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Political Institution Building in Post-Communist Romania

Abstract: The political development of Romania started after the death of Nicolae Ceausescu in 1989. The article describes and analyses institutional and behavioural dynamics of the political processes that have occurred in Romania since 1989. This article focuses on the constitutional framework of governing institutions. This paper tries to explore the understanding of theoretical approaches to political and institutional development in the country. It examines the evolution of legislative, executive, and judiciary bodies. These are the three pillars of democracy. The article discusses how political parties participating in elections, form a government and will look at the stability of the institutions. This article examines institutional foundations of the coalition government in the 1990–2020 post-communist democracy period in Romania. The article starts with the institutional framework premise that electoral systems and constitutional provisions on the division of powers, structure, and the relationship between parliament and the president determines the point at which political power can be dispersed or concentrated in the political system.

Key words: Post-Communist, Institution Building, Romania, Political Transition, Democratisation, Parliament, Government

Introduction

The article focuses on the various political institutions that developed in Romania in the course of its democracy building. Strong institutions strengthen democracy with clearly defined power and functions. The Romania's state institutional framework has been characterised as semi-presidential. In order to understand democracy building, this article focuses on various institutions, like parliament, and deals with political parties and local governance. Legislative bodies are key institutions of any democratic state. The legislative bodies have various powers to formulate government policies. The parliament is top rank legislative body, members of which are elected by the people for a certain period. In a democratic country, the parliament works according to the constitution.

The legislative bodies are an essential part of democratisation, especially at the start of the process. Thus, some political philosophers support the norm that a strong legislature reinforces and contributes to a robust democracy (Fish, 2006). The parliament enhances democracy by examining the executive branches of administration. A stable government makes the laws and could start the welfare programme of the people. The stronger legislation can protect the ethos of democratisation. Democratic transition, as discussed in the previous article, began in Romania after the collapse of communism. According to Huntington, these developments in East-Central and East-Southern Europe, including Romania, are part of the third wave of democratisation (Huntington, 1991).

The article focuses on the constitutional framework of governing institutions. It describes the evolution of legislative, executive, and judiciary bodies. These are the three pillars of democracy. Romania has had a multi-party system since 1990, and dozens of parties have been participating in elections. It also focuses on another critical institution that ensures democratic functions, namely the Constitutional Court. It examines how the Constitutional Court guards the Romanian Constitution and how it has worked over the years. Romania has been suffering from a high level of corruption since the systemic change of the 1990s. It would be interesting to analyse the role the Court has played to curb institutional corruption (Fish, 2006).

The proposed research is analytic and aims to assess political institutions and democracy-building in post-Communist Romania. Using an analytical approach, the research briefly outlines the democratic transformation in Romania under the new government's (Post-Communist) rule to the date. The research studies the impact of Romania's accession to the European Union in a detailed manner. This research also uses a comparative study of public institutions and the functioning of political institution-building. The research answers the following hypothesis: "the recurring tensions between the legislative and the executive have undermined democracy-building in Romania. The socialist legacy and domestic constraints have limited the impact of the European Union on the democratisation process in Romania."

The proposed research is based on both primary and secondary sources. It uses primary sources like EU regular reports, reports published by the National Democratic Institute for Global Affairs (it conducts periodic surveys on civil government and political organisations) and Freedom House country-specific reports. The functioning of political institutions in

Romania are studied through the official election data, census reports, and sources of the Romanian Government. Secondary sources mainly include articles from leading journals and magazines, newspaper clippings, and books.

Theoretical and Methodological Approach

The politics of Romania is placed in a framework of a semi-presidential, representative, democratic republic, where the Prime Minister of Romania is the head of the government and the President of Romania exercises the functions of the head of state. Romania has a multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and the two chambers of the Parliament, the Chamber of Deputies and the Senate. The judiciary is independent from both the executive and the legislature. Romania's 1991 constitution, amended in 2003, proclaims Romania as a democratic and social republic, deriving its sovereignty from the people. It also states that "human dignity, civic rights and freedoms, the unhindered development of human personality, justice, and political pluralism are supreme and guaranteed values." According to the Constitution, all three public powers, executive, legislative and judicial, have responsibilities in the monitoring and oversight of the military. Among all the forms of democratic control, the Parliament's oversight role is the most complex one. The oversight process refers to the crucial role of the Legislative to monitor and review the activity of the Executive (*Constitution of Romania*, 2003).

Samuel P. Huntington analyses the transition of some thirty-five countries, mainly in Asia, Latin America, and Eastern Europe, from nondemocratic to democratic political systems during the 1970s and 1980s. He refers to the widespread international push toward democracy during this period as the "third wave" of democracy. Huntington recognises that democratic transitions, consolidations, and collapses can all result from a variety of dynamics. He begins to identify five changes in the world that paved the way for the latest wave of transitions to democracy.

These are:

- 1) the deepening legitimacy problems of authoritarian governments are unable to cope with military defeat and economic failure;

- 2) the burgeoning economies of many countries, which have raised living standards, levels of education, and urbanisation, while also raising civic expectations and the ability to express them;
- 3) changes in religious institutions which have made them more prone to oppose governmental authoritarianism than defend the *status quo*;
- 4) the push to promote human rights and democracy by external factors such as non-governmental organisations and the European Community; and
- 5) the snowballing or demonstration effects, enhanced by new international communications, on democratization in other countries.

In the post-authoritarian period in Eastern Europe and Romania, the process of institution-building has predominantly progressed in the atmosphere of uncertainty. When we analyse data about the types of institutional choices in Romania until the end of 2000, we encounter excessive difficulty in formulating firm theoretical hypotheses. We have to determine a number of fixed political trends about the consolidation and stability of democracy in the region. It happens because it has been a relatively short period, since the previous authoritarian system collapsed. As a result, there is still an undetermined stage of democratisation in most of the post-communist countries. Although the effective number of parties in the Parliament does not explain much about how this kind of institution contributes to the democratization process. We cannot learn too much about the nature of the political system (Pridham, 2006) through numbers.

Primarily, the paper uses content analysis as the main methodological approach. While analysing primary and secondary sources available related to the EU enlargement and expansion policy toward Eastern and Central Europe, the research adopts qualitative methods that allow us to form an argument and implement a substantial discussion, and draw conclusions. The EU has an integration policy for eastward enlargement, and Romania joined the EU in 2007. The qualitative content analysis helps to discover particulars of the latent interpretation, whereas the quantitative content analysis facilitates to discover the meaning by analysis latest data as well as debate in the literature. This applies to a very broad range of Eastern and Central Europe cases and provides a comprehensive case-inquiry from two variables. For this research, the first variable comprises the EU presence in the region of Southern Europe, and the second is the EU Neighbourhood Policy. A basic understanding of both variables is that they are complementary to each other, whereas the EU's presence

as a strong international actor is completely dependent on the integration policy. This helps to understand complex issues in Romania. An analytic approach offers a broad generalisation of specific observations. These have been used to investigate the research problem through a deductive approach leading to a broad contextual generalisation of the EU and European Neighbourhood Policy (ENP). As a theoretical framework, the neoliberal approach was used in this study to determine the role of the EU in the Romania's institutional development. As regards the growing regional importance, this approach helps us to negotiate and share values and norms.

After 1989, Romania moved forward to adopt the western new liberal democracy and build new liberal democracy. Since its integration into the EU, Romanian institutional development gradually focused on moderate political institutions. According to the literature, the emergence of populist regimes in the region diminishes neoliberal institutions. Recently, many CEE countries have had populist governments opposing EU rules and regulations, mainly the immigration policy. The heterogeneous thinking emerged against the will of different people; this kind of thinking emerged as a form of inescapable orthodoxy. The theory of liberalism highlighted the idea of freedom of movement without restrictions, people's opportunities, right to dissent, access to social justice, and representation in government bodies. The people have to have full social and political rights in the regime of democratic government. Institutional building and liberal political ideas are backsliding in Romania (Krastev, Holmes, 2019).

The populism in CEE countries curtails the political, social, and democratic rights of minorities and other groups. The populist political elite believes and opposes liberal values and its allied political power groups want to eradicate the characteristics of liberal democratic approaches. Furthermore, populists have challenged the liberal policy and consensus on the market-oriented reform and integration into the Euro-Atlantic organisation, and favoured the nationalistic language and behaviour. Thus, populist thinking fully disagrees with the political correctness of liberalism and equal opportunities for all kinds of people in the country. There are many political scientists, theorists, and commentators using "populism" as general term in the political sphere in the world, and describe the outcome of the populist regime and its effect on liberal kind of democracy in the region. The same has applied to the Romanian case as well (Smilov, Krastev, 2008, p. 7).

Review of Literature

Attila Agh (1998) discusses four themes: an introductory overview, transformation in Central and Eastern Europe and Romania, regions in comparative transition, and conclusions and perspective for the future. Further, it discusses the political system of Central and Eastern Europe and Romania using the term democratization and theories of comparative politics. he tried to define Central and Eastern Europe and the Balkan regions based on their history, culture, traditions, and geography (Agh, 1998). The light of democracy promotion in the CEE countries affected the Romanian institutional transformation into the democratic form of governance in the country.

Christopher Lord and Erika Harris describe emerging democracies in Europe and their different forms. They analyse the diversity of democracy in European states in their book on *Democracy in the New Europe*. It contains a brief political-institutional discussion of Romania. They also highlight how different states of the new Europe develop direct and indirect democracy, presidential and parliamentary systems, consensus and majoritarian democracy, and more or less proportional election systems (Lord et al., 2017). After the fall of communism in 1989, the newly appointed government established the institutional setup according to democratic values and norms.

Cristina Chiva (2007) describes the institutionalisation of the parliamentary system in Hungary and Romania through a comparative study of both countries. The pivotal contribution of the paper redefines the concept of legislative institutionalisation in the field of legislative studies so that it could account for the impact of EU institutions and policies on the parliaments of post-communist EU member states and candidate countries. The article analyses legislative institutionalisation in the Hungarian and Romanian parliaments by focusing on three dimensions: EU policies and institutions, constitutional frameworks, and the consolidation of party systems. The paper argues that, despite differences on three of these dimensions, both countries' parliaments have reached a relatively high degree of institutionalisation since the first free and fair elections of 1990. The theoretical contribution to the field of legislative studies has consisted in an analytical re-consideration of the concept of legislative institutionalisation in Central and Eastern European parliaments. While these are broadly agreed with the distinction made in the literature between two principal areas of institutionalisation, the

external environment and the internal characteristics of parliaments. It argues that analyses of legislative institutionalisation in post-communist Europe fail to take into account the impact of EU institutions and policies on candidate countries and new member states (Chiva, 2007). The EU's eastward enlargement helped Romania to focus on building strong institutions in the country.

Bharti (2020) describes the importance of the European Union to promote democracy and peace in the South Asia region, e.g. Bhutan, Nepal. The European Union has been engaged in promotion and building strong political institutions in Afghanistan since 2002. In a similar vein, for example, in Central and Eastern Europe, the EU's neighbourhood policy has played a key role in establishing democratic institutions in Romania. The European Commission's regular report on Romania proved that EU funds initiated the formation toward strong institutions and started the development process in various fields in the country. The EU's financial support to third world countries paves the way toward stronger democratic institutions in the South Asia region as well. The literature suggests that the EU is a key promoter of democracy in Europe and across the world (Bharti, 2020).

The development of the Parliament in Post-Communist Romania

In 1989, Romania entered a new phase of transition after the fall of communism. The country started democratisation immediately in the early 1990s. This meant new political and institutional development. Like its counterparts in Central and Eastern Europe, Romania quickly set out to establish democratic rules and norms (Gonenc, 2002). Romania started the process of institutional development in the country according to its new constitution in 1991. After the collapse of communism in Romania, there was no stable democratic system in the country. The level of democratic institutions was poor. New leaders quickly committed to establish a democratic system, but they worked according to the old system and old habits. Therefore, the development and functioning of new institutions tended to be poor compared to neighbouring countries. The first Parliament operated for only two years (1990–1992). During that time, the country adopted the French system. As a result, the President had much more power than the legislature. Romania opted for a bicameral parliament under the new constitution of 1991. The Chamber of Deputies

is the Lower House and the Senate is the Upper House. Both houses had equal legislative powers but different strength in terms of the number of deputies. In 1990, the Chamber of Deputies consisted of 387 members and Senate had 119 members (Carey, 1989). According to the Constitution, there is no seat reserved in the Upper House of the Parliament for ethnic minorities in Romania (Chamber of Deputies, n.d.).

The Constitution was adopted on the 8th December 1991 after a nationwide referendum. Members of the constitution drafting committee were mostly from the National Salvation Front (FSN). The then President Iliescu's role was also important to formulate new laws and a strong constitution for the democratic development of the country. The second parliamentary election was held in September 1992, and the Parliament functioned until 1996 (European Election Database, 1996). The second general election was held under the new electoral rules and constitution. Significantly, the political situation changed in the country by 1996. In 1992, no party got majority seats in the lower house of the Parliament, and the opposition party emerged stronger than before (Roper, 1989). Iliescu's new party (Social Democratic Party) got a majority of seats in the house and created a coalition government with the Democratic Liberal Party. The Democratic National Salvation Front (FDSN) formed a government under the leadership of Iliescu (Ibidem, p. 166). The third general election was held in 1996 and the Parliament worked for the next four years until 2000. By October 1996, Romanian political culture had undergone tremendous transformation. The opposition parties also gained more seats (41) in the Parliament. Many political commentators and scholars argue that there was a change in the Romania electorate system itself (Ibidem, p. 170). The Democratic Convention of Romania (CDR) received majority of seats in both chambers and formed a coalition government with a minority party of the Hungarian Democratic Union (UDMR) and the Social Democratic Union (USD) (Ibidem). The new alliance formed the government and defeated the Democratic National Salvation Front.

For the first decade (1990–2000), the Romanian Parliament was too ineffective and weak to work properly. This was due to the legacy of communism and Ion Iliescu's dominant role in the 1990s. The country was not geared towards the establishment and functioning of strong democratic institutions. Under Constantinescu's rule, the Parliament worked in a normative way for the betterment of the administration system in Romania. One of the problem areas which emerged early was the President's

involvement in legislative work. As a result, there was serious contention between the President and the Prime Minister since the Constitution became effective (Ilie, 2010). During the 2000 parliamentary election, Ion Iliescu's Social Democratic Party of Romania (PDSR) got almost perfect parliamentary setup of around forty-six percent. Iliescu was once again elected President after he got a majority vote in the second runoff (Roper, 1989). The 5th Romanian general election (2004–2008) was held in November 2004. In this parliamentary election, no single party got majority seats in the Parliament. Although the Social Democratic Party won most of the seats, the party was not in a position to form a new government. The Justice and Truth Alliance candidate won the presidency and Bucharest Mayor Traian Basescu was elected president. The latter was a big supporter of Romania joining the European Union in 2007 (European Election Database, 2004).

The fifth Parliament of Romania had played a major role in pushing for Romania's EU membership, and its EU accession became the reality in January 2007 (European Union, 2007). After the 2004 parliamentary elections, the Romanian Parliament opted to reform the society on a democratic basis. It aimed to pass an impressive number of laws and regulations, ensure adherence to fundamental human rights, and endorse socio-economic reforms in the country. Romania also sought to consolidate the market economy and adopted new legislation to reform institutions. The adoption of the new policy on all these fronts aimed at the membership of the European Union and integration into European institutions (Ilie, 2010). The Constitution of Romania recognises four kinds of elections with direct participation of its citizens. General Elections (Parliament) – in these cases, people with dual citizenship are also entitled to vote. The same applies to those Romanian citizens who reside either permanently or temporarily abroad. Only Romanian citizens have the right to stand as candidates, including people with dual citizens but they need to have a permanent Romanian residence. Presidential Elections – the right to vote is governed by the rules of general parliamentary elections; however, the Presidential candidate must be a person who is a Romanian citizen and has a permanent Romanian residence. Local Government Elections (Municipalities) – relevant EU norms are applicable, and EU citizens living in the territory of the country may vote or stand as candidates in a given regional administrative unit. The European Parliament Elections – held according to EU rules (*Constitution of Romania*, 2003).

Romanian Parliament and Constitution

According to Article 61(1) of the Constitution, we are sure that the Romanian bicameral chamber of Parliament is a perfect place for establishing norms and that the Parliament is the supreme representative body of the Romanian people and the sole legislative authority of the country. By considering its marginal designation, the constitutional provision regulates the fundamental role of the Parliament within the system of state authorities in Romania (Chamber of Deputies, 2018). The number of Deputies and Senators to be elected in each constituency is determined based on the representation norm, depending on the number of inhabitants in each constituency. Both chambers have been elected through a universal, secret and freely expressed voting system, The Chambers of the Parliament have constitutionally been granted equal power (Stanescu et al., 2013).

The amendment of the Constitution was carried out by the constitutional reform of 2003 to develop the society and promote socio-economic changes in the country. The constitution of Romania contains 156 articles grouped under eight titles. The first title defines general principles, unitary structure, and the republican shape of government. Article 1(3) of the Constitution characterises the state as a democratic country based on the rule of law. The constitution guarantees that the Romanian citizens would have equal freedom of expression, and an independent chance to develop their personality and political pluralism. Articles in the second title determine fundamental rights, freedoms, and obligations. Title three is guarantees fundamental rights and liberties. These include the right to live, as well as the right to physical and mental integrity of a person. The fourth title regulates the Ombudsman, an organisation intended to protect the citizens' constitutional rights and freedoms.

The above are related to the power and role of state institutions. The first elaborates on the legislature's organisation, functioning, and tasks. The next focuses on the role and function of the Romanian President. It describes the suspension procedure that establishes political, legal, and institutional facts and their consequences. There are four paragraphs on the role of the Parliament, including its two Chambers and parliamentary committees. It contains provisions that regulate the member of parliament right to ask questions and to withdraw their vote of confidence to the government. It regulates the law of courts, federal ministries, and the higher committee of magistracy. The setup of public administration in territori-

al administrative units is based on decentralization, local autonomy, and de-concentration of public services. The fourth title of the Constitution deals with finances and the public sector. It refers to the market economy, economic issues, national community and public financial plan, duty system, and the court of auditors. The Constitutional Court regulates and assesses the constitutionality of law and order. The Euro-Atlantic integration was used to regulate Romania's accession to the European Union and the North Atlantic Treaty Organisation (NATO). The seventh title in the final section deals with the constitutional amendment procedures.

The amendment of the constitution is regulated by the revision's initiative, the course of action, and restrictions. It guarantees the performance of the people's will, as articulated in a referendum that endorses the essential law. The Parliament has to act independently. Finally, mid-way requirements define rules of how to implement the constitution, and how to deal with disagreement between present and future institutions (The Constitutional Court of Romania, 2003).

Power Distribution

The Romanian constitution of 2003 divided the powers among institutions in the country. Article 1(4) of the Romanian Constitution refers to constitutional democracy according to the principle of the power distribution and legislative powers, executive power, and judiciary. Therefore, the congressional power sources originate from the Parliament; it is the supreme statutory authority in the country. Its members are elected directly for the Chamber of Deputies and the Senate. The members are chosen by universal, free, and secret ballot. Both houses are elected for a four year term of office, which can be extended during war and natural disasters.

The Romanian Parliament enforced customary law, constitutional law, and organic law. According to Article 73(3) of the constitution, organic law encompasses the following:

- 1) election procedure is running by the permanent electoral authority in the country, organisation and functioning;
- 2) administration, implementation, and financing of political parties;
- 3) deputies and senators' statute, their indemnification, and other constitutional rights;
- 4) organisation of referendum and the referendum process;

- 5) system of government, administration, and the Supreme Council of National Security;
- 6) regime for the state for partial or total military mobilization and the state of war;
- 7) regime for the state of emergency and siege;
- 8) crime, penalty, and administration related to the allocation of penalties;
- 9) compromise of general pardon and combined remissive;
- 10) community servants' decree;
- 11) secretarial litigations;
- 12) system of government and functioning of the better-quality congress of the Magistracy, of the courts of law, of the Public Ministry, and the Court of Auditors;
- 13) general legal regime of property and inheritance;
- 14) general establishment of schooling;
- 15) system of government of the local public administration and the province, as well as the general regime of the local autonomy;
- 16) general regime of labour relations, the trade unions, the employers' bodies and social security;
- 17) decree and laws of the national minorities in Romania;
- 18) universal regime of cults;
- 19) other fields for which the Constitution provides for the ratification of organic laws and their norms in Romania.

Executive Powers

The President and the government exercise their executive power which is based on the dual executive system; it is a type of a parliamentary system. According to the Constitution, the president represents the state of Romania as a guarantor of national independence. The president also represents and guarantees the unity and territorial integrity of the country (Safta, 2020). The president of Romania safeguards the adherence and observes the constitution. The president works as a mediator for the government, society, and state. The electoral process for the president starts according to constitution rule through the direct, universal, equal, free and fair, and secret ballot. The foreign policy and domestic policy of the country are defined in the governmental programme adopted by the Parliament. The Parliament also handles the country's public administra-

tive system. The government cooperates with interested civil bodies and adopts a suitable welfare programme for the public. The government of Romania consists of the Prime Minister, ministers, and other members established by the organic law (Saramet, 2015).

“According to article 1(4), the constitution of Romania highlights the principle of separation and balance of powers. Therefore, this principle is based on collaboration and mutual control between these two powers, namely the legislative and the executive. Thus, the balance is maintained between these two powers. The two central authorities of the executive power, the President of Romania and the Government, supervise and apply this principle with the help of constitutionally established power, including their duties related to the legislative power.” (*Constitution of Romania*, 2003)

Romanian Parliament: Functions

According to the constitution and its Article 63, the tenure of Members of Parliament is four years, which may be extended by unanimous voting in case of mobilisation, war, siege or emergency state when the respective state threatens survival. The parliamentary election could be postponed during this kind of situation in the country. During emergency and other circumstances, no revision of the constitution can take place, and organic laws cannot be enacted or modified. The new Parliament could adopt previous government bills and legislative proposals on the agenda. As a rule, both chamber members can sit separately in the Parliament (Chamber of Deputies). The Chambers also have joint parliament sessions. According to directives adopted by majority vote, deputies and senators may rule on the following:

- 1) conversation with the President about the further course of matters;
- 2) approval to the government proposed budget, including social and defence budgets;
- 3) declaration of total or partial mobilisation;
- 4) decision regarding the state of war;
- 5) suspension of hostilities;
- 6) approval of the approach to national defence;
- 7) reports of the National Council of Defence are investigated;
- 8) appointment of heads of intelligence services, as suggested by the President, and designation of the activity of these services;

- 9) appointment of the Ombudsman;
- 10) establishment of deputies and senators' statutes, indemnification, and other constitutional rights;
- 11) to carry out another prerogative which, according to the Romanian constitution or the set of laws, need a joint session.

During the Parliament session, both Chambers of the House carry out their activity in the regular course (Chamber of Deputies). Members of Parliament of upper and lower houses sit in ordinary sessions twice a year. The first session of the Parliament is held from February to the end of June, whereas the second session from September to the end of December according to the most recently revised laws (Anitei, 2014). There is provision for extraordinary meetings if at least one-third of senators or deputies and the President call such extra sessions of the Parliament. At the request of the Parliament office, a Parliament session can be called as well. Given provisions pertaining to these two types of parliamentary sessions, the Parliament can be summoned by its own right or mandatorily, as specified by the Romanian constitution.

The President of Romania

The President of Romania is part of the executive power in the country. The model of executive power is divided between two heads, the President and the Prime Minister who jointly exercise the authority in the state. There is a dual executive power-sharing system according to the Romanian constitution. The President of Romania has four important tasks according to the constitution: safeguard the structure, unity, and territorial integrity of the country, guarantee national independence, and perform a representative function. The President works as a mediator between different power groups in the country (*Constitution of Romania*, 2003). The President is the head of Romania and the top power-sharing authority of the executive branch in the country (Ibidem). The President exercises the principal power-sharing authority, just like other public authorities, including the government and the Parliament (Ibidem). At the national level, the President's role is essential because the constitution provides more executive power to the President compared to the Prime Minister. At the international level, the President of Romania accredits ambassadors and receives letters of accreditation. The President also signs international agreements on behalf of the Romanian state.

The President is the supreme commander of the armed forces in Romania. With the consent of the Parliament, the Romanian President can declare mobilisation of military forces. The President can declare the state of emergency and seige (Alexandru, 2008). Article 80(2) of the Romanian constitution gives the authority to the President to safeguard the structure and proper functioning of the government bodies. It does not grant the President the capability to straightforward exercise the constitutional review; instead, according to the constitution, the President of Romania has the power to inform competent government authorities. The President of Romania has the right to directly notify such acts to the Constitutional Court (*Constitution of Romania*, 2003). Article 80(2) states that the President has a role of a mediator between power groups and the state, as well as between the society and nation (Vida, 2014).

Presidential Electoral Process

The President is elected directly by the people through a secret ballot system (Marius, 2010). Political parties or alliances can put forward candidates for the Romanian President (Act number 14/2003). There is a provision in law for an independent candidate to file a nomination for the post of President. If a political party as an alliance partner proposes a joint candidate for the President, they cannot recommend a separate candidate for the President during the election. Any presidential candidate can file the nomination with the support of at least 200,000 voters. If a candidate does not meet the requirements set out in Article 37 of the constitution, a voter can support by his/her vote only one presidential candidate during elections. There are also provisions stating that persons who have been elected twice cannot run for the president (Constitutional Court of Romania, 2011). According to Article 81(3) of the Romanian Constitution, the presidential candidate who gets the majority of votes is elected president in the country (Romanian Constitution, 2003).

There is a provision which says that within three months from the declared date of the vacancy, the central government will take the initiative to hold the Presidential election in the country. The vacancy occurs after president's resignation, dismissal, inability to work in office, or when president otherwise completed his/her tenure, or in case of death of the president (Romanian Constitution, 2003). The Government ensures internal and external policies of the country and exercises overall management of the

public administration (Art. 102 in the Romanian Constitution) according to its governing programme accepted by the Parliament. The Prime Minister chairs the government and coordinates activities of its members according to ministers' prerogatives. Furthermore, the Prime Minister submits reports and statements to the Chamber of Deputies or the Senate concerning the Government policy (Art. 107 of the Constitution). Then reports are discussed in the order of priority and the PM answers questions addressed by deputies or senators. The PM has the right to appoint a member of the government to answer questions and send questions to the government through deputies and senators, according to the topic of the interpellation. The PM has also other prerogatives, in particular:

- 1) represents the Government before the Parliament, President, High Court of Justice, Constitutional Court, Court of Auditors, Legislative Council, Public Ministry, other public authorities and institutions, political parties and alliances, trade unions, and non-governmental organisations, as well as in international relations; he is the Vice-President of the Supreme Council of National Defence and exercises all prerogatives stemming from this function;
- 2) he countersigns decrees which are issued by the President. The Constitution provides for a compulsory countersignature;
- 3) the Prime Minister undertakes steps to solve operative problems through his/her decisions, inter-ministerial councils, commissions, and committees. He/she has the right to summon and chair sittings of the government and its executive board. During his/her absence, the Prime Minister has the right to appoint one of state ministers to chair sessions of the government and its executive committee;
- 4) he signs all the documents adopted by the government;
- 5) he has the right to appoint and dismiss the government;
- 6) he heads specialit bodies under the authority of the government, except for persons who are government appointees;
- 7) he appoints the secretary-general and deputy secretaries-general of the government; in case these positions are in place;
- 8) he appoints secretaries of state and state counsellors within the government's working mechanism; and
- 9) he appoints secretaries of state and other public servants, in case they are required by the law.

According to Article 108 of the Constitution, the government issues legal documents, including decisions and ordinances. Resolutions are adopted to organise the execution of laws. This means that they cannot

include primary regulations of social relations. Government decisions, such as ordinances, are signed by the prime minister and counter-signed by line ministers responsible to implement them. Both decisions and laws must be published in the Official Gazette, except those of a military character, which are exclusively notified to relevant institutions. Failure to announce a decision or an ordinance means that these are non-existent. Their publication is a precondition for their validity. The parliament has the right to enact a particular law that empowers the government to issue ordinances in areas that are not under organic regulations. This is referred to as legislative delegation (Negrut, 2017).

In Romania, presidential elections were held on 22nd November and 6th December 2009 under Law no 370/2004, as amended and supplemented by Government Emergency Ordinance no 95/2009 (Government Emergency Ordinance no. 95/2009). According to the new electoral law, there is a difference between the president's term of office (5 years) and that of the parliament (4 years). For the first time in Romanian politics, the election for the president was not held simultaneously with elections to the Chamber of Deputies and the Senate (Sussex European Institute, 2009). The first round of presidential election was on 22nd November 2009, and the second round two weeks later on 6th December 2009 (Robert Shuman, 2009).

Table 1

Results of the Presidential Election, November 2009

Names of Candidates	Valid votes	
	Number of Votes	% of Total Votes
Traian Basescu (PD-L)	3,153,640	32.44
Mircea-Dan Geona (PSD)	3,027,838	31.15
Crin Antonescu (PNL)	1,945,831	20.02
Corne Liu Vadim-Tudor (PRM)	540,380	5.56
Honor Kelemen (UDMR)	373,764	3.83
Sorin Oprescu (Ind)	309,764	3.18
George Becali (PNGcd)	186,390	1.19

Source: Central Election Bureau Romania, www.bec.ro.

Table 2

Results of the Second Round of Presidential Election, 2009

Candidates	Nominating Party	Votes	Percentage
Traian Basescu	Democratic Liberal Party (PDL)	5,275,808	50.33
Mircea Geoana	Social Democratic Party (PSD)	5,205,760	49.67

Source: Central Election Bureau Romania, www.bec.ro.

The turnout increased on the 6th December 2009 approximately by 5 percent to 58.02 percent. Only 1.3% of votes were cancelled. Mr Basescu won the election with a narrow margin, with the help of diaspora voters. In this way, he got a second term in office. He was the first president in post-communist Romania to get two consecutive full terms in office. Ion Iliescu won an entire term of office in 1992 after two years. The Constitution of Romania limits the possibility to occupy the position to only two terms of office (Ganev, 2013).

2014 Presidential Election

The Romanian presidential election took place again in 2014 in two rounds, on 2nd and 16th November. Victor Ponta, the Prime Minister of Romania, accepted his defeat in a presidential contest against his conservative opponent Klaus Iohannis, who had a clean sweep victory. According to the Central Electoral Bureau (BEC), final results brought the triumph of Liberal Klaus Iohannis, the mayor of Sibiu, with 54.6 percent votes in the second round, over Social Democrat Victor Ponta, Prime Minister of Romania, who obtained 45.4 percent of votes (Foundation Robert Schuman, 2014).

Table 3

Results of the Presidential election, 2014

Candidates	Party/Alliance	No of Votes 1 st Round	Percentage of Vote (1 st Round)	No of Votes 2 nd Round	Percentage of Vote (2 nd Round)
Klaus Iohannis	National Liberal Party (PNL)	2,881,406	30.37	6,288,769	54.6
Victor Ponta	Social Democratic Party (PSD)	3,836,093	40.44	5,264,383	45.4
Calin Popescu Tarriceanu	Liberal Reformist Party	508,572	5.36		
Elena Udrea	People's Movement	493,376	5.20		
Monica Macovei	Independent	421,648	4.44		
Dan Diaconescu	People's Party (PP-DD)	382,526	4.03		
Corneliu Vadim Tudor	Grand Romanian Party (PRM)	349,416	3.68		
Hunor Kelemen	Democratic Union of Hungarian of Romania (UDMR)	329,727	3.47		

Source: www.bec2014.ro/rezultate/.

Table 3 shows Presidential election results in 2014; PNL leader Klaus Iohannis wins the election and defeats the opposition leader Victor Ponta.

Romania Diasporas

The idea of political community is applied to strengthen ties with citizens of all nationalities. Romania's external voting was introduced in 1990. The Constitutions of post-communist Romania (1991, 2003) asserted that the state supported the strengthening of ties with Romanians abroad and supported the preservation of their ethnic, linguistic, and religious identity. External voting was not possible before 1990 but the Romanian diaspora expressed no interest to participate. The Romanian diaspora consisted largely of dissidents who fled during the communist period. Votes from abroad were not attributed to any special diaspora's electoral district from 1990 to 2008. Decision-makers were increasingly interested in electoral resources represented by the diaspora at the beginning of 2004. An increase in the number of polling stations was set up all over the country, and a large number of votes cast their votes abroad (ECPR, 2016).

The resulting electoral laws of 1992 established voting stations in embassies and consulates out of the country at the time of official ballot. As far as we know, the number of Romanians voting abroad has recently reached a much higher number than in the past, namely 377,651 voters in comparison to 146,000 in 2009. This shows countries with the highest number of voters from Romanian diasporas. The Romanian government's decision about voting rights for the diaspora community proved that democracy has been strengthening across the country (Vilcu, 2014). Klaus Iohannis got 89.73% of the migrant vote in the 2014 presidential second-round runoff, receiving 338,873 of the 377,651 votes. This majority helped winning the presidential function boosted by the diaspora voting. Iohannis got almost three times the number of votes than the previous President Traian Basescu (115,831). It is not surprising that Iohannis was popular in the diaspora. Candidates from centre-right parties performed better than candidates of the left (Burean, 2015).

Table 4

Romanian Diasporas voting in 2014 Presidential Election

Country	Number of Votes
Italy	96,600
Spain	82,744
Moldova	35,543
United-Kindom	25,850
USA	17,683
Germany	17,506
France	16,053
Belgium	13,040
Austria	9,533
Canada	6,490

Source: Central Electoral Bureau Romania (Biroul Electoral Central), www.bec.ro.

Social media and Presidential Election, 2014

The social media role has been growing in the electoral process in the country. The increase in the number of Facebook users has been observed since the last report of 28th April 2014. There were about 7.2 million people in Romania with the access to the social network. The Facebook usage rate among the general population was 35.7 percent and the Facebook usage among Internet users in Romania was 74.67 percent (Tanase, 2014).

The distribution of the Facebook supporters of the two candidates Victor Ponta and Klaus Iohannis by geographical area:

Table 5

Romanian Diaspora's Facebook Campaign, 2014

Victor Ponta 16 th November 2014			Klaus Iohannis 16 th November 2014		
Country	No of Fans	Percentage	Country	No of Fans	Percentage
Romania	644,418	90.1	Romania	681,280	80.3
Italy	15,734	2.2	Italy	44,117	5.2
Spain	6,437	0.9	Spain	22,907	2.7
Germany	4,191	0.6	Germany	21,210	2.5
U.K.	5,006	0.7	U.K.	16,119	1.9
Moldova	2,145	0.3	Moldova	7,635	0.9
U.S.A.	2,145	0.3	Moldova	6,787	0.8
France	2,145	0.3	France	6,787	0.8
Total Support	715,226		Total Support	848,419	

Source: <http://www.sferapoliticii.ro/sfera>.

Table 5 shows the result of the social media Campaign by the Romanian diaspora Community, Klaus Iohannis has the upper hand on Victor Ponta on Facebook.

Local Institutional Elections

According to law no 70/1991, Romanian local elections were held in the country under an emergency ordinance of 28th April 2000. Romania adopted new law 70/1992 for county and local bodies to be elected based on a list system through direct ballot. After this change, mayor elections were held in two rounds (Emergency Ordinance of Romania). The General Counsel of Bucharest, the County Councils, Mayor of Bucharest, and heads of other municipalities are elected by universal, equal, direct and free ballot. The local municipal elections are held at the level of communes, towns, or municipalities. The eligibility conditions for the local election of councillors and mayors are:

- 1) eligibility to cast vote;
- 2) age limitation is minimum 23 years;
- 3) resident of an administrative area where the election takes place;
- 4) a voter cannot be convicted for serious crime and offence with a concluding legal judgement for abuses in political, legal or administrative areas, violation of human rights, or other intentional offences; and
- 5) a person cannot have agreements and contracts for papers or services distribution in a given administrative subdivision of government where he/she is a candidate.

Conclusion

After joining the European Union, Romania has continuously pioneered the establishing of political institutions. The Romanian constitution provides for all rights to minorities and other communities in the country. The country meets the Copenhagen criteria and successfully established the rule of law in the country, but the country needs to work to boost transparency and discipline within institutions. Romanian democracy is still fragile as indicated by this research. The emergence of political disparities in the country restricted its proper institutional development. Moreover, the research also concludes that the increasing

rate of crime and corruption are vital issues in the country. The European Union has been trying to promote democracy in the country before and after the accession. The Copenhagen criteria have been adopted in Romania to transform the country into a democratic system but the country has not succeeded to accelerate the democratisation of its institutions.

The research further suggests that political institutions and democratisation process are key issues for the betterment of people. Romania needs time to reach a full-fledged stage of democratisation across the country. Institutions still operate under pressure groups. Thus, the study shows that neither preparation to EU membership nor subsequent accession to the EU have resulted in the successful democratisation of Romania. Further research can follow this direction and investigate to what extent the political factor had negative impact on the effectiveness and efficiency of the deliberation.

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Post-komunistyczny i polityczny rozwój instytucjonalny w Rumunii

Streszczenie

Przemiany polityczne w Rumunii zapoczątkowane w 1989 roku, po śmierci Nicolae Ceausescu. Artykuł opisuje i analizuje dynamikę zmian instytucjonalnych i zachowań w procesach politycznych zachodzących w Rumunii po 1989 r. Artykuł koncentruje się na ramach konstytucyjnych najważniejszych instytucji. Autor analizuje rozumienie podejść teoretycznych do zmian politycznych i instytucjonalnych w kraju, a także ewolucję organów ustawodawczych, wykonawczych i sądownictwa – trzech filarów demokracji. Artykuł prezentuje jak partie polityczne uczestniczące w wyborach tworzą rząd i omawia stabilność instytucji. Artykuł analizuje podstawy instytucjonalne koalicji rządowej w latach 1990–2020 w okresie post-komunistycznej demokracji w Rumunii. Artykuł zaczyna się od przedstawienia założenia ram instytucjonalnych, iż systemy wyborcze oraz zapisy konstytucji dotyczące podziału władzy, struktury i relacji pomiędzy parlamentem a prezydentem determinują punkt rozproszenia lub koncentracji władzy w systemie politycznym.

Słowa kluczowe: post-komunistyczny, rozwój instytucjonalny, Rumunia, przemiany polityczne, demokratyzacja, parlament, rząd

