

## ***Transparency in public administration as a challenge for a good democratic governance***

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**Abstract:** In democratic societies, the transparency of public institutions is essential. Increasingly, developed or developing countries recognize that free access to information is fundamental to democracy. Whether we are talking about the government or the private companies that manage public services, access to the data held by these organizations means increasing accountability and allows citizens to know what these organizations do and what they use public money for. Access to information develops citizens' trust in public institutions, enabling citizens to understand public policy decisions and monitor their implementation. The purpose of our research is to identify the degree of transparency of the ministries in the Romanian Government. The research was based on public data and information identified on the websites of 18 ministries in the current structure of the Romanian Government, but also on data collected using online questionnaires answered by 45 officials from the Information and Documentation Departments of the ministries. The data and information obtained were processed in excel and SPSS. The database was completed with the evaluation reports on the implementation of Law 52/2003 on decisional transparency in the Romanian public administration, from 2017-2020. The results of our research show that ministries have made progress in ensuring administrative transparency. However, administrative transparency remains a challenge for Romanian government ministries. The results obtained are useful and interesting for both the field of knowledge and for ministries to help them identify ways to increase transparency for better democratic governance.

**Keywords:** transparency; central government; ministres

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### **Introduction**

Transparency is a necessity in the fight against corruption. Access to information develops citizens' trust in their own government, enabling citizens to understand public policy decisions and monitor their implementation (Jaeger and Bertot, 2010)

The lack of decisional transparency, together with other deficiencies of the regulatory activity, leads to the low confidence of the citizens in the importance of the normative acts. The absence of consultations means that the norms are frequently modified or replaced, which determines an accentuated legislative

instability and does not offer the necessary security to the existing legal framework in Romania. The real application of the principle of transparency would lead to a greater trust in laws and regulations, since they were adopted in consultation with stakeholders.

The right to information is the basis for achieving other principles, such as transparency, accountability, public participation, environmental protection and other individual freedoms (Kim and Lee, 2012). The right to information contributes to democratic consolidation and economic growth (Szeiner et al., 2020).

The involvement of citizens in public affairs in a democratic society is not limited to the right to vote. Democratic citizenship involves obtaining information about issues that affect the lives of citizens and the activity of the business environment, but also collaborating with others to influence how society will solve those problems. Effective participation in public debate requires good public information on issues on the public agenda and on the mechanism by which the citizen can be involved in the public policy process (Androniceanu, A.-M., 2020c; Machyniak, 2017). The lack of decisional transparency leads to the low confidence of citizens in the strength and importance of normative acts. The absence of consultations can lead to frequent changes or replacements, which leads to increased legislative instability and does not provide the necessary security for the existing legal framework. The real application of the principle of transparency would lead to greater trust in regulations, since they were adopted in consultation with stakeholders. Confidence in the legal framework will result in a higher degree of compliance with the law, with positive consequences on economic development and the maintenance of cooperative relations between the public administration and citizens. The real application of the principle of transparency would lead to a greater confidence in laws and regulations, since they would be adopted in consultation with stakeholders (Glotko et al., 2020). Trust in the legal framework will result in a greater degree of acceptance and observance of the law, with positive consequences on economic development and the maintenance of cooperative relations between the government apparatus and society. No wonder then that governments and companies take actions on integration of ethical issues into the training of business administration professionals (Stonkute et al., 2018).

A law on transparency must ensure that the public administration is "open" to its stakeholders through their participation in the regulatory process and through their participation in decision-making. Decision-making transparency does not introduce rules into a democratic government but only ensures dialogue and collaboration between the public sector and the beneficiaries of the regulations developed by it, respectively, citizens, non-governmental organizations, and business associations. It is about a consultation process, and not about a change in the roles between the public administration and the civil society regarding the elaboration of normative acts (Peracek et al., 2018). This conclusion is necessary and can be deduced from the fact that the responsibility for adopting deficient normative acts undoubtedly belongs to the public governance (Barabashev, 2016). Citizens, non-governmental organizations and other stakeholders must be able to find out about the legislative intentions of public authorities, to actively participate

in the decision-making process through suggestions and comments on normative acts.

The decision-making transparency is based on the following principles: informing people in advance about issues of public interest and draft normative acts that will be debated; consulting them, as well as the legally constituted associations, in the process of elaborating the normative acts; active participation of citizens in administrative decision-making and in the process of drafting normative acts. Accordingly, the objectives of a public institution in order to respect decision-making transparency must be to encourage citizen participation through a public consultation process, to comply with minimum procedures and standards in order to systematize the consultation process, to build a coherent and sufficiently consultative framework, flexible to take into account the specific requirements of stakeholders and to have consultation strategies adapted to each situation, and to promote the exchange of good practices.

### **1. Literature Review**

In a democracy, government is just one component that coexists in a social network of many and varied institutions, with citizens as the main stakeholders. The essence of any democracy lies in the active participation of citizens in the governmental decision-making process. This means the real possibility to consult or obtain detailed information online, in a timely manner, without the existence of barriers represented by a too complex system. It is the right of citizens to be informed. In other words, the right to know what the government knows. An informed society is essential for a viable democracy. Transparency aims to ensure a wider access of citizens to information and documents in the possession of state institutions. Transparency ensures the participation of citizens in the decision-making process and implicitly the legitimacy, effectiveness and responsibility of the administration towards the citizen. Transparency aims to prevent actions that threaten public integrity (acts of corruption) and to assess the performance of a public administration (Meyer, 2018; Mircica, 2020; Peracek, 2020).

Some authors analyze transparency according to society's tendencies regarding legitimacy, trust and receptivity. They argue that transparency - defined as lack of secrecy and openness to the public - is traditionally seen as a means of reducing uncertainty and increasing citizens' trust about how the public budget is administrated (Ott et al., 2019; Klun et al., 2019). However, they say that computer-mediated transparency has several features that can actually threaten trust (Shevyakova et al., 2021; Russell, 2020; Zabolotniaia et al., 2019).

Political science, public administration and scientific research have brought to light new challenges regarding government transparency, based on access to information. These studies explore some of the basic concepts and address some of the shortcomings of the efforts planned to promote transparency through the electronic information environment.

Transparency promotes accountability and provides citizens with information about what the administration is doing for them (Dubnick, 2005). Administration information is a national good. During election campaign periods,

many politicians promise to take steps to make access to information of public interest faster and in forms that citizens can quickly find and use. Each department needs to find the latest technologies to put information about their online activity to be used by the public (Nica et al., 2020). Departments will need to seek feedback from citizens to find the most useful type of information for citizens.

Public administration is transparent when most information about its activities, policies and decisions is accessible to the public. Transparency is the result of available information. Being transparent has advantages for participation, because it encourages the involvement of citizens in the decision-making process, for accountability, because, in a democracy, citizens have the right to hold public officials accountable for their actions and for the efficiency of public administration, because only through access to information, be it reactive or proactive, do citizens find out what the administration does for them and can appreciate the quality of services and provide feedback on them to the administration.

Transparency mainly targets access to information of public interest and decision-making transparency in public policy making. One claims that issues of trust and quality assurance in terms of the civil service are relevant (Shpak et al., 2019). The literature makes the connection between transparency and public trust, as a constitutive value of the functioning of democracy and implicitly of public administration in democratic systems. From our point of view, it becomes clear that transparency has an ethical value derived from that of public trust, which it operationalizes at the level of administrative practice as a social practice. In turn, public trust is based as a constitutive value for public administration practices, on that of public participation, in turn a constitutive value for systems based on participatory democracy. It emphasizes the value of the moral actor having the capacity to make autonomous and responsible decisions within the limits of his communicative competence and interests of social action (Androniceanu, A.-M., 2020b). Transparency becomes a fundamental value with a constitutive role for a series of institutions particular to the public administration, whose mission is to implement the ethics policy established at various levels of administration (Mura and Machyniak, 2014). It has also an impact on the employees' well-being (Vveinhardt and Sroka, 2020).

The origin of transparency as a democratic principle lies in the continuous public pressure, meant to increase the social control over the public administration bodies and in general in its functioning. If initially transparency was mainly aimed at spending public money and recognizing the taxpayer's right to be informed about it, gradually the concept of transparency increasingly concerns the sphere of public decision (Larsson, 1998; Lincényi and Čársky, 2021). These decisions are extremely important to strengthen the efficiency of public expenditures governance especially in terms of severe informal economy spread in a country (Androniceanu, A.-M et al, 2020a; ben-Aaron et al., 2017).

Tax transparency (transparency in the use of public money) evolves from the simple obligation to inform citizens about spending public money, to the obligation to ensure fair access to public funds of all suppliers interested and qualified for the field in which public procurement is to take place. Therefore,

ensuring transparency guarantees equity in access to public resources, but also maximum efficiency in their allocation. Equity, transparency and efficiency become regulatory principles for the functioning of public services in the administration.

Our research focuses on the issue of government transparency. According to specialists, government transparency is achieved through one of the following four primary ways: (1) proactive dissemination of information by the government; (2) the release by the government of the requested data and information; (3) organization of public meetings; (4) informing the public by the specialized offices of the ministries. A study conducted in 2006 in 14 countries found that countries with transparency laws were 3 times more willing to respond to requests for information, compared to countries that did not have transparency laws and responded to less than half of the requests. Countries that have respected transparency tend to have more information and are more willing to share it. More than 30 countries have institutions at the central administration level that monitor the transparency of the administration.

Transparency ultimately serves to maintain an honest government. The communication and information opportunities offered by the internet have significantly contributed to the transparency of governance in many states. Thus, e-government not only ensures wide access to information, but also contributes to increasing transparency, accountability and achieving the anti-corruption objectives of each administration (Wakula, 2020; Mempel-Śnieżyk et al. 2020). However, efforts to promote government openness and reduce corruption are strongly influenced by a nation's cultural and educational environment. Many countries that have transparency laws have directly linked the implementation of these laws to the implementation of ICT-based initiatives, often through e-government. ICT can reduce corruption by promoting good governance, by strengthening targeted reform initiatives, by strengthening relations between government employees and citizens, by pursuing activities by citizens, and by monitoring and controlling the behavior of government officials. Many governments consider the use of ICT as a means of promoting efficiency and transparency. America, Asia and Europe have been very successful in reducing corruption through e-government (Jeretina, 2018). Administrative taxes and government contracts are areas where e-government has been seen as a successful solution to the problem of corruption in many countries. For example, the United States has created sites that provide access to data on government spending general funding and technology development funding which are intended to promote and monitor government public spending and, at the same time, to identify and eliminate more quickly the projects through which public money is spent inefficiently. A number of governments in the United States have similar sites made available to citizens for the purpose of monitoring government spending.

Based on experience and research to date, it is not known whether the use of ICT to promote transparency can create a sustainable culture of transparency (Horick, 2020). Given the access to information in general, the results are shared. The publication of content on the Internet by the government is an example in which the amount of accessible information available has changed significantly in

some countries, with different reactions from the public (Bennett et al., 2020). More than 30 nations, mainly from East Asia, North Africa, the Middle East and Central Africa have restricted access to the Internet. Malaysia and Saudi Arabia began censoring Internet access as an official government policy in 1990. Saudi Arabia even announced the implementation of a strategy to monitor and censor Internet use within the country through The King Abdulaziz City for Science & Technology (KACST). In the same year, China began arresting citizens for what they posted online. In the United States, federally funded public libraries and schools have had to restrict Internet access since 2001, creating differences in the levels of access available between government-funded libraries and schools and richer schools and libraries that can give up. to the funds received from the government, and, implicitly, to the requirements regarding the restrictions. These nations have blocked, with a number of social, political and security reasons, materials related to free speech, health, human rights, economic development, environmental issues, religion. In some countries that have implemented filters, citizens have lost access to information they previously held, resulting in controversy in some countries, and almost no response in others. These situations significantly affect the fundamental right of citizens to benefit from public information.

There has been strong controversy in the United States, a nation with a tradition of openness and transparency (Berliner, 2014). Similarly, in the European Union, new EU conventions restricting access to government documents have been challenged by activists, scientists, citizens and organizations.

Transparency in the decision-making process is achieved by simultaneously ensuring participatory and deliberative democracy within the framework determined by the norms of representative democracy. We believe that there is a democratic deficit even in contexts where the deliberative process is inconsistent, including due to lack of transparency and limited public participation (Christensen & Cornelissen, 2015). We extend the meaning of the term democratic deficit to any public decision system that has diminished either the representative or the participatory component. We consider the term democratic deficit to be applicable to bureaucratic situations that do not respect the conditions of transparency: participation, deliberation and representation (Da Cruz et al., 2015). In our opinion, transparency exceeds simple public control, it being conditioned by the simultaneous existence of representativeness in collective decisions, ensuring participation and deliberation (Erkkilä, 2012; Erkkilä, 2016). A decision taken in the context of a democratic deficit, namely a deficit of transparency and public participation, is susceptible to a lack of legitimacy (Grayson, 2020, Grimmelikhuijsen et al. 2018). For these reasons in the EU public administration tends to be more transparent in the field of safety and quality food governance (Komínková et al., 2020; Blakemore and Craglia, 2006), income distribution which is constantly debatable sphere of public relations (Mishchuk et al., 2018; Mishchuk et al., 2020).

Romanian legislation on transparency in public administration reflects the European policy in the field, initiated by the White Paper on European Government adopted by the European Commission in 2001, and which concerns the implementation of principles such as: openness, participation, responsibility, efficiency and coherence. The main reference points are the internal legislation: Law no. 544/2001 regarding the free access to information of public interest; Law no. 215/2001 completed and modified of the local public administration; Law no. 52/2003 regarding the decisional transparency in the exercise of public dignities, of public functions, prevention and sanctioning of corruption. These laws aim at establishing a set of minimum procedural rules for ensuring decisional transparency in the functioning of public-administrative authorities in Romania, both at central and local level, as well as other institutions that use public financial resources. The purpose of regulating decision-making transparency in public administration is to increase its responsibility towards citizens and the active participation of citizens in the decision-making process (Johnson, 2020).

The legislator formulates a series of principles, among which: informing people in advance and ex officio on issues of public interest, consulting citizens and civil society in the process of drafting acts, and active participation of citizens in the administrative decision-making process. The obligation of transparency, which falls under this law to the public administration authorities, is to inform and submit to public debate the draft nominative acts, to allow access to administrative decisions and minutes of public meetings. As we have seen, this is a minimum obligation that should be complemented by good practices, established at the level of public institutions through their own codes of ethics. In terms of procedures, the law describes how to implement the transparency obligations, by publishing the draft normative acts and sending them to the representatives of the civil society for consultation. The purpose of regulating decision-making transparency in public administration is to increase its responsibility towards citizens and the active participation of citizens in the decision-making process. The obligation of transparency is to inform and submit to public debate the draft nominative acts.

According to Romanian legislation, transparency in public administration means the obligation of public communication of the administrative decision, through easy access to information to the interested public, but also facilitating the participation of all potential stakeholders in the decision-making act, including inclusive measures where necessary to ensure participation.

In our opinion, maximizing the transparency of public administration is a necessity in any democratic state. In our research we aimed to know the degree of transparency of the ministries in the structure of the Romanian Government. The question that our research answers is: Are the ministries of the Romanian Government sufficiently transparent in the governance process? In order to answer this question, we carried out a research in which all the ministries from the current structure of the Romanian Government were included. For this we analyzed their activity from the perspective of the main national regulations regarding transparency in public administration.

## 2. Research methods

The research included the 18 ministries from the current structure of the Romanian Government. The number of subjects included in the research are part of the ministerial departments that have attributions for information and documentation. The size of the sample is 45 civil servants, from the Information and Public Relations Department of each ministry.

To determine the sample size we used the following calculation formula:

$$n = \frac{N Z^2 * 0.25}{[d^2 * (N - 1)] + (Z^2 * 0.25)} = 45$$

n = the dimension of the sample (number of respondents);

N = total number of civil servants within the Directorate of Information and Public Relations, which is 350 civil servants

d = accuracy level is 0.03

Z = 1.96 corresponds to a 95% confidence level

The main methods used for data collection and processing were: the questionnaire and applications offered by excel for processing and representing the frequencies of the analyzed aspects regarding transparency. The main variables considered are: (1) the degree of training of the officials from the specialized departments for the implementation of the regulations regarding the transparency; (2) the usefulness of the legislative framework regarding transparency for increasing the degree of administrative transparency in the governance process (3) the frequency of delivery of public data and information to those who requested it; (4) the modalities used by ministries for the delivery of information of public interest; (5) monitoring the transparency of ministries.

## 3. Results and discussion

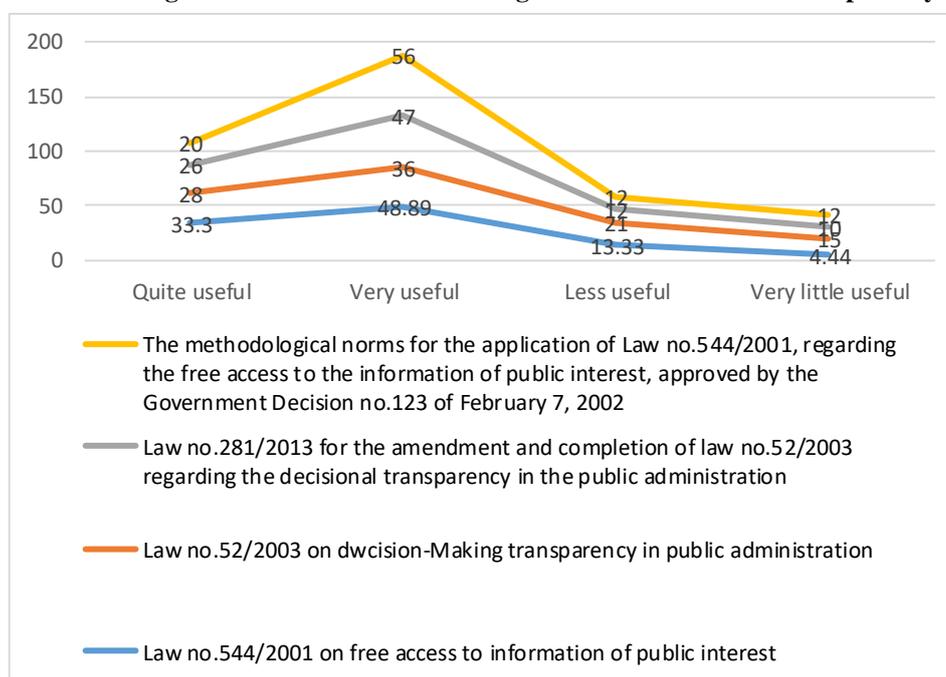
Most of the civil servants within the Communication and Public Relations Department, in percentage of 82.22%, did not participate in trainings on the topic of transparency and free access to public information. Only 17.78% of the respondents stated that they participated in trainings on this topic. For the identification of public information, a percentage of 51.1% of civil servants is based on the text of Law 544/2001 (Parliament of Romania, 2001). Equally, namely 24.4% of the respondents stated that they use only the decisions issued by the ministry, respectively 24.4% of the respondents use both the text of Law 544/2001 and the decisions issued by the ministry.

The study confirms that it is necessary to prepare human resources from the specialized departments of the ministries not only to be able to correctly understand the legislative framework in force, but also to delimit public information from the other categories. This aspect is important, as most say they do not respond to requests because they are not sure that it falls into the category of public interest. The same cause determines the small share of information of public

interest posted on the ministry's website. Most documents can be posted on the ministry's website only if they have an approval from the ministry board.

From the research results we find out that most officials consider that the 2 laws, Law no. 544/2003 and Law no. 52/2003 together with other subsequent regulations are particularly useful due to their content, but not specific enough, which creates problems of understanding and different interpretations. Figure 1 reflects the opinions of the respondents regarding the usefulness of the main normative acts that regulate administrative transparency in Romania.

**Figure 1. The usefulness of the legislative framework on transparency**



(Source: Author, 2021)

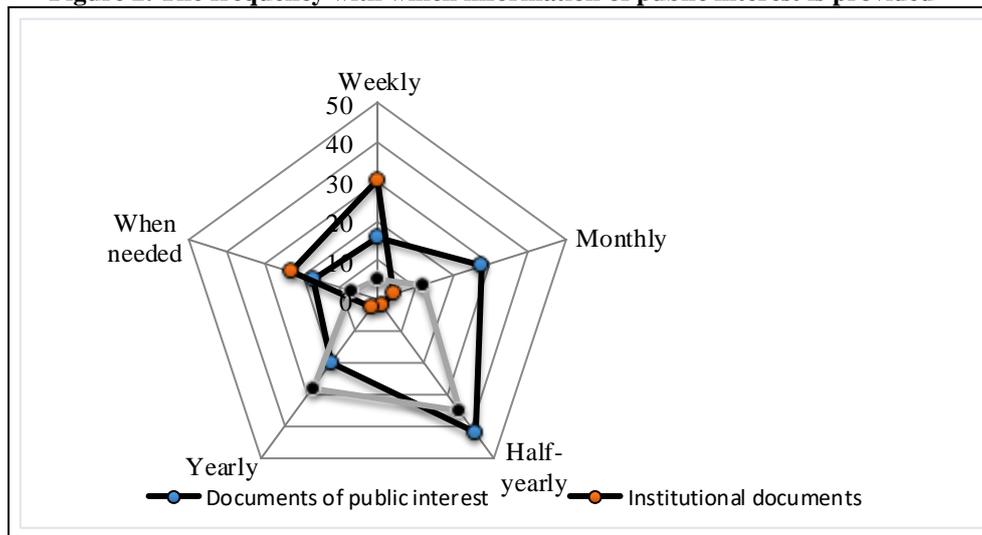
These normative acts have intensified the preoccupations of the ministries to be more transparent in their activity. In the process of drafting normative acts, public authorities and institutions have the obligation to inform and submit to public consultation and debate the draft normative acts and to allow citizens access to the administrative decision-making process, as well as to the data and information of public interest, within the limits of the law.

Beneficiaries of public administration activities have the right to obtain information from public administration authorities and institutions, and they have a correlative obligation to make information available to beneficiaries ex officio or upon request, within the limits of the law.

Regarding the frequency with which the information of public interest is requested and delivered to the beneficiaries, the obtained results can be grouped,

depending on the frequency in five groups: (1) weekly; (b) monthly (3) half-yearly; (4) cancel; (5) as needed. The main results are presented in figure 2.

**Figure 2. The frequency with which information of public interest is provided**



(Source: Author, 2021)

Our research highlights large differences in the frequency with which information of public interest is delivered.

Two categories of public information are delimited, some contained in documents of public interest and others related to documents about the activity within the ministries.

We note that there is no mechanism for cooperation and communication of public information, most of them are provided upon request.

Only 37% of public information is disseminated through various means of communication and information.

These results show that in these ministries the process of managing public information is not a coordinated and transparent one, most of the public information is communicated several times in different time intervals in a year, which means time and resources. large consumed.

The lack of internal regulations to help officials delimit the different categories of information from those of public interest, creates uncertainty and often errors.

The respondents were asked if there was a decision of the ministry regarding the information exempted from free access.

The results show that 64.44% of respondents say that it was established within the ministry what information is exempt from free access, while 35.56% of civil servants said that it was not established what this information is exempt.

However, in ministries, 60% of respondents consider that the list of information exempt from free access is known, while 40% say it is not known.

## Transparency in public administration as a challenge for a good democratic governance

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For example, when they establish that requested information is exempt from free access, 60% are based only on the provisions of Law 544/2001 when they establish what information is exempt from free access of citizens, while 22.2% of respondents are based both on the provisions of Law 544/2001, and on the decisions at the level of the ministry.

A lower percentage, of 17.8%, states that it is based only on the decisions from the ministry level in establishing the information exempted from publication.

These results show the lack of a clear and unified approach to transparency and public information that falls into this category.

Another variable involved in our research refers to the ways used by ministries to ensure administrative transparency and the act of governing.

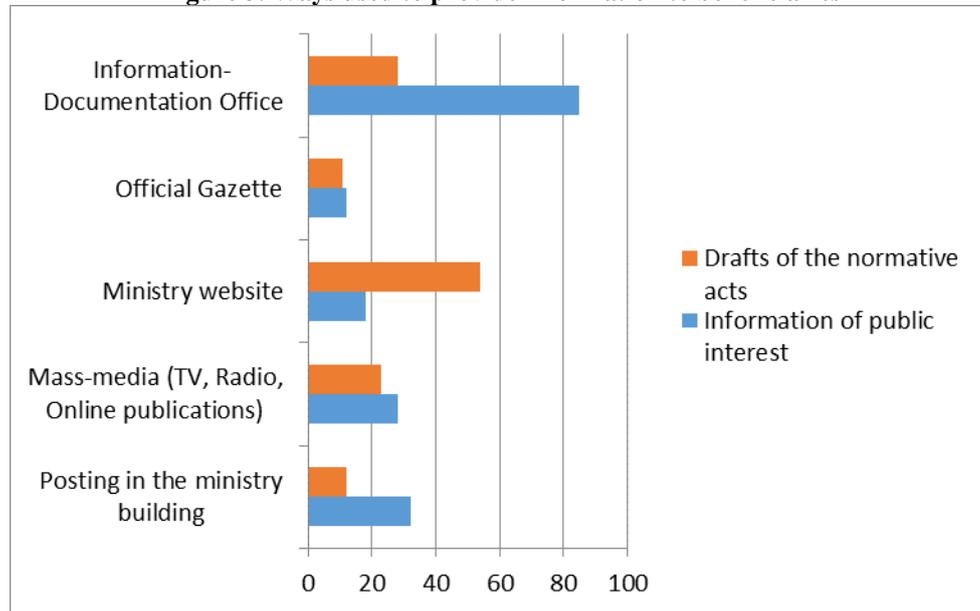
Figure 3 shows the following ways:

- (1) posting in the ministry building;
- (2) mass media;
- (3) ministry website;
- (4) official gazette;
- (5) the Information and Communication department of the ministry.

During the research, we took into account in each ministry two components of the activity:

- (1) the one of public information and
- (2) the transparent one of the regulatory process in the ministry.

**Figure 3. Ways used to provide information to beneficiaries**



(Source: Author)

The results show that there are a variety of means used for both activities. However, most data and information of public interest are provided by the

departments of the ministries specializing in information and communication, when it comes to information of public interest. Regarding the regulatory process in the ministry, most draft normative acts are published on the ministry's website where they can be accessed by all interested parties. From the obtained results we notice that an important part of the public information is found posted in the ministries and others are subjects of analysis and debate in the media space. From these results it is observed that within the ministries there is no systematic approach and a coherent strategy regarding the internal and external means of communication for the increase of administrative transparency. A high percentage, 44.4% of respondents, consider it quite necessary to allocate financial and logistical resources to ensure access to information, in general and for people with special needs in particular, while 28.9% of respondents consider it very necessary.

Another variable investigated is the monitoring of administrative transparency through indicators. The main indicators considered by us in this research are: the number of draft normative acts publicly announced on the ministry's website, by posting at the ministry's headquarters or in the media. The results show that a small number of draft normative acts are communicated on the ministries' website. This indicator shows that in 2017 there were 3 projects, in 2018 12 projects were communicated, in 2019 only 7 projects and in 2020 6 projects.

These results show a low level of transparency, given that several hundred normative acts have been adopted by the government each year. Another indicator followed in our analysis is the number of research received for providing information on draft regulations.

Thus, we discovered that, in 2020, there were 4 requests from business associations or other legally constituted associations and only 1 request made by a citizen. Instead, in 2020, 23 projects were sent by ministries to associations and 266 recommendations were received from them. Furthermore, these indicators show a weak cooperation between the ministries that have legislative initiatives and their stakeholders and implicitly the need to motivate the dialogue and to increase the transparency in the governance process.

The research results show that most of the respondents, 77.78% stated that they made the report on decision-making transparency, while 22.22% of them did not make the report. In this regard, 71.1% of respondents stated that they published the report on decision-making transparency on the ministry's website, while 15.6% said that they published it in the Official Gazette and 13.3% gave it to the press for publication.

Most respondents stated that they did not face complaints (80%), while 20% of officials faced such a thing. Complaints regarding the lack of transparency according to the normative acts in force were, in proportion of 66.7% of the press, and 33.3% were employers / trade unions' associations.

The results of the research show that administrative transparency in the ministries of the Romanian Government is still a challenge and that major changes are needed in the implementation of the regulations on administrative transparency.

These refer to: the training of civil servants; communication strategies, coordination and monitoring of administrative transparency; investments in logistics necessary for a modern, democratic, transparent and efficient participatory governance act.

#### **4. Conclusions**

Transparency and the right to access government information are considered essential in a real democracy (Hollyer et al., 2014). They are based on democratic participation and clearly contribute to increasing trust in government, preventing corruption, informing about decision-making, accurate government information and providing information to the public, companies and journalists (Hood and Heald, 2006). Our study confirms that administrative transparency in the ministries of the Romanian Government needs a significant improvement. Administrative transparency is essential for increasing the quality of governance (Barabashev et al., 2019). As the results of our research show, after the adoption of law no. 544/2001 of the free access to the information of public interest and respectively of the law no. 52/2003 regarding the decisional transparency, there is an increase of the degree of transparency of the ministries from the Romanian Government. However, as it resulted from our research, major changes are needed to significantly improve transparency in the central administration in Romania in general and in the ministries analyzed, in particular.

#### **Authors Contributions**

The author/authors listed have made a substantial, direct and intellectual contribution to the work, and approved it for publication.

#### **Conflict of Interest Statement**

The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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