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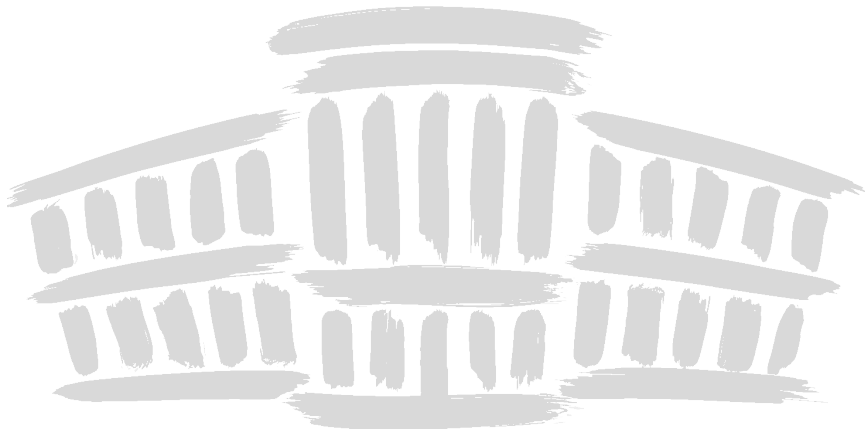


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KONFERENCIÁINAK
TANULMÁNYGYŰJTEMÉNYE

ЗБОРНИК РАДОВА НАУЧНИХ
КОНФЕРЕНЦИЈА
УЧИТЕЉСКОГ ФАКУЛТЕТА
НА МАЂАРСКОМ
НАСТАВНОМ ЈЕЗИКУ 2017



УНИВЕРЗИТЕТ У НОВОМ САДУ УЧИТЕЉСКИ ФАКУЛТЕТ НА МАЂАРСКОМ НАСТАВНОМ ЈЕЗИКУ У СУБОТИЦИ
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UNIVERSITY OF NOVI SAD HUNGARIAN LANGUAGE TEACHER TRAINING FACULTY, SUBOTICA



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 - ELEMENTARY SCHOOL STUDENTS’ ATTITUDE TOWARD VIDEO LECTURES USED IN FLIPPED LEARNING BIOLOGY



Zsuzsanna Fejes¹ – Edit Soós²

¹University of Szeged Faculty of Law and Political Sciences, International and Regional Studies Institute, Szeged, Hungary

²University of Szeged Faculty of Law and Political Sciences, Department of Political Science, Szeged, Hungary

zsuzsanna.fejes@gmail.com, soos@polit.u-szeged.hu

CHALLENGES OF PUBLIC ADMINISTRATION IN THE MODERN STATE. PERSPECTIVES FOR HUNGARY

Summary

The state will only be able to serve the common good if it is based on moral values and constitutional principles accepted by the large segments of society. The existence of the rule of law therefore is not limited to setting up and maintaining a legal system, but it also incorporates certain basic values, fundamentals and general principles.

In 2010 the Government in Hungary set the goal to reorganise the Hungarian state and to create a Good State which is willing to reform the previous structure.

The paper examines the central features of the paradigm shift in public administration, the structural changes affecting state administration and the most important changes influencing the operation and internal procedures of central state administration, manifested in public-policy reform programmes.

Keywords: rule of law, state, Good Government, public administration, public policy

Introduction

From the beginning were searching the law and political sciences for the conditions of good life in its field, that is, what the political community, in which life is happy, should look like. They similarly thought about what the good law should look like, the right law, which is consistent with those values that conducive the good and happy life. Throughout history a value has been clearing out which may formulate the answer to the "good governance - good law": *the rule of law* itself that is *the state under the rule of law*. (Paczolay, 2013: 9)

However, rule of law based on the rule of law is essential, but *nowhere clearly defined*, thus a phenomenon may be interpreted in different ways, which in the late 20th century was most commonly used in three senses. Sporadically the interpretation occurs in which the rule of law means against the anarchy the existence of the public order, an organized *government ruling through law*. According to another conception the rule of law may be connected to a kind of value system, a specific *justice idea*, which mainly consists of the requirements of *equality, freedom, and the monitoring of the government by the people*. The third interpretation arising from the positive law is searching for the content elements of the rule of law, and they are found in the *organizational and procedural forms and institutions* that ensure predominance of rule of law. (Lamm, 2009: 804)

The rule of law shall be used both in formal and material sense. Under *the formal rule of law* shall be meant when the public power is imposed to work bound to law, and the requirements of constitutional governance is completed. This focuses on the state functioning bounded by the law, the ensure of the formal regulations of law, the priority of law as a tool, while *the material concept of rule of law* expects more, contently, above all the performance of fundamental rights based requirements from state operation. The essence of that according to Joseph Raz is that the rule of law has "almost always of great moral value" and aims to "minimize the harms against freedom and dignity that may be caused by the law following its own goals" (Raz, 1995: 128–130). In this conception the rule of law weights such category with values, which maintains its own order and allows the achievement of reasonable human goals, *ensuring equality before the law and allows the exercise of freedom rights* (Mohl, 1995: 32-36). This concept emphasizes particularly two conditions: on one hand recognition of fundamental rights by constitution, especially the personal and political rights, on the other hand the fact that the state during its intervention respects the fundamental rights and accordingly reduces the exercise of official authority. (Petrétei, 2011: 143)

The rule of law's further outstanding value is how *the rule of law promotes the cause of human freedom and dignity*. According to the relevant decision of the Constitutional Court: "The Constitution defines the basic institutions of the constitutional government organization and the main rules of their operations, as well as the human and civil rights with their fundamental securities." (Decision 11/1992 (III.5.)



of the Constitutional Court, 77, 80) In addition, the fundamental rights shall be protected institutionally and actually in all proceedings, that means that protecting rights is not the only privilege of fundamental rights protected separate procedures (like the procedure of the Constitutional Court, ombudsman, ordinary courts, to equal opportunity protecting government offices). If the special right protection procedures are needed only as an exceptional instrument that means real warrant of the rule of law (Patyi and Varga, 2012: 24). The rule of law in its success is depending on its operators, which means that it is proved only by the stable institutions of the rule of law whose function meet the expectations. (Paczolay, 2013: 21)

The purpose and terminology of Good State and Good Government

The public welfare, legal equality and legal certainty are inseparable terms of rule of law. Inseparable, since the rule of law per se is not enough to achieve the common good: people have to live under such legislation which is carrier of values recognized by the community and also implementers. Enforcement of rule of law values such as legal certainty, legislation and predictability of the application of law and the lawful operation of state bodies definitely should be part of it. (Szerletics, 2011: 1-11). The state will only be able to serve the common good if it is based on moral values and constitutional principles accepted by the large segments of society. The existence of the rule of law therefore is not limited to setting up and maintaining a kind of legal system, but it also incorporates certain basic values, fundamentals, general principles. (Cservák, 2016: 124–125; Cservák, 2015: 24-37)

Rerum Novarum the encyclical of Pope Leo XIII issued in 1891 stipulates, with still valid thoughts, the service-basis of social welfare and common good as follows: "The foremost duty, therefore, of the rulers of the State should be to make sure that the laws and institutions, the general character and administration of the commonwealth, shall be such as of themselves to realize public well-being and private prosperity(...)

Now a State chiefly prospers and thrives through moral rule, well-regulated family life, respect for religion and justice, the moderation and fair imposition of public taxes, the progress of industry and trade, development of agriculture and in general through everything, in fact, that makes the citizens better and happier." (Pope Leo, 1891: XIII. paragraph 32)

The central objective of Hungarian State reorganization is to create the Good Government which is the implementation of the values deduced from the Fundamental Law and the concept of common good. According to the Magyar Program "the state may be considered to be good if it serves the needs of individuals, communities and businesses in the interest of common good and within its boundaries, in the best possible way." (Magyar Program 11.0: 5) Central element is the state able to do for



the public interest, able to choose between the different social interests and needs, as well as able to validate and defend the preferred interests and needs.

The concept of the common good implies on one hand that the state creates a lawful and fair balance between the numerous interests and needs, for this purpose allows enforcement of claims and provides protection. On the other hand, the Good Government proceeds with due responsibility in the interest of the protection and preservation of the nation's natural and cultural heritage. Finally the only self-interest of the Good Government is that it should, effectively and under any circumstances, be able to enforce the above two elements of the common good; in other words, the State should create an effective rule of law, therefore should provide the functioning of its institutions, and should provide the honouring and accountability of individual and collective rights.

Thus, in the focus of all social and economic process is the State, carrying out its activities through four pillars: legislation, administrative proceedings, decision-making in allocation of funds, and also appears as real participant of the business field.

According to this the democratic expectation of electors and more recently the conscious self-development of the State require the State to be fully open to exploration and its operation should be measurable and available for evaluation. (Magyary Programme 12.0: 6-7)

So if we want to assess the quality, performance and efficiency of the government, as well as the level of confidence in the state institutions, the extent of the requirements of the rule of law prevail is also to be considered.

The financial crisis that started in 2007 undoubtedly amplified the complex conceptual issues of the quality of governance. In Europe, in the focus of this debate is the effect of the governance on economic competitiveness and social well-being. Economy is strengthening, and a state-centred (pro-state) approach to the problems of the society, expectations concerning the State and governance (public governance) are gathering with the relapse of the neo-liberal thinking. There has been a significant change in thinking about governance since the conception approaching process as collective and democratic governance has been effaced by emphasizing the public responsibility and tasks of governments. (Kis, 2014: 13) Against the neo-liberal theory of *good governance*, that governance functions on market principles - (voluntary) coordination, value measurement and profit – by *good government* governance is nothing else but to ensure the principle of representation (representation of everyone, who is part of the given political community) and the aim is to enforce the public interest (theoretically everyone's interests shall be applied). Accordingly not the market, but the State should govern because only the State can provide those conditions in which good and reasonable life, as interpreted by individuals, may become experienced by everyone. (G. Fodor and Stumpf, 2007: 6)



The state functions can be classified into three groups according to the extent of government involvement by Fukuyama:

- minimalist features include those activities that shall be provided by all States. This includes inter alia the protection of the country, the internal legal order ensured, and the application of ownership principle.
- the intermediate functions ensure the governance according to the objectives assumed by the State. This includes for example the education in this area especially ensure the equal opportunities for the disadvantaged people, in the economic field the introduction of a flexible corporate law.
- the activist functions means the intensive involvement of the State in the economy.

Fukuyama points out that the scope and effectiveness of the State's role usually do not go together, there are countries where the State is a significant market regulator factor, moreover involved in the economy through public companies, but at the same time fails to assure basic government functions, such as the maintenance of law and order, the performance of its public healthcare duties are impaired. (Fukuyama, 2007)

The argument, regarding the performance of governance, requires two, theoretically distinctive but during the examination hardly distinguishable questions to be answered: what do we mean under performance (effectiveness, efficiency, etc.), and the extent, and how can it be measured? From the normative side one more big question arises about how to increase the power of government. (Gajduschek, 2014: 97)

The higher level of institutional trust and legitimacy increases the chance of civil cooperation with the governance or with the State and this may affect the effectiveness and efficiency of the political institutions' functioning, since it will be easier to comply with laws, to enforce public policies. People are more willing to comply with the law if they believe that it serves the common good or if the justice system works effectively in compliance with the principles of fairness (Tyler, 1990). The higher level of overall confidence improves also the chance of cooperation with various government policies and programmes that is the trust contributes to the increase of the effective institutional functioning and public policy implementation.

Accordingly, it must also consider how the good government can coordinate the activities of the different levels and subsystems of the society within the frame of the good governing and how can be a right guaranteed within the context of good legislation and enforcement, which considers the public law and public interest. (Kaiser, 2014: 57-95) Since the society has greater role in the public interest, public functions can be improved such as legislation and legal protection as well.



The Good State in Hungary

In 2010 the government set the goal to reorganise the Hungarian state and Hungarian public administration and to create a Good State which is willing to reform the previous structure.

The optimal model for governance doesn't exist. Within given or accepted normative parameters – which also must change, in part, to fit changing environments, tasks and values – the preferable characteristics of governance depend on many variables, shifting with time, and in particular on its main, missions and environments, which are dynamically evolving. (Dror, 2002: 38)

Different countries need different governance systems in terms of both principles and structure. Countries with different ideologies have and require different unique governance setups. However preferable redesigns of governance depend significantly on specific conditions and problems. (Dror, 2002: 69)

If the state is no longer able to carry out its undertaken duties, then the model of the state has to be reconsidered and a new reform of public administration has to be introduced through the regulation of the state. After the reform attempts to consolidate the role of the state, the neo-liberal state concept and the New Public Management derived from it, the second Orbán government (2010- 2014) reconsidered the role of the state in government decisions in order to make it serve the common good.

There was a challenge to rethinking the role of the state in order to strengthen the state. In order to restore the destroyed authority of the State there was a need to establish the operational conditions for the State to function in a lawful, transparent manner. A response to the distortions of public management in order to strengthen the state resulted in the introduction of the Neo-Weberian state paradigm in Hungary. (Stumpf, 2012: 20) In 2010 the governmental philosophy of the ruling coalition of the Fidesz-Hungarian Civic Alliance (Fidesz) and Christian Democratic People's Party (KDNP), the Neo-Weberian State had the most significant influence on structural changes.

The Neo-Weberian state model gives a great role for national governmental level in providing the common good, but on the other hand it affects greatly the strengthening of the various levels of representative democracy (central, regional, local) while emphasising the importance of the unity of the executive power of the state.(Stumpf, 2009: 97)



The Magyary Zoltán Public administration development programme (2011)

The goal of the government is to create a Good State. The reform incorporates a strong role of the state in steering the development of the country and a commitment to an efficient and effective public administration.

After coming into office in 2010 the second Orbán government (2010-2014) adopted the new Fundamental Law and carried out a series of acts aiming at extensive changes in the political system and constitutional frame. The Fundamental Law of Hungary, adopted on 25 April 2011, brought radical changes in the state administration.

In 2010, the Hungarian government started the public sector reform programme with the aim of modernising its public administration and improve access, responsiveness and quality of public services. As part of the reconstruction of the governmental system, in 2010 the government launched a comprehensive reform of public administration. At the core of the renewal of the public administration structure is the total renewal of the territorial public administration. The state territorial administration reform is part of overall reform of public administration, as defined by the Magyary Zoltán public administration development programme. (Magyary Programme 11.0)

The reason for the introduction of a comprehensive state reform was that "the public administration system set up in the 1989-1990 democratic transition is no longer able to serve the needs of the era of the 2010s, neither from internal, nor from external aspects." (Navracsics, 2013: 52)

The public administrations in the European Union's Member States attempted to achieve results in the following fields: increase the efficiency and effectiveness of public administration, cut public administration costs, enhance the performance of public administration, involve citizens, increase transparency, modernise and digitise administration and achieve citizen-friendly public administration.

The Magyary Zoltán strategic programme is one of the important pillars of reform in public administration, launched by the Government. The key strategic goal of the Magyary Programme is to improve the efficiency of the operation of the state and the quality of administrative services: to create an effective national public administration.

The Magyary Programme is a strategic document, the one that keeps track of and follows up the measures taken within fixed conceptual framework, that exists within set boundaries, but with dynamic flexibility based on annual regularity, compares the plan with the facts and sets new tasks. The main objective of the programme is to create a single, more efficient and simpler state public administration system.

In Hungary as part of the reconstruction of the state administration, in accordance with Act CXXVI of 2010 (XI.19.) and the Government Decree No. 66/2015 (III. 30.),



the capital and county government offices were established. The altogether 20 government offices are located in the county seat cities and in the case of the capital city and Pest county in Budapest. In accordance with Article 17(3) of the Fundamental Law the capital or county government offices are the territorial state administration organs of the Government with general competence.

The tasks of government offices are to coordinate the implementation of government policies at territorial level. They exercise coordinative, authority-type, proposing and consultative powers, allowing the adjustment of central decisions, policies to territorial characteristics. The government offices are strictly controlled by the central government, and integrate a diverse set of special and general administration services.

The relationship between the State and citizens is greatly influenced by the burdens that public administration procedures impose on clients. According to the Magyar Program, the concept of public burden includes the time and cost spent on administration and also the support, protection and assistance that may be expected under the rule of law.

Before 2010 in the Hungarian practice, entering into and maintaining contact with the State is made difficult for customers by the fact that almost every office has its own procedures, forms, standards and image. This in itself makes it hard for customers to find their way and adds to the time and cost of the procedure.

The Magyar public policy programme wish to contribute to the establishment of business- and customer-friendly services which take into consideration the needs and interests of customers to simplify procedures, to reduce customer burdens and to provide services to consistently high standards available to all.

In order to raise the level of services in January 2011, in accordance with Government Decree 288/2010 (21. XII.), Government Windows, an integrated network of service contact centres, were established. The multi-channel (personal, electronic and phone-based) government customer service system enables customers to take care of their affairs in a one-stop-shop arrangement. The Government Windows started to operate as the front offices of government offices. The one-stop-shops provide information and other administrative services from initiating and handling to closing a procedure to citizens in 1,540 different types of administrative cases. The extended task portfolio of the Government Windows is extremely broad but very shallow. (Hajnal and Kovács, 2013.) The delegated tasks show various pictures and embrace almost all public sector services (e.g. agriculture, employment and welfare benefits, environment protection, customer protection, national register tasks, etc.) In 2017 there are altogether 264 physical points of single contact in Hungary. These make it easier for citizens to personally administer their affairs. In 2016 a total of 10,871,958 customers visited the Government Windows.



The establishment of the state service model

The state is good if it serves the needs of individuals, communities and businesses in the interest of the common good. The concept of the Good State also includes competitiveness as the State protects the values which promote competitiveness and development, and serves interests. It is a general rule that competitiveness rests on two pillars: economic policy and the functioning of the state. (Magyary Programme 11.0) For that purpose it is necessary to improve the quality of public service, and guarantee that it can be conducive to economic and social competitiveness.

Several institutions related to services provided by the state and local governments (e.g. social, educational, cultural fields, etc.) have faced significant changes since 2010 in order to have a more effective task-management.

The more effective task-management was the result of the revision and redistribution of tasks and jurisdiction of the related branches of state and local governments. It can be said in general that in the case of the concerned branches the coordinating and leading role of the state has strengthened.

Besides assuring the greater effectiveness of task-management, another task of high priority, indirectly affecting the economy, was to develop the competitiveness of the regulating environment, for creating an appealing environment for investors and entrepreneurs.

As regards the various fields of public administration, it is important to eliminate all mechanisms that are a nuisance to both clients and public administration organisations and greatly complicate internal and external processes, and to simplify non-transparent procedures and processes. This will allow the reduction of administrative burdens upon both public administration customers (citizens, businesses) and public administration organisations and staff.

According to the Magyary Programme, the concept of public burden includes any actual payment, the general payment of taxes arising from public administration and the cost spent on administration. The Good State concept, outlined in the Magyary Programme, establishes the principles of cost-effectiveness, as the pillar of the programme.

From 1st March 2017 as a result of the prepared act modification for the ongoing state utility rate reduction 2, 017 20 fees of proceedings instituted by a public authority were cancelled:

- 15 for private persons,
- 5 for enterprises.

Concerning enterprises

- approx. 26 585 procedures will be free of charge, which means
- 1,2 billion HUF savings for enterprises.

Concerning private persons

- approx.150 272 procedures will be free of charge, which means
- almost 385 million HUF savings for private persons.

In two years' time, with the realisation of the two stages of the state utility rate reduction enterprises saved more than 3,6 billion HUF, whereas this rate for private persons was more than 10,3 billion HUF in savings, which they did not have to spend on proceedings instituted by a public authority.

State utility rate reduction 2016 Changes in proceedings instituted by a public authority for private persons and enterprises - fees (summary)					
Beneficiaries		Name of the proceedings instituted by a public authority	Fee for procedure (thousand HUF)	Estimated number of clients/cases	Estimated amount of revenue (million HUF)
				based on the given data for the year 2015	
Enterprises	1	Forensic expert registration	7.4	237	1.751
	2	Company registration and publication fee (private company, LP., GP., Ltd.)	35 -105	1,228	120
	3	Simplified procedure for company registration (PC, LP., GP., Ltd.)	15 - 50 000	23,207	1,104
	4	Proceedings instituted by a public authority for environment protection and water safety – Permission for irrigation systems	20	300	6,000
	5	Issuance of official certificate from sole traders record	3	1,613	4,839
Private persons	1	Fee of non-attested copy of electronic version of proprietary documents	1	74,732	74,732
	2	Fee for filling out a register of births, marriages and deaths	2	no data (VCMI)	
	3	Official certificate needed for Family Housing Allowance Program request and for other housing support programs (NHIFH)	3	26,255	70,074
	4	Permission for	5	508	2,540

		establishment, reconstruction, abolishment of groundwater wells			
	5	Passport fee – reduced rate	2.5	37,743	94,358
	6	Announcement of notification address	0.3		
	7	Fee of recording and announcement of personal data and address registration	3	no data (VCMI)	
	8	Procedure for construction surveillance	5 -15	4,663	23,315
	9	Official certificate by the board of housing	20	5,371	107,420
	10	Fee for registration for guardianship in cases instituted by court for estate procedures	6.6	no data (NOJ)	
	11	Fee reduction for non-attested copy of proprietary card in procedure for guardianship and in court execution procedures where the beneficiary for the executed fees is the Hungarian State	1	no data (NOJ)	
	12	Fee for requests of Hungarian citizens living outside of Hungary for record registration	3	no data (VCMI)	
	13	General tax-exemption for people under 18	3	no records	
	14	Soil-ward parcel proportioning procedure	1.2 -170	1,000	12,000
		TOTAL		176,857	1,620,313
VCMI: Vocational Controlling MI; NOJ: National Office for the Judiciary					

Source: Prime Minister's Office

According to the opinion of enterprises their administrative burdens derived from legal commitments have been gradually decreasing since 2010. However, this development was not enough for the state to keep its stable position in the international competition. For the preservation of economic competitiveness the state has to keep on decreasing the administrative burdens of the enterprises, simplifying the procedures and increasing the effectiveness of task-management.

Conclusions

1. The study examined the purpose of the Good State in terms of democracy, rule of law and legal certainty. A good regulatory environment is an essential foundation for high performing states. High performing regulators are a key lever to encourage innovation in public administration and across the economy through timely approval processes, flexible approaches to new issues and a service focus.

The goal of the government is to create a common good. The good government means, on the one hand, that the state creates a lawful and fair balance between the various interests and needs, allows the enforcement of claims and provides protection. This can be done by a specific actor, by the state. Therefore, a strong, active state is needed. In the good government model the state plays a role not only in creating the conditions for good governance, but it also undertakes the tasks expected of good government.

2. The government's definite aim is that Hungarian public administration should work in an organized, consistent and transparent structure, applying modern and customer-friendly procedures available for anyone, with professional, national, ethical and motivated staffs.

Public policy programmes are governmental activities that affect the lives of citizens. The modern administrative government offices with government windows operate more effectively and with more attention to the needs of the public. The residential judgement of the government's public administration policy in 2016 proves that 25-35% of the population found the public administration policy excellent or good, almost half (47-57%) found it average, and 10-20% found the policy sufficient or insufficient.

The Good State in Hungary results in a public administration that is highly professional, customer-centred and efficient with competitive service fees and short administrative deadlines. The Hungarian public administration reform could hold up as an example to other Member States as a good practice developed during its implementation.

3. The state territorial administrative reform triggered by the Magyar Zoltán public policy development programme is a centralised territorial model of the state administration within the terms of the European Administrative Space. When building a strong, centralised state with a strong public administration it became necessary to redefine the balance between the organisational principles of centralisation and decentralisation.

4. The public confidence placed in the government is essential for the operation of the service-oriented state. According to the Gallup World Poll, the share of the Hungarian population reporting trust in government decreased from 33% in 2013 to

28% in 2015, which is significantly lower than the OECD average of 43% in 2015. Tight budget constraints in Hungary, combined with low trust in government and in public institutions more generally, have made public sector reforms all the more urgent and necessary, but at the same time very challenging. (OECD 2016: 1.)

The Good State concept foresees the strengthening of the role of the state in ensuring professional and high-quality services for all, and extending the consultation between citizens and public administration.

In Hungary, public consultations tend to take place mostly through government websites or ad hoc meetings. However, the use of interactive technologies is still limited. In addition, while both ex ante and ex post regulatory impact assessments are mandatory for all primary and subordinate legislation in Hungary since 2011, only some ex post evaluations have been undertaken in the last three years. Institutional arrangements and capacities are not yet fully in place in Hungary to support open and evidence-based policy making. (OECD 2016: 2.)

Greater use of stakeholder consultations throughout the entire policy making cycle is necessary to achieve the objectives of the reform and improve public service delivery to citizens and businesses.

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