

**THE EFFICIENCY OF THE PUBLIC ORDER SYSTEM. PROPOSAL FOR A
FERENDA LAW ON POLICE REFORM THROUGH THE ABSORPTION AND
RECONSTRUCTION OF INFORMATIONAL CONTROL**

Adrian MARIAN, lect. PhD.,
"Bogdan Vodă" University of Cluj-Napoca

ABSTRACT

This text analyzes some structural dysfunctions of the system of order and public safety in Romania and proposes legal ferenda solutions based on operative realities. Three main directions of reform are identified: institutional reorganization through the absorption of the Gendarmerie, the reintroduction of the sectorist as an informational control tool and the capitalization of the human capital represented by retired police officers. The analysis is supported by institutional data, European comparative models and relevant criminological concepts.

KEYWORDS: *efficiency, informational control, Police, Gendarmerie, sectorist, human capital, absorption, lege ferenda, European models, contemporary challenges.*

J.E.L. Classifications: H11, H83, K14, K42, J24, D23, O52

1. INTRODUCTION

The system of public order and safety is one of the fundamental pillars of the rule of law, being responsible for protecting the rights and freedoms of citizens. In the current context, characterized by criminal mobility, the development of organized crime and the complexity of social phenomena, the efficiency of law enforcement institutions becomes essential.

The present analysis starts from a fundamental finding: system dysfunctions are not generated exclusively by the lack of resources, but mainly by the way they are organized and used. Comparative models demonstrate that effectiveness is driven by institutional coherence and unity of command (Bayley, D.,1994).

2. THE REAL DIMENSION OF THE PROBLEM: THE SCARCITY AND DISTRIBUTION OF RESOURCES

The Romanian Police faces an estimated deficit of between 10,000 and 15,000 posts (IGPR, Activity Report, 2023), directly affecting the operational structures.

At the same time, the Romanian Gendarmerie has approximately 20,000–23,000 employees (MAI, Institutional report, 2023), and the Border Police: approximately 12,000–13,000 employees (IGPF, Annual Report, 2023).

This distribution highlights an essential problem, - not the total lack of staff, but the inefficient allocation of staff.

The situation goes against the principle of public service efficiency, which requires the optimal use of available resources (Vedinaş, V., 2020).

3. INSTITUTIONAL ANALYSIS: THE CASE OF CLUJ

Cluj County represents a relevant model for the analysis of systemic imbalances.

Estimated:

- Police: 1,200–1,400 police officers, with an operational deficit
- Gendarmerie: 600–800 gendarmes

The police face a deficit in: • criminal investigations, public order, prevention. Instead, the Gendarmerie is mainly used for public order at events, guarding, specific interventions.

In conclusion, we can say that the resource exists, but it is not used effectively in combating everyday crime.

4. PRIORITY REFORM: ABSORPTION OF THE GENDARMERIE

The dual Police-Gendarmerie structure generates: •overlaps of competences, high administrative costs, coordination difficulties.

From a legal perspective, this situation goes against the principles of good administration (Weber, M., 1978).

Comparative models: in Austria in 2005 there was a Police + Gendarmerie merger, which led to increased efficiency. Belgium also switched to an integrated system, and in the European country

with the most praised institution of its kind, Great Britain, we also have a unique police force, without gendarmerie.

The European trend is clear: integration, not fragmentation, although of course there are enough counterexamples, but not of efficiency, but more of tradition!

5. FERENDA LAW PROPOSAL

TITLE I – Reorganization

Art. 1 – The National Police is established by reorganizing the existing structures.

Art. 2 – The Gendarmerie is functionally integrated into the National Police.

Art. 3 – Personnel are taken over with retention of rights.

It is not an abolition, but an effective reorganization.

TITLE II – The Sectorist

Art. 4 – The function of sector specialist is reintroduced.

Art. 5 – Duties: informational control, prevention, community relations,
Sectorist = "the eye of the state in the territory".

TITLE III – Human capital

Art. 6 – Rehiring some of the retired police officers.

Art. 7 – Domains: mentoring, analysis, proximity
Experience = institutional capital (Radu, L. 2013).

TITLE IV – Organization

Art. 8 – Regional support structures

Art. 9 – Operational / administrative delimitation

6. BORDER POLICE – MIXED SOLUTION. TOTAL ABSORPTION IS NOT RECOMMENDED DUE TO:

- European obligations and specialization. Solution: functional integration, cooperation.

7. WHY NOT THE LOCAL POLICE. PROBLEMS:

- politicization, different standards, uneven recruitment.

It is well known, and must be acknowledged, that integration would generate a systemic risk of corruption (Mungiu-Pippidi, A., 2015).

8. INFORMATION CONTROL AND THE "BROKEN WINDOW" THEORY

The "Broken Windows" theory shows that minor disorder breeds crime (Wilson & Kelling, 1982).

No sectorist: late reaction, loss of control. It can practically be said that the Romanian Police was disconnected from the reality of the street.

With the existence of the sectorist, the situation changes and we can talk about prevention and local control.

9. IMPACT ON CRIME

Without prevention:

- crime adapts and expands. The proposed reform would increase efficiency, reduce criminality and improve response.

10. CONCLUSIONS AND PERSPECTIVES

The current system is characterized by fragmentation and inefficiency. The reform must be structural, coherent, grounded in reality and centered on the three essential directions:

1. absorption of the Gendarmerie
2. the reintroduction of the sectorist
3. the use of pensioners

European models confirm that efficiency derives from unity and professionalization. In the absence of reform, there is a risk of perpetuating a system unable to respond to contemporary challenges.

FOOTNOTES

Bayley, D., Police for the Future, Oxford University Press, 1994

IGPR, Activity Report, 2023

MAI, Institutional report, 2023

IGPF, Annual Report, 2023

Vedinaș, V., Administrative law, Universul Juridic, 2020

Weber, M., Economy and Society, 1978

Radu, L. et al., Ethics, 2013

Mungiu-Pippidi, A., Good Governance, 2015

Wilson & Kelling, Broken Windows, 1982

REFERENCES

Bayley, D. (1994). *Police for the Future*. Oxford: Oxford University Press.

Mungiu-Pippidi, A. (2015). *The Quest for Good Governance*. Cambridge: Cambridge University Press.

Radu, L. et al. (2013). *Ethics*. Bucharest: Didactic and Pedagogical Publishing House.

Vedinaș, V. (2020). *Administrative law*. Bucharest: Legal Universe.

Weber, M. (1978). *Economy and Society*. Berkeley: University of California Press.

Wilson, J.Q., Kelling, G. (1982). *Broken Windows*. *Atlantic Monthly*.

MAY (2023). *Annual report*. Bucharest.

IGPR (2023). *Activity report*. Bucharest.

IGPF (2023). *Annual report*. Bucharest.