

THE PARLIAMENT OF ROMANIA - DEVELOPMENT OR DECISIVE INVOLVEMENT IN ROMANIAN PUBLIC POLICIES

Abstract

In Romania, the decision-making system is governed by the principle of the separation of powers in the state - the executive power, the legislative power and the judiciary.

The Romanian Parliament is one of the primordial institutions of a constitutional democracy. According to Article 61 (1) of the Constitution of Romania, "(1) Parliament is the supreme representative body of the Romanian people and the sole legislative authority of the country." Therefore, the Romanian Parliament has a dual role, namely to be the supreme representative body of the Romanian people and the only legislative authority of the country.

Among the attributions of the Parliament, the most important is lawmaking. This activity is subject to constitutional and regulatory norms, which regulate the "route" of the law from the time of the exercise of the right of legislative initiative and until the publication of the law in the Official Gazette of Romania, norms that form the content of the parliamentary legislative procedure.

According to a 2012 Gallup study, only 15% of Romanians know how the Romanian Parliament works and its real role in Romanian society. This paper will analyze the power of the legislature in the decisions regarding the Romanian public policies.

Keywords: normative acts, parliamentary procedure / legislative procedure, socio-electoral profile, parliamentary politics vs. public policies, legislative decisions versus public decisions

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ROLUL INSTITUȚIEI PARLAMENTULUI ROMÂNIEI – EVOLUȚIE SAU INVOLUȚIE DECIZIONALĂ ÎN POLITICILE PUBLICE ROMÂNEȘTI

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Rezumat

În România, sistemul public decizional este guvernat de principiul separației puterilor în stat: puterea executivă (Guvern + Președinte), puterea legislativă (Parlamentul Bicameral: Senat + Camera Deputaților) și puterea judecătorească (Curtea Constituțională + sistemul judiciar).

Parlamentul României reprezintă una dintre instituțiile primordiale ale unei democrații constituționale. Potrivit art. 61 alin. 1 din Constituția României "(1) Parlamentul este organul reprezentativ suprem al poporului român și unica autoritate legiuitoare a țării". Prin urmare, Parlamentul României are un dublu rol, și anume acela de a fi organul reprezentativ suprem al poporului român și de a fi unica autoritate legiuitoare a țării. Parlamentul este format din Senat și Camera Deputaților.

Parlamentul României prin cele două Camere are putere de a emite legi, prin propuneri legislative inițiate de parlamentari, prin inițiative cetățenesti propuse Parlamentului și proiecte de legi de aprobare a ordonanțelor Guvernului. Guvernul emite ordonante, ordinare sau de urgenta, care au putere de lege în anumite domenii, doar dacă au fost adoptate de Parlament prin legi de adoptare.

Conform unui studiu Gallup din 2012 doar 15% dintre români cunosc modul cum funcționează Parlamentul României.

Bicameralismul Parlamentului – presupune control parlamentar și transparența decizională prin cele două componente Senat și Camera Deputaților

Cuvinte cheie: Parlamentarism, parlamentar (senator sau deputat), acte parlamentare, acte normative, procedură parlamentară /procedură legislative, control parlamentar, comisii parlamentare, decizii parlamentare vs. politici publice, analiza de evaluare SWOT



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1. SHORT DESCRIPTION OF THE ROMANIAN PARLIAMENT: ORGANIZATION, LEGISLATIVE FRAMEWORK, ORGANIZATIONAL DECISIONS

The Romanian Parliament is one of the primordial institutions of a constitutional democracy. According to art.61 paragraph (1) of the Romanian Constitution, "(1) Parliament is the supreme representative body of the Romanian people and the sole legislator of the country." Therefore, the Romanian Parliament has a dual role, namely to be the supreme representative body of the Romanian people and to be the only legitimating authority of the country. The Parliament is made up of the Senate and the Chamber of Deputies.

The Romanian Parliament through the two Chambers has the power to issue laws, through legislative proposals initiated by parliamentarians, through citizens' initiatives proposed to the Parliament and draft laws for the approval of Government Ordinances. The Government issues ordinances, ordinary or emergency, which have the power to legislate in certain areas, unless they have been adopted by the Parliament through adoption laws.

According to a 2012 Gallup study, only 15% of Romanians know how the Romanian Parliament works.

Parliament's bicameralism involves parliamentary control and decision-making transparency through the two components of the Senate and the Chamber of Deputies. The Senate has decision-making power over ordinary or organic laws in the field of electoral, education, national security and order, and debates as the first Chamber seized in other areas. The Chamber of Deputies has decision-making power over ordinary and organic laws in areas where the Senate is a reflection room, the first chamber of debate.

The organizing regulations of the two Chambers take into account the way of application of the REGULATION of 24 February 1994 of the Chamber of Deputies (republished), of the REGULATION of 7 November 2006 on the organization and functioning of the services of the Chamber of Deputies (Republican) and of the SENATE REGULATION ROMANIA - (Republican).

In short, the main actors according to the above Regulations are also the main influential factors in decision making including and with influence on the financial services industry. These factors are:

The parliamentary group is an internal structure of the Senate and the Chamber of Deputies that can be established and can only function if it contains at least 7 senators or 10 deputies elected on the lists of the same party, of the same organization of citizens belonging to national minorities, political alliances or electoral alliances. Members representing the organizations of citizens belonging to national

minorities who have obtained the mandate of deputy according to art. 62 par. (2) of the Constitution of Romania, republished, may form a single parliamentary group.

The parliamentary committees are internal working structures of the Senate and the Chamber of Deputies, set up for the preparation of the legislative activity, as well as for the fulfillment of the parliamentary control function.

The Permanent Bureau (Senate or Chamber of Deputies) consists of the President of the Senate or the Chamber of Deputies, who is also the chairman of the Permanent Bureau, four vice-presidents, four secretaries and four quaestors, the political membership of the Bureau members reflecting the political configuration of the Senate or the Chamber Deputies resulting from the elections. The President is elected during the term of the Senate or the Chamber of Deputies, and the other members of the Permanent Bureau are elected at the beginning of each ordinary session. The Permanent Bureau shall be convened ex officio by the President of the Senate or the Chamber of Deputies or at the request of at least five of its other members, a parliamentary group or at least seven independent senators

The Permanent Bureau (Senate or Chamber of Deputies) has the following duties:

- proposes the start and end dates of each session, asks the President of the Senate or the Chamber of Deputies to convene an extraordinary session;
- proposes the inclusion on the agenda of the approval of the Senate Regulation, respectively of the Chamber of Deputies or of its amendments;
- prepares and ensures the smooth running of the works of the two Chambers of Parliament;
- receives draft laws or legislative proposals and decides:
 - the retention of the draft in the Senate or the Chamber of Deputies and the notification of the competent standing committees for drawing up the reports and opinions, if the Senate is competent to debate and adopt as the first the notified Chamber, and if the Senate is notified by the Chamber of Deputies ;
 - Submitting the draft laws or legislative proposals to the Chamber of Deputies, if it is competent to debate them and to adopt them as the first Chamber notified, following the decision of the Senate plenum and with the opinion of the Legal Committee, appointments, discipline, immunities and validations

- arranges the drafting of legislative drafts, legislative proposals or commission reports to the senators after fulfilling the requirement provided for in paragraph e) and publishing them on the Senate or Chamber of Deputies website;
- establishes, in consultation with the committee chairs, the distribution of draft laws and legislative initiatives to the committees for amendments, opinions and reports, as well as the deadline for each of them
- draws up the draft agenda of the Plenary Sessions as well as the work program, in consultation with the leaders of the parliamentary groups, the chairmen of the standing committees and the representative of the Government for the relationship with the Romanian Parliament;
- establishes, in consultation with the leaders of the parliamentary groups, the total time of debate and its allocation for speeches in political debates as well as the time it takes and its allocation for speaking in political statements;
- organizes the relations of the Senate or the Chamber of Deputies with parliaments of other states or with international parliamentary organizations;
- submit to the Senate or the Chamber of Deputies the numerical and nominal composition of the delegations to the international parliamentary organizations on the basis of the decisions negotiated by the representatives of the parliamentary groups;
- submits to the Senate or the Chamber of Deputies its draft budget and the closure account for the budget exercise;
- approves the regulations of standing committees;
- exercise internal financial and accounting control through the Quaestors and make the necessary decisions in this area;
- submit to the Senate or Chamber of Deputies the structure of its services;
- proposes to the Senate or the Chamber of Deputies the appointment or revocation of the Secretary-General and Deputy Secretary-General.

2. HOW TO APPLY PARLIAMENTARY DECISIONS THROUGH TYPICAL PROCEDURAL TOOLS

So, among the attributions of the Parliament, the most important is the lawmaking. This activity is subject to constitutional and regulatory norms, which regulate the "route" of the law from the moment of the exercise of the right of legislative initiative and until the publication of the law in the Official Gazette of Romania, norms that form the content of the parliamentary legislative procedure.

In a brief definition, we specify that the parliamentary legislative procedure comprises all the rules for preparing the debate, debating and voting on a draft law or a legislative proposal in Parliament. In accordance with the principle of bicameralism, it takes place in every Chamber and, where appropriate, in the Reunified Chambers, in a joint sitting.

The parliamentary legislative procedure comprises the following stages:

1. Submission of the legislative initiative;
2. Examination and approval of draft laws or legislative proposals within standing committees;
3. Include the draft law or the legislative proposal on the agenda of the Chamber to discuss it;
4. Description of the draft law or of the legislative proposal within the competent Chamber;
5. Voting the draft law in the Plenum of the Chamber;
6. The return of the law to a Chamber which has decision-making power under the conditions of Article 75 (4) and (5) of the Constitution;
7. Signing the law by the Presidents of the Chambers;
8. Promulgation and publication of the law.

b) The "parliamentary" phase of the procedure ends when the law is passed for promulgation. In the case of the review requested either by the President of Romania or following the decision of the Constitutional Court, the legislative procedure resumes, under the conditions established by the Constitution and the parliamentary regulations.

2.1. Forms of the legislative procedure (citizens' initiative, draft laws, parliamentary proposals)

Legislative initiative - according to Article 74 paragraph (1) of the Constitution, the legislative initiative belongs to the Government, deputies, senators or to at least 100,000 citizens with the right to vote.

Legislative initiatives can take the following forms:

- the draft laws are legislative initiatives belonging to the Government. These are transmitted to the competent Chamber to adopt them as the first notified Chamber. Among them are the draft laws approving an Emergency Government Ordinance or the Government's Simple Ordinance.
- legislative proposals are initiated either by senators or deputies or by citizens.

Senators and deputies may exercise the right of legislative initiative individually or collectively, through the parliamentary group to which they belong.

- I. The Citizens' Initiative may belong to at least 100,000 citizens with the right to vote. Citizens who have a right to legislative initiative must come from at least a quarter of the country's counties, and at least 5,000 signatures in support of this initiative must be registered in each of these counties or in Bucharest. According to art. 74, paragraph (2) of the Romanian Constitution, fiscal issues, international ones, amnesty and pardonings can not be subject to the citizens' legislative initiative.
- II. Constitutional Review Initiative. According to Article 150 (1) of the Constitution, this right also belongs to at least a quarter of the deputies or senators, as well as to at least 500,000 citizens with the right to vote. These citizens must come from at least half of the country's counties, and at least 20,000 signatures in support of this initiative must be registered in each of them or in Bucharest.

2.2. Forms of parliamentary scrutiny (standing committees, special committees, inquiry committees, interpellations, questions, political statements, petitions / petitions)

Parliamentary control includes activities, state organs, normative acts, etc. It is exercised either directly by the whole parliament or by one of its chambers (in the bicameral system) or by other means and forms of control. The Constitution of Romania contains several provisions regarding the exercise of the Parliament's control function, including: the obligation of the People's Advocate to report to the two Chambers of Parliament reports (art.60), the political responsibility of the Government (art.109), the Government's obligation to to present in the parliamentary control the requested information and documents (art. 111), etc. Regarding the specific forms and means by which parliamentary control is exercised, they can be systematized as follows:

- a) control exercised through reports, messages, reports, programs submitted to Parliament;
- b) the control exercised by the parliamentary committees;

- c) control exercised through questions and interpellations;
- d) the right of Members and senators to request and obtain information;
- e) ombudsman's oversight.

As stated at the beginning of this article, PARLIAMENTARY COMMITTEES are internal working structures of the Senate and the Chamber of Deputies, set up for the preparation of the legislative activity, as well as for the fulfillment of the parliamentary control function. The Senate and the Chamber of Deputies separately form permanent committees and may establish investigative committees, special commissions, including joint mediation commissions, or joint committees with the Chamber of Deputies.

The Standing Committees of the Senate or the Chamber of Deputies are working bodies of the Chambers examining draft laws, legislative proposals and amendments in order to prepare reports or opinions on the respective normative acts. The Standing Committees also debates and resolves other issues sent by the Permanent Bureau of the Senate or the Chamber of Deputies and may initiate investigations within their competencies. Standing committees are elected throughout the legislature. The composition of the commissions shall be determined according to the political configuration of the Senate or the Chamber of Deputies resulting from the initial constitution of the parliamentary groups or through negotiations between the representatives of the parliamentary groups. All parliamentarians, except the President of the Senate or the Chamber of Deputies are obliged to be part of at least one commission parliamentary. A parliamentary may not belong to more than two standing committees, with the exception of each Chamber's Rules of Procedure. Each commission elects an office as a governing body, consisting of a chairman, a vice-president and a secretary. The committees adopt their own rules of organization and operation, subject to the approval of the Permanent Bureau, and shall be reviewed whenever necessary.

At the level of the parliamentary control activity, there are also other instruments partially known to the public opinion but which can also constitute ways to verify and monitor the activity of the senator or the deputy by using the questioning tool or the parliamentary question, a tool that can be promoted within the audience program which the parliament is obliged to have in the constituency of which it belongs.

Interpellation - is a request addressed to the Government or a member thereof by one or more senators / deputies or a parliamentary group asking for explanations of government policy on important issues of its internal or external activity.

There are several interpretations of how to use the interrogation tool: a) Interpellation may be addressed by a deputy or senator, several deputies or more senators, or a parliamentary group.

- b) The interpellation requested by a deputy or parliamentary group is addressed only to the Government, while the interpellation requested by a senator is addressed either to the Government or to a member of the Government. Considering the constitutional text (Article 112 of the Constitution), which establishes the obligation of the Government and of each of its members to answer the questions and interpellations formulated by senators and deputies, we consider that the deputies may also address interpellations to the members of the Government and not only to the Government.
- c) Interpellation shall be in writing and shall be read in public session on Monday, devoted to the questions, after which it shall be submitted to the President of the Chamber for transmission to the Prime Minister;
- d) The interrogation is entered in a special register and is displayed at the Chamber or Senate premises;
- e) Interpellation is developed in a subsequent public hearing, when a reply is given to the interpellation;
- f) The Government and each of its members are required to respond to interpellations within a maximum of two weeks. Interpellations can be followed by a motion on the question that was the subject of the question.

The possibility of finalizing the interrogation by means of a simple motion is its particularity in relation to the question.

Instead, the question consists of a simple request to answer whether a fact is true, if information is accurate, whether the Government or the other public administration bodies understand to communicate to the Senate or the Chamber of Deputies the information or documents requested or whether the Government intends make a decision on a determined issue.

Questions from Deputies and Senators may be addressed, in addition to the Government and Ministers, to other heads of public administration bodies. This solution is in line with the principle of the separation of powers in the state. Questions can be spoken or written, and written ones are divided into two categories: - questions to which the answer is to be given in writing; - questions to which the answer is given orally from Parliament's stand.

Another form of parliamentary scrutiny but which may also be a form of public transparency of the decision-making act is given by motions, which may be: simple motions and censure motions. The

motion is a legal act of the Parliament - the motion of censure - or of the Chambers - the simple motion - which expresses, as the case may be, the legal or political will of the legislative bodies in a certain internal or external policy issue.

The political declaration is an act of parliamentary will to draw public attention to an institutional loophole.

Political statements or other interventions by senators or deputies are made in their own name or on behalf of the parliamentary group. In relation to their content, political statements or other interventions by lawmakers can give the right to reply to parliamentarians, parliamentary groups and the authorities concerned.

If the topic and content of the political statements or other interventions of the MPs concern the Government's activity and policy, the respective extract from the verbatim report shall be sent to the Delegated Minister for Relations with the Parliament.

The petition / public referral is a form of testing by public opinion (natural or legal persons) of the vigilance and obligations of the MP to assume the principles of respecting public interests. Petitions have some organizational arrangements at the level of the two Chambers.

At the Chamber of Deputies, anyone has the right to address petitions to the Chamber of Deputies. The petitions will be submitted in writing and signed, specifying the domicile of the petitioner or of one of the petitioners. The electronic form of the register will be presented on the website of the Chamber of Deputies. Registered petitions shall be submitted to the Commission for the investigation of abuses, corruption and petitions and other standing committees for discussion and resolution. Any member of the Chamber may become aware of the content of a petition, addressing to this effect the chairman of the committee.

At the Senate level, petitions will be submitted in writing and signed, specifying the domicile of the petitioner or one of the petitioners. The petitions shall be entered in the general register of the Senate in the order of receipt, recording the registration number, the surname, the surname, the domicile of the petitioner and the subject of the request.

Any member of the Senate may become aware of the content of a petition, addressing the chairman of the commission to whom it was assigned to that effect. The Senator to whom petitions are addressed will forward them to the competent public authorities for resolution.

3. DIAGNOSIS ANALYSIS BY SWOT ASSESSMENT OF THE EVOLUTION OR INVOLUTION OF THE PARLIAMENTARY DECISION-MAKING POWER VERSUS THEIR EFFECTS ON PUBLIC POLICIES

Following the presentation of the main instruments used in the activity of the Romanian Parliament, as well as the theoretical organization of the decision-makers within the Legislative, an institutional analysis can be made using the known SWOT diagnosis.

The organizational and decision-making framework of the Romanian Parliament at the moment:

WEAKNESSES	STRONG POINTS
<ul style="list-style-type: none"> - organizational self-sufficiency, with specific decisional valences specific to the early 90s and 2000s, perpetuated to this day; - lack of decision-making among the leading parliamentarians; - the perpetuation of a functional-parliamentary clientelism at the level of the specialized apparatus of the two Chambers; - demotion of the efficient parliamentary civil servants by limiting management activities by objectives (without partisan interest); - the numerical increase of the civil servants in positions of public office, having the role of staging the parliamentary decisions in favor of a single political party; - lowering the efficiency of parliamentary activities and subordinating the mono-political and governmental decisions; - Stereotype of parliamentary actions and lack of background of legislative drafts (legislative proposals, interpellations, etc.) in contrast to the amount of their form; - diminishing the activity of the majority of parliamentarians in the constituencies; - the lack of efficiency of the work program, the failure to adapt to the organization typology at the level of the European Parliament. 	<ul style="list-style-type: none"> the existence of political actors with parliamentary experience representing the balance of institutional values; - the continuity of typical working methods and results in the application of parliamentary procedures (the stages and forms of the legislative procedure); - computerization of the parliamentary activity and dynamization of the electronic organization at the level of the governing and executive structure of the Romanian Parliament, - Transparency and increased access to public information through the mediatization of the parliamentary control activity; - public transparency of parliamentary scrutiny, in particular the work of parliamentary committees and parliamentary committees of inquiry on the monitoring of public institutions' activities; - maintaining a parliamentary hierarchy through a transparton compromise in order to balance the legislative decisions on the areas of public interest (eg, debating draft normative acts in the field of justice, debating the draft state budget law according to the constitutional procedures in 2001, the projects and strategies regarding GDP education, military, etc.) -holding an institutional appearance with positive effects in the report Power - Parliamentary Opposition.
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> - 2019 - the European legislative year for the Parliament of Romania, through the facilities offered from the perspective of the UE Council's leadership; - clarifying legislative guidelines and identifying the application of the European acquis in the context of the Presidency of the EU Council; - e-government and "social-media" platforms for debating and raising the public interest in parliamentary policies and procedures; - the evolution of innovative technologies globally in the 	<ul style="list-style-type: none"> - disappointment and dissatisfaction with a large category (over 70%) of the electorate regarding the effects of parliamentary decisions on national public policies (education, health, pensions and wages); - the ever-changing international context (US presidential elections, Republic of Moldova, partial or parliamentary elections in various European and Asian states), changing the ratio of forces in the Near East, increasing nationalism and extremism in the parliaments of the EU states;

field of mediatization of the parliamentary act; - the emergence of opportunities to identify some forms of raising public interest by creating online conferences between elected and voters.	- the existence of a potential new economic crisis with different effects in the member states of the European Union, but also with institutional effects, including at the level of the activity of the Parliament of Romania
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The conclusions of this diagnostic analysis, using the SWOT assessment method, can be summarized as follows:

- The parliamentary decision-making elite, which is the essential factor in the implementation of parliamentary procedures regarding a normative act necessary for the Romanian society, is constantly evolving. Evolution acquires objective or subjective valencies according to the results of parliamentary actions observed at the level of public opinion;
- The parliamentary organizational system is close to the level of European institutional requirements, preserving modernist and Europeanized customs and traditions in the inter-war period, but also innovative adaptations to parliamentary computerization, but decision-making leadership is not yet ready to "upgrade" and crunch a vision of constant parliamentary action, "pulling" down institutional performance;
- The international geopolitical changes, the financial and social crises of the last 25 years allow a drift of the Romanian parliamentarianism (with influences on the decision making for good governance and efficient public policies), replacing the organizational management of the professional type with the one consisting of strict factors political decision;
- In the Romanian Parliament, counterfeits replace the current elites as an alternative form of leadership, namely the parliamentary decision-making power becomes the purpose of the group policy, not just its instrument as it happens at the level of states with a parliamentary decision-making tradition.

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