

**BABES-BOLYAI UNIVERSITY
FACULTY OF EUROPEAN STUDIES**

DOCTORAL THESIS

**„ THE TERRITORIAL ADMINISTRATIVE
ORGANIZATION OF ROMANIA
IN THE LIGHT OF THE 1923 CONSTITUTION”**

SUMMARY

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THE TOPIC

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Key words

The Acts of the Union, administrative documents, guardianship authority, communal associations, district associations, local autonomy, notifications, Anibal Teodorescu, communal administration, district administration, central administration, The Deputies Assembly, the 1866 Constitution, the 1923 Constitution, constitution, the Interim Commission, interim committees , municipal/communal councils, county councils, legal advisers, elected councilors, urban community, rural commune, local committees for audit, audit central committee, school committees, licenses, census, the council of the prefecture, the crown council, administrative, office, bureaucracy, library, deliberation, deliberative, decision, decision, Directorate ministerial delegation, the permanent delagation, decentralization debunching, municipal, building, expropriation, government, governance, The Decisions of Unification in Alba Iulia, public interest, private interest, interest general, local interest, to unify administrative law, Administrative Law, Administrative Law, parliament, the prefect, prosecutor, net, mayor, village mayor, permission, provinces, regions, The National Representatives Assembly, the national representatives, regionalism, appeal in cassation, school revision operator, senator, senator by law, the Senate, Sub-Prefect,

“THE ADMINISTRATIVE TERRITORIAL ORGANIZATION OF ROMANIA UNDER
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SUMMARY

Our thesis „ The Territorial Administrative Organization of Romania Under The Light of The Provisions of The 1923 Constitution ” is structured in four parts, divided in chapters, it is a synthesis work based on which it is followed the administrative territorial of Romania based on the 1923 fundamental settlement and stresses within the three parts the modernization of the State and of the political and judicial institutons, and in chapter four, which is a case study concerning the administrative territorial organization of the County Gorj based on the administrative organization laws starting with 1925-1936, we’ve analysed practically the evolution of the local administration organization under the 1925 administrative unification Law, the 1929 administrative organization Law and the 1936 administrative Law.

The first part of the paper entitled „ The 1923 Constitution” – the basis of the organization and consolidation of the Romanian National Unitary State is divided in four chapters, the first three chapters being consecrated to the analysis from historical and judicial point of view of the constitution, and chapter 4, to the Romania administrative modernization from the perspective of the 1923 Constitution and of the administrative organization laws.

A first problem put immediatly after the World War I was that one of the organic integration of the provinces which were united with Romania within The National Unitary Romanian State. The Acts of The Great Unification were confirmed by the competent embodiments of the Romanian State, thus being recognized not only their political and judicial value, but also the decisions they contained.. So that, on 09.04.1918 it was elaborated the Decree related to the unification of Bessarabia with Romania, on 13th of December 1918 the Decree no. 3631 for the unification of Transylvania and the other Romanian regions from Hungary with Romania cand on 19th of December 1918 the Decree no. 3774 related to the unification of Bukovina with Romania. Therewith were elaborated decrees for the organization of Transylvania on 13th of December 1918 and Bukovina on 19th of December 1918 , the united provinces sending their ministers without portofolio to the Council of Ministers in Bucharest. It was about, certainly, a temporary organization of the provinces united with Romania, for facilitating their integration within the Romanian State.

By the elaboration on 01.01.1920 of the Law related to the union of Bessarabia with Romania , of the Law for the unification of Transylvania , Banat , Crishana and Maramuresh with Romania and of the Law for the unification of Bukovina with Romania, by which were ratified, being invested into force as laws these normative documents, so that it was consecrated in fact and under the law that these provinces are for good to remain united with Romania. Therefore, by the Decree-Law No. 1462/1920 it was disbanded the Dirigent Council (Governing Council), its attributions and its components being assigned to the central organizations of the Romanian State, and under the Decree-Law No. 1476/1920 it was established that the attributions of the directorates from Bessarabia and of the service secretariats from Bukovina were transferred to the Romanian State, these provincial organizations ceasing their existence. During the same period, on internal plan took place profound political, economic and social mutations and transformations, as a following of the introduction of the universal vote and of the agrarian reforms..

On external plan the unification of the provinces with Romania was recognized by concluding the peace treaties with Germany (Versailles on 28th of June 1919), with Austria on 10th of September 1919 in Saint-Germain-en-Laye, with Hungary by the peace Treaty from Trianon on 4th of June 1920 and with Bulgaria on 27th of November 1919. Romania has also sined The Treaty concerning the National minorities on 9th of December 1919 .

An important problem which had to be solved during this stage concerned the fundamental judicial law itself, respectively either the adoption of a new constitution, or an ample redaction of the 1866 Constitution.

The 1866 Constitution revising was requested due to the multiple modifications sometimes made by decrees-laws without respecting the prescriptions registered at article 129 from the Constitution, which attracted lot of criticism concerning their constitutionality, the decrees-laws being sometimes enforced in exceptional situations, and on the other hand the Constitution revision was necessary because this one did not correspond anymore to all political, economic and social necessities which had taken place within the Romanian society between 1917 and 1923.

In this paper we underline the fact that, The 1866 Constitution suffered along the time numerous modifications in 1879, 1884, and in 1917 during the war were modified the disposals of the articles 19, 57 and 67, which enlarged the framework of the expropriation except the expropriation for public utility, adding the cases of expropriation for national utility, for achieving the agrarian reforms and for introducing the universal suffrage.

At the same time we notice that the political unification achieved by the unification acts and recognized on international plan, imposed and supposed persistently the legislation unification which should involve all country inhabitants within the same Romanian legislative-institutional system.

In the new historical conditions, the politics, a part in which were included along a prolonged period different political entities, the Romanian people was called to act as an initiative and pressure with respect to the political unity consolidation through the legislative unification taking in account the realities on all domains, but we underline that this unification shouldn't take place based a mechanical beforehand uniformizing and sudden merging, not enough prepared, but based on a normal and evolutive consolidation.

We've underlined in this paper the fact that, the complexity of the phenomenon generated by the researches in view of the establishing the principles, for the elaboration of the local particularities of the adequate solutions for the achievement of the legislative unification for taking in consideration, the harmonization of the fundamental interests of the State with those ones of the citizens, for taking in account the theoretical and the practical political disputes, but these aspects were sometimes neglected, being said in the true sense of the word, we have to confess once again sorrowfully that nobody looked at the serious side of the matter, neglecting it".

Yet, our conclusion is that the achievement of the legislative unification was not a simple problem, which had to be solved through the new constitutional settlement.

One of the problems appeared immediately after the accomplishment of the Romanian national unitary State was the problem of the interprovincial law, put not only in Romania, but also in other countries such as France.

In the paper we've highlighted the laws conflict which came up in Romania, more exactly, right at the moment at which it was disbanded the autonomy of the Transylvania under the Decree-Law on 04.04.1920 and under the laws of the organization of the ministries and of the local administration from the old kingdom and in the different opinions expressed in the constitutional law doctrine concerning this problem, but also the jurisprudential sentences pronounced during this period.

According to the constitutional law dogma, we considered that at the same time when Transylvania's autonomy was disbanded on 04.04.1920, it was enlarged the sovereignty of Romania fully under the law and on this province based on the 1866 Constitution. On the territory of a State cannot exist two different sovereignties. In similar way we showed that the problem was solved in France, too in the provinces of Alsace and Lorraine starting on 11.11.1918, where the French jurisprudence recognized that the local laws were abolished silently when they came into a conflict with the French law.

All these law problems had to find their solving in the new 1923 constitutional settlement.

The problem of revising the constitution preoccupied the Romanian society between 1922-1923 being expressed different opinions concerning the necessity of adopting a new constitution, or of revising the 1866 constitution, some of the opinions being materialized by the political parties or by the politicians meanwhile.

In the paper we have shown the projects of the Liberal Party, the project proposed by Romul Boilă, the project proposed by the teacher Berariu and the project proposed by the Peasants' Party represented by Constantin Stere. These projects were the subject of the public debate either using the party's press or media, or in conferences or magazines, such as „Viața românească” („The Romanian Life”) appeared by 1926.

But in the Romanian society the professor D Gusti by the means of the Social Romanian Institute (Institutului Social Român) organized 23 lectures on the constitutional topic, between 18th of December 1921 and June, 4th 1922, an opportunity at which the participants pronounced some of them in favor of the elaboration of a new constitution which shall represent the will of the whole nation, and some others, appreciating the old constitution had proved its validity for more than a century, in the way of the necessity of a more ample revision of that one by adapting it to the new political social and economic conditions.

In fact, the 1866 Constitution which continued to remain the fundamental settlement of Romania by 1923 with all its amendments, it was one of the most liberal constitution in Europa and constituted undoubtedly a strong judicial instrument on the way of the country modernization, in the spirit of the democratic claims. Yet, it was criticized by the political people on the consideration that being a copy of the 1831 Belgian Constitution it didn't take into account the traditions of the country, of its economic, social, cultural and political realities.

We've underlined the fact that a law lack means in fact that the law often might be far away from the social life realities, or, in contrast, the law is sometimes too evaluated compared to the social, political and economic realities, becoming therefore inefficient. This was the case of the 1866 Constitution, about which we say that for sure it wasn't the creation of the needs appeared in the Romanian society at the moment of its adoption, on contrary the Romanian political life was that one which adapted to the principles formulated by this constitutional settlement.

But we cannot say the same thing about the 1923 Constitution, whose adoption was imposed by the creation of the national unitary State, by the change of the report of forces among social classes, by the fight for the devotion of a system more advanced of rights and liberties.

We considered it as opportune to stop in this paper on the 1866 Constitution revising procedure. The 1866 Constitution was rigid and its revision had to take in account the disposals foreseen by the article 128. This constitutional procedure devoted by judicial imperative norms wasn't respected by the National Liberal Party. This has motivated gesture calling upon the difficult circumstances through which the country passed after the war and stressing the need for the settlement on a new basis of constitutional life. This was stressed by John I Brătianu in his report to King Ferdinand, showing that it was necessary to require a new expression of the national will, emphasizing that the new assemblies (parliament) which were to be elected by voting should have constituent character.

In our view, the justification made by Saeb Salam was not likely to clear up things in this issue. We believe that the vote of a constitution by disregarding the previous laws and the 1866 Constitution, essentially if only the essential and structural changes of the Romanian society had intervened in this period, or it is obvious that since 1918 there had been no such changes.

So the first step in adopting the new constitution, a fact that happened in 1923, had been on the wrong foot, and this had negative repercussions on the parliamentary debates that preceded the adoption of what was in fact the 1923 constitutional revision. The opposition parties recognized neither the Parliament legitimacy, nor its right to vote on a constitution, this matter being manifested either in the press party, meetings, or in Parliament when they participated in the debates. We should also note that the opposition was limited to criticism,

not to promote their solutions and when they reached the government, they adopted not only laws that were the result of their own conceptions of administrative organization, but also other laws, based on the same constitution which they had criticized initially. But despite of all criticisms that were made to the liberal draft constitution, this constitution was adopted by Parliament on 28.03.1923 and the government led by Saeb Salam presented to the king the decree sanctioning the constitution, which was published in the Official Gazette no. 282.

A question of constitutional law to which we have referred in the paper and which caused some discussion both in the interwar period, but then, was that if in Romania was adopted a new constitution in 1923, or rather it was a broad revision of the 1866 Constitution.

Our view is that it wasn't a new constitution, it was rather a comprehensive review of the 1866 Constitution, motivating us the feedback on several considerations: first in terms of its structure and comparing it to that one from 1866, we found that both have the same titles, eight in number; on the second hand, in its contents, the 1923 Constitution includes 138 articles, more with 10 than in the 1866 Constitution, and of these only 7 items are new, 25 items being reworded with additives, while 76 items remained unchanged. We also noted that the historical moment of drafting the 1923 Constitution was not different in essence from the previous situation in Romania, the Empire Constitution of 1866, but represented a higher stage in the development of Romanian society.

It is also true, however, that the 1923 Constitution had to register the new Romanian realities and also there were to be added to old principles a number of new principles. Our conclusion is that this point was necessary as a fundamental law of significant mutations occurred in the Romanian society, and we can say that this was achieved by the 1923 Constitution.

Analyzing the characteristics and content of the 1923 Constitution compared to the 1866 Constitution, we pointed out that the plane containing the social rules defined a set of general principles which were called upon to lead to the achievement of the full equality among citizens, regardless of social class, race, nationality or degree of culture. We find such provisions contained in Article 8 paragraph 1, in which actually it was revived an idea already accepted by the 1866 Constitution, which stated, that it was not allowed in the state any distinction of birth or social class "and then adding under the spirit judgments of the Unification that all Romanians irrespective of ethnic origin, language or religion are equal in front of the Law and they have the duty to contribute without distinction to taxes and public duties. Another provision of that idea which was inspired by a provision of the art. 21 is that one according to which all inputs as production factors shall enjoy equal protection. The 1923 Constitution is more circumstantial in agrarian terms. Thus, in order to invest most legally the new adopted agrarian laws in this period, it provided that the main regulations of these laws became part of its text and so it could be amended only by the performance forms set fulfilment for its own revising.

An innovation of the 1923 Constitution resulted in the Article 19 providing for the nationalization of the mining deposits and the wealth of any kind of underground, except for the common masses of rocks, the careers of construction materials and peat deposits. Another feature which is emphasized is that one which strengthened the private property intangibility. It was also a feature marked by a tendency to strengthen the executive position in its relations with Parliament and in this regard there are significant provisions concerning the composition of the Senate.

The 1923 and 1866 Constitutions rule the governing principle of the separation of powers, thus organizing the three powers: legislative, executive and judiciary, and concerning the organization of the public administration, it states the principle of the administrative decentralization on its basis. There are brought some news on the organization of the legislative council, a body that was absolutely necessary taking in account the legislative technique for adopting laws, and it was organized the administrative court for the first time, ensuring the supremacy of the constitution in relation to other laws, printing idea of the law, as legal State law. The judicial power became a real power of the State, which maintained the balance among the other powers, giving to the High Court of Cassation and Justice the task of

the control of the law constitutionality and the judicial appeal in cassation was one of constitutional type.

It was said about the 1923 Constitution that it had a sufficient exposure in which there were all principles that the nation wanted to put under the shelter of the ordinary lawmaking.

We have highlighted the work principles of the 1923 Constitution as they evolved from the text. The identification and analysis of the new principles is a step in the job because the studies published so far do not come across an analysis of the principles enshrined in the constitution, but only an incomplete listing of them.

Our approach started from the idea that when we analyze a democratic constitutional system, it has to be seen first what are the principles underlying the organization of the state. Modern democracy involves the separation of the three powers of state-legislative, executive and judiciary, as an expression of the political pluralism, as a guarantee of the exercise of the democratic control.

We stressed that in all countries with modern civilization, the democratic political system gradually took shape in a long process of institutional improvement. The recognizing the equality of all citizens in front of the Law, was first contained in two epochal documents of the late eighteenth century - the Declaration of Independence of the United States and the Human Rights Declaration, drafted by the French Revolution – even in the best-known democracies being only a partial application of this principle.

The parliamentary system, the separation of powers, the political pluralism were gradually refined. The universal suffrage had long known a number of restrictions, being linked to census - to a certain limit of tax paid by the state, or to the wealth - and the degree of culture or to the training school, the determination of residence, sex, etc..

Under all these issues, the vote had never been universal in the nineteenth century, it gradually became universal only at different chronological moments in the twentieth century. For example the right to vote was granted to women in Germany in 1919, in the United States in 1920, in the United Kingdom in 1928 and in France in 1944.

Unfortunately, the Romanian Constitution did not grant women political rights, being stated by the legislature as established in Article 6. 2 that based on special laws in case of a two thirds majority may be determined the conditions under which women can exercise political rights. In this regard we note that the 1923 Constitution was a step back from the constitutions adopted in some European countries during the same period.

In this paper we have analyzed all principles included in the constitutional texts and we made reference to major theories and opinions expressed in the Romanian doctrine of the constitutional and administrative law, but also the foreign doctrine, especially the French one.

The principles stemming from the text of the 1923 Constitution and which are added to some principles that have existed in the 1866 Constitution were identified as follows: the principle of the separation of the powers, the principle of the national sovereignty exercised only by delegation, the principles which were the basis of the proclamation of the rights and liberties, the principle of guaranteeing the private property, the legal rules and principles of the citizenship being released from the rules of the 1923 Constitution, the principle of legality, the principle by which Romania is a national, unitary and indivisible state and the local government organization on the principle of the administrative decentralization. Analyzing these principles one by one, we could draw the following conclusions: The principle of the separation of the powers is a principle proclaimed by the Constitution in Title III, „About the state powers”. The importance of this principle is overwhelming, that’s what we can say, as in the liberal democracies it was elevated to dogma, being intended to provide certain limits, of course, the freedom of the citizen's relationship reported to the power. Its essence is determined by a brief formula, but equally ambitious, based on which the state has three fundamental tasks: it establishes the general rules which govern the society, applies these rules and resolves conflicts arising in the context of their application. This is achieved through the legislative, executive and judicial powers, which are relatively independent one of each other. Finally, each power is attributed to different bodies: the legislative power conferred upon the representative Assembly, the executive power is

assigned to the head of the state and to the government and the judiciary power, to courts. Among these three branches there are interrelated sets and over the time this concept has undergone various nuances in relation to the design principle of John Locke promoters across the English Channel, Montesquieu beyond of it, the principle being inherent in any democracy as it is the individual freedom and the condition for to the harmonious development of the society. A balancing of the three powers can be achieved by an accurate determination of the duties of each of them, but also with possibilities of mutual control among these powers to prevent the abuse of power. The measures taken for granting the separation of powers can be summarized as:

a) the establishing of a scrutiny / control of the constitutionality of laws, giving the judiciary the right to the justice to examine whether the legislative power is maintained within the framework foreseen by the Constitution when voting the laws, exercising the control over the executive power when intervening under the form of the promulgated laws (Art. 103 of the Constitution)

b) the determining under the constitution of the magistrates inamovibility (Article 104)

c) the organization of the ministerial and of the public employees liability for the damages caused by a disposal signed or countersigned by a minister, by which is infringed any law or constitutional text (art.99)

d) the organization of the legal department as administrative courts designed to compel the executive authority to maintain itself within the limits fixed by law (Article 107 of Constitution)

e) the organization for verifying the legality (the appeal in cassation, the institution through which is possible to limit the powers of the lower courts and considering all test cases in terms of objective law (art. 103 last paragraph)

In connection with this principle we also presented the theories expressed by Paul Negulescu and Anibal Teodorescu in Romanian doctrine and concepts and theories expressed by Leon Duguit and HD Berthelemy in the works: "The changes in public law in France in 1921 'and' The Administrative Law Treaty – The Third edition 1930. We examined in detail the institutions created when applying the principle of separation of the powers, respectively the public power and responsibility of the officials or of the public employees, the ministerial responsibility, the control of the constitutionality of the laws, while pointing and innovations of the Constitution in this matter.

Investigating the principle of the national sovereignty exercised only by delegation, we started from the theories about sovereignty expressed by Constantin Dissescu, Paul Negulescu and Anibal Teodorescu.

The conclusion we reached by analyzing the principle of the national sovereignty (Article 33 of the Constitution) is that one that the nation as a holder of the sovereignty cannot exercise directly sovereignty or legislative power nor the executive or the judiciary power, as it delegates these powers or the delegated representatives (the deputies and senators and local elected representatives on the ground) exercising powers on behalf of the nation. Thus, a nation constituted within the electoral embodiment appoints deputies and senators by voters, and they constitute the legislative assemblies, who are able to choose the king in case of vacancy of the throne (Article 79 of the Constitution) or shall receive the oath of the new king, the royal lieutenants or regency (Article 82 of the Constitution) it designates the government trusted by the King and the government in turn appoint the judges of the courts.

The 1923 Constitution did not allow the imperative mandate for the national representation, as the mandate of the public law hadn't the same legal right as the private mandate. Investigating the principles which were the basis for the proclamation of the rights and liberties we have identified the principles which dominate this field: the freedom of conscience (Article 5), the religious freedom (art. 22), freedom to communicate (Article 25) freedom of assembly and on the rights we have examined women's political rights, electoral

rights are exercised by secret ballot, list ballot, single vote, compulsory voting and minority representation (Art. 64, 65 of the Constitution).

The principle of ensuring the property has an economic liberalism which is based in turn on two main principles: the property inviolability and the quasi-absolute freedom of contracts. The ownership is considered as absolute or near absolute within the limits determined by law "was the first concern of the Constitution to provide citizens with their individual freedom and to exercise the citizenship rights for ensuring that the political and economic interests and the private compliance to be granted politically. .

The Constitution did not declare property as sacred and inviolable as it was stated by the 1866 Constitution, it only guaranteed both the property and the claims on state property transforming likewise the property in a social function. The Constitution also enshrined in law not only the possibility of the property expropriation under special laws, but also the declaring for a cause of public utility.

In light of these constitutional provisions were adopted in July 14, the 1924 Mining Law, the Energy Law at the same time, the Water Law, the Law on the marketing of the state economic enterprises. Passing to the legal regulation of the nationality and of the acquisition of the Romanian citizenship, it is covered in Article 9 the principle that only nationals (citizens) make up the essence of the rule, foreigners can not take part in politics, but they enjoy civil rights.

The Constitution granted the naturalization of aliens, ie the right to be counted as nationals in respect of their rights and obligations. Based on this principle, it was adopted on 24/02/1924 The Act for the acquisition and loss of the Romanian nationality. By law, the quality of Romanian citizen shall be established by the „jus sanguinis” principle and interest: a) by birth (art. 3), b) by operation of the law, c) by naturalization. The Article 7 para. 2 of the Constitution declares, "like the only naturalized foreigner with us for the exercise of political rights. The right to nationality is lost:

a) by naturalization in a foreign country, b) by acknowledging the paternity of a child by a stranger Romanian natural, c) by receiving a function from a foreign state without authorization of the Romanian government, d) by subjecting to a foreign protection e) the withdrawal of the naturalization in the cases expressly provided by law. Concerning the nationalities, according to the Treaty on December 9th, 1919 signed by Romania with The Allied and Associated Powers, as in the Articles 3,4,5, 6 and 7, Romania was obliged to ensure protection of national minorities, the Treaty also establishing the conditions in which the Austrian and Hungarian subjects could become Romanian citizens.

Regarding the principle of legality, stressing that Romania, as a modern state was able to base their existence by adopting the 1923 Constitution on the idea of legality, which reduced to its simplest expression, this one could be formulated as follows: all state bodies operate under a legal order established by the legislature and such an order has to be respected.

The guaranteeing of the legality, ie the state organs functioning within the framework of the Constitution was done by ensuring the supremacy of Constitution. While maintaining this principle definitively won, this one was also strengthened through several provisions that:., no penalty can be established or applied only under the law power ", nor a court can not set up than just the power of a particular law; , only the Court of Cassation in the United Sections have the right to judge the constitutionality laws constitutionality and to declare as inapplicable those that are contrary to the Constitution "(Art. 103, 106),,, county and municipal institutions are rules of law" (Art. 108),,, any tax of any kind can not be established and charged only on the basis of a law "(Art. 109),,, any special authorities with administrative powers can not be established or founded" (Article 107) . We emphasize that the Constitution meant to ensure the principle of the legality that the law should be respected by all, giving a special value to the ordinary laws of constitutional rules and instituted a system to make that difference.

Responding to the concerns about consecrating at constitutional level the Grand Unification Act of 1923, the fundamental settlement in its first article covered the principles

according to which Romania is a national, unitary and indivisible state. The provision regarding the national character of the Romanian State stresses that it arose as a result of the self-determination of the Romanian nation, in the conditions in which the share of national minorities was reduced compared to the Romanian majority population; that one about the unitary nature wanted to exclude the possibility of recourse to the form of federal state and those emphasizing that the territory was indivisible and inalienable enshrined in categorical terms that the Romanian people consider the Unification in 1918 as an act of final value, as an irreversible historical reality.

By Article 2 of the Constitution the Romania's territory was declared: 1) inviolable, meaning that no public authority might establish rights for a foreign state on a portion of the Romanian territory, international practices but recognizing that foreign states can purchase buildings for offices related to consulates or embassies; 2) indivisible, the principle being found in the 1866 Constitution, as a solemn declaration of Unification of the two principalities. Article 8 of the Constitution declares that the king swore to follow the throne to maintain the national rights and territorial integrity, 3) the legality of planning is the principle that there should be no privileges for certain regions in terms of taxes, military service, political rights or civilian, local government organization on the principle of the administrative decentralization.

The administration as a structure by which has to be pursued the general interest of the administered or private interest can not be an exception from this requirement objective, as it is, in fact its organization. Therefore, the structures a important role in guaranteeing the basic interests of citizens that make up society.

The way for solving this fundamental goal of the society was conceived, discussed and tested over time in a multiple choice way, all these choices being centered around the institutions, or around the centralization and administrative decentralization, such concerns being reflected not just in doctrine or in the Constitution, but also in legislation, the regulatory activity being the prime tool of expression, specifically for the design and the implementation of the political will of the organization and functioning of the society. Historically, after World War I, the prevailing trend was the administrative centralization in countries like France, Spain, Italy and Romania.

The 1923 Constitution of the local government was organized on the principle of the administrative decentralization. Article 108 states: "The county and commune institutions are ruled under the law. These laws are based on the administrative decentralization. The constitution did not define the principle of the administrative decentralization, but the doctrine of the territorial administrative law, showed that by the administrative decentralization is meant the existence of some political territorial organizations endowed with legal personality, to which is assigned the administration of some purely local interests by those holders as elected people.

We pointed out that the administrative decentralization differs from the administrative defocusing, which means the existence of some entities of the central authority, whose holders are appointed by the central government and depend on it, but who have been entitled to make certain decisions. As organizations at the administrative decentralization level are as follows: area, county, municipality and village, and as administrative component parts debunched from the peripheral organizations which we could find in various works, are encountered: regional inspectorates, regional directorates, regional, areas regional. They have legal personality or identity, having a distinct heritage and the governing bodies are appointed by the central government.

There was no relationship between the government and the decentralized bodies which have not been specified in the Constitution. We notice that this report was foreseen in the laws for the local government organization. In this regard we noted that the Romanian administrative system as designed by the 1923 Constitution, was not a bicephalous one. The Constitution had governed separately from the functions of the central tasks of the local authorities or the relationship between government and local authority was not clear, this report being foreseen by special laws of the administrative organization: the county and the

municipal institutions were ruled under the law, as Article 41 states:., the county and communal institutions are settled down by the county or municipal councils, under the principles foreseen within the Constitution and specific laws. The term of centralization doesn't have a specific content. The decentralization could be larger, reaching up to greater local autonomy, so that when the government control and turret are less apparent, or conversely when the control is excessive, the decentralization remains only a simple theoretical formula without content.

The Constituent left the ordinary legislature to decide what skills are transferred to the decentralized territorial entities, what are the control limits. In any case, we emphasize that when we speak about the relationship between the government and the decentralized bodies, we don't mean a hierarchical subordination, because these bodies are not in the same administrative system, some of them being appointed by the central government and others being chosen. When such bodies exercising certain functions are called by the central government in the territorial administrative units, there is a type of administrative defocusing.

The administrative decentralization allows to local entities to have their own skills and to enjoy legal personality that distinguishes it from the central government. The report of the hierarchically subordinated bodies shall be always between the hierarchy and of the same system.

Therefore, we said that where the hierarchy chain breaks, starts the decentralization. Within the constitutional system there are as administrative decentralization bodies the county and village. This results from Art. 4 and 108 of the Constitution. Article 104 envisages a purely administrative decentralization, "From administrative point of view, the territory is divided into counties and municipalities", that's why it was chosen, based on the laws of the administrative organization, the institution of the administrative guardianship. The administrative supervision being an intermediate regime between centralization and administrative decentralization, it is an institution under the public law for overtaking the central authority, so that the local representatives are entitled to control the activity of the decentralized local government authorities. The county and municipal council members, according to the constitution, shall be elected by the Romanian citizens by universal, equal, direct, secret, binding and minority representation, as in the forms provided by the ordinary law. Other members could be added as co-opted members, including among the co-opted members major or adult women, too.

There is to be underlined, that as this principle of the decentralization was organized by the Constitution, it was limited the electorate in choosing and setting up local eligible authorities, by the presence of the legal advisers and co-opted members.

The text of the Constitution being confusing, it has received different interpretations, with the adoption of the administrative organization laws when it questioned whether the establishment of the regions or of the county municipal associations was allowed by the constitution.

In our view, since the constitution expressly did not stopp specifically creating the region, instead of proclaiming the principle of the administrative decentralization, it implicitly accepted the creation of the region as a unit of devolution or administrative debunching. The interest in creation of the region was highlighted during the adoption of the administrative laws, such as giving a greater boost to local development interests, or to the economic, cultural interests that went beyond the limits of the county and that however one could not carry out in certain development projects. .

Analyzing the political regime in Chapter 3 of the paper, it was pointed out that the 1923 Constitution devoted to the highest principles, such as: the principle of national sovereignty, the principle of representative government at the principle of the powers separation, the principle of the inviolability and irresponsibility of the monarch, who 'reigns, but is not governing, the "principle of legality and equality for all in front of the Law, the principle of the magisters inamovability and the principle of the supremacy and rigid constitution - with the two legal consequences arising: the control of the constitutionality of

the laws, that complex procedure of revision on the Fundamental Law ; the principle of the preliminary examination of the laws and regulations in the technical legal issue, the plenitude principle of the civil and public rights.(Romanian citizens men), the principle of the constitutional guarantee of freedoms and consequently, the principle of the legislative and administrative control, and the control of the judicial acts.

It was pointed out that the principles listed have been evidenced and developed detailed regulations in the 1923 Constitution, aiming at fundamental goal: the strengthening of the the political regime, a democratic, parliamentary constitution.

A parliamentary democratic regime is based on the principle of separation of the powers, the nation representing the democratic edifice, as it is the owner of power. Since sovereignty can be exercised directly, the nation, shall appoint for that purpose by universal, direct, compelling and secret sharing based on the mandates of its representatives. Article 33 proclaims: "all power emanates from the nation state", which means that this is the nation sovereignty. But also in Article 33 it is added that the nation can not pursue power only by delegation, that nation, the holder of sovereignty, can not directly exercise any legislative power, neither the executive nor the judiciary one.

Nation delegates the power of proxy (Parliament) exercising powers on behalf of the nation, so the nation constituted as electing body, are elected the deputies and senators. The Parliament legislative power is an expression of the national will, having a primary role to the executive power when applying the laws. Therefore, we emphasize that the 1923 Constitution recognized the principle of national sovereignty, formulated for the first time by JJ Rousseau who said that, "sovereignty belongs to nation, but the exercise of sovereignty can not be alienated as it is the will" and that it is not admissible as, that the delegates to exercise the sovereignty, as people should exercise the sovereignty directly. Rousseau's theory is not accurate because the state powers or state bodies are not the functions of the state as they are only social body organs. It is therefore about awarding the sovereignty, it is about entrusting the sovereignty to certain State organizations and it is the social embodiment that one to assign the exercise of such functions to some state institutions and like this a nation cannot not lose its unity.

This principle of the separation of the powers should not be regarded as being absolute, because it is opposed by another principle, namely that one of the cooperation of the powers. Montesquieu himself admitted the principle of cooperation of the powers when he said, "the executive should have a veto power over legislation, and in some cases legislative power to have the right to judge.

In a democratic political system, as that one established by the 1923 Constitution, Parliament is recognized as having a control right on the executive, such a control being achieved by various ways and methods, such as: voting the budget (Article 114), the control of the made expenditure (Art. 111, the right of interpellation of the ministers which could lead to a motion of no confidence vote. The executive power participated in the legislative work, being recognized its right of legislative initiative (art. 35), the right of sanction laws, the right of the dissolution of parliament and the right of the extension of parliamentary sessions.

The judiciary powers bordered the legislative power by the control of the constitutionality of the laws and examined the legality of the acts of the executive power through the administrative courts. The Constitution stopped the imperative mandate for the national representation, so that choices were made by the electorate in a constituency represented only a nominal appointing of the selected candidate. By a fiction of Article 42 of the Constitution declares as agents of the nation all members of parliament.

In other words, the whole nation and not the individuals is that one who should give the parliamentary mandate, thereby being removed the speculation that the trustee would only be elected by the district voters from the electing area. ,, The members of the Assembly representing the nation, "says Article 42 of the Constitution, and the 1926 electoral law put in application this Article 42 of the Constitution. Also within the Constitution was set a term of 4 years for the mandate and the voters could not reduce this mandate (Article 62).

Like the 1866 Constitution, the 1923 Constitution regulated the bicameral system of parliament (Article 34).

The National Representation according to the Constitution, was divided into two assemblies: the Senate and the Assembly Members, and in Article 67 it was indicated the organizing manner of the Senate. The Senate, according to art. 67 of the Constitution, was composed of two groups of senators: senators elected and senators of law, while the Assembly of Deputies or the Chamber was composed of a single type of members, elected by the major Romanian citizens, by universal, legal, direct, required secret vote on the minority representation. The number of the elected senators in each constituency was determined by the population proportionally under the electoral law.

The way of establishing the Senate was very different from other legislative body, as in the Senate were not only representatives elected by universal suffrage, but also representatives elected by ballot with two degrees, elected by the county councils and utilities, or representatives of professional bodies, representatives of the academic cultural environment, representatives of worship, military representatives, representatives of the judiciary peak with a rich experience in the Law and law application, representatives with legislative experience, political and government representatives.

We emphasize that the mode of formation and composition of the Senate held by the Constitution in 1923 differed fundamentally from that one held by the 1866 Constitution. Concerning the justification for the bicameralism in unitary states, it was sometimes put forward an argument that it could be less legal and taking in account more the constitutional ingenuity. Another argument was that the second chamber (body weighted) - the Senate brings a share of legislative activity, moderating the enthusiasm of the House of Representatives Members (elected by universal, direct secret and compulsory vote), as a counterweight, as a balance means. The Lower Chamber was the imagination of the State and the High Chamber - the nation. It was removed the parliamentary despotism. It was stated in the doctrine that a single chamber, this chamber representing the nation could go up so that finally might be confused with it and thus would lead to the parliamentary despotism. Paul Negulescu said: "The chamber is bigger, it is elected by universal suffrage and therefore it is capable of greater influence, for it represents the public opinion trends. The bicameralism was criticized by the doctrine on the constitutional grounds that it might spawn conflicts. Thus, if the legislative bodies did not agree with adopting a law, it would be not necessary the existence of the second body. There is a disagreement between the two legislative bodies that had blocked the process of the social life. Responding to this criticism Paul Negulescu said, the King as a referee over state powers could be that one able to manage these conflicts by receiving the government's resignation or by dissolving the assemblies and calling upon people from the electorate, the electorate being that one entitled to judge the conflicts.

In our opinion the bicameral system was chosen to strengthen the legislative power related to the executive power that is exercised by the king and government. In that time the parliament role had been considerably limited in public life and showed a weakening of its control to be carried over the executive power. Parliament is a body with regular activity, the 1923 Constitution providing the principle of the simultaneous activity of the chambers (Art. 58): "any reunion of the legislative bodies except than that on of the session of the other is null and void". The explanation of this principle is simple. If one chamber could function as one after the dissolution of the other chambers, the result would be a chamber that could gain more power, which would have led to breaking the balance that must exist between the two chambers. The responsibility of the Members of the Parliament, is shown to the electorate which could consider the work of the parliament, and could no longer give confidence for the elections. The responsibility has a political nature and it is also politically performed by vote. For this reason the members are elected in assemblies for a limited time. Article 62 of the Constitution said that members of both legislative bodies were elected for a term of 4 years. The 4-year term being established by the Constitution as a consequence of the political responsibility of the lawmakers, could not be extended, in our opinion. Parliament

has to appear before the electorate and could be given a new mandate if its interests were well represented, or rather the voters may refuse the mandate. Dissolving the Parliament was a high constitutional right, given by the Constitution to the executive power. It often happened in the interwar period to exist, either interest conflicts between legislative power and the king as an exponent of the executive power, in this case the king being able to cut this conflict by the resignation of the Cabinet or by dissolving the representative assemblies, calling the people as the electoral body. The 1923 Constitution took some safeguards to protect the legislative power of the abuse of the executive power, as we find these guarantees enshrined in Article 59 which refers to the inviolability of both chambers, or 54 and 55 article governing the parliamentary immunity. The organizing of the chambers was regulated by the Regulation of the Chambers, also the procedure for adopting laws.

Regarding the procedure for the adopted laws, it comprises three stages: 1) the stage of initiating laws, 2) the stage of discussing the laws and 3) the stage of voting laws. The legislative initiative is the right to submit a legislative draft to the assembly to be turned into law. The Constitution admitted by Art. 35 that: 'the law initiative is amended each of the three branches of the legislative power, ie the King, the Assembly of Deputies and Senate'. When the legislative initiative was exercised by the king, then it was the case of a law draft. The law drafts were shown to the Deputies Chamber and Senate in a royal message. When legislative initiative was exercised by Parliament, the regulations of the Chambers named it Law proposal. These proposals and draft laws cover a certain procedure governed by Article 60 of the Regulation of the Chambers.

A draft law, under the Constitution, to become law must be passed by both Chambers. This was not enough as the art. 34 of the Constitution stipulated that the legislative power was exercised by the King and the national Representation was exercised collectively and in art. 88 it was said that: 'The king sanctioned laws and he might refuse to sanction them. With the sanction of law King participated in the legislative work, so he was a co-legislator. We emphasize that the law passed by the Assembly of Deputies and the Senate was just a law draft, without any legal value, as long as it was not sanctioned by the King.

. The Law sanction was a legislative feature belonging to the King, the royal sanction being a constitutive element of the law.

We can say that, the 1923 Constitution have to the King the possibility of receiving „ jus statuendi” , ie the right of transforming the will acts agreed by the two Chambers a Law or of refusing any judicial value to be given to this one, this will remaining a simple will expressing, without any value .

This system of sanctioning the Law by the King is a trace of the absolute rule. In fact, in our opinion the 1923 Constitution was in a strange situation when a Law passed the Parliament, through the both Chambers, therefore representing a will expression of the people, but it could not have any judicial value, as a Law, remaining finally only a will expression, meaning that the principal trustee canceled or approved the acts of its agent. Except the sanction of confirming the Law , it should be also promulgated, the promulgation or the Law issuing being the action by which the executive power says that a law was voted respecting the constitutional provisions.

The Parliament activity wasn't just a law passing . Article 129 from the Constitution refers to the proposal of a law draft made by the Chambers for revising or amending the Constitution.

The Deputies, could also use their rights as foreseen by art. 50-52 din Constituție și art. 102 in the Regulation, for interpellating a minister pentru a putea interpela pe un ministru , care puna în joc răspunderea who called into play the political responsibility of the Government concerning some determined deeds of his own.

This interpellation could involve the political responsibility of its minister or that one of the Government when the answers given by those weren't conclusive.

In this part of the chapter we've just analyzed the political parties, too, although Constitution do not foresee anything about them.

In a parliamentary rule, the existence of the political parties is an imperious necessity, as they play an essential role within the process of selecting the nation's representatives.

That's why we underline that it is obvious that the political life of the constitutional countries cannot be another one than that one made by the political parties. Therefore, the forthcoming of the political parties is correlated with the development and the apparition of the parliamnetarian current and of the involved deputized reports for that.

The political parties are the reason of the political life, a reason of the aged theory of the powers separation, so they are a so called „necessary evil” as organs of the constitutional life, according what Gheorghe Iancu said.

In our opinion, political parties are nothing but a product of the liberal representative democracy. Initially they were born outside of a constitutional text which devotes to the institutional role that is as a consequence of the needs of the group and shall mobilize citizens for voting as a way of ensuring the success in choosing candidates.

In Article 29 of the Constitution states: "Romanians irrespective of ethnic origin, language or religion, have the right to associate conformity with the laws regulating the exercise of this right. The right of free association does not involve also the right to create legal entities. The electoral law of 1926 recognized as legal entities the parties and political groups, giving them only their right to designate the candidates for the national representative bodies or local councils, and the right to assign their electoral mark for the list, the awarding of the mandates being made for the political parties after considering the total votes cast throughout the country.

In fact, by the electoral law it was actually established under the law a situation that existed, that one of the political parties and their importance in modern constitutional life of the country. The entire system was organized as a political organization based on the trust and on the organization of the political parties.

The electorate gave its confidence to the elected Members and Senators, and they in turn offered the Government confidence. When this confidence was withdrawn, the government fell and the party elections that do not enjoy the confidence of the electorate did not win elections anymore.

It is to be noticed that the 1926 Electoral Act, which established the first election manner has brought serious violations of the 1923 Constitution. We identified as deviations from constitutional principles:

- 1) the election or appointment of the candidates wasn't made by the electorate of the county as provided by art. 65 of the Constitution, but by the country's electoral body
- 2) the law did not respect the principle that the vote is equal
- 3) the law created political groups as holders of the mandates of deputies, even constitution stated that the deputies were elected and their appointment should be made by the electoral body at the district level
- 4) it was created the possibility that the electoral body could give vote of confidence to some local known personalities but who were not chosen because they couldn't obtain most of the confidence at the whole country level.

Moreover, the Romanian legislature was inspired when it was adopted this law from the Italian fascist law. A new institution which settled in the 1923 Constitution and which could not be found in the 1866 Constitution, was the foundation of the Legislative Council.

Since 1896, at the same time with the drafting of the German Civil Code, came out a new judicial current all over the world possessing the new power, that one of leaving the old techniques of the empirical and spontaneous laws and it began to be adopted a scientific technical regulation, with a steering unit and a perfect coordination, in a word, it started to create the legislation that Parliament had to adopt as a stronger overall structure. These concerns have influenced the 1923 Romanian legislature consistuent, which brought the compulsoriness the creation of the new legislative Council.

Moreover, the large delays in adopting legislation for the unification on all areas was due to the absence of a constitutional text that would provide the establishment of a body of

legislative technique. The Law concerning the organization of the legislative Council could be adopted later, on 26/02/1925.

We emphasize that the legislature in 1925, when it was adopted the law on the organization and operation of the Legislative Council, was in some contradiction with the provision contained in art. 76 of the Constitution.

Moving away from constitutional provisions, the Legislative Council, as it was held by law was called to make a social general policy, to discuss the concepts that were the basis of the draft regulations, to seek the contradictions in relation to the social concepts, to the economic and political Constitution and consequently to rule on the opportunity of the laws.

Gregory Iunian still appreciating some aspects since the adoption of the law said: 'Reading the explanatory memorandum, I think that it is just not well built on that what is meant by legislative technique. Don't you Mr. Minister understand as a technical legislative work that law interpretation realized by our jurisconsults when adopting the new laws in the conditions of the existing social and political life when there isn't a new and appropriate legislation to replace the old and outdated texts? That's the manner we know the legislative technique. But you may make reference to a specific legislative legal technique which consists in the art of including in specific texts the conception of the legislator Although the coordination not only with the principles but also with the concept of the constitutionality of the Legislative Council will not be limited to inquire whether the project is in conformity with the principles of the Constitution establishment, it shall investigate which were the economic, political, social concepts of the Constitution, at the moment when it was held a principle and therefore could require the removal of the projects which in the legislator's opinion would not fit the economic, social or political outlook of the Constitution" .

In our opinion a priori control exercised by the legislative council on the laws before their sanctioning by the king presented the following consequences:

1) it created a conflict among the government, parliament and the head of state, when an administrative body constitution as this legislative council was, asserted by the legislative council an opinion that a law draft was in contrast with the concepts of the economic, social and political concepts of the Constitution and the Head of State was the initiator of that project, he was placed in a delicate situation, although the king was not liable for acts which he did, the government being in fact responsible, but the king swore under art. 82 para. 3 that he will keep the Constitution and laws of the Romanian people. If at the Government's request, the king went over the opinion of the Legislative Council, the public would react negatively to the royal gesture and put it in a bad light. In general, public opinion does not bend on subtleties, but is limited to what it can be seen or heard. If the head of the state shared the opinion of the government who was responsible or waived the law draft or left the government by resigning thus he would create a political crisis. If the law draft was started as a Parliament legislative initiative, the conflict could arise between parliament and the head of state.

2) The Legislative Council intervened in the judiciary matters, when the head of state and parliament have crossed the opinion of the legislative council regarding the unconstitutionality of a law. The executive branch agencies responsible for the Law application should have viewed it suspiciously, and more than that any of the holders of rights and obligations to whom the law was addressed, wouldn't have trusted it anymore. The legislative work, according to the Constitution must be the result of the collaboration between government and parliament, and when the Law constitutionality was verified by the High Court of Cassation and Justice in joined sections, both the executive and judicial power are practically related to the legislative work. Recognizing the Law constitutionality, the control exercised by the judiciary power disappears any uncertainty and distrust which might hang on the Law.

3) The constitutional politics tasks could lead to the discredit of the parliament.

4) The Legislative Council was not authorized by the Constitution to investigate the laws constitutionality, but in fact just this matter had been achieved.

Analyzing in this paper the way the executive power was governed by the Constitution, we emphasized that it had been established a constitutional monarchy. This statement of the Constituent must be understood in that way that the King exercises alone the executive power, according to art. 39 of the Constitution, unlike the art. 34 where the king could exercise the legislative power in the collective national representatives. Concerning the executive power, this is exercised only by the king without the contest of the Chambers, as we noted, the Parliament could only exercise a right of control over how the government fulfill its duties, but could not interfere directly in its executive tasks. As the head of the executive power, the King was the head of state, he personified the government and was the holder of all governmental powers but he did not exercise them personally as he was not liable for the acts of the government. All the ministers were in charged with the political activity and they were under the control of the parliament. The King could only survey the relationship between ministers and Parliament, and he could exercise its powers to replace a minister, or by circumstances to dissolve the parliament, leading to new elections.

In the paper we have examined in detail the hereditary throne, the succession to the throne, giving the succession to the throne before it was opened, the regency and the Crown Council.

One aspect that seemed important and has been seen only tangentially in the literature, would be the relationship between the Parliament and the Government and the breaching of the customary rules by King Ferdinand and Charles II .

After carrying out the great Romanian Unitary National State Unification of all the Romanians in Romania in 1918, the fundamental settlement was still from the 1866 Constitution before 1923.

Relying on the principle of the separation of the executive, legislative and judiciary powers , the 1866 Constitution allowed the continuation and development of the constitutional customary rules, knead in the Convention of Paris. They have come especially in case of the political liability of the ministry in front of the Parliament. Under this rule, if the Government was faced with a vote of no confidence of the parliament, all government or the minister concerned was forced to resign, and the Head of State might make an accept, reject or dissolve the parliament.

Between 1866 and 1916 the incidents of political liability rule were quite common. This shows that the balance between the executive and legislative powers provided by the Constitution was a reality. In 1922, under the same constitutional principles of no confidence was given a vote of no confidence in Parliament in January for the government Tache Ionescu, so that the government was overthrown by the Chamber of Deputies, where the parliamentary majority was held by Government General Alexandru Averescu. After the fall of Tache Ionescu government a starting from the intrigues and influence of his political rival I I C Bratianu upon King Ferdinand, the Government General Averescu had to submit its resignation, but the new government wasn't formed as expected by General Coanda, it was formed by IIC Bratianu.

Taking in account the way the facts went further after that, facts which led to the downfall of the Government Tache Ionescu proved in 1922 that democracy was manipulated by the Parliament, dealing with the competition of King Ferdinand, who had an interest in bringing the National Liberal Party government.

The consequence was that at that time it could see very clearly that the king was not willing to accept the old parliamentary wear strictly observed by Carol I, nor to reduce the royal powers.

It is known that during the time of the late King Carol I appeared another important customary rule for setting the parliamentary regime, enshrining in turn all the customary way, thus limiting the prerogatives of the king to appoint the government. Under the new rules, the head of the State had no longer the freedom of discretion in appointing a government and he would appoint it either from the existing parliamentary majority when the political crisis triggered or from the ranks of the opposition party, the best one placed to the win elections.

Starting from the fact that there were some countries where voters might never reverse the government, and the elections not being free yet, Tache Ionescu, a brilliant lawyer, clearly defined this rule, "the crown had a heavy task, that of being always in agreement with the view public to see the when the legal country no longer corresponded to the real country.

As it was established by customary, this rule occurred as a consequence of art. 31 and 38 of the 1866 Constitution which stated: "all state powers emanate from the nation, and that meaning that the members of both legislative assemblies represent the nation, what was the tantamount to saying that the powers of the government couldn't have the chance of an arbitrary note of the head of state, but they were to be based on the will of the voters, such a will being expressed through parliament.

According to the 1923 Constitution, although there was in law to diminish the king powers, in fact the constitutional disposals had never been respected. According to the Constitution, the government (the executive power) was the expression of the legislative power (the national Representatives). Parliament represented the sovereign nation owning the legal constitutional right to control the government, being able even to dismiss it by passing a vote of censure.

In reality, the functioning of the democratic mechanism established by Constitution proved to be extremely complex and difficult. First of all, as after 1918 the king began to appoint the government, following the the dissolution of the legislator bodies and the organization of new parliamentary elections, in this way the role of the parliament was diminished and the reports between the legislative power and that executive one were reversed, and the government was no more the expression of the parliament, but reversed, the executive power made the legislative one; in fact the king Ferdinand, and also Carol II abused exercising their constitutional right of dissolving the parliament.

More than that , the formation of the Senate by the 1923 Constitution was changed .First it increased the number of the senators by law compared to the electoral law on 16.11.1918. By this rule, the 1923 Constitution was against the stream (a specific feature of the most adopted European constitutions after the World War I) as a way for enlarging the democracy, based on the fact that it was taken a great part of the Senat control on the electoral body.

A risk from this point of view was hidden by the special constitutional disposals, according to which some ex-senators or ex-deputies were able to become elected deputies or senators for at least ten legislative terms, indifferently of the duration of their mandate. In 1933 by applying these disposals it had already been profiled the risk that the number of the senators by law to exceed the number of the elected senators.

On the other hand the 1923 Constitution created four categories of senators as elected senators. By reducing the number of the senators directly elected by the citizens and by introducing the senators by law in the different State bodies, the 1923 Constitution proved much larger than the previous settlement, as within the senators elected by the county and communal councils comunale or by the different professional associations , the vote ceased to be direct by reducing the number of the voters and it was opened the gate for exercising the governmental influence.

But what affected in fact the report between the executive power and the legislator during the period of the application of the 1923 Constitution, determining its orientation in favor of the executive power was undoubtedly the adoption of the electoral Law on 27.03.1926 by which it was created the so called electoral bonus.

The set up of this bonus was possible as a following of the fact that by the 1923 Constitution it wasn't established as a task of the ordinary legislator the obligation of distributing the deputies mandates among the political groups proportionally to the number of the obtained votes as it was foreseen by the Law on 20 iulie 1917.

In other words the new constitution did not guarantee a representation in the Deputies Chamber of the political parties by respecting strictly the number of the votes obtained in elections, but only a certain representation which could be reduced to minimum for the political groups with less than 50%+1 from the expressed suffrages in a circumscription .

The consequence of applying the 1926 election law was that governments obtained the first overwhelming majority electoral in 6 of the 7 circumscriptions made under its provisions (1927: 61.7% and 1928: 77.8%).

Frequent changes of the government were followed by the dissolution of parliament when the new cabinet did not belong to the same party. Although the lawmakers were elected under the Constitution for a term of 4 years, in fact the term was lower, which allowed the period between 1922-1937 on the banks of the Assembly of Deputies and Senate to pass by 4353 people. The parliamentary elections were held in November 1919, July 1932, December 1933, December 1937. So over 19 years of democratic regime there were 10 parliamentary elections. The options of the voters were very contradictory, because a very large number of citizens had a political culture, a genuine discernment. The parliament duration depended on the will of the sole king. During this period there were 11 successive legislative bodies, which means half the time legally prescribed by the Constitution. If we take into account that for one year (October 1918 - November 1919) Romania had a parliament and that there were two legislative bodies that were maintained 4 years (1922-1926 and 1933-1937) the average is much lower. Four parliaments had terms for less than one year (those elected in 1919, 1926, 1927, 1931).

Analyzing the causes that led to this state, there were drawn the following conclusions:

The parliamentary deviations wore down the time of Carol I, happened after 1918 could find its explanation largely as being influenced by the character of excellence of King Ferdinand, the fact that circled around him and especially II Bratianu was used to enforce the rule of the Liberal Party in the political life, either overtly or through the protected government more or less directly from him.

This period was also one of the disputes and divisions, because the Romanians were forced to reorganize the institutions established long before, to review and respected traditions to face growing problems of the bourgeois society, towards urbanization as a common phenomenon across Europe .

In the political life, the critical issue of the day was the survival and strengthening of the parliamentary democracy which faced serious challenges from the forces of authoritarianism. In the 1920s the main political parties - the National Liberal Party and National Peasant Party-both committed to support parliamentary government, were competing for power, as it was that the prospects of the democracy seeming were favorable. Coming to the throne Charles II, it was a period when it gradually and systematically, directly or indirectly, the institution of the parliament had been undetermined, in order to achieve the ultimate goal pursued by the personal dictatorship of the King.

The 1923 Constitution held that, although the King 'reigns not govern' and the principle of the separation of the powers was well highlighted, the king hunger for power had not complied with parliamentary wear and could not keep the constitutional limits, so there was the following political and constitutional situation. The King, did not only reign, but he was involved in the act of the governance, the principle of separation of the powers being often ignored, and the legislature being subordinated to the executive power.

The king called the government, organized elections that were to emanate legislative bodies, the the delegation mechanism functioning, so that the parliamentary system led to the conversion factor of running the monarchy in different groups and political parties in power to limit the role of the parliament, to focus the efforts towards the political parties conquest of influential positions in the palace, making the orientation of the electoral bodies having no decisive importance in shifting them to the government.

In Chapter 4 of the work it was entitled the administrative modernization of Romania in terms of the 1923 Constitution and the laws of the administrative organization showed that there were concerns in this period for the modernization of the institutions, which constituted a major historical process, as a characteristic of this period.

The process of the modernization on both the institutions and administrative unification not only of Romania but also of the European countries.

The complexity of the phenomenon generated by the searches to establish the principles, to develop the appropriate solutions, to achieve, taking account of local peculiarities, the harmonization of the State interests in citizens, the theoretical and practical disputes with the political hue had made this process to place it, with few exceptions in a time high enough. In carrying out this process with wide-reaching implications for the evolution of the whole peoples, we have noticed two major phases: the World War until the phenomenon had a general European scale, but a more national-state and the second step after the first large World War, the map of Europe acquired an appearance more akin to the aspirations of the peoples of the unit became a general concern in Europe and the characteristics common to many states.

In the paper we have dealt with the process of the administrative modernization that includes the second period both in Europe and in Romania.

Thus, after the war felt the need to reorganize the political and administrative institutions that were set up in November to meet the circumstances and status they achieved their social life as told in the French decree in 1852, that it could be governed from afar, but could be given only close.

We presented the administrative reforms that have occurred in England, France, Italy, Prussia, Germany, Czechoslovakia, Poland, Spain, stressing that in this period it was a continuous dialogue among the European specialists in the context of the international congresses and conferences the pages of specialized journals, the dialogue aimed at contributing to our knowledge of the laws of various countries, the principles for carrying out the legislative unification, their achievements in this plane, making just shy steps of approximation of the legislation in some economic cultural areas of education, but also in administration.

With regard to the administrative modernization of Romania in this period, not only in Romania, but also in the European countries that we mentioned it was stressed that there are several types of legislation, which after 1918 had to be unified. The arrangements adopted in the first half were almost identical in meaning that upheld the existing laws, after the unification was done differently from a country to another, the audible and some similar procedure. When we say this we mean a time when in Romania it was maintained the administrative laws province and in France where, also in Alsace-Lorraine German was the law which came into conflict with the French laws which were step by step replaced. Following this process we have pointed out that in practice, the postwar Romania's constitutional life was a blending of principles and procedures for carrying out the legislative unification, remaining for a short or long time some only some specific laws in some regions, interferring to extend or to express silently the laws of the Old Kingdom, with the promulgation of the codes of the laws unification.

What must be emphasized is that the laws concerning the unification on all domains which considered Romania as a state nation, all the provisions of these laws were applied equally to all citizens without any ethnic discrimination, religion, which ought to be highlighted as realities in different fields, the analysis confirms this fundamental feature of the life for the Romanian state in this period.

The 1923 Constitution made the state organization and the modern principle of separation of the powers therefore one of the important functions of the executive power was that administrative one. In the contents of this function are found certain tasks which are the subject of the separation of the public authorities work. Among these tasks we have nominated: defining the general policy of the country, preparing draft regulations, the legal acts necessary for the law enforcement and individual, making decisions for the functioning of the public services and public officials, the company material in execution of the laws on public order, territorial dispersion of the armed forces, police, and the management of the international relationships.

Traditionally, the executive organ comprises two categories: head of state and government, whether or not they coexist and where coexist, they have shared different functions and responsibilities.

One of the most important functions of the executive power is the management, administration and finding of the main source of the constitution, but also of the law, the law itself with the main source of the constitution, the government as executive branch power. We defined the central doctrine of the State as one which comprises all public services which are designed as in their operation to ensure the smooth running of the state business. The characteristic of the central government was that the officials and the public employees of these services were directly attached to the government, that they were appointed and dismissed by the government, the central administration being the main instrument used for creating the unitary State, according to art. 1 of the Constitution.

The principle that powers the central administration is the government unit. To maintain the administrative unit, certain services are considered essential to be entrusted directly to the management of the government whose purpose is precisely that of achieving unity of the state activity. The government action on the officials / public employees of government was different.

When we speak about administrative officials whose duties are closely linked with the political attitude of the government (prefect, secretary generals, etc.). we noticed that they were appointed on political criteria and were replaced in a discretionary manner by the government. Conversely, when we discuss about the proper administrative officials or about the public employees, their dependence on government suffered some attenuation. Gradually, in Romania in this period had been held a conception that the public official / employee should not be required to have a certain political belief as the government being in power, thus attempting to remove politics from the administration, this being a modern design about the way of the administration . functioning

The 1923 Constitution in Art. 8 para., 3, 4 and 5 stated: the special law would determine the status of the public servants as public employees, the foreigners might be admitted to the public office excepting the exceptional cases settled by law. Based on these constitutional provisions were adopted Law on the status of the civil servants or public employees on 23/11/1923. This reform was considered one of the most important and which was the basis for modern organization of Romania.

Anibal Teodorescu said about this reform, that a state whose administrative organization has lacks is a state that does not understand, do not pay enough attention to what is the result of the general needs. With this regard it is an almost trivial observation that without a strong administrative settlement it can not speak about the systematic organization of the public activity on any land. "There were two principles which should form the basis for the administrative reform and which are to be highlighted: the removing of police from the administration and the administrative decentralization.

To separate the police from the government said Anibal Teodorescu means, the link between the official or the public employee to his position, his emancipation according to the wishes of governments, means to recognize his stability. But the trend of the modern state is that public officials /employees must not only have their own status to ensure their stability and inamovibility iwithin the public sector, but also they have to be trained to cope with the needs of the society.

In the paper we showed such a concern about the improvement of the administrative officials activity at all levels, as there were such concerns in the European countries. Thus, this concern existed either in Romania or in England, Poland, France and Spain.

In Romania the concerns about the training of the civil servants or of the public employees had been since 1914 but intervening the war, this idea was abandoned, and it came back strongly concerning the activity of the policy-makers and administrative professionals after 1925.

Since 1925 it was created by Paul Negulescu The Institute of Administrative Sciences, which in 1928 was transformed in an establishment of public employees, receiving the legal personality. The purpose of this institute was to prepare public officials/ employees, to create a basis for studies and documentation and to provide a qualified expertise to the administrative decision-makers.

In 1936 it was created the administrative and professional education and at the same time it was adopted the Regulation on 18.09.1936 for regulating the procedures for the organization and training of those interested in administrative careers.

Around this time the doctrine of administrative law began to be interested in the principles which should underpin the government organization, that the principle of the administrative decentralization, the principle governed by Art. 4, 41 and 108 in the Constitution. The centralization or the administrative statism had a special importance in a state's life as an element that maintained life and reinforced the state. But when the state was established, the mechanism of maintaining the centralized system of the administrative officials / employees enjoying the principle of the inamovibility and irresponsibility of their function, the only solution was to underpin the government organization, was the administrative decentralization.

The science administration had an important role in developing the doctrine of the administrative law, to modernize the central and local government. The study focuses on all issues relating to the organization and functioning of the public services in their operation, the subject of the recruitment of the civil servants or public employees. An important role had the management, preparation, the coordination and control of the public services. Achieving these objectives meant to be measured by efficiency and effectiveness. An useless public service should not be maintained, as for hindering the general interests that have been entrusted. One of the reasons given in the administrative law in 1938 when the counties were abolished was that a county as a legal entity, as the political and territorial organization had not the necessary means for achieving effectively its mission. Most of the counties had to receive state subsidies in order to pay the staff. Besides paying the salaries of the civil servants or public employees within the local government with grants from the state, was an administrative or governmental rule in that period.

The research that we carried on this area is very important because for the first time in a work was highlighted the concept of Henry Fayol which claimed for the first time the introduction of the principles in the public administration from the organization of the industrial enterprises.

In his work, „Industrial and General Administration" Henry Fayol considerably enlarged the meaning of the word administration as administrative science. It embraces not only the public but also the skills of any kind, any size, any shape and any object.

All enterprises, whether they are commercial or administrative need provision, organization, command, coordination and control and must be based on the same general principles of management.

In this work we underlined and we grouped into 10 points the Fayol Henry's ideas that could lead to a superior organization in terms of the administration of the state government. Regarding the organization of the central administration, until the law on the organization of ministries of August 2. 1929 corrected some of the criticisms of the central government, each ministry having the obligation to create an administrative point of documentation, technical documentation and a library, which is contained in databases, studies, documentation, statistical analysis, etc. .

Regarding the modernization of the local government, it was shown an increasing public interest in administrative matters during this period a new spirit crystallizing the most critical ones in magazines, as views expressed in the doctrine of administrative law. In this period are known the opinions expressed by Paul Legulescu, G. Alexianu Anibal Teodorescu, C. Dissescu, Romul (Rum) Boila, I. M. Stămbulescu, C Rarincescu, E.D Tarangul.

The local government authorities were organized on the principle of the administrative decentralization. Unfortunately, by the laws of the organization of the local government which had to be based on the decentralization principle included the constitution, excepting the 1929 Law, the law of the administrative unification, the administrative law in 1925 and in 1936 were laws of administrative centralization. From territorial administrative point of view, the State territory was divided into counties and municipalities, and as intermediate administrative unit between communities and the county

was kept a small rural district, a so called net as administrative debunching unit. In the county organization there are two types of deliberative and executive functions, respectively the prefect, the County Council, the permanent delegation of the county council and the board of the prefecture. As head of the county government, the prefect was the hierarchical head of all county public employees, as the prefect together with the permanent delegation of the council assigned them, or could withdraw their positions and might have disciplinary power over them. The 1925 Act was considered a centralized administrative law, an idea that could be learned from the way of carrying out the tasks of the local government bodies related to the powers of the government representatives who was the prefect, the sub-prefect, the prosecutor general, the clerk, the Ministry of Interior and The Administrative High Council.

The 1929 Law was an administrative decentralization law, but it was more a theoretical model and it had practical difficulties in its application in the administration, and it was changed 11 times by 1936.

By the 1936 law it partly returned to the principle of the administrative centralization of the 1925 law.

The conclusion we reached from the administrative laws adopted under the 1923 Constitution was that those laws proposed the organization of the local government based on the principle of the decentralization included in art. 4.41, 108, but the level attained by them was different from a law to another. But the 1929 Law achieved a greater decentralization which led a growing government bureaucracy, making impossible the practical application of the law. While the frequent changes of the government that have led to the appointment of the new prefects, the dissolution of many municipal and county councils, the fact that until 1926 were elected the first county councils prevented many other reasons besides the smooth running of the government.

The lack of financial resources due to the lack of an economy and of a modern industry, the existing disparities among the counties territorially but also the economic and population concentration in certain areas, the culture, the lack of public spirit, some specific habits of the Romanians, the political elite all would have made delay the process of modernizing the administration and also this could not be organized on the principle of the real administrative decentralization.

We have to stress also that although the doctrine of the administrative law in this period was one of the most modern and European spirit, it had very little influence on the legislative process in the administration. However the political elite, the administrative elite, the public opinion joined their efforts to start an administrative modernization of Romania, and they sometimes even succeeded.

Part II of work include the administrative Centralization and decentralization in Romania. Administrative. The inter-wars administrative doctrine, in Chapter 5 entitled The Legal Coordinates for the Development of the Institution of the Administrative Centralization and Decentralization, we highlighted the main theories and opinions expressed in the doctrine concerning the administrative centralization and decentralization.

The problem of the centralization and decentralization in the public administration as government authority, which ultimately expressed the degree of autonomy in solving the problems in the territorial-administrative units was placed in the interwar period in any state, regardless of structure, form of government or regime policy.

Without any doubt, there were specific aspects and features, distinguished as it was about a unitary State in the case of Romania, of federal lands as in the case of Germany, or about a monarch or republican government form or about the constitutional political rule..

In this period the centralization and the decentralization in administration was a constant concern, expressed not only at the level of the political class, but also at the level of the doctrine. The political class acted more in the Parliament, either with the opportunity of the debates when it was adopted the 1923 Constitution, or with the opportunity of the adoption of the administrative organization laws.

We highlight that although all laws in the explanatory memorandum emphasized the need to conduct the administration on the principle of the administrative decentralization, the administrative law unification in 1925 and 1936 as a result of their content, applied the principle of the centralization more pronounced or attenuated.

The doctrine emphasized the contribution brought by Anibal Teodorescu, Paul Negulescu, Gh.Alexianu, Marin Văraru, on defining the content of the concept of the administrative centralization, and decentralization and the administrative debunching guardianship.

We also highlighted how the Romanian doctrine was influenced in this period by the foreign doctrine, respectively the opinions expressed by Hans Kelsen, in his work, *The Territorial Division of the State - Theories on centralization and administrative decentralization*, Gaston Jeze, Leon Duguit Marcel Hauriou and HD Berthelemy from the French doctrine.

There were different opinions on the content of the concepts of the centralization and administrative decentralization, the unanimous doctrine emphasizing the benefits of the administration organization on the principle of the administrative decentralization, but the principle was different from one period to another of the society development. In the paper we highlighted the advantages and disadvantages which the administrative centralization or decentralization might have, showing that the degree of decentralization of the doctrine may depend on the number of public services given under the responsibility of the local authorities, the more this number is greater, the greater is the decentralization and vice versa, as the number of public services would be lower, the decentralization was less. The decentralization also depends on how the local authorities are organized and their relations with the central authorities; local authorities might be chosen if decentralization is greater or they are appointed by the central authorities, in which case decentralization is less. If the local authorities are elected, they will be provided a condition which shall be confirmed by the central authorities, in this case the decentralization might suffer. The more the central authority had the right to dissolve, dismiss, suspend the local authority the more those rights happened more frequently, the decentralization was lower. With regard to the administrative supervision or wardship, stressing that as the administrative supervision concerned only the legality of the acts issued by the local authority, the decentralization was higher than when the acts concerned from the point of view of their opportunity, too. Depending on the duties of the trusteeship body, we can realize that decentralization was more or less, and also the number of the documents which were the subject to the supervision. The administrative decentralization should not be confused with a complex of administrative intermediate measures between two known administrative debunching systems. The administrative debunching was a centralization of that period we refer to or a weak decentralization. What made the administrative debunching to be closer to the centralization approach was that the local power holders weren't elected by local voters but they were appointed by the center.

It was a transfer of powers from the central to the local government, the officials being appointed by the central government. The higher were these powers which were transferred, the wider was the debunching of the administration .

In the case of the local public administrative debunching the public local authority remained the central part of the system hierarchy. The decisions given as responsibility of the local government are made by the local public authorities, but the hierarchical power of the central authorities may give orders and instructions regarding the decisions made by the local authority. Therefore it appears as an interim measure intended to pave the way of the administrative decentralization that should not be confused.

In the paper we analyzed and the system of administrative trusteeship and the guardianship need in the administrative organization, highlighting that the problem of the administrative trusteeship arised only among those administrative authorities having no hierarchical subordination, between the topic of the executive power and a scope beyond it.

Essentially the administrative tutelage entitled the tutelary to approve, cancel or suspend certain provisions of the decentralized authorities for reasons of legality and not for reasons of expediency or opportunity.

The system adopted by the Romanian legislature in the 1925 and 1926 Laws, when it was organized the local public administration was one of centralized management and made a strong administrative tutelage, unlike the local government organization law, where the administrative turrett though exaggerated, it was conducted by the local administrative authorities.

In Part III of the work entitled **The Legislation concerning the territorial administrative organization of Romania in the light of the 1923 Constitution**, in Chapter 6 we analyzed the organization of the local government unit in Romania by the Law of the administrative unification issued in 1925.

We believe that the scientific merit of this part of the paper is that it doesn't only highlight the 1925 conception of the legislator concerning the law under which were unified the four different administrative systems existing in Romania after 1918, but also realizes an analysis of the legal terms contents of the law and emphasized how the principles of the centralization and decentralization were reflected by law.

It also, makes reference to the problems of comparative law concerning the communal organization in various legal systems. During this period in the comparative law distinguished three systems on the prevailing ideas that were the basis for the communal organization. We mention that there wasn't a perfect identity among the communal rules arrangements of the states included in the same system but only the similarity of certain essential characters allowed to the doctrine to include them in the same category.

Thus were the full autonomy system, the system of the limited autonomy and the administrative guardianship system.

Among the states which embraced the system of the administrative guardianship or of the limited jurisdiction were France, Spain, Italy, Russia, Romania. In Paul Negulescu's opinion the modern development organization comprised two periods: the era of the centralization, which lasted until 1894 and the era of the excessive centralization which lasted from 1894 until 1925, to which John Gh. Vîntu added another age, the age of the first beginnings of the decentralization inaugurated by the 1925 Act (The 1925 Law). There were two cardinal principles which guided the Romanian legislature when it was adopted the administrative unification law: a) the administrative reform should not endanger the national unity and the state security, this principle being consistent with art. 1 of the Constitution, b) the reform must be based on the administrative decentralization.

The first goal of the legislator was that one of ensuring the national and political unification of the State based on a new unifying administrative law which created a general and uniform rule of the local life from the old Romanian kingdom and in a totally secondary way they involved themselves in assigning the tasks of the communal government authorities, enlarging these tasks in a certain way, without transforming the centralizing character of the administration organization, an idea that results not only from the parliamentary debates, but also from the law provisions. From the analysis of the law texts we noticed: the right of coordination and control of the local administration owned by the county prefect, who was the head of the administration, the Ministry of Interior, the superior administrative council, the right of drawing up the regulations and the county rules settlement power, the right of execution of the decisions and of the county regulations and of the ministry orders related to the State administration, the right of the communal and county administrative organization and the administrative guardianship, omnipresent in the law provisions. We analyzed also the way of organizing the communal council and from judicial point of view we studied the situation of the elected councillors, of the councillors by law or of the co-opted councillors and which are the consequences of exercising their functions within the communal councils.

Starting from the disposals comprised in art. 19 from the administrative unification Law, which makes the distinction among the councilors by law who won this quality based on the rights given by their function and the councilors by law assigned by an elective mandate by certain judicial entities and we reach the conclusion that the councillors from the first category couldn't be infringed even by the authority that sent them in the council and which they represented, whilst the mandate of those from the second category could end even before the expiring term by which they were elected.

Concerning the character of the mandate of the councillor by law, once accepted such a mandate became mandatory as in the case of the elected councillors. ¹

Regarding the tasks of the council, these were limited as administrative documents with low significance, for the rest of the documents being necessary the approval of the administrative guardianship and control authorities.

As representatives of the central authority in the commune, respectively as administrative trusteeship and control authorities we can notice the notary, the prosecutor, the prefect, the permanent county delegation, the Ministry of Interior and the Superior Administrative Council.

As innovations brought by the Law of the administrative unification in the modern organizing of the public communal services we mention the possibility of the concession of the enterprises, the monopoly, the work schedule, the principle of the commune liability and of its subjects in the documents of the administration, conciliation and arbitration.

The feature of the administrative system organized under this law was that one that the central power exercised an active and permanent control on the deliberations of the communal and county councils whose competence was limited at documents of lower value. Although the legislator ruled under the law the principle of the ruling deliberations, this one itself didn't take into account by its provisions and subordinated the administration to an excessive trusteeship. Another feature of this system consisted in the fact that most of the times, the hierarchical control was executed not by a jurisdictional administrative authority, but by an agent of the government.

In Chapter 7 of this paper- **The local government reform by the Law on August 3rd, 1929** we highlighted the philosophy that would underpin the territorial administrative organization of Romania under the masterdom of this law.

This law was based on the principle of the administrative decentralization which might be achieved taking into account the administrative systems which had existed prior to 1918 in Transylvania, Bukovina and Bessarabia.

As an innovation that turned the law towards the administrative decentralization direction was that the elected administrative county authority was no more represented by the prefect, but by the county council chairman of the delegation as it was before the Unification of Transylvania and Bukovina.

Another innovation under this law was that the State was endowed with legal personality as a community, the administrative justice was organized based on the local committees of review and revision, the Central Committee and the ministerial directorates of debunching as administrative bodies.

As organs of administrative guardianship there were: the rural village council delegation comprising several villages and its mayor, who performed under the supervision of the county delegation the administrative trusteeship upon the villages across the commune, the county council delegation with its president which exercised the wardship over urban municipalities, rural communes and the villages, indirectly by the municipal council mediation and the agency delegation directly under the law, the local review committees engaged in the supervision of the counties and communes / municipalities in the first instance and in the second instance the supervision of the villages and communes under the law, the central committee of review which exercised at first instance and in appeal the control of the trusteeship by the local committees to review the counties and communes or municipalities and the Ministry of Interior and the Council of Ministers in cases determined by law.

In addition to these authorities trusteeship were entitled to exercise control and inspection the prefect, The Ministerial Director of the directorate and the Ministry of Interior having a general right of inspection and supervision of the local autonomous administrations in the country.

In the paper we made reference to a rich jurisprudence of the local and central committee Cluj, as in the work published by Emil Deciu, which served as administrative judge. We have shown the very interesting criticisms which were made for this law since its adoption in the short time the law was in force.

Such criticisms brought to the law were: a) the law created four bodies of the local government: the village, the commune, the district and the region, or the general administration of the county government being able to hinder the work, b) creating multiple organizing functions had very similar tasks going to overlap. Thus the art. 26,35,51,55,455, 456 also stated that the same powers were assigned to the villages and the rural districts, that's why the rural commune lost its reason of being formed, c) the judicial supervision as it was organized as court by fund and as appeal court, with administrative courts-in-law, causing an inadmissible slow in the legal conflict resolution to the management or to the government, d) there were created parallel bodies respectively the prefect as the central control power and the elected county administrator, between those being many conflicts and misunderstandings, s) creating regions and directorates and their functioning being no more than a theoretical possibility with no achievement in practice. All those criticisms did not do anything else than the law to had been changed and amended 11 times, so in 1936 the law did not resemble at all to that one issued in 1929

In Chapter 8 of the study we have examined The 1936 Administrative Law and the principles which justified the discussion and vote of the new administrative law. The law took effect in strengthening as the local authority and the public power, the main innovations concerned: the election administration, the operation and the duration of the local councils, the powers of the prefect and sub-prefect, the selection of the administrative staff, utilities and the systematization plans for cities and counties, the association of the various administrations, the exercise of the rights the petition and a new organization of the administrative courts.

What is characteristic to this law is that with little attenuation, it returned to the centralized administrative system established by the 1925 law for the administrative unification

In Part IV of the paper in Chapter 9, we made a case study on the administrative - territorial Gorj County - in the period 1918-1937.

The purpose of our research, which focused on the archival documents but also some published works and documents was to make us an insight into how the county government was organized and an overview of the urban community Targu-Jiu based on the 1925 Law of the Unification management, on the Law on the organization of the local administration in 1929 and on the 1936 Administrative Law.

After making a brief presentation of the county Gorj in the interwar period from a geographical point of view, a history concerning the population, the county economy, the public finances, roads and communications, education and culture, the politics and politicians, we analyzed the activity of the administrative bodies under the administrative unification of the law in 1925.

In terms of the administrative – territorial division, from the archival documents we have revealed that during 1918-1925 but also after that period, there were many, annexation, detachment of the villages, so in 1925 Gorj was divided into 152 communes plus the urban community Tg-Jiu. The territorial-administrative division of the county in communes was consistent with the conception in 1925 when it was established the number of the counties and communes or municipalities.

Regarding the net, that small rural district as political subdivision for the link between the district and the commune, in Gorj county, there were 8 nets run by the nets managers, as

follows: net Brădiceni which became net Vulcan in 1925, having the residence in the rural commune Brădiceni which was managed by Trifon Geamănu who underwrote also the net Ocolu residing in Petrești Vărsături, the net Novaci residing in Tg-Cărbunești which was managed by I Schelarie as net holder; the net Bibești called also the place/net Gilort residing in the comuna Bibești which was administered by C.A. Popescu as net holder ; the net HUREZANI called also net Amaradia which was managed by Constantine Negrescu as holder, the net Peșteana which became net Jiu, having the residence in Peșteana Jiu and being managed by S. Duțulescu as holder and the net Turceni that became net Jilțu also under the administration of S. Duțulescu as net holder. The picture containing the nets and the villages is presented in the Annex I of this paper.

The county council head was the prefect John Micodin, who would be the longest lasting prefect of the county if we think that in the period 1918-1937 because of the frequent changes of the government at the tiller of the Gorj county were changed 24 prefects. The change so often performed of the prefects in relation to the changes of the government that occurred during this period had a negative effect on the county administration. Since the unification administrative law was adopted with a certain delay, almost at the end of the liberal governance and the regulation for applying the law was adopted in January 1926, in Gorj county as in the whole country worked only interim committees. Their activity was limited by law in that it dealt only with the pressing urgent problems solving. Exceptionally, the interim committees could approve the budget, the draft budget being prepared by the mayor, to be submitted for the approval to the county prefect and to the Interior Ministry.

In general the work of the committees as derived from the archival documents was limited either to the schools repairing or to the construction of new schools and the maintenance of the communication channels, the alignment of streets or to the opening of some other streets.

As debunching administrative bodies there were the agriculture council, which is documentary certified since 1918, when by the instructions of the Ministry of Agriculture this council received tasks to manage and oversee the whole agriculture of the county, the village communities and had tasks of taking action deriving from the laws concerning the the land reform. The National Agricultural Council compiled statistics, distributed the seeds and other materials, and applied the orders and regulations of the Central Body of The Cooperatives and Land Assignment.

After the adoption in 1921 of the Law concerning the Agricultural Council, the powers of this council were mainly concerted upon the agrarian reform. The Financial Administration of Gorj County was led by Stephen PP dealing mainly with collecting taxes and control over how the public money was spent. The Financial Administration had constituted a subadministrator, 4 heads of department, 31 officers, 7 controllers, 14 county ascertainment agents, 48 collectors and 194 tax agents. The general county revenues were 140 million, while expenses were 121 million. An important role was played by the Gorj County School Inspectorate- the inspection sector. In Gorj county the general school inspector was Ion Cioată. Gorj The County School Inspectorate concern in particular was directed to the appointment of the substitute teachers, to the teacher proposal, to the reasoning of the absences, granting leave teachers, preparing draft budgets, etc..

The Gorj County School Committee was established under The Decree - Law 3138/14 in July 1919 and operated in addition to primary, secondary, normal and professional schools

Through the school committees facilitated the solving of the financial and material problems supporting the teaching and learning process.

From the archival documents it comes out that The Gorj County School Committee was formed on August 3. 1920 when in a signed statement was recommended the appointment for the positions as an accountant-checker and as an archivist of the committee on the area, being employed on this positions Alexandru Vasilescu and N. Șatoi. The protocol was signed by the prefect Alexnadru Bădescu and by the school Inspector Ion Cioată. The Health Service was subordinated professionally in 1922 to the Ministry of Health and

Social Welfare, but it was also led by The Inspector General of Health of the Gorj Prefecture. The Health Service was led by Cristea Baptism helped in villages by 60 health staff. The Permanent County Delegation was composed by Dragoescu VI, DC Pîrîianu, V Uscătescu, C Mihailescu, C. Măruțescu, Gh.Niculescu, DC Rebedea and NI Cartianu, being headed by the prefect Emil Nicodin helped by Ion Haiducescu- as director of the prefecture. Also in Gorj county there were 137 notaries.

The Targu-Jiu urban communal bodies during 1919/13 in June 1925. The activities of the interim committees.

The Interim committees worked over 6 years, from 1920 until 1926 when it was elected the first council of the urban commune Tg-Jiu under the Law in 1925. These committees were changed very frequently, too, until the 1926 operating 8 interim committees .

From the work of these committees we noticed: the approval of the draft budget, and as public works were completed: the bathhouse, the hall improvements, repair of schools, the construction of the crew space of the firefighters, bridges, streets. In 1926 it was elected first local council and was elected as a mayor Constantin Bălănescu. The whole list of the 15 councilors elected belonged to the Liberal Party's. We drew attention to resolve the incompatibilities and the disability concerning the establishing of the municipal council, of the mayor and the permanent delegation.

The administrative unification law in art. 160 and 161 provided certain incompatibilities concerning the mayors' and the permanent delegation of advisers establishing As in the local council there were usually chosen the people who directly or indirectly provided public service activities by firms they owned, the incompatibilities in which could be the mayor, but also the permanent members of the delegation of the elected councilors were seized by the General Administrative inspector D Cristea. Being discussed within the meetings of the local council, the reasons of incompatibility at the request of the prefecture and the interior ministry were rejected. As concerns of the government in this period we highlight some public utility works and the town planning, related to the city sewerage, water supply, domestic lighting, sanitation city the food supply for population, schools building, the opening of new streets and upgrading others.

The 1925 Law would be replaced by The Local Administration Law in 1929. Starting from other concepts of the territorial administrative organization of the county, the number of the communes decreased from 152 to only 21, plus the urban community Tg-Jiu. The commune with the most villages in the county was commune Albeni with 32 villages. The City Council Targu-Jiu is particularly elected under the Law of Administrative Organization in December 1929 and had constituted 23 of the 15 elected councilors and 8 of them were councilors by law. This time among advisers there were not only traders but also lawyers, teachers, doctors, teachers. The number of nets, the small rural districts decreased from 8 to 4, being organized Gilort net, Jiu net, Novaci net and Vulcan net. This law was amended soon so that the number of the communes in 1931 was decreased from 130 to 21 as they were in 1929, but the number of the nets remained the same .

As activity of the local government bodies it was continued either some schools building, or the modernization of the schools, but we noticed that there was no program for modernizing the town, many of the works were ever finished, and some of them had been abandoned either due to the lack of the financial resources or due to the lack of political interest.

The political clientelism and demagogy, that period which was too long without functioning any elected bodies made the administrative life progress with great difficulty. Generally it was manifested a keen interest in this or in the interim committees or in the local councils having elected people such as the traders who had no special training in management, their only interest being in their businesses prosper.

However, although the reforms went very slow, there were many administrative experiments , some of them being justified, Gorj County in the second half of the twentieth century resembling no longer that one of the previous century.

There were developed lines of communication, some means of transport appeared, it was improved the road network and the rural population was experiencing a migration to Tg-Jiu town, but especially towards the large urban centers. When in the town appeared the first brick or tobacco factories, (more workshops), a part of the town was electrified, the streets either are graveled, or are paved, so that the county residence became more urban than it was as a fair of traders.