'expérience de la Roumanie*, Analele Universității din București, nr. III
- [21]. **Popescu, G.** (1994) *Dezvoltarea economică în profil teritorial a României 1900-1985*, Editura Sincron, Craiova
- [22]. **Preda, M.** (1995) *Criteriile care trebuie avute în vedere pentru îmbunătățirea organizării administrative a teritoriului României*, Revista Dreptul, nr. 8, p. 43
- [23]. **Preda, M.** (2006) *Drept administrativ român. Partea generală*, Editura Lumina Lex, București, p. 79
- [24]. **Preda, M.** (2007) *Legea administrației publice locale nr. 215/2001. Comentarii pe articole*, Ed. Wolters Kluwer, București
- [25]. **Săgeată, R.** (2013) *Organizarea administrativ-teritorială a României. Evoluție. Propuneri de optimizare*, București, pp. 37-41
- [26]. **Stahl, H.** (1969) *Organizarea administrativ-teritorială: comentarii sociologice*, Editura Științifică, București, pp. 19, 22-23