

## НАПРЯМ 3. ПУБЛІЧНЕ УПРАВЛІННЯ ТА АДМІНІСТРУВАННЯ

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### **PARTICIPATION OF CITIZENS IN LOCAL GOVERNMENT**

Depending on the form of manifestation of the will of the people, a distinction is made between direct and representative democracy. *Direct democracy*, at the local level, presupposes the exercise of public power directly by the population of the administrative-territorial unit, expressed especially by taking binding decisions on issues of local interest. *Representative democracy* presupposes the exercise of power by the population, citizens through local public administration authorities, in other words, the activity of local elected officials. In the view of researchers Murgescu D., Dumitrica C., direct democracy in the system of local self-administration presupposes the direct participation of citizens in the elaboration, debate, and adoption of decisions on issues of local interest, as well as in exercising control over the implementation/execution of these decisions [8, p. 16]. The following are attributed to the category of institutions of direct democracy at local level: local referendum, local elections, local public debates, local popular initiative, revocation of local elected officials, citizens' assemblies, petitioning local authorities, presentation of reports to local elected officials on the activity carried out, rallies, demonstrations, picketing [4, p. 24]. According to N.E. Kovalenko, the institutions of local direct democracy are local referendum, local elections, residents' gatherings, rallies, demonstrations, personal addresses of citizens,

revocation of local elected officials, public consultations, conferences, citizens' opinion poll [2, pp. 39–47].

Addressing the problem of citizen involvement in the local decision-making process essentially involves elucidating the democratic nature of local autonomy or, in other words, local self-administration. As the researcher N. E. Kovalenko argues, the notion of "local self-administration" designates a political-legal phenomenon with a democratic essence, as it implies a form of exercise by the people of its right to power (of its sovereignty).

The author defines self-administration as "the level of public power closest to the population, designated (elected) by it and which has the autonomy and independence necessary to solve local problems" [2, p. 17–31]. At the same time, the researcher also recognizes the existence of a state administration at the local level, where the citizens, who form the local community, are no longer a source of power, but governed. The term "self-administration", in his view, implies to take decisions on its own, to administer independently and to be responsible for the consequences of the activity carried out.

Professor Murgescu D., treats "local self-administration" as a complex concept, which involves the following important aspects [7, p. 38–44] is a manifestation of democracy, a form of exercising the sovereignty of the people; it is a phenomenon situated on the border between the state and society, which connects these subjects; belongs to the phenomenon of administration, being called to guide, organize and regulate the social activity; represents a source of initiation and practical implementation of initiatives, creative energy and responsibility of the population within the limits of the administrative-territorial unit; it is a form of realization of human and citizen's rights and freedoms; represents a system of social relations related to the independent organization of the population at the territorial level, which solves its problems of local interest without any intervention from outside. In essence, local self-administration is the most favorable space for the development and manifestation of all forms of democracy, respectively, democracy must start at this level in the Republic of Moldova as well. An important and determining factor of local self-administration is decentralization. At present, it is regarded as a main strategy for transferring responsibilities from the central public

administration to the local public administration. However, it is not an end, but is promoted as an essential institutional condition for democratic and effective governance and is justified only to the extent that it pursues that aim. According to specialists, decentralization contributes to the process of democratization of society in several ways, the main one being to provide possibilities for the direct participation of the population in the government through the elected institutions or indirectly through local elections or through supervision of the activity of local public administration [6, p. 7].

Therefore, the decentralization offers a rapprochement of the local public administration with the citizens, creating conditions for the democratization of the public administration and for the increase of the efficiency of its activity. The relationship between local public administration authorities and citizens is the main component in the evaluation of local democracy. The reality is that in this bilateral relationship neither side acts to the level of expectations. The public administration authorities need the support of the citizens from the community for the implementation of the local programs and policies, while the citizens want to know the short- and medium-term strategies that the local representative authorities intend to realize, to know the problems faced by the community and, finally, to participate in the decision-making that concerns them. These interests lead to the establishment of contacts, collaborations between local public administration authorities and citizens in solving problems of major importance for the entire local community.

Unfortunately, the relations between the citizens and the local public administration authorities are still going quite slowly. The causes of this situation could be citizens do not have sufficient knowledge about the role and duties of local public administration authorities; there is a lack of experience, competence, and interest from both sides for a constructive dialogue on matters of Community interest; lack of transparency in the process of decision-making and general functioning of local public administration authorities; non-involvement of citizens in the decision-making process, etc. In general, we must recognize that citizens very vaguely understand the essence of local autonomy, as well

as their role, their responsibility as primary subjects of autonomy; the alienation of the community and the individual from the public power has not been overcome, there are not enough premises for the responsible involvement of citizens in the process of solving local problems [2, p. 17–31]. At the same time, it is necessary to consider the fact that the participation of citizens in the local decision-making process is not carried out automatically. Specific strategies are needed to establish communication channels and a constructive dialogue between local public administration and citizens or their associations [6, p. 5].

Under this aspect, in the specialized literature, researchers operate with the notion of *democratic performance* of local public administration authorities, understood as an indicator that illustrates the degree of achievement of democratic norms in the activity of local public administration, in other words the contact between authorities and citizens (the capacity of authorities to work in an open and objective manner). Thus, two features are important for the appreciation of this performance: *the openness* – according to which the local public administration is open and transparent in providing information about its activity, which allows the involvement of citizens in the local decision-making process; *objectivity* – the local public administration treats each citizen equally, according to constitutional principles [57, p. 23]. The necessity of achieving such a performance is more than obvious, as the involvement of citizens in different forms in the elaboration and execution of decisions makes the administration process more transparent and receptive to the daily reality of local communities. On the other hand, citizen participation is the most efficient tool for the practical application of some programs and strategies regarding the local development, the public being one of the greatest resources in the development and practical implementation of local laws and policies [3, p. 78]. Therefore, public participation is an important tool in local development activities, imprinting the quality of the decision-making process and strengthening the authority of decisions through the support provided by the public in their implementation [1, p. 252]. In this context, we consider it important to reiterate the special value of the principle of citizens' consultation in local issues of special interest appreciated, as a component of local autonomy [5, p. 243], guaranteed

by *the Constitution of the Republic of Moldova* (art. 109 para. (1)) and *the Law on local public administration* (Art. 3 para. (1)). A clear conception of the given principle cannot be attested in the literature. According to some researchers, it is identified (in our unjustified view) with the local referendum. Respectively, it is claimed that the principle of citizens' consultation on local issues of special interest or the local referendum is a component of the local autonomy [1, p. 251].

At the same time, specifying that the right to local autonomy belongs to the local communities that exercise it through the authorities elected by them, it is stressed that the local communities are stressed the right to intervene directly in some cases in the administration process, through referendum or other forms stipulated by law. In the author's view, this principle cannot be reduced only to the local referendum, as in such a variant it is currently practically inapplicable. That is why we believe that the referendum should only be recognized as a form of realizing the principle given, possibly the most important. The confirmation of this idea can also be inferred from the provisions of *the Law on local public administration*, which in art. 8 para. (2) and (3) establishes: "(2) In matters of local interest, which concern a part of the population of the administrative-territorial unit, various forms of consultations, public hearings and conversations may be organized with this party, according to the law. (3) The draft decisions of the local council shall be publicly consulted, in accordance with the law, in compliance with the procedures established by each representative and deliberative authority of the population of the administrative-territorial unit of level I or second." Considering these moments, we consider that the realization of the principle of citizens' consultation in local issues of interest is possible through other forms of exercise of democracy at local level: local popular initiative, local public debates, residents' gatherings, personal addresses of citizens, public consultations, etc.

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