



ORIGINAL PAPER

Romania: A Case-Study of Regional and Global Integration Ongoing Process - the Legal, Economic, and Social Implications Facing Countries such as Romania in Ongoing Integration Process

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Abstract

This paper aims at looking into the key aspects of regional economy, as well as its responses to worldwide trends, while underscoring the elements that serve to enhance or decrease the benefits of globalization. Furthermore, it endeavors to handle policy options by considering the priorities focused on by the cohesion; these include social, legal and economic elements.

Keywords: *regional, global integration, economic, social, Romania*

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Background of the Study: legal, economic and social implications after Romania's regional and global integration

Rapid technological developments, liberalization of trade and prices, and the rising significance of supranational regulations, facilitate the perpetual integration of nations within the system of globalization. Therefore, competition between regions and countries has progressively intensified. The European Union's (EU) newly integrated member nations, a majority of which include Eastern and Central European countries that were earlier communists, faced a particular situation, with regards to the global context, for several years. That is, these countries were in between the two phases of globalization and transition towards globalization. This essentially and immensely impacted their economies. Advancing in the process of transition was complemented by total participation in world economy, profiting from the returns from globalization, and enabling nations and their economies to grab fresh opportunities. The results, however, were divergent, depending on the types of macroeconomic models adopted for this purpose by developed, and developing, nations (Ionescu, Hasegan, 2009).

Joining the EU has had its effects on Romania. Several measures have been implemented by Europe that altered its economic standing. Currently, the EU constitutes a shared currency (except for Denmark, Sweden and the UK), and single market. It also puts certain socio-economic policies into effect, which, to a rising extent, impact member nations' national economies. Romania needs to cope with many economic integration facets. The first involves increased trade of services and goods in the intra-Euro region. However, Europe wasn't transforming into a European Fortress, but only supplementing international integration. This can be seen from the following estimate: goods import and export in the extra-Euro market rose from roughly 24% GDP (1998) to about 33% (2006). Secondly, economic integration in EU involves financial integration- free capital movement because of using the same currency (Euro). Third comes the free labor mobility, however, obstacles in this facet are yet to be overcome. Much is left to be done to enhance labor movements, trade of services, and to lessen structural rigidities. This necessitates greater economic integration (Ikani, n.d). Contributions to the EU budget have to be paid by Romania, which led to issues in national budget planning. This is because the country had to unearth resources to cover this cost. As well, Romania had to meet the nominal budget deficit criteria, according to which, any budget deficit should be less than 3%, to be able to adopt Euro as national currency (Incaltarau, Maha, 2010). Further, since Romania joined the EU, its contributions to EU co-funded ventures and the Union's budget have increased the country's budget deficit from 1.7% GDP (2006) to 4.9% (2008) and 7.4% (2009) (Orgonas, 2010).

Statement of Problem

In a Gallup Romania poll in April, 2006, more than 75% of poll participants asserted that the country had been ill-equipped, particularly from an economic perspective, for joining EU. Being an EU member state, Romania adopts and executes EU policies. As per the 2007-2013 budget of the EU, it will have 3 policy priorities, defined as given below (Oprea, Meșniță, 2007: 17): regional policies – that emphasize social and economic progress; foreign policies – to increase the role of EU among candidate countries, non-member nations and third states; thematic policies – domestic policies backed by programs for the community. These concern health, agriculture, fisheries, energy, information technology, rural development, research and development, environment, training, education, etc. Romania holds the following posts in European

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institutions: a Court of Justice judge, a European Commissioner, a Court of First Instance judge, a State Court, 35 European Parliament members, 15 Committee of the Regions members and 15 Economic and Social Committee members. Further, the Romanian National Bank now forms a part of European System of Central Banks. Its governor is a full-time member of the European Central Bank's General Council and committees (Incaltarau, Maha, 2010).

Purpose of the study

The study's focus is implications for Global and Regional Integration in tackling economic, social and legal issues faced by nations, such as Romania, in the current century. The paper deals with the following fundamental research questions: What are the legal issues Romania encounters in the current century with respect to the challenge of regional and global integration?; What are the economic issues Romania comes across in the present century with regards to the challenge of regional and global integration?; What social issues does Romania come across in this century with regards to the challenge of regional and global integration?

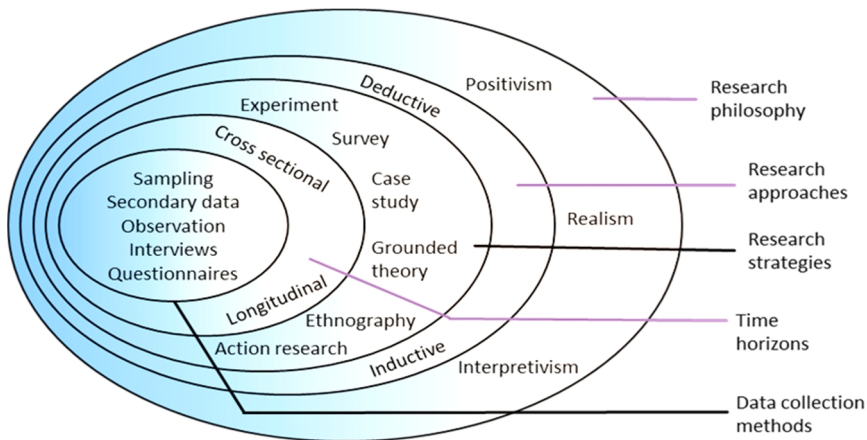
Significance of the study

Research on regional and global integration does not provide any sound theoretical bases, nor do they offer any new, innovative methodologies. Moreover, handling and resolving problems that spring from integration is a neglected subject. Though governments have recognized the importance and effects of integration, most of them fail to recognize this phenomenon's scope and realm. As well, choosing the most effective strategy to adopt is difficult, because of availability of numerous models and theories, and the progressively rising technology paradigm. Such governments fail to take advantage of global integration's essence, and thus, fail to maximize their country's values, which unquestionably remain non-existent and inactive. For example, Romania's economy was a functioning market economy in 2004, but still couldn't compete on the single European market (European Commission 2004 Regular Report on Romania's Progress towards Accession). The following criteria are to be met for an economy to earn the status of 'functioning market economy': balance of demand with supply is attained through confrontation in free market; trade and prices must be liberalized; no barriers to entry (new firms) or exit (bankruptcy); enforcing of contracts and regulations, and assurance of legal system, which incorporates property rights; macroeconomic stability, which includes sustainable public capitals and price stability; consensus on major economic policy facets; sufficient development of financial sector for redirecting savings to production sector (Reports on Progress towards Accession by each of the candidate countries, 1998). The basic question concerns how Romania undergoes a smooth transition from point A to B in a swift and efficient manner. This research concentrates on, and explains, implications for Global and Regional Integration in tackling economic, social and legal issues faced by nations, such as Romania, in the current century. Integration denotes steady approximation of Romania's social and political rights, along with economic structures and legal rights. To those of EU, not merely becoming an EU member. This process, for Romania, started in 1993, with the signing of the European Agreement and continued following Romania's joining of the EU (Incaltarau, Maha, 2010).

Methodology

This section deals with accomplishment of two goals: 1) Describing the methodology adopted for the study, and 2) Justification of the methodology chosen. The main sub-sections here include: Research philosophy; Research approach; Research type and Time line; Data Collection Methods; Quantitative Validity; Sampling Strategy; Data Analysis. The basic purpose behind sub-dividing this section is for clearly demonstrating all issues, aspects and applications of the study, to make it useful, well-designed and practical (Cohen, Manion, Morrison, 2007). Additionally, this section enables the investigator to provide an exploratory, practical abstract of this study's goals and aims, as elucidated by the following 'research process onion' (Saunders et al., 2012: 83).

Figure 1. The 'Research Onion'



Source: Saunders et al., 2012: 83.

Research Philosophy

It was brought to light by Trochim (2006) that most research is grounded on the notion that accomplishing research objectives will help academicians to logically understand our world, together with deciphering the differences in opinion that may be present in diverse communities. Two key schools of thought drive this belief: 1) Positivism which rebukes metaphysics: researchers of this school claim that every study should be based on describing experiences; and, 2) Post-Positivism, or a type of constructivist perspective. According to this, individual perceptions lead to the belief that this world and its organisms act in a particular manner. Both of the above are considerably significant in the realm of traditional research.

Science, along the lines of the positivist approach, would enable researchers to attain the real logic and truth behind the world, in order to better direct one's actions. Positivists always depend on ascertaining natural laws by way of direct analysis and management. A majority of positivists contend that the objectivity issue is an indoctrinated trait of a person who adopted scientific approaches. On the other hand, post-

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positivists claim that nobody can ever truly continue being unbiased in their standpoint of some certain experience; consequently, they are of the view that every personal viewpoint is, to some degree, skewed and prejudiced. According to them, unbiased-ness is only a social experience (Trochim, 2006). This approach works very efficiently in fulfilling this research's aims. Hence, post-positivism is employed as the fundamental philosophy of the study.

Research Approach

Two chief approaches to research are present: deductive reasoning and inductive reasoning (Trochim, 2006). The former, also called as 'top-down' method, works from a broader goal to a more specialized objective. The latter, also called 'bottom-up' approach, works the other way around, beginning from a specialized to generalized objective, and to widespread ideas and practices. To accomplish this study's goals, the inductive approach will be adopted.

Research type and Time line

A research study's timeline is associated directly with its format. Mainly two key research study formats exist: 1) Longitudinal and 2) Cross-sectional studies.

In case of longitudinal studies, the researcher's concentration is spread out across a large time spectrum, with many independent and dependent variables involved. Modifications transpiring through the course of the research are also considered before concrete conclusions are made. On the other hand, in case of cross-sectional research, the researcher's concentration is limited within one time-frame and only a part of the entire phenomenon under study is acquired by the researcher (Trochim, 2006). This study, bearing in mind its available time-frame, makes use of the longitudinal format for assessing outcomes.

Data Collection Methods

Two methods of data collection are available: 1) quantitative: or numeric depiction, classification and analysis of data; and 2) qualitative: involving distinct intangible elements. This can include sound recordings, photographs, videos etc. Qualitative techniques are more widely employed than quantitative. This study's researcher employed numerical statistical analysis (quantitative data).

Almost all studies, whether quantitative or qualitative, adopt one or more of the methodologies listed below for data collection: Structured interview; Unstructured interview; Semi-structured interview; Survey: may include interviews as well as questionnaires; Questionnaire (Trochim, 2006). For achieving the goals of this research, unstructured surveys (interviews) were used.

Qualitative Validity

To reduce the likelihood of obtaining wrong answers, researchers should take into account the extent to which the study would be effective and practical, while designing its structure (Saunders et al., 2012). Reliability refers to the likelihood that other research will reach an identical inference by employing similar methods, and by calculating using similar devices. In reality, reliability issues reveal errors and quandaries in the accuracy and precision of the device utilized for calculation/measurement in the research (Bouma, 2010). In keeping with this line of thought, the problems pertaining to bias associated with reliability are explained here. These can be categorized into two

types: the first is researcher bias. In this case, body language, tone, and observations of the researcher may cause bias, leading the interviewee to react differently to questions put forth (Saunders et al., 2012). This study will concentrate on questionnaire designing and preparation, so as to not engender in interviewees the beliefs and perspectives of the researcher. Furthermore, the researcher should aim to form a bond of trust with the interviewee, to minimize validity and reliability doubts. The second kind of bias, called respondent's bias, is primarily produced by interviewee's views about the researcher (Saunders et al., 2012). In the case of this study, despite the researcher's striving to create a bond of trust before initiating the questionnaire, it is apparent that research subjects will realize the sensitive nature of particular questions and might decide on not answering or revealing their actual thoughts on such questions. Additionally, it may also be contended that subjects don't respond to questions in an accurate, precise manner, and may try to exaggerate answers to depict a positive image.

Validity may be defined as the accuracy and precision with which a variable fits into the context. Validity issues are usually intensified in case of survey designs, because they evaluate the opinions and values of interviewees (Bouma, 2010). Given this research's objectives and outcomes, it is practical to turn case studies into simpler hypothetical propositions (Yin, 2013). This, however, shouldn't extend to encompass large populations; any study's goals should be to design and relate theories, not assess frequencies. On the contrary, according to researchers, social sciences don't have any set standards. Numerous variables may impact a study's results; therefore, it is unrealistic to promise that future research on this particular topic will produce the very same outcomes.

Sampling Strategy

A small size of sample will be utilized for conducting interviews (n=8) in this study, because a smaller sample size is more efficient while interpreting and analyzing the setting and conditions of a particular fact (Saunders et al., 2012). Participants of the study will be enrolled via personal contacts (through the social enclave of the researcher) and e-mail. Candidates will be sent e-mails at selected Romanian institutions. Phone calls and e-mails to follow up will certainly be made for ensuring sufficient sampling in all strata.

Data Analysis

Qualitative data collection is conducted using a standardized technique that is relatively different from that of quantitative data. Categorizing of data for in-depth analysis is vital, despite several different schemes and customs for data organization and calculation (Saunders et al., 2012). A diverse-ranged data analysis scheme will be employed in this study, which depends heavily on hypothetical proposals. This means the study will conduct former and present propositions, on which (1) objective and purpose; and (2) study design, was set (Yin, 2013). The aim of carrying out data analysis and outcomes of the survey will be predominantly listed in the identical order in which theories are described in literature. Where the study is discussed, the researcher will aim at describing research questions and objectives which transformed the study's density and assiduity (Saunders et al., 2012).

Therefore, positioning of data will be carried out according to theoretical structures and order, and dissected according to sensitivity with which data corresponds. In certain parts of data dissection process, the researcher may encounter theories never cited in existing theories. These concepts will be comprehensively explained later, and

proposition regarding how well to relate them with existing theories will be made. It is asserted that collection and analysis of data, and developing and verifying relations and inferences, are a highly interactive and interconnected series of processes (Saunders et al, 2012). This allows the researcher absolute freedom to segregate significant relations and vital interaction during data collection. Furthermore, data analysis for this research begins not just after data collection, but all through the process of surveying (Saunders et al, 2012).

Some aspect of Integration Challenges

Acquis Communautaire (and flawless function of Executive branch)

One of the challenges of integration is the regulation of Government and the Executive Branch Powers. Due to the fact that “acquis communautaire” demands that a country has a stable democracy (but what is stable is the question of interpretation), capacity to implement EU laws and policies and competitive market economy. It is problematic to verify if these requirements have been met as argued by Heather Grabbe in EU Conditionality and Acquis Communautaire in international Political Science Review journal. It is important that Executive branch of any Government functions flawlessly without the need of interference from EU to ensure that development of the country in all aspects is made. This means that they should be given a certain degree of freedom and the ability to implement the rules and regulations formed in legislative process. The Executives are the ones who run most of the business plans and programs of governments and they are also the ones who have to ensure compliance of various global and local rules and regulations. There are concerns that Executives often work under certain overregulated legislative constraints. The present study aims to look in comparative manner, a critical way into the varying circumstances under which the Executives function and the rules and regulations that govern their functioning in Romania and United Kingdom affect or not their efficiency. In the end, the study will enable us to give a critical answer to the theoretical dilemma if proper and efficient functioning of the Executives, are always a matter of political apparatus management skills and interests or may be also related to improper regulatory bindings that limit efficiency. Burns Paul argues that in the United Kingdom, the government is aware of the over-regulating issue and is in the process of reducing some of the applicable regulations on Executives to allow smoother and yet competitive implementation of government plans and programs with a high degree of transparency. He states further that Romania is following the same process except that the country is now coming out of a long period of regulated markets and it is in the process of a proper European Union integration as a member state. This means that the country would have to develop its regulatory system through the legislative process and achieve efficiency in the implementation process through the executive branch of the government. However, there is still a high degree of regulatory burden on the Executives which are to be analyzed in the present study. Though the overregulation issue, in Romania there are also allegations and concerns of central control and some degree of corruption that is hindering the smooth process of implementation of developmental programs (Stan, 2012). Whilst both the United Kingdom and Romania are trying to make functioning for the executive simpler by relaxation of rules and regulations, there is a growing dilemma about how much of relaxation (devolving powers) would be appropriate given the present context of situations in both countries (Parker, Philip, 2007). Rather than compelling the Executive

to implement the “acquis communautaire” before any integration, it is important that the governments (which seek to join any organization including EU) decide on how much free hand the Executives should be given in order to increase efficiency of policy and service delivery and the degree of control, through rules and regulations that need to be imposed so that the necessity of transparency remains fulfilled.

Transparency (EU policy implementation)

One is left to wonder as to the question of how do the authorities (in a country such as Romania) strike a balance between ease of functionality and transparency in EU policy implementation, say for example by striking a balance between mandatory regulatory compliance and ease of functions for the Executive Branch of the government through easing of rules and regulation? In Romania, Parker and Philip argue that the President is the chief of the state as well as the head of the executive in the country. The Executive Branch in Romania has the task of implementing laws and comprises the Government, the President and public authorities including the police and the armed forces. The control over the Executive (regulating its powers or sanctioning its abuses of powers) is exerted by the Parliament as it checks the work of the Government and the administrative institutions. The executive including the government has to justify itself to the Parliament in respect of everything that the Executive does or the government causes the Executives to do (Liebert, Condrey, Goncharov, 2013). As compared to the UK, the position is the same where the monarchy is, by constitution, the head of the executive while the functioning of the executive is done by the prime minister of the country. The entire executive is answerable to the Parliament – the legislative body of the country. The Government or the apex executive body can be dismissed by the head of the constitution or the legislative body – the Parliament. The executive does not have powers over the legislative. Unlike in the United Kingdom, in Romania the Executive can exert some degree of control over the legislative in a way that the laws passed by the Parliament can be checked by specialized Courts and declared null and void if they are found to be unconstitutional. As in Romania, the administration, one of the wings of the executive, is checked by the courts of public law which include the Administrative Court, the Constitutional Court and the Asylum Court. The Romanian constitution contains strict rules on the manner in which tasks can be assigned to the administration or the judiciary and make amendments and change if required. For example, the above mentioned courts only have the right to impose fines that exceed a certain amount. A report by the Bureau of Democracy, Human Rights and Labor of the United States Department of State claimed that there are widespread allegations of major human rights problems in Romania that included trafficking of persons for labor, sexual exploitation, and forced begging. These were supposed to be overseen by the Executive of the country headed by the president and executional head, the Prime Minister. The report series titled ‘Country Reports on Human Rights Practices for 2011’ stated further that the significant societal discrimination against Roma and government corruption was result of the political influence on the executive and sometimes even the Judiciary (USA Bureau of Democracy 2015).

There are several problems with the Romanian Executive in terms of imposing rules and regulations. Plagued by strict regulations emanating from the concept of a social state, the regulations continue to impinge on the proper execution of developmental programs which includes the development of economy. There are allegations that the Executive of the country suffer from inefficiency due to corrupt public administration

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which flows from the excessive rules and regulations to be followed. There are also numerous administrative obstacles that people are confronted with, excessive and unstable regulations, interest groups enforcing legislative change and extensive bureaucratic influence and very complex paperwork. These are some of the issues that the Romanian government is trying to do away with at present in order to be compatible with the norms for gaining access to European Union membership. On the other hand, the United Kingdom government has been a part of the European Union since its inception and its open market has been fostered by relaxed regulation and control of the legislative on the Executive. The government, the primary Executive body of the country, has more or less free hand to implement programs and projects. The United Kingdom Executive is not plagued by the problems that the Executive branch in Romania has to face. However there are demands for more relaxation of regulations of the Executive, especially in the context of easing the opportunities in the economy. This becomes evident from the words of the British Prime Minister when he says the following words to all Cabinet Ministers on 6 April 2015 (Better Regulation Framework Manual 2015): *“We need to tackle regulation with vigour to free businesses to compete and create jobs, and give people greater freedom and personal responsibilityI want us to be the first Government in modern history to leave office having reduced the overall burden of regulation, rather than increasing it”*. This clearly states the intention of the British government and their efforts to reduce the dilemma that executive branch face in the United Kingdom - whether to concentrate in productive work or to comply excessive regulations. Therefore, it can be said that the situation in United Kingdom and Romania are not much different even though the context of the efforts of easing the regulatory compliance requirement for Executives is entirely different in the two countries. Herein, lays the dilemma for Executive Branch of the government as well as for the legislative. The balancing act is not easy and a large section of the Executive Branch feels that some regulations are ineffective and unnecessary and the process of complying with them costs time and money which can result in restricted growth. While government want to ensure all regulation are fair and effective through regulatory compliance, the red tape culture (in both countries) can also make implementing developmental programs formed by the legislative very challenging for the Executive Branch. Here, the question is how to strike an effective and the right balance between protecting people’s health and safety and freeing business and the Executive Branch from unnecessary compliance and regulations. Both governments (United Kingdom and Romania) need to follow a process of balancing policy and legislative issues. Nevertheless, the governments also need to review the effectiveness of EU regulations and accordingly reduce regulatory compliance for the Executive. This would ultimately reduce the cost of project and program implementation and enhance the growth of the countries. Moreover, a balanced regulated Executive system would create an authentic framework which would enable Romania to overcome corruption and bad management within Executive institutions, issues which have been on recent screening of criminal authorities in Romania: sovereignty and the law, it is argued by UK’s Matthew Elliott of vote to leave the EU campaign that laws are made overseas by dictates passed down from Brussels and rulings upheld by the European Court of Justice. Romanian courts aren’t sovereign and so are British courts and the rest of the 28 member states (Vote to Leave April 2016); crime fighting - others such the UK government argues that is better to vote to stay in European Union, doing so will entitle us to the European Arrest Warrant which cuts out the need for long and complicated extradition procedures and allows criminals to be brought to justice across the EU (UK

Government Position April 2016); sovereignty and the law, it is argued by those in favour of vote to leave that laws are made overseas by dictates passed down from Brussels and rulings upheld by the European Court of Justice. Romanian courts aren't sovereign and so are British courts and the rest of the 28 member states (Vote to leave April 2016). EU is seen lacking democracy- EU Parliament is elected but the commission (which propose legislation, directives, regulations, decisions) is not – EU laws supersede legislation made by individual states' parliaments, some see the system as undemocratic (BBC “UK and the EU: Better off out or in ?” February 2016); integration is the continuation of political influence from EU headquarters and the power of political decision making is weakened through directives, decision, opinions, regulations and procedures. Syrian refugees crisis and the effect of EU Justice and Home affairs Council (Romania was opposed to set quotas) EU wanted to relocate 120,000 refugees, Romania will need to take some 6000 migrants (Balkan insider 2015), but the president wanted to take only 1785 refugees (Popescu, 2016).

Conclusion

This study's aim is to assess the implications for Global and Regional Integration in tackling legal, economic and social faced by nations, such as Romania, in the current century. It will be in line with the work values of the practitioner, will commit itself to justice, and will value human dignity. The research will be expected to aim at enhancing the smooth integration of Romania, instead of merely satisfying the researcher's interests. The study is expected to contribute in increasing current practice knowledge and offer a pedestal for more advances and future discussions.

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