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(„Babeș-Bolyai” University of Cluj-Napoca)

(Department of History and Philosophy)

Ph.D. Thesis

*Comparative political order and public safety in the
international environment.*

CASE STUDY: ROMANIA.

Ph.D. Supervisor

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ABSTRACT

Selecting the research theme „public policies in public order and security” in a doctoral school dedicated to the international and security relations, may seem at first a little constraining. I say constraining as the public policies belong to the social sciences, but those concerning the public order and tranquility by their importance, complexity and interrelation with other sectors of economic, social and cultural life, cannot be limited just to the social sciences field of interest studying¹ especially the human aspects of the world, as it is signally necessary the scientifically determined knowledge about person, and generally man education in human spirit².

As to accomplish the scientific research based on qualitative and quantitative principles, specialty knowledge in public order, security and safety and professional experience of more than 20 years valuing, I structured the thesis in 6 (six) chapters as the national and international specific viewed from institutional and spiritual, customs perspective, find its product in past of present traditions, exhaustively outline the evolution of order and security systems in Romania, the actual methods of ensuring and configuring the forces in the system on daily realities basis, certifying the public need of predictables on short and medium term reported to the social, economic and cultural domestic and international evolution, with direct consequences in public order and security.

The aim of this research, considering the incipient democracy in Romania but especially the first stage of knowledge and application of the public policies here, analyzed within their development, promotion and implementation in consolidated democracy countries, with customs in assuming the public policies by the political forces, is defining the problems within the Romanian system of public order and safety, asking some questions, finding alternatives for the given answers, outlining the public need of research and research studies drafting, facilitating naturalistic generalization as its

¹ Academic subjects employing scientific qualitative and quantitative methods in human study, differentiating of the art;

² Humanist studies: the political, administrative studies, history, linguistics, geography, philosophy, economics, demography, archeology, communication, demography, law, ethnology, psychology, sociology etc.

beneficiaries in search of a contextual information decide to what extent the system generates the greatest public utility, it is integrationist from the perspective of the fundamental value created: social equity and right or it is one generating life and opinions stimuli in active participating voters to the city's life.

The first chapter deals with Kautilya's predictions achievement included in the work from 4th century, *Arthashastra* which outlined the basic coordinates in governing instruments creation, leadership skills as well as in merchantry, trade and crafts codes making, family and marital relation where the rights and obligations were settled according to social status, namely what we call nowadays public responsibility. According to Kautilya "*...king's happiness rests in his vassals' joy and well being*", totally achievable in a good governing, but it shall not take place "*...until philosophers become kings or kings become philosophers*" – according to Plato. In this chapter also I outlined the evolution of governing models: from the Code of Hammurabi in the 18th century B.C. adopted by Babylon leaders with the help of some professionals (political analysts today), up to the clerks of the 16th century who offered kings and princes advice in the fields they were less capable to identify and make efficient decisions, as wars, finances and legislation³, the literary man of the modern epoch respectively (the correspondents of the presidential advisers today) who influenced policies making until the nobleman from the court dominated afterwards the diplomatic and political services, replacing them progressively.

The Industrial Revolution and belief in the human progress through science and technology determined progressively nature and society theories development and checking as the only means to understand and solve the problems of the society.

The 19th century brought a fundamental change in the procedures employed for quantitative research increase oriented towards policies, as the first censuses took place in the United States (1790) and England (1801), the statistics, demography etc., had started develop as specialized fields following the steps took by the bankers and industrialists, interested in changing the traditional models in specialized societies as such, the dominating social groups set much value on policies researching focused on reaching the administrative and political control in the society.

³ Max Weber: "...the expert office man of the more advanced states triumphed in the 16th century."

An important characteristic of the 20th century comparing with the previous one is behavioral and social sciences institutionalization, as well as professions', the promoters being this times the graduates in public policies relevant disciplines, who, together with the professors hold important positions in the governmental or implementing system.

Therefore, we can observe the politics and its analysis is as old as civilization itself, knowing different types of manifestation, from mysticism and occultism until the modern times which generated globalization and its effects.

The second chapter comprises the occurrence of the public order and security system in the Modern Romanian State in harmony with the new ideas of society structuring which were especially promoted by the youth studying in the western countries, corroborated with national movement development to get free from the foreign supremacy and from an anachronism feudal system.

On this background an objective necessity emerged like *dregătorii* (high offices) improvement, based on efficiency, competence and modernity principles, in tight connection with structural state changes, the first administrative structure from the modern epoch occurring, ministry departments creating, where state treasury paid servants appeared, the „*Ministerul Trebilor din Lăuntru*” (“Minister of Internal Affairs”) also, with the main tasks of country general administration, internal order and state security, coordination of economic and social activity sectors, its leader holding the first place in the hierarchy of the Extraordinary Administrative State members.

The events of 1822 when Grigore Dimitrie Ghica prince handed to the great Aga Mihăiță Filipescu the flag of Agia, made of yellow silk having on one side the biblical scene of the Annunciation with the Virgin Mary seating on the throne before the angel and on the both sides the Cyrillic inscription „Făuritu-s-au acest steag al Agiei la prefacerea domnilor dintre pământ ai Țării Românești, Măria sa Grigore Ghica Voievod, în anii 1822 epistolia dumnealui agă Mihăiță Filipescu” (“*The flag of this Agia was made on changing offices within Țara Românească for His Highness Grigore Ghica Voievode in 1822, care of Mihăiță Filipescu Aga*”) as the beginning of state modernization by creating the main institutions in Moldavia and Țara Românească having tasks in public order, significantly contributing to legislative union of the two countries, comprised then

in organic regulations adopted and entered in force in June 1831 in Țara Românească and in 1832 in Moldavia.

The main document in Ministerul din Lăuntru modernization belongs to the prince Alexandru Ioan Cuza who by the Decree-Law published in the Official Gazette of the Unified Principalities no. 160 on 20 July 1864 by which changed the title of „*Ministerul Trebilor din Lăuntru*” (“Minister of Internal Affairs”) into the Ministry of Interior merging it afterwards for a short period of four years with the Ministry of Public Works.

Alexandru Ioan Cuza and Mihail Kogălniceanu – former minister of interior had been insisting since that date on Ministry of Interior image changing in citizens’ eyes, requesting the servants ground their whole activity on compliance with the law, police authority abuses against civil rights limitation, naming them as “...the home of our constitutional government!”.

In order to solve the specific public guard and order issues the Civic Guard was set up and comprised young people among 20 and 40 years old who later, by law of armed force in 1868 entered into the town structure as the 11th element of the military and order system. The Civic Guard run during the time it was included in the Ministry of Interior’s structure in ten towns, developing the guard service within the settlements, persons’ safety and their goods, public tranquility, intervention in troubles, disorders, fires, structured in safety groups and patrols etc.

The Civic Guard was coordinated also, among others, by Ion. C. Brătianu, during the war of independence 1877-1878 when he had also the office of the minister of interior.

By simple reminding the personalities who coordinated this Ministry along the time, it certainly results the importance, role and meaning in leading and managing state’s business, the formation, dynamic and determining role in the evolution, development and modernization of the Romanian society. Personalities like Ion. I.C. Brătianu, with his name linked to the union act from 1st December 1918, former minister of interior in eight mandates, Alexandru Averescu – the strategy maker for the unification, Take Ionescu - diplomat, supported of Romanian interests to Paris Convention, Octavian Goga – poet of the Romanians, I.G. Duca – famous intellectual, Armand Călinescu – known politician, and only to name a few of the modern epoch, as well as known generals for their

contribution to Romanian people's modernization and interests, underlines the importance of the public order for the development of the Romanian society in its whole.

After the II World War, the Ministry of Interior was detached by its legitimate charges the modern Romanian state conferred it since its setting up, receiving "legal" tasks only from the Communist perspective program dropped over the country, but which were never recognized by the Romanian society, becoming as such an institution who didn't put at Romanian society goods or services of public, general or local interest, responding to the external interests mainly and secondary to group interests as an internal arm of the external dominating society supported to keep and promote foreign interests to the Romanian people.

*On international plan the always present need of society developing is undoubtedly connected to its members' dedication; desire to share successful administration models, which have as progressive goal, life quality increase. The democratic societies, with recognized life level, were based on a set of instruments in tight connection to the society development level and community members' wellbeing; as such the **continual application of these assessed and implemented policies, always through instruments which had as goal the wellbeing, public order, health, education, social assistance reported to the social context, was done by governmental public policies.***

The science of public policies appeared in the North America and then in Europe after the II World War, determining as such a lots of experts in the social sciences field enter in the public life, not as politician, but as experts in assessing the public policies programs offered to the voters by the political parties on the public stage in a certain moment in order to govern.

In short, the public debates as well as those during governing, were boosted by public policies, their scrupulous analysis, existing a great accessibility to put under question the efficiency, efficacy, availability of *public goods and services*, especially due to the lack of prediction in making, objectives and options, the poor training and most of the times fault implementing, ending with the absence of monitoring and post-implementation assessment by means of initial objectives reaching or at least those mentioned in public area.

These faults identification was hard due to the lack of qualified personnel and also due to initial conditions, daily life dynamics and desire to gain power changing, without considering at first the general or local public interest, as these ones are only named and used to gain power and then to satisfy group needs.

The Utilitarian policies promoted by Harsany J. and J. Bentham, had as postulate⁴ the utility, their assessment granting priority to the most disadvantaged in a modern diversified society as such:

- any organization or social groups set up or not should not dominate;
- allow civil society development;
- lead to economic and political power separating by power dispersion;
- the state by its institutions controls the conflicts and mediates in case of the structural ones;
- balance the interests promoted by the social groups following the interaction with its institutions

The critics of these policies, among which Lindblom the strongest, outlined that the public affairs are in businessman's hands and businesses environment generally, as such the system's functioning automatically supposes leaders obeying the businesses world, existing the tendency to stimulate and advantage the exponents of the businesses world, depending however by the economic success.

The *Neopluralism* promoters showed that the public policies are often the result of the negotiation among groups and State's institutions, recognizing that some groups have a greater influence and succeed as such inflict their own interests in detriment of poorly represented ones.

The promoters of the **Elitist** theory sustained that the power should be focused in the hands of a minority named "elite" because all the strong developed societies outlined "... two classes: one class who leads and one who is being led"⁵. The first class, always less numerous, has the political positions, monopolizes the power and joys the advantages the power brings, while the second one, a larger one, is led and controlled by the first one".

⁴ "... the best policy is the one producing the greatest use for the persons' involved";

⁵ Gaetano. Mosca – Elitism theory. Member of Italian School of Elitism together with **Vilfredo Pareto** and Robert Michels .

Within another approach, the theory promoters' opinions were focused on promoting the *corporate state*, where the state institutions and the society represented by the structured groups recognized based an agreement "...it is guaranteed representation in exchange of leaders' selection, requests and help granting""⁶.

The contemporary form of elitism sustains masses support achievement by democratic means in view of accession to modern state institutions.

The **Marxist** theory promoted by K. Marx (1818-1883) outlined the fact that the power within capitalist societies is owned by a dominant class, owning production means, the power is not spread in the society among different groups of persons, as such by the methods of producing stated in the society, by material, economic conditions, by people's relating to the conditions they occur and the consumption of the means of existence, all the other structural elements in the society are conditioned and determined and consequently the division between middle class and labor class, the first being the dominant one exerting the political and ideological power by means of capitalist state.

In this chapter also is included the public order and security system set up after December 1989, the social, political and economical context when the global internal regulations were enacted, the competences of the Ministry of Administration and Interior as such as the contribution to the public order and security system to be emphasized as legal task, separately of the mental associations of the population referring to Police exclusiveness in matters of order and security.

In the chapters three and four I have analyzed the framework which constitutes or shall constitute the public agenda:

- ✚ the current issues in social, political and economical plan;
- ✚ methods of assessing, analyzing and adopting political decisions for their solving;
- ✚ the public opinion campaigns, of public promotion and debate of modern theories and concepts upon public order and safety, modernization and institutional adaptation of the state's institutions to the needs and aspirations emerging from the community, we shall observe that *any policy concerning*

⁶Philippe C. Schmitter - honourable professor of Political and Social Sciences Department from European University Institute.

*the regulatory documents, the existence and functioning of governmental institutions and organisms, partners' role and importance changing in the public life are of **public order**.*

Of course, the legal framework responsibility is that of regulation function of the executive and includes *the regulatory documents* adopted and promoted for Romania's Parliament enactment, as well as the institutions and mechanisms of their implementing. Supplementing, changing, abrogation and any other regulatory modification needs to be anchored in the daily reality made by language, experiences, culture, religion etc., perceived as such in the human conscience – (results of individual's action, behavior the group has or the society in relation with third parties) as acceptance condition by means of solving some need or social, economic or political emergency.

The requirements of the regulatory documents consist of:

- ✚ regulations existence and their actuality;
- ✚ ensuring regulation only in strictly connection with solving some public need;
- ✚ regulation and application mechanisms publicity;
- ✚ the control of applying and functioning of the intra – interinstitutional mechanisms

Institutions existence and function - it is mainly the attribute of state authority function but also a mixture of attributions deriving from administrative function, representation function respectively, because the public services management and the perception in external and internal plan cannot be omitted in public policies, being essential for the rule of law.

The governmental institutions encompass the public policies system through the instruments, procedures assembly and the institutional architecture developed in order to improve, in whole, the quality and efficiency of the decision making process. In reaching the goal, besides a good collaboration between political and executive as well as between the public administration and civil society it is necessary also knowledge and skills development of all those involved in the public policies process.

The role and importance of the social partners validate and offer consistency:

- ✚ public agenda;
- ✚ decisions on social and economic problems solving;
- ✚ Public perception by contribution to promoted policies legitimating.

We consequently observe that the public policies in their whole generate interdependence in the public order and safety system and in the absence of implementing and control mechanisms connection to the reality which determined the public need of formation, shall lead undoubtedly to institutional disorder, material and human resources spreading, damaging and compromising the idea of modern national state with serious consequences to legal status level, social balance and peace, compliance with laws, civil rules, strictly necessary for economic progress ensuring, guaranteeing the free exercise of civil rights and liberties.

In this case are then analyzed the institutions included in the national system of public order and safety: the Ministry of Administration and Interior, Public Ministry, Intelligence Agencies, Local Public Authorities, the basic principles among which communication runs and relation within the system.

In the fifth chapter I presented public order and safety evolution and objectives in the European Union, the basic coordinates in order to ensure the compatibilities of the national structures within the union ones, achieving a European assembly of public order and safety focused on efficiency, very clearly structured in the European Security Strategy - SIS.⁷

At the same time I identified the main European Institutions and their responsibilities.

Within this context I detailed the German pattern to be implemented in Romanian in 2000, as well as the coordinates of drafting the public policies in public order in countries as Canada, United States of America and Great Britain. The chapter includes a secondary point of debates, conclusions and measures where the Romanian system's faults found, as considering preadheration to Schengen Area needs, expectations and requirements.

The chapter six represents the study case: Romania.

In this chapter are included the ***objectives of the research:***

⁷ Council Document 17024/09, adopted by the European Council on 10-11 December 2009;

- ✚ public order and safety *policies assessment* promoted in Romania which had led to the current system of public order;
- ✚ *the possible measures taking* in public policies which shall improve under institutional and qualitative aspect the current system;
- ✚ *establishing a set of specific analysis indicators*: public costs, efficiency and transparency.

We believe that the research method employed for studying the Romanian system through contents, facts and practical, real, checked and checkable solutions, the arguments brought emerging from the participating and non-participating observations, the qualitative analysis of the documents, interviews, focus-groups considering the requirements of the scientific case study, allowed in the end to define the problems within the system after identifying the cause – effect relations, asking some questions, reminding a theory or another to the extent there are identified common defining element, emphasizing the need of drafting research studies which shall facilitate naturalistic generalizations.

Through this study we planned and we believe that we achieved, the assessment and measurement of performance in the Romanian system of public order and safety which more often is granted to the institutions operating in public order and safety fields, emphasize the performance indicators used if they correspond to the mentioned goal, if include relevant data and information about spending the resources in relation to the obtained results, outlining the efficiency and quality of their activity, public perception.

In order to achieve these challenges we believe that the performance indicators must be linked to the two strategic objectives included in the White Paper of⁸ U.E and which are found in the anniversary declaration of Rome Treaty⁹ according to which ” ...are a lot of objectives we cannot reach alone, only together. The tasks are shared among the European Union, Member States and their local and regional authorities”.

The White Paper besides the two strategic objectives reflects the desire of building Europe in partnership through their implementation:

- ✚ encouraging participation to the European process;

⁸ White Paper of regions committee of U.E. on governing on more levels adopted in the 80th plenary session from 17-18 June 2009;

⁹ Declaration within the 50th anniversary of Rome Treaty signing, Berlin, 25 March 2007;

✚ increasing the efficiency of the communitarian action;

A separate subchapter is represented by citizens' safety with assessed fields like knowledge, crime prevention and fighting, external customs security and migration management, emergency situations management, institutional management, corruption management and fighting, cooperation policies.

At the same time were researched, evaluated and measured, implementations and achievements from public policies' perspective: communitarian police, local police service, emergency and civil protection public services respectively.

At the same time were evaluated the public order policies implemented within Romanian Gendarmerie, Prosecutor's Office and Romanian Police having as legal scope – the courts.

The core of the study is found in the assessment conclusions and the three appendices: the performance indicators resulting as necessary in assessing, efficiency measuring in relation to the allotted public resources, institutional transparency, compared documents study, the firefighting services in Romania respectively, observations and current statistics of the main activities run by police.

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Table of contents

1. Introduction. The evolution of “public order” concept.
 - 1.1. The aspects of public order and safety on local and regional plan. The 19th, 20th and 21st centuries.
 - 1.2. Public order approached on international plan. Theories, concepts, positions.
 - 1.2.1 The promoters of globalization
 - 1.2.2 Anti-globalization thinkers and analysts
2. Internal analysis. Perspectives in public order matter
 - 2.1. The Public Order at the beginning of the Modern Romanian State
 - 2.2. Public order theories and concepts
 - 2.2.1 On international plan
 - 2.2.2 Definitions and concepts
 - 2.2.3 On internal plan
 - 2.2.3.1 The public order after December 1989
 - 2.2.3.2 The social and political context
 - 2.2.3.3 Global internal regulations
 - 2.2.3.4 M.A.I. competences
 - 2.2.3.4.1 Local Police
 - 2.2.3.4.2 The emergency situations and civil protection
 - 2.2.3.4.3 Customs, foreigners and passports control
 - 2.2.3.4.4 State’s archives. Other tasks.
3. The omission of the public policies in Romania
4. Public policies associations in Romania
 - 4.1 The current system of public order in Romania
 - 4.1.1 The Ministry of Administration and Interior
 - 4.1.2 The Public Ministry
 - 4.2. Prosecutor’s Office relation with Marshals Service of M.A.I
 - 4.3. The relation of the Public Ministry with the Romania’s Parliament
 - 4.4 Intelligence Agencies
 - 4.4.1 Romanian Intelligence Service (S.R.I)

- 4.4.1.1 General Office of Terrorism Prevention and Fighting (DGPCT)
 - 4.4.1.1.1 State's institutions relation with the national authority in terrorism matter
 - 4.4.1.1.2 Fighting the trans-borders challenges
 - 4.4.1.1.3 Economy security
- 4.4.2 Foreign Intelligence Service (S.I.E)
- 4.4.3 Protection and Guard Service (S.P.P)
- 4.5. Local public authorities
- 4.6 Guard and protection companies
- 4.7. Debates. Conclusions and measures.
- 5. The European Union. Past and perspectives
 - 5.1 UE objectives on public order and tranquillity
 - 5.1.1 within police cooperation field
 - 5.1.1.1 Withdrawing personal data
 - 5.1.1.2 Data exchange
 - 5.1.1.3 The European Agencies with responsibilities in public order field
 - 5.1.1.3.1 Frontex
 - 5.1.1.3.2 Europol
 - 5.1.1.3.3 Cepol
 - 5.1.1.3.4 Oedt
 - 5.1.1.3.5 Easo
 - 5.1.1.3.6 Cecpol
 - 5.1.1.3.7 Eurosur
 - 5.1.1.3.8 Eisas
 - 5.2 European Security Strategy (S.I.S)
 - 5.3. The Public Order in Federal Republic of Germany. German pattern.
 - 5.3.1 The structure, functional organization and responsibilities of Internal Federal Ministry
 - 5.3.2 Federal Police of Germany
 - 5.4. The Public Order of the Great Britain, Canada and the United States of America
 - 5.5. Debates. Conclusions and measures.

6. Study case: Romania

6.1. The objectives of the study

6.2. Citizens' safety

6.2.1 Crime knowledge, prevention and fighting

6.2.2 External customs security and migration management

6.2.3 Improving the emergency situations management

6.2.4 Institutional management

6.2.5 Internal corruption prevention and fighting

6.2.6 Cooperation policies

6.3. Public Policies in Romania

6.3.1 Communitarian Police Service

6.3.2 Local Police Service

6.3.1 Public emergency and civil protection services

6.4. Assessing the public order policies

6.4.1 Romanian Gendarmerie

6.4.2 The Courts, Prosecutor's Offices and the Romanian Police

6.4.3 The conclusions of assessment

6.4.3.1 Performance indicators – appendix 1

6.4.3.2 Compared documents study – appendix 2

6.4.3.3 Fire fighting services in Romania – appendix 3

6.4.3.4 Observations

6.4.3.5 Statistics of the main activities developed by the police.

7. Bibliography

KEY WORDS

Public policies, public policies alternatives, public order and security, public order institutions, public order national system, order as a matter of law, public policies creation, implementing, control, monitoring, creating the integrated system, marshals service, prosecutor's office, courts, goods of general interest, goods of local interest, NGOs, emergency public services, efficiency, transparency, assessment and analysis, public costs, professionalism, European Institutions in public order and safety, European cooperation, globalization, free circulation of capitals, rights and man fundamental liberties, Schengen Area, debates, programs, measures.