

Edina Šehrić

Organizacija uprave u Bosni i Hercegovini i prilagodba europskim standardima

SAŽETAK

Doktorska disertacija pod naslovom „Organizacija uprave u Bosni i Hercegovini i prilagodba europskim standardima“ nastala je iz uvjerenja o nedostatku cjelovite obrade tog fenomena u suvremenoj bosanskohercegovačkoj upravnoj teoriji. Iz tog razloga se kroz različita poglavlja nastoji dati dublja eksplikacija organizacijskog aspekta uprave i ukazati na njen položaj i ulogu unutar pravno-političkog sustava. U tom pogledu, u doktorskoj disertaciji se razmatraju raznovrsni odnosi u koje uprava stupa sa drugim državnim organima, posebno ističući značaj odnosa koje uspostavlja sa građanima kao, ne samo korisnicima javnih usluga, već i aktivnim sudionicima u donošenju i provedbi odluka. U sadašnjoj etapi razvitka pravno-političkog sustava uprava je nosilac mnogobrojnih društvenih zadataka i prijeko potreban instrument regulacije društvenih procesa. Upravo je zbog toga njena funkcionalna i racionalna organizacija uvjet gospodarskog, kulturnog i uopće društvenog razvitka. Nakon analize osnovnih teorijskih postavki o organizaciji i osnovnim načelima djelovanja organa uprave, uopće i u Bosni i Hercegovini, u radu se razmatra pozitivno-pravna klasifikacija nosilaca upravnih funkcija. Pri tome se polazi od pretpostavke da je složena organizacijska struktura uprave u Bosni i Hercegovini uvjetovana njenim složenim ustavno-pravnim uređenjem. Uporedo sa analizom organizacijske strukture uprave u radu se analizira i značaj nedržavnih subjekata za obavljanje upravne djelatnosti te se, s tim u vezi, obrađuje institut povjeravanja javnih ovlaštenja kao posebnog oblika javne vlasti. Predmet rada su i javne službe kao opće korisne djelatnosti od javnog interesa kojima se zadovoljavaju svakodnevne potrebe građana. Osim toga, analiza je usmjerena i na suvremene organizacijske oblike javne uprave koji se mogu podvesti pod pojam agencije. U dijelu doktorske disertacije u kojem je obrađena problematika kadrova u upravi u prvi plan su stavljene određene specifičnosti radno-pravnog položaja državnih službenika. Tu je, zatim, data odgovarajuća analiza elemenata službeničkog sustava te je ukazano na europske standarde službeničkog prava i potrebu prilagodbe domaćeg službeničkog zakonodavstva tim standardima. S obzirom na stratešku opredijeljenost Bosne i Hercegovine europskim integracijama i činjenicu da su sposobni upravni kapaciteti temeljni preduvjet uspješnoj integraciji, u značajnom obimu u radu se

obrađuju europski upravni standardi i osnovni aspekti upravnih reformi, odnosno prilagodba bosanskohercegovačke uprave tim standardima. U tom kontekstu, istaknut je značaj funkcioniranja mehanizma koordinacije procesa europskih integracija te jačanja uloge zakonodavnih tijela. Posebnu važnost u obradi predmetne problematike ima prikaz stanja do sada provedenih upravnih reformi i budućih ciljeva u oblasti reformiranja javne uprave. Komparativni pregled upravnih reformi u zemljama Jugoistočne Europe daje se u cilju procjene njihovih upravnih kapaciteta uz isticanje određenih specifičnosti koje prate prilagodbu nacionalnih javnih uprava europskim standardima.

Ključne riječi: javna uprava, organizacija, državni službenici, upravne reforme, europski upravni prostor.

Edina Šehrić

Organization of the administration in Bosnia and Herzegovina and adaptation to European standards

ABSTRACT

The doctoral dissertation under the title "Organization of the administration in Bosnia and Herzegovina and adaptation to European standards" was derived from the belief that the whole treatment of this phenomenon in the contemporary Bosnian-Herzegovinian administrative theory was not complete. For this reason, through various chapters, it tries to give a deeper explanation of the organizational aspect of the administration and to point out its position and role within the legal-political system. In this regard, the doctoral dissertation deals with the diverse relationships that the administration enters with other state bodies, especially emphasizing the importance of the relationship it establishes with citizens as, not only users of public services, but also as active participants in the adoption and implementation of decisions. In the current stage of the development of the legal-political system, administration is the bearer of many social tasks and is a necessary tool for regulating social processes. For this reason, its functional and rational organization is a condition for economic, cultural and social development in general. After analyzing basic theoretical assumptions about the organization and the basic principles of the functioning of the administrative bodies, in general and in Bosnia and Herzegovina, the paper discusses the positive legal classification of the holders of administrative functions. In doing so, it follows from the assumption that the complex organizational structure of the administration in Bosnia and Herzegovina is conditioned by its complex constitutional and legal order. Along with the analysis of the organizational structure of the administration, the importance of non-state entities for carrying out administrative activity is also analyzed, and in this connection, the institute of entrusting public authority as a special form of public authority is being processed. The subject of work are also public services as general useful activities of public interest that meet the everyday needs of citizens. Besides, the analysis is also focused on contemporary organizational forms of public administration that can be categorized under the term of agency. In the part of the doctoral dissertation dealing with the problems of personnel in the administration, certain specificities of the legal status of civil servants are placed in the forefront. Then, an adequate analysis of the elements of the civil service system was given,

and it was pointed out to the European standards of civil service law and the need to adapt the domestic official legislation to these standards. Considering the strategic commitment of Bosnia and Herzegovina to European integration and the fact that capable administrative capacities are a fundamental prerequisite for successful integration, European administrative standards and the basic aspects of administrative reforms, ie the adaptation of the BiH administration to these standards are analyzed in considerable scope in dissertation. In this context, the importance of functioning of the mechanism of coordination of the process of European integration and strengthening of the role of legislative bodies were emphasized. Particular importance in dealing with this issue is the presentation of the state of the administrative reforms implemented so far and the future goals in the field of public administration reform. A comparative overview of administrative reforms in the countries of South East Europe is given in order to assess their administrative capacities by highlighting certain specificities that accompany the adaptation of national public administrations to European standards.

Key words: public administration, organization, civil servants, administrative reforms, european administrative space.