

ISRG Journal of Economics, Business & Management (ISRGJEBM)



ISRG PUBLISHERS

Abbreviated Key Title: Isrg J Econ Bus Manag

ISSN: 2584-0916 (Online)

Journal homepage: <https://isrgpublishers.com/isrgjebm/>

Volume – III Issue -IV (July-August) 2025

Frequency: Bimonthly



The Legal Foundations of Public Administration: Theoretical and Practical Aspects

Natia Janashvili

Master of Laws Georgia, Tbilisi

| **Received:** 17.07.2025 | **Accepted:** 19.07.2025 | **Published:** 21.07.2025

***Corresponding author:** Natia Janashvili

Master of Laws Georgia, Tbilisi

Abstract

Public administration represents one of the essential components of state functioning and plays a crucial role in both the organization of state structures and the regulation of societal life. It determines the form of interaction between the state and its citizens and serves as the mechanism through which the state's will is implemented and collective goals are achieved. However, the effective and fair fulfillment of these functions is possible only when the administrative process is based on a clearly defined legal framework.

The experience of modern democratic states demonstrates that public administration without legal foundations cannot ensure the effective protection of citizens' rights, nor can it establish a transparent and accountable administrative system. Moreover, it threatens the legitimacy of governance, which may devolve into arbitrary rule. Consequently, the legal dimension of public administration constitutes a fundamental precondition for ensuring its legitimacy, efficiency, and public trust (Council of Europe, 2017).

Keywords: public administration, state, law, democracy, legitimacy, society

Definition and Theoretical Foundations of Public Administration

Public administration can be defined as an organized activity regulated by legal norms, aimed at implementing public policy and addressing citizens' needs through state structures.

In academic literature, public administration has numerous definitions, reflecting its theoretical complexity and multifaceted nature. For instance, as Santos observes, public administration is:

“A coordinated action aimed at delivering public goods and ensuring the institutional functioning of the state” (Santos, 2016, cited in World Bank, 2021).

In the classical understanding of public administration, Max Weber associated it with a bureaucratic model of governance based on legal norms, formal procedures, and clearly delineated authority. According to Weber, such structural organization is essential for ensuring consistency and effectiveness in governance (Weber, 1922).

Core Characteristics of Public Administration

Public administration is a legally regulated and institutionally organized process that serves the realization of public interest. Its effective functioning depends on several systemic features that define its structure and substantive framework:

1. **Legal Framework** – Public administration is grounded in a legal system that determines the competencies of administrative bodies and the legal scope of their actions. Adherence to the rule of law ensures the legitimacy of governance, the protection of citizens' rights, and the prevention of arbitrariness. As Rosenbloom (2014) notes, this is a foundational principle.
2. **Institutional Structure** – Public administration is conducted within a defined institutional system encompassing both central and local government bodies. According to Weber (1922), public administration relies on a formalized structure in which hierarchical organization, clearly defined competencies, and procedural order ensure effectiveness and consistency. In the context of Georgia's legal and administrative environment, Nodiashvili (2020) emphasizes that the operation of administrative institutions must be legitimized and conducted according to the principles of administrative law.
3. **Accountability and Transparency** – Modern governance models place significant emphasis on accountability mechanisms, which help strengthen public trust in government. The central task of such governance is "to serve citizens rather than control them," which directly relates to mechanisms of transparency and democratic oversight (Denhardt & Denhardt, 2000). Referring to the Georgian context, Margianidze (2017) underscores that effective administration requires not only legal regulation but also the adoption of administrative ethics standards.

Legal Foundations and Regulations of Public Administration

Public administration operates within a legally established framework that defines both the competencies of administrative bodies and the mechanisms for protecting citizens' rights. In a rule-of-law state, governance cannot be based on personal will or decisions dictated by political expediency. Its effectiveness, legitimacy, and transparency are determined by adherence to legal standards.

In Georgia, the legal basis of public administration includes constitutional and legislative frameworks, primarily:

- **The Constitution of Georgia** – As the fundamental legal document of the country, the Constitution establishes the system of governance, the competencies of state authorities, and guarantees civil rights. It enshrines the core principles of the rule of law, democracy, and human

rights, serving as the foundation for the legitimacy of public administration (1995).

- **The General Administrative Code of Georgia** – Adopted in 1999, this code is one of the key sources of legal standards for administrative activities. It regulates the procedures for issuing administrative acts by public law entities and defines legal remedies for citizens, including procedures for resolving administrative disputes. The code ensures that administrative actions are conducted within a legal order and supports the protection of citizens' rights in their interactions with the public sector.

In this context, D. Zakareishvili emphasizes the importance of legal foundations in governance. He states:

"The essence of the rule of law lies in governance based not on individual will, but on legal norms" (Zakareishvili, 2015, p. 34).

This perspective reflects the core of the rule-of-law concept, where the law functions not only as a technical instrument of governance but also as a value-based foundation aiming to protect citizens' interests and ensure political neutrality.

The Legal Dimension of Public Administration: Key Principles

The legal dimension of public administration is based on several key principles that ensure the legitimacy, effectiveness, and fairness of governance. These principles constitute the legal foundation upon which both state functioning and the protection of citizens' rights are built.

- **Rule of Law** – The primary principle is that all administrative actions and decisions must be based on legally granted authority and conform to the principle of legality (Council of Europe, 2017). This ensures that public bodies do not exceed their legal competencies and remain within the bounds established by law.
- **Legitimacy** – Another vital principle requires that public bodies justify every decision made and provide citizens with the right to appeal, which is crucial for ensuring transparency and fairness.

The significance of legal order in administrative processes is echoed in Nodiashvili's assessment:

"The legal order of the administrative process ensures citizens' protection from the arbitrary will of the state" (Nodiashvili, 2020, p. 59).

Therefore, adherence to legal principles is essential for the continuous development of public administration.

Conclusion

Public administration is one of the principal instruments of modern state organization and the regulation of public relations. It serves to ensure the democratic functioning of the state and the realization of the collective interests of society. Its significance is multilayered, encompassing both theoretical and practical elements, defined by legal norms and principles.

The legitimacy, effectiveness, and fairness of public administration depend on its legal foundations, which create a legislative framework where the state functions not as an omnipotent power

but as a protector of public interests. Legal norms determine not only the forms and procedures of governance but also shape public trust and ensure state accountability to its citizens.

The concept of a rule-of-law state cannot be fully realized unless public administration operates transparently, accountably, and in defense of human rights and freedoms. Transparency promotes informed citizen participation in governance, enhancing both effectiveness and legitimacy. Accountability protects society from arbitrary and unjust decisions, which is vital for maintaining democratic processes.

Moreover, the legal dimension of public administration is not merely a technical or formal matter. It represents an integral part of political and ethical responsibility, within which state actors must demonstrate justice, impartiality, and respect for human rights. Upholding these principles prevents the abuse of power and fosters a model of governance that meets the demands of contemporary democratic societies.

REFERENCES:

1. Council of Europe. (2017). *Principles of public administration*. Strasbourg: Council of Europe Publishing, pp-40-51
2. Denhardt, R. B., & Denhardt, J. V. (2000). The new public service: Serving, not steering. *Public Administration Review*, 60(6), pp.549–559.
3. Gaebler, T., & Osborne, D. (1992). *Reinventing government: How the entrepreneurial spirit is transforming the public sector*. Addison-Wesley.
4. Nodiashvili, G. (2020). *Administrative law and public administration practice* (p. 59).
5. Osborne, D., & Gaebler, T. (1992). *Reinventing government: How the entrepreneurial spirit is transforming the public sector*, Addison-Wesley. pp-1-3
6. Rosenbloom, D. H. (2014). *Public administration: Understanding management, politics, and law in the public sector*. McGraw-Hill Education, pp 20-35
7. Santos, R. (2016). In World Bank. (2021), *Governance and law: A legal framework for effective public administration* Washington, DC: World Bank Group, pp57-66
8. Weber, M. (1922). *Economy and society: An outline of interpretive sociology*, University of California Press, pp.36-58
9. Zakareishvili, D. (2015). *Legal state and forms of governance*, Tbilisi, Ilia State University, P.34
10. საქართველოს პარლამენტი. (1995). *საქართველოს კონსტიტუცია*, <https://matsne.gov.ge>
11. საქართველოს პარლამენტი. (1999). *საქართველოს ზოგადი ადმინისტრაციული კოდექსი*, <https://matsne.gov.ge>