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Section II.
Public Administration. Challenges of Interdisciplinary Approach in Public Administration in the 21st Century

Friday, April 27, 2018

***Room* Virgil Madgearu, (0004), ASE main building – Ion N. Angelescu**

Keynote speakers:

Professor **Mihai Bădescu,** *Bucharest University of Economic Studies*
Assistant professor **Andreea Stoican,** *Bucharest University of Economic Studies*
Assistant professor **Radu Ștefan Pătru,** *Bucharest University of Economic Studies*

! Each paper will be presented within 20 minutes
! Fiecare lucrare va fi prezentată în maxim 20 minute

ADMINISTERING SOCIAL CARE IN THE EUROPEAN UNION: MOVING TOWARDS ONE-STOP SHOPS?

Teaching Assistant Branko BOSKOVIC
Faculty of Humanistic Studies,
University of Donja Gorica, Podgorica, Montenegro

Abstract
Protection and inclusion have for long been some of the guiding principles of the European welfare states. The crisis of 2008 placed social investment high on the social policy agenda in the EU and specific policies that the new paradigm embraces have been in focus. Unfortunately, little attention is paid to administering policies. Creating one-stop shops, as a new way of easier and more efficient use of available resources for citizens, is perceived as the most suitable way for administration of specific policies. This paper is a contribution to this debate, looking at ways social policy is administered across the EU, from a double perspective. First, having social investment as the theoretical but also practical approach and second, looking at different welfare state regimes: Nordic, liberal, continental, southern and post-communist. This approach should point to major differences in social policy administration but also present which models perform the best. Most importantly, the paper aims to show how administering social care influences implementation of policy changes across the European Union.

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PAPERS, MY FRIEND, ARE BLOWING IN THE WIND: TOWARDS A PAPERLESS ADMINISTRATION

Assistant professor Fernanda Paula OLIVEIRA,
Faculty of Law, University of Coimbra, Portugal
PhD. student Carla MACHADO,
Faculty of Law, University of Coimbra, Portugal

Abstract
We are witnessing in Portugal an intense movement of dematerialization of files and administrative procedures. Of files, because Public Administration has been moving towards the promotion and effective implementation of documentary registers and their availability in electronic support to the detriment of the usual registration on physical paper support. Of procedures, since the procedural electronic process has been privileged in relation to the face-to-face contact during the office hours previously established by the services. We have thus passed from a model based on the ancient bureaucratic requirements to a Public Administration able to adapt to the new technological realities and the challenges of e-government. Today, the contact between the citizen and the Public Administration is, as often referred, "at the distance of a click", without any time constraints or imposition of unnecessary bureaucratic requirements. Therefore, we have today a Public Administration that tends to be more effective and more efficient, that, as a tendency, does not require more than it needs, being the tributary of a model of "intermittent administration". With this article, we intend to highlight some characteristics of 21st century public administration: a Public Administration that is intended to be closer to the citizen.

DEVELOP INTERNATIONAL TRADE IN SYNCHRONICITY WITH THE DYNAMICS OF THE EU INTERNAL MARKET. CASE STUDY - TRADITIONAL ROMANIAN PRODUCTS, RECOGNIZED AT EU LEVEL, IN EMERGING MARKETS OF THE CONTINENT OF AMERICA

EU business adviser Speranta NEAGU,
Ministry of Agriculture and Rural Development, Romania

Abstract
Publicly we talk about the EU agricultural potential, and implicitly about that of Romania`s. In the same context it is criticized the fact that it is premeinently the primary agricultural products that are sold, instead of the processed ones, which create capital gain to the resource owners. At present, regularly, the gain preponderetly goes to the inbeweens making a valuable final contribution. Therefore, we could rethink certain models, in certaIn possible niches, contingent on the supply and demand, at an advantageous win-win price, of course. The diaspora and the traditional, diplomatic, scientific, cultural, sport and business relationship may play an essential role in the sustainable developemnt of the trade, or even of the know-how development, resulting quantifiable results for Romania. Combing elements from Edward de Bono theory with the maieutic principles and with the climate changes construct, we can configurate new development measures to the international commerce, coneted to the adjacent fields.

PARTICIPATORY BUDGETING. THE ROLE OF NGOS IN IT

Professor Bogdan ȚONEA,
„Alexandru Ioan Cuza" Police Academy, Bucharest, Romania

Abstract
The objectives *of the proposed study refer, on the one hand, to the analysis of the impact of the concept of participatory budgeting in the activity of the local administration in Romania and, on the other hand they refer to the way this concept intervenes in the life of the local communities and the way an active civil society can influence the action of the local administration in Romania.* ***The research methods*** *used to elaborate this study are: the observation of the phenomenon and the way it is reflected in the on-line space, the comparative analysis of the participatory budgeting models used by some local administrations in Romania, as well as some good international practices in the field, such as the analysis of the programmatic documents of the local administrations studied.* ***The results and implications*** *of the study aim at increasing the awareness of the local communities in general as well as that of the non-governmental organizations in particular regarding the advantages of the civil society involvement in the construction and the execution of local budgets, both in terms of increasing the quality of life but also in terms of diminishing the phenomenon of corruption in the local government.*

FREE ACCESS TO INFORMATION OF PUBLIC INTEREST, A PREMISE OF GOOD GOVERNANCE OF PUBLIC COMPANIES

PhD. student Alina POPESCU,
Bucharest University of Economic Studies, Romania

Abstract
An individual's right to information is a fundamental right, guaranteed by the Romanian Constitution, in its art. 31. For the practical efficiency of this right, public authorities must ensure free access to information of public interest, both upon request and by default. The free exercise of the right of access to information is an expression of participative democracy and is closely related to the decision-making transparency of the authorities and public institutions using or managing public financial resources. In their activity, public companies should be driven not only by obtaining high economic results, but also by the creation of a feeling of public trust both in the goods and services they offer, and in terms of efficiency and efficacy of usage of public funds and in their

contribution to the development of society. A major role in ensuring decision-making transparency is held by governors, who, on the one hand, must provide a suitable legislative framework, and, on the other hand, through the governing authorities of public institutions, should implement legal regulations so as to ensure a sustainable development of such entities. When talking of good governance, we must consider the decision making and implementation process, as well as the transparency of such processes in the social environment.

PARTICULARITIES OF THE CONSUMERS' RIGHT TO INFORMATION IN ELECTRONIC COMMERCE

PhD. student Alina POPESCU,
Bucharest University of Economic Studies, Romania

Abstract
An individual's right to information is a fundamental right, guaranteed and protected by effective legal means. At the same time, since it is a relative right, it is likely to be limited by explicit legal regulations, in certain properly determined circumstances. The guarantee and protection of the right to information is a responsibility of authorities, who should facilitate an individual's access to information, in more and more economic and social areas, where persons have a proven interest. In this context, it can be seen that a growing number of legislative acts in specific fields stipulate the obligation to automatically provide certain information or make it available to persons, thus effectively achieving the right to information, correlated to the obligation to inform, incumbent not only on authorities, but on business operators as well, in more and more cases. Information is important in terms of consumer rights, with a view to both protecting their economic interests, and defending their individual or collective health and safety. Certain regulations in terms of consumer rights protection refer to the defence of collective social values and public interests. The study will deal with how the consumer is protected and informed on certain acts and facts of trade, that might put him/her in vulnerable situations.

POLICE REQUIREMENTS AS A PUBLIC SERVICE

PhD. Ioan Laurențiu VEDINAȘ
"Alexandru Ioan Cuza" Police Academy, Bucharest, Romania

Abstract
The present study aims to reveal some features of the police, as a public service provided by the administration, through which it contributes to ensuring order and public peace, the state of legality and respect for the fundamental rights and freedoms of persons. There are taken into account the changes that this public service has undergone in the context of the normative framework in force, both in terms of its organization and functioning, as well as the status of its staff, especially the policeman, as a civil servant with special status. The demilitarization of the police, as a public service and the status of the staff, has led to some changes, in terms of the way in which the activity and the relationship with the beneficiaries are carried out, as well as with the other administrative structures that are part of the national system of public order. The conclusion that we want to develop is that, despite the progress, there are still deficiencies that affect the quality of the service, the trust of the beneficiaries in the one that provides it, the overall image of the perception at the level of the public debate. It continues to express confusion with the similar service of the totalitarian regime, evoked, with a pejorative character, by the concept of "militia". It is therefore necessary to continue the preoccupations, the actions for professionalization of the police activity and the public service, as a whole.

PUBLIC SERVANTS STATUS – BETWEEN ASPIRATION TO PROFESSIONAL EXCELLENCE AND POLITICAL INTRUSION

Lecturer Anamaria GROZA,
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Abstract
The Romanian society has, as a national objective, a public administration outside the political influence and the recruitment of competent and performant public servants. One of the instruments to realize this objective is, no doubt, the legal status of the public servants. This study is aimed to identify and analyse the elements of vulnerability witch the Law 188/1999 concerning the public servants and the project of the Administrative Code contain, from the perspective of the political influences. The main issue of the study is to be aware of the institutions, procedures and factors witch make fragile the legal status of the public servants, allowing, by example, the political parties membership of the public servants or their recruitment in absence of a national competition, organised by an entity specialised in the development of the public function in Romania. The project of the Administrative Code brings remedies only in part for the existing problems, while amplifies others. O very difficult, actual and vulnerable matter is the policy of salaries of public servants, in the context of the Decision n. 794/2016 of the Constitutional Court. The research has an explicative, but also a critic character. Also, solutions are offered in order to increase the degree of accomplishment of a competent, transparent and political neutral administration.

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CONSEQUENCES OF LEGAL LIABILITY OF PARTIES IN CASE OF EXPRESSION OF REFUSAL OF REALIZATION OF THE MANDATORY VACCINATIONS

Lawyer Camelia Daciana STOIAN,
Arad Bar Association, Romania
Lecturer Claudia BOGHICEVICI
„Aurel Vlaicu" University, Arad, Romania

Abstract
The views expressed through the media institutions in order to draw an alarm signal on the draft Law on Vaccination, draw attention to contravention sanctions without enforcing the term "medical negligence" and without corroborating the definition here of the Law no. 272/2004 on the protection and promotion of the rights of the child (r) respectively with the consequences expressly provided in the methodology approved by the Government Decision no. 49/2011. In fact, medical neglect listed as part of the category of forms of violence that can be exerted on the child is alongside possible violation of child rights, criteria that can repercussions across the family, obviously under the condition of proving the potential causal link with the form of violence. This article seeks to raise awareness of the consequences of legal liability for parents when expressing the refusal to carry out compulsory vaccinations, how vaccinations can really affect their rights, and ultimately cause undesirable effects in the child's life, but also to discuss which is based on the existing case-law of the European Court of Human Rights, focusing on the recognition of the obligation of the medical act of vaccination as an interference with the right to respect for private life, and especially on the condition of proving necessary, appropriate and proportionate of the compulsory vaccination decision.

CONTROVERSY ON LEGAL LIABILITY OF THE MEDICAL STAFF IN THE CASE OF THE PRESUMPTIONS OF PARENTAL CONSENT

Lawyer Camelia Daciana STOIAN,
Arad Bar Association, Romania

Abstract
"Consent presumed to be given" in the case of compulsory immunizations raises great questions both in terms of legal interpretation from the perspective of the possible consequences of the decision to assume responsibility, but especially when we call into question the actual procedure to be followed and the legal basis for each procedural step. The right of children to health and education is guaranteed to be unrestricted, and when this imperative breaks down and can place us relatively briefly face to face with undesirable postvaccinal side-effects or discrimination situations, we realize another possible consequence that adversely affects the "children's world" , their higher interest, the right to equal protection against all discrimination, but especially against any challenge to such discrimination or impairment of the state of health. State protection measures must be in accordance with the principles of equality and non-discrimination with respect to all those involved, professionals, children or parents, and also prevent the imposition of even adverse consequences on the future of the individual, even when adopted on the basis of a motivation such as "preventing and limiting the spread of communicable diseases that can be prevented by vaccination". The article aims to draw attention to one of the many "legal phenomena" that do not find a place on all its lands regulated in the practice of Romanian law, without proper corroboration of all the normative acts in force at national level and not only.

CODIFICATION OF LEGISLATION IN THE FIELD OF URBAN PLANNING IN ROMANIA. EUROPEAN CONTEXT. REFLECTIONS ON THE NECESSITY OF AN INTERDISCIPLINARY APPROACH

PhD. student Cosmin-Alexandru SOARE,
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Abstract
The essential connection between people and their living environment creates a common identity and a level of quality of life based on the shared cultural heritage, built or natural. As an interdisciplinary field, urban planning requires the concerted action of a variety of professionals and stakeholders involved in complex procedures and should be distinguished by its core purpose, to serve and protect the general interests of society, through a long-term vision. The field of urban planning and its manner of expression are essentially coordinated through the activity of the public administration. In this context, the latter has the task of ensuring the necessary means for uban planning to achieve its purpose and to contribute to a healthy relationship between people and their living environment.

SPECIAL ATTRIBUTIONS AND DEONTOLOGICAL RULES OF REGISTRARS' PROFESSIONAL ACTIVITY REGARDING MARRIAGE AND DIVORCE

Lecturer Ștefania Cristina MIRICĂ,
„Dunărea de Jos" University of Galați, Romania,
Associate professor Andreea Elena MATIC,
„Dunărea de Jos" University of Galați, Romania,

Abstract
The Registrar is a civil servant with special atributions regarding marriage and divorce. In Romania the registrars' activity is established by Law no 119/1996 regarding the civil status documents with subsequent modifications and additions, Law no 189/1999 regarding the civil servant status with subsequent modifications and additions, the Civil Code, internal regulations of City Hall or Civil Status Service etc. In the present paper we aim to analyze the specific

competences and deontological norms applicable to registrars in Romania on the occasion of marriage and the divorce by administrative procedure. If marriage procedure is an old, traditional attribution of registrars, its dissolution – the divorce through administrative procedure is a novelty as it has been recently established by our legislation. In our opinion the registrar's activity regarding marriage and divorce has a special social importance due to the effects and implications of these events in the lives of the beneficiaries. There for, we consider that the main aspects of these attributions include not only the verification of the procedure and of the supporting documents submitted, but also the communication of the values and respect for family life to the persons involved.

THE LIABILITY OF PUBLIC SERVANTS

PhD. student Diana Mihaela MALINCHE,
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Abstract
The data presented in this study were collected by using the content analysis as a research method, starting from the theoretical and practical concepts of administrative law as well as from national legislative regulations adopted with the purpose of delimiting the notion of public office and perceiving the civil servant, through the specifics of the civil service, as a link between the public administration and the community. The civil servant is the person legally and morally invested with the exercise of the competence of a public authority or institution as a result of the performance of a public office and the exercise of public authority. Starting from the specifics of the public function and the way in which the professional activity of the civil servants is regulated, in the content of this paper I will detail the types of responsibility that precede the public function. Violation of service duties by civil servants attract disciplinary, contraventional, civil or criminal liability, depending on the case. Therefore, the specificity of the deviations is precisely the fact that the deviations can occur during the exercise of the public function, in violation of the norms of conduct influencing the public image of the official, as well as any other actions related to the service relations of the civil servant. By the nature of the occupied position, the civil servant becomes an example of morality, legality and transparency for the members of the community.

THE CONCEPT OF CIVIL SERVANT IN THE SENSE OF CRIMINAL LAW AS OPPOSED TO THE ONE OF ADMINISTRATIVE LAW

Professor Constantin DUVAC,
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Abstract
The author intents to explaine the mining of the term of civil servant in the sense of criminal law in relation to certain categories of civil servant. The author examines the particularities of the concept of civil servant in the sense of the criminal law, as opposed to the meaning given to the same notion by the administrative law and their consequences on the criminal liability of certain persons in the case of committing certain specific offenses (with an active directly qualified subject). The author's reflections are accompanied by the recent guidelines of the High Court of Cassation and Justice regarding the deciphering of this concept and the consequences of the solutions adopted in this extremely delicate matter. On the basis of the analysis, the author also makes some legislative proposals meant to improve the existing legal solution.

THE ROLE OF THE ASSOCIATIVE STRUCTURES OF THE LOCAL AUTHORITIES IN THE GOVERNANCE PROCESS

Lecturer Valentina CORNEA,
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Abstract
In most countries in the European Union, the associative structures of local authorities were formally recognized in the early 1990s of the last century. Their establishment and strengthening is a process associated with decentralization. The role of associative structures is to facilitate the dialogue between central and local authorities and to contribute to the assertion of local autonomy. The data on the involvement of associative structures of local public authorities in Romania in the governance process shows that they meet the criterion of legitimacy and, to a lesser extent, the criterion of functionality. We are rather seeing a stimulated participation in order to respond to the implementation of a law than a civic involvement in its true sense. The limited performances of the involvement in the governance process are attributed to the socio-political context.

ENSURING A GOOD ADMINISTRATION BY GRANTING THE PETITION RIGHT

Lawyer Cătălin-Radu PAVEL,
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Abstract
The aim of this piece of research is to analyze the way of ensuring a good administration by granting the petition right. The objective of this paper is to analyze the correlation between the ensuring of a good administration by granting the petition right. The approach of ensuring of a good administration of the rule of law on behalf of the citizens is an actual legal issue. At a constitutional level, a good administration is ensured by granting the guarantee rights. Therefore, by granting the petition right in Romania, is assuring a juridical protection of all the supreme values of the citizens, ensuring therefore a good administration of the State on the citizens behalf. The methods used in drawing up this study are: the historical method, which was used in the analysis of the historical evolution

of the studied field, the logical method served to analyse the current research in the field and the sociological method that helped to study the social impact. The quantitative method was used to study the relevant applicable legislation. The results of this research have highlighted on the one hand the need of citizens to benefit from a good administration by public authorities as well as the role of guaranteeing the fundamental rights of citizens in ensuring a good administration. The implications of research for ensuring the good administration of citizens, reveals how important it is to ensure the supreme values, namely the petition right, a fundamental right analysed in this study.

SHORT COMPARISON BETWEEN THE FINANCIAL SUPERVISION AUTHORITY OF ROMANIA (ASF) AND THE SECURITY AND EXCHANGE COMMISSION OF U.S.A (SEC)

Lecturer Ileana VOICA
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Abstract
The work consists of two main parts: the first, in which there are described the establishment, the competence as well as the organization and operation of ASF, according to the updated Governmental Emergency Ordinance 93/2012 and according to the presentation site of ASF. The second part of the work presents the same elements for SEC of U.S.A., as they are described in detail on the SEC site of the American Government. At the end of the work, there is a conclusions part, through which there are compared the main features of the two institutions with all the fundamental difference between them, regarding the activity duration, SEC operating since 1934 (being established through the Foreign Exchange Act of 1934) based on the old federal laws and those that regulated in the USA the capital market, long before we has a capital market in Romania that would need the establishment of ASF (2012).

RESTRUCTURING THE EXERCISE OF RIGHTS IN THE CONTEXT OF THE RIGHT TO GOOD ADMINISTRATION

Lecturer Marius ANDREESCU,
University of Pitesti, Romania

Abstract
An essential dimension of the lawful state is represented by the consecration and guaranteeing of the fundamental rights and liberties, the ensuring of the optimum conditions for their exercising. The state has the negative obligation to restrain from any arbitrary or excessive requirement that may restrict or condition the exercise of the constitutional right. In order to be legitimate and constitutional, any restriction of the exercise of the fundamental rights and liberties through the measures prescribed by the state's authorities, needs to have the character of exemption, not to affect the substance of the law and to fulfill all conditions stipulated by item 53 of the constitution. In relation to these premises we analyze in this study the constitutional institution of restraining some rights' exercising and the relevant aspects of jurisprudence. The observance of the principle of proportionality is one of the constitutional requirements in order that such a restrictive measure be legitimate. The main particularities of the principle of proportionality applied in the matter of restraining some rights' exercising are analyzed with reference to the jurisprudence of the Constitutional Court and the European Court of Human's Rights.

CIVIL, CRIMINAL AND CRIMINAL LIABILITY OF CIVIL SERVANTS

Lawyer Phd. Nicolae MĂRGĂRIT,
Bucharest Bar Association, Romania

Abstract
As in any other science, in administrative law science the main and primordial condition, for understanding the role and the place of the phenomenon to be studied, is to clarify the basic notions with which it operates. In the administrative law literature, there are common notions such as: public administration, state administration, executive activity, administration. The term of "administration" means an activity that serves a purpose wich is subordinate to someone. The word derives from the Latin "ministry" which means „servant" and is in correlation with "magister", which means the master to which the servant is subordinated and which he must serve. Etymologically, the preposition "ad" means „to", so "administer" is "someone's help, the servant or the executor". Sometimes, in the current language, the term "administration" means some organizational compartments in the structure of a unit or organ or their activities, which are not productive. Some authors make a clear distinction between "state administration" and "executive activity". They define the state administration as an activity that is carried out for the practical and concrete fulfillment of the functions of the state and the tasks of the authorities. Thus, these authors distinguish the state administration from the executive activity that is performed by the executive authorities, and its study is the object of the state administration science.

COMPARATIVE EXAMINATION BETWEEN DISCIPLINARY LIABILITY OF EMPLOYEES AND DISCIPLINARY LIABILITY OF CIVIL SERVANTS

Assistant professor Radu Ștefan PĂTRU,
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Abstract
Disciplinary liability is a category of responsibility specific to labor law and derives from the employer's prerogative to penalize the employee by virtue of the subordination relationship between the parties that characterize the labor relations. The legislator established in the Labor Code art. 251-252 a summary

disciplinary investigation of the employee, that is carried out by a person empowered by the employer to investigate the employee. Employer under internal regulation or social partners under a collective labor contract may establish a discipline committee, which is in practice. Law no. 188/1999 on the status of civil servants, in art. 77 to 82 regulate the disciplinary liability of civil servants. Unlike the provisions of the Labor Code, Law no. 188/1999 provides a number of additional guaranties for civil servants, such as the enumeration by the legislator of the facts constituting disciplinary misconduct and the commission for the disciplinary investigation. Elements of differentiation between the two occupational categories can also be found in the rehabilitation after disciplinary sanctions. In the present study, the main aspects that characterize the disciplinary liability of employees and civil servants will be analyzed and, on the basis of the analysis, proposals de lege ferenda will be made.

PARTICULARITIES OF COLLECTIVE BARGAINING WITHIN CIVIL SERVANTS

Assistant professor Radu Ștefan PĂTRU,
Department of Law, Bucharest University of Economic Studies, Romania

Abstract
Collective bargaining is defined in art. 1 of the Law no. 62/2011 of the social dialogue as the negotiation between the employer or employers' organization and trade union organization or the representatives of the employees, as the case, which regulates the working relations between the two parties, as well as any other agreements on issues of common interest. Collective bargaining is therefore possible in both the private and the budgetary sectors, but due to the restrictions set by the law, collective bargaining in the budgetary sector is more restrictive. In the present study, we will analyze the aspects that characterize the collective bargaining within civil servants, especially by highlighting the issues that can be found on the collective bargaining list between civil servants and the state institutions and authorities.

SEPARATION AND BALANCE OF POWER AND DISCRETIONARY POWER IN PUBLIC ADMINISTRATION

Lecturer Oana ȘARAMET,
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Abstract
Separation and balance of powers is one of the fundamental principles which is a fundamental element of the rule of law in any contemporary. The recognition of this principle does not imply that even public administration authorities must have a rigid behaviour, and that they are not allowed to have and exercise a discretionary power, a right of appreciation. However, the exercise of such power or right must be within the limits of that principle and, implicitly, of the principle of legality. Nowdays, we can observe that any public authority, as well as those in the sphere of public administration, tries to force the limits of its discretionary power, or such a behaviour could affect the correct and constitutional functioning of the rule of law. This article is intended to be only an initial approach to identifying the constitutional aspects relevant to the proposed theme by using methods such as comparative or systemic method. Thus, we want to identify those constitutional mechanisms that constitutional legislators have established to prevent overcoming the limits of this discretionary power. Later, through other articles, we will have the opportunity to identify the risk factors that arise in such situations, as well as possible solutions to reduce or even eliminate these factors.

REGIONALISM IN SPAIN

Lecturer Ovidiu Horia MAICAN,
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Abstract
"Regions' and 'regionalism" have formed a central part of the political discourse that has accompanied constitutionalreform, devolution and/or decentralisation the United Kingdom, France and Spain All three have faced with the problem of post-imperial decline. All three have been in transition from post-imperial nation to constituent state of an increasingly integrated EU, and in negotiating that transition have had to deal with periphery and regional problems inherited from the past. Some regions were fully assimilated in the process of nation-building, others resisted it in some form.

SPANISH FEDERALISM

Lecturer Ovidiu Horia MAICAN,
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Abstract
Over the last 35 years, Spain has seen substantial decentralisation in the administration of competences but it cannot be called a federation. Some scholars define the Spanish political system as asymmetric federalism. It lacks a territorial chamber representing the 17 Autonomous Communities, a clear cut division of competences or the simple acceptance of the subsidiarity principle, among many others. The institutional framework of Spain is of a central state with the characteristic of having ceded some competencies to the regional level.

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THE PROFIT FOR SOCIETY AND GOOD GOVERNANCE

Professor Luminița Gabriela POPESCU,
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Abstract
The fundamental problem, faced today by the structures at the different levels of governing, is to identify the modalities of conceptualising, configuring and managing the flexible structures (network-like), that integrates public, private and non-profit policy-makers, in order to produce added value to society. From this angle, this new instruments approach represents an essential step forward, generating a better management of resources, more responsibility and offering the governing body the possibility to consolidate their efforts of coordination for building profit for society. With this study we tried to respond to the main challenges brought about by accepting these new paradigms, by highlighting the risks spawned by the lack of focussing on long term results The conclusion of the study, based on empirical data, is that the current situation in Romania leads to the consolidation of authoritarianism and rigid bureaucratic structure rather than building profit for society. . . The research was conducted for almost one year and refers to the Romanian public organizations. It is based on a complex methodology that includes both quantitative methods for data collection as well as qualitative methods for processing the statistical outcomes.

DECENTRALIZATION OF PUBLIC SERVICES IN ROMANIA. SPECIAL OVERVIEW ON EDUCATIONAL PUBLIC SERVICE

Associate professor Flavia GHENCEA,
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„Spiru Haret" University, Romania

Abstract
This paper is an analyze of the impact that regulations on descentralization of public servicies have in education system started with the principles of organization and functioning of public administration in Romania regulated, on the one hand, expressly on constitutional level and, on the other hand, on law level. Futher, the paper refers to regulations on descentralization, particularly through the fgramework Law 195/2006, on situation where, through descentralization can be implementate regional policies, and in this context will be analyzed regulations on education, one of the main areas targeted by regional policies. Based on how the transfer of authority can be made, we will analyze how the Romanian law can cover specific situations, given the provision that local administration authorities exercise powers shared with the central government on public education, except for higher education, exclusively reserved to the central level - without any consideration on some particularities of community on which they operate. At the end of our paper, we formulate some proposals that, in our opinion, on the one hand would increase the regulation by covering its gaps and, on the other hand, could increase the efficiency and concrete practice of public service of education.

LEGISLATIVE INFLATION - AN IMPORTANT CAUSE OF MALFUNCTIONS EXISTING IN CONTEMPORARY PUBLIC ADMINISTRATION

Professor Mihai BĂDESCU,
Department of Law, Bucharest University of Economic Studies, Romania

Abstract
The study brings one of the major causes of the malfunctions currently in public administration: legislative inflation. Legislative inflation (or normative excess) should be seen as an unnatural multiplication of the norms of law, with negative consequences both for the elaboration of the normative legal act, the diminution in some cases of its quality, but also with regard to the realization of the law, especially in the enforcement of the legal norms by the public administration entities with competence in the matter. The study proposes solutions to overcome this legislative malfunction, the most important of which refer to the rethinking of the current regulatory framework, the legislative simplification, the improvement of the quality of the law-making process, notably by respecting the requirements of the lawmaking principles, increasing the role of the Legislative Council. The methods of scientific research used are adapted to the objectives of the study: the logical method - consisting of specific procedures and methodological and gnoseological operations, to identify the structure and dynamics of the legal system of contemporary society; comparative method - which allows comparisons of the various legal systems presented in this study; the sociological method - which offers a new perspective on the study of legal reality that influences society in the same way that it calls for the emergence of new legal norms; the statistical method - which allows to statistically present the most relevant data that configures the analyzed phenomenon. This study aims to raise awareness of the negative effects of regulatory excess. This, along with the legislative instability, as present in the current legislative landscape, not only generates a diminution in the quality of the law, but also builds the trust in its power to ensure justice, promote and protect the rights of the individual. Overproduction of laws gives rise to serious distortions in the application of the law, sometimes even to the impossibility of applying it, thus annihilates the balance that should exist between norms and their application.

INTELECTUAL CAPITAL, VECTOR OF INNOVATION

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Abstract
The term intellectual capital is not new. Around 1836, economist William Nassau senior emphasized that intellectual capital is an important factor in production. The scientific concerns regarding the intellectual capital issue are not recent, they date back to the '80s. Over the years, the issue of intellectual capital has experienced an exponential development. If at first the scientific concerns were directed towards defining and publicizing the importance of the concept, the acceptance is now on a deeper analysis of the managerial implications deriving from the management of intellectual capital in different organizations. Over time, intellectual capital has been defined in many ways. For some authors intellectual capital represents knowledge that can be converted into value. Where do we need knowledge to create something new that adds value? Innovation. Intellectual capital plays a key role in innovative processes, it is responsible for innovation and with the help of innovative capital we can designate organizations that have the capacity to innovate. Not all organizations have the ability to innovate. Purpose of Study - The purpose of this paper is to analyze the role and importance of intellectual capital in innovative processes. To achieve a logical connection between intellectual capital and innovation, this connection is made by innovative capital. Term introduced to designate organizations' ability to innovate. We will also present a framework model linking the two themes. Methods - In terms of research methodology, qualitative methods are considered. The research will highlight the importance and role of intellectual capital in innovative processes.

SOME CONSIDERATIONS AND POSSIBLE SOLUTIONS REGARDING THE SALARY OF THE EMPLOYEES FROM THE PUBLIC SECTOR, ACCORDING TO THE FRAME - LAW IN THE MATER

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Abstract
The study proposes to analyze the Law no. 153/2017 regarding the salary of the employeespaid from public funds, highlighting both the positive aspect, but especially some deficiencies of theregulation. We take into account the ones regarding the regulation object, the adoption procedure, theprinciples that govern the salary of this category of employees and the established solutions. Accordingly, we propose to also formulate some solutions to be taken into account by the legislator inthe future. This in the context in which such regulation has to also emphasize the vocation to representsuch a true "salary code", that will establish solutions fit to award it efficiency and stability.

TRANSPARENCY VS. CONFIDENTIALITY THROUGH E-GOVERNMENT. PARTICULARITIES IN APPLYING THE TRANSPARENCY LAW IN ROMANIA AND THE EUROPEAN UNION

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Abstract
In the context of the latest disclosures about private companies' transactions with personal data, the question arises as to how up-to-date is the EU transparency law and how it responds to data traffic. Challenges eGovernment come to emphasize the importance of openness and closeness to the citizens of decisions of public authorities. Globalization and entropy are also crucial factors in ensuring public decision transparency. Through this paper we aim to bring these paradigms under discussion. Transparency legislation analysis in Romania, Hungary, Poland and the Czech Republic has allowed us to draw a series of conclusions that can constitute recommendations for an open government through eGovernment.

ASPECTS OF POSTING (FROM THE PERSPECTIVE OF THE SALARY STATE AND THE PUBLIC SERVANT). PROPOSALS DE LEGE FERENDA

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Abstract
If the contracting parties resort to the conclusion of individual labor contracts/individual administrative contracts, the adaptation of gainful activity to technological or economic developments may require the modification of those legal acts on the basis of which the activity is carried out – also in view of the intrinsic dynamics of the work / service. The "pacta sunt servanda" principle is also applicable in the scope of the contracts noted above. Its application implies that, as far as possible, the parties understand to maintain, throughout the execution of the contract, the clauses initially foreseen. Obviously, however, that a valid contract can not remain "frozen" if, in the meantime, new elements or requirements arise during its execution.

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ROLE OF SOCIAL PROFESSIONS IN THE PROCESS OF SUSTAINABLE DEVELOPMENT OF RURAL AREA STUDY CASE

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Abstract
It is already known and accepted in Romania the reality of the consequences produced by the social or other reforms, the transformations that reach precisely the category of the citizens from the rural area, with socio-economic problems. In 2017, the awareness of the fact that the population in the rural area, mainly consisting of socially, economically or medically vulnerable groups, need this type of services, trying to compensate for the reality of the dismantling of several sanitary units, O.U.G no.18 attempts an approach through the corroboration of this state of affairs with the objectives of developing community services. Our conclusions set out in this article are paving the way for a ferenda law proposal to ensure proper regulations from the perspective of providing training for the social professions to be involved in the functioning of integrated centers at the level of rural communities.