

## SPECIALIZED PUBLIC AUTHORITY - METHOD OF ACHIEVING THE RIGHT TO SOCIAL SECURITY OF CITIZENS

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*Central public administration is a component of a state's global public administration system, both as an activity and as a system. Being in close relationship with society and the state, the dynamism of political, social, economic and cultural processes imposes on central public administration the need to adapt to new realities in order to remain functional. The role of the specialized central public authorities subordinated to the Government in carrying out the state policy consists largely in the activity of these public administration authorities that have attributions in a single branch or in a concrete field of activity and are created to exercise only a specialized side of the administration public, works in areas, concrete branches of activity. According to a Government-approved regulation, public administration authorities are subject to state records in order to maintain transparency and availability.*

**Keywords:** social protection, social security, social assistance, financing, National House of Social Insurance.

### AUTORITATEA PUBLICĂ DE SPECIALITATE – MIJLOC DE REALIZARE A DREPTULUI LA ASIGURAREA SOCIALĂ A CETĂȚENILOR

*Administrația publică centrală, atât ca activitate cât și ca sistem, reprezintă o parte a sistemului global al administrației publice a unui stat. Fiind într-o relație strânsă cu societatea și statul, dinamismului proceselor politice, sociale, economice și culturale impune administrației publice centrale necesitatea adaptării la noile realități pentru a rămâne funcțională. Rolul autorităților publice centrale de specialitate din subordinea Guvernului în realizarea politicii de stat constă în mare măsură în activitatea acestor autorități ale administrației publice care au atribuții într-o singură ramură sau într-un domeniu concret de activitate și sunt create pentru a exercita doar o latură de specialitate a administrației publice, activează în domenii, ramuri de activitate concrete. Pentru asigurarea transparenței și eficienței decizionale, autoritățile administrației publice centrale de specialitate sunt supuse evidenței de stat, conform unui regulament, aprobat de Guvern.*

**Cuvinte-cheie:** protecție socială, asigurări sociale, asistență socială, finanțare, Casa Națională de Asigurări Sociale.

### AUTORITÉ PUBLIQUE SPÉCIALISÉE - MOYENS DE RÉALISER LE DROIT À L'ASSURANCE SOCIALE DES CITOYENS

*L'Administration publique centrale, à la fois en tant qu'activité et en tant que système, fait partie du système global d'administration publique d'un État. En relation étroite avec la société et l'État, le dynamisme des processus politiques, sociaux, économiques et culturels impose à l'Administration publique centrale la nécessité de s'adapter aux nouvelles réalités pour rester fonctionnelle. Le rôle des autorités publiques centrales spécialisées subordonnées au gouvernement dans la mise en œuvre de la politique de l'État consiste en grande partie dans l'activité de ces autorités de l'administration publique qui ont des attributions dans une seule branche ou dans un domaine d'activité concret et sont créées pour exercer uniquement un côté spécialisé de l'administration publique, elles travaillent dans des domaines*

concrets, des branches d'activité. Afin d'assurer la transparence et l'efficacité de la prise de décision, les autorités spécialisées de l'Administration publique centrale sont soumises aux registres de l'État, selon un document approuvé par le gouvernement.

**Mots-clés:** protection sociale, assurance sociale, aide sociale, financement, Maison Nationale de l'assurance sociale.

## ПРОФИЛЬНАЯ ВЕТВЬ ГОСУДАРСТВЕННОЙ ВЛАСТИ – СРЕДСТВО РЕАЛИЗАЦИИ ПРАВА НА СОЦИАЛЬНОЕ СТРАХОВАНИЕ ГРАЖДАН

Центральное публичное управление (и как деятельность, и как система) представляет собой часть глобальной системы управления государством. Находясь в тесной взаимосвязи с обществом и государством, динамизм политических, социальных, экономических и культурных процессов налагает на центральное публичное управление необходимость адаптации к новым реалиям, чтобы оставаться функциональным. Роль специализированных центральных органов государственной власти, подчиненных Правительству, в реализации государственной политики заключается в основном в деятельности этих органов государственного управления, обладающими полномочиями в одной отрасли или в конкретной сфере деятельности и созданных для осуществления только одной стороны специализированных в государственном управлении, действуя в конкретных областях, отраслях. Для обеспечения прозрачности и эффективности принятия решений органы центрального профильного государственного управления подлежат государственному учету в соответствии с положением, утвержденным Правительством.

**Ключевые слова:** социальная защита, социальное страхование, социальная помощь, финансирование, Национальная касса социального страхования.

### Introduction

The central public administration, both as an activity and as a system, represents a part of the global system of public administration of a state. Being in a close relationship with society and the state, the dynamism of political, social, economic and cultural processes imposes on the central public administration the need to adapt to the new realities in order to remain functional. The central public administration is carried out by the authorities of the executive power with general powers, primarily by the Government and the Head of State, to the extent that they exercise administrative functions, along with the specialized central public administration bodies [1, p. 177].

### Exposure of basic content

From a wide variety of definitions, we mention a few, presented by Ioan Alexandru in the *Tratat de administrație publică* (Treatise on public administration), definitions formulated by different American authors, such as: John J. Corson and J.P. Harris, who concisely define central public administration

as the activity through which the aims and objectives of the government are achieved. We notice that the author makes a delimitation between the Government and the central public administration. We find the same idea in Dwight Waldo who revealed that “the process of public administration consists in the actions to achieve the government’s intention or desire. John Pfiffner and Robert Presthus reveal that public administration, as a field of activity, is mainly concerned with the means for implementing political values, and we observe a clear involvement of the government in the central public administration. We find the same idea in James W. Davis who states that public administration can be best identified with the executive branch of government. Nicholas Henry formulates a complex definition of public administration, which differs from political trends, both by emphasizing bureaucratic behavior and, above all, by the system of its own structures and methodologies applied to achieve government goals [2, p. 66].

From all of this, we conclude that the presented definitions are helpful, because

public administration involves activity, is tangential to politics, tends to be concentrated in the executive branch of government, differs from private administration and is concerned with law enforcement.

The national authors defined the central public administration as an autonomous power of the state, consisting of a set of authorities and public bodies, vested by law with a certain competence for the purpose of administering the public domain of the state, implementing for this purpose the legislative-normative framework which regulates important relations related to the realization of the administrative function of the state. Both in terms of organizational structure and in material-functional terms, the public administration has dug a new philosophy, acquiring a unique configuration in the global system of administration. Being designed to satisfy the general interest expressed by the law, the public administration constitutes the activity by practicing the law, being very closely related to the executive power [3, p. 221].

So, the central public administration consists of the specialized central public administration authorities and the autonomous administrative authorities. The specialized central public administration includes all the administrative authorities, established to satisfy, under the leadership of the Government, the general interests of society at the level of the entire country. The authorities of the specialized central public administration translate into life, based on the law, the Government's policy, ensure the execution of its ordinances, decisions and provisions, manage the areas entrusted to them and are responsible for their activity.

The structure of the specialized central bodies of the public administration is constituted by: the ministerial administration (ministries) and the extra-ministerial administration (other central administrative authorities subordinate to the Government).

Ministries and other central authorities of the public administration constitute a distinct

category of bodies within the system of public administration authorities, having the role of organizing the execution and concrete execution of the laws, being, thus, specialized, relevant bodies. We also specify the fact that they carry out this activity throughout the country, being central authorities of the public administration.

The determining role in the activity of the specialized central authorities is constituted by two elements: material competence and territorial competence. These elements mainly define the place of these bodies in the system of public administration authorities as an important link, subordinate to the Government, as the central authority with general material competence, which coordinates and controls the entire activity of the ministries and other specialized central bodies of the public administration.

According to the Supreme Law, ministries are specialized public administration bodies that implement the Government's policy and exercise, in accordance with the law, public administration in the fields of activity for which they are responsible [4].

The fields of activity and the structure of the specialized central bodies are not established by constitutional norms, the initiative for this purpose belongs to the Parliament, being carried out by organic laws. In all the states of the European Union, the minister is responsible for the organization and internal management of his/her ministerial department, subject to the application of the general regulations in the field of public office and public accounting. The minister combines the political function with the administrative one [5, p. 98].

Thus, the specialized central public administration authorities are legal entities under public law, they have a treasury account, public patrimony under administration and a seal with the image of the State Coat of Arms and their name in the state language. The specialized central public administration authorities are financed from the state budget.

To ensure transparency and decision-making efficiency, the authorities of the central specialty public administration are subject to state records, according to a regulation approved by the Government.

If we were to consult the legislation in force on the set topic, we would find that the specialized central public administration carries out its activity respecting the following organizational principles: a) institutional hierarchy; b) delimitation of the functions of developing and promoting policies from the functions of their implementation; c) clear assignment of responsibilities and competences, avoiding their ambiguity, duplication and overlap; d) deconcentration of public services; e) simplicity and clarity of the institutional structure [6, art.4].

The national specialists in the administrative sphere in the specialized works establish the attributions of the specialized central public administration in terms of organization that it indisputably represents - from a quantitative and qualitative point of view - one of the most important aspects through which the administration carries out its functions within the social system. Knowing the fact that the limits and content of administrative activity derive from the attributions of public authorities established by the Constitution and other normative acts and observing their nature, we will be able to state that, within the public administration, the activities related to the organizational side have a greater weight in relation to with the other sides or attributes of the management process.

The command attribute can be found in the activity of the specialized central public administration in two ways. On the one hand, the public administration collaborates in the adoption of political decisions by preparing them, and on the other hand, it adopts administrative decisions aimed at creating the organizational framework and concrete conditions for the implementation of political decisions. Control

is also an important moment of administrative activity; it is intended to measure the results of the administrative action in the application of political decisions and to reschedule the activities, making the necessary corrections. The control must determine an intensification of the implementation of administrative actions to ensure the performance of public administration functions [7, p. 22-23].

Art.107 of the Constitution of the Republic of Moldova establishes more precisely the fact that the central specialized bodies of the state are the ministries. They translate into life, under the law, the Government's policy, its decisions and dispositions, manage the areas entrusted to them and are responsible for their activity. In order to lead, coordinate and exercise control in the field of economic organization and in other fields that do not directly fall under the attributions of the ministries, other administrative authorities are established, under the law. [4, art. 107].

In our view, the currently functioning ministerial network corresponds, in principle, to the needs required by the competences related to the activity of the specialized central public administration. For comparison, we will mention that in such countries as Austria, Hungary, Spain, Ireland, Norway, Switzerland there are 10 to 12 ministries, 16 ministries each in Albania, Denmark, Lithuania, Poland and Romania [9, p. 85].

If we are to examine the manner of constitution of the specialized central bodies, we can refer to art. 10 of Law no. 98 of May 4, 2012 regarding the specialized central public administration where it is mentioned that the Ministries are established, reorganized and dissolved by the Parliament under the conditions of Law no. 98 of May 4, 2012 regarding the specialized central public administration and in accordance with Law no. 64-XII of May 31, 1990 regarding the Government. The proposals regarding the establishment of the ministries must contain arguments regarding



the legal basis for their establishment, the mission, the basic functions, the limited staff and the structure of the ministries, as well as regarding the budgetary allocations necessary to ensure their activity. The creation of ministries is carried out in accordance with the priority directions and primary tasks of the Government's activity, established in its activity program [6, art.10].

In addition to the ministries, other central administrative authorities are part of the structure of the specialized central public administration, namely: the National Bureau of Statistics; the Agency of Land Relations and Cadastre; Office of Interethnic Relations; Moldsilva Agency; Material Reserves Agency; Tourism Agency. The central administrative authorities under the Government are constituted by the Parliament, at the proposal of the Prime Minister, for the purpose of management, coordination of the activity and exercise of control in the field of organization of the economy, as well as in other fields, which do not directly fall under the attributions of the ministries. They are led by general directors or executives, appointed or released from office by the Government. State inspectorates are formed by the Government, in order to exercise control over the execution of the laws of the republic.

So, what concerns the organization of the central specialized bodies, they fall under the Law on the Government and their constitution. Administrative authorities such as: the National Bank, the Court of Accounts, the Information and Security Service, the Central Electoral Commission, the National Commission of the Financial Market have central competence and ensure administration through specialized central bodies and do not fall under the jurisdiction of the Government [9, p 68].

As a result of the identification of the specialized APC (*Central Public Administration*), we can mention that the general characteristic of the Central Public Administration subordinated to the Government in the functional framework,

consists in the fact that each specialty central authority exercises the functions underlying the administration in the respective field. The administrative capacity for use and exercise is a subject of administration and, obviously, a subject of administrative law, each of these authorities obtains it from the moment it becomes a legal person. The tasks, functions and powers of each central branch authority are determined by the Internal Regulation of each authority, approved by the Government Decision.

At the same time, according to the doctrine, all central specialized authorities, regardless of the branch (sphere) they administer, exercise a series of identical functions, which can be grouped into:

- strategy functions, which ensure the establishment of sectoral objectives for the implementation of the Government Program;
- regulatory functions, with the aim of developing and submitting for approval the normative and institutional framework necessary to achieve the strategic objectives in the respective field;
- functions of representation, internally and externally, of the state of the Republic of Moldova and of the Government in the relevant field;
- state authority functions that ensure the follow-up of the application of the regulations in the field;
- administrative functions of his patrimony and public property in the respective field;
- functions of synthesis, as well as guidance, support and control. The functions of each specialized central body as a subject of public administration, in part, are fixed in the internal regulation of organization and operation [10, p. 157].

Carrying out the state policy, the specialized central public authorities, subordinated to the Government, carry out their activity respecting the following principles:

1) organizational: a) institutional hierarchy; b) delimitation of the functions of developing and promoting policies from the functions of their implementation; c) clear assignment of responsibilities and competences, avoiding their ambiguity, duplication and overlap; d) deconcentration of public services; e) simplicity and clarity of the institutional structure;

2) functioning: a) legality; b) effectiveness in achieving objectives and accomplishing set tasks; c) economic management of public property and efficient use of allocated public funds; d) strategic planning; e) inter-institutional collaboration; f) ensuring internal public financial control; g) responsibility for the activity; h) rationalization and promptness of procedures and administrative activities; i) efficient service to citizens; j) ensuring access to information, the publication of public government data and transparency in the decision-making process [6, art.4].

The principles of the central specialty public administration are applied:

a) to the Government's exercise of control over the legality and appropriateness of the activities of ministries, other central administrative authorities and organizational structures within their sphere of competence;

b) to the verification and assessment by the Government of the health of the public interest services provided by the ministries, other central administrative authorities and the organizational structures within their sphere of competence;

c) to the exercise by the ministries and other central administrative authorities of the hierarchical control over the legality and appropriateness of the activity of the organizational structures within their sphere of competence, as well as to the verification and evaluation of the quality of the public interest services they provide;

d) to the performance by the competent administrative court, in accordance with the

legislation in force, of the judicial control of the legality of the administrative acts issued by the ministries, other central administrative authorities and the organizational structures within their sphere of competence.

### Conclusions

Thus, we can conclude that the place and role of the specialized central public authorities subordinated to the Government in the implementation of state policy largely consist of the activity of these public administration authorities that have powers in a single branch or in a concrete field of public administration activity and are created to exercise only a specialized side of public administration, they operate in fields, concrete branches of activity [11, p. 18].

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