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ROMANIAN PUBLIC ADMINISTRATION IN THE LIGHT OF THE CONSTITUTIONAL PROVISIONS – POSSIBILITIES OF REVISION

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Abstract
The Constitution of a State, as an assembly of fundamental juridical norms and principles must periodically be adjusted to the challenges of the contemporary political society, for its modern existence and functioning. As no Constitution can be perpetual, much more one elaborated at the beginning of a transitional period from a totalitarian regime to a democratic one, the revision of our fundamental law appears as unavoidable, together with the whole set of consequences on the separation and balance of powers, public administration, etc.
The scope of the present article is limited to the discussion of the aspects concerning the impact of the foreseen Romanian constitutional modifications on the national public administration, especially on two major issues: the administrative reorganization of the State and the aspects concerning the constitutional consecration of human rights in relation to public administration. Making use of the experiences of other EU countries in these fields and on the basis of a historical approach and comparative analysis, our paper proposes the adoption of scientific grounded solutions for the future amendment of the fundamental law.

Key words: Constitution, reform, superior administrative council, public administration.

1. The Constitutions and their regulatory content

The constitutional order of any state exhibits the fundamental principles of organizing and functioning of the political system, in a specific historical, social, political, economic context.

Constitutional norms represent a reference point for the domestic legal system and the main root of all law branches.

The Constitutions are fundamental legislative works, on which may depend upon the evolution of a state, its stability and wellbeing.

As drafting manner, the Constitutions may formulate only general principles or may also add to those the outlining of solutions targeting institutions, procedures etc.

Etymologically, the word Constitution has its origin in the Latin noun *constitutio*, which means *settlement with reason.* In the Roman law system, the Constitution meant the edict signed by the Emperor, whose legal force was superior to that of the other legal documents adopted by the Empire's public authorities. (Drăganu, 1972, p.45)

Some medieval states recorded in written documents certain fundamental rules regarding the relations between the governing and the governed, which were going to prevail, with the value of political conduct principle, compared to the existing habits. In the Middle Ages, the word *Constitution* was used in some states to separate such rules from the simple laws or statutes. (Ionescu, 2002, p.89)

In the process of establishing the modern states, the idea that constitutional dispositions regulate, first of all, political relations became increasingly visible. Thus, the relations regarding the organizing and exercising of power within a state have a preponderantly political character, by means of the constitutions gaining also a normative, judicial character.

The constitutional experience of the world states allows the observation that the fundamental law of any state – the Constitution – represents a fundamental political-legal act, inspired by a certain political and social philosophy and adopted in order to establish the form of state, the manner of organizing and functioning of the state powers and the relations between them, the general principles of the legal order of society, as well as the citizens' rights and duties, act which is adopted and modified according to a specific procedure.

The purpose of a constitution, in the opinion of Romanian sociologist Dimitrie Gusti, is to „formulate politically and legally, in a solemn manner, social psychology, the economic state, the desideratum of social justice and the ethnic aspirations of the nation."(Gusti, 1990, p.21)

The profound transformations occurring in the life of a society may also have consequences on its Constitution, imposing its revision. Thus, the occurrence of outstanding political events, such as revolutions, transformations or changes in the organizing, functioning of certain institutions by means of which governance is exercised, can be such situations which call for the review of constitutions.

The Constitutions are instruments by means of which, firstly, are organized the exercise and the control of exercising the political power, their regulatory content going to express the supremacy of the fundamental law before any other regulations. In establishing the regulatory content of the Constitution, one must take into account the fact that within them are systematized the highest political, state, economic, social, legal requirements, in their current status and in their future perspectives.(Muraru, 1993, p.64)

Although there are no templates, we shall see that in the content of the Constitution enter, mainly, regulations regarding the essence, type and form of state; the organizing and the control of exercising power; the economic and social grounds of power; the political, ideological and religious foundations of the entire organization of society, the place and role of political

parties; the system of organs state, of the citizens' fundamental rights and liberties; the constitutional technique.(Weiler, 1999, p.181)

In the regulatory content of the Constitution are comprised rules that regulate, in principle, the fields of the economic-social, political and legal life of society organized in a state, the detailed regulation of these two fields being deferred to laws, organic or ordinary.

In the opinion of Giovani Sartori, the fundamental laws are forms that structure and discipline the state decision-making processes. Constitutions should establish how the regulations are created, through constitutional engineering, and not decide what exactly must be established through regulations. (Sartori, 2002, p.67)

2. Public administration in the fundamental laws of some OECD Countries

The differences of historical, traditional, constitutional culture nature among states are easily noticed if we analyze their fundamental laws. The difficulty in identifying them within the researched field of common matters which find their regulation through the Constitution will be established.

In analyzing the topic proposed, this study performed fundamental research on the fundamental laws of some OECD member-states, namely: the USA, Germany, France, Italy, Spain, Japan. (also discussed in Ionescu, 2008, pp. 208-2010)

Among the common elements regarding public administration, in the regulatory content of the studied fundamental laws, we generally see regulations regarding:

- The competence of the chief of state to appoint/revoke high public, civilian or military servants;
- The administration/self-governance of local collectivities in conditions of administrative autonomy;
- The relations Government – public administration, with underlying the Government's leading role;
- References to public services.

In the **United States of America**, regulations regarding administration can be derived from the prerogatives entrusted by the fundamental law to the President. Thus, the Constitution regulates the president' power over the departments, power which allows him to renew the administration, when one party follows the other.

In the section 3 of art. II it is established the president's task to supervise the correct application of the laws and to give authority to all persons holding high official positions within the US to exercise their powers.

Section 4 of the same article stipulates that the President, Vice-president and all civil servants will be removed from office in case of indictment and conviction for treason, corruption and other major crimes and felonies.

In **Japan**, according to art. 15, the appointment and revocation of public servants is an inviolable right of the people. Universal suffrage is guaranteed for electing public servants.

According to art. 73, the Cabinet administers the matters relating to public service, with the observance of the rules established by law.

Chapter VIII of the Constitution is dedicated to local self-governance. Thus, according to art. 92, the expenses related to the organizing and functioning of local public institutions are regulated by law, on the basis of local autonomy principles.

Art. 60 of the fundament law of **Germany** establishes the competence of the federal President to appoint and revoke federal public servants. Art. 84 regulates the lands' competence in the matter of organizing the authorities and the administrative procedure. The federal government may issue, with the approval of the Federal Council (Bundesrat), general administrative instructions.

Also, the fundamental law comprises regulations regarding the power of the federal government to regulate the organizing of public administration and of its authorities.

In **Spain,** the Constitution guarantees the right to autonomy of the composing nationalities and regions and the solidarity among them (art. 2).

The Government leads the domestic and foreign policy, the civil and military administration (art. 97).

According to art. 103: Public administration objectively serves the general interest and acts according to the principles of efficacy, hierarchy, decentralization, de-concentration and coordination, with the observance of the law and of the legal system. The statute of public servants is also regulated by law.

Title VIII of the Spanish Constitution comprises regulations regarding the state's territorial organization, identifying as collectivities: the commune, the province and the autonomous community. The basic institutional law of each autonomous community is the statute, which acknowledges and protects them, as an integral part of the order of law.

Art. 5 of the **Italian** Constitution stipulates the fact that the Republic recognizes and favors local autonomies.

The President of the Republic appoints, in the cases established by law, the state servants (art. 87).

Public services are organized according to the legal dispositions, in such a way as to ensure the good running and the impartiality of administration (art. 97). Public servants are exclusively in the service of the nation.

Title V – „Regions, provinces and communes" regulates the statute of collectivities with administrative valences in the Italian state.

According to art. 133, changing the provincial circumscriptions, as well as establishing new provinces within a region are established by law of the Republic, at the initiative of communes, following the consultation of the respective region. The region, following the consultation of the interested population, may establish new communes on its territory, through its own laws, and may modify their circumscriptions, as well as their names.

In **France**, the President of the Republic makes the appointments to the state's civil and military positions (art. 13).

The Government disposes of the administration and the armed forces (art. 20).

Title XII of the Constitution is dedicated to the territorial collectivities which, according to art. 72, are: the communes, departments, overseas territories. Any other territorial collectivity is created by law.

The territorial collectivities are administered freely, through elected councils and in the conditions established by law.

3. The situation of Romania: the actual constitutional framework and modification proposed by the political environment

Romania's current Constitution was adopted in the spirit of the democratic traditions of the Romanian people and of the ideals of the 1989 Revolution, in year 1991, and was revised in 2003. The essential role of this fundamental law was to set the basis for a democratic political organizing of a state of law, democratic and social, in which human dignity, citizens' rights and liberties, the free development of the human personality, justice and political pluralism to represent supreme, guaranteed values (art. 1 para. 3).

Among the most important dispositions recorded in the current Romanian Constitution, republished in year 2003, relative to public administration, we note:

- art. 3 para. 3: „The territory is organized administratively into communes, towns and counties..."
- art. 51 para. 1: „The citizens have the right to address the public authorities by petitions formulated only in the name of the signatories."
- art. 52 para. 1: „Any person aggrieved in his/her legitimate rights or interests by a public authority, by means of an administrative act or by the failure of a public authority to solve his/her application within the lawful time limit, is entitled to the acknowledgement of his/her claimed right or legitimate interest, the annulment of the act and reparation for the damage."
- art. 58 para. 1: „The Advocate of the People shall be appointed for a term of office of 5 years, in order to defend the natural persons' rights and freedoms..."
- art. 102 para. 1: „The Government shall, in accordance with its government program accepted by Parliament, ensure the implementation of the domestic and foreign policy of the country, and exercise the general management of public administration."
- Title III, chapter V: „Public Administration" comprises regulations regarding the specialized central public administration (art. 116 – 119) and the local public administration (art. 120 – 123)
- Art. 126 para. 6: „ The judicial control of administrative acts of the public authorities, by way of the contentious business falling within the competence of administrative courts, is guaranteed, except for those regarding relations with the Parliament, as well as the military command acts. The administrative courts, judging contentious business have jurisdiction to solve the applications filed by persons aggrieved by statutory orders or, as the case may be, by provisions in statutory orders declared unconstitutional."

The dynamics of the Romanian society in the two decades since the removal of the communist regime imposes a permanent adaptation to the new domestic and interne international realities. These presuppose periodically an effort to rethink the grounds on which the constitutional edifice is erected.

In the context of the above also falls the activity of the Presidential Commission for the analysis of the political and constitutional regime in Romania, finalized with a Report in year 2009. (retrieved at http://presidency.ro/)

As underlined by the authors of the Report, their work is the expression of a different modality for understanding the Constitution. „More than an arrangement of powers and a form of governance, the republic signifies the attachment to a set of values associated with political freedom, equality and constitutional democracy. ... The symbolic dimension of a Constitution cannot be separated from its ability to offer a landmark around which the nation to reunite and mobilize."

Some of the institutional reform recommendations formulated by the Presidential Commission regard public administration, its organizing and functioning.

A model of administration structuring which would ensure it a more flexible and more intelligent organization, would be, in the opinion of the authors, regional the option, which capitalizes on two cardinal principles:

- The principle of decentralization, respectively the establishment of certain organisms accountable before the community;
- The principle of subsidiarity, respectively lowering the decision to a level as close as possible to the local community.

The failure of the development regions – established through Law no. 15 /1998 – conceived as entities without the statute of administrative circumscription, imposes the adoption of new solutions which to allow the improvement and rationalization of the existing legal framework.

Thus, the report authors recommend the review of the fundamental law's text by:

- The constitutional consecration of the principle of subsidiarity, according to which the superior entity administrative acts only if, and to the extent to which, the objectives of that action cannot be achieved by another administrative entity located at an inferior level;
- Establishing cooperation mechanisms on flexible basis between the local collectivities, mechanisms that allow that through voluntary association to be created new entities with increased administrative capacity;
- The more precise and distinct regulation of central public administration, of the central administration in the territory, of the county administration and the public administration at the local level (commune, town);
- The definition of a new constitutional statute for the prefect's institution, which to choose between the alternative of the prefect high public servant and that of the prefect – political representative of the Government;
- The clarification of the statute of the county and of its administrative role. In the variant of going to an administrative organization system based on a single intermediary level – the region – it must be targeted that through it is excluded any centralization tendency which would affect the direct relations with the citizens;
- The reconfiguration of the state of the People's Advocate or the introduction of a public mediator as institution mediating between the state and the citizens. In any variant, the Constitution should establish the procedure for designating the office-holder, as well as the People's Advocate's obligation to submit a point of view to the

Constitutional Court with respect to the matters pending before it, targeting fundamental rights and freedoms.

The topic of the Constitution review in Romania is part of the current political debate, being periodically brought to the attention of the public opinion.

To the cycle of the political events with effect on the fundamental law also belongs the referendum organized in year 2009, which approved the passing to a unicameral parliament and the reduction of the number of parliament members to maximum 300.

Starting from the result of the referendum, in year 2011 was elaborated a draft law for the review of Romania's Constitution, draft approved by the Constitutional Court and submitted for debate before the Parliament. Although the majority of the modifications proposed target the political system, there are also some with relevance on public administration. Thus:

- The acts regarding fiscal and budgetary policies are excepted from judicial control by way of administrative contentious. These add to the exceptions recorded in the current text of the Constitution: the command acts with character military and those regarding the relations with the Parliament;
- It is proposed the introduction of an article entitled „Financial policy" by means of which the budgetary deficit is limited to maximum 3% of the gross domestic product (GDP), and the public debt to maximum 60% of GDP. Also, the text stipulates that foreign loans can be contracted only in the field of investments;
- The People's Advocate will have deputies specialized on activity fields, according to the law for the organizing and functioning of the institution.

4. Superior Administrative Council – a necessary institution, regulated at constitutional level

4.1 Consultative bodies that take part in the process of elaborating public decisions – comparative analysis

Traditionally, the role of official advisor of the Government or the Parliament in the process of elaborating the normative acts comes to the State Council, component of the political and state structure.

The State Councils watch over the conformity of the texts that are presented tot hem for advising with the superior legal norms of constitutional and international levels. There are also States which, through their Constitution, constructed other bodies to watch strictly on the conformity of the normative acts to the superior norms, or with the principles of law, and to ensure in this manner the coherence of the legal system. This is also the case of Romania, which, by the norms of the article 79 of the Constitution stated the establishment of the Legislative Council as a specialized consultative body for the Parliament, which advises the projects of normative acts in order to systemize, unify and coordinate the entire legislation.

In the same time, the Legislative Council was vested with the official evidence of the Romanian legislation.

In *France*, the State Council is an institution that has the right to assist the Government in the elaboration of the project of laws, ordinances and some decrees. The consultative function ensured by the State Council also involves the elaboration of general studies that are placed at

the Government disposal. Apart from the cases of mandatory notice, the State Council may be required by the Government to advise any project of normative acts. The State Council can also be consulted on *the difficulties appeared in administrative matter.* This general formulation allows the ministries to apply to the State Council in questions concerning the interpretation of some dispositions of the administrative acts in force. By its own initiative, the State Council can draw the attention of public powers on the legislative or administrative reforms, which it considers in concordance with the general interest. In this respect, the state Council can effectuate studies at the prime minister's request and has an important role to play in the process of legislative codification.

In ***Italy***, the State Council created by the French model is both an organ of juridical and administrative consultancy and a court of administrative contentious. Referring to the consultative function of the State Council, the advise of this institution is facultative for the project of laws and mandatory for regulations

In ***Sweden,*** before the Government drafts a law project, the respective matter makes the object of an examination of some authorities and interested associations to whom it is offered the occasion to make observation on the text. Than, the law projects are analyzed by the Cabinet and than put forward to advise to the Legislation Council. This Council must ensure that the projects having important implications for the citizens or for the general welfare don't enter into conflict to the existing legislation.

At European level there can be found as advisory bodies established by the provisions of the European treaties the Committee of the Regions and the Economic and Social Committee. The Committee of the Regions in consulted by the European Parliament, Council or Commission in the cases provided by the treaty or in any other case, especially in the ones concerning the trans-frontier cooperation, if one of those institutions consider it appropriate.

The nature of its advise is a consultative one, as long as its absence does not hinder the future actions of the institution that requested it. The consultation is obligatory for sectors as: social and economic cohesion, education and youth, public health, trans-European networks, social affairs, professional training. (Bărbulescu, 2008, p.145)

The Committee of the Regions also can, when there are involved specific regional interest, issue an advise on this matter, and being able to issue such opinions *ex officio* when it considers it necessary.

The Economic and Social Committee is, in its turn, consulted by the European Parliament, Council or Commission in the cases provided by the treaties. In all the other cases it can be consulted by those institutions, if they consider it appropriate. It can also issue an advice by its own initiative, in questions concerning its sphere of preoccupation, especially concerning the internal market, education, protection of consumers, environment, social field. (Scăunaş, 2008, pp.232-234)

Coming back to our country, we are going to notice the insertion in the text of the Constitution, on the occasion of its revision from 2003, in the 4th Title – Economy and public finance, of a body named the economic and Social Council (Article 141).

The Economic and Social Council is an autonomous body, with advisory role, which, upon the request of the Government or by its own initiative draws reports in economic and social matters. The Economic and Social Council issues consultative advices on the projects of laws,

ordinances and decisions form the fields of competence established by its organic law of establishment, organization and functioning. (Constantinescu, M. & all, 2004, p.46)

4.2 Superior Administrative Council – nature, role and functions

In our opinion, public administration and its components, both in their material and formal aspects, represent a fundamental field of the society and the strategic decision that concerns it holds a priority importance for State and Society.

The body we propose to fulfill the advisory role for the Government and the Parliament in the process of scientific elaboration of the policies and normative acts concerning the fundamental questions of the public administration is the Superior Administrative Council. The establishment of such a body could make the object of some constitutional norms or of an organic law.

Component of the state political structure, the Superior Administrative Council should be an autonomous body, with a consultative role, which, upon the request of the Parliament or Government, or by its own initiative, draws reports in questions concerning public administration. the Superior Administrative Council also issues consultative advices on the projects of laws, ordinances or other normative acts in the field of public administration.

As an independent authority, the Superior Administrative Council helps the activity of the Government and Parliament in the framework of the process of elaboration and implementation of the public policies, in order to ensure their quality as well as of the regulating norms, in order to provide the juridical stability of the social rapports.

Of the duties that should be conferred on the Superior Administrative Council, we mention:

- Analyzes and elaborates opinions and recommendations with respect to the strategies in the field of public administration, including on the measures for the simplification of the bureaucratic procedures;
- Elaborates annual public reports, as well as studies on topics of great interest for the field of public administration;
- Formulates reform proposals, in the attention of the Government, including normative recommendations;
- Answers the requests addressed by the prime minister or the Government, regarding the interpretation of certain constitutional or legal norms in the field of public administration;
- Ensures the conformity control of the texts presented for approval with the constitutional or international order norms. Manifests vigilance and exigency with respect to the quality of the legal norms in the field;
- Analyzes and elaborates opinions and recommendations with respect to the drafts of codes or laws which may have an impact on public administration;
- Evaluates the Government's performances in the management of public administration, in relation to the strategic objectives recorded in the governance plan and with the principles and rules established by law, as well as upon the conclusion of one government's mandate, in the form of public reports;
- Offers information in its competence sphere, following the written request of the President of Romania, of the Presidents of the Chambers of Parliament or of the Presidents of the Permanent Commissions of the Senate and of the Chamber of Deputies.

In order to fulfill its prerogatives, by means of its organizing and functioning norms, the SAC must be conferred the possibility to request information, documents, relevant data in any format or at any detail level, from the entities is manages or which are responsible for their processing, entities which have the obligation to submit the information within 15 days from receiving the request.

5. Conclusions

The legal norms registered in constitutions give content to the highest political, state, economic, social requirements and have supreme value compared to any other regulations.

Although there is no standard content, as seen from the research at hand, the majority of fundamental laws comprise regulations regarding the organizing and the control of exercising the powers within a state, the political system, the relations between and manner of ensuring the balance of powers, fundamental rights or constitutional technique.

As instrument of power exercising, public administration is closely linked to it, the state power setting its missions and manners of fulfillment.

From here derives the imperative of establishing the fundamental landmarks of public administration, through constitutional rank regulations, providing both legal force and stability. The regulations of the fundamental law must outline the model of the state's institutional development, its political and administrative structure, the evolution lines for European integration.

A significant direction is the territory rational administrative organization, such as to ensure the reasonable satisfaction of public interest, but also of the citizen's interest.

In this context it is necessary the explicit use in the Constitution of the concept of local collectivity as a titular subject of the local administration and the establishing of principles for determining their limits.

At the same time, it is necessary to clarify the situations in which a local collectivity may also fulfill the role of administrative circumscription for the state's central administration, distinguishing between the categories of public interest served by each of them.

The constitutional provisions must also allow the implementation of the regionalization model developed in the current European space, as alternative to two tendencies: centralization and federalization.

The constitutional texts regarding public administration must be reformulated in the sense of the distinct regulation of state administration (central or territorial) from the regional/county administration (town – commune). Each of these administrations corresponds to different categories of public interest and has available specific action instruments.

In the matter of fundamental rights and liberties, for the emphasizing of certain values consecrated at the European level, it is necessary to record explicitly in the Constitution the right to a good administration, with its essential determinations. Borrowed from the field of justice, the principle of good administration contributes to the democratization of the administrative procedures by establishing its duties to „hear the person with respect to which an individual measure is going to be taken, to ground the decisions made under these

circumstances, to cover the possible damage caused by the administrative authority or its agents in exercising their prerogatives etc". (Vrabie, 2010, p.55)

Regarding the recent proposals of the Romanian President to review the Constitution in the matter of financial policies by setting maximal thresholds of the budgetary deficit and of public debt, we consider that the solution, insufficiently validated by the practice of democratic countries, would create a rigid mechanism for running the economic relations and would be difficult to implement in the conditions of a dynamic political – economic life.

The proposal launched by this paper starts from two fundamental considerations: the strategic importance of the field of public administration for any state, as political-juridical institution, and the need of scientific, professional grounding of he state's decision in this field.

A construction of the nature of the Superior Administrative Council does not appear as new in the Romanian political and state landscape, in which we can notice the presence of a similar organism: The Fiscal Council, established according to the Law regarding fiscal liability, no. 69/2010.

In the absence of a State Council, the presence in the Romanian political landscape of the Superior Administrative Council could contribute to the consolidation of the stability of the policies and norms in the field of public administration, to the provision of judicial security, as fundament of the state of law.

The new organism would not substitute the Legislative Council, the one called to fulfill the function of approving the drafts of normative acts in any field of activity and which seems overwhelmed by their volume, playing a passive role in the mechanism of guiding the legislative work for normality.

As independent authority, the Superior Administrative Council has the role of actively supporting the Government and the Parliament in the process of elaborating, building strategies and public policies regarding public administration, as well as of adopting clear, coherent, predictable legal norms in the matter.

The organizing and functioning of public administration, public service, public function, the administrative codification, could be essential concerns for the research and solution formulating by the new organism with a consultative, not at all jurisdictional role.

Its autonomous character, which should also be reflected in the modality of assigning its members, the basis of which should be professionalism and not political loyalty, would allow it to perform other activities, as well, connected, for instance, by the top exercise of the public function.

We refer to the possibility of the Superior Administrative Council to make recommendations regarding the specialty training, the recruitment and evaluation modalities for the personnel who occupies such functions.

Organized and constituted with good faith and with the acknowledgment of the need to ground the public decision on scientific bases in a priority field of society, the Superior Administrative Council may play an essential role in the consolidation of the state of law in our country.

References

Bărbulescu, I. (2008). *Procesul decizional în Uniunea Europeană*, Bucharest: Polirom.
Constantinescu, M. et al. (2004. *Constituţia României revizuită. Comentarii şi explicaţii*, Bucharest: All Beck.
Drăganu, T. (1972). *Drept constituţional*, Bucharest: Didactică şi Pedagogică Publishing House.
Gusti, D. (1990). *Constituţia din 1923 în dezbaterea contemporanilor*, Bucharest: Humanitas.
Ionescu, C. (2002). *Instituţii politice şi drept constituţional*, Bucharest: Economica Publishing House.
Ionescu, C. (2008). *Drept constituţional comparat*, Bucharest: C.H. Beck.
Muraru, I. (1993). *Drept constituţional şi instituţii politice*, Bucharest: Proarcadia.
Sartori, G. (2002). *Ingineria constituţională comparată*, Bucharest: Editura Mediterană.
Scăunaş, S. (2008). *Uniunea Europeană – Construcţie, reformă, instituţii, drept*, Bucharest: C.H. Beck.
Vrabie, G. (2010). *Dreptul la o bună administrare – in stato nascendi în România*, in Bălan (ed.), Dreptul la o bună administrare. Între dezbaterea doctrinară şi consacrarea normativă, Bucharest: comunicare.ro.
Weiler, J.H.H. (1999). *The Constitution of Europe*, Cambridge: Cambridge University Press.
***The Collection Constitutions of the World's States coordinated by Elena Simina Tănăsescu and Nicolae Pavel at C.H. Beck Publishing House, Bucharest.
***Project of Law for the Review of the Romanian Constitution, initiated by the President of Romania, available at: http://www.presidency.ro/static/Tabel_comparativ_textul%20actual_Constitutiei-text_propus-1%20iunie%202011.pdf
***The Report of the Presidential Commission for the Analysis of the Political and Constitutional Regime of Romania available at http://cparpc.presidency.ro/upload/Raport_CPARPCR.pdf, 2009.