ASPECTS OF THE ADMINISTRATIVE-TERRITORIAL ORGANIZATION OF ROMANIA IN THE 1923 CONSTITUTION AND ITS RELATED LEGISLATION

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ABSTRACT

This paper explores the administrative-territorial organization of Romania as established by the 1923 Constitution and the subsequent 1925 Law on Administrative Unification. Focusing particularly on rural communes and counties, the study highlights the demographic composition, economic disparities, legislative principles, and administrative structures within Romania during the interwar period. The analysis addresses the tensions between centralization and decentralization, the incorporation of different regional administrative traditions, and the socio-political implications of local governance reforms. The historical assessment underlines how administrative reforms aimed at unification were influenced by practical, ideological, and economic considerations, impacting both local autonomy and central governance.

KEYWORDS: *administrative-territorial organization, centralization, decentralization, interwar Romania*

J.E.L Classification: H70, N44, K23

1.INTRODUCTION

The interwar period represented a critical juncture for Romania, marked by significant territorial and administrative transformations following the Union of December 1, 1918. The Constitution of 1923 and the subsequent Law on Administrative Unification enacted in 1925 laid the foundational framework for administrative governance in Greater Romania. This legislative period aimed to consolidate territories acquired after World War I into a coherent state structure, reflecting an amalgamation of diverse historical and cultural administrative traditions. Central to this reorganization was the delineation of rural communes and counties, which served as pivotal administrative units intended to enhance local governance efficiency, promote national unity, and balance the complex interplay between central authority and local autonomy.

This article critically examines the legislative approaches, the socioeconomic implications, and the outcomes of administrative reforms implemented in Romania during this period. By assessing demographic data, financial distributions, and the administrative responsibilities allocated at communal and county levels, the study provides insights into the effectiveness and

limitations of the 1923 constitutional and legislative initiatives. Furthermore, it reflects on the philosophical and political debates surrounding administrative centralization versus decentralization, presenting an analytical perspective on the impact these debates had on the historical trajectory of Romania's administrative governance. The paper ultimately contributes to understanding how early twentieth-century administrative reforms have shaped contemporary local governance structures in Romania.

2. THEORETICAL FRAMEWORK AND HISTORICAL CONTEXT

A. Organization of the Rural Commune

Regarding the demographic composition of villages and localities in 1923, Transylvania and Banat recorded 2,951,856 Romanians, 987,762 Hungarians, 27,513 Germans, 71,561 Jews, and 119,774 others.

The communes from the territories unified on December 1, 1918, were divided into several categories: 189 communes with over 3,000 inhabitants totaled 883,668 people, nearly matching the population of the 40 towns, which numbered 929,500 inhabitants. Within these communes, Romanians represented 62.31%; 613 large communes (between 2,000 and 3,000 inhabitants) and medium-sized communes (between 1,500 and 2,000 inhabitants), totaling 1,201,535 inhabitants, of whom 57.78% were Romanians; 3,281 small communes with fewer than 1,500 inhabitants, with a total population of 2,473,263, of whom Romanians accounted for 72.59% (Official Gazette, Part III, 1925). The distribution of ethnic communities between towns and villages is also revealing: Romanians were 8.69% urban and 91.31% rural; Hungarians 27.23% urban and 72.77% rural; Germans 23.34% urban and 76.66% rural; Jews 64.78% urban and 35.22% rural; others 12.47% urban and 87.53% rural. It is evident that the village, the rural community, represented the primary socio-economic environment for all ethnic groups except the Jewish population, and that after the Union of 1918, Romania benefited from a complex communal administrative system.

N. Iorga emphasized the economic and identity significance of the village, stating it is "for everyone, the great historical reality and the significant possibility of the present, a major factor for future development." The administrative organization of such villages "will always be characterized by how the rural administrative organization issue was resolved." Similarly, Constantin Stere reiterated the assertions of a French specialist in administrative law, stating that "in the commune, the cell of the social body, lies all the power of free peoples. Communal institutions are to civic freedom what schools are to science. [...] Take away the commune's strength and independence, and you will no longer have a nation of citizens" (Negulescu, Boilă, Alexianu, 1942).

In Parliament, historical, cultural, and statistical arguments were presented to ensure that the vigorous structures of villages in Transylvania, Bukovina, and Bessarabia maintained their form and were not transformed into amorphous, conventional conglomerates. "It is desirable that almost all villages capable of meeting the obligations required by law should constitute communes, as they are in Transylvania, because experience in the Old Kingdom has shown that communes composed of numerous villages, distant from one another, are very difficult to administer, with village councils achieving no practical results despite prolonged experience" (Official Gazette).

C. D. Dimitru, the rapporteur of the 1925 law, also declared: "The rural commune must remain without definition, as it is not a creation of the legislator; the legislator merely recognizes

the existence of this assembly of citizens who have agreed to come together for the beneficial development of their collective lives" (Official Gazette). The situation of communes within the territory of Greater Romania in 1925, classified by province and population numbers, was as follows:

Table no. 1
Romanian communes by population size

Communes by population size	Old Kingdom		Transylvania		Bessarabia		Bukovina	
	No.	%	No.	%	No.	%	No.	%
Communes with up to 600 inhabitants	5651	60	1143	27	702	40	58	16
Communes with more than 600 inhabitants	3956	40	2251	73	1018	60	307	84

The situation of communes regarding the average income by provinces was as follows: in the Old Kingdom, 133,411 lei; in Transylvania, 259,556 lei; in Bessarabia, 345,352 lei; and in Bukovina, 260,195 lei.

From the above figures, it might seem that the communes in Bessarabia were the wealthiest in Romania. However, when the total income of communes is distributed per village, this illusion disappears, revealing a different picture: the average village income was 51,095 lei in the Old Kingdom; 251,635 lei in Transylvania; 140,482 lei in Bessarabia; and 229,680 lei in Bukovina.

Therefore, had the legislator limited themselves to applying the recommendation of the law's rapporteur in the Senate—that is, forming rural communes so that each village became its own commune—communes in the Old Kingdom would have had an average income of 50,000 lei, entirely spent on ensuring the modest existence of the 20,000 mayors and notaries (Negulescu, Boilă, Alexianu, 1942).

3.Administrative structures and demographic analysis

Following prolonged discussions and numerous opinions expressed in contemporary press, extensive studies, etc., the Romanian Parliament passed the Law on Administrative Unification, promulgated on July 14, 1925 (Official Gazette, Part I, 1925). It stipulated: “The territory of Romania is administratively divided into counties, and counties into communes (Art. 1). Communes are rural or urban, with urban communes serving as county seats, non-seats, suburban, and municipalities (Art. 2–4).”

"The rural commune comprises one or more villages. The commune’s seat is one of the villages" (Art. 3).

The commune exercises authority over all its inhabitants and the entire territory within its boundaries. Both the commune and county possess legal personality. The commune administers local interests through councils composed of elected councilors and ex-officio councilors. The number of elected councilors is determined in proportion to population size, regardless of sex, age, or nationality: 36 in communes with more than 250,000 inhabitants; 30 in those with over 100,000;

24 in those over 50,000; 18 in those over 25,000; 15 in those over 10,000; 12 in all other urban communes regardless of the population, and 9 in rural communes.

Thus, according to Art. 17, the Communal Council consists of: a) Three-fifths councilors elected by all communal voters through universal, equal, secret, and compulsory voting, using a list ballot and minority representation; b) Co-opted female councilors, numbering at most 7 in urban communes with populations over 250,000; 5 in urban communes over 100,000; 3 in urban communes over 50,000; 2 in all other urban communes; c) Ex-officio councilors—2 to 7 county councilors elected only in the urban commune seat committees (Art. 19).

It is noteworthy that Art. 17 of the government's proposed draft corresponds to Art. 18 of the Delegations' Committee, establishing significantly larger numbers of elected councilors compared to those proposed by the Delegations' Committee. The justification provided was that "the participation of as many citizens as possible in administering local interests contributes more significantly to political education for universal suffrage than education itself" (Official Gazette, Part III, 1925).

The Mayor is the head of communal administration. He executes decisions made by the Council and the Permanent Delegation and, together with the latter, supervises communal administration. The Mayor was designated to manage all communal interests, either alongside the Permanent Delegation or the Communal Council, according to legal provisions. The Mayor's distinguishing insignia is a sash bearing the three national colors, worn during official ceremonies and marriage celebrations. The Mayor represents the commune in court, serves as head of communal police, convenes and presides over Communal Council meetings and the Permanent Delegation, and oversees compliance with regulations.

Alongside the Permanent Delegation, the Mayor appoints, promotes, dismisses communal officials, and decides on penalties. He issues necessary construction permits, orders communal labor contributions, and issues certificates of public notoriety. The Mayor is a civil registrar or delegates this role to any member of the Permanent Delegation. He inspects markets, roads, entertainment venues, fairs, and orders hygiene measures. In communes with multiple villages, the Mayor delegates, through written decision, some responsibilities to one of the councilors elected in the respective villages.

The notary is the representative of the central authority in the rural commune, being charged with the enforcement of laws, public administration regulations, ordinances, instructions, and any other acts required by law to be made public, as emanating from the executive power. He is the head of the administrative police in the commune, as well as of the judicial police, auxiliary to the Prosecutor's Office, drafting civil status documents according to the law and countersigning them. According to the law, the rural commune holds two essential functions: it acts as an authority of public power and as a communal management entity with legal personality. In this latter role, communal councils have the freedom to draft regulations and establish measures and sanctions related to managing local interests. Communes associated among themselves or with the State to execute, create, or maintain public works and institutions beneficial locally or regionally in health, economic, cultural, or public infrastructure fields.

The law for administrative unification was essentially an extension of the legislation from the Old Kingdom to the united provinces, continuing the trend toward centralization (the administrative guardianship was excessive) and departing from the decentralization principle initially stated in the explanatory memorandum. In terms of administrative law, it also gained other significances. Thus, public law from the Old Kingdom—whose founders included Constantin

Dissescu, Paul Negulescu, and Anibal Teodorescu, professors with distinguished doctorates from Sorbonne and followers of French rationalist ideology—came into contact with Austro-Hungarian public law, which was programmatic and imbued with a Germanic spirit. Consequently, Transylvanian influence moderated the "rationalist dogmatism of the Old Kingdom" and introduced interesting innovations. Meanwhile, Romanian administrative law contributed to simplifying and clarifying methods and conceptions, while the Austro-Hungarian organizational model facilitated the introduction of local particularities into legal norms.

The law of 1925 largely maintained the outdated 19th-century legal mindset of the Old Kingdom and incorporated only minor influences from the law of the united provinces. Despite its stated ambitions and parliamentary declarations, it did not adequately address the complex issues of a unified Romania. It is worth mentioning that, as a result of the 1925 law, 8,751 communes containing 15,267 villages were created. Regarding the naming of localities, some were rectified at the inhabitants' request, while others were changed during the 1925–1926 period. In Transylvania alone, 4,461 localities, mostly rural communes, experienced such situations (Merțiu, 1929).

B. County – Administrative-Territorial Unit

In the Law on Administrative Unification of June 11, 1925, the starting point for the new administrative-territorial division was neither small counties, with limited financial resources and high expenses, nor medium-sized counties, as these would have required appointing approximately 170 prefects. Instead, the solution chosen was larger counties, each comprising 300,000 to 400,000 inhabitants, which corresponded to the "higher interests of state life" and facilitated the development of public life. It is noteworthy that Professor Simion Mehedinți's proposal was only partially approved by the Commission for General, County, and Communal Administration. The main criticism leveled against it was that it "deeply affected the interests of large historical cities by turning small towns and boroughs into county capitals" (Official Gazette, Part III, 1925). Title III of the 1925 Law addresses the county level. County councils were composed of three-fifths elected members chosen by all county voters through universal, equal, direct, secret, and mandatory suffrage, based on list voting that allowed minority representation, and two-fifths ex-officio members (Art. 101). The number of county councilors depended on the county's population, excluding that of the county-seat city. Accordingly, counties with more than 400,000 inhabitants had 36 councilors; counties with more than 200,000 inhabitants had 30 councilors, while the remaining counties had 24 councilors.

Ex-officio councilors included the mayor and up to two councilors selected by the council of the county-seat city; the school inspector and senior representatives of vocational and secondary education; the highest-ranking representatives of the Ministries of Public Health, Social Protection, Agriculture, and Public Works; the financial administrator; the agricultural advisor; the archpriest (protopop) of the denomination having the largest number of followers within the county or residing in the county capital; one representative each from the Chambers of Agriculture, Commerce, Industry, and Labor; the head of the State Litigation Service within that county; a representative of the cooperative sector, either the president of the Production Federation or the president of the Federation of People's Banks headquartered in the county capital. The elected councilors took the following oath in the presence of the prefect: "I swear allegiance to the King and the Constitution; I swear to impartially apply the laws of the country and to defend the interests of the county." (Ministry of Justice. Collection of Laws and Regulations, 1925). The Council,

chaired initially by its eldest member, elected by secret ballot a Bureau for a 4-year term, consisting of a president, two vice-presidents, two secretaries, and two quaestors. The Council conducted its work in plenary sessions and within five committees, each composed of 5 to 8 members: the Administrative, Financial, and Oversight Committee; the Public Works Committee; the Economic Committee; the Committee for Religious Affairs and Education; and the Health and Social Assistance Committee.

According to the law, County Councils have the initiative and decide on all matters of county interest, in conformity with this law and special laws. The Council meets at the county seat, in the Prefecture building, in ordinary sessions on October 10th and March 1st of each year. In extraordinary sessions, the Council convenes whenever necessary or upon the prefect's request. Convening an extraordinary session required approval from the Ministry of Interior. Ordinary sessions lasted 15 days, while extraordinary sessions lasted 10 days, with the possibility of extension through a Council decision. Councilors did not receive remuneration for their mandate but only per diem and reimbursement for transportation expenses. The prefect attended all Council meetings, with the right to speak but not to vote. The rapporteurs of the five specialized committees formed the Permanent Delegation, chaired by the prefect.

Title V regulates the representatives of central authority and control bodies. The county prefect is appointed by Royal Decree upon the proposal of the Minister of Interior. In addition to the general requirements for civil servants, the candidate had to be at least 30 years old and possess a university degree officially recognized by the state. The prefect was prohibited from holding any other political office paid by the state, county, or commune, or practicing any liberal profession, or acting as an administrator or auditor in commercial companies, cooperatives, or banks. He was the representative of central authority as well as the "head of county administration." In this capacity, he exercised oversight and control over all county and communal services. Together with the Permanent Delegation, he appointed, promoted, revoked, and applied disciplinary sanctions to county officials in accordance with applicable statutes and laws. He also acted as the head of the police within the county, issuing orders to all police and gendarmerie forces, and in cases of force majeure, he could mobilize public force.

Each county was divided into several districts ("plăși"), each led by a Pretor, subordinate to the prefect. In accordance with the regulations of the 1925 law, the country was divided into 71 counties, grouped by Decision No. 577 of February 6, 1926, into nine regional administrative districts (Săgeată, 2002):

a) District I, headquartered in Cluj: Cluj, Maramureș, Mureș, Năsăud, Satu Mare, Sălaj, Someș;
b) District II, headquartered in Timișoara: Arad, Bihor, Caraș, Hunedoara, Mehedinți, Severin, Timiș-Torontal;
c) District III, headquartered in Sibiu: Alba, Făgăraș, Odorhei, Sibiu, Târnava Mare, Târnava Mică, Turda;
d) District IV, headquartered in Craiova: Argeș, Dolj, Gorj, Olt, Romanați, Teleorman, Vâlcea;
e) District V, headquartered in Ploiești: Brașov, Buzău, Ciuc, Dâmbovița, Ilfov, Muscel, Prahova, Trei Scaune, Vlașca;
f) District VI, headquartered in Galați: Brăila, Caliacra, Constanța, Covurlui, Durostor, Ialomița, Ismail, Râmnicu Sărat, Tulcea;
g) District VII, headquartered in Cernăuți: Botoșani, Cernăuți, Câmpulung, Dorohoi, Fălticeni, Hotin, Neamț, Rădăuți, Storojineț, Suceava;
h) District VIII, headquartered in Iași: Bacău, Bălți, Iași, Putna, Roman, Tecuci, Tutova, Vaslui;

i) District IX, headquartered in Chișinău: Cahul, Cetatea Albă, Fălciu, Lăpușna, Orhei, Soroca, Tighina (The new organization of Inspection services in the Ministry of Interior, "Romania," 1926).

Each administrative district was led by a general administrative inspector, assisted by a second-class general inspector, who was responsible for enforcing the administrative unification law. After nearly two years of implementation, the outcomes did not meet expectations. Reports from the relevant departments within the Ministry of Interior and from general administrative inspectors indicated that the unification law was not uniformly applied throughout all regions, and certain provisions were not enforced.

Because no implementing regulations were developed, some legal texts were misinterpreted, or communal and county administrations failed to strictly adhere to the stipulated provisions. Nicolae Iorga vividly describes the results of the new administration: "In the Old Kingdom, conditions from ten years ago persisted; it was Caragiale's world, but now adorned with more diplomas. One could sense this melancholy each time one passed through our provincial towns... Bessarabia, with no roads other than the few old Russian roads and muddy tracks... Cernăuți is perhaps the least Romanian city in Romania... In Transylvania, the new administration, instead of reviving small Romanian towns like Făgăraș, Orăștie, Sebeș, imitated the liberated slave who mindlessly copies the arrogance of his former masters, shifting toward a capital devoid of character... Vulnerable towns like Blaj showed the same peeling walls, schools, and churches, the same poverty reminiscent of minor nobility from 1700, even in the wealthier peasant homes of the Uniate bishop." (Iorga, year unknown)

Authorities concluded that conditions could only be remedied through rigorous and continuous oversight. To achieve this, inspections had to be regionally organized, clearly delineating responsibilities and limits of competence. Inspections and controls were to be conducted by general administrative inspectors, prefects, and district heads (*pretori*).

By Decision no. 25.134 from November 18, 1927, issued by the Minister of Interior, the regional administrative districts were reorganized, increasing their number to 10 with new administrative centers. Counties were distributed as follows:

1. District I, headquartered in Pitești: Argeș, Dâmbovița, Dolj, Gorj, Mehedinți, Muscel, Olt, Teleorman, Vâlcea, Vlașca;
2. District II, headquartered in Ploiești: Brăila, Buzău, Caliacra, Constanța, Durostor, Ialomița, Ilfov, Prahova, Râmnicu Sărat, Tulcea;
3. District III, headquartered in Iași: Bacău, Covurlui, Fălciu, Fălticeni, Iași, Neamț, Putna, Roman, Tecuci, Tutova, Vaslui;
4. District IV, headquartered in Botoșani: Botoșani, Cernăuți, Câmpulung, Dorohoi, Rădăuți, Storojineț, Suceava;
5. District V, headquartered in Chișinău: Bălți, Hotin, Lăpușna, Orhei, Soroca;
6. District VI, headquartered in Cetatea Albă: Cahul, Cetatea Albă, Ismail, Tighina;
7. District VII, headquartered in Sibiu: Alba, Făgăraș, Hunedoara, Sibiu, Târnava Mare, Târnava Mică;
8. District VIII, headquartered in Târgu Mureș: Brașov, Ciuc, Mureș, Odorhei, Trei Scaune, Turda;
9. District IX, headquartered in Oradea: Arad, Bihor, Carei, Timiș, Torontal;
10. District X, headquartered in Cluj: Cluj, Maramureș, Năsăud, Satu Mare, Sălaj, Someș (Monitorul Oficial, 1927).

As progress continued slowly, Decision no. 4640/8 of April 11, 1928, issued by the Minister of Interior, returned to nine districts, redistributing counties as follows:

1. **District I**, headquartered in **Pitești**: Argeș, Dolj, Gorj, Mehedinți, Muscel, Olt, Romanați, Teleorman, Vâlcea.
2. **District II**, headquartered in **Ploiești**: Brăila, Buzău, Dâmbovița, Ialomița, Ilfov, Prahova, Râmnicu Sărat, Vlașca.
3. **District III**, headquartered in **Iași**: Bacău, Covurlui, Fălciu, Fălticeni, Iași, Neamț, Putna, Roman, Tecuci, Tutova, Vaslui.
4. **District IV**, headquartered in **Botoșani**: Botoșani, Cernăuți, Câmpulung, Dorohoi, Rădăuți, Storojineț, Suceava.
5. **District V**, headquartered in **Chișinău**: Bălți, Hotin, Cahul, Lăpușna, Orhei, Soroca, Tighina.
6. **District VI**, headquartered in **Constanța**: Caliacra, Cetatea Albă, Constanța, Durostor, Ismail, Tulcea.
7. **District VII**, headquartered in **Brașov**: Alba, Brașov, Făgăraș, Hunedoara, Odorhei, Sibiu, Târnava Mare, Târnava Mică, Trei Scaune.
8. **District VIII**, headquartered in **Oradea**: Arad, Bihor, Caraș, Sălaj, Severin, Timiș-Torontal.
9. **District IX**, headquartered in **Cluj**: Ciuc, Cluj, Maramureș, Mureș, Năsăud, Satu Mare, Someș, Turda (Monitorul Oficial, 1928).

4. CENTRALIZATION VS. DECENTRALIZATION: LEGISLATIVE IMPACTS AND OUTCOMES

The institutional and administrative unification actions of Greater Romania lasted ten years, from 1918 to 1928, and only partially addressed society's needs for development, modernization, and European integration. Appropriate solutions for political-economic and socio-cultural transformations were not adequately identified, nor were advanced elements from former legislations incorporated effectively into the new state organization (see the centralization-decentralization debates). In other words, Romania integrated into the Central European and Western development model, but progress was slow, complicated by cumbersome procedures, insufficiently supported, and weighed down by political maneuvering. Beyond often sterile doctrinal debates, administrative reform did not provide sufficient grounds for strengthening the national market or increasing local revenues. The National Peasant Party government of autumn 1928, immediately after assuming power, introduced a legislative framework distinctly different from that of the liberals, focused on state decentralization (Nistor, year unspecified).

According to the legislator's vision, there were at least three fundamental principles underlying the administrative reform: *Local autonomy; Administrative decentralization; Administrative oversight and supervisory bodies.* Local autonomy aimed at the administration and governance of administrative units, either directly or through representatives elected by villagers from the respective administrative units. It was conceived "from the bottom up," establishing a hierarchy that included the village, the rural and urban communes, municipalities, counties, and provinces/regions. The hierarchy of subordination went from regions down to counties and municipalities; from counties to urban and rural communes; and from rural communes to villages.

Administrative decentralization proposed by the National Peasant Party (PNȚ) aimed at reducing oversight and control activities by the Ministry of Interior. A representative of the central

authority was provided within a cooperative-subordinate relationship to the regional director, county prefect, chief district head ("prim-pretor"), and district head ("pretor"). The coordination structure for these parallel hierarchies was represented by the Regional Director and the County Administrative Commission. The entire administrative mechanism benefited from two oversight bodies: the Central Review Committee and the Regional Review Committee. Regional review committees were administrative bodies that complemented oversight and control functions over local administrative institutions and were also tasked with providing their opinion whenever government agents exercised control or decision-making roles regarding local administration operations.

An important issue in the conception of the new administrative law, according to the "Explanatory Statement," referred to the "administrative traditions of the provinces," following their specific customs and mentalities. An administrative law for Romania after the Great Union had to incorporate "traditions and customs from at least four distinct administrative systems," achievable only through compromise—with "all its drawbacks and advantages": drawbacks, because it was nearly impossible "to find a formula satisfactory to every individual administrative system," and advantages, because "a country's administrative bodies must necessarily be unified." According to the legislator's conception, "every population center, as historically developed, constitutes an administrative unit. The basic administrative unit must be the commune as a natural population center, divided into municipalities, urban communes, and rural communes." A significant role in local administration organization was reserved for the village, which "in Transylvania, Bukovina, and Bessarabia, under previous regimes, constituted at the same time the fundamental administrative unit." The arguments cited included N. Iorga's speech in Parliament, asserting that "the village is the sole reality and the principal factor preserving national consciousness and fostering its future development." The village was thus considered a commune in itself, rather than merely a section of a larger commune. Only this approach could "affirm the genuine development of villages." Under the system established by the 1925 law, where communes were formed of multiple villages, situations occurred—especially in the Old Kingdom—where villages became neglected. According to the new law, villages in Transylvania and Bessarabia, historically genuine centers of civic life, did not deserve such a fate. Therefore, the fundamental principle of the local administration organization law had to consider the village as the basic administrative-territorial unit, resorting only exceptionally to communes comprising several villages. "The individuality of each administrative unit is the village," subject nonetheless to administrative oversight, "because without control and coordination, good governance cannot be guaranteed." Thus, "democracy would gain deep roots in public life." In Bessarabia and other annexed provinces, villages had been the only civic centers preserving national language and traditional customs. The rural commune was considered in the legislative proposal as an intermediate administrative unit between village and county, serving as a controlling body exercising administrative oversight over villages. According to the legislator, a rural commune could fulfill this role provided it grouped several villages totaling around 30,000 inhabitants. The county remained as the next higher administrative-territorial unit in the new law. It was administered by a County Council, from which a County Delegation, led by the Administrative Prefect, was elected.

The county prefect, separate from the administrative prefect, represented the central authority, served as chief of the general police, and executed the County Council's decisions. He

oversaw and supervised all local administrations within the county. An innovation introduced was the County Administrative Commission, composed of all heads of county public administrations, coordinating various administrative services and addressing identified shortcomings. Alongside the village, considered a "natural population center," the concept of province was also introduced into law as a "historical formation deeply ingrained within each of us through its traditions and customs." N. Iorga supported both concepts in Parliament, emphasizing that "the current law has two fortunate ideas: the village and the region." During parliamentary debates, regions as administrative units became essential solutions for the country's proper organization. Regions could manage themselves efficiently, enabling citizens across the entire country to satisfy individual interests, achieve national unity ideals, and accomplish local autonomy. "The Minister of Interior does not know what troubles people in Cluj, Cernăuți, or Iași," and frequently orders from Bucharest were either inapplicable or produced unintended results. Had an administrative unification law based on local autonomy and administrative decentralization been promulgated immediately after the Great Union, relations between the unified provinces and the Old Kingdom would have been significantly improved. Consequently, after the Liberals' disastrous ten-year governance, the country would not have faced its current economic and financial situation.

To avoid issues of unconstitutionality and reassure fears regarding threats to national unity, legislators refrained from using the terms "province" or "region" explicitly in the law, preferring the terminology "general county associations." General county associations represented and promoted provincial interests, enjoyed legal personality, and functioned based on autonomy and administrative decentralization. They were subject to administrative review committees' oversight, which evaluated "the outcomes of good governance." The legislative debate also addressed the issue of ex-officio councilors. Legislators argued inconsistency in handling ex-officio councilors between communal and county councils because rural councils lacked ex-officio councilors altogether. It was stated that "the institution of ex-officio councilors is entirely incompatible with principles of local autonomy," defined by law as "the administration and governance of administrative units either directly or through representatives freely elected by citizens." Legislators acknowledged that, in principle, ex-officio councilors had no role in a law based on local autonomy. Retaining them alongside elected councilors was thus anachronistic. It limited electorate representation within elected bodies (councils) and maintained local power subordination to the central authority.

Moreover, the same contradiction appeared in articles 67, 69, 70, 72, and 73 of the Romanian Constitution, addressing the Senate's composition. This measure placed the 1923 Constitution in opposition to European democratic trends by removing a substantial part of the Senate from direct electoral representation.

The Law for Local Administration Organization, promulgated on August 3, 1929, reduced the number of communes from 8,751 to 1,500. The situation of the 15,267 villages spread across Romania’s provinces was as follows: 7,289 villages—approximately half—were considered small, according to the bill, having a population of up to 600 inhabitants; another 3,208 villages had fewer than 1,000 inhabitants. Thus, about 10,500 villages—more than two-thirds—had populations of up to 1,000 inhabitants. Around 3,000 villages had populations between 1,000 and 2,000 inhabitants, and approximately 1,000 villages had over 2,000 inhabitants (Nistor, year unspecified). The communal administration had jurisdiction over all matters of communal interest: management of communal property, promotion and support of collective labor, education, public

health, field protection, etc. The administration of rural communes was entrusted to a Communal Council, composed of councilors elected by universal suffrage for a 5-year term.

The Council elected the mayor and the Council Delegation, appointed the notary, cashier, and communal service officials, established their salaries, voted the communal budget, approved communal administration taxes, and established contributions in kind (articles 24–26 of the law). The mayor was the president of the Communal Council and the Council Delegation, as well as head of the communal administration. He convened and chaired council sessions, managed all communal services, and published laws, regulations, and orders from the government or higher authorities. The villages were administered by a village assembly, a village council, and a village mayor. The mayor of the commune's central village served as the deputy mayor to the communal mayor. The law established an "institutional-administrative reality," extensive and diversified, capable of assigning new functional attributes to rural structures while also enabling genuine decentralization.

Regarding counties, their number and territorial boundaries remained as established by the June 14, 1925 Law. The novelty of the 1929 law was grouping counties according to historical provinces into General County Associations, which possessed legal personality. Additionally, local ministerial directorates were established as organs of central authority:

- Ministerial Directorate I Muntenia headquartered in Bucharest, 17 counties;
- Ministerial Directorate II Bukovina headquartered in Cernăuți, 7 counties;
- Ministerial Directorate III Bessarabia headquartered in Chișinău, 9 counties;
- Ministerial Directorate IV Transylvania headquartered in Cluj, 18 counties;
- Ministerial Directorate V Oltenia headquartered in Craiova, 6 counties;
- Ministerial Directorate VI Moldova headquartered in Iași, 9 counties;
- Ministerial Directorate VII Banat headquartered in Timișoara, 5 counties.

Each Ministerial Directorate was headed by a ministerial director appointed by royal decree, equivalent in administrative rank to a state undersecretary. The fall of the National Peasant government and the subsequent assumption of power by Nicolae Iorga's cabinet on April 18, 1931, questioned the functioning of local ministerial directorates, which were subsequently abolished on July 15, 1931. It's noteworthy that although Nicolae Iorga supported the 1929 law during parliamentary debates, he later criticized its practical outcomes, declaring after its implementation: *"The new regime was characterized by the extravagant spending typical of all nouveau riche. The commemorative celebrations at Alba Iulia consumed enormous sums, the accounts of which would never be fully disclosed. Everyone took advantage as best they could. The administrative law itself, inspired by Constantin Stere, generated heavy expenditures. Village councils were created alongside communal councils, and numerous village mayors demanded salaries, however modest. The County Council president duplicated the political prefect, effectively commanding local administration. The directorates caused additional burdens on taxpayers. Some directors behaved like petty sovereigns; for example, in Banat, Minister Sever Bocu could be seen on May 10th with a general at his car door. Such individuals, emerging from the masses, exhibited an appetite for preying upon the state, which for those in the Old Kingdom contrasted unpleasantly with the dignity of our traditional nobility"* (N.Iorga).

The governing National Peasant Party aimed to revitalize rural life. Therefore, the law, in Article 1, recognized not only the rural commune but also the "village" as an administrative local unit. Villages within rural communes were equipped with their own administrative organs. Villages with more than 600 inhabitants (Article 6, para. 2) had a mayor supported by a Village Assembly

or an elected Village Council (a deliberative body), a Village Council Delegation, as well as a tax collector and other officials. Additionally, villages were represented in the General Council of the central rural commune to which they belonged by elected councilors. The mayor of the central village also served as the deputy mayor of the commune, while other village mayors served as assistants to the communal mayor. They thus held dual roles: village mayors and communal assistants.

According to the bill and the law, villages or sectors of rural communes organized in this manner had legal personality (Article 1). The legal paradox of the law was that future rural communes would be composed of two or more overlapping legal entities, corresponding to their component villages. Under the law's provisions, villages, through their administrative bodies (Village Assembly or elected Village Council), had not only the communal council's competencies but also authority to set local taxes (Article 56, para. 3, in relation to Articles 54, para. 2, and 62, para. 1).

Given Articles 41 and 111 of the **1923 Constitution**, local taxes could only be established with the approval of a single elected communal council. Consequently, jurists of the era viewed these provisions, which assigned villages or communal subdivisions political-territorial juridical status equivalent to communes, as unconstitutional. Nevertheless, constitutional concerns did not greatly trouble the 1929 legislators who regulated the village as a "politico-administrative territorial" entity. Constantin Stere argued in Parliament that, "if state constitutions are human-made, villages are not: the village springs from divine hands, and therefore no one has the right to threaten its existence."

It was further argued that: "The laws of 1925 and 1926 could bring new interpretations to constitutional provisions, given that they were voted by the authors of the 1923 Constitution. If dividing into sectors and constituting these sectors into administrative units, with territorial organization and competence equivalent to communes, was constitutional for Bucharest and municipalities, it must also be constitutional for other urban communes as well as rural communes, since Articles 4 and 111 of the Constitution neither noted any distinction nor provided any exception in this regard" (*Monitorul Oficial*, no. 88, 1929). Following parliamentary debates, the text of Article 56 paragraph (3) was amended so that "no communal tax may be established without the approval of the Communal Council." Another constitutional dispute concerned the terms "province" (Stere's draft), "region," and subsequently in the law "county associations." Liberal parliamentarians, in particular, argued during their parliamentary interventions that provisions in C. Stere's draft concerning the "Province" were unconstitutional, violating Article 4 of the Constitution. Even in administrative law doctrine, discussions had not clarified the constitutional aspects of this controversial text, thus suggesting that the issue ought to be resolved by the High Court of Cassation and Justice, as the sovereign authority for declaring a law text constitutional or unconstitutional.

The "region" as an administrative-territorial unit had already become, in doctrinal terms, the subject of extensive literature and debates both abroad and in Romania, with arguments for and against varying according to the political-administrative structure of the state, economic conditions, and national traditions. Paul Negulescu expressed his opinion on this topic in several writings: "Dividing the country into regions, subject to more or less distinct regimes, presents great advantages. Various regions exhibit unique features, distinct characteristics, specific resources, and a certain solidarity among their inhabitants. If, for example, we established one region from Northern Moldova, another from Southern Moldova, one each from Oltenia, Banat, Dobrogea, Bessarabia, Bukovina, two or three regions from Transylvania, and two from Muntenia, we would

significantly improve administration. A multitude of responsibilities could be transferred to these regions, tasks they could perform far better than central authorities. A regional council assisted by Chambers of Commerce, Industry, and Agriculture within the region would adopt all necessary measures for developing these sectors" (Negulescu, Boilă, Alexianu, year unspecified).

The eminent jurist also held that: "Active administration entrusted to a regional president or governor, supported by competent technical personnel, would function better than today's central-only oversight. A competitive dynamic would thus emerge among various regions, which ought to enjoy broad authority in economic, technical, and educational regulation." He effectively outlined the region's administrative role in the country's organization, and the activities local and regional bodies were expected to undertake.

Doctrine positioned the region within modern administrative structures in the context of decentralizing central power, drawing on positive outcomes in Germany, Austria, Czechoslovakia, Yugoslavia, and Poland. Arguments put forth by some Romanian theorists against the region included: "Absolute autonomy, regionalism, or various cells within the state's political body cannot develop without control or guidance... At a certain point, they could jeopardize the very existence, fragmenting or dissolving the State" (*Monitorul Oficial*, Part III, 1925). According to critics, the region or "general county association" and "ministerial directorates" (Articles 292–322), as supra-county administrative and political territorial units, represented territorial divisions prohibited by Article 4 of the country's fundamental law.

Before examining the validity of this claim, we will draw a parallel between the County Associations defined in the 1925 administrative unification law (Article 296) and the General County Association defined in the Local Administration Organization Law (Articles 292–322) as supra-county administrative-political territorial units. According to Article 296 of the 1925 administrative unification law, "counties may associate for a clearly defined purpose to execute, create, or maintain works and institutions beneficial at a local or regional level, from health, economic, cultural, and public infrastructure perspectives." If these county associations were constitutional, then the voluntary associations of counties established for a limited time under a Ministerial Directorate to "execute, create, or establish works or institutions beneficial to health, economy, culture, public works, and any other act involving creation or operation of services or institutions within county competencies" (Article 300 of the Local Administration Organization Law) must also be constitutional. If the purpose and competencies of both associations were identical, and if the 1925 legislator acted within constitutional limits, "there is no serious reason to conclude that general county associations in the Local Administration Organization Law were unconstitutional."

This division of the country's territory into county associations was administrative rather than political. Indeed, Article 4 of the Constitution specifies: "Romania's territory, from an administrative viewpoint, is divided into counties and counties into communes," unlike the 1866 Constitution, which stated in Article 4 that "the territory is divided into counties, counties into districts (plăși), and districts into communes." By introducing the phrase "from an administrative viewpoint," the 1923 constitutional legislator merely emphasized that "Romania's territory is unitary and indivisible politically, but divisible administratively."

It is clear that the constitutional provision prohibits political autonomy, but in no way restricts administrative decentralization, a principle of constitutional law regulated by Article 8 of the Constitution. Nearly all jurists involved in parliamentary debates argued that discussions regarding the unconstitutionality of the "Region" were relevant primarily for the future evolution

of the administrative system. At the time, Romania had not legislated the Region as a distinct administrative unit. What was understood by "Region" was essentially a geographical concept for identifying the territory under the jurisdiction of a Ministerial Directorate.

Finally, the last issue of unconstitutionality raised during debates on the bill concerning local administration organization involved the "Local Committees of Review" (Article 325). Specialized literature noted: "The principle of decentralization runs through the fabric of our local organization like a red thread, extended by the local administration law, beginning from the autonomous organization of communes up to the regional Ministerial Directorates, as the first and last stages in our administrative decentralization system" (*Monitorul Oficial*, no. 88, 1929).

Within this "organism" is also included the newly established institution of the Local Committee of Review (Deciu, 1933), reflecting the imperative of administrative decentralization regulated by Article 108, paragraph (2) of the revised 1923 Constitution, in the 1929 Local Administration Unification Law. The new institution, Local Committees of Review, arose from the necessity of separating active administration from the judicial administration tasked with reviewing the acts of local administrative bodies, as well as deliberative decisions and measures carried out by autonomous local administrations. Establishing this institution aimed at solving two issues: decentralizing central authority as an administrative oversight body and creating judicial bodies distinct from those responsible for local administration management and resolving administrative matters.

The first problem is addressed by deconcentrating certain functions of central authority and transferring them to administrative oversight bodies (Article 323). The second is solved by creating judicial bodies as authorities for annulling or revising the acts and decisions of autonomous local authorities (Article 325), removing them from central authority control to guarantee broader competence in resolving matters within their jurisdiction. If decentralization—a principle embedded in Article 108, paragraph (2), of the Constitution—is fundamental to administrative organization and is conditioned by granting a certain degree of autonomy to local administration, it is equally true that it requires the separation of local administration's executive and managerial bodies from judicial and oversight functions. This separation specifically implies distinguishing between managerial roles in communal and county administration and judicial roles tasked with approving or reviewing administrative decisions.

The principle of decentralization actually involves separating central authority functions from those of local authorities, meaning that the prefect, as representative of central authority, should not simultaneously serve as head of county administration with administrative oversight powers, because this would undermine local autonomy and blur the essential distinction between administrative manager and administrative judge. Those claiming the unconstitutionality of the Committees of Review based their arguments on Article 107 of the Constitution: "Special authorities of any kind vested with administrative jurisdiction cannot be established."

This alleged violation arose from confusion between administrative litigation, under the jurisdiction of the Court of Appeal, and administrative justice entrusted by the Local Administration Organization Law to the Local Committees of Review. To clarify this, we shall analyze the jurisdiction granted by the Administrative Litigation Law to Courts of Appeal and that assigned to the Local Committee of Review. According to Article 1 of the Administrative Litigation Law (December 23, 1925), "Anyone claiming infringement upon their rights by an authoritative administrative act violating laws or regulations, or due to administrative authorities' refusal, in bad faith, to resolve a request related to a right, may request judicial recognition from

the competent courts" (the Court of Appeal within the claimant's domicile, for claims based on Articles 99 and 107 of the Constitution and Article 1 of the law).

According to Article 6, "the Court of Appeal thus seized evaluates the act, and if it is illegal, it may annul it or award civil damages until the injured right is restored. The court is also competent to adjudicate compensation claims against the administrative authority involved or the responsible official" (Law 151/1925). Administrative litigation aims at compensating private parties (individuals or legal entities) for moral or material damages caused by illegal administrative acts or administrative mismanagement acts, declared as such by the court (Article 6, final paragraph)—without necessarily annulling them—and serves as a basis for establishing the moral and material damages claimed by the injured party. The judgment affects only the claimant's interests, and the court can be petitioned only by individuals directly injured by the abusive administrative act.

In contrast, administrative justice entrusted to the Committees of Review, according to Article 334 of the Local Administration Organization Law, deals with "any decision or act of autonomous administrative authorities contrary to law; they may also order competent authorities to fulfill duties prescribed by law or refrain from acts contrary to law, and may require them to issue decisions explicitly required by law." It primarily aims to protect general interests endangered by illegal acts of local administration, and may be notified by any person, directly or indirectly—depending on whether the abusive act affects general or private interests—or the Committee may take action ex officio.

A comparison between these two judicial bodies—in terms of referral methods, the effects of their judgments, and the specific matters they address—highlights essential differences between them, making it impossible to claim that the Review Committees are "special authorities with administrative judicial functions" prohibited from establishment by Article 107, paragraph (1), of the Constitution. The 1923 Constitution did not prohibit institutions tasked with resolving conflicts between private individuals and administration; rather, it prohibited the establishment of authorities vested with judicial powers identical to those of ordinary (common-law) courts.

The 1929 legislative framework was challenged by the National Liberal Party, which, after returning to power, prepared a new project, materialized in the administrative law of March 27, 1936. This reverted to provisions from the administrative unification law of 1925, thereby reaffirming the principle of administrative centralization.

The draft law consisted of six parts:

I. Local administration and its needs;
II. Local finances;
III. Hierarchical appeals;
IV. Administrative justice;
V. Professional training;
VI. General provisions.

In the Explanatory Memorandum, the legislator stated that the law utilized administrative experience accumulated since 1925, aiming at: simplification, economic efficiency, coordinating various local administrations, associating different administrations for common-interest projects, guaranteeing local autonomy by fully removing political influence, ensuring financial independence for local administrations, continuity, training and selecting administrative personnel, and strengthening both central and local authority.

New elements compared to previous laws included administrative elections, operation and duration of local councils, selection of administrative personnel, urban and county development

and zoning plans, associations among different administrations, exercising the right to petition, administrative courts, and spa and climatic resorts. The Explanatory Memorandum reiterated the law's objective as "removing politics from local administration," seeking "fortunate solutions." This was also the goal of the 1925 liberal legislator, who considered essential modern principles from administrative law doctrine and administration science—local autonomy, decentralization, continuity of local administration, strengthening central and local authority, coordinating activities among different administrations, and depoliticizing administration. Yet, as long as the county prefect retained a dual role—as central government representative and head of county administration with the power to appoint, promote, and discipline all county officials, suspend or fine mayors—local autonomy and depoliticization remained merely electoral rhetoric by the National Liberal Party. In debates, Constantin D. Dimitriu, former rapporteur of the 1925 law, noted that "from 1925 until today, there have been five administrative regimes, six municipal and county elections, frequent changes in local elected bodies and officials," with severe consequences resulting in the complete breakdown of local administrative life due to political infighting (Dimitriu, 1935).

Regarding the new bill, he declared it reflected the experiences of the past decade, characterizing it as "good administrative law" that retained "all provisions proven useful, irrespective of the governments enacting them." The core idea was ensuring administrative continuity: "Continuity is ensured by renewing the Council every three years and dissolving it in exceptional circumstances," a process assigned to administrative courts (Art. 65). For other dissolution causes specified in Article 165 (f), (g), (h), and (i), competence belonged to the Ministry of Interior, acting upon the prefect's request. Dissolving the Council shortened its mandate, thus challenging the principle of continuity, without which administrative life "could not be conceived." From an administrative law perspective, shortening mandates occurred in two ways: dissolution by law (automatic) under specified conditions, or dissolution by administrative act. The legislator, unconcerned by the legal implications, chose dissolution by administrative act, although certain situations provided for dissolution by law.

Under Article 165 (a)—"When after three consecutive calls, councilors do not meet quorum"—or (b)—"When elected councilors are legally reduced to half and replacements unavailable"—the prefect could dissolve the Council by decree. This method was intentional: if the prefect dissolved the Council by decree, he would have been required to schedule elections immediately. Instead, by selecting dissolution by administrative act, dissolution authority was split between two administrative bodies—the administrative courts for cases under Article 165 (a-e), and the Ministry of Interior for (f-i). Administrative courts were judicial-administrative bodies whose members were appointed by royal decree upon proposal by the Interior Ministry, thus ensuring political influence over these courts and central authority intervention in local autonomy.

Consistent with its administrative goals, the legislator mandated that, in case of dissolution, "interim councils" (Art. 136) would be appointed by the prefect or Minister of Interior (Art. 157). Notably, the law specified no operational time limits for interim councils or new elections, criticized during debates as "regrettable, perpetuating provisional conditions indefinitely." The legislator's intent leaned toward political interests, centralization, and administrative oversight rather than local autonomy. Local urban councils and county councils retained ex-officio councilors, some appointed by prefectural decree, ostensibly because they provided "real services" and a "corrective element to elected councils" (*Monitorul Oficial*, no. 50, 1925). However, this violated voter intent in electing and forming councils, undermining electoral representativeness

and allowing central government (through prefects) to influence local administration. Strengthening prefects' and Interior Ministry's roles undermined autonomy and decentralization. The project's rapporteur candidly expressed this intent: *"Undoubtedly, national unity and political integrity require a centralized regime, focused strictly on general interests concerning all citizens... Decentralization must not become extreme, granting local organizations misunderstood independence, separated from national and state interests."* He further argued decentralization must have certain limits determined largely by "public spirit," citizen conception, and prioritization of collective over individual interests, duties, obligations, and rights. Thus, it required administrative and judicial oversight, exercised via hierarchical control or administrative tutelage (Giuglea, 1931). Central oversight rendered administration cumbersome, often exercising responsibilities without adequate competence. For example, budgets were approved or altered by Interior Ministry or prefectural officials. Under the new bill, county council decisions and county delegation resolutions were limited, subject to prefectural oversight, ensuring county resources remained within the political sphere.

The Interior Minister, prefect, district heads (pretori), and notaries—as central representatives—exercised undiminished authority over locally elected administrative bodies compared to the 1925 unification law. The draft law (later the administrative law) established an administrative-judicial organization under Part IV, Title I, "Administrative Justice." Administrative courts, inspired by the 1926 French law, functioned as first-instance tribunals with administrative litigation powers. These administrative courts replaced previous Local Review Committees, serving as oversight, administrative tutelage, review, and reform bodies, empowered to annul or modify local administrative acts as specified by law. Their jurisdiction was broad, with rulings appealable to the High Court of Cassation and Justice. Committee members were magistrates. The administrative law represented progress by creating independent administrative justice led by the Central Administrative Court (similar to French district administrative tribunals subordinate to the State Council), yet regressed by eliminating appeals against their rulings to the High Court of Cassation and Justice. Thus, the law achieved political goals, shielding jurisdictional administrative acts from judicial review, while politically ensuring central authority's oversight role. Moreover, this created parallel judicial systems, as Romania already had administrative litigation courts (Courts of Appeal). The legislator acknowledged this confusion, recognizing constitutional challenges against Article 107. The law's other innovations included "hierarchical appeals" and professional training for public servants. The March 27, 1936 law essentially reverted to the 1925 provisions and administrative centralization.

5.Conclusions

This study has explored various aspects of administrative law, highlighting its critical role in governance and public administration. Through an analysis of legal principles, institutional structures, and procedural mechanisms, the research has underscored the necessity of a well-functioning administrative framework to ensure efficiency, transparency, and the protection of citizens' rights. A key finding of the study is that administrative law must continuously evolve to address new societal challenges, such as digitalization, globalization, and increased public expectations for accountability. Legal reforms and jurisprudence play a crucial role in maintaining a balance between governmental authority and individual freedoms. Furthermore, the study emphasizes the importance of administrative justice in ensuring fair decision-making processes.

Mechanisms such as judicial review, administrative appeals, and ombudsman institutions serve as safeguards against potential abuses of power. Strengthening these mechanisms is essential for maintaining public trust in administrative institutions.

In conclusion, a robust administrative legal system is indispensable for modern governance. Future research should continue to explore emerging trends and challenges in administrative law, ensuring that legal frameworks remain adaptable and responsive to societal needs.

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