



Public Administration and the Judiciary in a Democracy

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Overview



What is Public Administration? – A Working Definition



The Executive Branch: Managing the Government Through Public Administration



The Legislative Branch: The Policy Makers



The Judiciary as a Public Actor in Public Administration



The Future of Public Administration in Ukraine



What is Public Administration? – A Working Definition



Public Administration and Democracy

Overview of Democratic Government

Purpose

- Protect and promote people's rights, interests, and welfare

Basic Requirements

- Each individual must be free to participate in their own self-government
- Political freedom lies at the heart of democracy

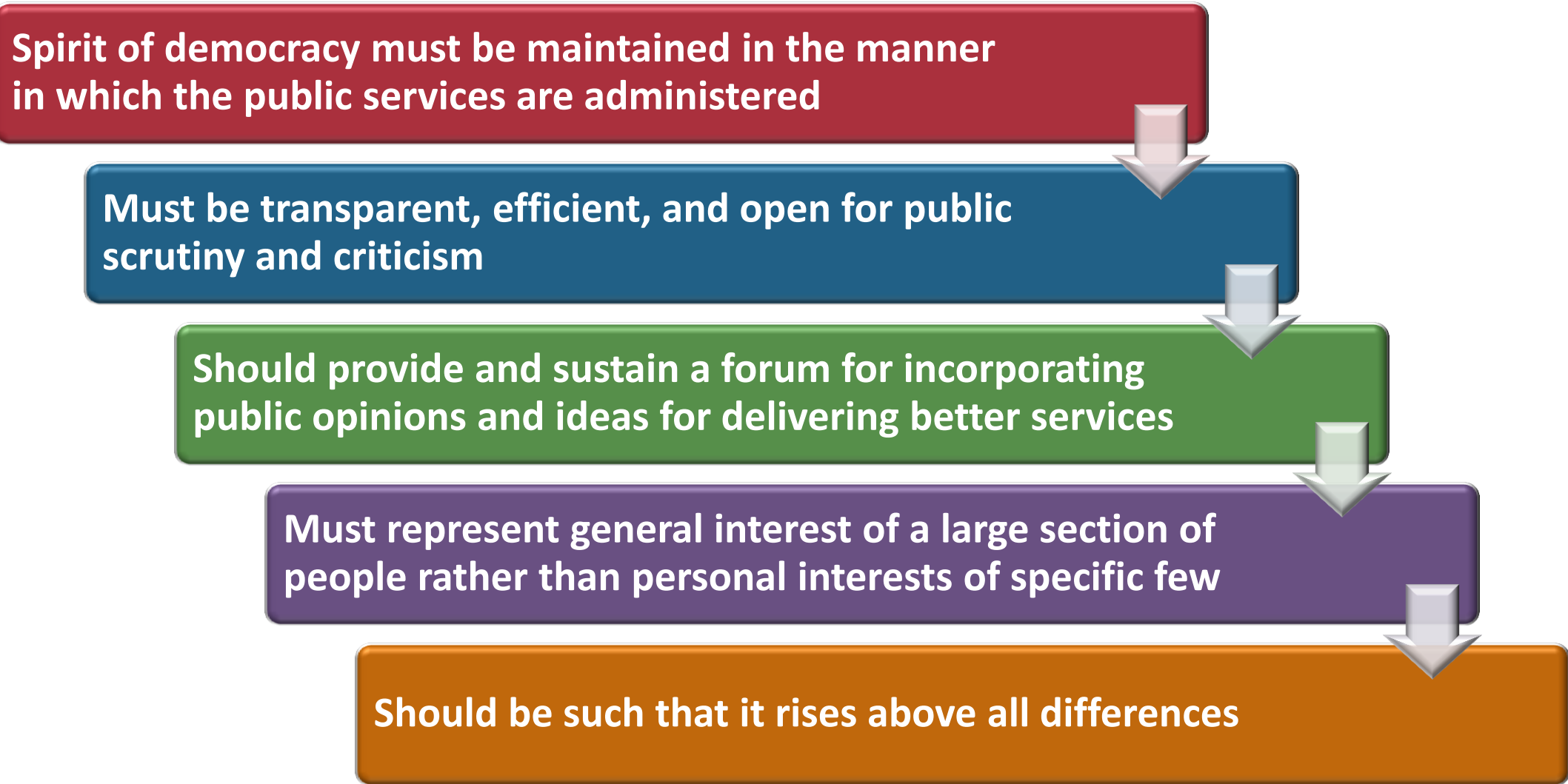
Principal Parts

- Democracy
- Constitutionalism
- Liberalism

Ideals

- Progress
- Prosperity
- Protection of the common man

Spirit of democracy must be maintained in the manner in which the public services are administered



Must be transparent, efficient, and open for public scrutiny and criticism

Should provide and sustain a forum for incorporating public opinions and ideas for delivering better services

Must represent general interest of a large section of people rather than personal interests of specific few

Should be such that it rises above all differences

Public Administration in a Democratic State

01

**Preserving
and
upholding
democratic
values**

02

**Ensuring the
general
interest of
the public
through
public
services**

03

**Administering
institutions in
accordance
with
democratic
values**

04

**Following
instructions
of legislative
bodies**

05

**Acting as a
role model of
reliability and
morality**

Roles of Public Administration in a Democracy (Box, 2007)



The Executive Branch—Managing the Government Through Public Administration

1

Ensuring equitable distribution of goods and services

2

Improving quality of living standards of people

3

Expanding scope of administrative function to include everyone

4

Associating with people in more ways to make them part of the administrative process

Administrative Roles of the Bureaucracy in a Democracy (Box, 2007)

Selflessness

Integrity

Objectivity

Accountability

Openness

Honesty

Leadership

7 Principles of Public Life



The Legislative Branch—Public Administration and Policy Making

Legislative Functions



Law-making



Deliberation



Custodian of national finances



Control over the Executive



Constituent functions



Electoral functions



Judicial functions



Listening to public grievances



The Judiciary as a Public Actor in Public Administration



Judicial Responsibilities in a Democracy

Formulating rule of law through interpretation and application of law to respond with a verdict

Settling disputes

Checking legality

Being a player in state politics

Addressing core moral dilemmas, political controversies and public policy questions

Constitutionalism



Used to limit government
by law



Written document

Other Judicial Responsibilities

Interpreting the law
Applying the law
Adjudicating disputes

Judicial Culture



New judges swear to uphold the rights of all citizens and the constitution



Once in office, self-integrity, peer pressure, and public scrutiny combine to make judges, abide by their oath

Absent the rule of law, efforts
to combat corruption will likely
fail



Judges must be

Impartial

Professional
in their work

Independent

Trust and
Transparency
and the
Judiciary

Ensuring Judicial Independence



Universal Declaration Of
Human Rights



International Covenant On
Civil And Political Rights

Mechanism whereby judges are appointed is often controversial



Frequently ensured within a country's constitution



Strong belief that politicians are only interested in appointing judges who will do their bidding

Judicial Appointments

Independence and Accountability

Judges sit in public

Judges give reasons for decisions

Judicial actions are reported in the media

Judicial decisions are subject to appeal to higher courts



ACCOUNTABILITY

Should be led by the Judiciary

Codes of conduct

Modelling behavior

Strong judicial leadership

Review of courts

Judicial examinations

Staff management

Mechanism for public review

Adequate personal security, facilities, salaries and status

Ensuring
Judicial
Integrity

Judicial Councils



Can increase both independence and accountability



Separate from other government branches



Entrusted to select and promote judges



Can act in an oversight capacity over the court system, including its disciplinary procedures



Removing Judges – Disciplinary Tribunals

Should have a majority from the judiciary

Should include non-lawyers (but never politicians or at least no more than a small minority of them)

Judicial Codes of Conduct

Building integrity should be role of senior
Judiciary members

Should provide both for enforcement and for
advice to individual judges who question
whether a particular provision applies to a
particular situation

Have been used to reverse wide range of
unacceptable practices

Uphold and promote	Uphold and promote the independence, integrity, and impartiality of the Judiciary, while avoiding impropriety and the appearance of impropriety
Perform	Perform the duties of judicial office impartially, competently, and diligently
Decide	Decide cases without fear of criticism or public clamor and practice patience, dignity, and respect toward all litigants, jurors, witnesses, and lawyers
Conduct	Conduct their personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office
Not engage in	Not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary

Codes
Should
Require
Judges to...

Checks and Balances

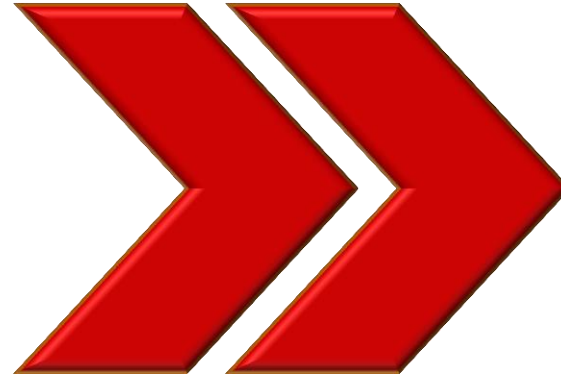
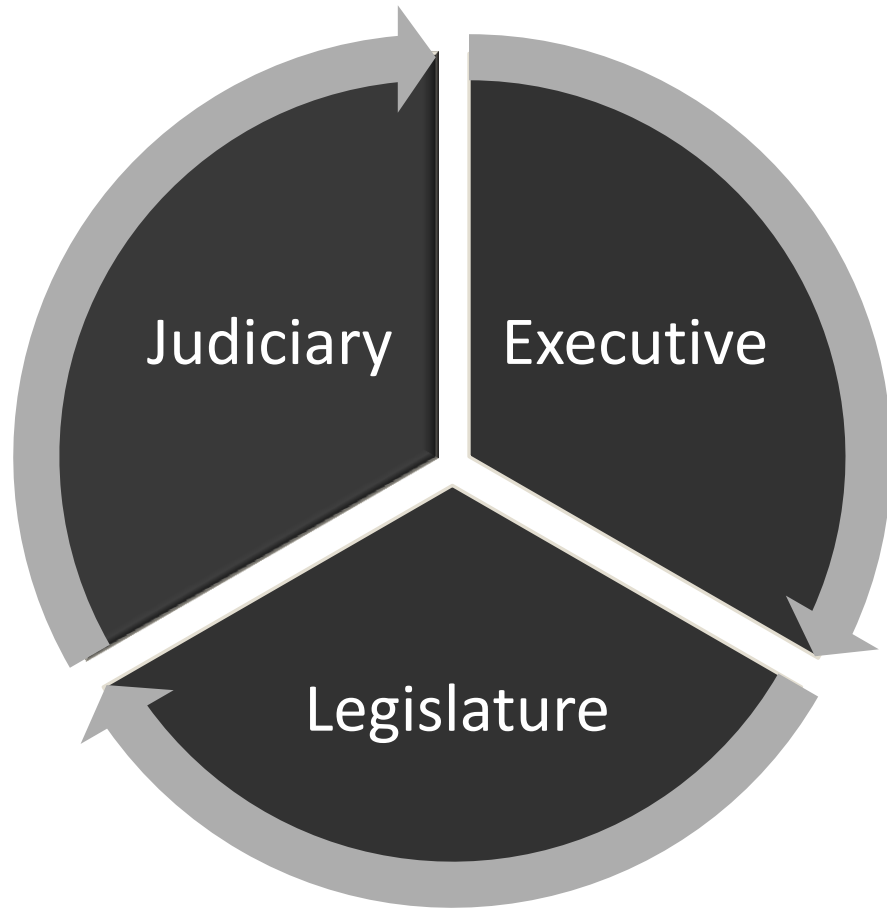
Crucial to effective accountability

Branches of government must have functional independence

In cases involving rule of law, courts must be able to operate without political interference

Serve as an integrity system, creating horizontal accountability

Reforms may require holistic approach



**HORIZONTAL
ACCOUNTABILITY**

Holistic Reform



FUTURE

The Future of Public Administration in Ukraine

How Do We Innovate?

Attend to the grievances of the citizenry

Collaborate

Communicate within and with the external world

Adopt a more humane approach to administration

Use technology and social media more proactively



Strategic framework for public administration reform

Public service and human resource management

Accountability

Policy development and coordination

Service delivery

Public financial management

Strategy for Public Administration Reform for
2016–2020: Core Areas

**Open and
transparent
merit-based
hiring**

**Policymaking
over service
delivery**

**Increased
professionalism
and transparency
in civil service**

**Expanded
digitization**

Impact analysis

Successes to Date

01

Be even more
responsive
instead of
secretive

02

Be even more
accountable
instead of
resorting to
casting blame

03

Be even more
transparent
instead of being
opaque

Continuing Reform Efforts

A Final Word for ALL
Public Servants

The need of the hour is silent hard work. One should enter public service with enthusiasm, optimism, and a willing spirit; one should leave it unheard, unsung, and unwept. While in public service, one should be free, fair, and honest.