

## **From the Editors**

*The 2009 special issue of the Transylvanian Review of Administrative Sciences is dedicated to “Law and Public Administration” as a tribute to the efforts of the 10<sup>th</sup> Permanent Study Group of the European Group of Public Administration to foster interdisciplinary approach of the relation between (public) law and public administration.*

*The group is a permanent meeting place for scholars and practitioners from different fields: social scientists, jurists and economists working in academia and public institutions, as well as civil servants working in national and supranational institutions. Its aim is to combine external and internal perspectives on law in a public administration context. Internal perspectives on law relate to juridical analysis and efforts to improve legal (sub) systems from the perspectives of rules & legal history, jurisprudence and comments. The external perspectives can be of different kinds, as they confront (administrative) law with motives (issues) that are often external to law, such as efficiency and timeliness of administration, the accountability of public agencies, transparency of government and citizen’s participation in decision-making.*

*The “Law and Public administration” group has been established by the distinguished Professor Jacques Ziller and is now chaired by well-established public law scholars as Professor Philip Langbroek, Professor Francois Lafarge and Professor Helene Pauliat. The group meets every year at the EGPA’s annual conferences.*

*Articles for this special issue have been selected from papers presented at the EGPA conference in Malta, between 2 and 6 of September 2009. The papers have been reviewed by administrative and public law scholars from the United Kingdom, France, Denmark, The Netherlands, Hungary and Romania.*

*The three sections of the special issue correspond to the existing research interests within the group. The first two represent research themes on which members of the study group have already embarked upon – Justice Administration and Ombudsman Studies, while the third one gives room to other subject areas, not confined to the first two themes.*

*The **first** section is devoted to Justice Administration Studies, a topic that has drawn much attention in recent legal studies. It is also a major subject for – European legal scholars in their effort to have a common frame of reference for academic programs that deal with judicial studies (see, for instance, the JUSTMEN Erasmus Network initiative).*

*In “The Challenge of Collaboration”, Florian Henning and Gar Yein Ng focus on a case study of videoconferencing between courtrooms and detention centres in the*

Netherlands. Collaboration is a challenge in joint e-justice services and in their analysis they find that mediation and what they term 'protocols' are particularly significant.

In a paper that links technology with criminal justice, Philip M. Langbroek highlights the importance of information-exchange between the police, the public prosecutions office, the courts and the penitentiary institutions and, moreover, of the computerization of these streams of information, for effective criminal law enforcement and especially for execution of sentences ("Organizing data exchange in the Dutch criminal justice chain").

The final paper dealing with law and technology, is by Polona Kovač and Mitja Dečman who have investigated the possibilities of implementing Web 2.0 solutions for public administration bodies which are applying legislation which is itself being changed; their case study is the Slovenian General Administrative Procedure Act in the period 2006-8.

Gavin Drewry's paper traces the development of administrative tribunals in the UK, from their origins to the radical reforms of the tribunal system in the last few years and poses questions about whether the increasing formalisation is beneficial to users.

The reform of the judiciary involves, in many cases, reconsidering the role and functions of the Public Prosecutors, or the manner in which the office is managed. Two papers deal with developments in this area. In the first, Bruno Broucker, Caroline Vervaeet and Roger Depré discuss the mandate system for the Belgian Public Prosecution, while in the second one Mihaela Carausan analyses the problematic role and position of the Romanian Public Prosecutor Office in relation to the Executive and the Judiciary.

The classical paradigm of separation of powers is analysed in the context of the Dutch legislation allowing, under certain circumstances, administrative courts to settle the case without jeopardizing the separation of powers doctrine. The research conducted for the paper "Final dispute settlement in numbers" by Paulien Willemsen, Rick Busscher, Niels Groot, Philip Langbroek and Linnea Langerak looks at how often administrative courts use the powers they currently have for final settlement of disputes and whether they make optimal use of these powers.

In the **second** section, assigned to Ombudsman Studies, the papers look at the Ombudsman type institutions and their role in fostering good governance principles, in relation with other public powers and the citizens. Ludo M. VENY, Ivo CARLENS and Bengt VERBEECK open the section by examining the relationship of the supposed exclusive remedies for citizens provided by the Ombudsman through complaints and judicial or administrative appeals in Belgium. ("Between a rock and a hard place: the Ombudsman between administrative and judicial appeal procedures").

Michael Gotze critically examines the reluctance of the Danish Parliamentary Ombudsman to make full use of its powers, in his position of unrivalled specialist protector of good administration. By limiting his review to the compliance by authorities

*of national law and in particular of general procedural requirements, European Union rights of citizens are left unidentified and unprotected (“The Danish ombudsman’s protection of citizens – a strategy of selected preferences”).*

*Finally, a valuable contribution to the study of the Ombudsman institution is given by Montesh Moses in a critical examination of the role and independence of the South African Public Protector.*

*In the **third** section, the papers cover a greater diversity of topics which include Globalization and Law, European Community Law in practice and the relation between Public Management, Law and political reforms.*

*Ignazio Maria Marino and Giovanni Fabio Licata in their paper “The Law of Integration”, propose another path for the analysis of the relationship between Law and globalization, suggesting that the most important feature of Law in the age of globalization remains what it is for rather than how it presents itself, and claiming that the development of (global) Law should focus on people and their needs and interests.*

*In a paper examining the influence of the European Court of Justice on the convergence among the administrative laws of the EU Member States and the progressive forming of a “common administrative law” in Europe (“The European “nomofilachia” and the principle of proportionality”), Antonio Barone and Gaetano Alessandro Ansaldi emphasize the new kind of relations among the Court of Justice, national “lower” courts and national administrations, and the impact of the general principles of the European Community legal system on the activities of national administrations.*

*Finally, Calogero Marino analyses from a legal perspective the reform of the Italian public administration on the basis of the “new public management” principles, focusing on the relations between political authorities and public managers.*

*The editors would like to thank the chairs of the EGPA group for their support and assistance in the editorial work, and colleagues from the public law field who have agreed to review articles and make comments.*

*We hope that this special issue is only the first in a series of publications that will present the interesting developments taking place within the “Law and Public Administration” group of EGPA, fostering cooperation among members of the group and drawing in other interested researchers.*