



## Anti-Corruption Measures in Romanian Public Administration Reform

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**Abstract.** *Public administration reform in Romania remains a topical and interesting topic, with citizens interacting with this system throughout their lives. The consulted literature launches a challenge to the scientific community, in the idea of identifying the impact of anti-corruption measures in the reform of the Romanian public administration. Even if the improvement of the administrative system is made in relation to the evolution of technology, the requirements of the beneficiaries and examples of good practice, the paper will highlight the impediments encountered in implementing such measures in the context of an administration in a permanent reform after the collapse of the communist regime. his. The paper will also highlight the relationship between citizens and the administration in terms of implementing anti-corruption measures, aimed at increasing transparency and, at the same time, the satisfaction and trust of citizens towards the leaders and the services provided.*

**Keywords:** *quality of public services, transparency, integrity, civil service.*

**JEL:** D73, H83.

## 1. Introduction

Administrative reform is still a topic of interest even if it is frequently addressed in the literature, both nationally and abroad. The topicality of the subject is revealed by a permanent change of the tendencies that the society is facing. Of course, each state is at a different stage in terms of reforming the administration, especially in relation to the degree of development and technology it presents. What is certain, however, is that society and, implicitly, citizens and their needs are changing at an accelerated pace, and with them the expectations they have from the administrative system they come into contact with throughout their lives. From this point of view, the public administration must provide quality services, and in order to fulfil this desideratum it must keep up with the mentioned tendencies. This idea is also highlighted by the philosopher R. Drago (cited by Țurcan, 2016), who states that the public administration is in a permanent reform, an aspect considered as an indicator of its health.

The notion of corruption is difficult to define in a unitary way in view of its complexity, but conventionally it is appreciated as a particular behaviour of obtaining well-being by an actor of the state or of a public authority. Corruption is understood as the misuse of public resources by public authorities for personal gain. Thus, in the definitions of work used by the World Bank, Transparency International and other organizations, corruption is seen as an abuse of public power for private gain. Corruption is also seen as a transaction between both the private and public sector representatives to illegally turn collective goods into private goods, leading to the idea of corruption in public-private interference. (Popa, 2012, pp. 12-13)

In addition to these theories on corruption, it should not be overlooked that it is also found in private affairs and in non-governmental organizations, without the involvement of state representatives. This form of corruption can have significant negative effects on the overall economic and political development of a community. In fact, regardless of the form of the act of corruption, they have a detrimental impact on public morale in terms of undermining the trust in the rules established at the state level. (Popa, 2012, pp. 12-13)

Regarding the relationship between corruption and public administration, corruption is found both at the central and local level, and among its determining factors are the lack of a clear definition of responsibilities; confusion in separating administrative from political functions; lack of transparency regarding

administrative procedures; lack of an adequate legal framework for the effective fight against corruption; the bureaucratic slowness found at the level of institutions with responsibilities in the fight against corruption. Civil servants, subject to acts of corruption in the administrative system, may be influenced to succumb to the temptation of corruption in terms of insecurity, difficulty in promotion, low level of financial compensation, privatization of certain services (leading to staff reductions, reorientation, search for new jobs, etc.), reducing the size of the administrative apparatus, constantly redefining the responsibilities of ministries and agencies. From this perspective, “corruption and lack of ethical standards in the civil service threaten the public administration in terms of strengthening the credibility of the civil service and democratic institutions in front of their own citizens and contribute to aggravating poverty and weakening the service system.” (Popa, 2012, p. 26)

Thus, corruption involves “a set of immoral, illicit, illegal activities performed by individuals who exercise a public role or various groups and organizations, public or private, in order to obtain material, moral or higher social status, by using forms of coercion, blackmail, deception, bribery, buying or intimidation” (Dobrescu, Sima E. & Sima M., 2010, p. 261).

## 2. Public administration reform and anti-corruption measures

Peters B. Guy's *Politics of Bureaucracy* (2001, p. 136) highlighted the relationship between administrative reform and bureaucracy. From this perspective, measures are needed to quantify organizational performance, the administrative reform having as objective the formation of well-defined organizational structures, capable of implementing public programs. He also emphasizes in his paper that reforming the administration is a natural activity, but in order for that to not be doomed to failure it must take into account the traditions that its own system embodies. Thus, regardless of the quality of a model that would be transposed, in order to be successful, the reform must take place by adapting and individualizing it to the circumstances found in that territory.

If we look at the perspectives of Christopher Pollitt and Geert Bouckaert (2011, cited by Mihăilă, 2020), the reform involves deliberate actions for changing the structures and processes of public sector organizations for better functioning. Thus, the five components selected by the authors in relation to the administrative

reform refer to: finance, human resources, organization and measurement of performance, transparency and open governance.

Although there are many perspectives on the notion of “administrative reform”, they share the need to improve the administrative system so that it is effective and efficient. A reformed administration in the spirit of the stated idea would generate an increase in confidence and in the degree of satisfaction of the citizens regarding the activity of the authorities that represent the administrative system (Mihăilă, 2020). Thus, the reforms aim to increase the quality of public administration.

Regarding the quality of the administrative system, from a certain perspective this can be reflected in the degree of bureaucracy, transparency, efficiency and corruption (Profiroiu A. & Profiroiu M., 2007, pp. 41-50). The European Commission (2016) analyzes in a study published in 2016 regarding the quality of administration the horizontal aspects of the functioning of public administration, such as: results and improvements in terms of accountability, policy development, structures and processes, human resources and service delivery. Issues related to the sustainability of public finances, corruption, the effectiveness of legal and tax systems and tax administration are considered related to governance issues and have been addressed in separate materials. Thus, the document states that the reforms that have taken place over the last two decades have led to some improvement in the cost-effectiveness and efficiency of the public administration, making the institutions more open and transparent. It has also been noted that both access and quality of their services have increased. An essential aspect is also the development of the employees’ potential in the public administration, whilst the recruitment based on clientelism criteria being a major problem encountered in several national systems, which can be a barrier in the process of improving the administration. From this perspective, the emphasis was on the fact that politicization and the absence of a meritocratic recruitment process in public administration favor corruption and undermine performance. In addition, the quality of public services is reflected in the level of trust of citizens in public administration, the ease with which economic activities can be carried out and the level of well-being of society. (European Commission, 2016)

The existence of allegations of corruption among the representatives of the administrative system leads to a shaking in the trust that the citizens have reported to it. Correlating this hypothesis with the idea of quality from the previous

sentence, we can appreciate corruption as an indirect factor in determining the degree of quality of public services.

The performance of the administrative system in relation to anti-corruption measures is reflected both in its ability to develop prevention mechanisms, identify and combat forms of internal corruption, within the system, and forms of external corruption, those outside the system. Of course, there are also situations where the external environment appeals to people inside the system to succeed in its fraud, but an efficient administration must have the capacity to prevent such situations. If they eventually happen, the administration should be able to identify them in a timely manner, to take the necessary measures and to reduce or even eliminate the damage which would have resulted from the successful completion of that action.

Undoubtedly, the reform of administrations must consider the implementation of effective anti-corruption measures that will lead to the strengthening of integrity, ethics, transparency and accountability among the representatives of the administrative system.

### 3. The fight against corruption at European level

The European Commission (2017), in its Anti-Corruption Fact Sheet, mentions that corruption is an obstacle to economic growth, undermining the sustainability of public budgets and reducing investment funds. The costs of corruption to the EU economy are estimated at € 120 billion a year, roughly equal to the European Union's annual budget. In view of this, anti-corruption measures are essential for the sustainability of structural reforms. Among the recommended measures we find: the use of prevention policies; development of rigorous external and internal administrative verification mechanisms; declaration of assets and interests of officials; addressing conflicts of interest; effective protection of whistleblowers; investigation, prosecution and prosecution of corruption. (European Commission, 2017)

In terms of the business environment, the phenomenon of corruption can generate uncertainty and additional costs, the environment becoming unattractive for business and private investment, and competitiveness is declining. Corruption is also a discouraging factor for taxpayers to pay taxes, and all these effects are felt in public sector finances. Decreasing tax revenues leads to limited public sector

investment capacity. (European Commission, 2017) In such a situation, we cannot discuss a high-performance and quality public administration.

On the other hand, it is appreciated that a high level of transparency and integrity in the public sector reduces the possibility of corruption-prone contexts, generating competitiveness, increased efficiency in tax collection and public spending, while promoting the strengthening of the rule of law. In addition, real political will is a condition for the success of national reforms with a long-term impact, which is why it is essential to raise awareness of corruption issues at the political level, prioritize resources to implement appropriate measures, set clear and tangible targets and generate climate in which political responsibility predominates. Corruption is a topic covered in the European Semester's reports and recommendations to support Member States, with the European Commission supporting members' reform efforts by publishing an EU Anti-Corruption Report and launching EU-wide workshops. (European Commission, 2017)

For an overview of corruption, indicators such as the Transparency International Index and the “Corruption Control” index used by the World Bank, along with five other indicators, are used to measure good governance. (European Commission, 2017)

#### 4. The situation found in the Romanian space

In the case of Romania, which finds itself in the situation of a post-communist country in Eastern Europe, the transformations, that the administrative reform underwent in the immediate post-December period, aimed at major changes which were necessary to respond to the new requirements found in the world economy and adaptation. to the requirements imposed by the process of integration into the European Union and its representative structures. Thus, the reform of the administration involved substantial changes in the basic components of the public administration, be it central or local. With the establishment of democracy in Romania, the relationship between citizens and the administration developed new values, there was an increase and a strengthening of the role of the authorities, and the partnership with civil society and local elected officials was reconsidered. (Profiroiu, Andrei, Dincă & Crap, p. 4) Thus, Romania's accession to the European Union meant adapting the administration to the principles and good practices found at European level.

The study of the public administration reform in the context of European integration (Profiroiu, Andrei, Dincă & Crap, p. 48-49) highlighted in the first decade of the 2000s the extent to which they can be considered as sources of corruption in public administration in Romania: the legal framework; salary system; morality of civil servants; the pressure felt by the economic environment; the pressure of the political system; citizens' behavior. Thus, out of the six elements analyzed, the study showed the legal framework, the salary system and the pressure of the political system being the main determining factors in the occurrence of corruption. The morale of civil servants and the pressure from the economic environment have a lower weight than the first two, but not insignificant. Regarding the behavior of citizens, the study showed a moderate influence compared to the other five factors, and one can appreciate more an effect of corruption than a determining factor.

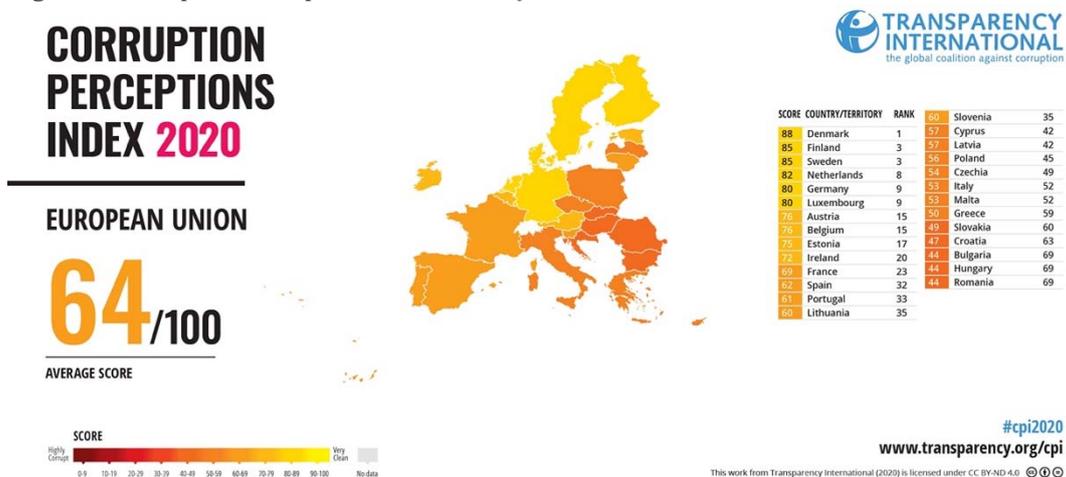
Given the fact that the source of law of the civil service in Romania is currently the Administrative Code, art. 5, point 26, letter y) defines the civil service as “the set of attributions and responsibilities, established under the law, for the purpose of exercising the prerogatives of public power by public authorities and institutions”. Art. 368 letter e, defines the principle of impartiality and independence in the exercise of the function held by civil servants and contract staff in the public administration. This principle aims to have an objective and neutral attitude towards any interest other than the public one. Chapter V of the same mentioned normative act, second section, art. 431 (3) stipulates as a condition of professionalism and impartiality the exercise of the obligation to have a neutral attitude towards personal, political, economic, religious or any other interests and not to facilitate possible pressures or influences.

The reform of the administration in Romania also included the reform of the civil service. Thus, change management was developed prior to accession to the European Union, followed by a consolidation of the civil service system after accession. From this perspective, depoliticization involved the development of civil service management, the definition of an efficient bureaucracy and the implementation of the principles of impartiality, objectivity, transparency and accountability, resulting in the reduction of political corruption, diminishing and even eliminating the possibility of decision-making in favor of the ruling political class. EU Member States focus on developing the conduct of civil servants to prevent and combat corruption. The first document of this type was adopted in Romania by law no. 7/2004, aiming to ensure the increase of the quality of public

services, a good administration in achieving the public interest and the elimination of bureaucracy and corruption, but in practice there were found impediments in the implementation of this code of conduct of civil servants. (Baltaru, 2013, pp. 5-7)

Analyzing the results of the Transparency International index for 2020 (2021a), as shown in Fig. 1, we notice that compared to the average score of 64 found in the European Union, Romania is at the end of the ranking, with 44 points out of 100, like the neighboring countries, Bulgaria and Hungary. In the opposite direction, Denmark, Finland, Sweden, the United Kingdom of the Netherlands, Germany and Luxembourg are at the top of the ranking. Thus, we observe a favorable situation in countries considered to be well developed, and the deficiencies are noticed in developing countries that have in common the transition from a communist regime to democracy.

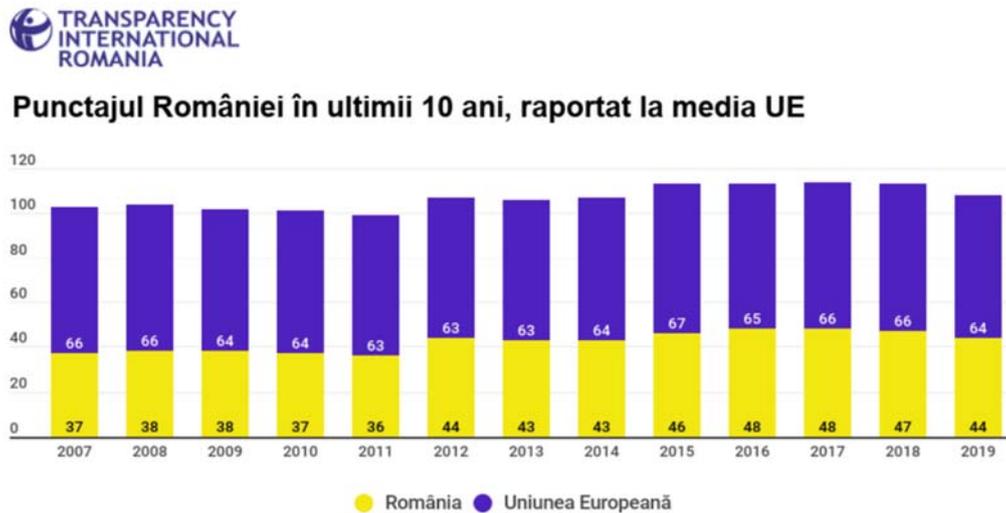
**Figure 1.** *Corruption Perceptions Index scores for 2020*



**Source:** Transparency International (2021a).

Considering the score obtained by Romania in the period 2007-2019, highlighted in Fig. 2, and referring to the score of 44 obtained in 2020, as shown in Figure 1, we see that the improvement was gradual, reaching the peak of 48 points in 2016-2017, following a depreciation. The score of 44 points in 2020 is the same as in 2012, indicating that reforms over this period have not been constant and have not led to a real change in the system and the perception that independent experts and the environment business has to do with corruption in Romania. (Transparency International, 2021b)

**Figure 2.** Romania's score in the last 10 years, compared to the EU average



Source: Transparency International (2020).

To analyze good governance, the World Bank (no date) uses 6 indicators: voice and responsibility (listening to the perspective of citizens and their involvement in the governance process); political stability and the absence of violence; government effectiveness; quality of regulations; observance of the rule of law; corruption control. In terms of corruption control, the World Bank (no date) report for 2010, 2015 and 2020 indicates an improvement in the situation in several European countries, but when talking about Romania we can see an improvement in 2015 compared to 2010, whilst in 2020 compared to 2015 we notice a regression that it registered. These data are highlighted in Annex no. 1 of this paper and confirms the statement in the previous paragraph regarding the effectiveness of anti-corruption measures adopted in recent years in the administrative system in Romania.

In order to reform the administration in the medium and long term in terms of corruption, Transparency International Romania (2021b) has proposed seven solutions:

- “Promoting Integrity Pacts in the conduct of public procurement, independent mechanisms for real-time monitoring of major public works projects and more.
- Digitization of administrative processes, by establishing the National Compliance Register, which will be able to improve administrative transparency and accountability, helping to reduce vulnerabilities to corruption in public administration.

- Transposition into national law of the EU Directive on warning in the public interest of high standards of compliance.
- Provide support to institutions with an anti-corruption role, in order to increase their operational capacity and effectiveness, including by preserving and improving the regulatory framework.
- Providing resources, in conditions of independence, of the actors from the non-governmental sector and the active involvement in the monitoring of the activity of the public sector, as well as of the operations of the big economic, national and international actors.
- Systematic development of a culture of acceptance of constructive criticism and response to feedback.
- Initiation of ranking and rating mechanisms in different sectors to support the exit from the 40-point blockade in which Romania has been for over 10 years.” (Transparency International Romania, 2021b)

In addition to these seven proposals, it is emphasized that there is a need for the continued involvement of societal actors, including the political class, public institutions, the private sector and citizens, each with its own role and responsibility in the fight against corruption (Transparency International Romania, 2021b) to improve the current situation which we find in the Romanian society nowadays.

The 2020 country report on Romania published by the European Commission (2020) highlighted corruption as a major problem for the Romanian business environment. In relation to the involution presented above, to the detriment of the preventive and sanctioning actions it manifests, several impediments can be observed in returning to considerable results in the fight against corruption. The results obtained are considered to be the result of the legislative changes of the last years and the exert of a permanent pressure on the judicial institutions. From this perspective, it is necessary to take corrective measures that will lead to an increase in Romania's interest and capacity to investigate cases of corruption identified at a high level. In this context, the European Commission recommended to Romania to improve the efficiency of public administration in order to reduce bureaucratic burdens for companies and improve the predictability of decision-making, by properly including all social partners as well. (European Commission, 2020)

Although the implementation of Romania's national anti-corruption strategies in recent years has progressed technically, it has been suggested that the political commitment be renewed to ensure the credibility and impact of the process (European Commission, 2020). Thus, by Government Decision no. 1269/2021, the National Anti-Corruption Strategy 2021-2025 was adopted. This is a document following the Anti-Corruption Strategy 2016-2020 and includes the received international recommendations. The preamble of this document mentions corruption as a limiting element of Romania's development and capacity to promote foreign policy objectives in the international arena, while affecting the efficiency and professionalism of the administrative system. This affects the confidence of citizens, especially in the provision of services dedicated to them.

## 5. Conclusions and final considerations

In the light of the ideas presented in this paper, we can observe a special importance of anti-corruption measures in reforming an administrative system, especially regarding the increase of its performance and the improvement of the citizens' perception towards the services provided. In addition, the data on the perception of corruption and its control in Romania in recent years indicate the need of developing sustainable measures that would lead to an improvement in the situation over time and their consolidation, not a setback. The sporadic, uncalibrated measures and the frequent legislative changes in the matter, place Romania on the last places in the European rankings in this regard.

The reform of the Romanian public administration in terms of increasing transparency and reducing corruption through appropriate measures must take into account the particularities that the system has acquired over time in order to be feasible, otherwise it risks being a reform aimed at failure. Although Romania has made progress over time in controlling and perceiving corruption, it is currently facing a setback that can be attributed to the inconsistency of measures with the factual situation and their strategic failure to durable.

Also, even in the years with a high score, Romania was far from the European average, often being on the last positions at European level. In this direction, Romania can draw inspiration from the good practices of similar countries from an administrative point of view that have made progress, for example France. Obviously, this inspiration must take into account an analysis of the measures and their adaptability, rather than the actual transposition of the actions taken in the

reference system. If the standard is too high, the attempt to transpose the measures may fail due to development differences. In addition to this, if the standard was not to be challenged (for example if we were to be inspired by the measures taken by the countries that are still in the last positions in the rankings, which have not made progress), the analysis would not lead to the development of measures to bring about a real long-term reform of the system.

Improving the administrative system in this direction would also lead to an increase in the citizens' confidence in the system and its representatives. Moreover, it would have an impact on citizens' satisfaction regarding the services provided. Thus, the process of development and implementation of measures to prevent and combat corruption should be massively speeded-up.

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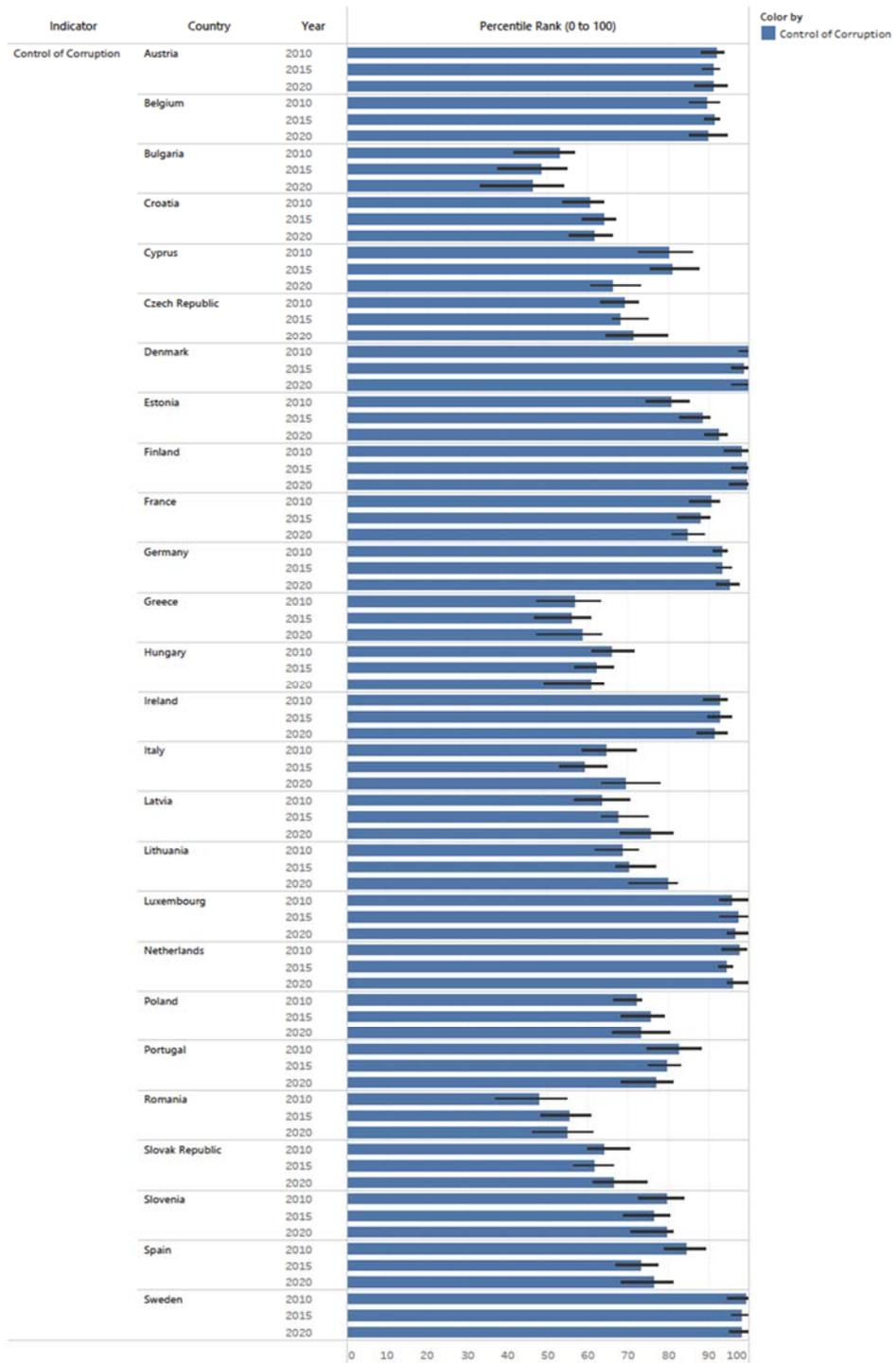
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**Annex number 1. World Bank Control of Corruption Indicators 2010-2015-2020**



Source: World Bank.