

## PUBLIC ADMINISTRATION BETWEEN CONTROL AND SUPPORT

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### Introduction

Public administration forms the most significant part of modern welfare states activities public administration is a management of public affairs in the public interest.

Traditionally, the role of the public administration was decision-making, including the control of non-subordinated persons and entities. Modern public administration approaches much more to the remote administration, administrative science evolves knowledge about the public administration's performance, exploiting interdisciplinarity of social sciences. Indeed, administrative science embrace law, sociology, politology, social work and pedagogy. Influenced by the mentioned theory and the demands of the practice, the public administration is steadily moving from the lordship to supporting activities. The paper examines the transition from the decisive-making authority to supporting the user-friendly public administration. The author pins together the legal and social fundamentals of public administration. The author would like to start the discussion about the possibilities of perception of the supportive public administration. The paper uses the methodology of analysing legal notions, laws, and the author's practices as a law lecturer for public officers.

### SOCIAL RIGHTS, PRIVATE AND PUBLIC INTEREST

Contemporary European Union member states denote themselves as the rule of law and welfare states. The protection of human rights and dignity is closely related to ensuring economic and social rights, which aim backwards to ensure dignified daily life.

When ensuring social rights, the public administration has many tasks and activities. It delivers decisions, supports, and helps. The theory denominates this type of public administration as procurement or assistance as it varies between lordship, control, and support.

In the Czech Republic, there is no special law on public custody, so the activity is governed partly by the private law-the Civil Code, partly by the administrative law-the Act No. 128/2000 Coll., On Municipalities.

The position of the public guardian is very often connected with the social services offered by the municipality. It is pretty standard that the public guardian is a municipality social worker, too. So the position covers and secure both control and support.

The author, together with the master student Ms Helena Fejtkova conducted a quantitative survey on the challenges for the public guardians.

The author set forth the main objective of the survey: to find out the issues that public guardians have to copy with when executing their office. The aim is divided into three sub-objectives.

- how public guardians evaluate the current legal basis of public guardianship,
- what difficulties public guardians face most often in their practice,
- how public guardians assess the performance of public guardianship.

### Results

Eight participants (respondents) from smaller municipalities answered, during a personal interview, answered 22 survey questions, into which the sub-objectives were transformed, the author had chosen a qualitative research strategy.

The student exploited the research method of questioning in the form of a semi-structured interview.

When processing the survey results, the author identified expected allegations and issues she had not directly examined. As the first problem, the author recognised that the public guardian does not need specific qualifications or education. The guardians must have just a college education and pass the exam of the public officer, the respondents agreed that the main challenge is that the legal regulation of public guardianship is still missing. They generally considered the legislation to be too fragmented and inconsistent. Moreover, its interpretation and practical application in the courts vary. That is why the wards' rights protection is very often uneasy for them.

The most critical challenge for the guardians is to apply an appropriate method when considering their wards' economic, legal, and daily matters. They emphasised the need to differentiate when they must decide, when it is appropriate to control and when they assist or support.

Public guardians, being the community public officers, constitute a specific and at the same time unifying element within the public administration. Relationship professions, like social workers or public officers, when providing public services have to comply with responsibility for the proper provision of services to the client on the one hand, on the other, their commitment to the employer's instructions and especially to the legal regulation within the rule of law. The conflict, which has been termed dual loyalty, was and still is often seen merely as an ethical, not legal, conflict in which the public officer must decide between the interests of the client and the interests of third parties.

### Conclusion

The survey indicated that public administration, especially when controlling, needs to stick to fixed boundaries. Even if the public custody and the social work in the public administration denominate themselves as helping professions, they have to keep the principle of legality and the ward's rights or a client.

In practice, the public officer, who cumulates social work and public guardian, must differ between both parties. When she acts as a social worker, she is more likely to support or assist. As a public guardian, the controlling role prevails. The more the ward is incapable of taking care of daily matters, the more decisive and controlling is the role of the public guardian

Universities have to prepare both parties to move to a new world of digital communication without losing the humanity and ethical dimension of education in a daily work marathon, the dual personality of the public worker cannot switch between both roles or positions. The Czech administrative science should examine the conflict of dual loyalty.

Based on the survey, the author argues that this problem intervenes with the public administration.