

**Principi costituzionali e processi di modernizzazione e
democratizzazione del sistema amministrativo**
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Sommario. 1 - La disciplina dell'amministrazione nella Costituzione. 2 - I differenti modelli di amministrazione emergenti dalla Costituzione. 3 - Attuazione dei principi costituzionali sull'amministrazione e ruolo della Corte costituzionale: a) il modello autonomistico ed i principi di autonomia, decentramento e sussidiarietà; b) il modello di amministrazione differenziata e staccata dal Governo, sulla base della distinzione tra politica ed amministrazione, ed imperniato sui principi di imparzialità e buon andamento; c) l'amministrazione come servizio. 4 - La difficile attuazione delle riforme.

Abstract

The paper proposes a reflexion about the constitutional statute of the Italian public administration and about the interpretation that of its principles has been given by the Italian Constitutional Court. This reflexion appears necessary in order to understand the actual shape of the Italian public administration and to assess the results of the reforms undertaken during the 1990s and still in progress. Reforms, directed towards both the development of new forms of legitimation of the administrative action and the introduction of new organizational and procedural models, conducted in the perspective of the democratization and the modernization of the administration introduced by the 1948 Constitution and reflected in subsequent laws of constitutional reforms. The paper holds that, notwithstanding partial successes, these reforms have not resulted in a more efficient and efficacious functioning of the administrative machinery; and this, essentially, because of the distrust and hostility of the bureaucracy towards a change of the system, and because of the persistence of a culture and mentality rooted in legal formalism, hard to overcome and replace

with a search for efficiency, quality of services and satisfaction of the citizens' needs, as inspired by the Constitution.