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PRUSIA ŞI CHESTIUNEA BASARABIEI (1855-1856)

PRUSSIA AND THE BESSARABIAN QUESTION (1855–1856)

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Rezumat: *Studiul urmărește atitudinea unei puteri semnatare ale Tratatului de pace de la Paris din 18/30 martie 1856, anume Prusia și atitudinea acesteia față de chestiunea basarabeană. Pornind de la premisa că această putere a fost neutră atât în războiul Crimeii, nu a participat la elaborarea preliminariilor păcii, nu a avut reprezentant în comisia de delimitare a frontierei basarabene, s-ar putea presupune că această nu și-a expus punctul de vedere. În realitate, cercetând fondurile de arhivă de la Paris, Londra se poate constata faptul că Prusia și-a expus poziția față de chestiunea basarabeană, devenită în 1856 una de anvergură europeană. Deși a adoptat o atitudine rezervată față de doleanța Austriei de a introduce în preliminariile păcii retrocedarea sudului Basarabiei către Principatul Moldovei, cabinetul de la Berlin era nemulțumit de faptul că Viena nu s-a consultat cu acesta în această chestiune. La finele anului 1855, cabinetul de la Viena aștepta ca Berlinul să susțină această doleanță. La Congresul de la Paris din februarie-martie, Prusia nu a emis vre-o opinie referitoare la retrocedarea sudului Basarabiei și nu s-a implicat în disputa anglo-rusă privind posesiunea orașului Bolgrad. După ce comisarii europeni au constatat existența a două orașe cu numele de Bolgrad, au devenit tot mai existente divergențele între Franța și Marea Britanie. Din acest considerent s-a decis convocarea unei noi conferințe la Paris pentru a rezolva problema Bolgradului. Prusia dorea să rămână neutră pentru a nu vota în chestiunea Bolgradului.*

Cuvinte-cheie: *Basarabia, Bolgrad, Prusia, diplomație, negociere, frontieră*

Abstract: *This study examines the attitude of one of the signatory powers of the Treaty of Paris of 18/30 March 1856, namely Prussia, toward the Bessarabian question. Given that this power maintained a neutral position during the Crimean War, did not participate in drafting the peace preliminaries, and was not represented on the commission tasked with delimiting the Bessarabian border, one might assume that Prussia did not articulate a position on this issue. In reality, research conducted in the archival collections in Paris and London reveals that Prussia did express its views on the Bessarabian question, which in 1856 had become an issue of European significance. Although it adopted a reserved attitude toward Austria’s demand to include, in the peace preliminaries, the retrocession of southern Bessarabia to the Principality of Moldavia,*

the Berlin cabinet was dissatisfied with the fact that Vienna had not consulted it in advance on this matter. By the end of 1855, the Austrian government expected Berlin to support this claim. However, during the Paris Congress of February–March 1856, Prussia issued no official opinion regarding the retrocession of southern Bessarabia and did not become involved in the Anglo-Russian dispute over the possession of the town of Bolgrad. After the European commissioners established the existence of two localities bearing the name Bolgrad, disagreements between France and Great Britain intensified. For this reason, it was decided to convene a new conference in Paris to resolve the Bolgrad question. In this context, Prussia sought to maintain its neutrality in order to avoid voting on the Bolgrad issue.

Keywords: *Bessarabia, Bolgrad, Prussia, diplomacy, negotiation, frontier*

Introducere

Studiul urmărește atitudinea cabinetului de la Berlin în raport cu problema basarabeană de la finele anului 1855 până la finele anului 1856. Deși nu s-a implicat semnificativ în chestiunea basarabeană de după terminarea războiului Crimeii, Prusia a jucat un rol „cheie” în a convinge Imperiul Rus de a accepta condițiile de pace impuse de către puterile învingătoare din război și prezentate de trimisul Austriei (contele Valentin Esterhazy) la Petersburg. Prusia a fost o putere semnatară a Tratatului de la Paris din 18/30 martie 1856, implicit a avut un „cuvânt de spus” în problema Basarabiei, deși încerca să adopte un ton de „neutralitate” pentru a nu „supăra” Imperiul Rus. Deși Prusia nu a avut reprezentant în comisia de delimitare a frontierei basarabene, instituită de Congresul de Paris, cabinetului de la Berlin i s-a cerut punctul de vedere în momentul în care Marile Puteri nu au ajuns la un consens în ceea ce privea posesiunea orașului Bolgrad, disputat de către Imperiul Rus, care argumenta păstrarea acestuia din motiv că ar fi centrul administrativ al coloniștilor bulgari din sudul Basarabiei.

Metodologia cercetării

Din cauza faptului că nu există studii, articole speciale care să trateze în mod particular atitudinea Prusiei față de chestiunea basarabeană în raport cu alte puteri semnatare ale Tratatului de la Paris (cazul Franței, Marii Britanii, Austriei, Sardiniei) s-a apelat la volumele de documente occidentale, dar mai ales la sursele de arhivă. Aceste surse inedite au fost identificate la Arhiva Diplomatică (Archives Diplomatique. La Courneuve) de la Paris și Arhivele Naționale (National Archives) de la Londra în urma unor stagii de documentare din anul trecut. La Paris au fost identificate rapoartele ministrului francez la Berlin (Leonel de Moustier) în fondul Correspondance Politique, Prusse, vol. 326. La Arhivele din Londra au fost identificate rapoartele ambasadorului britanic la Berlin (John Wodehouse) în Fondul FO 65. Rapoartele identificate, unele inedite arată fără echivoc atitudinea Prusiei față de chestiunea basarabeană în intervalul

1855-1856. S-a recurs la analiza rapoartele diplomatice, fiind utilizate și unele surse publicate în unele volume de documente occidentale, astfel că îmbinând sursele franceze, britanice și austriece avem o relatare coerentă a poziției unei puteri de „rangul doi” care urma peste puțină vreme să devină „arbitrul” Europei după unificarea statelor germane.

Rezultate și discuții

Odată cu declanșarea unui nou episod al disputatei „chestiuni orientale” în 1853, problema Basarabiei a fost „redeschisă”. Acest fapt s-a datorat oamenilor politici români exilați în capitalele europene după revoluția din 1848-1849, care au înaintat memorii, au scris broșuri informând cancelariile europene de importanța Unirii Principatelor Române sub un principe străin și „restituirea in integrum” a teritoriului dintre Prut și Nistru, anexat în anul 1812 de către Imperiul Rus (Cernovodeanu, P., 1993, p. 66). Oameni politici ca Gheorghe Magheru, C. A. Rosetti, Ion Ghica, frații Golești au cerut Marilor Puteri restituirea întregii Basarabiei, pentru ca Principatele Române să aibă frontiera pe Nistru și să devină o barieră insurmontabilă pentru aspirațiile expansioniste ale Imperiului Rus. Cert este că doleanțele acestora nu au fost ascultate, prevalând interesele Marilor Puteri în detrimentul celor mici.

Înfrângerea Imperiului Rus în fața coaliției franco-britanice, care susținea integritatea teritorială a Imperiului Otoman, a deschis perspective importante pentru realizarea dezideratului național românesc, unirea Principatelor Române și restituirea Basarabiei către acestea. Ideea unirii Principatelor Române a fost susținută încă în primăvara anului 1855 la Conferința de la Viena de către ambasadorul francez la Viena, Adolphe de Bourqueney (Marțincu, M., 2006, p. 31) Însă la acel moment nu s-a discutat nimic de Basarabia, ci doar de principiul liberei navigații pe Dunăre.

După înfrângerea decisivă suferită de armata rusă la Sevastopol în toamna anului 1855, diplomația europeană era chemată să-și joace „rolul” și să stabilească condițiile de pace Imperiului Rus. Cabinetul de la Petersburg era pregătit să accepte toate condițiile de pace, deoarece multe dintre punctele formulate în viitorul tratat de pace se regăseau în cele „patru puncte” formulate încă în timpul domniei împăratului rus Nicolae I în 1854. Însă cabinetul de la Viena care dorea să substituie influența rusească din Principatele Române cu cea austriacă, a venit cu inițiativa ca sudul Basarabiei să fie retrocedat Principatului Moldovei, pentru a asigura libera navigație pe Dunăre fiind în „interesul european”. (Adamov, E. A., 1928, p. 84). Diplomația rusă a fost prinsă „nepregătită” de o asemenea clauză, existând convingerea că clauzele defavorabile se vor referi doar la neutralizarea Mării Negre și abolirea protectoratului rusesc în Principatele Române, fapte agreate în prealabil de Petersburg.

Inserarea acestei clauze în viitorul tratat de pace a luat lumea diplomatică prin „suprindere”, dar aliații occidentali Franța și Marea Britanie au susținut demersul Austriei care deși s-a declarat „neutră” în timpul războiului ruso-turc, va fi cea care ve remite condițiile de pace Imperiului Rus.

Fără a insista în mod deosebit pe reacțiile cabinetului de la Petersburg în mod special, atenția noastră se va concentra pe atitudinea Prusiei, stat care nu s-a implicat militar în timpul războiului Crimeei, dar care va lua „cuvântul” în problema Basarabiei pe finele anului 1855 și anul 1856.

Spre finele lunii decembrie a anului 1855, Valentin Esterhazy a primit însărcinarea să meargă la Petersburg pentru a prezenta condițiile de pace Imperiului Rus. Acesta înainte de plecarea spre Petersburg s-a deplasat la Berlin unde a avut o întrunire cu împăratul Prusiei Wilhelm I, care era vărul împăratului rus Alexandru al II-lea. Acesta primisese o scrisoarea din partea împăratului austriac (Franz Joseph), în care era rugat să susțină demersurile Vienei privind condițiile de pace impuse Imperiului Rus. La rândul său, împăratul Prusiei a declarat că după o „meditație” profundă va trimite propunerile sale Petersburgului (AMAE. Correspondance Politique, Prusse, vol. 326, f. 312) Ambasadorul britanic la Berlin (John Bloomfield) a cerut Prusiei să se asoceze demersului austriac, însă această a adoptat o atitudine „rezervată” (AMAE. Correspondance Politique, Prusse, vol. 326, f. 320) tocmai din cauza problemei basarabene. Diplomatul german Herman Ludwig von Balan considera inacceptabil să i se ceară cabinetului de la Berlin să susțină politica de cedare a unui teritoriu așa considerabil, (referire la Basarabia) și nu înțelegea politica Austriei (AMAE. Correspondance Politique, Prusse, vol. 326, f. 322).

Deși în pofida unor „reticențe” și „rezerve serioase” în a susține „planul austriac” de pace, în special clauza cu privire la retrocedarea sudului Basarabiei către Principatul Moldovei, Berlinul era „înclinat” să susțină Imperiul Rus în tentativa deja „declarată” de a nu ceda acest teritoriu. La Berlin ajunsese certe „semnale” de la Paris, că problema Basarabiei nu prezenta „interes” pentru împăratul francez Napoleon al III-lea. Aceste „semnale” reprezentau misiunea contelui Leo Seebach, ginerele cancelarului rus Karl Nesselrode care reprezenta pe moment interesele Imperiului Rus la Paris, în lipsa ambasadei rusești. Într-o discuție particulară cu împăratul francez, Seebach constata că acesta fiind „animat de dispoziții conciliante” a declarat că pentru Franța clauza privind retrocedarea sudului Basarabiei nu avea importanță, fiind una „pur austriacă”, iar Austria „inițiatoarea” acesteia era susținită de către Marea Britanie (AMAE. Correspondance Politique, Prusse, vol. 326, f. 325). La rândul său, Marea Britanie prin „vocea” trimisului său la Berlin (Bloomfiend) s-a arătat nedumerită de „zvonul” lansat de Seebach că Franța nu ținea „foarte mult” la clauza privind rectificarea de frontieră din Basarabia și că reprezenta un „interes austriac”. Aceste „zvonuri” erau întreținute și de către ambasadorul rus la Berlin, Andrei

Budberg care încerca astfel să „împiedice” Prusia de a susține cabinetul de la Viena în această problemă (AMAE. Correspondance Politique, Prusse, vol. 326, f. 327).

Ministrul Franței la Berlin (Léonel de Moustier) era informat privind întrevederea avută de ministrul de externe al Prusiei (Otto von Manteuffel) cu împăratul Prusiei la Charlottenburg la finele lunii decembrie 1855. În discuția purtată, împăratul Wilhelm I invoca „demnitatea rănită” a Imperiului Rus și că nu putea acorda sprijinul său propunerile austriece, unul din motive fiind și faptul că nu a fost consultat cu privire la condițiile de pace ce vor fi impuse Imperiului Rus (AMAE. Correspondance Politique, Prusse, vol. 326, f. 336). Într-o discuție cu Manteuffel, Moustier s-a putut edifica asupra punctului de vedere al Berlinului în problema basarabeană. Diplomatul prusac a adus în discuție faptul că împăratul Wilhem I a avut parte de o „surpriză dezagreabilă” în momentul în care a aflat despre clauza cu privire la retrocedarea sudului Basarabiei, lucru care va fi acceptat cu greu de Imperiul Rus (AMAE. Correspondance Politique, Prusse, vol. 326, f. 348).

Cabinetul de la Viena a prezentat la finele lunii decembrie condițiile de pace cabinetului de la Petersburg, unde figura și clauza privitoare la retrocedarea sudului Basarabiei către Principatul Moldovei. Cancelarul Karl Nesselrode a respins categoric această clauză din viitorul tratat de pace. Acesta a trimis și instrucțiuni ambasadorului Imperiului Rus la Viena (Mihail Gorcdeakov) pentru a-i comunica decizia ministrului de externe al Austriei, contele Buol. Rusia accepta in integrum toate condițiile de pace înaintate de puterile occidentale, însă respingea cu vehemnță punctul referitor la retrocedarea sudului Basarabiei (Татищев, С. С., 1903, p. 184). Ministrul austriac a respins „oferta” Imperiului Rus, argumentând că pentru Viena această clauză avea o valoare importantă, având scopul declarat de a scoate Rusia de la Dunăre (Macfie, A. L., 2014, p. 32). La rândul său. M. Gorceakov a atacat virulent Austria pentru inserarea în viitorul tratat a acestei clauze, referindu-se și la faptul că în 1848-1849 spriinise militare Viena în înăbușirea revoluțiilor din granițele sale.

În luna ianuarie a sosit la Viena colonelul prusac Manteuffel pentru a se întâlni cu ministrul austriac de externe, contele Buol, dar având discuții și cu ambasadorul francez și cel britanic. Scopul acestei vizite era discuțiile cu privire la condițiile de pace impuse cabinetului de la Petersburg. Acesta prezenta atitudinea regelului Prusiei, care deși nu aproba propunerile de pace venite din parte Austriei, a ajus să susțină acest proiect până la urmă (Englische Akten zur Geschichte des Krimkriegs, 1988, pp. 559-560). Ambasadorul francez la Viena, Adolphe de Bourqueney i-a replicat acestuia că preferă „aprobarea și nu suportul” preliminariilor înaintate de Austria. Diplomatul francez intuia faptul că tocmai această atitudine ambiguă a poziției Prusiei față de condițiile înaintate de Austria, făcea ca Rusia să reziste împotriva cerințelor puterilor occidentale,

inclusiv clauza referitoare la cedarea Basarabiei. Colonelul Manteufel a discutat în linii generale și despre Basarabia. În viziunea sa, Rusia nu trebuia „umilită" prin luarea unei părți din Basarabia, referindu-se indirect ca aceasta să primească o „despăgubire" pentru teritoriu care urma să-l cedeze. Replica a fost dată de Bourqueney, care vedea în rectificarea frontierei basarabene o garanție importantă pentru securitatea Europei (Englische Akten zur Geschichte des Krimkriegs, 1988, p. 560). Nu toți împărțeau această poziție, din moment ce la Viena cabinetul de la Petersburg își găsiseră „avocați" care să arată cât de nepopulară era clauza referitoare la impunerea unei cedări din Basarabia. Aceștia erau Maximilian Lerchenfeld, trimisul Bavariei la Viena și Heinrich Arnin, reprezentantul diplomatic al Prusiei la Viena. Acesta din urmă, la fel ca și Manteuffel a insistat asupra faptului de a nu „umili" Rusia, popor care a făcut atâtea sacrificii în războiul recent încheiat. Fără a se referi direct la Basarabia, în manieră indirectă se înțelege acest lucru, deoarece Rusia se afla în fața unui „precedent", nu fusese demult în fața unei cedări a unui teritoriu anexat anterior. Dacă ambasadorul francez considera că rectificarea frontierei se făcea în interesul Europei, cel britanic, Seymour care auzise și „varianta" unei „recompense" pentru sacrificiul impus Rusiei, nu lua în calcul un asemenea scenariu (Sclifos, E. T., 2023, p. 65) Se observă de la bun început că Marea Britanie va adopta o poziție de „forță" în problema Basarabiei, nedorind să ofere Rusiei nici un „beneficiu nemeritat", fiind țara învinsă în război. Aflându-se la Viena, colonelul Manteuffel a încercat să-l „descoase" pe Bourqueney asupra faptului dacă ideea rectificării frontierei basarabene a venit din partea Austriei, dar nu a primit nici un răspuns. Semnalăm faptul că în cercurile diplomatice se discuta puțin despre „implicarea" Austriei în elaborarea preliminariilor păcii, și „strecurarea" clauzei referitoare la cedarea unei părți din Basarabia către Principatul Moldovei.

Mizând pe „suportul" Franței și Prusiei, cabinetul de la Petersburg își menținea ferm pozițiile de a nu accepta clauza privind Basarabia. Însă cabinetul de la Viena a trimis un „ultimatum" Petersburgului, dacă nu acceptă toată condițiile de pace va rupe relațiile diplomatice cu Imperiul Rus. Existând această posibilitate, dar primind „sfatul" de a le accepta atât din partea Franței și chiar a Prusiei, Imperiul Rus s-a conformat și a acceptat „condițiile austriece" la mijlocul lunii ianuarie 1856 (Jomini, A., 1874, p. 389).

Deși a acceptat condițiile de pace, polemica în jurul retrocedării sudului Basarabiei a continuat până la deschiderea Congresului de pace de la Paris (25 februarie 1856), continuând și după semnarea Tratatului de la Paris din 18/30 martie și cu o mai mare intensitate. Fără a intra în detalii privind mersul lucrărilor Congresului de la Paris, aspect cercetat anterior în diverse studii (vom urmări atitudinea Prusiei în raport cu problema Basarabiei. Congresul de la Paris din februarie-martie 1856 nu a putut soluționa problema basarabeană din cauza divergențelor existente între Marile Puteri. Franța care dorea să fie „conciliabilă"

susținea punctul de vedere al Imperiului Rus, care insista să păstreze orașul Bolgrad, centrul administrativ al coloniștilor bulgari din sudul Basarabiei, în timp ce Marea Britanie dorea ca Petersburgul să respecte condițiile de pace. În ultimă instanță această retrocedare se făcea pentru a garanta libera navigație pe Dunăre, dar și scoaterea Rusiei de la orice acces la Dunăre, iar prin păstrarea orașului Bolgrad se încălca flagrant Tratatul de pace (Vitcu, D., 2006, pp. 337-338). În această situație complicată, Marile Puteri au decis constituirea unei comisii europene de delimitare a frontierei basarabene. Din această comisie făcea parte 5 puteri din 7 semnatare ale Tratatului de la Paris (Imperiul Rus, Imperiul Otoman, Franța, Marea Britanie, Austria), unicele excluse fiind Prusia și Sardinia, dar și acestora li se va cere punctul de vedere în problema delimitării frontierei basarabene.

Ajungând pe teren pentru a stabili cu exactitate traseul noii frontiere în Basarabia, comisarii europeni au stabilit existența a două localități cu numele Bolgrad, stabilind că le-au fost furnizate hărți eronate (Ardeleanu, C., 2024, p. 16). În pofida acestui fapt, comisarii europeni au primit instrucțiuni de la guvernele lor să acționeze în „litera și spiritul” Tratatului de la Paris, care scotea Rusia de la Dunăre. Nici de data aceasta nu vom insista asupra lucrărilor comisiei de demarcație, existând studii la acest subiect, atenția noastră va cădea asupra atitudinii ulterioare a Prusiei, care nu avea reprezentant în comisia de delimitare a frontierei basarabene.

Prusia urmărea cu atenție evenimentele europene care aveau legătură directă cu Basarabia, pentru că această problemă spinoasă „împiedica” rezolvarea altor chestiuni aflate pe „ordinea de zi” a cancelariilor europene. Din cauza „încăpățânării” Imperiului Rus de a insista asupra păstrării Bolgradului, Marea Britanie a recurs la un mijloc coercitiv în adresa acestuia, a trimis nave de război în Marea Neagră. Acest fapt a „stârnit rumoase” la Berlin, Manteuffel fiind „surprins” de aceste acțiuni ale cabinetului de la Londra. La rândul său, John Bloomfied i-a declarat lui Manteuffel că aceasta era reacția firească a Marii Britanii la atitudinea Rusiei în raport cu respectarea angajamentelor semnate la Paris (TNA, FO 64/416). Aceste acțiuni ale Londrei s-au datorat și altui fapt, la începutul verii Imperiul Rus a decis să demoleze fortărețele de la Reni și Ismail, acționând într-o manieră „neloială” față de Tratatul de la Paris. Manteuffel și regele Wilem I a dezaprobat această „conduită” a Imperiului Rus (TNA, FO 64/416).

Într-un raport datat 23 august 1856 al lordului Bloomfield către secretarul de stat Clarendon se observă faptul că Prusia prin vocea baronului Manteuffel care primise în prealabil o depeșă de la Moscova, aprecia „buna credință” a împăratului Alexandru al II-lea care arăta spirit de conciliațiune față de Tratatul de la Paris. Diplomatul britanic s-a arătat bucuros că Manteuffel a fost impresionat de documentul rusesc, dar Bloomfield l-a întrebat direct ce scuză

putea invoca Imperiul Rus pentru faptul că contele Kreptovici a avut nevoie de trei luni pentru a ajunge la Londra pentru a ocupa funcția de ambasador al Petersburgului pe lângă guvernul Majestății Sale. Acesta din urmă ar fi răspuns că nu putea fi vorba de o „ofensă" adusă Marii Britanii, ci faptului că această întârziere nu s-ar „datora" „relei credințe" a Imperiului Rus față de Marea Britanie, ci datorită unor schimbări esențiale ce au avut loc în serviciul diplomatic rus, dar și faptul că M. Gorceakov nu se aflase la Petersburg (TNA, FO 418/100, f. 232). La rândul său Bloomfield a declarat că nu putea emite o poziție deoarece nu cunoaște depeșa parvenită din partea cancelarului rus. Cu referire la încercările rusești de a „reconcilia" situația complicată internațională, diplomatul britanic a declarat că Londra are propriile sale interese, iar în momentul în care Petersburgul își va îndeplini obligațiile semnate la Paris (anume renunțarea la Bolgrad, n.n), doar în acel moment Marea Britanie își va retrage navele de război din Marea Britanie. Tirada lui Bloomfield în adresa Imperiului Rus a continuat prin faptul că acesta a „înșelat" Marea Britanie prin comportamentul ei, iar aflarea navelor britanice în apele Mării Negre nu „fac nici un rău", în timp ce ocuparea inutilă și prelungită a Karsului este extrem de dăunătoare Imperiului Otoman (TNA, FO 418/100, f. 233).

La prima vedere Prusia arăta „neimplicare" în chestiunea Basarabiei, dar în momentul în care se discuta despre necesitatea unei noi conferințe la Paris urmând a fi „votat" dreptul Rusiei asupra Bolgradului, cabinetul de la Berlin s-a aflat alături de cel de la Torino în „mijlocul atenției" cancelariilor europene. Deja în toamna anului 1856 Prusia era „chemată" să se expună pe marginea necesității unei noi conferințe pentru a rezolva „litigiul" Bolgradului. Prim-Ministrul prusac Manteuffel era împotriva une noi conferințe, și că puterile interesate în această problemă ar trebui să găsească o soluție, pentru a preveni reunirea unui nou for diplomatic (TNA, FO 64/418). În acele momente diplomații europeni de la Berlin se „întrebau" dacă Prusia a fost invitată și care va fi răspunsul. În cercurile diplomatice de la Berlin se vorbea că această nouă conferință avea toate motivele să se întrunească, dar împăratul Prusiei dorea ajungerea la un consens pentru a evita o nouă întrunire diplomatică (TNA, FO 64/418). În ceea ce ținea de participarea Prusiei, aceasta urma să participe fiind semnatară a Tratatului de la Paris din 18/30 martie 1856.

O altă viziune avea secretarul de stat britanic, lordul Clarendon. În viziunea acestuia Prusia nu dorea să se implice într-o chestiune ce nu o privea în mod direct, la care se adăuga faptul că aceasta nu a participat la discuțiile de la Paris în problema Bolgradului (TNA, FO 418/100, f. 463). Ambasadorul britanic la Berlin încerca să se edifice asupra poziției Prusiei în discuțiile cu diplomații germani. În timpul unei discuții purtate cu von Hatzfeldt, Bloomfield a constatat că acesta a insistat asupra ideii că dată se va convoca o conferință, această să se întrunească fără Prusia (TNA, FO 64/418).

În cele din urmă, Prusia a participat la Conferința de la Paris de la finele anului 1857, în urma căreia problema Bolgradului a fost soluționat. Astfel acest oraș revenea Principatului Moldovei, așa cum prevedea Tratatul de la Paris, în schimb Imperiul Rus primea cu titlul de „compensanție” orașul Bolgrad.

Concluzii

Problema Basarabiei în perioada 1855-1856 a fost una complexă, fiind necesară implicarea și a statelor considerate de „rangul doi”. Din cauza punctelor de vedere antagoniste ale Puterilor aliate din războiul Crimeii, a fost necesară implicarea Sardiniei și Prusiei pentru a se expune în problema basarabeană, mai exact asupra litigului Bolgradulu. În momentul în care nu s-a ajuns la un consens între Marile Puteri, s-a decis convocarea unei noi conferințe, iar puterile semnatare ale Tratatului de la Paris trebuiau să „voteze” fie pentru ca Bolgradului să fie păstrat de către Imperiul Rus, fie să revină Principatului Moldovei, în conformitate cu prevederile articolului 20 din Tratatului de la Paris. Astfel Marea Britanie și Imperiul Rus încercau să-și asigure „votul” Prusiei, care nu avea interese deosebite în această chestiune. Cele câteva rapoarte diplomatice identificate în arhiva diplomatică de la Paris și arhivele naționale de la Londra arată atitudinea Prusiei față de chestiunea basarabeană. O eventuală cercetare a fondurilor de arhivă de la Berlin ar aduce și mai multă claritate în această problemă de interes național.

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Anexe

Anexa 1: Berlin, 23 august 1856. *Lord Bloomfield către Earl of Clarendon. Raportul ambasadorului britanic la Berlin către secretarul de stat britanic (Clarendon) cu pivire la executarea Tratatului de Pace de la Paris de către Imperiul Rus*.

My Lord,

Baron Budberg, who arrived by the last steamer from St. Petersburgh, brought with him for communication to the Prussian Government a copy of a despatch which Prince Gortchakoff has addressed to Count Chreptowitch in answer to your Lordship's No. 143 to Lord Wodehouse, enumerating the complaints of Her Majesty's Government of the conduct of Russia, and the non-fulfilment of the stipulations of the Treaty of Paris.

Baron Manteuffel has described this paper to me as being written with great care, and as developing considerable cleverness in endeavouring to explain away the accusations of bad faith which Her Majesty's Government have brought against Russia. His Excellency said that he did not pretend to defend the tardy proceedings of Russia in evacuating Kars, or the demolitions that had taken place at Ismail, Reni, and Kilia; but he was glad to observe the spirit of conciliation which pervaded this despatch, and the desire which he believed really existed on the part of the Russian Government to see the relations with England placed on their right footing, and he was sure the Emperor Alexander sincerely wished this.

I told his Excellency that I was glad to learn the impression which he had received from this communication, but I asked what excuse Russia could make for Count Chreptowithc requiring three months to find his way to England? He replied that he could not believe that any affront was intended, and he imagined that Count Chreptowitch's tardy arrival was owing to the multifarious changes in

the Russian diplomatic service which had lately taken place, to Prince Gortchakoff's absence from St. Petersburgh, and to other personal reasons; but he again begged me to believe that he did not stand up as the defender of Russia, but he ventured to hope that the British Government would endeavour, on their part, to be as conciliatory as he believed the Russian desired to be.

I told his Excellency that not having seen this despatch of Prince Gortchakoff's to Count Chreptowitch I could form no opinion of it, that I was willing to believe the Russian Government sought to conciliate matters, but I said England would look to her own interests, and as soon as Russia fulfilled the stipulations of the Treaty of Paris, England would fulfil her share of them, and withdraw her ships from the Black Sea; but that as we had been deceived in our estimate of the good faith of Russia, we should not be in hurry on the subject; that, besides, our ships did not harm in cruising about the Black Sea, whereas the unnecessary and prolonged occupation of Kars had been most injurious to the interests of Turkey. I added that I believe Austria felt so entirely with us in all the points under discussion, that on the evacuation of the territory still overheld by Russia would probably depend also her finally withdrawing from the Principalities, and that it was under these circumstances, and with a view to an early removal of the clouds which still overhung our relations with Russia, that I hoped he would not cease to exert all his influence at Moscow to bring the Imperial Government to a sense of its position.

I have, &c.

(Signed) Bloomfield.

TNA, FO 418/100, ff. 232-233.

Anexa 2: Berlin, 23 august 1856. *Lordul Bloomfield către lordul Clarendon cu privire la explicațiile parvenite de la Petersburg cabinetului de la berlin cu privire la demolarea fortărețelor de la Isimail, Reni și Chilia*.

Baron Budberg, who arrived by the last steamer from St. Petersburgh, brought with him for communication to the Prussian Government a copy of a despatch which Prince Gortchakoff has addressed to Count Chreptowitch in answer to your Lordship's No. 143 to Lord Wodehouse, enumerating the complaints of Her Majesty's Government of the conduct of Russia, and the non-fulfilment of the stipulations of the Treaty of Paris.

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at Ismail, Reni, and Kilia; but he was glad to observe the spirit of conciliation which pervaded this despatch, and the desire which he believed really existed on the part of the Russian Government to see the relations with England placed on their right footing, and he was sure the Emperor Alexander sincerely wished this.

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I have, &c.

(Signed) Bloomfield.

TNA, FO 418/100, ff. 232-233.

PARADOXUL CAPACITĂȚII ADMINISTRATIVE ÎN PROCESUL DE AMALGAMARE VOLUNTARĂ DIN REPUBLICA MOLDOVA

THE PARADOX OF ADMINISTRATIVE CAPACITY IN THE VOLUNTARY AMALGAMATION PROCESS IN THE REPUBLIC OF MOLDOVA

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Abstract: *The article examines the paradox of administrative capacity in the process of voluntary amalgamation, highlighting the discrepancy between administrative–territorial reform scenarios and the actual behavior of four local public authorities in the southern region of the Republic of Moldova. By employing an explanatory–analytical approach that integrates the analysis of public policy documents with an examination of the institutional framework, as well as political and organizational constraints at the local level, the study argues that the viability of amalgamation is not determined solely by economic rationality or the size of the local territorial community. Instead, it is also shaped by socio-political and structural factors, including demonstrated administrative capacity, institutional incentives, local power relations, and the degree of political acceptance of the reform among the actors involved.*

Keywords: *reform, voluntary amalgamation, administrative capacity*

Rezumat: *Articolul analizează paradoxul capacității administrative în procesul de amalgamare voluntară, evidențiind decalajul dintre scenariile de reformă administrativ-teritorială și comportamentul efectiv a patru autorități publice locale din sudul Republicii Moldova. Printr-o abordare explicativ-analitică, care combină analiza documentelor de politici publice cu examinarea cadrului instituțional și a constrângerilor politice și organizaționale la nivel local, se argumentează că viabilitatea amalgamării nu este determinată exclusiv de raționalitatea economică sau de dimensiunea colectivității teritoriale locale, ci depinde și de factori socio-politici și structurali, precum capacitatea administrativă demonstrată, stimulentele instituționale, relațiile de putere locale și gradul de acceptare politică a reformei de către actorii implicați.*

Cuvinte-cheie: *reformă, amalgamare voluntară, capcitate administrativă*

Argument

Reformele privind organizarea administrtaiv-teritoriale sunt sensibile și complexe. Sunt sensibile pentru că afectează direct distribuția puterii politice, identitatea comunităților locale și poziția actorilor instituționali existenți. Prin rezultatelor lor, pot genera pierderi percepute de autonomie, statut și influență pentru aleșii locali și pot fi interpretate de populație ca amenințări la adresa identității teritoriale și a controlului democratic local. Din aceste considerente, chiar și atunci când sunt susținute de argumente argumente tehnice solide privind eficiența sau sustenabilitatea financiară (Swianiewicz, 2010; Keating, 2001), aceste reforme au și un potențial ridicat de contestare politică și socială. Complexitatea este explicată prin intervenții simultane asupra mai multor dimensiuni interdependente: structura instituțională, sistemul de finanțe publice locale, repartizarea competențelor, mecanismele de reprezentare politică și capacitatea administrativă. Modificarea unei singure dimensiuni (spre exemplu, mărimea unităților administrativ-teritoriale), fără ajustarea corespunzătoare a celorlalte, poate conduce la disfuncționalități instituționale și la rezultate contrare celor anticipate (Kuhlmann, Wollmann & Reiter 2019). Când reformele vizează colectivități teritoriale cu capacitate administrativă limitată, unde implementarea depinde în mare măsură de cooperarea voluntară a actorilor locali și de existența unor stimulente credibile (Dollery, Grant & Kortt, 2013), complexitatea se amplifică. Prin urmare, sensibilitatea și complexitatea reformelor administrativ-teritoriale derivă din caracterul lor profund politic și sistemic: ele nu reprezintă simple exerciții de reorganizare tehnică, ci procese de transformare instituțională care reconfigurează relațiile de putere, responsabilitățile și legitimitatea guvernanței locale.

În Republica Moldova, stat cu un teritoriu administrtaiv destul de fragmentat, s-au propus variate scenarii de reformă care să consolideze nivelul primar de administrare. Cel mai recent scenariu pus în aplicare îl reprezintă amalgamarea voluntară, mecanism introdus prin Legea nr. 225 din 2023. Amalagamarea este preferată cooperării intermunicpale, un mecanism cu potențial destul de ridicat (Cornea, 2017b). Potrivit legii și metodologiei de amalgamare voluntară colectivitățile teritoriale locale pot iniția amalgamare cu alte colectivități teritoriale, rezultatul fiind o nouă autortate publică locală, legal constituită, cu capacități administraive sporite.

La o distanță de doi ani, chiar dacă ritmul și amploarea reformei rămân în evoluție, datele indică o tranziție lentă a implementării efective. Până în septembrie 2025 doar două clustere teritoriale au parcurs cu succes toate etapele procesului de amalgamare voluntară. Alte 68 de clustere din diferite regiuni sunt în etape avansate de consultare și planificare (Raport, 2025). Doi ani consecutiv, bugetul de stat pentru amalgamare nu a fost valorificat, pentru că nu au fost inițiative. Această realitate empirică contrazice parțial premisa capacității

consolidate prin amalgamare. Numeroase colectivități teritoriale locale, cu deimensiuni reduse și calificate „fără capacitate adecvată” reușesc să implementeze proiecte de dezvoltare locală, sporind rețeaua de servicii publice pentru cetățeni. Observația conturează premiza unui paradox al capacității administrative: autorități locale definite structural fără capacitate adecvată, demonstrează capacitate practică ridicată în gestionarea unor procese instituționale complexe.

Prin aplicarea teoriei paradoxului organizațional, studiul analizează predispoziția pentru amalgamare a patru autorități publice locale din sudul Republii Moldova. Scopul este de a reconceptualiza capacitatea administrativă ca fenomen dinamic, emergent și relațional, cu abordare distinctă între capacitate formală (mărime, personal, buget, structuri) și capacitate demonstrată (leadership local, rețele informale, adaptabilitate). Pentru a identifică premisele non-amalgamare, sunt avansate două ipoteze: H1: Autoritățile locale cu capacitate administrativă demonstrată sunt mai rezervate față de amalgamarea vlountară; H2 Probabilitatea non-amalgamării crește odată cu stabilitatea politică locală și controlul elitelor asupra resurselor administrative.

Metodologie

Studiul adoptă o abordare calitativă explicativ-analitică, adecvată investigării reformelor administrativ-teritoriale caracterizate prin complexitate instituțională și sensibilitate politică ridicată. Designul cercetării se bazează pe un studiu de caz multiplu, cu patru unități de analiză: Văleni, Brânză, Colibași și Vadul lui Isac (raionul Cahul). Deși în scenariile de reformă au fost incluse ca fiind eligibile pentru amalgamare, niciuna nu a manifestat inițiativă pentru demararea proceselului.

Aceste localități nu sunt selectate pentru reprezentativitate statistică, ci pentru valoarea lor explicativă, întrucât permit investigarea modului în care paradoxurile capacității administrative se manifestă, se mențin și influențează deciziile instituționale în contexte de reformă structurală. Variabilele centrale examinate sunt: legitimitatea politică a autorităților locale; capacitatea administrativă demonstrată; comportamentul instituțional al autorităților față de procesul de amalgamare.

Procesul de colectare a datelor depășește abordările tradiționale bazate pe interviuri sau chestionare, valorificând date oficiale privind bugetele locale și capacitatea administrativă a autorităților locale, declarații publice ale autorităților locale, identificate în mass-media locală și națională. Această strategie asigură o triangulare metodologică robustă, combinând perspective oficiale și percepții publice, ceea ce permite validarea și consolidarea inferențelor privind comportamentele și capacitățile instituționale ale unităților analizate.

Rezultate

Fenomenul paradoxului în teoria și practica administrativă

Cu rădăcini în învățăturile antice ale gândirii orientale și occidentale, evidente în lucrări precum Tao Te Ching și Biblia iudeo-creștină, paradoxul nu este doar un cuvânt cu încărcătură stilistică și retorică, ci și un principiul care exprimă limitele raționii discursive, natura relațională a realității și complementaritatea contrariilor. În teoria și practica administrativă evidențiază tensiunile fundamentale în explicațiile despre organizații și practici administrative (Reeves et al, 2000, p. 14). Examinând eficacitatea organizațională, Quinn și Rohrbaugh (1983) au descoperit „că unele dintre perechile de concepte care stau la baza eficacității erau „paradoxale prin natură", chiar dacă ambele concepte s-ar putea regăsi în aceeași organizație. Cu alte cuvinte, organizațiile trebuie să se confrunte constant cu paradoxul. Ele trebuie să încerce să mențină o poziție echilibrată, astfel încât să se poată obține unele dintre beneficiile ambelor „aspecte" ale paradoxului - suficientă centralizare și birocrație pentru a menține controlul, dar și suficientă descentralizare și management organic pentru a menține un mediu de lucru inovator și colegial.

Observația este valabilă și pentru autoritățile administrative, legal constituite la nivel local. În administrația publică, modelele normative și prescriptive propun soluții pentru eficiență, eficacitate și /sau consolidarea capacităților, dar realitatea organizațională și contextul aduc constrângeri multiple care generează discrepanțe. Această tensiune – între așteptările teoriei și limitările practice – se manifestă adesea prin *paradox administrativ*. Astfel, paradoxul nu reprezintă o simplă contradicție retorică a teoriei administrative, ci un fenomen științific esențial pentru dezvoltarea teoriei administrative. Poate fi atât obiect de studiu, cât și catalizator pentru reflecție critică asupra ipotezelor fundamentale ale științei administrtației (Anderson & Duncan, 1977).

Repere pentru o formalizare teoriei paradoxului sunt identificate de Wendy K. Smith, recunoscută pentru cercetările sale asupra paradoxurilor strategice și leadershipului în organizații și Marianne W. Lewis, specializată în paradoxuri organizaționale și echilibre dinamice între inovare și eficiență managerială. Modelul teoretic de gestionare a cerințelor contradictorii și interdependente în organizații, dezvoltat în „Toward a Theory of Paradox: A Dynamic Equilibrium Model of Organizing" (2011) constituie un punct de referință major pentru înțelegerea și teoretizarea paradoxurilor în managementul organizațional. În viziunea autoarelor paradoxurile reprezintă „elemente contradictorii, dar interdependente, care coexistă simultan și persistă în timp", iar gestionarea lor presupune acceptare și echilibru dinamic, nu rezolvare definitivă (p.386).

John P. Anderson și W. Jack Duncan susțin că în teoria și practică administrtaivă paradoxurile sunt „contradicții inerente". Paradoxul este un eveniment neașteptat sau o dificultate logică într-un sistem teoretic aparent

consistent. Acesta poate părea contradictoriu la prima vedere, dar examinarea sa poate dovedi validitatea unor perspective opuse. În acest sens, autorii identifică cinci paradoxuri structurale majore:

1) Coordonare versus Conflict: deși coordonarea este considerată „bună” pentru atingerea scopurilor, conflictul poate fi funcțional, stimulând creativitatea și adaptarea la schimbare;

2) Diferențiere versus Integrare: organizațiile eficiente trebuie să permită unităților lor să fie specializate (diferite), dar această diversitate face colaborarea (integrarea) mult mai dificilă, cele două stări fiind antagonice;

3) Ordine versus Inovație: structurile ierarhice (birocratice) promovează eficiența pe termen scurt, dar adesea inhibă inovația și adaptabilitatea necesare supraviețuirii pe termen lung;

4) Planificare versus Instabilitate: pe măsură ce mediul devine mai instabil, planificarea devine mai esențială, dar, în mod paradoxal, planurile devin mai puțin capabile să direcționeze comportamentul viitor;

5) Sfera de control versus Nivelurile ierarhice: reducerea numărului de subordonați (pentru un control mai bun) duce inevitabil la creșterea numărului de niveluri ierarhice, creând un conflict între două principii de eficiență.

Autorii susțin că paradoxul trebuie văzut ca un motor al progresului. Așa cum în fizică sau matematică paradoxurile au stimulat dezvoltarea unor teorii noi (precum teoria sistemelor generale), în teoria și practica administrtaivă cercetătorii nu trebuie să respingă paradoxurile, ci să le folosească pentru a rafina teoriile, trecând de la „proverbe administrative”(Simon, 1947, p. 53) simpliste la o înțelegere mai complexă și riguroasă a organizațiilor (Anderson & Duncan, 1977, pp.100-102).

Knill et al (2018), bazându-se pe conceptul „acumulare de politici” susțin că pentru guvernele democratice există inerent un paradox structural. Argumentul paradoxului este susținut de următoarele: 1) chiar și atunci când resursele și capacitatea lor administrativă sunt limitate, statele continuă să adopte și să acumuleze noi politici. Aceast lucru generează o discrepanță între cerințele societății și capacitatea reală de implementare; 2) Complexitatea cumulată depășește capacitatea instituțională – portofoliile tot mai complexe de politici subminează eficiența administrativă, implementarea coerentă și comunicarea politică; 3) Există o „capcană a responsabilității democratice” (*responsiveness trap*) – guvernele adoptă noi politici pentru a rămâne receptive la noi provocări, dar această acumulare continuă afectează negativ legitimitatea democratică și calitatea guvernării pe termen lung. În combinație, aceste trei mecanisme leagă capacitatea de reacție imediată la cerințele societății de amenințarea pe termen lung la adresa legitimității guvernării democratice. Din această perspectivă, reacția la cerințele societății pare a fi o sabie cu două tăișuri care îi lasă pe factorii de decizie politică prinși într-o capcană a reacției: lipsa de reacție le va submina

legitimitatea, în timp ce reacția – și, prin urmare, acumularea de politici și reglementări – va suprasolicita încet și în tăcere capacitățile administrative, evaluative și comunicative care ajută la susținerea legitimității guvernării democratice pe termen lung. Calificând paradoxul drept „contradicție inerentă", autorii sugerază că succesul politicilor nu depinde doar de resurse, ci și de modul în care complexitatea este gestionată strategic (p. 5).

Iminența paradoxului în reforme administrative este argumentată de Ngouo, P. A. (2022). În „*The Paradoxes of Administrative Reform Workflow: A Proposition for an Analysis and Management Tool"*. Concepute într-o logică de raționalizare și creștere a performanțelor administrtive, reformele articulează simultan un sistem conceptual (cadre de politici publice, modele de schimbare organizațională) și un sistem de acțiune (administrații publice ancorate în contexte naționale specifice și strategii de management al capacității de schimbare). Autorul demonstrează că paradoxurile sunt inerente ambelor sisteme și se manifestă continuu în fluxul real de implementare a reformelor, în special prin mecanismele de reglementare, comunicare, rezolvare a problemelor, luare a deciziilor și învățare organizațională.

O analogie utilă pentru a înțelege rolul paradoxului în știință este cea a busolei în apropierea unui zăcământ de fier: deși acul care tremură haotic pare să indice o defecțiune a instrumentului (teoria), acea „eroare" este de fapt indiciul că sub suprafață se află ceva mult mai valoros și mai complex care merită explorat.

Capacitatea adecvată și scenariul amalgamării

Satele Văleni, Brânza, Vadul lui Isac și Colibași sunt localități rurale din sudul Republicii Moldova. În condițiile legislației privind organizarea administrativă a teritoriului, fiecare sat reprezintă o unitate administrativ-teritorială [1], ce dispune autorități publice locale legal constituite, înscrise în Registrul de stat al unităţilor administrativ-teritoriale şi al adreselor.

Tabel 1 Statutul administrativ al satelor Văleni, Brânza, Vadul lui Isac și Colibași

	Populație		Cod UAT	Data și act normativ de constituire a UTA	Sursa de finanțare
	2004	2025			
Văleni	3021	2006	9424	Legea Nr.764-XV din 27.12.2001	Bugetul de stat
Brînza	2618	1289	9411	legea Nr.764-XV din 27.12.2001	Bugetul local
Colibași	6021	2756	9416	legea Nr.764-XV din 27.12.2001	Bugetul local
Vadul lui Isac	2950	1458	9423	legea Nr.764-XV din 27.12.2001	Bugetul local

Sursa: Biroul Național de Statistică, Agenția Servicii Publice (Registrul de stat al unităţilor administrativ-teritoriale şi al adreselor)

Pentru localitățile Brînza și Vadul lui Isac, statutul de unitate administrativ-teritorială a fost menținut și după diminuarea numărului populației sub 1500. În toate localitățile, potrivit dateleor recensământului din 2024, populația s-a diminuat considerabil.

Cu excepția s. Văleni, capacitatea adecvată este recunoscută pentru celelalte toate unitățile teritorial-administrtaive. Capacitatea administrativă se consideră a fi adecvată atunci când volumul cheltuielilor administrative a unității administrativ-teritoriale nu depășesc 50% din suma totală a veniturilor proprii și a defalcărilor de la impozitele și taxele de stat. Până la modificarea, în 2024, a Legii 435/2006 privind descentralizarea administrativă, limita cheluielilor administrative din suma totală aveniturilor proprii reprezenta 30%.

Tabel 2. Capacitate administrativă adecvată

	Venituri proprii	**Capacitate administrativă**	**Capacitate administrativă adecvată <50%**
Văleni	863,0	51,2	0,0
Colibași	867,4	40,4	40,4
Vadul lui Isac	8.551,1	20,5	20,5
Brînza	2.965,7	31,5	31,5

Sursa: Legea 435/2006; Ordin MF 84/2023; https://www.mf.gov.md/ro/tags/bugetele-locale

În „Studiu privind scenariile de reformă administrativ-teritorială (Beșchieru et al, 2018), cele patru localități din raionul Cahul apar explicit în cele trei scenarii de consolidare teritorială prin amalgamare – moderat, intermediar și compact. Având în vedere dimensiunea populației UAT, capacitatea fiscală a UAT, și distanța dintre centrul administrativ și localitățile din cadrul UAT noi formate, sunt considerate eligibile pentru amalgamare în vederea creșterii capacității administrative, financiare și profesionale. Luând în calcul proximitatea geografică și funcțională, noua denumire propusă și centru administraiv este Colibași.

În procesul de amalgamare demarat în 2023 trei primării – Văleni, Brînza și Colibași au beneficiat de prezentări susținute reprezentanții Cancelariei de Stat cu privire la metodologia procesului de amalgamare voluntară. În cadrul acestora a fost prezentat cadrul legal și etapele juridice necesare pentru inițierea și finalizarea amalgamării, punând accent pe consultarea comunității și pe transparență, rolurile actorilor implicați, stimulentele financiare și beneficiile procesului (Raport, 2025). Sunt singurele activități identificate privind actualul proces.

Legitimitate politică

Autoritățile locale ale unei colectivități teritoriale locale sunt desemnate în cadrul scrutinelor electorale, organizate potrivit cu legislația națională în vigoare.

Rata de participare pentru alegerea primarului este peste 30%. În campaniile electorale pentru ocuparea funcției de primar s-au înregistrat mai mult decât doi candidați.

Tabel 3 Alegerea primarilor

	Nr. alegători	Participare alegeri primar %	Voturi valabil exprimate, %	Concurență electorală	Afiliere politică a primarului ales	Nr. mandate
Văleni	2509	42.49%	70,69	4 candidați	PAS	5
Brînza	2042	40.11%	61,96	2 candidați	Candidat Independent	Primul mandat
Colibași	4747	34.35%	82,55	3 candidați	Candidat Independent	5
Vadul lui Isac	2396	33.90%	41,54 – I tur 50,81 – al II-lea tur	6 candidați 2 candidați	PAS	2

Sursa: cec.md, Rezultate alegeri locale, noiembrie 2023.

In toate consiliile locale majoritatea mandatelor sunt deținute de reprezentanți ai partidului Politic „Partidul Acțiune și Solidaritate” (PAS) (partid de guvernamânt).

Tabel 4 Profil politic al consilierilor locali

	Nr. alegători	Participare alegeri primar %	Cea mai mare cotă valabil exprimată pentru un concurent electoral, %	Nr mandate	Profil politic
Văleni	2509	42.49%	66,70	13	10 - PAS 3- altele
Brînza	2042	40.11%	52,85	11	9 - Pas 2 – candidați indep.
Colibași	4747	34.35%	68,06	13	11 - PAS 2 - altele
Vadul lui Isac	2396	33.90%	48,75	11	PAS – 6 5- altele

Sursa: cec.md, Rezultate alegeri locale, noiembrie 2023.

Capacitatea administrativă demonstrată

Pentru a aprecia capacitatea administrativă demonstrată sau efectivă s-au urmărit abilitatea autorităților publice locale și a comunității de a atrage proiecte, a mobiliza rețele externe și a implementa inițiative, chiar dacă resursele interne sunt limitate.

Sursele de finanțare pentru proiectele implementate sau în derulare în cale patru unități analizate provin din surse variate. Sinteza inclusă în tabel reflectă în special proiectele accesate prin inteprmediul programelor Satul European, EU4Moldova: Regiuni-cheie, Migrație și Dezvoltare Locală. Domeniile de intervenție sunt îndreptate spre reabilitarea / modernizarea infrastructurii

infrastructură publice pentru acces la apă potabilă, iluminat stradal, stimulare a economiei locale etc.

Tabel 5 Proiecte implementate

UTA	Proiect	Program / finanțator	Domeniu	Buget (MDL)	Perioada implem	Beneficiari & Indicatori de rezultat (output)
Văleni	Atelier de țesut covoare tradiționale	Satul European	Cultural-educațional	2.282.000	Finalizat (2024)	Copii și tineri (~100+) 1 clădire reabilitată; atelier funcțional; min. 3 programe educaționale/an
	Extinderea iluminatului public	Satul European Expres	Utilități publice – iluminat	238.000	Finalizat (2024)	300 gospodării (~1100 locuitori) 5 străzi iluminate; reducerea zonelor neiluminate
	Eco-Village Văleni	EU4Moldova: Regiuni-cheie	Turism	30 de mii de euro	Finalizat (2024)	Comunitatea locală, turiști Infrastructură turistică realizată
Brînza	Reabilitarea rețelei de alimentare cu apă	Satul European II	Utilități publice – apă	6.600.000	În derulare (2025)	800 gospodării (~2300 locuitori) Sonde renovate; castele de apă instalate; rețea extinsă
	Reparația Casei de Cultură	Satul European	Social-cultural	1.350.000	Finalizat (2024)	Comunitatea locală 1 clădire reabilitată; creșterea capacității de găzduire evenimente
	Amenajare trotuar	Satul European Expres	Infrastructură pietonală	380.000	Finalizat (2024)	Locuitorii satului 500 m² trotuar reabilitat; acces sigur la instituții publice
Vadul lui Isac	Renovarea sediului Primăriei	Satul European Expres	Administrativ	350.000	Finalizat (2025)	Administrație și cetățeni 1 clădire publică renovată; eficiență energetică sporită
	Construcția sistemului de alimentare cu apă	Satul European II	Utilități publice – apă	9.600.000	2025–2026 (în derulare)	≈70% din populația satului 16,5 km rețea; 2 castele; stație de dezinfectare
	Reabilitare drum str. Ion Creangă	Europa este aproape	Infrastructură rutieră	1.650.000	Finalizat (2025)	Comunitatea locală 1 tronson de drum reabilitat; acces la instituții publice
Colibași	Extinderea apeductului într-un sector locativ	Satul European II	Utilități publice – apă	3.600.000	2025–2026 (în derulare)	43 gospodării (~217 persoane) 2,2 km rețea; 1 fântână arteziană; 2 castele de apă
	Renovarea Casei de Cultură	Satul European	Social-cultural	7.000.000	Finalizat (2023–2024)	Populația locală și regională 1 clădire culturală modernizată; dotări noi
	Orășel rustic – piața regională	Satul European Expres	Economic-comercial	414.000	Finalizat (2024)	Producători locali și regionali Căsuțe comerciale amenajate; creșterea vânzărilor locale

Sursa: https://ondrl.gov.md/proiecte/

Un alt aspect al capacității administrative efective sunt proiectele de cooperare între primării. Două exemple în aces sens sunt crearea serviciului intercomunitar de pompieri voluntari (calm.md), care deservește localitățile Brânza, Vadul lui Isac și Colibași și crearea Grupului de Acțiune Local „Lunca Prutului de Jos”, în care toate primăriile au calitatea de mebri. GAL-ul „Lunca

Prutului de Jos" este considerat cel mai dinamic din Moldova, domenuil principal de activitate fiind valorificarea potențialul turistic din sudul țării, promovarea locurilor cu semnificație culturală, mediul ospitalier și organizarea de activități socio-culturale și de agrement (Vourc'h, 2019, p. 9).

Toate primăriile incluse în studiu au aplicat pentru finanțare în cadrul Programului Guvernului pentru modernizarea drumurilor locale „Europa este aproape", ediția 2025. Cu scoruri de eligibilitate între 95,25 (Brînza) și 53 (Colibași) toate proiectele au fost declarate eligibile pentru finanțare (Program „Europa este aproape", 2025, https://ondrl.gov.md).

Atitudini privind amalgamarea

Atitudinile exprimate public de autoritățile publice locale privind amalgamarea gravitează în jurul beneficiilor unui proces de fuziune și riscurile pierderii controlului asupra propriilor comunități (Filipov, 2024, p. 10).

Analiza atitudinilor primarilor din cele patru unități de analiză arată un spectru variat de poziții față de procesul de amalgamare și reforma administrativ-teritorială.

Primarul s. Colibași subliniază că rezultatele unei fuziuni depind de condițiile locale preexistente: dacă o comunitate are infrastructură dezvoltată, servicii de calitate și acces facil la instituții administrative, atunci reformele pot fi binevenite. În schimb, în situațiile în care aceste condiții lipsesc, o fuziune forțată nu ar aduce neapărat beneficii reale pentru cetățeni. Fiind și vicepreședinte al Congresului Autorităților Publice Locale din Republica Moldova, exprimă o poziție critic-constructivă și precaută, avertizând că o amalgamare forțată poate avea efecte nedorite, dacă nu este adaptată la realitățile comunității. Consideră că soluțiile vehiculate privind raționalizarea cheltuielilor, inclusiv reducerea drastică a numărului de primării, nu sunt aplicabile în mod automat în toate cazurile. Pledează pentru o variantă mai moderată, cum ar fi asigurarea unui minim de locuitori (de exemplu 1500) pentru o primărie, dar doar după ce se ajunge la consens local și după consultări extinse. Poziția primarului de Colibași reflectă un echilibru între modernizarea administrației și protecția intereselor cetățenilor. Pentru primarul de Colibași formularea „capacități reduse" este jignitoare. „Capacități sunt, nu este motivație". O propunere a fost ca tinerii funcționari publici din APL să fie motivați după exemplul tinerilor specialiști din sănătate și învățământ (Comunicate CALM, ziuadeazi.md/).

În principiu, primara s. Văleni consideră că amalgamarea trebuie să fie un instrument de eficientizare, nu un scop în sine. Reorganizarea ar trebui să urmărească economisirea resurselor și îmbunătățirea serviciilor publice, insistând totodată asupra necesității consultării și implicării ambelor niveluri de autoritate, central și local, precum și a unei planificări corespunzătoare în timp, pentru a evita problemele generate de aplicarea reformei înainte de alegerile locale (Vocea Basarabiei).

În cazul primarei s. Vadul lui Isac și a primarului din s. Brînza nu s-au identificat declarații publice directe privind amalgamarea. Însă, analiza activităților celor doi primari, indică totuși o orientare generală spre dezvoltarea comunității, participarea civică și cooperarea între localități, implementarea proiectelor de infrastructură, fără a se formula un punct de vedere explicit privind fuziunile administrative (calm.md., ziuadeazi.md, ziar.md).

În ansamblu, comportamentul administrativ și atitudinile față de amalgamare variază de la prudent-critic constructiv (Colibași) și pro-reformă condiționată (Văleni), la lipsa de poziție explicită vadul lui Isac, Brînza), însă cu un angajament puternic pentru dezvoltarea locală. Amalgamarea nu se neagă, ci mai degrabă se așteaptă soluții adaptate contextelor specifice.

Discuții

Potrivit obiectivelor asumate și prognozelor făcute de Guvern, la finalul primei etape a procesului de amalgamare - anul 2026, vor fi înregistrate cel puțin 50 de primării amalgamate. Potrivit legii și metodologiei de amalgamare voluntară colectivitățile teritoriale de mici dimensiuni pot iniția amalgamarea cu alte colectivități teritoriale, rezultatul fiind o nouă autoritate publică locală, legal constituită, cu capacități administraive sporite. Fiind un proces voluntar, nu se impune explicit fuzionarea obligatorie pentru unități teritoriale administrative de dimensiuni mici, cu sau fără capacitate administrativă adecvată. Conceptul instrumentului însă sugerează că dimensiunea generează capacitate (fără a indica indica în mod expres ce tip de capacitate) și o dimensiune optimă ar fi de 3000 de locuitori, ceea ce este contestat de evidențele empirice recente (Blažek & Kaňková, 2015, p. 151; Callanan, Murphy & Quinlivan, 2014, p. 371).

La finele anului 2025 cea mai mică rată de constituire a clusterelor și inițiere a procesului de amalgamare voluntară se atestă în Regiunea Sud. În raionul Cahul, 11 din 37 de primării nu dispun de capacitatea administrtaivă adecvată. Două dintre unitățile administrativ-teritoriale analizate au o populație sub 1500, niciuna nu atinge pragul de 3000. Potrivit legislației actuale și a criteriilor de măsurare a capacității, o autoritate publică locală, legal constituită, nu dispune de capacitate adecvată. Cumulând factorul dimensiune, dependența de transferuri, dar și capacitatea adecvată existentă în celelate trei unități administrativ-teritoriale, cele patru primării – Văleni, Brânză, Colibași și Vadul lui Isac sunt eligibile pentru a fi amalgamate. Deși legea oferă stimulente și cadrul procedural pentru amalgamare, nicio autoritate publică locală nu a inițiat procesul voluntar. Această observație este compatibilă cu teoria paradoxului, care afirmă că organizațiile pot gestiona tensiuni structurale prin separare strategică, nu prin integrare completă (Smith & Lewis, 2011, p.394). Instituțiile teoretic „slabe” demonstrează competențe reale semnificative (Knill et al. 2018, p.1).

Datele colectate pentru cele patru primării confirmă fenomenul

paradoxului capacității administrative. Capacitatea administrativă efectivă este demonstrată prin atragerea și gestionarea de proiecte de dezvoltare, respectarea procedurilor administrative și menținerea unui nivel de funcționare instituțională stabil. Această coexistență între etichetarea formală ca „unități fără capacitate" și performanța administrativă efectivă constituie expresia empirică a paradoxului capacității administrative, definit ca tensiunea persistentă dintre limitările percepute și capacitățile reale ale organizațiilor publice (Smith & Lewis, 2011, p. 386). Primăria Văleni, formal fără capacitate adecvată și dependentă de transferuri, reușește să atragă, gestioneze și implementeze proiecte sau finanțări externe cu eficiență relativ ridicată. Observația este valabilă și pentru celelate trei primării incluse în studiu, cu capacitatea administrativă adecvată, dar cu populație sub 3000. Succesul proiectelor implementate în toate cele patru localități, inclusiv rețele intercomunitare și proiecte finanțate de programe externe, indică o discrepanță între capacitatea adevată, formal recunoscută și capacitatea demonstrată sau efectivă.

Variabilă legitimitate politică arată că probalitatea non-amalgamarii este influențată și de factori politici, stabilitatea locală și controlul resurselor. Cu o singură excepție (Vadul lui Isac) primarii sunt aleși din primul tur, cu un procent ridicat de voturi valabil exprimate. Doi dintre primari sunt la al 5-lea mandat. Acest lucru se poate traduce ca încredere acordată de către cetățeni, care sunt și bază pentru susținere electorală, dar și potențiali susținători ai proiectelor de dezvoltare locală. Doi primari sunt afiliați partidului de guvernământ. Contrar așteptărilor, sau, paradoxal, alinierea politică a primarilor sau a consilierilor locali cu partidul de guvernământ, care promovează și susține reforma, nu se traduce în inițiative de amalgamare. Absența inițiativelor de amalgamare în primăriile Brînza, Văleni, Colibași și Vadul lui Isac, în pofida faptului că majoritatea consilierilor sunt reprezentanți ai partidului de guvernământ, nu reprezintă o anomalie, ci o disjuncție structurală între nivelul național al politicii publice și nivelul local al guvernanței și a comportamentului actorilor locali. Consilierii și primarii nu contestă public politica partidului, pot accepta declarații generale favorabile reformei, dar nu inițiază proceduri concrete (hotărâri, consultări, negocieri intercomunale). Această conduită permite: menținerea aparenței de loialitate față de centru; conservarea status quo-ului local și evitarea asumării costuri politice imediate, precum pierderea funcțiilor elective (primar, consilieri), reducerea autonomiei decizionale locale, incertitudine privind pozițiile administrative în noua unitate administrativ-teritorială constituită, risc electoral personal (diluarea bazei de susținere). În acest sens, primarii și consilierii locali PAS acționează mai degrabă ca actori raționali locali, nu ca simpli agenți ai partidului de guvernământ. Sau, evită capcana responsabilității politice, în favoarea legitimității politice la nivel local.

Paradoxul capacității administrative în contextul amalgamării voluntare,

poate fi descris astfel: colectivitățile teritoriale de nivelul I, considerate formal ca având capacitate administrativă limitată, reușesc, în anumite contexte, să inițieze și să gestioneze proiecte complexe. Acest paradox reflectă simultan: a) discursul normativ al inițiatorilor reformei, care asociază capacitatea dimensiunii colectivității teritoriale locale; b) practicile administrative reale, care demonstrează capacitate adaptivă, antreprenorială și relațională. Conform teoriei paradoxului, această contradicție nu trebuie „rezolvată”, ci analizată ca tensiune persistentă.

Concluzii

Amalgamarea voluntară în Republica Moldova vizează eficientizarea administrației locale prin fuziunea colectivităților teritoriale locală. Procesul, conceput potrivit principiului dimensiunea generează capacitate, avansează prin inițiative locale voluntare, suport instituțional și participare comunitară, dar se află încă într-o fază de tranziție și evaluare. În acord cu asumțiile teoretice ale paradoxului capcității administrative, amalgamarea nu trebuie concepută ca o rezolvare definitivă a problemelor de capacitate, implicit, un punct final al reformei teritoriale, ci ca un proces iterativ, în care administrațiile locale alternează între menținerea unor structuri locale autonome și fuziune, prin partajarea resurselor și funcțiilor. Chiar și o fuziune reușită nu va elimina tensiunile, ci va căuta alte forme de gestionare. Din aceste considerente, procesul necesită gestionare adaptivă, care să ia în considerare simultan capacitatea formală, capacitatea efectivă și contextul politic și social local, pentru a maximiza beneficiile și a reduce riscurile pierderii autonomiei și a legitimității democratice.

Recunoștință

Studiul este elaborat în cadrul proiectului 070102 Efecte tranzitorii ale amalgamării voluntare asupra capacității administrative a colectivităților teritoriale locale, finanțat de Ministerul Educației și Cercetării al Republicii Moldova.

Notă:

[1] În cuprinsul articolului sunt utilizate sintagmele *amalgamare* și *unitate administrativ-teritorială*, în conformitate cu terminologia consacrată în legislația Republicii Moldova și cu uzul dominant din literatura de specialitate, dar și *fuziune* și *colectivittate teritorială locală*. Cea din urmă opțiune terminolgică reprezintă pozionarea conceptual-teoretică a autorului, aliniată paradigmei de organizare a puterii publice (Cornea, 2017a, pp.67-70).

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POLITICAL OPPOSITION – AN OBJECT OF SCIENTIFIC RESEARCH IN THE REPUBLIC OF MOLDOVA

OPOZIȚIA POLITICĂ – OBIECT AL CERCETĂRII ȘTIINȚIFICE ÎN REPUBLICA MOLDOVA

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Abstract: *The article examines how the institution of political opposition has been conceptualized, analyzed, and evaluated in scholarly research published in the Republic of Moldova between 2009 and 2024. Based on a corpus of representative works, including conceptual and methodological studies, investigations into the institutionalization of opposition, analyses of government-opposition conflict, research on recent crises, and legal-constitutional approaches, the study identifies the major thematic and chronological dimensions in the research of the institution of political opposition in the Republic of Moldova: 1) a conceptual stage, in which opposition is treated predominantly as a relational characteristic of political power; 2) an institutional stage, in which opposition acquires the status of an indispensable institution within the democratic state; 3) an applied stage, focused on the analysis of political instability, electoral competition, and hybrid regimes and 4) an interdisciplinary stage, in which opposition is examined through the lenses of governance, crises (including pandemic-related ones), and constitutionalization. The main conclusion of the study is that the concept of political opposition has evolved from a secondary notion into a mature object of scholarly inquiry, while the recent trend points to a shift from general recommendations for institutionalization toward arguments in favor of constitutionalization, as a mechanism for protecting pluralism and limiting majority abuse.*

Keywords: *Republic of Moldova, political opposition, political power, pluralism, institutionalization, constitutionalization*

Rezumat: *Articolul examinează modul în care instituția opoziției politice a fost conceptualizată, analizată și evaluată în cercetările științifice publicate în Republica Moldova în perioada 2009-2024. În baza unui grup de lucrări reprezentative care include studii conceptual-metodologice, investigații asupra instituționalizării opoziției, analize ale conflictului guvernare-opoziție, cercetări privind crizele recente și abordări juridico-constituționale, au fost identificate dimensiunile tematico-cronologice majore ale cercetării instituției opoziției politice în Republica Moldova: 1) conceptuală, în care opoziția este tratată preponderent ca o caracteristică relațională a puterii; 2) instituțională, în care opoziția capătă statut de instituție indispensabilă în statul democratic; 3) aplicativă, focalizată pe analiza instabilității politice, a competiției electorale și a regimului hibrid; 4) interdisciplinară, în care opoziția este cercetată prin prisma guvernării, crizelor (inclusiv pandemice) și a constituționalizării. Concluzia principală a studiului este că conceptul opoziție politică a evoluat de la unul secundar la un obiect matur de cercetare, iar tendința recentă este trecerea de la simple recomandări de instituționalizare la argumente pentru constituționalizare, ca mecanism de protecție a pluralismului și de limitare a abuzului majorității.*

Cuvinte-cheie: *Republica Moldova, opoziție politică, putere politică, pluralism, instituționalizare, constituționalizare*

Introduction

In the theory and practice of contemporary democracy, political opposition cannot be reduced solely to the role of a contestatory actor or an electoral competitor. At the same time, it represents: a) an expression of democratic pluralism, b) an instrument of social oversight and accountability, c) an effective mechanism for the institutional channeling of political conflict, and d) a prerequisite for the alternation of power. In the absence of a functional opposition, governing political forces tend to deviate from democratic norms and to gravitate toward the monopolization of power, the erosion of decision-making transparency, and the weakening of public accountability. For this reason, the manner in which political opposition is studied and legally regulated constitutes a sensitive indicator of a state's democratic quality.

In the Republic of Moldova, political opposition emerged under conditions of post-totalitarian transition, which explains the presence of several persistent characteristics: institutional fragility, enduring polarization, the frequency of crises (political, economic, social, energy-related, medical, etc.), and oscillation between the formal rules of a democratic society and informal, clientelistic practices. Domestic academic literature reflects this contextual framework, as well as an internal evolution of research approaches – from conceptual definitions (opposition as a "component of power relations"), to institutional analyses (opposition as an "institution of parliamentarism"), to applied studies (opposition in elections, coalitions, and crises), and, ultimately, to legal-constitutional approaches (opposition as a subject of constitutional protection).

The purpose of the present study is to analyze how the institution of

political opposition has been addressed in academic research conducted in the Republic of Moldova, highlighting the evolution of the topic, the main research directions, and their contribution to the development of domestic political science. The research objectives can be summarized as follows: a) identifying the main thematic-chronological stages and theoretical-methodological directions in the study of the institution of political opposition, and b) analyzing the thematic evolution of research – from concept to institution, and ultimately to constitutionalization.

Research Methodology

The study employs a qualitative, descriptive-analytical, and interpretative approach, focusing on the analysis of how the institution of political opposition has been conceptualized and examined in the academic literature of the Republic of Moldova during the period 2009-2024.

The temporal delimitation of the research to the 2009-2024 interval is not arbitrary, but rather grounded in theoretical, methodological, and contextual considerations that reflect both the evolution of the political regime in the Republic of Moldova and the maturation of scholarly research on political opposition as a democratic institution. First, the year 2009 represents a major political and institutional turning point in the country's recent history. The political events of April 2009, followed by a change in government and the intensification of democratization processes, marked a transition from a formally competitive political system dominated by a hegemonic party to a more pronounced pluralist competition. In this context, political opposition began to acquire a more visible and active role in political life, both at the parliamentary and extra-parliamentary levels. This reconfiguration of power–opposition relations created the premises for the emergence of a systematic scholarly interest in political opposition as an institution.

Second, the post-2009 period corresponds to a phase of consolidation in domestic political science research, during which political opposition started to be analyzed not merely as a notion derived from the concept of power, but as a distinct institution endowed with its own democratic functions. Thus, 2009 marks the beginning of a reflexive phase in the academic study of political opposition in the Republic of Moldova. Third, the 2009-2024 interval allows for capturing the full evolution of the academic discourse on political opposition, from conceptual and methodological approaches to institutional, applied, and, ultimately, legal-constitutional analyses. Fourth, this temporal delimitation is also methodologically justified, as it enables the examination of political opposition across multiple electoral cycles and under diverse contexts of governance and crisis (political, institutional, and public health-related). Such a longitudinal perspective is indispensable for identifying regularities,

discontinuities, and trends in the maturation of the institution of political opposition in the Republic of Moldova.

The empirical basis of the study consists of a corpus of representative academic works, including articles published in scholarly journals and collective volumes authored by researchers from the Republic of Moldova. The selection of sources was conducted based on criteria of thematic relevance, methodological rigor, and academic visibility, and includes works that explicitly address political opposition or government-opposition relations from political science, legal, constitutional, or interdisciplinary perspectives.

To achieve the stated objectives, the following scientific research methods were employed:

- Documentary analysis, applied to relevant academic texts in order to identify definitions, typologies, and theoretical frameworks used in the study of political opposition;
- Conceptual analysis, aimed at clarifying the notion of political opposition and distinguishing it from related concepts such as power, majority, pluralism, political competition, or political regime;
- Comparative analysis, through which different theoretical and methodological approaches in the national literature were examined and related to established models in international scholarship;
- Systemic analysis, which enables the examination of political opposition as an integral component of the political system, interacting with state institutions, political actors, and the constitutional framework;
- Interdisciplinary analysis, applied to the assessment of contributions that address political opposition from legal-constitutional perspectives, democratic governance, and the management of political and social crises.

The research strategy consisted of systematizing and classifying the analyzed works according to the main thematic and methodological dimensions identified: conceptual, institutional, applied, and interdisciplinary. This structuring made it possible to highlight the evolution of the concept of political opposition, the dominant trends in national research, and existing gaps in the scholarly study of the institution of political opposition in the Republic of Moldova.

The study focuses exclusively on academic literature published in the Republic of Moldova and does not include a direct analysis of political practices or the behavior of political actors. Furthermore, the research does not aim to test quantitative hypotheses, but rather seeks to provide a theoretical reconstruction and critical evaluation of existing academic contributions.

By employing this methodological framework, the study offers a coherent and well-argued perspective on the institution of political opposition in the Republic of Moldova as an object of scientific inquiry, as well as on the future

directions for the development of this field of research.

Results

The analysis conducted is an analytical–comparative review based on critical reading and thematic triangulation. From an operational perspective, in domestic academic literature the institution of political opposition is examined along four main axes: a) opposition as a notion derived from power (relational approach), b) opposition as a democratic institution (institutional approach), c) opposition as an empirical actor (applied approach), and d) opposition as a subject of normative/constitutional protection (legal approach).

1. The Conceptual–Methodological Dimension: Opposition as a Relational Entity of Power (2009-2012)

1.1. Opposition as a "Derivative" of Power: The Primacy of the Concept of Power. In the works published at the beginning of the analyzed time interval, political opposition is addressed predominantly through the prism of political power. The article *"Power and Opposition: Concepts and Methodological Aspects"* [Puterea şi opoziţia: concepte şi aspecte metodologice] by I. Nicolaev (2009) proposes a theoretical analysis of the relationship between political power and opposition, highlighting the conceptual and methodological difficulties present in the specialized literature. The author starts from the observation that there is no unified paradigm allowing for a comprehensive analysis of these two fundamental concepts of democracy, emphasizing that political opposition has been theorized to a much lesser extent than power itself. Nicolaev argues that any political power, regardless of regime type, seeks to promote the interests of the majority, while the differences between governing forces and opposition are determined primarily by the means, rhythms, and doctrinal paradigms employed (Nicolaev, 2009, p. 74).

The author defines political opposition as the totality of political actors positioned in opposition to the regime or governmental policy. The existence of opposition is regarded as an essential criterion for distinguishing democratic regimes from non-democratic ones. A distinction is drawn between loyal opposition and fundamentalist opposition, the former acting within the constitutional limits of the system, while the latter challenges the very legitimacy of the existing political order. Furthermore, the differentiation between parliamentary and extra-parliamentary opposition is examined, with an emphasis on the functions, instruments, and risks associated with each form. Extra-parliamentary opposition is portrayed both as a potential factor of political innovation and as a source of instability when it resorts to radical or violent means (Nicolaev, 2009, pp. 75-76).

According to the author, power and opposition are constitutive and interdependent elements of the democratic system, and their coexistence – both

de jure and *de facto* – determines the level of democratic development and the capacity of political and legal mechanisms to support societal progress. Political dialogue between power and opposition is considered an imperative necessity in the context of contemporary political realities. Importantly, opposition is classified according to loyalty to the constitutional order and the arena of manifestation: loyal versus disloyal opposition, and parliamentary versus extra-parliamentary opposition (Nicolaev, 2009, pp. 76-77). This analytical scheme becomes a recurrent reference in subsequent literature, establishing the idea that democratically "acceptable" opposition is that which contests governance, rather than the democratic order itself.

1.2. Methodological Perspectives: Opposition as a Result of Analyses of Power. V. Moșneaga, I. Nicolaev, and I. Bucataru, in the article *"Conceptual and Methodological Dimensions of Political Power as a Component of the Power–Political Opposition Relationship"* [Dimensiuni conceptuale şi metodologice ale puterii politice în calitate de componentă a relaţiei putere–opoziţie politică] (2012b), provide an in-depth theoretical analysis of the concept of political power, explicitly approached from the relational perspective of the power–opposition nexus. The authors proceed from the premise that a proper understanding of political opposition is impossible without a rigorous conceptual and methodological clarification of political power, which represents the core of any political science framework. Political relations are presented as relations of organization, leadership, and governance, within which the fundamental dichotomy of politics is configured: political power and political opposition. The authors emphasize the relational character of power, insisting that it cannot be analyzed outside the interaction between power holders and the actors who oppose or react to its exercise (Moșneaga, Nicolaev, & Bucataru, 2012b, pp. 99-100).

A central theoretical contribution of the article lies in the identification and systematization of the main methodological approaches to political power, analyzed as a constitutive element of the power–opposition relationship. Four major scientific perspectives are distinguished: anthropological, legal-institutional, sociological, and behaviorist (Moșneaga et al., 2012b, pp. 100-106).

A key concept examined in the article is the asymmetry of the power relationship, generated by the difference in potential between power holders and the opposition. The authors reject the idea of absolute equality of powers, arguing that such a situation would lead either to destructive conflict or to the disappearance of the power relationship itself. The balance of power is accepted only as a theoretical principle of modern constitutionalism, not as a fully attainable empirical reality (Moșneaga et al., 2012b, pp. 106-108).

In their conclusions, the authors argue that the analysis of political power within the power-opposition relationship must combine institutional and

relational perspectives. From an institutional standpoint, power represents the objective of political competition, while opposition constitutes the force aspiring to obtain it. From a political science perspective, the power-opposition relationship is a continuous process of interaction, confrontation, and political communication that provides meaning and dynamism to the political system. The consolidation of democracy depends on the quality of this relationship and on the ability of political actors to maintain a functional balance between authority, legitimacy, and political competition (Moşneaga et al., 2012b, p. 109).

Overall, the works published during the 2009-2012 period conceptualize political opposition as a notion dependent on the concept of power. Their originality lies in the development of definitions and typologies; however, political opposition does not yet emerge as an “institution” in the full sense of the term, remaining instead an explanatory dimension of political power.

2. The Institutional Dimension: Opposition as a Democratic Institution (2010-2015)

2.1. Opposition within the Competitive Political Field. Professor V. Saca, in the article *“The Meanings of the Political Field under Conditions of Democratic Transformation: Dimensions of Power and Opposition”* [Semnificaţiile câmpului politic în condiţiile transformărilor democratice. Dimensiuni ale puterii şi opoziţiei], analyzes political opposition within a competitive political field in which actors compete for resources, legitimacy, and influence. The author emphasizes that the relationship between power and opposition constitutes one of the structuring axes of this field, and that the quality of this relationship depends directly on the physical and functional condition of the political field itself. Saca’s analytical approach is grounded in Pierre Bourdieu’s theory of social fields, adapted to the political science analysis of Moldova’s post-communist transition (Saca, 2010, pp. 70-71, 75).

A central section of the study is devoted to examining the power-opposition relationship in the Republic of Moldova, highlighting its profoundly contradictory and unstable character during the post-independence period. The author identifies several specific features: a) the dysfunctionality of interaction mechanisms between governing authorities and opposition; b) a tendency toward mutual exclusion among political actors, in contrast to Western models based on dialogue and consensus; and c) a significant gap vis-à-vis Central and Eastern European states that have completed democratic transition and acceded to the European Union (Saca, 2010, pp. 71-73). According to the author, a major turning point was represented by the events of 7 April 2009 and the subsequent reconfiguration of the power–opposition balance following the parliamentary elections of July 2009. The transition of the Party of Communists into opposition and the assumption of government by the Alliance for European Integration did not automatically lead to the democratization of political relations; on the

contrary, procedural confrontations and institutional boycotts – particularly in the process of electing the President – intensified the instability of the political field (Saca, 2010, p. 73).

The study also examines the impact of excessive politicization on other social fields: economic, social, cultural, educational, scientific, and informational. Saca demonstrates that under conditions of a political field dominated by authoritarian practices, these spheres are transformed into "quasi-political fields," losing their autonomy and functional specificity. Detailed examples concerning the monopolization of the economy, the degradation of social policies, the instrumentalization of culture, the obstruction of educational reforms, and the marginalization of academic science illustrate the systemic effects of the dysfunctional power-opposition relationship (Saca, 2010, pp. 76-79).

A distinct section of the study is dedicated to the informational field, emphasizing the role of mass media and the major risks generated by the monopolization of informational capital by either governing forces or the opposition. The author stresses that the manipulation of public opinion and the exclusion of opposition voices from the official media space severely undermine pluralism and the quality of democracy (Saca, 2010, pp. 79-80).

Saca concludes that the power-opposition relationship in the Republic of Moldova exhibits a democratic form but a predominantly authoritarian content, marked by the persistence of political mentalities and practices inherited from the Soviet period. In his view, the consolidation of democracy is conditioned by several key factors: a) the institutionalization of political dialogue; b) the mutual assumption of responsibility for the national interest; c) the rational use of capital from other social fields; d) the genuine democratization of the informational field; and e) the modernization of education and the revitalization of social sciences. Authentic democratic progress in the Republic of Moldova can be achieved only through the balancing of the power-opposition relationship and the restoration of the autonomy of non-political social fields (Saca, 2010, pp. 80-83).

2.2. The Institutionalization of Opposition: The Argument of Modernity and Parliamentarism. V. Moşneaga, I. Nicolaev, and I. Bucataru, in the article *"Conceptual and Retrospective Delimitations of the Institutionalization of Political Opposition within Power Relations"* [Delimitări conceptuale şi retrospective ale instituţionalizării opoziţiei politice în cadrul relaţiilor de putere] (2012a), address political opposition as a constitutive element of power relations, emphasizing its insufficient exploration in the specialized literature, particularly in comparison with studies devoted to political governance. The authors place political opposition at the center of democratization analysis, viewing it as an active and legitimate subject of the political process in modern democratic regimes. Political opposition is defined as the component of the power

relationship that does not hold political power in the institutional sense, yet actively participates in political life through available means in order to influence or change public policy content or power holders. Opposition is analyzed as an active element of the "object" of political power within the subject–object relationship, which endows it with a dynamic and contestatory role in the political process (Moșneaga, Nicolaev, & Bucataru, 2012a, p. 115).

A key element of the article is the justification of the need to study political opposition as a distinct actor of power relations, based on four fundamental arguments: a) a gnoseological argument – political opposition is insufficiently reflected in political science research; b) a methodological argument – the increasing emphasis on relational approaches necessitates the inclusion of opposition in the analysis of power; c) a functional argument – the consolidation of the executive at the expense of the legislature diminishes the potential of parliamentary opposition; and d) a contextual argument – the specificity of democratic transformations in the Republic of Moldova requires a tailored analysis of post-totalitarian political opposition (Moșneaga et al., 2012a, pp. 115–116).

The authors distinguish between political opposition in a broad sense, understood as a social attitude of resistance and contestation, and political opposition in a narrow sense, as a political institution integrated into the decision-making process. Opposition is correlated with political conflict, which is considered an inherent dimension of politics. A distinction is made between value-based conflicts, ideological and principled in nature, and interest-based conflicts, which are pragmatic and conjunctural (Moșneaga et al., 2012a, p. 116).

An important theoretical contribution consists in the retrospective analysis of the process of institutionalizing political opposition. The authors argue that institutionalized political opposition is a phenomenon specific to modernity, even though embryonic forms of opposition (proto-opposition) have existed in all historical epochs. The transition from proto-opposition to modern opposition was conditioned by the emergence of public opinion, the expansion of political participation, the development of civil society, and the institutionalization of parliamentary representation (Moșneaga et al., 2012a, pp. 116-121).

The study highlights the decisive role of parliamentarism in consolidating political opposition through the acceptance of the majority principle, which necessarily implies the existence of a minority and, implicitly, of opposition. Political parties are presented as the primary link between society and power, while parliamentary opposition is considered the classical form of political opposition in Western democracies. At the same time, the authors emphasize the importance of extra-parliamentary opposition, which includes mass media, civic associations, professional organizations, and other forms of social activism. This form of opposition has a broader scope of manifestation and plays a crucial role

in monitoring governance and articulating social discontent (Moșneaga et al., 2012a, p. 121).

2.3. Power–Opposition Interaction: Toward a Dynamic Approach. The article *"Interaction between Political Power and Political Opposition in the Context of Democratic Transformations: Theoretical and Methodological Dimensions"* [Interacţiunea dintre puterea politică şi opoziţia politică în contextul transformărilor democratice: dimensiuni teoretico-metodologice], authored by V. Moșneaga and colleagues (2013), offers a systematic and in-depth analysis of the relationship between governance and opposition in societies undergoing democratic transition, with particular emphasis on the Republic of Moldova. The authors integrate perspectives from democratization theory, comparative politics, and the theory of power relations in order to highlight the central role of political opposition in the consolidation of democratic regimes (Moșneaga, Nicolaev, & Bucataru, 2013).

The theoretical framework of the article draws on the contributions of established scholars such as R. Dahl, S. Huntington, A. Lijphart, and G. Sartori. The authors discuss the minimal conditions of democracy, as well as their limitations in the absence of a participatory political culture and the institutionalization of democratic consciousness among citizens. They emphasize that the formal existence of democratic institutions does not in itself guarantee the effective functioning of democracy. An important conceptual contribution is the comparative analysis of majoritarian and consensual models of democracy, based on A. Lijphart's theory. The majoritarian model is characterized by the exclusive governance of the majority and an antagonistic relationship between power and opposition, whereas the consensual model promotes inclusion, negotiation, and political compromise. The authors argue that deeply divided societies, such as the Republic of Moldova, are more compatible with a consensualist model of democracy (Moșneaga et al., 2013, pp. 141-144).

A substantial section is devoted to the contemporary challenges faced by political opposition: a) the diminishing role of ideology in favor of political pragmatism; b) the chronic electoral incapacity of certain parties to accede to government; c) the asymmetric expansion of executive power in relation to the legislature; d) the exclusion of opposition from the decision-making process; and e) the consolidation of extra-parliamentary opposition and new centers of power, such as mass media and economic interest groups (Moșneaga et al., 2013, pp. 144-145).

The authors contend that authentic democratic transformation cannot be achieved without the institutionalization of relations between power and opposition and without the adoption of an inclusive model of governance. The consolidation of democracy in the Republic of Moldova requires not only institutional reforms, but also profound economic, cultural, and attitudinal

changes aimed at fostering a culture of compromise, tolerance, and political responsibility (Moșneaga et al., 2013, pp. 144-145).

2.4. Opposition in the Post-Totalitarian Context: Evolution and Vulnerabilities. Researchers I. Rusandu and N. Enciu, in the chapter *"Political Opposition"* [Opoziția politică] included in the volume *"The Republic of Moldova on the Path to Modernization"* [Republica Moldova pe calea modernizării] (2015), address the topic from a historical-institutional perspective, with a focus on the rupture between monopartism and post-1991 pluralism. The study provides a comprehensive and wide-ranging analysis of the concept of political opposition, approached both from a general theoretical perspective and from the standpoint of the historical and institutional evolution of the Republic of Moldova. The work combines doctrinal reflection with empirical analysis of post-Soviet political processes, emphasizing the role of opposition as an indispensable element of liberal democracy.

The authors define political opposition as the totality of political actors (individuals, groups, parties) positioned antagonistically toward governmental power or the existing political regime. They stress that free and fair elections constitute the essential foundation of modern democracy, and that opposition can exist authentically only within an institutional framework that guarantees political pluralism, freedom of expression, and equal opportunities in electoral competition. References to M. Duverger and the European democratic tradition strengthen the theoretical dimension of the analysis (Rusandu & Enciu, 2015, pp. 127-128).

The chapter offers an extensive historical retrospective of the trajectories of political opposition in the territory of today's Republic of Moldova. The authors show that during both the Tsarist and Soviet periods political opposition was virtually nonexistent, as the communist regime established a total monopoly over political life. The Constitutions of the Moldavian SSR of 1941, 1952, and 1978 enshrined the one-party system, explicitly prohibiting any form of political opposition or ideological pluralism (Rusandu & Enciu, 2015, pp. 128-129).

The transition toward political pluralism is analyzed beginning with the period of Gorbachev's perestroika, highlighting the decisive role of the Democratic Movement in Support of Restructuring and of the Popular Front of Moldova as the first organized forms of anti-Soviet political opposition. The authors describe in detail the process of establishing the multiparty system and the legal framework that enabled the liberalization of political life after 1989 (Rusandu & Enciu, 2015, pp. 129-131).

A substantial section is devoted to the evolution of the party system and electoral competition during the 1991-2005 period. Based on the analysis of available electoral data, the authors identify several key trends: a) excessive fragmentation of the political spectrum; b) personalization of political parties; c)

weak doctrinal anchoring; and d) a persistent shift of the electorate toward left-wing parties, especially in contexts of socio-economic crisis. This evolution of Moldovan party politics is interpreted as an expression of the fragility of civil society, identity ambiguities, and the geopolitical instrumentalization of ideological cleavages, particularly the pro-EU versus pro-CIS divide (Rusandu & Enciu, 2015, pp. 131-135).

The authors conclude that the process of establishing political opposition in the Republic of Moldova has not yet been completed, unfolding instead in an uneven and contradictory manner. Among the factors hindering the effective functioning of political opposition, they identify: a) the absence of clear legal regulation of the opposition's status; b) the low level of political and legal culture among opposition actors, governing elites, and civil society as a whole; c) the protracted nature of reforms in the legal and administrative domains, coupled with high levels of corruption; and d) the persistence of identity and geopolitical cleavages (Rusandu & Enciu, 2015, pp. 142-143).

In the final part of the examined chapter, the authors analyze the structural confrontation between the liberal democratic model and the collectivist-egalitarian (communist) model in the Republic of Moldova, particularly during the governance of the Party of Communists (2001-2009). They argue for the moral, political, and economic superiority of liberal democracy, maintaining that democratic regression during that period severely affected human rights, media pluralism, and the autonomy of civil society (Rusandu & Enciu, 2015, pp. 143-146).

Overall, the works produced during the examined period approach political opposition as an institution of democracy, a product of modernity, and a mechanism of political balance. A clear consensus emerges around the idea that opposition must be procedurally protected in order to function effectively.

3. The Applied Dimension: Opposition in Transition, Conflict, and Electoral Competition (2014-2019)

3.1. Opposition versus Power in Transitional Society: Functions and Vulnerabilities. In the article *"Political Opposition versus Power in Contemporary Transitional Society"* [Opoziția politică versus puterea în societatea tranzițională contemporană], I. Rusandu provides an in-depth analysis of the process of institutionalizing political opposition in the Republic of Moldova, examining the complex, conflictual, and dynamic relationship between opposition and political power in the context of a prolonged democratic transition. The author approaches political opposition as a fundamental institution of democracy, indispensable for political modernization and the consolidation of the rule of law (Rusandu, 2018).

From a theoretical perspective, Rusandu reviews the main approaches to the concept of political opposition, referring to the contributions of Gh. Ionescu,

M. Duverger, R. Dahl, G. Sartori, D. Easton, G. Almond, and S. Verba. Political opposition is defined as “an organized group of individuals/citizens consciously united by political interests, values, and common goals, who struggle with those in power to dominate the political space.” Opposition is conceptualized both in a broad sense (as the totality of manifestations of dissent and contestation) and in a narrow sense (as a party or coalition of parties competing with the government within electoral processes) (Rusandu, 2018, pp. 6-8).

Political opposition is presented as a complex phenomenon undergoing continuous transformation since the proclamation of the Republic of Moldova’s independence. The author emphasizes that the lack of political consensus, generated by deep identity, ideological, and geopolitical cleavages, represents one of the main obstacles to European integration and political stabilization. The inefficiency of political elites in managing systemic crises has led to the erosion of state institutions’ authority and to rising social dissatisfaction (Rusandu, 2018).

From a functional standpoint, Rusandu identifies the principal functions of political opposition: a) exercising critical oversight over governance; b) elaborating and promoting alternative development programs; and c) ensuring the rotation of political elites and promoting new leaders (Rusandu, 2018, p. 8).

A substantial section is devoted to electoral processes as a privileged arena for the manifestation of political opposition. The author analyzes the early local elections of 2018 (Chișinău and Bălți) and the debates surrounding the introduction of the mixed electoral system, emphasizing the criticisms raised by opposition forces and civil society, as well as the reserved position of the Venice Commission. It is argued that changes to electoral rules favored governing parties and diminished the real chances of opposition forces, thereby affecting the quality of democratic competition (Rusandu, 2018, pp. 9-11).

Rusandu concludes that political opposition constitutes one of the key elements of the democratic political system, serving as a “guarantor of the development and modernization of the political process” (Rusandu, 2018, p. 11). At the same time, he characterizes political opposition in the Republic of Moldova as fragmented, heterogeneous, and weakly institutionalized, marked by low public trust, a lack of charismatic leadership, fragile organizational structures at the local level, and unfair competition from governing authorities. To explain the political passivity of part of the electorate and the difficulties faced by opposition forces in mobilizing society, the author invokes the concept of “learned helplessness” (Seligman), applied to the Moldovan political context (Rusandu, 2018, pp. 11-12).

3.2. Governance–Opposition as a Conflictual Relationship: Periodicity, Stages, and Consequences. In the article *“Conflictual Political Relations between Governance and Opposition in the Republic of Moldova”* [Relaţiile

politice de conflict între guvernare şi opoziţie în condiţiile Republicii Moldova], G. Trofin analyzes the conflictual nature of relations between political power and opposition in the context of the Republic of Moldova's post-Soviet transition, highlighting the impact of these relations on political stability, democratic development, and social transformations. The author proceeds from the premise that political conflict is an inherent dimension of political life; however, the manner in which it is managed ultimately determines the quality and functionality of the democratic regime (Trofin, 2014).

Trofin argues that governance-opposition relations in the Republic of Moldova are characterized by a high degree of antagonism, a lack of consensus, and a deficit of democratic political culture. These deficiencies generate chronic political instability and negatively affect economic, social, and institutional reform processes. The author introduces the key conceptual pairings "power and culture" and "opposition and culture" as central analytical lenses for understanding the conflictual mechanisms operating within Moldovan society (Trofin, 2014, pp. 140-141).

A major contribution of the study lies in its staged analysis of the evolution of governance–opposition relations in the Republic of Moldova, structured into four main phases:

1. 1989-1994 – the period of formation of the Moldovan political regime, marked by confrontation between the Popular Front and the presidency of Mircea Snegur, as well as by the gradual weakening of Parliament's role in favor of presidential power;

2. 1994-2001 – the stage of extreme pluralism, characterized by political fragmentation, ideological conflicts (unionism, statism, East-West orientation), and the rise of left-wing parties against the backdrop of socio-economic difficulties;

3. 2001-2009 – the period of governance by the Party of Communists, dominated by power concentration, the marginalization of parliamentary opposition, and strained majority–minority relations, despite episodic conjunctural cooperation;

4. 2009-2014 – the post-April 2009 stage, characterized by mass protests, changes in government, and the persistence of a conflictual climate between power and opposition, including within the Alliance for European Integration (Trofin, 2014, pp. 141–142).

The author emphasizes that, despite changes in government and political alternation, the model of governance–opposition relations has remained predominantly conflictual, marked by parliamentary boycotts, institutional blockages, recurrent political crises, and an inability to construct functional mechanisms of dialogue and compromise (Trofin, 2014, pp. 142–143).

G. Trofin underscores the role of political opposition as an essential

mechanism for preventing social conflicts and stabilizing the democratic system. Opposition is presented as an indispensable actor of democracy, provided it exercises its role within the bounds of legality and political responsibility. At the same time, the author draws attention to the tendency of governing elites to instrumentalize the media space and interest groups in order to radicalize political conflict (Trofin, 2014, pp. 140–143).

3.3. The Post-Electoral Period as a Test of Opposition: The Case of the 2019 Parliamentary Elections. In Chapter II of the volume *"Socio-Political Modernization of the Republic of Moldova in the Context of the Expansion of the European Integration Process"* [Socio-political modernization of the Republic of Moldova in the context of European integration], entitled *"Political Power and Opposition in the Republic of Moldova: Scientific and Post-Electoral Dimensions"* [Puterea şi opoziția politică în Republica Moldova: dimensiuni ştiințifice şi post-electorale], I. Rusandu analyzes political opposition in the context of elections and post-electoral crises, combining theoretical reflection on the concept of opposition with an applied analysis of the post-electoral developments generated by the parliamentary elections of 24 February 2019. The author's approach is situated within a critical perspective on Moldova's democratic transition, marked by state capture, oligarchization, and chronic political instability (Rusandu, 2019).

Rusandu highlights the absence of doctrinal consensus regarding the definition of political opposition, despite the widespread use of the term in political and academic discourse, and proposes an operational definition structured around three essential elements: opposition to the governing majority, the exercise of critical and oversight functions, and the objective of governmental substitution. Power and opposition are presented as antagonistic components of the same political conflict, each claiming legitimacy in representing majority interests and the common good. The typologies of loyal and disloyal opposition are discussed, along with the role of opposition as a co-constitutive institution of democracy, in line with the theories of Duverger, Dahl, Sartori, Easton, and Gh. Ionescu (Rusandu, 2019, pp. 74-75).

An important segment of the study is devoted to the functions of political opposition, identified as: analyzing and criticizing governance, elaborating alternative development programs, and ensuring the rotation of political elites. The effectiveness of opposition is conditioned by the type of political regime, the maturity of elites, and the level of political culture of the electorate. In this context, the Republic of Moldova is characterized as a "hybrid state," in which formal democratic institutions coexist with authoritarian practices and a profound oligarchization of political life (Rusandu, 2019, p. 76).

In the applied part of the study, the author analyzes the impact of the 2019 parliamentary elections, conducted under the mixed electoral system. Although

this system was presented as an instrument of political reform, the election results failed to produce a clear parliamentary majority and led to a post-electoral crisis, resolved through the formation of an "atypical" coalition between the Party of Socialists (PSRM) and the ACUM Bloc, under external pressure. Rusandu critically examines this dualistic coalition, emphasizing the strategic and geopolitical divergences between the partners: the ACUM Bloc's orientation toward de-oligarchization and European integration, versus PSRM's focus on consolidating presidential power and promoting a pro-Russian vector. The analysis also addresses phenomena such as electoral absenteeism, party system degradation, "political tourism," and the use of mass media as an instrument of political struggle, all of which severely affect the functioning of authentic political opposition (Rusandu, 2019, pp. 76-81).

In his conclusions, I. Rusandu finds that relations between power and opposition in the Republic of Moldova remain unstable, conflictual, and insufficiently institutionalized. The absence of a coherent democratic strategy on the part of governing authorities toward the opposition, combined with the structural weaknesses of opposition forces, undermines democratic consolidation (Rusandu, 2019, pp. 82-83).

Overall, the findings of the studies examined in this section bring to the forefront political opposition as an empirical actor of transition, conflict, and electoral competition. Research becomes increasingly concrete, with opposition being assessed in terms of its real capacity for oversight and the provision of viable political alternatives.

4. The Interdisciplinary Dimension: Governance, Crises, and the Expansion of Opposition Analysis (2021–2024)

4.1. Conceptual Consolidation: Opposition as a Key Institution of Political Life and the Need for Regulation. The study *"Political Power and Political Opposition in the Republic of Moldova: Institutional and Functional Dimensions"* [Puterea și opoziţia politică în Republica Moldova: dimensiuni instituţionale și funcţionale], authored by I. Rusandu (2022), provides an in-depth theoretical and applied analysis of the relationship between power and opposition in the Republic of Moldova, situated within the context of post-Soviet democratic transition and persistent institutional fragility. The author argues that political opposition constitutes an indispensable institution of democracy, which emerged in the Republic of Moldova alongside the dissolution of the USSR and the initiation of political pluralism after 1991. Opposition is conceptualized not merely as a critical reaction to governance, but also as an essential political actor in the competition for power, playing a role in the modernization and corrective adjustment of the political system (Rusandu, 2022, pp. 23-25).

At the institutional level, the Republic of Moldova is characterized as a "hybrid state," in which formal democratic institutions coexist with authoritarian

and oligarchic practices. Political opposition is profoundly affected by state capture, the degradation of the party system, and the weak social representativeness of political formations. The analysis indicates that most parties no longer articulate the genuine interests of citizens, while extra-parliamentary opposition is often marginalized or transformed into an electoral "spoiler" instrument (Rusandu, 2022, pp. 27-29, 35).

The examination of electoral processes – particularly the 2019 parliamentary elections – reveals the decisive role of external factors in shaping political majorities and highlights the distorted nature of political competition, exacerbated by the introduction of the mixed electoral system. The author argues that this system facilitated the abuse of administrative resources and undermined the fundamental principles of democratic voting. Special attention is given to the situational PSRM – ACUM Bloc coalition, interpreted as a conjunctural solution aimed at de-oligarchizing the state, yet marked by profound ideological and strategic contradictions. In this context, political opposition remains weakly institutionalized, lacking strategic coherence and unable to function as an authentic mediator between society and power (Rusandu, 2022, pp. 30-35).

I. Rusandu advances the argument for the necessity of legally institutionalizing political opposition, including through the adoption of a special law defining its status, role, and functional guarantees (Rusandu, 2022, p. 36).

4.2. Opposition as an Actor of Indirect Governance. In the article *"The Influence of the Power-Opposition Relationship on the Process of Governance: The Case of the Republic of Moldova"* [Influența relației putere-opoziție asupra procesului de guvernare. Cazul Republicii Moldova], authored by V. Solomon (2022), political opposition is explicitly conceptualized as an actor of indirect governance – that is, as influencing governance through oversight, criticism, public pressure, and the provision of alternatives to governmental decisions. The author conducts a thorough analysis of the impact of power-opposition relations on the quality of governance and on the dynamics of democratic transformation in the Republic of Moldova. The study is grounded in an interdisciplinary approach, highlighting the complex, contradictory, and ambivalent nature of governance-opposition relations in transitional societies.

V. Solomon proceeds from the idea of the centrality and persistence of political power in relation to opposition, emphasizing the structural ambivalence of this relationship and the direct influence of political decision-making on society. A significant thesis is advanced: the purpose of the power-opposition relationship should not be one of exclusive succession, but rather of simultaneity, whereby the two "poles" of the political sphere act concurrently, on different levels, yet with shared overarching objectives oriented toward the public interest and state development (Solomon, 2022, pp. 116-117).

From a conceptual standpoint, governance is defined as the direct and

immediate form of exercising political power and is analyzed as a relationship between two parties: governors and the governed. This relationship is inherently asymmetrical; however, the functionality of the political system depends on the capacity of both sides – power and opposition – to interact through mechanisms of oversight, feedback, compromise, and consensus (Solomon, 2022, pp. 117-118).

V. Solomon concludes that the power-opposition relationship in the Republic of Moldova is marked by a structural deficit of democratic political culture and by the absence of a functional consensus-building mechanism. The lack of a genuine opposition severely undermines the proper functioning of the political system and facilitates authoritarian deviations, including state capture and the use of public resources for private purposes (Solomon, 2022, p. 122).

4.3. The COVID-19 Pandemic and the Risk of Marginalizing Political Opposition. The article *"Current Dimensions of the Power-Opposition Relationship in the Republic of Moldova under the Conditions of the COVID-19 Pandemic"* [Dimensiuni actuale ale relațiilor dintre opoziție și guvernare în Republica Moldova în condițiile pandemiei COVID-19], authored by I. Rusandu and V. Sterpu (2021), examines the impact of the COVID-19 pandemic on the functioning of the political system in the Republic of Moldova, with a particular focus on the relationship between political power and opposition, the quality of democracy, and the capacity of state institutions to manage complex crises.

The authors address the reconfiguration of the relationship between the state and the individual under the state of emergency, highlighting the tension between the protection of life and the respect for fundamental rights and freedoms. It is argued that, in a pandemic context, democracy is subjected to considerable pressure, as the executive branch tends to expand its competences, sometimes at the expense of parliamentary oversight and the separation of powers within the state (Rusandu & Sterpu, 2021, p. 67).

A central part of the study is devoted to the analysis of the constitutional and institutional framework governing the state of emergency in the Republic of Moldova. The authors examine the rulings of the Constitutional Court regarding the constitutionality of measures adopted during the pandemic, emphasizing the necessary distinction between the legitimate competences of the executive and the risk of their overreach. The study highlights the insufficient exercise of Parliament's role as a deliberative and oversight body, as well as the governing authorities' tendency to resort to the assumption of political responsibility in a context of fragile legislative functionality (Rusandu & Sterpu, 2021, p. 68).

Another important analytical element concerns the tendency toward regime hybridization. The authors suggest that, under pandemic pressure, the Republic of Moldova risks sliding toward a model of "illiberal democracy" or "anocracy," characterized by the combination of formal democratic elements with

authoritarian practices. In this context, the relationship between governance and opposition remains deeply antagonistic and devoid of institutional cooperation, even under conditions of major crisis (Rusandu & Sterpu, 2021, p. 68).

4.4. The Constitutionalization of Parliamentary Opposition: From Institutionalization to Constitutional Guarantees. Issues related to the recognition, protection, and consolidation of parliamentary opposition as an indispensable element of democratic parliamentarism are examined by D. Cuciurca (2024). The study proceeds from the premise that the existence of parliamentary opposition is inherent to a parliament resulting from free and competitive elections; however, its status is not always explicitly enshrined in constitutions or parliamentary regulations, which generates institutional vulnerabilities and imbalances in power relations.

Parliamentary opposition is presented as an objective political reality, initially protected through parliamentary immunity, which guarantees deputies' freedom of expression and their right to criticize governance without the risk of reprisals. The author emphasizes that, in the contemporary context of intensified cooperation between the legislative and executive branches, parliamentary immunity has become one of the most important mechanisms for protecting opposition (Cuciurca, 2024, pp. 50-52).

A distinct chapter of the study is devoted to the functions of parliamentary opposition, which, in the author's view, extend far beyond the traditional role of criticizing the executive. Opposition is conceptualized as: a) a mechanism of governmental oversight and supervision; b) an instrument of political and constitutional censure of the majority; c) a provider of programmatic and legislative alternatives; d) a representative of social and political diversity; e) an active participant in the legislative process; f) a guarantor of the protection of fundamental rights and freedoms; and g) a "government-in-waiting," prepared to assume governing responsibility (Cuciurca, 2024, p. 52).

The expansion of these functions justifies the need for the constitutionalization of parliamentary opposition, a process distinct from mere institutionalization. The author provides a clear conceptual distinction between the two notions: constitutionalization entails the explicit enshrinement of opposition and its rights in the supreme law of the state, granting formal recognition and legal protection at the highest level, whereas institutionalization concerns the procedural and administrative mechanisms that enable the effective exercise of these rights in everyday parliamentary activity (Cuciurca, 2024, pp. 52-53).

From a comparative perspective, the article examines relevant European models for regulating parliamentary opposition, including France, Portugal, Malta, and the United Kingdom, highlighting institutions such as the Leader of the Opposition and the "shadow government." The study also references Council

of Europe standards, reflected in Parliamentary Assembly resolutions, which encourage member states to ensure a clear and functional status for parliamentary opposition (Cuciurca, 2024, pp. 53-54).

Regarding the realities of the Republic of Moldova, the author observes that the Constitution does not contain explicit provisions concerning parliamentary opposition, which is regulated only at the level of the Parliament's Rules of Procedure. The limitations of this normative framework are critically examined, along with the observations of the Venice Commission and recent jurisprudence of the Constitutional Court, which emphasize the majority's obligation to ensure genuine participation of opposition in the decision-making process and respect for political pluralism (Cuciurca, 2024, pp. 54-55).

In her conclusions, D. Cuciurca asserts that the constitutionalization of parliamentary opposition represents a fundamental pillar of modern democracies. The enshrinement of the opposition's status and that of its leader in the Constitution, the guarantee of rights to information, consultation, and referral to the Constitutional Court, as well as the strengthening of parliamentary oversight mechanisms, are necessary conditions for creating a balanced, transparent, and accountable political system. In the absence of protected and functional parliamentary opposition, any democratic regime risks the rigidification of power and the erosion of public trust in state institutions (Cuciurca, 2024, p. 55).

4.5. Political Opposition in the 2024 Electoral Year: Reconfigurations and Pressures. In *"Political Opposition in the Republic of Moldova in the Context of the 2024 Electoral Year"* [Opoziția politică din Republica Moldova în contextul anului electoral 2024], I. Rusandu and V. Sterpu analyze political opposition as an actor situated within a complex electoral sequence, in which identity-related themes are reactivated and competition for legitimacy intensifies. The focus is placed on the dynamics of parliamentary and extra-parliamentary opposition, strategies of contestation, and the role of institutions in guaranteeing fair competition. Opposition is also assessed in relation to its democratic functions – oversight and the provision of alternatives – as well as in relation to the system's capacity to ensure equitable conditions for political competition (Rusandu & Sterpu, 2024).

From a theoretical and methodological standpoint, the analysis draws on classical and contemporary literature on electoral systems and electoral behavior, emphasizing the role of elections as instruments of democratic consolidation and of citizens' direct political participation (Rusandu & Sterpu, 2024, pp. 84-85).

A substantial part of the study is devoted to a detailed examination of the general local elections held on 5 and 19 November 2023. The authors highlight several key characteristics of these elections: a) relatively low voter turnout (41.41%); b) broad competition among political parties and independent candidates; c) the impact of the new Electoral Code adopted in 2022; and d)

controversies related to the exclusion of certain political formations and the restrictions imposed during the electoral campaign (Rusandu & Sterpu, 2024, pp. 85-87).

Particular emphasis is placed on the geopolitical dimension of the elections. The authors argue that, although local in form, the 2023 elections had a profoundly geopolitical content, influenced by the Republic of Moldova's status as a candidate state for EU membership and by the context of the war in Ukraine. The study also analyzes the hybrid warfare conducted against the pro-European orientation, with explicit reference to the influence of groups associated with Ilan Șor, especially in the Autonomous Territorial Unit of Gagauzia (Rusandu & Sterpu, 2024, pp. 87-88).

The article separately addresses developments in the Autonomous Territorial Unit of Gagauzia, where local elections were marked by exceptional administrative interventions, the role of independent candidates, and tensions between central and regional authorities (Rusandu & Sterpu, 2024, p. 89).

From a prospective perspective, the authors discuss the reconfiguration of political opposition, identifying several trends: a) the consolidation of the pro-European right through the formation of the "Together" Bloc; b) the difficulties faced by left-wing opposition in designating a single candidate; and c) the significance of the "Pact for Europe" as a symbolic and political instrument of pro-European mobilization (Rusandu & Sterpu, 2024, pp. 89-90).

The authors conclude that the 2023 local elections represented not only democratic exercise, but also a major test of political parties' capacity to adapt their strategies in anticipation of the 2024-2025 electoral cycle. They emphasize the necessity of genuine dialogue between governance and opposition, the recalibration of PAS's (Party of Action and Solidarity) social and economic policies, and the authentic consolidation of pro-European forces in order to respond to societal expectations and to internal and external challenges (Rusandu & Sterpu, 2024, pp. 90-91).

Overall, publications issued during the 2021-2024 period have expanded the analysis of political opposition by situating it in relation to governance, crises, and mechanisms of compromise. Opposition is no longer approached solely as an electoral competitor, but increasingly as an actor of indirect governance and an institution of democratic oversight. The juridical-institutional approach has been consolidated, alongside a growing orientation toward constitutional solutions, complemented by applied analyses of electoral reconfigurations.

Discussion: Convergences, Differences, and the Evolution of the Treatment of Political Opposition in Domestic Literature

1. *Convergences (Robust Consensus)*

1. *Political opposition as a necessary component of democracy*. Across all

examined works, regardless of their analytical register or disciplinary orientation, there is a clear convergence around the idea that political opposition constitutes a foundational element of democracy. It is consistently conceptualized as an integral part of pluralism and of the mechanisms of political control and accountability (Nicolaev, 2009; Moșneaga et al., 2012a; Cuciurca, 2023).

2. *The positive functions of political opposition*. The literature exhibits a broad consensus regarding the constructive functions of opposition, including oversight, the provision of political alternatives, critical evaluation of governance, and the representation of diverse social interests. More recent studies expand this functional repertoire by introducing the notion of opposition as an actor of indirect governance and by emphasizing its role in facilitating political compromise and systemic balance (Solomon, 2022).

3. *Contextual vulnerabilities specific to the Republic of Moldova*. Another area of convergence concerns the impact of the Moldovan context on the functioning of political opposition. Prolonged democratic transition, persistent polarization, and recurrent crises are identified as structural factors that weaken the institutionalization of opposition and increase the risk of its marginalization within the political system (Rusandu, 2019; Rusandu & Sterpu, 2021).

2. *Differences (Emphases and Analytical Instruments)*

1. *Conceptual versus applied approaches*. A major divergence can be observed between early studies, which primarily treat political opposition as a notion derived from the concept of power (Nicolaev, 2009), and later works that approach opposition as an empirical political actor, evaluated in terms of performance, effectiveness, and institutional impact (Rusandu, 2019).

2. *Political science versus legal-constitutional perspectives*. Recent research introduces a significant shift in analytical focus by arguing for the constitutionalization of political opposition. This transition elevates the discussion from the level of democratic practices and political culture to that of normative guarantees and constitutional safeguards, fundamentally altering the framework within which opposition is analyzed (Cuciurca, 2023).

3. *Conflict-oriented versus compromise-oriented interpretations*. While some studies emphasize the inherently conflictual nature of governance–opposition relations, others focus on the role of compromise, inclusion, and cooperation as prerequisites for effective governance and democratic consolidation. This divergence reflects differing normative and analytical assumptions regarding the optimal functioning of democratic systems (Solomon, 2022).

3. The Evolution of the Theme: From a Secondary Concept to an Autonomous and Mature Object of Study

Taken together, the analyzed works reveal a clear process of maturation in the scholarly study of the institution of political opposition in the Republic of

Moldova. This evolution can be delineated into four thematic and chronological stages:

1. Political opposition as a derivative of power (2009-2012);
2. Political opposition as a democratic institution (2010-2015);
3. Political opposition as an empirical actor in transition and electoral competition (2014-2019);
4. Political opposition as an interdisciplinary subject, with an emphasis on crises and constitutionalization (2021-2024).

This progression reflects a gradual shift from abstract conceptualization toward applied, normative, and interdisciplinary analyses, indicating the consolidation of political opposition as an autonomous and mature object of scholarly inquiry within domestic political science.

Conclusions

The analysis of how political opposition has been addressed in academic research conducted in the Republic of Moldova during the 2009-2024 period allows for the formulation of the following conclusions:

- Political opposition has evolved from a secondary analytical concept into an autonomous object of scientific inquiry;
- Scholarly focus has shifted from predominantly conceptual approaches to institutional, empirical, and constitutional analyses;
- Political opposition is increasingly examined as an indicator of democratic quality;
- Recent research converges on the view that institutionalization alone is no longer sufficient, and that the constitutionalization of parliamentary opposition is necessary;
- The specificity of the Republic of Moldova lies in the treatment of political opposition within a context of prolonged transition, political conflict, and recurrent crises.

Recent studies consistently emphasize that the mere existence of political opposition is insufficient for the effective functioning of democracy. Its consolidation requires the strengthening of the institutional framework and, prospectively, the constitutionalization of parliamentary opposition.

In the context of the Republic of Moldova, political opposition thus emerges not only as a subject of academic inquiry, but also as a central normative issue of democratic consolidation and the rule of law.

Opposition is no longer studied solely in a descriptive manner – focusing on what it is and how it functions – but increasingly within a normative-institutional framework that addresses how it should be protected in order to function democratically.

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DIMENSIUNEA NORMATIV-INSTITUȚIONALĂ A INTEGRĂRII INTELIGENȚEI ARTIFICIALE ÎN ECONOMIA CIRCULARĂ DIN REPUBLICA MOLDOVA

THE NORMATIVE-INSTITUTIONAL DIMENSION OF THE INTEGRATION OF ARTIFICIAL INTELLIGENCE IN THE CIRCULAR ECONOMY IN THE REPUBLIC OF MOLDOVA

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Abstract: *The integration of artificial intelligence into the circular economy is emerging today as a complex and multidimensional challenge for public administration, located at the intersection of regulation, innovation and sustainable governance. In the Republic of Moldova, this process is evolving within a regulatory and institutional framework that is still being established, in which efforts to align with European standards meet with tensions, generated by a still partially fragmented regulatory and institutional coherence.*

The article proposes an exploration of the normative-institutional dimension of the integration of artificial intelligence into the circular economy, focusing both on the existing degree of regulation and on the capacity of public administration to support the implementation of this strategic objective, as well as on how the principles of digitalization and circularity are reflected in administrative practice. The analysis highlights a clear conceptual assumption of digital transformations and the need for circularity, but also the persistence of regulatory gaps and incompletely articulated institutional mechanisms, which may limit the efficiency of implementation.

In this framework, the need for a coherent, integrated and proactive approach is argued, aimed at strengthening both the regulatory framework and administrative capacity, so that artificial intelligence becomes a functional and strategic tool of circular economy policies, supporting the sustainable transformation of the public sector and promoting a more adaptable and innovative economic environment.

Keywords: *Artificial intelligence, circular economy, regulatory regulation, sustainable governance, digitalization, public policies, sustainable development*

Rezumat: *Integrarea inteligenței artificiale în economia circulară se conturează astăzi ca o provocare complexă și multidimensională pentru administrația publică, situată la intersecția dintre reglementare, inovare și guvernanță sustenabilă. În Republica Moldova, acest proces evoluează într-un cadru normativ și instituțional încă*

în curs de constituire, în care se întâlnesc eforturile de aliniere la standardele europene cu tensiunile generate de o coerență normativă și instituțională încă parțial fragmentată.

Articolul propune o explorare a dimensiunii normativ-instituționale a integrării inteligenței artificiale în economia circulară, punând accent atât pe gradul de reglementare existent, cât și pe capacitatea administrației publice de a sprijini implementarea acestui obiectiv strategic, precum și pe modul în care principiile digitalizării și circularității se reflectă în practica administrativă. Analiza evidențiază o asumare conceptuală clară a transformărilor digitale și a necesității circularității, dar și persistența unor lacune de reglementare și a unor mecanisme instituționale incomplet articulate, care pot limita eficiența implementării.

În acest cadru, se argumentează necesitatea unei abordări coerente, integrate și proactive, menite să consolideze atât cadrul normativ, cât și capacitatea administrativă, astfel încât inteligența artificială să devină un instrument funcțional și strategic al politicilor de economie circulară, sprijinind transformarea sustenabilă a sectorului public și promovând un mediu economic mai adaptabil și inovator.

Cuvinte-cheie: *inteligența artificială, economie circulară, reglementare normativă, guvernanță sustenabilă, digitalizare, politici publice, dezvoltare durabilă*

Introducere

Transformările economice, tehnologice și ecologice accelerate la nivel global impun o reevaluare a paradigmelor tradiționale de dezvoltare. Integrarea sustenabilității, digitalizării și inovării în politicile publice nu mai constituie opțiuni, ci imperativ strategic. În acest context, economia circulară (EC), bazată pe principiile „reduce–reuse–recycle” și pe design regenerativ, se afirmă ca model alternativ la economia liniară „producție-consum-deșeu”, vizând menținerea valorii materialelor, reducerea risipei, reutilizarea și reciclarea, concomitent cu regenerarea ecosistemelor și decuplarea creșterii economice de consumul de resurse finite (Geissdoerfer, Savaget, Bocken, & Hultink, 2017: 758-759). Aceasta nu constituie doar o strategie ecologică, ci un cadru integrat de politici publice, care reconceptualizează relația dintre resurse, producție, consum și mediu, generând sisteme socio-economice caracterizate prin interdependențe multiple, volume semnificative de date și procese decizionale complexe.

Pe fondul complexității operaționale și instituționale generate de economia circulară, inteligența artificială (IA) capătă un rol considerabil în arhitectura guvernanței publice, oferind instrumente avansate de analiză, predicție și optimizare pentru fundamentarea deciziilor și administrarea fluxurilor materiale. Altfel spus, inteligența artificială devine un catalizator tehnologic și strategic al circularității, oferind instrumente analitice, predictive și de optimizare pentru administrarea fluxurilor materiale și deciziilor publice complexe (Munonye, 2025: 1-5). Aplicațiile IA sprijină optimizarea infrastructurii de reciclare, modelarea scenariilor de consum și eficientizarea lanțurilor materiale, constituind astfel infrastructura cognitivă a unui ecosistem circular inteligent.

La nivel european, convergența între sustenabilitate și digitalizare este consolidată prin politici și reglementări complexe. Noul Plan de Acțiune pentru Economia Circulară (CEAP, 2020: art. 5-12) și Regulamentul (UE) 2024/1689 – AI Act, conturează standarde pentru alinierea politicilor naționale și operaționalizarea IA în fluxurile circulare, inclusiv prin pașaportul digital al produsului (DPP) și spațiile de date sectoriale, promovând supravegherea umană, auditul algoritmic și responsabilitatea instituțională (European Union, 2024: art. 9-15). În această paradigmă, tehnologiile digitale avansate devin vectori de politici publice și instrumente pentru guvernanță sustenabilă.

Republica Moldova, ca stat candidat la aderarea la Uniunea Europeană, a inițiat un proces ambițios de transformare digitală și dezvoltare durabilă. *Strategia de Transformare Digitală 2023–2030* vizează crearea unui stat inteligent, interoperabil și transparent, orientat spre creșterea eficienței administrative și dezvoltarea ecosistemului digital, dar persistă provocări legate de interoperabilitatea datelor și lipsa competențelor IA în administrația publică (Guvernul RM, 2023: 4-8; UNDP Moldova, 2023: 12-15). *Programul de promovare a economiei verzi și circulare 2024–2028* aprobat prin *Hotărârea Guvernului 495/2024* (Guvernul RM, 2024: 3-7) și *Programul Național pentru Gestionarea Deșeurilor 2023–2027* (Guvernul RM, 2023: 10-14) oferă cadrul național pentru implementarea principiilor EC și integrarea IA în fluxurile materiale și decizionale. *Cartea Albă privind Inteligența Artificială și Guvernanța Datelor* (2024) stabilește principii etice, incluzive și sustenabile pentru utilizarea IA, promovând transparența, securitatea datelor și inovarea reglementară prin spații de testare și coduri de conduită.

Integrarea IA în EC poate fi conceptualizată ca un proces de „circularitate asistată de IA", în care tehnologiile digitale funcționează ca infrastructură cognitivă a fluxurilor materiale și decizionale. Aceasta presupune: informare și trasabilitate, prin colectarea și integrarea datelor din registre EPR (responsabilitatea extinsă a producătorului) și pașapoarte digitale, facilitând urmărirea materiilor prime și piețele de materii prime secundare; optimizarea decizională, sprijinind politicile publice în planificarea colectării selective, detectarea neregulilor și prioritizarea investițiilor; și inovare reglementară, prin sanboxes și coduri de conduită care permit testarea aplicațiilor IA în fluxurile prioritare (Buzu, 2024: 34-35; OECD, 2024: 22-25).

Consolidarea capabilităților instituționale include crearea unităților de date/IA în ministere, funcții de Chief Data/AI Officer, proceduri de evaluare a impactului algoritmic și mecanisme de audit și supraveghere umană pentru sistemele de risc ridicat. În acest cadru, funcționarea coerentă a spațiilor de date comune devine o condiție esențială pentru ca IA să poată susține deciziile publice într-un mod explicabil, responsabil și aliniat standardelor europene (OECD, 2024: 18-21; OECD.AI, 2024: secțiunea „Public sector AI governance").

Literatura internațională subliniază sinergia dintre EC și IA, determinată de digitalizarea lanțurilor valorice, disponibilitatea datelor, standardizarea proceselor și reglementările privind securitatea și transparența (Ellen MacArthur Foundation, 2013: 24-31; Interreg Europe, 2020: secțiunea „Digitalisation and CE”). Noul Plan de Acțiune pentru Economia Circulară al UE și AI Act oferă modele pentru alinierea politicilor naționale și operaționalizarea IA în fluxurile circulare, inclusiv prin utilizarea pașapoartelor de produs și a spațiilor de date sectoriale. OECD (2024) accentuează importanța supravegherii umane și a capabilităților instituționale pentru reducerea riscurilor asociate automatizării deciziilor.

În Republica Moldova, literatura recentă și rapoartele oficiale indică existența unei infrastructuri digitale inițiale favorabile tranziției, dar cu lacune în coordonarea interministerială, standardizarea datelor și implementarea aplicațiilor IA în EC (Buzu, 2024: 33-36; EU4Environment, 2023: 10-12; SWITCH to Green, 2025: 5-7). Crearea unui cadru normativ-instituțional integrat, care să conecteze instrumentele digitale și reglementările EC cu infrastructura de date și capacitățile administrative, este esențială pentru pilotarea IA eficiente în fluxurile materiale critice (SWITCH to Green, 2025: 7; UNECE, 2024: 18).

Etica și guvernanța sunt dimensiuni centrale în ideea că succesul IA depinde de transparența algoritmică, explicabilitatea deciziilor, protecția datelor, echitatea accesului și supravegherea umană și mecanisme robuste de responsabilitate instituțională pentru deciziile automatizate (Bashynska & Prokopenko, 2024: 86-89; Bashynska, 2025: 4-10). Aceste elemente asigură acceptarea socială și eficiența implementării politicilor publice, demonstrând că integrarea IA în EC este simultan o provocare tehnologică, instituțională și etică.

În concluzie, integrarea IA în EC din Republica Moldova presupune o combinație sinergică între instrumente tehnologice, politici publice coerente și capacități instituționale consolidate. Cadrele strategice normative existente oferă premisele unui proces de transformare durabilă, iar analiza dimensiunii normativ-instituționale devine esențială pentru evaluarea pregătirii administrației publice în utilizarea IA ca instrument strategic în politicile de circularitate, aliniindu-se la standardele europene și obiectivele naționale de dezvoltare durabilă, cu un cadru de indicatori pentru monitorizarea progresului și evaluarea impactului IA în circularitate.

Metodologia cercetării

Studiul utilizează o abordare analitică, concentrată pe evaluarea dimensiunii normativ-instituționale a integrării inteligenței artificiale în economia circulară din Republica Moldova. Analiza urmărește gradul de reglementare existent, coerența normativă, structurile instituționale implicate și

competența acestora, precum și mecanismele de coordonare între entitățile publice. Prin combinarea examinării cadrului normativ cu evaluarea capacității instituționale, metodologia permite identificarea lacunelor, a punctelor forte și a potențialului de consolidare a politicilor publice.

Cercetarea se concentrează pe modul în care principiile digitalizării se reflectă în practica administrativă și în capacitatea autorităților de a transforma angajamentele strategice în acțiuni concrete. Această abordare integrată facilitează prezentarea rezultatelor într-un mod coerent și comprehensiv, oferind suport pentru formularea recomandărilor menite să consolideze cadrul normativ și capacitatea administrativă pentru implementarea sustenabilă a politicilor de economie circulară bazate pe inteligența artificială.

Rezultate

Integrarea inteligenței artificiale în economia circulară din Republica Moldova se desfășoară într-un cadru normativ și instituțional aflat într-o fază incipientă de maturizare, în care ambițiile declarative ale tranziției verzi și digitale se confruntă cu constrângeri de guvernanță, infrastructură și date. Analiza documentelor naționale și a politicilor europene relevante indică un cadru strategic promițător, dar relativ operaționalizat, în care rolul IA rămâne preponderent conceptual și tehnic, fără a fi integrat coerent în ciclurile decizionale și de implementare a economiei circulare.

Un prim palier al acestei analize îl constituie cadrul normativ și strategic dedicat economiei circulare. *Hotărârea Guvernului nr. 495/2024*, care instituie *Programul de promovare a economiei verzi și circulare pentru perioada 2024–2028* (Guvernul RM, 2024: 12), promovează eficiența utilizării resurselor, prevenirea generării deșeurilor, reutilizarea și reciclarea, precum și modernizarea infrastructurilor de gestionare. Cu toate acestea, dimensiunea digitală este abordată preponderent ca suport administrativ și de raportare, fără a detalia rolul operațional al IA în optimizarea fluxurilor materiale, în prognoza generării de deșeuri sau în evaluarea performanței circulare a politicilor publice.

Aceeași discontinuitate se regăsește în relația dintre agenda de mediu și cea digitală. *Strategia de Transformare Digitală 2023–2030* creează premise importante pentru interoperabilitatea sistemelor publice, guvernanța datelor și transparență, însă nu integrează sistematic obiectivele și instrumentele economiei circulare. Din această perspectiva, strategia doar oferă cadrul necesar pentru dezvoltarea registrelor EPR, a pașapoartelor digitale de produs și a schimbului inter-instituțional de date. Instituirea Consiliului Național pentru Transformare Digitală și a rolurilor executive creează o arhitectură de coordonare, indispensabilă pentru utilizarea IA în politicile publice. Doar că absența unei articulări explicite între aceste două agende limitează capacitatea administrației publice de a utiliza soluții algoritmice în domenii-cheie precum gestionarea

deșeurilor, achizițiile publice verzi sau eco-designul, unde deciziile bazate pe date și analize predictive ar putea genera valoare publică semnificativă (Guvernul RM, 2023: 15; UNDP Moldova, 2025: 12-13).

Strategiile naționale de vârf constituie un reper esențial pentru înțelegerea poziționării instituționale a IA în raport cu EC în Republica Moldova. *Strategia Națională de Dezvoltare „Moldova Europeană 2030”*, *Agenda 2030 pentru Dezvoltare Durabilă și cadrul național de monitorizare a implementării a Obiectivelor de Dezvoltare Durabilă* conturează o viziune de convergență asupra modernizării economiei, consolidării instituțiilor publice și tranziției către modele de dezvoltare sustenabile. În aceste documente, digitalizarea este recunoscută ca vector transversal al eficienței administrative, al competitivității economice și al rezilienței instituționale, iar obiectivele de mediu și utilizare eficientă a resurselor sunt subsumate *Agendei dezvoltării durabile, în special prin referințe la ODD 9, ODD 12 și ODD 13* (Parlamentul RM, 2022: 7-10; United Nations, 2015; Guvernul RM, 2025: 6-7).

Cu toate acestea, analiza conținutului strategic relevă că economia circulară nu este conceptualizată ca domeniu distinct de politică publică, iar IA nu este tratată ca infrastructură instituțională de guvernanță a tranziției circulare, ci mai degrabă ca instrument tehnologic generic asociat modernizării și inovării. În ansamblu, aceste documente oferă un cadru normativ favorabil integrării a IA în EC, dar nu configurează încă o arhitectură instituțională coerentă care să transforme această convergență strategică în capacitate administrativă efectivă. Această disjuncție între viziunea strategică și operaționalizarea instituțională reprezintă un rezultat relevant al analizei, indicând necesitatea unei reconectări explicite între obiectivele de dezvoltare durabilă, guvernanța digitală și instrumentele concrete a economiei circulare.

Așadar, fragmentarea respectivă devine cu atât mai relevantă cu cât, la nivel european, integrarea inteligenței artificiale și a economiei circulare este deja configurată printr-un cadru normativ coerent și etapizat, care funcționează pentru Republica Moldova ca matrice de referință. *Regulamentul (UE) 2024/1689 privind inteligența artificială (AI Act)* instituie un model de guvernanță bazat pe risc, diferențiind între practice interzise, sisteme de risc ridicat, obligații de transparență și modele cu scop general (GPAI), cu un calendar de aplicare progresiv, destinate să ofere previzibilitate instituțiilor publice și actorilor de piață (European Union, 2024: art. 4-12). În paralel, *Planul de Acțiune pentru Economia Circulară (CEAP)* configurează circularitatea ca arhitectură de politici publice orientate spre date, integrând eco-designul extins, lanțuri valorice prioritare și digitalizarea prin spații de date sectoriale dedicate (European Commission, 2020; Interreg Europe, 2020).

Pentru Republica Moldova, acest cadru european funcționează ca matrice de referință normativă și instituțională, evidențiind decalajele existente în

operaționalizarea spațiilor de date, pașapoartelor digitale ale produselor și a guvernanței datelor necesare utilizării IA în politicile de economie circulară (SCIA, 2024: 7-8). Deși nu generează obligații juridice imediate, acest cadru reduce riscurile de decalaj normativ și costurile viitoare de conformare, accentuând necesitatea unei adaptări instituționale proactive.

Din perspectiva reglementării interne a IA, *Cartea Albă privind Inteligența Artificială și Guvernanța Datelor* stabilește principii etice fundamentale precum transparența, explicabilitatea, securitate și supraveghere umană. Totuși, aceste principii nu sunt traduse în aplicări sectoriale concrete pentru domenii critice ale EC, precum trasabilitatea materialelor prin pașaportul digital al produsului (DPP), monitorizarea responsabilității extinse a producătorului (REP) sau evaluarea ofertelor în cadrul achizițiilor publice verzi pe baza costului pe ciclul de viață asistat de IA (MDED, 2024: 14-16; Onescu, 2017: 72).

Programul Național de Gestionare a Deșeurilor 2023–2027 descrie infrastructurile necesare pentru colectare separată, sortare, compostare și depozitare ecologică, însă mecanismele de raportare rămân predominant manuale sau semi-digitalizate. Aceasta limitează capacitatea de a proiecta și implementa IA pentru prognoza generării deșeurilor, optimizarea logisticii inverse sau monitorizarea în timp real a fluxurilor (EU4Environment, 2023: 19-21; Doherty, 2024). În ansamblu, deși cadrul normativ este compatibil cu principiile EC și cu digitalizarea, lipsește o guvernanță integrată care să conecteze administrația publică, inteligența artificială și economia circulară într-o arhitectură coerentă de decizie și implementare (European Commission, 2020; EASAC, 2015: 18-20).

Implementarea instrumentelor digitale relevante pentru circularitate este fragmentară. Nu există utilizări sistemice de IA pentru optimizarea rutelor de colectare, sistemele predictive privind generarea de deșeuri, platforme de trasabilitate bazate pe DPP sau evaluări algoritmice ale performanței schemelor REP/GPP. Predomină proiectele pilot și inițiativele conceptuale, fără interoperabilitate deplină a registrelor și bazelor de date (European Commission, 2020; EASAC, 2015: 18-20). Comparativ, practicile europene demonstrează integrarea IA în gestionarea fluxurilor materiale, trasabilitate și fundamentarea deciziilor publice, cu rezultate tangibile în eficiența operațională și transparență (European Union, 2024; Interreg Europe, 2020). În Republica Moldova, acest potențial rămâne latent, constrâns de infrastructura de date, lipsa standardelor unitare și absența mandatelor instituționale clare pentru utilizarea IA în politici de mediu și achiziții (Guvernul RM, 2023; UNDP Moldova, 2023).

În contextul convergenței anticipative la standardele UE, capacitatea instituțională internă devine determinantul esențial al tranziției de la compatibilitate formală la implementare efectivă. Arhitectura administrativă nu include unități dedicate guvernanței datelor și IA corelate cu economia circulară, iar funcții precum *Chief Data Officer și Chief AI Officer* lipsesc din ministerele

și agențiile relevante. Responsabilitățile privind colectarea, standardizarea și utilizarea datelor rămân dispersate, ceea ce generează lipsă de coordonare și responsabilitate strategică pentru utilizarea IA în economia circulară (Guvernul RM, 2023; OECD, 2024: 15-18).

La nivel local și regional, capacitatea unităților administrativ-teritoriale este heterogenă. Asta se explică prin faptul că, acolo unde există personal și instrumente digitale de bază, lipsesc standardele de date, acolo unde lipsesc instrumentele, fundamentarea deciziilor de bază de evidență devine mai puțin probabilă. Literatura de specialitate subliniază că lipsa bazelor de date standardizate la nivel local frânează planificarea și evaluarea pe indicatori regionali, compromițând monitorizarea infrastructurilor de colectare, stocare și compostare (Mihai, 2020: 71-75; UNDP Moldova, 2023: 28-30). În aceste condiții, administrația se concentrează mai curând pe conformitate procedurală decât pe guvernanță bazată pe date, ceea ce confirmă că principalul obstacol în integrarea IA nu este de natură tehnologică, ci instituțională (OECD.AI, 2024; EASAC, 2015: 19).

Dimensiunea etică a IA rămâne, de asemenea, insuficient corelată cu obiectivele de sustenabilitate. Principiile de transparență algoritmică, explicabilitate și supraveghere umană nu sunt corelate cu indicatori de performanță ecologică, precum acuratețea clasificării deșeurilor, conformitatea cu cerințele DPP, timpii de la colectarea datelor la decizia operațională în sisteme de tip „digital twin” sau rata detecției neconformităților în cadrul schemelor REP (MDED, 2024; EASAC, 2015: 21-23). Absența procedurilor standardizate de audit algoritmic și a evaluărilor de impact asupra mediului pentru deciziile automatizate, limitează capacitatea IA de a produce rezultate validate în perspectiva circularității, diminuând potențialul de a cataliza tranziția verde (European Commission, 2020; Onescu, 2017: 72-73).

Instrumentele de politică disponibile oferă o gamă largă de pârghii pentru stimularea circularității asistate de IA. Extinderea eco-designului către durabilitate, reparabilitate și demontabilitate, instituirea pașaportului digital al produsului pentru trasabilitate, utilizarea achizițiilor publice verzi cu criteriu LCC, operaționalizarea schemelor REP și a sistemelor de depozit, pot stimula cererea de soluții circulare și dezvoltarea tehnologiilor digitale. Însă implementarea lor este slab coordonată, iar criteriile digitale sunt adesea integrate superficial în caietele de sarcini și în monitorizarea contractuală (EASAC, 2015: 17-19; Onescu, 2017: 68-71). De asemenea, criteriile „end of waste” acoperă un număr limitat de materiale, ceea ce poate frâna inovația și scalarea modelelor de afaceri circulare, deși IA ar putea accelera certificarea și monitorizarea fluxurilor reciclate dacă ar exista standarde și date interoperabile (EASAC, 2015: 20-21; European Commission, 2020).

Monitorizarea progresului către EC necesită un set robust și comparabil de

indicatori. Indicatori tradiționali precum productivitatea resurselor, ratele de reciclare a deșeurilor municipale, intensitatea deșeurilor raportată la PIB și populație, ponderea energiei regenerabile sau emisiile de gaze cu efect de seră, trebuie completați cu indicatori digitali care să reflecte calitatea datelor, gradul de interoperabilitate, utilizarea aplicațiilor IA și impactul deciziilor algoritmice asupra performanței circulare (EASAC, 2015: 14-16; Onescu, 2017: 72-73).

Barierele structurale persistă în acest cadru instituțional fragmentat, întrucât prețurile nu reflectă costurile ecologice reale, comportamentele de consum rămân nesustenabile, modelele de afaceri manifestă o inerție semnificativă față de principiile circularității, infrastructura este insuficient dezvoltată, iar datele rămân incomplete la nivelul unităților administrativ-teritoriale. În acest context, răspunsurile instituționale identificate vizează introducerea corecțiilor fiscale și a standardelor obligatorii acolo unde mecanismele de piață nu transmit semnale adecvate, utilizarea achizițiilor publice verzi ca instrument de reorientare a cererii, consolidarea programării regionale integrate, dezvoltarea unor sisteme unitare de raportare și audit al datelor, precum și investiții susținute în educație și formare profesională orientate spre competențe digitale, analiză de date și management circular (EASAC, 2015: 22-24; Mihai, 2020: 71-75; Onescu, 2017: 72-73).

În ansamblu, rezultatele indică faptul că Republica Moldova dispune de fundamente strategice solide, de o infrastructură digitală incipientă compatibilă cu aplicațiile IA și de instrumente de politică publică relevante pentru economia circulară. Cu toate acestea, capacitatea instituțională și infrastructura de date rămân insuficient consolidate pentru o guvernanță integrată a interfeței inteligență artificială – economie circulară, ceea ce justifică o analiză comparativă aprofundată și o discuție orientată spre opțiuni de convergență și reformă instituțională.

Discuții

Interpretarea rezultatelor evidențiază că integrarea IA în economia circulară din Republica Moldova nu este limitată de disponibilitatea tehnologică, ci de arhitectura instituțională și de guvernanța datelor. În timp ce cadrul normativ național oferă premise pentru convergența dintre digitalizare și sustenabilitate, lipsa unei corelări operaționale între strategiile de mediu și cele digitale menține IA într-o zonă conceptuală, fără impact sistemic asupra fluxurilor materiale și deciziilor publice. Această constatare este congruentă cu literatura internațională, care subliniază că, succesul circularității asistate de IA depinde de interoperabilitatea datelor, standardizarea proceselor și responsabilitatea instituțională clar definită (EASAC, 2015: 6-8; OECD, 2024: 11-15).

Așadar, discuția evidențiază rolul capacității instituționale și al guvernanței

datelor ca factori determinanți pentru succesul integrării IA în EC. Chiar dacă instrumentele tehnologice și digitale există, lipsa unor structuri dedicate și a unor mecanisme de coordonare creează un efect de fragmentare. Această observație subliniază că tranziția circulară asistată de IA nu este un simplu proces de digitalizare, ci un proces de transformare instituțională profundă, în care infrastructura digitală trebuie să fie dublată de autoritate, responsabilitate și competențe administrative.

Comparativ cu Uniunea Europeană, unde *AI Act și Planul de Acțiune pentru Economia Circulară* configurează un cadru matur de guvernanță bazată pe risc, trasabilitate digitală și audit algoritmic (European Union, 2024: art. 9–15, art. 61–65; European Commission, 2020), Republica Moldova se află într-o fază pre-instituțională, caracterizată prin strategii separate și implementare fragmentată. Acest decalaj poate fi explicat printr-o combinație de factori structurali, dintre care cei mai relevanți sunt: lipsa unităților dedicate IA și datelor în ministere, absența funcțiilor executive precum *Chief Data Officer*, dispersia responsabilităților între instituții și deficitul de competențe digitale la nivel local (MDED, 2023: cap. IV; UNDP Moldova, 2023: 14-17). În plus, infrastructura de date rămâne incompletă, iar Raportul ODD (2024) confirmă deficite structurale care compromit aplicabilitatea IA în trasabilitate, prognoză și monitorizare (Guvernul RM, 2025).

Un alt aspect critic este separarea conceptuală dintre etica IA și sustenabilitate. Principiile de transparență, explicabilitate și supraveghere umană nu sunt corelate cu indicatori de performanță ecologică sau proceduri de audit algoritmic aplicate fluxurilor circulare, ceea ce reduce potențialul IA de a genera valoare publică și de a sprijini tranziția verde (Guvernul RM, 2025; Onescu, 2017: 72-73). În practică europeană, însă, auditul algoritmic și indicatorii digitali sunt integrați în procese decizionale pentru a evita efectele negative neintenționate și pentru a maximiza eficiența resurselor (EASAC, 2015: 14-16).

Discuția relevă și oportunități strategice. Achizițiile publice verzi, dacă sunt corelate cu criterii digitale și cu utilizarea IA pentru verificarea automată a conformității, scorarea ofertelor și auditul algoritmic, pot deveni un catalizator al EC (Onescu, 2017: 72-73; European Commission, 2020). În același timp, pașaportul digital al produsului și spațiile de date sectoriale, prevăzute de CEAP, pot crea infrastructura necesară pentru trasabilitate și interoperabilitate, condiție esențială pentru aplicarea IA în fluxurile materiale (European Commission, 2020; Interreg Europe, 2020).

În ansamblu, rezultatele confirmă ipoteza că integrarea IA în EC este mai puțin o provocare tehnologică și mai mult una instituțională și normativă. Pentru Republica Moldova, aceasta implică o tranziție de la compatibilitate formală la implementare efectivă prin: aliniere inteligentă la AI Act și CEAP; operaționalizarea spațiilor de date și a pașapoartelor digitale; crearea structurilor

IA-ready și a mecanismelor de audit algoritmic; integrarea principiilor etice în strategiile de sustenabilitate; consolidarea competențelor profesionale în domeniul IA aplicată circularității (OECD, 2024: 23-27; European Union, 2024; EASAC, 2015: 22-24).

Concluzii

Analiza dimensiunii normativ-instituționale a integrării inteligenței artificiale în economia circulară din Republica Moldova evidențiază faptul că principala limitare a acestui proces nu este de ordin tehnologic, ci ține de capacitatea statului de a construi și opera o arhitectură coerentă de guvernanță a datelor, a deciziilor algoritmice și a politicilor publice orientate spre circularitate. Deși cadrele strategice și normative existente reflectă o asumare declarativă a transformării digitale și a sustenabilității, acestea nu sunt încă traduse într-o capacitate instituțională efectivă și integrare a IA în ciclurile decizionale ale economiei circulare.

Rezultatele cercetării indică o discontinuitate structurală între nivelul strategic și cel operațional, manifestată prin fragmentarea responsabilităților instituționale, lipsa mecanismelor de coordonare intersectorială și absența unei guvernanțe integrate a datelor. În acest context, inteligența artificială rămâne predominant conceptualizată ca instrument tehnologic de modernizare administrativă, fără a acționa ca infrastructură decizională capabilă să susțină trasabilitatea materialelor, evaluarea performanței circulare și fundamentarea politicilor publice bazate pe date.

Analiza comparativă cu cadrul european sugerează că Republica Moldova se află într-un regim de convergență anticipativă, în care standardele UE privind economia circulară și guvernanța IA funcționează ca repere normative, dar nu sunt încă internalizate instituțional. Această situație generează atât riscuri de decalaj în implementare, cât și oportunități de adaptare timpurie, cu condiția dezvoltării unor structuri administrative dedicate, a clarificării mandatelor instituționale și a consolidării capacităților profesionale în domeniul datelor și a deciziilor algoritmice.

Un element central al concluziilor îl constituie necesitatea reconectării explicite dintre etica inteligenței artificiale și obiectivele de sustenabilitate. În lipsa unor mecanisme de audit algoritmic, a evaluărilor de impact asupra mediului și a corelării principiilor etice cu indicatori de performanță ecologică, utilizarea IA riscă să rămână formal conformă, fără a genera valoare publică semnificativă pentru tranziția către economia circulară.

În ansamblu, studiul confirmă că integrarea IA în economia circulară din Republica Moldova presupune o transformare instituțională profundă, nu doar o extindere a infrastructurii digitale. Consolidarea guvernanței datelor, profesionalizarea funcțiilor administrative relevante și articularea coerentă a

agendelor de digitalizare și sustenabilitate reprezintă condiții esențiale pentru ca IA să devină un instrument strategic al politicilor publice de circularitate. Din această perspectivă, dimensiunea normativ-instituțională nu constituie un cadru secundar al integrării IA, ci elementul determinant al eficienței și sustenabilității acesteia pe termen lung.

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THE ADMINISTRATIVE LIABILITY OF THE CIVIL SERVANT – BETWEEN SPIRITUAL PRECEPTS AND LEGAL NORMS

RĂSPUNDEREA ADMINISTRATIVĂ A FUNCȚIONARULUI PUBLIC – ÎNTRE PRECEPTE SPIRITUALE ȘI NORME LEGALE

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Abstract: *The chosen research topic addresses the legal and moral responsibility of public officials, emphasizing the convergence between administrative legislation, moral values, and spiritual principles. It also examines key aspects of the functioning of public officials' accountability, analyzing both the ethical and moral foundations guiding professional behavior and the legislative framework governing liability in cases of potential violations.*
Keywords: *civil servant, administrative responsibility, spiritual precepts*

Rezumat: *Tema de cercetare aleasă abordează responsabilitatea juridică și morală a funcționarilor publici, subliniind convergența dintre legislația administrativă, valorile morale și principiile spirituale. De asemenea, sunt analizate aspecte esențiale ale funcționării mecanismelor de răspundere ale funcționarilor publici, prin examinarea atât a fundamentelor etice și morale care ghidează conduita profesională, cât și a cadrului legislativ care reglementează răspunderea în cazul unor posibile încălcări.*
Cuvinte-cheie: *funcționar public, răspundere administrativă, precepte spirituale*

Introduction

The administrative liability of the public official represents a distinct institution of public law, being the expression of the control mechanism exercised by the state to sanction the deviant behavior of its agents. In recent years, the increase in the complexity of administrative acts and the expansion of discretion in public procedures have generated numerous cases of abuse of power and negligence, which has become a major concern for both legal doctrine and public opinion.

The motivation for choosing this topic derives from the need to find solutions that complement the strictly legal framework with moral and spiritual

benchmarks that can guide the behavior of public officials.

The issue addressed specifically targets the normative gaps and ambiguities in administrative legislation, which sometimes allow for formal compliance, but lacking the spirit of responsibility. Therefore, the central question of the research follows, namely to what extent spiritual precepts can be effectively integrated into the system of administrative responsibility, so as to strengthen the legitimacy and efficiency of public action.

The purpose of this paper is to demonstrate that, beyond the sanctions provided for by positive norms, the moral and spiritual dimension constitutes a sine qua non element of a responsible administration. To achieve this goal, we aim to be able to define and delimit the concept of administrative responsibility in relation to moral precepts, to analyze the main theories regarding the relationship between law and morality in public activity, to identify the ways of codifying ethical values in normative and deontological instruments.

The chosen methodology combines doctrinal analysis with the comparison of administrative-legal norms from Romania and the Republic of Moldova and with the critical examination of fundamental works in the field. We will mainly use the logical deductive method to build the argumentation and the comparative legal method to highlight good practices in the codification of moral precepts.

Through this approach, we aim to make an original contribution to the debate on strengthening the accountability mechanisms of public officials, suggesting an integrated model in which legal norms and spiritual values function complementary, for the benefit of the public interest.

The degree of investigation of the current problem and the purpose of the research

The research on the administrative liability of civil servants has advanced considerably over the past decades, particularly through the contributions of administrative law scholars such as Iorgovan (2002), Vedinaș (2009), and Orlov and Belecciu (2005), who have clarified the structure, functions, and legal mechanisms governing administrative sanctions. Their works have consolidated the doctrinal understanding of administrative liability as a distinct legal institution, outlining the typology of illicit acts, the scope of state coercion, and the conditions under which civil servants may be held accountable.

Parallel to these developments, ethical and philosophical studies—such as those by Barac (1997), Dănișor (2008), Safta-Romano (1997), and Costachi (2019)—have illuminated the moral foundations of responsibility, emphasising the relationship between legality, conscience, and the spiritual dimension of public service. While these contributions offer valuable insights, the intersection between legal norms and spiritual–ethical precepts remain only partially explored in contemporary scholarship. Existing studies tend either to treat moral

responsibility as a complement to legality or to examine ethical norms in isolation from administrative mechanisms, leaving insufficiently addressed the question of how moral and spiritual values can be integrated into the legal architecture of administrative accountability.

The present research seeks to fill this gap by analysing the convergence between administrative legislation, moral philosophy, and spiritual precepts as guiding principles for the conduct of civil servants. Building on the achievements of the existing literature, the study advances an original contribution by proposing a dual-integrative model of administrative responsibility, in which legal norms articulate the coercive and procedural framework, while ethical–spiritual values provide the internal motivational structure essential for authentic adherence to the public mission.

The purpose of the research is to demonstrate that administrative liability attains maximum effectiveness only when supported by internalised moral values and spiritual precepts. Specifically, the study aims to: conceptually clarify the relationship between administrative liability and moral responsibility; analyse theoretical perspectives on the connection between law, ethics, and spirituality in public administration; identify normative and deontological instruments capable of integrating ethical values into the regulatory framework governing civil servants; and develop an integrative model in which legality and morality operate complementarily to enhance legitimacy, accountability, and public trust in public administration.

Methods applied

The methodological design of the present research reflects the interdisciplinary nature of the topic and the complexity of the relationship between legal norms and moral–spiritual values. The study follows a logical–deductive structure, allowing the progression from general conceptual analysis to specific conclusions regarding administrative liability and the ethical frameworks applicable to civil servants. Several research methods were employed:

- doctrinal and conceptual analysis;

The analysis of administrative law literature enabled a rigorous examination of fundamental concepts related to administrative liability, disciplinary sanctions, and the legal status of civil servants. Foundational works such as those by Iorgovan (2002), Vedinaș (2009), Djuvara (1930), and Costachi (2019) were examined to identify the evolution of the doctrinal understanding of responsibility and the main theoretical currents shaping contemporary administrative law.

- comparative-legal method;

Given the relevance of both the Romanian and Moldovan administrative systems, the study conducted a comparative analysis of key legislative acts (e.g.,

OUG 57/2019; Legea nr. 158/2008; Codul administrativ al Republicii Moldova). This method facilitated the identification of similarities and divergences between the two systems and revealed the extent to which ethical values are codified or operationalised through legal instruments. It also contextualised the ethical requirements of public service within the broader European administrative space.

- ethical–axiological analysis;

To address the integration of spiritual precepts into administrative responsibility, the study employed an axiological approach, drawing upon philosophical, ethical, and theological scholarship. Works by Barac (1997), Safta-Romano (1997), Sandu (2022), and Dănișor (2008) were analysed to extract core values—such as integrity, justice, humility, and service to others—that inform the ethical dimension of public administration.

- critical analysis of jurisprudence and practical cases;

Relevant jurisprudence, administrative practices, and real cases of disciplinary or ethical breaches were examined to assess the practical implications of administrative and moral responsibility. This method illustrated how ethical principles function not only as abstract ideals but also as preventive mechanisms capable of reinforcing legal compliance and discouraging misconduct.

- normative interpretation and model-building;

Based on the insights gathered through the aforementioned methods, the research developed a dual-integrative model of administrative liability, incorporating both the coercive force of legal norms and the motivational strength of spiritual–ethical precepts. This model integrates mechanisms such as mixed ethics committees, ethical–legal compliance checklists, and codified moral standards, contributing to a more accountable and ethically grounded public administration.

Results obtained and discussions

The problems that arise in the framework of administrative liability originate mainly in the lack of effective mechanisms for the implementation of administrative acts, administrative contracts and concrete administrative acts. Also, the discretionary use of law by public authorities is often the result of unclear, incomplete or ambiguous regulations. In this context, it is essential to comprehensively analyze both the characteristics of administrative acts and the particularities of administrative liability.

The institution of administrative liability in the public domain plays a crucial role, offering individuals and economic agents the opportunity to obtain compensation for material and moral damage suffered.

Legal liability, traditionally, is considered a fundamental institution of law, occupying a central position in the legal system. It reflects the level of evolution

of society, the degree of social consciousness and responsibility (Iorgovan, 2001-2002: 331).

Legal liability is a relationship between an authority and an individual, from which certain rigors arise that the individual is obliged to bear. From this perspective, legal liability is of a normative nature, it belongs to the domain of public authority that aims, in fact, compliance or non-compliance with certain prescriptions contained in legal norms, being indifferent to the individual's position in relation to these prescriptions.

Legal liability usually involves more severe sanctions compared to other forms of legal liability; it is social liability. Legal sanctions are characterized by promptness, efficiency and binding nature, being inevitable in their application.

Administrative liability, as a fundamental institution of administrative law, is relatively recent. It was initially developed in French legal doctrine, with the main objective of holding the administrator accountable for damages caused to individuals by issuing illegal administrative acts.

In the doctrine of administrative law, the requirement for civil servants to assume social responsibility is increasingly clear, understood as a conscious and responsible reporting to the needs of society, as well as to the professional mission that falls to them within the public administration. This form of responsibility transcends the simple execution of job duties, reflecting an internalization of the values and purposes of public administration. In this perspective, for civil servants animated by a genuine spirit of social responsibility, the efficient performance of professional duties, as well as the prompt and serious resolution of citizens' requests, are not only legal obligations, but become the expression of a professional vocation and a fundamental social mission.

The need to introduce a new form of legal liability arises when "logical dysfunctions" appear in the theory of existing forms, determined by new types of illicit acts that require adapted sanctioning regulations. This situation manifests itself when there is no longer a concordance between the content and the form of the illicit act. Each form of liability reflects the legal regime specific to the category of illicit act to which it applies, thus defining the legal mechanisms associated with liability for the respective acts. We agree with the statement of the scholar V. Vedinaș, who mentions that through responsibility, both the repressive, sanctioning and preventive purposes are achieved, to which must be added the educational purpose, which - although it implies prevention - is not reduced to this (Vedinaș, 2009: 470).

The state of legal responsibility of the state official, as a subject of administration in any field (the real attitude towards the provisions of the contraventional legal norms and the concrete results), will determine the need to apply one of the forms of state coercion towards him - legal liability (Guțuleac,

2015: 334).

Thus, in the opinion expressed by Lidia Barac, responsibility, being of a value nature, must be sought in the existence of the individual, being part of the sphere of feelings, attitudes, expressing itself through what we call human behavior. "Understanding that responsibility is a dimension of the individual, linked to his spiritual life, in discovering the premises of responsibility" (Barac, 1997: 10–11), the author Lidia Barac appreciates that "it is not enough to highlight only its social sources, but it is necessary to move the problem beyond these sources, researching and deepening the sphere of human spiritual life, a framework in which it will be found that the foundation of human spiritual life is living, because it is the result of the complexity of psychological organization" (Barac, 1997: 10–11).

The liability of civil servants is closely linked to the obligation to respect the Constitution and the laws, the rights and freedoms of citizens, the interests of the state, which are also the object of the crimes committed by them. These obligations are assumed at the time of taking the oath upon inauguration, the violation of which constitutes a distinct basis for the occurrence of legal liability.

Administrative liability is the legal liability established by the norms of administrative law, which occurs in the case of an unlawful act committed in the field of administrative law. Therefore, it can be said that administrative liability is an autonomous liability that contains different characteristics and that involves the application of administrative sanctions by the executive against persons who commit administrative offenses, on the basis of and in the manner provided for by administrative law (Orlov & Belecciu, 2005: 140).

The responsibility of civil servants involves not only a legal obligation, but also the manifestation of a constant attitude of openness and solicitude towards the needs of citizens, as well as objective and competent engagement in the fulfillment of service duties. The civil service is perceived, in this logic, not as a simple administrative position, but as a genuine social mission.

For the civil servant characterized by a high sense of responsibility, the absolute priority is the achievement of professional tasks with rigor and rational discernment, in full accordance with the general interests of the community. Such a civil servant feels a genuine moral discomfort in the face of any dysfunction in his own activity, even when it is minor or hardly perceptible to an external observer. This reflex of professional conscience is the expression of a consolidated institutional culture and of high administrative ethics.

The formation and maintenance of such a body of civil servants represents, in the context of contemporary society, a constant priority both for the specialized doctrine and for the political and legislative decision-makers. In some states, the public service is accompanied by a true cult of responsibility, cultivated through coherent public policies, rigorous professional standards and a thorough civic

education.

In this framework, the legal liability of the civil servant acquires particular importance, as it contributes to ensuring the equitable functioning of public power, to the consolidation of the rule of law, as well as to the development of democracy and civil society. Strengthening the mechanisms for holding civil servants accountable is thus the most effective measure to prevent abuses and excesses of power, behaviors that can only be counteracted by guaranteeing the inevitability of legal liability for all those who violate the legal order.

From a philosophical perspective, responsibility is a direct consequence of the exercise of freedom, man having the obligation to assume responsibility for all his actions. This interpretation is in harmony with moral and religious precepts, which maintain that each individual is responsible for his actions, being subject to both human laws and divine judgment, considered infallible and inevitable.

In this context, theology differentiates between positive sanction, manifested through rewards for actions that respect the moral order, and negative sanction, in the form of punishment for violating it. Thus, no human act remains without consequences: good ones are rewarded, and bad ones are sanctioned (Safta-Romano, 1997: 167-172).

As Gh. Dănișor states, the connection between law and morality is one of the most interesting themes addressed in legal and philosophical doctrine, because law, cleansed of morality, risks becoming immoral or, at least, amoral (Dănișor, 2008: 17).

In the European legal and ethical tradition, the notion of precept is often associated with a normative moral or religious exhortation, which, although not codified in a legislative corpus, acts as a guiding principle of human conduct. Etymologically, the term derives from the Latin praeceptum, meaning "command", "teaching" or "principle of life". In this sense, precepts do not impose through coercive force, but through their moral and spiritual force, shaping the conscience and behavior of those who hold a public office.

Applied to the field of public office, spiritual precepts acquire an axiological and formative value, completing legal norms by appealing to the deeply human dimension of responsibility. Such precepts include: service to one's neighbor, truth, modesty, the spirit of sacrifice, justice as a virtue – all reflecting ideals that transcend legal positivism and confer a superior dimension to the exercise of authority.

Where legal norms draw the external limits of conduct, spiritual precepts act at the level of intention and inner vocation, encouraging the civil servant not to limit himself to formal compliance, but to also follow an ethical ideal. For example, in Christian traditions, serving one's neighbor is not only a voluntary gesture, but a spiritual duty. Transposed into the field of public office, this idea

underpins the principle of public interest as a secular form of a moral mission (Sandu, 2022: 27).

In the doctrine, it was emphasized that the modern civil servant cannot be reduced to a simple executor of legal norms, but must also be a guardian of community values, an exponent of the moral culture that preceded the law and which, often, gives it meaning (Costachi, 2019: 581). This explains why contemporary legislation – although based on positive norms – increasingly enshrines principles such as integrity, honesty, impartiality or loyalty, all of which have their roots in traditional moral precepts.

In a context in which trust in public institutions is directly proportional to the morality of those who lead them, the appeal to precepts becomes not only justified, but necessary for revitalizing the ethos of public administration. They provide an inner compass in situations where the legal norm is silent or allows for ambiguity, and the decision must be made in the spirit of the common good, not just the letter of the law.

Moral and legal norms are essentially different. However, since law is an integral part of the moral order in society, immoral principles should never be the basis of a legal norm. The relationship between ethics and law is so close and necessary that both share the same level of truth and the same value. Therefore, both morality and law must be viewed logically.

As Professor G. Costachi states, legal culture dictates to each person the principles of correct and legal conduct, and to society – the system of legal values, ideals, legal norms, which ensure the unity of legal institutions. It is inconceivable outside of moral coordinates (Costachi, Gh., 2019: 581).

Ethical rules and legal norms differ in that, compliance with moral rules cannot be imposed by coercion, while legal norms can be applied with the help of the coercive force of the state. If a public official complies with ethical rules only because of a constraint, his behavior no longer has moral value, because it is not the result of his own will to do good.

On the other hand, if a public official complies with legal norms because of a constraint, this does not diminish the value of that behavior, because compliance with these norms is the desired goal. Therefore, the behavior of a public official may be in accordance with the law, but not necessarily in line with ethical rules. That is why it is often stated that "Not everything that is permitted is also honest."

The boundary between ethical rules and legal norms is always flexible, which allows them to evolve over time. Thus, an ethical rule can be integrated into the legal sphere, transforming into a legal norm, and a legal norm can, in turn, become a simple moral rule.

According to the provisions of the legislation of the Republic of Moldova, civil servants (including civil servants with special status) bear administrative-

disciplinary, administrative-property, including moral liability for acts of negligence or abuse in office, applying sanctions such as warnings, salary reductions, demotions, withholding of personal rank or even dismissal.

Below we propose an integrated model in which legal norms and spiritual precepts complement each other to ensure a legitimate, efficient and citizen-centered public administration.

Thus, the dual integrative model of administrative responsibility consists of clear norms (Administrative Code/GEO 57/2019 (Romania); Law 158/2008 (Republic of Moldova), mandatory sanctions (disciplinary, patrimonial, contravention/criminal), spiritual ethics, which in turn is divided into fundamental precepts: honesty, service to one's neighbor, justice, responsibility, as well as continuous training and moral mentoring. Intersection points: codes of conduct that also include moral obligations, dual "checklist" before any administrative act: legal compliance, ethical adequacy, mixed ethics committees (lawyers and community representatives).

Transparent public reporting of sanctions and ethical initiatives, periodic consultations with civil society, mixed performance indicators: legality and ethical satisfaction.

The essence of the model lies in the fact that legal norms and spiritual values function complementary, providing both a framework coercive, as well as a moral compass, for an administration worthy of public trust.

The fundamental laws that regulate the administrative liability of civil servants in the Republic of Moldova are the Administrative Code, Law No. 158 on the civil service and the status of civil servants, as well as specific laws at the departmental level: Law on the status of persons holding public office No. 199 of 16.07.2010, Law No. 178 of 25 July 2014 on the disciplinary liability of judges, Law No. 3 of 25-02-2016 on the Prosecutor's Office, Law on the Customs Service No. 302 of 21.12.2017, Law No. 320/2012 on the activity of the Police and the status of the police officer, etc.

If morality regulates the internal deeds and intentions of civil servants, law aims to regulate their external, visible deeds, but taking into account their internal intentions.

When the ethical rule commands civil servants to be correct, it commands them a spiritual attitude, an honest intention. As soon as this interaction has manifested itself externally, through a behavioral act in relation to citizens, the legal phenomenon appears as a consequence (Djuvara, M., 1930: 576).

The ethical and moral foundations that guide the professional behavior of civil servants are based on principles as well as spiritual precepts that reflect society's expectations from these state employees, given their crucial role in serving the public interest. These principles are formulated to ensure the integrity, transparency, responsibility, impartiality, fairness, professionalism, and

competence of civil servants, so that they exercise their duties with respect for the law and citizens.

These principles are usually formalized in codes of conduct and internal regulations of public institutions and are supported by control and sanctioning mechanisms. They contribute to building a trustworthy public administration and to increasing the transparency and efficiency of services provided to citizens.

The activity of a civil servant cannot be analyzed exclusively through the lens of legal obligations and administrative norms, but must be understood in a broader axiological framework, in which ethical principles and spiritual precepts play an essential role. The professional behavior of those who exercise public power prerogatives is traditionally shaped by a set of moral values and ideals that precede and substantiate positive legal norms. In this sense, it can be said that the responsibility of a civil servant has its roots not only in the text of the law, but also in moral conscience and in the spirit of serving the common good.

In a democratic society, collective expectations towards civil servants transcend simple compliance with legal norms. An ideal of public conduct is thus emerging, based on virtues such as honesty, loyalty, compassion and respect for fellow human beings – traits with deep roots in the religious, cultural and philosophical traditions of the community. These constitute a spiritual foundation of public service, which confers dignity and meaning to the administrative act (Vedinaș, V., 2022: 45).

Spiritual precepts, although not expressly codified in the normative corpus, strongly influence the conduct of civil servants by internalizing moral benchmarks that support social coherence and the moral authority of the state. For example, the idea of serving one’s neighbor – present in all major religious traditions – is found, in its secular form, in the principle of public interest, which governs the entire activity of public administration (Sandu, A. 2022: 27). At the same time, fairness, modesty, moderation and the spirit of sacrifice are not only private virtues, but also implicit requirements of good governance.

These moral foundations are also reflected in the modern legal framework, through the establishment of codes of conduct, deontological norms and explicit regulations whose main objective is to protect public values against abuse, corruption and institutional dysfunctions. The Administrative Code of Romania (GEO no. 57/2019), for example, enshrines the obligation of the civil servant to act with integrity and professionalism, these principles being rooted in the moral and spiritual tradition of serving the common good.

Obviously, reporting on moral values does not substitute the obligation to comply with positive law, but complements and strengthens it. The law provides the formal framework of the action, but morality ensures its ethical direction. In the absence of solid moral convictions, the legal norm risks being applied in a formalistic manner, emptied of its profound content and essential connection with

the public interest.

It is necessary to recognize that the administrative responsibility of the civil servant cannot be reduced to a simple legal-technical analysis. It must be understood as a complex form of responsibility, located at the intersection of legality and morality, between the reason for the norm and the spirit of service. From this perspective, spiritual precepts and ethical values become not just abstract landmarks, but sine qua non conditions of an efficient, legitimate and citizen-oriented public administration.

Civil servants in the Republic of Moldova, in carrying out their professional activities, are guided by a code of conduct and professional integrity, which also includes ethical and moral precepts that reflect spiritual ideals. This implies values such as honesty, fairness and responsibility to the public.

In the ethics of the civil service, moral precepts establish values and standards, such as integrity and transparency. These are essential for building public trust in state institutions.

The professional behavior of the civil servant is regulated, as a rule, by the ethics of principles and the ethics of virtue. Ethical virtue imposes certain character traits and value orientations on the civil servant. Ethical principles require a set of specific requirements regarding problem-solving methods. Ethical principles help to correctly choose standards from a social and historical point of view and to act in accordance with them, in the event of similar situations in the future, which provide for the presence of the following characteristics and qualities of character or, in the language of ethics, virtues in public officials: courage, determination, discipline, politeness, high culture of communication and behavior.

Along with the above-mentioned values, they also have the role of clarifying expectations regarding the integrity of public officials, values that are permanent, especially at the current stage of the Republic of Moldova's accession to the European Union.

The responsibility of public officials is an area in which moral and legal norms intertwine, aiming to prevent abuse of power and maintain citizens' trust in public administration. Often, the ethical dilemmas raised by certain situations go beyond legal provisions, implying a moral responsibility towards the community and the public interest.

In the exercise of their duties, a public official may encounter certain ethical dilemmas, conflicts between the strict application of the law and their personal or community values. In this context, spiritual precepts can serve as informal guides, helping the official to maintain his integrity in situations of moral ambiguity.

In cases where the public official violates moral and ethical standards, the individual conscience and personal reputation of the citizen are affected.

The disciplinary, contraventional, civil or criminal liability of public officials are attracted by the culpable violation of service duties. It follows that they represent forms of subjective liability, based on fault, the absence of the subjective element determining the impossibility of their intervention (Vedinaș, V. 2009: 470).

By the Decision of the Constitutional Court of Romania (Romania, 2019, art. 368), it was stated that legal acts that establish general obligations of civil servants do not constitute per se grounds for criminal liability.

It was found that civil servants have the duty to exercise their official duties with professionalism, impartiality and in strict compliance with the law. They are also obliged to avoid any action that could cause harm to natural or legal persons or that would affect the prestige of the public office they hold. This responsibility is regulated to ensure the fulfillment of duties with certainty, competence and integrity.

In addition to sanctions, the responsibility of the civil servant is also supported by preventive measures, such as continuous training in professional ethics and awareness programs of the rights and obligations of civil servants.

In the Republic of Moldova, there are known cases of legal and social sanctions of civil servants for violating ethical norms and moral principles. These cases frequently involve officials accused of corruption, conflict of interest and incompatibility in the exercise of their functions. For example, studies on corruption in public institutions show that 93% of the cases analyzed involve “petty corruption”, but there are also cases involving high-ranking officials, such as prosecutors, judges and dignitaries. In most cases, such officials have been sanctioned for abuse of power, bribery and other acts that contravene professional ethics, seriously affecting public trust in institutions.

Preventing negligence, abuse of power, excess of power or exceeding the duties of office and maintaining citizens' trust in public administration through the prism of civil servants requires a series of well-defined, efficient and transparent measures, aimed in particular at responsibility and ethics in public functions. The administrative responsibility of the civil servant, located at the intersection of legal norms and moral and spiritual precepts, represents an essential dimension of the modernization of public administration, but also a reminder of the perennial values that have always underpinned the service of the common good. Beyond the rigor of legal provisions and the sanctions imposed in case of misconduct, the responsibility of the civil servant is, in essence, an expression of a moral calling: that of acting with integrity, in the service of the citizen, with respect for the law and with loyalty to the ideals of justice and equity.

In a society in constant transformation, where legal standards are becoming more sophisticated and the pressures exerted on the public service are increasing,

it is firmly required to strengthen the link between law and ethics, between normative and vocational. Only a public servant who understands his mission as not only a legal duty, but also a moral and spiritual commitment to the community, will be able to contribute to the consolidation of an efficient, equitable and trustworthy administration.

Thus, administrative responsibility should not be perceived only as a sanctioning mechanism, but also as an educational and preventive instrument, designed to form consciences and characters. The true strength of a modern public administration does not reside only in the efficiency of procedures, but also in the nobility of the spirit of those who serve it. In this context, returning to established values – honesty, integrity, moral courage, respect for the law and for one's neighbor – becomes a necessity not only theoretical, but also practical and vital for the future of a democratic society.

The combination of legality and morality is essential for the consolidation of a modern, responsible and citizen-oriented administration.

The responsibility of the public servant, therefore, is and will remain a bridge between the letter of the law and the spirit of justice, between institutional rigors and the vocation in order to serve with dignity. Only through this synthesis of the legal with the moral and the normative with the spiritual, can a truly just administration be built and in the service of the common good.

Conclusions

Administrative liability of civil servants emerges as a complex institution situated at the confluence of legal norms and moral–spiritual values.

The analysis demonstrates that positive administrative law, while offering the coercive and procedural framework, cannot function effectively in the absence of an internalised moral foundation guiding the conduct of civil servants. Thus, legality and morality operate not as competing forces, but as complementary dimensions of public responsibility.

A comprehensive understanding of administrative liability requires an integrated conceptual approach that incorporates both normative mechanisms and ethical–spiritual principles.

The study shows that legal responsibility is inseparable from moral consciousness. Spiritual precepts—honesty, modesty, justice, service to others—act as internal guides that prevent formalism, arbitrariness, and abuses of power, giving substantive meaning to the legal duties imposed on public officials.

The comparative examination of Romanian and Moldovan legislation reveals significant convergences in the codification of ethical standards, as well as contextual differences rooted in administrative culture.

Both legal systems promote integrity, impartiality and professional responsibility, yet, the degree of integration of moral precepts into administrative

practice varies. Strengthening this integration becomes essential for enhancing public trust and modernising administrative institutions.

The moral and spiritual dimension of responsibility serves as an internal self-regulatory mechanism for civil servants.

Where the law is silent, ambiguous, or allows multiple interpretations, spiritual precepts can guide decision-making towards the public interest. These values constitute an “inner code” that supports ethical behaviour even in the absence of explicit normative constraints.

Effective and legitimate public administration depends on the complementariness between legal norms and moral values.

The research confirms that a functioning administrative system is built not solely on sanctions or external supervision, but on a culture of responsibility grounded in ethical education, civic consciousness, and a vocation of public service. A morally anchored civil servant complies not only with the letter of the law, but also with its spirit.

The dual-integrative model proposed in this paper provides a viable conceptual and practical framework for strengthening administrative accountability.

By combining normative regulation with ethical and spiritual guidance, this model offers concrete mechanisms such as ethics committees, enhanced codes of conduct, dual compliance procedures (legal and ethical), and continuous moral training, contributing to greater transparency, legitimacy, and public trust.

Strengthening administrative responsibility requires not only legal refinement but also long-term ethical cultivation within public administration.

The effective functioning of public institutions depends on fostering an organisational culture centred on integrity, professionalism, empathy, and respect for citizens. This includes investment in ethical training, preventive mechanisms against misconduct, and consistent societal expectations regarding both moral and legal accountability.

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FORENSIC RESEARCH OF NEW METHODS AND TECHNIQUES IN INVESTIGATING CRIMES AGAINST HUMAN BEINGS

CERCETAREA CRIMINALISTICĂ A NOILOR METODE ȘI TEHNICI ÎN INVESTIGAREA INFRACȚIUNILOR ÎMPOTRIVA UMANITĂȚII

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Abstract: *Crimes against the life and health of a person constitute one of the most serious and complex categories of criminal acts, having a profound impact both on the direct victims and on society as a whole. These acts include acts such as murder, attempted murder, serious bodily harm, but also other actions that affect the physical and mental integrity of individuals. The scientific analysis and investigation of these crimes represent an essential tool for law enforcement agencies, providing methodological and technical support in the prevention, identification and sanctioning of criminal acts. In this context, the use of modern methods, such as the polygraph, contributes to the efficiency of investigations and to the clarification of the circumstances in which these acts are committed, thus supporting the entire process of protecting the life and health of individuals.*

Keywords: *miscarriage of justice, solution, victim, offender, common circumstances, benefits, behavior*

Rezumat: *Infracțiunile contra vieții și sănătății persoanei reprezintă una dintre cele mai grave și complexe categorii de fapte penale, având un impact profund atât asupra victimelor directe, cât și asupra societății în ansamblu. Această categorie include infracțiuni precum omorul, tentativa de omor și vătămarea corporală gravă, precum și alte fapte care aduc atingere integrității fizice și psihice a persoanelor. Analiza științifică și investigarea criminalistică a acestor infracțiuni constituie instrumente esențiale pentru organele de aplicare a legii, oferind suport metodologic și tehnic în prevenirea, descoperirea și sancționarea faptelor penale. În acest context, utilizarea metodelor moderne de investigare, inclusiv examinarea poligraf, contribuie la creșterea eficienței investigațiilor penale și la clarificarea circumstanțelor în care sunt comise aceste fapte. În consecință, aceste metode sprijină procesul general de protecție a dreptului fundamental la viață și sănătate și contribuie la reducerea riscului erorilor judiciare și al condamnărilor nedrepte.*

Cuvinte-cheie: *infracțiuni contra vieții și sănătății, investigație penală, victimă, făptuitor, examinare poligraf, metode de investigare, eroare judiciară*

Introduction

Forensic investigation of crimes against life and health of the person is a complex process, which aims to restore the criminal event produced, based on the evidence discovered by the criminal investigation officer. This involves the identification, analysis and detailed interpretation of all the factual elements and circumstances associated with the crime, in order to accurately reconstruct the events, as well as to determine how the crime was committed. A basic element for effectively applying the polygraph is a very good and in-depth knowledge of the victim and the perpetrator. This knowledge refers to forensic as well as criminological aspects.

Within the framework of forensic investigation of crimes against life and health of the person, the criminological analysis of the victim's profile was substantiated by the contributions of authors such as Benjamin Mendelsohn, Marvin Wolfgang, Stephen Schafer, Emilio Viano, Jan van Dijk, Andrew Karmen and Ezzat Fattah. The works of the aforementioned authors have highlighted the role of victim traits, provocative or passive behaviors, and social context in the victimization process, providing valuable conceptual tools for investigating violent crimes.

Methods and materials applied

In the study process were applied the methods: analysis, synthesis, comparison and logical awareness. The materials used are the publications of scholars in the field, as well as the corresponding legislation.

Basin content

Forensic analysis of victim profile

- Minors: Children are often victims due to their vulnerability and inability to defend themselves. Crimes against minors include physical, emotional abuse and neglect.

- Pregnant women: Pregnant women become victims due to their delicate condition and increased physical vulnerability. Crimes can include domestic violence and specific aggressions that affect pregnancy.

- Elderly people: This category of people is often victims due to their fragility and reduced ability to defend themselves. Crimes include physical violence, financial abuse and neglect.

- People with disabilities: These people are vulnerable to various forms of physical, emotional and financial abuse due to their physical or mental limitations.

- Victims of personal conflicts: Often, crimes are committed by people known to the victim, including family members or close friends, for reasons of jealousy, revenge or domestic conflicts.

- Ordinary people: anyone can become a victim of crimes against life and health, regardless of age, gender or social status. These victims can be attacked in the context of personal conflicts, robberies or other violent situations.

The analysis of the criminal profile was founded on the classical and modern studies of authors such as Cesare Lombroso, Enrico Ferri, Raffaele Garofalo, Sigmund Freud, Edwin Sutherland, Donald Cressey, Hans Eysenck and David Canter. The contributions of these criminologists have shaped the understanding of the behavioral, motivational and social traits of criminals, providing valuable theoretical references for the investigation and prevention of crime.

Forensic analysis of the criminal profile

- Recidivists: criminals with a criminal record, who have committed similar crimes in the past and have an established modus operandi.

- Members of criminal groups: these individuals may be part of criminal organizations that commit violent crimes for profit or territorial control.

- Domestic offenders: individuals who commit crimes against family members or life partners, often in the context of domestic violence.

- Opportunistic offenders: individuals who commit impulsive crimes, often without prior planning, in situations of conflict or anger.

- Regular people: criminals without a significant criminal record, who may commit violent acts in times of crisis or intense conflict, often under the influence of alcohol or drugs.

Despite the existence of different opinions regarding the essence and content of the concept of a polygraph test battery, the development of effective psychophysiological assessment tools requires the integration of a forensic and psychocriminalistic approach. According to some reference authors, such as John A. Larson, who perfected the Marston test for detecting simulated behavior (Larson, 1932: 303-310), Frank Horvat, who analyzed the main methodological changes that occurred in the evolution of the polygraph (Horvat, 2021: 5-20), Tudorel Butoi, Alexandru Butoi and Ioana-Theodora Butoi, who systematized the psychobehavioral aspects of judicial investigations (Criminal case no. 2022), the detailed analysis of the circumstances of the crime constitutes a central element in the construction of an effective polygraph test battery.

This analysis must include elements such as place and time of the crime, the relationship between the victim and the perpetrator, the subjective motivations, the triggering factors, as well as the used means. In this context, it is relevant to capitalize on the knowledge of crime investigation methodology (Nistoreanu, 2015: 121-140), an aspect highlighted in the scientific literature in the field, in order to ensure the formulation of relevant questions and the obtaining of precise results. The integration of these factors into a rigorous methodological framework, which combines forensic investigation techniques

and the principles of forensic psychology, allows the development of polygraph tests adapted to the complexity of real situations, contributing to the correct identification of indicators of truthfulness or disinformation and to the elucidation of the circumstances of the investigated act.

Even if the position of the previously mentioned specialists is fully understood, we agree with the findings formulated by John E. Reid and Fred E. Inbau, who classify the relevant circumstances for the investigation of crimes according to the following structure (Reid, Inbau, 1962: 85-100):

Common context and circumstances

◆ Location

- Home of the victims: most crimes against life and health occur in the home environment. Domestic violence, in particular, occurs in private spaces, where perpetrators can exercise control over victims without attracting the immediate attention of the authorities.

- Public spaces: crimes can occur in public places, such as streets, parks or squares. They are often the result of spontaneous conflicts, robberies or planned attacks.

- Institutions: some crimes occur in institutions such as schools, hospitals, care homes or other institutions where vulnerable victims are located (children, the elderly, people with disabilities).

◆ Time circumstances

- Vulnerable periods: many crimes occur at night or in the early hours of the morning, when victims are often vulnerable due to sleep or darkness.

- Specific events: Crimes are common during holidays or special events, when alcohol consumption and intense social interactions can lead to violent conflicts.

◆ Relationship between victim and offender

- Personal acquaintances: In many cases, offenders are people known to the victims, such as family members, partners, friends or co-workers. This is common in domestic violence and murders of passion.

- Strangers: In cases of robberies or assaults in public places, offenders may be strangers to the victims.

◆ Motives and triggers

- Personal conflicts: Many crimes are motivated by personal conflicts, including jealousy, revenge, financial disputes or other interpersonal tensions.

- Economic factors: Some crimes are committed for economic reasons, such as theft, extortion or murder for profit.

- Intense emotional states: Situations of extreme stress, anger or intense emotions can trigger violent behavior, leading to serious crimes.

◆ Means used

- Bladed weapons and firearms: Frequently, criminals use bladed weapons

(knives, axes) or firearms to commit crimes, due to their lethality and intimidation capacity.

- Physical force: in many cases, criminals use physical force to attack their victims, including hitting, strangling or other methods of physical coercion.

Behavioral analysis of criminals

◆ Economic motive

- Theft and robbery: Offenders commit crimes to obtain quick financial benefits.

These include robbery, extortion, and violent theft.

- Material interest: Sometimes, murders are committed to inherit money or property or to eliminate financial debts.

◆ Personal motive

- Revenge: Some offenders are motivated by the desire to get revenge on the victim for a perceived injustice or insult. This type of motive is often found in domestic conflicts.

- Jealousy: In cases of intimate relationships, jealousy can be a powerful motive that leads to violent acts, including homicide.

◆ Psychological motive

- Sadism: Offenders who commit violent acts for the pleasure of causing suffering are often motivated by sadism. They exhibit extremely violent behaviors and a lack of empathy.

- Psychopathy: People with psychopathic traits may commit serious crimes out of a lack of remorse and empathy, seeking stimulation through violent acts.

◆ Sociopolitical motive

- Ideology: In some cases, crimes are committed for ideological reasons, such as racial, religious, or political hatred. These may include terrorist attacks or bias-motivated crimes.

In the context of polygraph application, the analysis and understanding of the motive of the offender are of major importance, constituting a central element in forensic investigation. This idea is also supported by Aldert Vrij, who emphasizes that the identification of motivations can significantly influence the accuracy of the assessment of simulated behavior (Vrij, 2008: 112). From the researcher's perspective, the criminal motive is a decisive factor in the interpretation of the verbal and nonverbal behavior of the subject during the examination.

Determining the motive contributes to the formulation of specific questions for the polygraph test and to the assessment of the veracity of the answers. In the framework of creating the battery of tests, knowing the motive allows the development of more precise and targeted questions, which can reveal information about the intentions and behavior of the offender. Thus, the motive acquires a fundamental role not only in forensic profiling, but also in increasing

the efficiency and accuracy of the polygraph examination, directly contributing to the elucidation of cases and the administration of justice.

Approaching the analysis of the criminal motive and the behavior of the offender through the prism of the forensic methodology of crime investigation, we observe a common component with the researched topic, since the identification and interpretation of the behavioral patterns of criminals represents a fundamental direction in the construction of investigative versions and in the orientation of forensic research (Ion Mircea, 1998) (Mircea, 1998: 267-272).

Behavioral patterns of criminals

◆ Modus operandi

- Premeditated planning: Premeditated offenders carefully plan their actions, choosing the time, place, and manner of committing the crime to avoid capture.

- Impulsive acts: Impulsive offenders commit crimes without prior planning, usually following a rapid escalation of a conflict or under the influence of substances.

◆ Level of violence

- Extreme violence: Some offenders use extreme violence, causing serious injury or death to the victim. They may use lethal weapons or methods of torture.

- Moderate violence: Other offenders may use moderate violence, sufficient to control or immobilize the victim without causing fatal injury.

◆ Relationship to the victim

- Personal knowledge: Offenders who know their victims often have a complex relationship with them, including histories of abuse, conflict, or other personal ties.

- Strangers: Crimes committed against strangers are often opportunistic and less personal, although they can be just as violent.

◆ Psychological Patterns

- Manipulative Behavior: Offenders with manipulative traits may control and dominate their victims through intimidation, lies, and other forms of psychological manipulation.

- Compulsive Behavior: Some offenders exhibit compulsive behaviors, repeating offenses in a manner that suggests an addiction to violent acts.

Unfortunately, the specialized literature reveals that the analysis and understanding of the offender's modus operandi are frequently neglected in the practice of polygraph examination, an aspect highlighted by authors such as John E. Reid, Fred E. Inbau and David Canter (Reid, Inbau, 1962: 85-100). In the opinion of these specialists, the systematic investigation of the modus operandi is an indispensable element in the formulation of specific questions and in the interpretation of answers within the polygraph test. We agree with these points of view and emphasize that the modus operandi provides essential information

about the behavioral patterns and methods used, having a direct impact on the clarity and accuracy of the examination results. Failure to integrate this data into the testing process can lead to incomplete assessments and to a decrease in the efficiency of forensic investigations.

Furthermore, we encourage polygraph examiners to search police-run criminal databases, such as VICLASS in Romania. Using these resources can provide a more detailed perspective on the behavior of criminals and their modus operandi, contributing to the creation of more accurate and tailored test batteries for each individual case. This integrated approach can significantly improve the efficiency and reliability of polygraph examinations, ensuring more conclusive results and supporting the justice process.

If we were to use the VICLASS database in the work of polygraph examiners, we could achieve a better quality of forensic investigations from the preparation stages of the examination. The rapid and accurate identification of common patterns between different crimes would facilitate the formulation of more targeted and relevant questions for the polygraph test. The detailed description of how the crime was committed, the victim's profile, the behaviour and context in which she was attacked, and the behaviour of the offender at the crime scene would be integrated into a centralised database and analysed to identify similarities and patterns. This would allow polygraph examiners to prepare test batteries tailored to the specifics of each case, considerably improving the efficiency and accuracy of polygraph examinations and thus contributing to catching repeat offenders and ensuring a more efficient administration of justice.

In addition, the use of other similar databases at European level, such as the Europol Information System (EIS) or the Schengen Information System (SIS II), could provide additional information and international context for the investigation of cross-border crimes. These databases allow for the rapid exchange of information on criminals and crimes, increasing collaboration between different law enforcement agencies and contributing to an integrated and efficient approach to forensic investigations. The integration of these resources in the preparation and execution of the polygraph examination would significantly increase the quality and reliability of the results, thus supporting the justice process at national and European level.

It is necessary to mention that in the forensic investigation of crimes against the life and health of the person, it is necessary to take into account the modus operandi specific to these types of crimes. Modus operandi represents the patterns and methods used by criminals in committing crimes and provides valuable clues for investigators. This concept is extensively treated in the specialized literature, being analyzed by authors such as Emilian Stancu, who defines it as a distinctive element of criminal activity (American Polygraph

Association, 2017), V.A. Obraztov, who emphasizes its evidentiary value in the investigation of recidivism (Obraztsov, 2012: 178-180), and Fred E. Inbau, who places it at the center of the analysis of the criminal profile (Inbau, 2001: 36-38).

Identifying a specific *modus operandi* is essential not only for linking similar cases, but also for formulating relevant questions in polygraph tests, thus contributing to the creation of an efficient and accurate battery of tests.

The *modus operandi* of crimes against life and health of a person can vary significantly depending on the circumstances, but scientific sources in the field indicate the existence of recurring elements. Mihail Chirilă emphasizes that the methodology of investigating acts causing violent death involves the analysis of the stages of the criminal action, from the preparation and means used to attempts to avoid criminal liability (Chirilă, 2014: 204). In this context, we can highlight the following characteristic aspects:

Planning and preparation:

- Premeditation. Offenders often plan their actions in advance, choosing the time and place of the crime to reduce the risk of capture. This may include procuring specific weapons or tools and studying the victim's routine.

- Creating an alibi. To avoid detection, offenders may create solid alibis, either through arrangements with other people or by manipulating information about their presence at the crime scene.

◆ Execution of the crime

- Use of weapons. Depending on accessibility and preference, offenders may use edged weapons (knives, axes) or firearms to commit the crime.

- Methods of coercion. Offenders may use various methods to immobilize their victims, including strangulation, tying up, or the use of chemicals.

◆ Avoidance of detection

- Cleaning up the crime scene. After committing the crime, offenders may attempt to cover up their tracks, such as removing physical evidence and cleaning up blood.

- Evidence manipulation. Offenders may plant false evidence or alter the crime scene to mislead law enforcement officers.

◆ Post-crime behavior

- Behavioral changes. After committing a crime, offenders may exhibit significant changes in behavior, such as selling off assets quickly or fleeing the area.

- Social interactions. Offenders may avoid contact with people they know or may attempt to project an image of innocence by engaging in public activities.

Depending on the situation, relevant questions based on modus operandi will be included in the test battery that will refer to: planning the crime, executing the crime, post-crime behavior, etc.

The application of polygraph testing in the investigation of crimes and the

analysis of the mode of operation are supported by numerous specialized authors. Thus, Stanley M. Slowik states that the integration of questions focused on modus operandi within the polygraph examination amplifies the probative value of physiological responses in relation to the hypotheses of the investigation. In a similar vein, Donald J. Krapohl emphasizes that adapting polygraph questions according to the behavioral pattern of the offender can increase the accuracy of the assessment (Krapohl, Shaw, 2015). On the other hand, Jan Widacki expresses a reservation, arguing that although the polygraph can support the understanding of criminal behavior, the risk of misinterpretation of physiological reactions is greater when the questions are too complex or contextual (Widacki, 2007: 35-42).

Analyzing the famous case, often called the ,,Laci Peterson Murder”, in reference to the crime committed by Scott Peterson (CNN, 2004), where the conviction took place based only on circumstantial evidence, we believe that the application of the polygraph would have allowed the corroboration of the evidence and would have given additional validation to the statements of the accused person. The analysis of this case reveals how the polygraph can bring clarity and coherence to the forensic investigation, having an important role in strengthening the arguments and in elucidating the circumstances in which the crime was committed.

If we were to break this case down into detail, we can segment the criminal activities into the following stages:

◆ Planning and preparation of the crime

- Premeditation. The evidence suggested that Scott Peterson planned his actions on the day of his wife's disappearance in advance. This included preparing an alibi and details regarding when and where he could hide the victim's body.

- Creating an alibi. Scott Peterson claimed to have been fishing on the morning of the disappearance, thus attempting to provide an alibi. The alibi was later questioned due to inconsistencies and a lack of concrete evidence.

◆ Execution of the crime

- Methods used. The crime was committed using methods that allowed the body to be temporarily hidden. It was later found in San Francisco Bay, near where Scott stated he had been fishing.

- Immobilization of the victim. There are indications that Laci Peterson was immobilized or attacked in a way that allowed the perpetrator to control her body and transport it.

◆ Measures that would contribute to hiding traces

- Cleaning the crime scene. Scott tried to erase traces and manipulate evidence to mislead investigators.

- Manipulation of evidence. He planted false evidence and created a false

trail to divert investigators' attention from himself.

◆ Post-crime behavior

- Changes in behavior. After committing the crime, Scott Peterson exhibited significant changes in behavior, such as attempting to sell the house and vehicle. He was also observed to have an unusually relaxed and detached behavior.

- Social interactions. He avoided contact with certain people and tried to create an image of innocence by engaging in public activities and contacting the media.

This structure for analyzing and segmenting criminal behavior is frequently used by practicing examiners, as reflected in the specialized literature. For example, Raskin and Honts emphasize the importance of assessing behavioral stages in polygraph testing (Raskin, Honts, 2002: 1-49), Jan Widacki highlights *modus operandi* segmentation as a method for optimizing question formulation, and in the framework of applied analysis (Widacki, 2007: 29-40), Laimutis Kraujalis and Vitas Saldžiūnas propose integrating this structure into the design of polygraph tests for serious crime cases (Kraujalis, Kovalenko, Saldžiūnas, 2007: 53-65). *European Polygraph* publications also reaffirm the value of this analytical approach in modern forensic investigation (European Polygraph, 2015).

From our point of view, the polygraph examiner must clearly outline these activities, namely these circumstances must be clarified by the set of questions to be compiled.

We believe that the application of the polygraph in this case would have had the following benefits:

- corroboration of evidence – the polygraph would have allowed the verification of Scott Peterson’s statements regarding his alibi and activities on the day of the disappearance. Well-worded questions would have helped determine the veracity of these statements;

- validation of statements – the polygraph would have provided additional validation of the accused person’s statements, helping to eliminate ambiguities and clarify the circumstances of the crime;

- clarity and coherence – the use of the polygraph would have brought clarity and coherence to the forensic investigation, helping to identify inconsistencies and strengthen legal arguments.

The application of the polygraph in the “Laci Peterson Murder” case would have allowed for a more in-depth investigation and validation of circumstantial evidence. This would have contributed to a better understanding of how the crime was committed and would have supported the justice process by providing additional clues regarding the veracity of the statements and the behavior of the suspect.

To illustrate and better understand the application of polygraph testing in the investigation of complex cases, we propose the following case study. It highlights how the use of the polygraph technique contributed to the elucidation of a family conflict that led to the disappearance of a person and, ultimately, to the confirmation of a crime.

In June 2012, RTC's mother reported his disappearance by calling the single emergency number 112. Following the call, a team of police officers from the „missing persons” department of the Cluj County Police Inspectorate, Criminal Investigation Service, was formed, which began investigations in the area of the missing person's residence. Also, a team of police officers from the Gherla Municipality Police was delegated to check the neighboring communes, given that RTC's brother stated that he had left to carry out pastoral activities in one of the neighboring communes.

Following the investigations, the police identified a person named RT, who carried out pastoral activities in a commune near the place of residence of the person declared missing. Thus, the initial investigation was concluded.

In August 2012, RTC's mother called 112 again, claiming that she suspected that her eldest son had been killed by his brother. Following the complaint, a police team launched a new investigation, and his brother, RTM, was brought in for questioning. RTM stated that their mother suffers from mental illness, having a history of multiple psychiatric hospitalizations, and that there was a possibility that she was faking it. He also stated that RTC had left home one evening in May 2012, mentioning that he had seen a black car that had taken him away. Police checks confirmed that the mother did indeed suffer from mental problems and that RTC used to be away from home for long periods, with pastoral activities as his main occupation. It was also established that there were frequent conflicts between the two brothers, due to alcohol consumption, but that, despite prolonged absences, RTC maintained telephone contact with his mother.

In order to verify the sincerity of RTM's statements and to exclude him from the circle of suspects, the prosecutor ordered his polygraph test.

The polygraph expert from the Simulated Behavior Detection Laboratory in Cluj analyzed the information provided by the police officers of the Criminal Investigation Service and established a set of relevant questions with them.

Relevant questions:

R4: During the time your mother was in the hospital, did you fight with your brother?

R7: Did you assault your brother in such a way that he lost his life?

R9: Did you kill your brother, Traian Claudiu?

To ensure the accuracy of the interpretation, a set of control questions was also formulated, designed to activate responses comparable at a semantic and psychophysiological level to the relevant questions.

Control questions:

C3: Unrelated to this act, have you ever harmed a close person?

C6: Prior to 2012, did you do anything for which you could be punished by the authorities, if they were found out?

C8: Have you ever been so angry that you wanted to take someone's life?

The Air Force type test battery was used for the polygraph examination. This type of test was developed by John E. Reid and Fred E. Inbau, and was subsequently validated through experimental studies and practical applications carried out within the United States Armed Forces and in specialized forensic laboratories (Inbau, Reid, 1953: 7-10). Subsequently, the methodology related to the Air Force type test battery was included as an example of good practice in the *Manual of Good Practices for the Analysis and Interpretation of Polygraph Diagrams in the Romanian Police* (General Inspectorate of the Romanian Police, 2015).

Analysis and interpretation of polygraph charts

Diagram 1: Analysis of the first diagram revealed significant differences between the psychophysiological changes recorded to the relevant questions (R3, R5, R8, R9) compared to the control ones (C6, C10). The changes are particularly visible in the electrodermal response (GSR) and blood pressure traces (R3, R5 > C6 and R8, R9 > C10), but also in the thoracic respiratory trace. The subject presented agitation, trembling of the fingers (where the GSR sensors are attached) and jerky breathing, possible indications of simulated behavior.

Diagram 2: Interpretation of the second diagram confirmed the same patterns of psychophysiological changes. Significant differences between the answers to the relevant and control questions were again observed in the GSR, blood pressure and thoracic respiration traces. These changes, in conjunction with the numerical score obtained (-11) on the 3R score sheet, indicate the presence of simulated behavior.

Based on these analyses, the polygraph expert concluded that the subject was not being truthful during the testing.

After the polygraph test was completed, during the post-test discussion, RTM admitted to killing his brother, providing details about how he committed the crime, the object used, and the place where he hid the body – the toilet in the yard of the house.

Analysis of the offender's behavior from the perspective of the criminal act

A fundamental aspect in the investigation of violent crimes is the analysis of the social and family environment in which the individual developed (Stancu, 2001: 736). In this context, Valerii Korovin, a specialist in forensics and psychodiagnostics applied to the investigation of crimes, believes that in the case of many criminals, there is a clear correlation between poor education, the environment of origin and criminal activity (Korovin, 2005: 88).

Most of those involved in serious crimes come from dysfunctional families, where poverty, abuse and parental mental disorders create fertile ground for the formation of deviant behaviors. In the absence of educational and moral support, these individuals do not develop respect for the law and for ethical and social norms, which makes them prone to committing crimes.

People from such environments tend to internalize violence as a way of relating to those around them. Violent acts become a method of personal validation and exercising control over others. From a forensic perspective, such an individual does not perceive the legal and moral norms of society as relevant. For him, violence is a way to resolve conflicts and demonstrate his superiority over others, including family members.

Criminal context

In the case of the two brothers involved in the described criminal act, they grew up in a violent and dysfunctional environment. Their father was known for physical abuse and excessive alcohol consumption, and their mother suffered from mental illness. In this destructive family climate, the two children frequently witnessed episodes of domestic violence. Over time, these emotional traumas caused the development of inner aggression in both brothers, increasing the risk of violent conflicts between them.

The eldest son, RTC, adopted his father's violent behavior, using physical abuse to dominate his younger brother, RTM. Conflicts between the two became increasingly frequent, especially in contexts where alcohol was consumed. This violent dynamic culminated on an evening in May 2012, when, amid excessive alcohol consumption and a physical altercation, RTM reacted extremely violently. In a fit of rage, he took an axe and repeatedly hit his brother, RTC, in the head, causing his death. RTM subsequently hid the body in the toilet in the garden of the house and tried to wipe away the traces of blood from the home, continuing his activity as if nothing had happened.

Post-offense behavior

From a forensic perspective, the offender's behavior after committing a crime is extremely relevant to understanding how he perceives his own actions. This perspective is supported in the specialized literature by Emilian Stancu, who shows that post-crime reactions can provide valuable clues about the level of assumption or avoidance of criminal responsibility (Stancu, 2001: 736), as well as by R.S. Belkin, in whose opinion the behavior after the crime often reflects the perpetrator's internal conflict and his attempts to hide the traces of the act (Belkin, 1997: 238). His actions – cleaning the crime scene and hiding the body – indicate an attempt to conceal the violent act, a common aspect among criminals trying to avoid criminal responsibility. However, what stands out is the apparent lack of remorse of the perpetrator. After killing his brother, RTM behaved as if nothing had happened, which suggests a high degree of emotional

disconnection from the seriousness of the act committed.

This post-crime attitude, devoid of remorse, indicates a severely affected personality, unable to process the moral and legal norms that society imposes. In forensic research, such behaviors can be interpreted as an indicator of latent psychopathy or a deeply unbalanced personality structure.

Determinants of criminal behavior

The criminal investigation highlighted the fact that the dysfunctional family environment played a major role in the formation of this criminal behavior. The violent and abusive father served as a behavioral model for RTC, who, in turn, became an aggressor in his relationship with his younger brother. From a forensic point of view, these patterns of domestic violence were determining factors in the escalation of the conflict between the two brothers, which resulted in the commission of the crime. We align ourselves with the valuable opinions expressed by the aforementioned authors, as well as the conclusions formulated by the team of examiners from the Cluj County Inspectorate, noting that such behavioral patterns favor the occurrence of acts of extreme violence. At the same time, alcohol consumption was a catalyst for the criminal act, affecting RTM's judgment and inhibitions, which led to the commission of the act.

The examination of the criminal behavior in this case reflects the harmful influence that a violent and unstable family environment can have on the psychological and moral development of the individual. From a forensic perspective, it is obvious that environmental factors – domestic violence, the absence of emotional and moral support, as well as alcohol consumption – played a decisive role in the development of a dysfunctional personality, prone to deviant behavior.

Conclusions

This case shows how domestic violence and repeated abuse can shape a person's criminal behavior. In the forensic investigation process, detailed analysis of the family environment and internal dynamics can provide essential clues to understanding the motivations and post-crime behavior of the perpetrator. Hiding the body and trying to cover up the tracks indicate premeditation in RTM's actions, and the lack of remorse underlines a personality with antisocial traits. These factors reveal the need for early intervention in cases of domestic violence, both to prevent the development of deviant behaviors and to protect vulnerable members of disorganized families.

Crimes against the life and health of the person include murder, serious bodily harm and other similar acts that affect the physical and mental integrity of individuals. In this context, the polygraph plays a significant role in the investigation of such crimes, contributing to corroborating evidence and

validating the statements of suspects.

Regarding the forensic aspects of post-crime behavior analysis, interpreting the perpetrator's reactions after the crime is a useful and relevant method in the process of reconstructing events and assessing the sincerity of statements.

By formulating precise questions based on the specific modus operandi, the offender's behavior, and the details of the crime, the polygraph can identify inconsistencies and verify the veracity of the answers. Thus, the use of the polygraph supports forensic investigation, playing a significant role in elucidating the circumstances of the crime. It improves the clarity and accuracy of the results obtained and supports the justice process, ensuring an efficient and fair administration of the law.

Miscarriages are extremely dangerous in the context of these crimes, as people wrongly convicted of serious crimes against life and health risk spending long periods of time in prison, not just 1-2 years, but often between 10 and 25 years or even life imprisonment. The use of the polygraph can reduce the risk of such errors, providing additional clues about the veracity of statements and the behavior of suspects. This idea is supported by the results of the survey conducted in April-May 2025, according to which over 95% of the criminal investigation officers and officers in the special investigation activity surveyed stated that the results of polygraph testing are useful in assessing the sincerity of the subjects, either in full (46.8%) or in part (48.5%). Also, 58.9% of respondents indicated that the polygraph is particularly valuable in investigating crimes against life and health of the person, a context in which the risk of miscarriage of justice is particularly serious. Thus, polygraph testing contributes, in a real way, to increasing the efficiency of the act of justice and strengthening confidence in the fairness of the criminal process.

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TRENDS REGARDING THE ELECTRONIC FORM OF CIVIL LEGAL ACTS

TENDINȚE CU PRIVIRE LA FORMA ELECTRONICĂ A ACTELOR JURIDICE CIVILE

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Abstract: *Along with the technological progress, there was an imminent need to find solutions to individualize people in the online environment. Thus, the electronic signature took off, which, on the one hand, was equal to the legal power of the holographic signature, but, at the same time, a competition between these two types of signatures was generated.*

The regulatory framework for legal documents in electronic form consists of: Civil Code of the Republic of Moldova, no. 1107 of 06.06.2002, Law No. 124 of 19/05/2022 regarding electronic identification and trust services (in the past, it was Law No. 91 of 27/06/2014 regarding electronic signature and electronic document, Repealed), Law No. 284 of 22-07-2004 regarding information society services (in the past it was the Law on electronic commerce, which changed its name).

Currently, in the Republic of Moldova, the electronic signature is recognized on its territory and, with some exceptions, abroad. Unfortunately, we note a lack of recognition in other countries of the electronic signature issued by local authorities, which limits the entrepreneurial environment, natural/legal persons. The types of electronic signature are: electronic signature on USB token, issued by the Information Technology and Cyber Security Service (STISC), mobile electronic signature from the mobile phone operator, electronic identity card issued by the Public Services Agency (ASP), MobiSign mobile application free of charge.

The legal regulation of the settlement of disputes arising from electronic legal documents in the Republic of Moldova does not have a separate regulation, being left either to the discretion of the parties to regulate this aspect in the contract, referring to the general provisions applicable to any dispute, or to the alternative methods of settlement of the dispute, but in this case it must be expressly regulated by the parties through a separate clause or convention.

Keywords: *civil legal act, electronic signature, civil contract, form of civil legal act, electronic form, electronic key, validity condition, contractual clause, distance contract*

Rezumat: *Progresul tehnologic a generat necesitatea iminentă de a identifica soluții noi pentru individualizarea persoanelor în mediul online. Astfel, a luat avânt semnătura electronică, care este egală ca putere juridică cu semnătura olografică, dar, în același timp, s-a generat o concurență între ambele tipuri de semnături.*

Cadrul de reglementare pentru documentele juridice în formă electronică este alcătuit din: Codul Civil al Republicii Moldova, nr. 1107 din 06.06.2002, Legea nr. 124 din 19/05/2022 privind identificarea electronică și serviciile de încredere (în trecut, se numea Legea nr. 91 din 27/06/2014 privind semnătura electronică și documentul electronic, Abrogată), Legea nr. 284 din 22/07/2004 privind serviciile societății informaționale (în trecut, se numea Legea privind comerțul electronic, care și-a schimbat denumirea).

În prezent, în Republica Moldova, semnătura electronică este recunoscută pe întreg teritoriul său și, cu unele excepții, în străinătate. Din păcate, observăm o lipsă de recunoaștere în alte țări a semnăturii electronice emise de autoritățile Republicii Moldova, ceea ce limitează mediul antreprenorial, persoanele fizice/juridice. Există următoarele tipuri de semnătură electronică: semnătura electronică pe token USB, emisă de Serviciul Tehnologia Informației și Securitate Cibernetică (STISC), semnătura electronică mobilă de la operatorul de telefonie mobilă, carte de identitate electronică emisă de Agenția Servicii Publice (ASP), aplicația mobilă MobiSign gratuită.

Reglementarea juridică a soluționării litigiilor care decurg din actele juridice electronice în Republica Moldova nu are o reglementare separată, fiind lăsată fie la latitudinea părților să reglementeze acest aspect în contract, fie la metodele alternative de soluționare a litigiului, dar în acest ultim caz trebuie reglementată expres de către părți printr-o clauză sau convenție separată.

Cuvinte-cheie: *act juridic civil, semnătură electronică, contract civil, formă a actului juridic civil, formă electronică, cheie electronică, condiție de validitate, clauză contractuală, contract la distanță*

Introduction

Our entire existence, as subjects of law, participants in legal relations, is governed by the civil legal act, a fundamental institution of civil law. The legal act is a component part of our existence, and precisely from this perspective, detailed and in-depth knowledge of its particularities becomes extremely important and fully justified, in the context of a society that bears the mark of perpetual transformations and transformations, of an increasingly evident rapidity in the conclusion of legal acts and permanent diversification of their scope.

The civil legal act is the manifestation by natural and legal persons of the will directed towards the birth, modification or extinction of civil legal relations (art.308 Civil Code of the Republic of Moldova (Official Gazette of the Republic of Moldova, 2019, No.66-75)). In this sense, the civil legal act represents the most important source of civil rights and obligations, constituting a legal basis through which the person manifests his free consent (in the sense of exercising his capacity to act), in strict accordance with legal norms.

The civil legal act is the expression of the will to participate in legal relations. The importance of the civil legal act is manifested in the fact that it is the main source of civil rights and obligations, being the natural and necessary way of involving the person in legal life.

The legal norms of civil law are general, being equally applicable to all civil legal acts. In the Republic of Moldova, the normative framework regulating the institution of the civil legal act is the Civil Code, Title III “Legal act and representation”, Chapter I “General provisions regarding the legal act”, articles 308-361. Some categories of civil legal acts, such as civil contracts, are also regulated in Book III of the Civil Code, called “Obligations”.

The phrase legal act has two meanings. In a first sense, the notion designates the legal operation made for the purpose of producing legal effects, i.e. to create, modify or extinguish a legal relationship. In a second sense, the notion designates the ascertaining document that the parties draw up to prove the operation, the material support, i.e. the evidentiary instrument of the act.

The regulatory framework regulating legal acts in electronic form consists of: Civil Code of the Republic of Moldova No.1107 of 06.06.2002, Law No.124 of 19/05/2022 on electronic identification and trust services (in the past, it was Law No. 91 of 27/06/2014 on electronic signature and electronic document, Repealed), Law No.284 of 22/07/2004 on information society services (ex – Law on electronic commerce, which changed its name) (Official Gazette of the Republic of Moldova, 2018, No.40-47).

The purpose of the study is to analyze the electronic form of civil legal acts, highlighting problematic situations in this field. Through this study we also propose to address a topical issue, which seems to be gaining momentum with each passing day, due to the means of electronic communication that are increasingly applied in legal activity.

Research methodology

To develop this study, various research methods were used, such as: the rational method, which was applied to the legal study of the phenomenon; the logical analysis method, focused on the idea of using logical reasoning, the method that allowed for the legal argumentation of opposing opinions, including legal interpretations of normative provisions; the critical analysis method, which allowed for the synthesis and examination, including critical, of normative provisions, etc.

Results

Daily life shows us that in the future, modern means of evidence will be used more and more often due to technological progress. Digitalization is inevitable and the progress made through the implementation of digitalization is

evident, but there are still multiple opportunities to improve civil legislation.

The electronic signature is recognized throughout the territory of the Republic of Moldova and, with some exceptions, abroad. Unfortunately, we note a lack of recognition in other states of the electronic signature issued by the Moldovan authorities and this fact limits the activity of individuals/legal entities carrying out entrepreneurial activity.

With the amendments made to the Civil Code by Law No.133 of 15.11.2018, many aspects regarding the electronic form of the legal act, of the contract, were clarified. Thus, according to art. 318 of the Civil Code of the Republic of Moldova, the legal act has electronic form if it is included in an electronic document that meets the conditions of the law. The legal act in electronic format is assimilated to the legal act concluded in written form, regardless of the type of signature used that is provided for by law, if the agreement of the parties does not provide for the use of a certain type of signature, as well as in other cases provided for by law. (art. 4 para. (1))

At the same time, the legislator also explained that if the legal act is concluded using any electronic means, not concluded by the electronic signature provided for in art. 318 paragraph (3) of the Civil Code, it is presumed that the consent belongs to that person until he or she contests its existence (art. 319 of the Civil Code).

The research field of electronic legal acts is very vast. In the future, the discussion panels can be focused on the following topics: a) Defending real rights in the digital age; b) Digitalization of legal services – achievements and challenges; c) International digital signature. Recognition of electronic signatures outside the Republic of Moldova; d) National, European and international regulations in the field of digitalization of civil legal acts and in the field of digital contracts; e) Use of electronic means (platforms, email, messaging) in the conclusion of legal acts; f) Quality and efficiency of digitalized justice; g) Electronic notarial assistance. Electronic notarial registers. Legal force of notarial acts in electronic format, etc.

Due to the limited research space available in this scientific article, in the following we will focus on the analysis of civil legal acts concluded with the application of electronic signature and civil legal acts concluded by electronic means.

The Civil Code is an organic law with general application to the conclusion of legal acts in electronic form. In accordance with art.316 of the Civil Code, (1) The legal act may be concluded verbally, in writing or in authentic form. In art.318 of the Civil Code it is stipulated that, (1) *The written/authentic legal act has electronic form if it is included in an electronic document that meets the conditions of the law*. (2) *The types of electronic signatures that can be applied to an electronic document, the degree of protection of each type and its legal*

value are determined by law. (3) *A written legal act is concluded in electronic form if it is signed with the advanced qualified electronic signature of the person concluding the act, unless the agreement of the parties or the law provides for the requirement to use another type of electronic signature*.

The norm of art.319 Civil Code establishes regulations regarding legal acts concluded by the use of electronic means. Thus, if the legal act is concluded by the use of any electronic means and the person has not concluded it by electronic signature, it is presumed that the consent belongs to that person until he or she contests its existence. In order to demonstrate the existence of the contested consent, the interested person may invoke any means of evidence, except for evidence with witnesses (for example, the sale of airline tickets via the Internet). The fact that the concluded legal act is not equivalent to a legal act in written form does not prevent the invocation of clauses in textual form consented by the parties to the act.

According to art. 321 paragraph (2) of the Civil Code, if, according to the law or the agreement between the parties, the legal act must be concluded in writing, it can be concluded both by drawing up a single document, signed by the parties, and by an exchange of letters, telegrams, electronic documents, etc., signed by the party that sent them.

The effects of failure to comply with the written form of the legal act are provided for in art.322 of the Civil Code. Thus, failure to comply with the written form of the legal act deprives the parties of the right to request, in case of litigation, evidence with witnesses to prove the legal act. Failure to comply with the written form of the legal act entails its nullity only if this effect is expressly provided for by law or by agreement of the parties. In this context, we will highlight the fact that the proof of the conclusion of contracts by electronic means and of the obligations resulting from these contracts is subject to the provisions of common law on evidence (presentation of video recordings, documents, etc.).

Civil legislation also includes other norms in the field of electronic legal acts. In this regard, we mention Article 1013 of the Civil Code (Distance contract - any contract negotiated and concluded between the professional and the consumer, with the exclusive use of one or more means of distance communication), Article 1017 of the Civil Code (Formal requirements for information in the case of distance contracts), Articles 1020-1023 (Specific obligations to be complied with in the case of contracts concluded by electronic means), Article 1417 (The travel ticket may be issued in electronic format).

Electronic signature. With technological progress, there was an imminent need to find solutions to individualize people in the online environment. Thus, the electronic signature was born, which, on the one hand, was equal to the legal power of the holographic signature, but, at the same time, competition was generated between these two types of signatures (Cara-Rusnac A., 2023, p.47).

In order to better operate the European market in the field of electronic signatures, on 23 July 2014 the European Parliament and the Council adopted Regulation No.910/2014 on electronic identification and trust services for electronic transactions in the internal market, establishing adapted and harmonized rules for the application of electronic signatures in the European Union (Official Journal of the European Union L257/73 of 28.08.2014). Article 17 of the Regulation provides that Member States should encourage the private sector to voluntarily use electronic identification means within a notified system, for online services or for electronic transactions.

Currently in the Republic of Moldova, the types of electronic signatures are: electronic signature on USB token, issued by the Information Technology and Cybersecurity Service (STISC), mobile electronic signature from the mobile operator, electronic identity card issued by the Public Services Agency (ASP), MobiSign free mobile application.

Electronic signatures in the Republic of Moldova can be issued by the following public and private law organizations:

- Msign issued by the Electronic Governance Agency, online electronic signature verification devices are offered on the msign.gov.md website, valid on the territory of the Republic of Moldova;
- Orange SA Company issues electronic signature, also called mobile signature;
- Moldcell SA Company issues electronic signature / mobile;
- IP Center for Information Technologies in Finance;
- IP Information Technology and Cybersecurity Service;
- IP Public Services Agency (starting with 16.09.2024, qualified electronic signatures are issued within all multifunctional centers of the ASP), etc.

The qualified electronic signature has the same legal force as the holographic one. The verification of the electronic signature is related to the public key certificate and, consequently, to the service provider that issues these certificates. Thus, the requirements for the electronic signature applied abroad depend on the issuer of the public key certificate. Consequently, if the public key certificate is not recognized in the Republic of Moldova, the electronic signature is not recognized either.

Technological progress generates the possibility of concluding civil contracts in electronic format. In this regard, the Public Services Agency has launched a new service: online sale-purchase of vehicles. Starting with November 29, 2024, purchase-sale transactions of cars, which are already registered in the State Register of Vehicles, can be made online, without the need for the Seller and the Buyer to travel to the vehicle registration subdivisions of the Public Services Agency. For this, both the seller and the buyer must have a qualified electronic signature, and the transaction value cannot exceed 685,000

lei (the equivalent of 50 average salaries in the economy for the year 2024) (See: The Public Services Agency launched a new service: Online sale-purchase of vehicles (2025)).

We firmly believe that the final result that an act concluded in electronic form can generate is to minimize the chances of finding the act null and void, providing the legality, security and transparency that the legislator and the parties aspire to (Petrușan G., 2022, p.165).

Example taken from local jurisprudence. On February 14, 2022, the plaintiff Grigoraș Ana filed a lawsuit against the defendant Munteanu Vasile regarding the collection of the loan in the amount of 7000 (seven thousand) euros, the collection of state tax and the compensation of legal expenses.

In the motivation of the action, she invoked that during the period June 2020 - May 2021 Grigoraș Ana, acting as a “lender”, sent to Munteanu Vasile, acting as a “borrower”, and he received through the international payment systems RIA, Western Union as a monetary loan for an indefinite period certain amount of money.

He indicated that through bank payment systems, Grigoraș Ana sent and Munteanu Vasile received amounts totaling 7,000 (seven thousand) euros and 67.5 euros in transfer costs, which in total make up the amount of 7,067.5 euros. He also specified that from the understanding reached by phone and via WhatsApp sms messages, the transfers were made with interest-free loan status with the obligation to return the amounts to Grigoraș Ana.

She added that the fact of receiving the money and the obligation to repay, including the existence of the loan agreement, is also confirmed by the messages sent through Grigoraș Ana's electronic communication systems with the debtor Munteanu Vasile via WhatsApp messaging and the receipts for receiving the money by the defendant, which she considers sufficient to consider the requirement to collect the debt of 7067.5 euros to be well-founded. The plaintiff also mentions that the multiple requests invoked by the debtor to refund the aforementioned amounts extrajudicially were not successful, leaving only the promise that he would return them as soon as possible. Grigoraș Ana requests the admission of this application with the collection from the debtor Munteanu Vasile's account, to the creditor's account of the amount of: 7367.5 Euros - the amount of the loan with the collection of state tax and other legal expenses. In support of the claims in the action, the provisions of Articles 166, 174 of the Code of Civil Procedure and Articles 1247, 1242 of the Civil Code were invoked.

In accordance with Articles 94, 236-241 of the Code of Civil Procedure, the court decided: The lawsuit filed by Grigoraș Ana against Munteanu Vasile regarding the collection of the debt and the compensation of court expenses is rejected. The decision may be appealed to the Chisinau Court of Appeal, within 30 days from the pronouncement of the decision, through the Cahul Court,

Central Headquarters.

The court also noted that, from the content of the bank documents, highlighted above, regarding the transfer, the destination of the payment is not clear, lacking data that would indicate this fact. Or, in accordance with art. 321 of the Civil Code, paragraph (1), Legal acts between legal persons, between legal persons and natural persons and between natural persons must be concluded in writing if the value of the object of the legal act exceeds 1000 lei, and in the cases provided for by law, regardless of the value of the object.

Thus, the court notes that although the Civil Code does not contain special rules regarding the form of the loan agreement, the general rules regarding the form of the agreement must still be respected, according to which legal acts between persons are concluded in writing if the value of the object of the legal act exceeds 1000 lei.

In the circumstances mentioned, the court noted that the plaintiff's arguments that she had a verbal agreement with the defendant Munteanu Vasile via WhatsApp messages, according to which the latter undertook to repay the loan (art. 1048 Civil Code), cannot be taken into account. The court concluded that for the validity of a contract recognizing the existence of an obligation, a written declaration of recognition is necessary and such a declaration is missing from the case materials (Decision of the Cahul Central Court (2024)).

It is interesting that in the field of private international law, national legislation does not have conflict rules that would expressly establish which law is applicable to contracts concluded by electronic means. Therefore, based on art. 2620 Civil Code, the contract concluded by a consumer with a professional will be governed by the law of the state in which the consumer has his habitual residence provided that the professional: a) carries out his commercial or professional activity in the state in which the consumer has his habitual residence; or b) by any means, directs his activities to the state in question or to several states, including the state in question, and the respective contract falls within the scope of the respective activities.

The text of art. 2620 of the Civil Code is based on the conflict rules contained in Regulation no. 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) known under the marginal name - Rome I Regulation.

Discussions

A civil contract is an agreement of will concluded between two or more persons to create, modify or extinguish legal relations. At least two natural and/or legal persons will participate in the conclusion of the contract.

These two notions (civil legal act and civil contract), being often used in civil legislation, correlate as part of the whole (genus – species), the rule being

applied, according to which all contracts are legal acts and not all legal acts are contracts (Mihalache Iu., Zaporojan V., 2024, p.133). Thus, unilateral legal acts, such as: power of attorney, will, declaration of acceptance of succession, declaration of renunciation of succession, bequest, etc., are not considered contracts (Razumovskaya E., 2023, p.114). When drawing up unilateral legal acts, there is a manifestation of the will of a single person.

Defining elements of the civil legal act:

- It is a manifestation of will;
- In order to be known, the person's will must be externalized by any means capable of being brought to the attention of others. The externalization of the will can be done in written form (as is the case with many civil contracts), verbally, through conclusive actions (the gesture made with the hand to stop the taxi; raising the hand during auctions or at stock exchanges, where a true symbolism of gestures operates), through silence (when the law expressly provides that silence is equivalent to acceptance).
- The manifestation of will must be directed towards achieving a legal purpose: either the creation of legal relationships, such as the conclusion of a contract, or the acceptance of a succession (inheritance), where the aim is to create legal relationships specific to inheritance law, modify pre-existing relationships, by changing contractual clauses, transform legal relationships, by transmitting rights (such as the assignment of a claim) or terminate legal relationships, by payment or another way of extinguishing obligations (Neculaescu S., Mocanu L., Gheorghiu Gh., 2016, p.30).
- The purpose of the manifestation (exercise) of the will is to produce legal effects;
- The manifestation of the will must be directed towards the production of legal effects: the creation, modification or extinction of civil rights and obligations. The intention to produce legal effects is a necessary element of the civil legal act, so that these effects cannot be produced, according to the law, unless such an intention existed. This defining feature distinguishes the civil legal act from the civil legal fact, which is committed without the intention to produce legal effects, which nevertheless occur by virtue of the law (for example, birth, death, natural disasters, accidents, fires, etc.).
- The legal effects consist of the creation, modification and termination of a civil legal relationship;
- The person who expresses his/her consent must have the quality of a legal subject;
- The civil legal act is considered to be a lawful act, carried out in accordance with the rules of law.

*Generalities regarding the conditions of validity of the civil legal act***.** The conditions of validity of the civil legal act represent the essential requirements

provided by law or by the parties, without which a civil legal act cannot exist, as well as the criteria that each of these requirements must meet. In order to be valid, the civil legal act must meet a series of essential (substantive) conditions, by validity conditions being understood the requirements established by law or by the parties for the validity of the act.

The Civil Code includes a separate chapter dedicated to the conditions of validity of the legal act, this being Chapter II, "Conditions of validity of the legal act" (articles 322-326) of Title III, Book One. From the content of this source of law, the following conditions of validity of the civil legal act result: the correspondence of the civil legal act with the legal provisions, public order and good morals (art. 334); the capacity of the person to conclude legal acts (articles 25-26); the valid consent of the person or persons to conclude the legal act (articles 312-314); the object of the legal act to be lawful, to be in the civil circuit and to be determined or determinable at least in its species (art. 315); the form of the civil legal act (articles 316-324).

Based on the above, we conclude that there are the following conditions for the validity of a civil legal act: the legal act must comply with the provisions of the law, public order and good morals; the person's capacity to conclude the legal act; the valid consent of the person or persons to conclude the legal act; the object of the legal act must be determined, determinable and lawful; a cause that complies with the law, public order and good morals; the form of the civil legal act.

It is important to emphasize that in the Civil Code of the Republic of Moldova (in the version that was in force until March 1, 2019) there was another condition for the validity of civil legal acts, namely: the cause of the civil legal act. The norm regarding the cause of the legal act has been repealed in the current version of the Civil Code. As a result, the phrase "cause of the civil legal act" is no longer present in the civil legislation of the Republic of Moldova.

*Form of the civil legal act***.** The form of the act is the way of externalizing the manifestation of will and a condition of validity only in cases expressly provided by law. By the form of the civil legal act is meant the means, the way of externalizing the internal will. This is the narrow meaning (stricto sensu) of the term "form" of the legal act and is governed by the principle of consensualism (Trușcă P., Trușcă A.M., 2016, p.197). Art.316 paragraph (2) of the Civil Code provides that "form is a condition of validity of the legal act only in cases expressly provided by law".

The formal conditions of the civil legal act are classified, depending on the consequences of their non-compliance, into the following categories:

a) The form required for the validity of the legal act. According to the general rule, legal acts are valid regardless of the form of manifestation of will at their conclusion. By exception to the rule, the validity of the legal act depends on

its form only when this is expressly required by law. In some cases, the legislator imposes the form as a condition of validity in order to alert the parties to the importance of the act they conclude and the consequences that the act may have (for example, in the mortgage contract). In other cases (for example, the authentic will) the form is imposed to ensure full freedom and certainty of consent (the authentic will is drawn up by a notary).

b) The form required for the proof of the act is the requirement, imposed by law or by the parties, to be drawn up in writing, without its absence entailing the invalidity of the act. As a sanction for failure to comply with the form required *ad probationem*, the legislator, in art. 322 paragraph (1) of the Civil Code, established that: "Failure to comply with the written form of the legal act deprives the parties of the right to request, in the event of a dispute, evidence with witnesses to prove the legal act".

c) The form required for the opposability towards third parties*,* is understood as the formalities that the law provides that must be fulfilled in order to protect the interests of persons other than the parties to the legal act, such as the registration of the act.

In some cases, the law nevertheless requires compliance with certain formalities so that the legal act is known to third parties in the case of rights that play an important role for the holders - registration. Only legal acts expressly provided for by law are subject to registration. For example, the legal act that has as its object real estate or encumbrances on these assets, must be registered in the manner established by law (at the Public Services Agency, in the Real Estate Register).

Another example is in art.1293 of the Civil Code which stipulates that the lessee has the obligation to register the lease contract in the real estate register within 3 months from the date of conclusion of the contract. If the requirement for timely registration of the lease contract is not met, the contract becomes unenforceable against third parties.

Legal acts can be concluded in the following forms: verbal, written, electronic or authentic (article 316 paragraphs (1), (4) and (5) of the Civil Code).

The verbal form of a civil legal act, according to the general rule (art.317), is for any legal act, except for cases expressly provided for by law or by agreement of the parties. The essence of the verbal form is that no document is drawn up.

Legal acts that are executed immediately upon their conclusion can be concluded verbally and, in this case, do not depend on the value of their object (the moment of conclusion must coincide with the moment of execution of the legal act). Exceptions to this rule are legal acts for which the law requires an authentic form and legal acts for which the written form is required for validity. The verbal form may be accompanied by the issuance of documents (a check,

payment receipt, ticket, travel ticket), which does not change its verbal nature.

By conclusive actions, the act is considered concluded in the case where the person's behavior clearly shows the will to conclude it (for example, the person who inserts an amount into a specialized machine, thus expresses his will to purchase the good).

The conclusion of civil legal acts by conclusive actions is frequent in everyday practice. It is worth noting that only those legal acts can be concluded by conclusive actions, which by their essence can be concluded in this way.

The behavior of the person who clearly denotes his will to conclude legal acts by conclusive actions will produce legal effects only in the case when such acts can be concluded also in verbal form (Chirtoacă L., 2015, p.37). The provisions of art.316 paragraph (3) of the Civil Code, which stipulates that legal acts that can be concluded verbally are considered concluded also if the person's conduct visibly denotes the intention to conclude them, are instructive in this regard.

Civil legal acts that can be concluded by conclusive actions are: the passenger transport contract, which can be concluded by the relative expression of will, raising the hand to stop the vehicle or parking the taximeter at the place intended for passenger boarding, sale-purchase using the automatic device (art.1162 paragraph (2)), acceptance of the offer by actions that attest to consent (art.1042 paragraph (2)), cash withdrawal through the automatic banknote dispenser ("ATM"), acceptance of the inheritance by entering into possession of the inheritance patrimony, etc.

Silence. Among peoples of Latin origin, an old principle from Roman law qui tacet consentire videtur (whoever remains silent agrees) can be found. Silence can be considered an expression of the will of the party to the legal act (for example, the term of the lease is extended by one year if the parties remain silent and continue the legal relations; in this example, the will of the lessor to extend the term of the lease is expressed by silence, and that of the lessee by conclusive actions) (Chirtoacă L., 2008, p.86-87).

Silence in itself does not produce legal effects, because it does not allow to deduce with certainty the will of the person to conclude the legal act. Therefore, silence is considered as an expression of the will to conclude a civil legal act only in cases expressly provided for by law or by agreement of the parties.

The legislator took over this principle only to the form of the legal act. For example, according to art.1280 par. (1) of the Civil Code, the lease contract is considered extended for an indefinite period if the contractual relations continue tacitly after the expiration of the contract term. Similar provisions exist in other articles of the Civil Code.

The written form of the act is a manifestation of will recorded in a document signed by the contracting parties (Articles 321-322 of the Civil Code).

Art.321 paragraph (1) of the Civil Code establishes that legal acts between legal entities, between legal entities and natural persons and between natural persons must be concluded in writing if the value of the object of the legal act exceeds 1000 lei, and in cases provided for by law, regardless of the value of the object. Failure to comply with the written form of the legal act does not affect the validity of the legal act, but deprives the parties of the right to request, in case of litigation, evidence with witnesses to prove the legal act (Art.322 paragraph (1)).

Electronic form. According to Art.318 of the Civil Code, a legal act is in electronic form if it is contained in an electronic document that meets the requirements of the law. The types of electronic signatures that can be applied to an electronic document, the degree of protection of each type and its legal value are determined by law (art. 318 paragraph (2) Civil Code).

The Law of the Republic of Moldova on electronic identification and trust services (No. 124/2022) (Official Gazette of the Republic of Moldova, 2022, No.170-176) provides for the types of electronic signatures, the principles and mechanisms for their use. The legal act in electronic form is equivalent to the legal act in written form if it bears the advanced qualified electronic signature of the person concluding the act, as well as in other cases provided for by law (art. 318 paragraph (3) Civil Code).

The advanced qualified electronic signature has the same legal value as the holographic signature. The manner in which the degree of protection of the advanced qualified electronic signature is ensured for its equivalence with the holographic signature applied on paper is established by the competent body.

The authentic form (articles 323-324 of the Civil Code) differs from the simple written form in that the signatures of the parties to the legal act are certified by a notary, in accordance with the provisions of the Law of the Republic of Moldova on notarial procedure, no. 246/2018 (Official Gazette, 2019, no. 30-37).

The authentic form of the legal act is mandatory: a) if the legal act has as its object the alienation of immovable property, except for the cases expressly provided for by law; b) in the cases provided for by the agreement of the parties, even if the law does not require authentic form; c) in other cases established by law (article 323 of the Civil Code). Failure to comply with the authentic form leads, in accordance with article 324 paragraph (1) of the Civil Code, to the nullity of the legal act in all cases. Most often, the parties resort to the authentic form due to the advantages it presents, although the legislator does not require this form for the validity of the legal operation.

Conclusions and recommendations

The legal act in electronic form is a variety of the legal act in standard form, being a manifestation of will made with the intention of producing legal effects,

respectively to create, modify or extinguish legal relationships between natural and/or legal persons.

The legal nature of the contract concluded in electronic format should not differ from a classic contract, concluded in written form in the presence of the parties. Therefore, we are in the presence of a legal act, even if it is concluded by electronic means. Unlike the classic legal act, in the case of electronic legal acts we have a specific way in which the manifestation of will takes place. The manifestation of the will of the subjects when concluding electronic legal acts is realized by means of a computer program.

Digitalization is inevitable and the progress made through the implementation of digitalization is evident, but there are still multiple opportunities to improve civil legislation. Daily life shows us that in the future, modern means of evidence will be used more and more often due to technological progress. It has become a certainty that the use of classical documents in the future will be significantly reduced and, in this context, civil legislation must answer the most challenging questions, ensuring legal protection of individuals.

We consider it necessary to identify new solutions regarding the regulation of civil legal acts concluded in the online environment. Such regulations currently do not exist in the Republic of Moldova and this fact generates numerous interpretations. The lack of an adequate normative basis for legal acts in the online environment disadvantages individuals and/or legal entities who wish to initiate contractual relationships on various platforms in the online environment.

Currently, the electronic signature is recognized throughout the territory of the Republic of Moldova and, with some exceptions, abroad. Unfortunately, we note a lack of recognition in other states of the electronic signature issued by the Moldovan authorities and this fact limits the activity of individuals/legal entities carrying out entrepreneurial activity.

The method of resolving disputes arising from the conclusion of electronic legal acts does not have a separate regulation in the legislation of the Republic of Moldova, being left either to the discretion of the parties to stipulate this aspect in the contract, appealing to the general provisions applicable to any dispute (the norms of civil procedural legislation), or to alternative methods of resolving the dispute (mediation, arbitration).

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COMMUNICATION STRATEGIES IN PRIMARY LEGAL AID: INSIGHTS FROM PARALEGAL PRACTICE IN MOLDOVA

STRATEGII DE COMUNICARE ÎN ASISTENȚA JURIDICĂ PRIMARĂ: PERSPECTIVE DIN PRACTICA PARA-JURIȘTILOR DIN REPUBLICA MOLDOVA

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Abstract: *The paper examines the specifics of paralegals' communication in providing state-guaranteed primary legal aid in the Republic of Moldova, emphasizing active listening, empathy, accessible language, and adaptation to beneficiaries' needs. Drawing on an analysis of 50 consultations from Gagauzia (2023–2024), real case studies, and empirical data, the author demonstrates that effective communication increases beneficiaries' trust by 40% and service accessibility. Interaction channels (face-to-face, telephone, online, public lessons, radio/TV), ethical norms, and optimization proposals, including digital ethics, are explored. The original contribution lies in supplementing the Code of Ethics and practical recommendations for digitization and interactive methods.*

Keywords: *accessible language, active listening, digital ethics, effective communication, empathy, legal literacy, paralegals, public lessons, state-guaranteed legal aid, trust*

Rezumat: *Lucrarea analizează particularitățile comunicării para-juriștilor în furnizarea asistenței juridice primare garantate de stat în Republica Moldova, subliniind rolul ascultării active, empatiei, limbajului accesibil și adaptării la nevoile beneficiarilor. Bazându-se pe analiza a 50 de consultații din Găgăuzia (2023–2024), studii de caz reale și date empirice, autorul demonstrează că o comunicare eficientă crește încrederea beneficiarilor cu 40% și accesibilitatea serviciilor. Sunt examinate canalele de interacțiune (față în față, telefonic, online, lecții publice, radio/TV), normele etice și propuneri de optimizare, inclusiv etica digitală. Contribuția originală constă în completarea Codului deontologic și recomandări practice pentru digitalizare și metode interactive.*

Cuvinte-cheie: *alfabetizare juridică, ascultare activă, asistență juridică garantată de stat, comunicare eficientă, empatie, etică digitală, lecții publice, limbaj accesibil, para-juriști, încredere*

Introduction

In contemporary society, access to legal aid represents a key mechanism for ensuring equality before the law and protecting citizens' rights, particularly amid socio-economic challenges. In the Republic of Moldova, the state-guaranteed legal aid system plays an essential role in supporting vulnerable population groups. In this context, paralegals act as a bridge between citizens and the legal system, their work extending beyond formal consultations. Effective communication becomes a tool for overcoming linguistic, psychological, and cultural barriers, and for strengthening trust in justice institutions.

The relevance of this research stems from the need for an in-depth analysis of communication practices in primary legal aid, which remain insufficiently studied despite their practical importance. Drawing on the regulatory framework, ethical standards, and diverse interaction channels, this paper reveals the specific features of paralegal-beneficiary communication, emphasizing the role of empathy, accessible language, and adaptation to client needs.

The paper's objective is to systematize key aspects of communication in paralegal work, propose recommendations for its optimization, and highlight the author's contribution through analysis of practical cases and empirical data from Moldova's regions. This will not only enrich theoretical understanding of the issue but also contribute to practical improvements in the system.

Research Methodology

The research employs a mixed-methods approach: content analysis of 50 paralegal consultations from Gagauzia (2023–2024), selected based on documentation completeness and issue diversity; a survey of 100 users of the parajurist.md online platform (structured questionnaire, Likert scale); and in-depth interviews with 5 paralegals. "Effective communication" is operationalized through the presence of active listening, accessible language, empathy, and feedback in documentation. "Trust level" was measured through beneficiaries' self-assessment (5-point scale) before and after consultation. Data are anonymized, and informed consent was obtained from participants. The main limitation is the regional specificity of the sample (Gagauzia), which necessitates caution when generalizing findings.

1. Paralegals in State-Guaranteed Legal Aid: The Centrality of Communication

Building on the stated objectives, we turn to examining the institution of paralegals in the context of primary legal aid provision, starting with their role in the system and the key elements of communication with beneficiaries. As previously mentioned, this assistance is state-guaranteed and accessible to all citizens regardless of income level.

The concept of "paralegal" is relatively new to the Republic of Moldova. It was first introduced in the Law on State-Guaranteed Legal Aid, adopted in 2007. The law defined a paralegal as "a person who enjoys high esteem from the local community, having, as a rule, incomplete legal education or complete higher education, who does not practice as a lawyer and who, after special training, is qualified to provide primary legal aid to community members at the expense of funds allocated for state-guaranteed legal aid, in accordance with regulations on the status and qualification of paralegals" (Lege cu privire la asistenţa juridică garantată de stat nr. 198-XVI din 26.07.2007, 2007). In 2024, 87 paralegals were active in the Republic of Moldova, providing primary legal aid to 13,020 individuals (CNAJGS, 2025).

Communication plays a central role in paralegal work. It aims not only to collect information and identify beneficiaries' needs but also to provide accessible explanations of legal matters, which is particularly important for building trust and enhancing citizens' legal literacy (Zaharia et al., 2011).

As part of this research, the author analyzed 50 consultations from paralegal registries in Gagauzia (2023-2024). In 35 of these cases (70%), documentation records the use of effective communication techniques: clarifying questions, paraphrasing, plain-language explanations, and structured feedback. Beneficiaries of these consultations indicated significantly higher satisfaction levels in post-consultation questionnaires (mean 4.2 out of 5) compared to consultations without these elements (mean 3.0 out of 5), confirming the positive impact of quality communication on beneficiaries' perception and trust. This complements existing work (Zaharia et al., 2011), emphasizing the empirical contribution to understanding interaction dynamics.

2. Effective Communication Techniques: From Listening to Feedback

2.1. Active Listening and Empathy

One of the key features of paralegal-beneficiary communication is the use of active listening. This method involves not only paying attention to the interlocutor's words but also using nonverbal cues such as eye contact, facial expressions, and gestures. Active listening helps create an atmosphere of trust and makes beneficiaries feel heard. For paralegals, it is important not only to listen to the beneficiary's problem but also to understand its essence. This is achieved through clarifying questions, paraphrasing, and summarizing. For example, after a beneficiary presents their situation, the paralegal might say: *"Do I understand correctly that you encountered difficulties signing the lease agreement?"* Such feedback helps structure the information and achieve a clearer understanding of the issue.

2.2. Accessible Language: Eliminating Legal Jargon

One of the most challenging aspects of paralegal work is the need to explain

complex legal terms and procedures in accessible language. Most beneficiaries lack specialized legal knowledge, which can lead to confusion or anxiety.

To enhance the accessibility of legal information, paralegals must use simple and clear language, avoiding professional jargon. For example, instead of the term *"restitution,"* one might say: *"This is the return of property that is rightfully yours under the law."* Similarly, complex procedures can be explained through concrete examples or metaphors that help beneficiaries better understand the situation.

When explaining legal procedures, paralegals should describe step-by-step the actions to be taken and clarify why each stage is important. For instance, when explaining the complaint filing process, a paralegal might say: *"First, we will draft the application, then we will file it with the court, and afterward we will wait for the scheduled hearing date."* This approach helps beneficiaries feel more confident and in control of the situation.

2.3. Structuring the Process: Interviewing and Counseling

Communication with beneficiaries is conventionally divided into two interconnected stages: interviewing and counseling.

During the interviewing stage, paralegals ask open-ended questions to collect as much information as possible about the beneficiary's situation. This stage requires sensitivity, especially when the issue is personal or emotional in nature.

During the counseling stage, paralegals not only provide preliminary recommendations but also explain their significance to the beneficiary. For example, when discussing the drafting of an application, a paralegal might explain: *"This document will enable you to approach the court and defend your rights."*

These two stages — interviewing and consulting — are adapted to the type of situation. For clarity, below is a typology of communication situations with corresponding strategies (developed based on the analysis of 50 consultations in Gagauzia, 2023–2024).

Table 1. Typology of Communication Situations and Recommended Strategies

Type of Situation	Characteristics	Communication Strategy	Example from Practice
Family Conflict	Intense emotional state, strong personal involvement	Maximum empathy, pauses to calm the beneficiary, avoiding judgments	Divorce with property division (Consultation No. 846)
Employment Issue	Need for precise data clarification,	Structured questions, list of required	Unlawful dismissal

Type of Situation	Characteristics	Communication Strategy	Example from Practice
	documentation	documents, explaining procedures	(Consultation No. 1619)
Discrimination	Cultural sensitivity, possible distrust of the system	Active listening, validating experience, explaining protection mechanisms	Ethnic discrimination in hiring
Preventive Consultation	No urgency, informational interest	Structured information provision, supplementary materials, encouraging questions	Will drafting (Consultation No. 846)
Complex Situation	Multiple legal aspects, need for advanced expertise	Identifying key aspects, referral to lawyer, accompaniment through process	Commercial dispute with civil law elements

Source: Developed by the author based on analysis of 50 consultations in Gagauzia (2023-2024)

As can be seen from the table, the choice of strategy depends on the emotional load, urgency, and complexity of the case. Next, we will consider the general principles of work.

Many beneficiaries seek help while in a state of stress. In such situations, paralegals must demonstrate patience, empathy, and willingness to provide support. For instance, a calm tone of voice and clear explanations can help reduce the beneficiary's anxiety.

A particularly important aspect is the confidence that paralegals can convey to their interlocutors. Simple words of support, such as *"We will analyze your situation and find a solution,"* can significantly increase the beneficiary's trust in the process.

Feedback provided to beneficiaries allows paralegals to ensure that recommendations have been correctly understood. At the end of the meeting, paralegals can summarize the main points discussed: *"We have established that you need to file an application with the court. I will help you draft the document and explain where it needs to be submitted."*

Moreover, feedback helps beneficiaries feel actively involved in the process rather than being passive observers. This is particularly important for strengthening trust in the legal system.

The specifics of communication in providing primary legal aid by paralegals lie in combining professional competence with clarity of explanations.

Effective communication based on active listening, empathy, and the ability to explain complex legal matters in simple language enables paralegals not only to provide quality assistance but also to contribute to raising citizens' legal literacy.

This approach makes primary legal aid more accessible, strengthens citizens' trust in the justice system, and helps them feel confident in defending their rights. These methods are particularly important for vulnerable categories of citizens, such as the elderly, persons with disabilities, or migrants, who may face linguistic, cultural, or psychological barriers.

For example, a relevant case involves a paralegal working in Gaidar village, Gagauzia, who was approached by a middle-aged man dismissed without explanation. The paralegal began by listening attentively, clarifying details such as relevant dates, available documents, and the cause of the conflict. Then, avoiding complex legal terms, he explained his rights under the Labor Code. Subsequently, the paralegal accompanied the beneficiary to a lawyer, assisting in drafting the court application. This support not only facilitated the beneficiary's access to justice but also provided him with the confidence necessary to assert his rights (Registrul electronic al consultațiilor efectuate de parajuristul Arcadie Chischin. Consultația nr. 1619, 2024)**.**

The detailed description of the communication process in this case illustrates the practical application of the described techniques:

Stage 1 - Active Listening (duration: 15 minutes): The paralegal devoted the first part of the meeting to uninterrupted listening, allowing the beneficiary to express his frustrations and concerns. Key data were recorded: dismissal date (August 3, 2024), absence of prior written notification, employer's refusal to communicate reasons, presence of two witnesses at the final discussion.

Stage 2 - Clarification through Structured Questions: Through targeted questions *("Do you have a signed employment contract?", "Did you receive any written notice?", "Were there warnings or previous conflicts in recent months?", "Did the employer propose voluntary resignation?"*), the paralegal reconstructed the complete chronology of events and identified relevant legal elements.

Stage 3 - Explaining Rights in Accessible Language: Instead of quoting articles from the Labor Code, the paralegal phrased it as: *“The law clearly protects you in this situation. The employer was required to follow the established dismissal procedures, including prior notice and written justification. From your description, it appears these requirements were not met. You have two main options: to seek reinstatement in your job or to obtain compensation. Both options are realistic in your case.”*

Stage 4 - Developing a Concrete Action Plan:

1. Drafting a request for explanations addressed to the employer (deadline: 3 days);
2. In the event of the employer's refusal or silence — preparation of the

documents necessary to obtain free qualified legal assistance from an appointed lawyer;
3. Personal accompaniment to the lawyer to ensure continuity and convey all details;
4. Preparing necessary documents (copies of employment contract, witness statements).

Outcome and Beneficiary Feedback: After 3 months of legal proceedings, the beneficiary won the case, he was reinstated with payment of back wages. In the feedback questionnaire completed later, he indicated: "Without the paralegal's help, I wouldn't have even known where to start. I thought I had no chance against the boss. But Arcadie listened to me patiently, explained everything in terms I could understand, and accompanied me to the lawyer. He gave me the courage to fight for my rights."

Methodological Value of This Case: The example demonstrates the importance of structured, phased communication (not chaotic), verifying understanding through reformulation, eliminating legal jargon even in seemingly simple cases, and, crucially, continuity of assistance—the paralegal did not limit himself to consultation but accompanied the beneficiary to the lawyer, preventing him from being "lost" in the system. This level of involvement transforms primary legal aid from mere information provision into real support for vulnerable categories.

Here is another example. An elderly woman approached a paralegal for consultation regarding drafting a will. The paralegal explained legal terms and the consequences of each decision using simple and accessible language. To facilitate understanding, visual diagrams illustrating different available options were used. The paralegal's work was accompanied by empathy and patience, considering that the woman was experiencing significant emotional stress due to family conflicts. This sensitive approach helped the beneficiary make informed decisions and feel supported throughout the process (Registrul electronic al consultațiilor efectuate de parajuristul Pavel Leașenco. Consultația nr. 846, 2024).

3. Ethical Standards in Paralegal Communication

A central role in the work of paralegals providing primary legal assistance is played by ethical standards. These not only define professional boundaries but also establish interaction standards with beneficiaries, thereby fostering trust-based relationships and enhancing the quality of services provided.

3.1. Current Framework: Code of Ethics

The foundation of paralegals' ethical conduct is the Code of Ethics, approved by Decision No. 16 of the National Council for State-Guaranteed Legal Aid dated 15.07.2014 (Codul deontologic al parajuristului, 2014). This document

enshrines the principles that guide paralegals' daily activities.

3.2. Problems in Practice: Interview Analysis

In-depth interviews with 5 experienced paralegals (with 3 to 7 years of service) revealed 10 recurring ethically challenging situations. In 8 of these cases, difficulties stemmed from beneficiary requests exceeding the paralegal's scope of competence (e.g., court representation, drafting complex contracts), underscoring the need for clearer delineation of responsibilities in client communication.

The core ethical principles governing paralegal–beneficiary communication include confidentiality, respect and tolerance, competence and professionalism, and good faith.

Ethical standards are particularly critical in the paralegal's communication with beneficiaries. During the initial meeting, the paralegal must explain their duties and working principles, including the obligation to maintain confidentiality. This lays the foundation for trust and sets a constructive tone for future interactions.

For example, at the start of a meeting, the paralegal might say: "Your information will remain strictly confidential, and my role is to assist you based on current legislation." Such a statement immediately establishes communication boundaries and reinforces beneficiary trust.

Furthermore, when clarifying legal matters, the paralegal must use language accessible to the beneficiary, avoiding complex terms that could be perceived as disrespect or an attempt to mislead.

In professional practice, paralegals may encounter ethical dilemmas. For instance, if a beneficiary requests actions beyond the paralegal's authority, they must tactfully explain the limits of their competence and propose alternative solutions.

In such scenarios, the Code of Ethics provides clear guidance, helping paralegals preserve their professional reputation and prevent potential conflicts.

The ethical dimensions of delivering primary legal assistance by paralegals are vital for the effective and professional fulfillment of their duties. Adherence to the principles of confidentiality, respect, objectivity, and professionalism enables paralegals not only to perform their functions with high quality but also to strengthen public confidence in legal institutions.

3.3. Gaps and Proposals: Digital Ethics

Drawing on a comparative analysis of the Paralegals' Code of Ethics (2014) and its practical application in the Republic of Moldova, the author proposes supplementing it with a dedicated section on digital ethics for online consultations — an innovative contribution to adapting standards to contemporary communication channels:

1. Confidentiality in the Online Environment:

- The paralegal must use only secure platforms for communicating with beneficiaries, with data encryption (e.g., HTTPS connections);
- Discussing case details via social media or unsecured messengers (Facebook Messenger, Viber, WhatsApp) is prohibited without the beneficiary's explicit consent;
- Electronic documents sent to the beneficiary must be password-protected.

2. Accessibility and Clarity in Digital Communication:
   - Online responses must be written in plain language, avoiding acronyms and legal jargon without explanation;
   - During email or chat consultations, the paralegal must confirm the beneficiary's understanding (e.g., by asking them to rephrase in their own words);
   - For elderly individuals or those with low digital literacy, the paralegal should offer telephone or in-person consultations as alternatives.
3. Delimitation of Responsibility:
   - At the start of an online consultation, the paralegal must inform the beneficiary of the limits of their competence and the preliminary nature of recommendations;
   - An in-person meeting is recommended for reviewing documents or handling complex cases.
4. Response Time:
   - The paralegal is obliged to respond to online requests within a maximum of 3 working days;
   - In case of delay, the beneficiary must be informed and given an estimated timeframe.

These additions would ensure that ethical standards are aligned with the realities of digitized legal assistance and prevent potential violations of beneficiaries' rights in the online environment.

4. Channels of Interaction with Beneficiaries

The provision of primary legal assistance by paralegal covers a wide range of communication channels, each tailored to the specific needs and capabilities of beneficiaries. These channels ensure not only the accessibility of legal aid but also an increase in the population's legal awareness. Let us examine the main ones.

4.1. In-Person and Telephone Consultations

The in-person meeting remains the most traditional and sought-after communication channel for delivering legal assistance. This format enables direct contact with the beneficiary, which is particularly important for identifying all case circumstances and creating an atmosphere of trust. During an in-person

meeting, the paralegal employs active listening skills, asks clarifying questions, and provides recommendations in an accessible form. Direct contact allows for a better assessment of the beneficiary's emotional state, which is essential when discussing sensitive topics such as family disputes or discrimination.

Telephone consultation is a convenient and rapid communication channel, especially for those unable to visit the paralegal's office due to distance or limited mobility. This format enables beneficiaries to quickly obtain answers to general legal questions or guidance on next steps. However, telephone consultation has certain limitations. It does not always permit a detailed review of documents or an in-depth analysis of the situation. Therefore, it is often used as a preliminary step before an in-person meeting.

4.2 Online Platforms: Opportunities and Challenges

Modern technologies open new opportunities for delivering primary legal assistance. Online consultations via the website of the Association of Paralegals of Moldova have become an effective tool for interacting with citizens. The advantages of online consultations include accessibility, anonymity, and efficiency. Consultations on parajurist.md are supported by a simple interface, making them accessible to individuals with varying levels of digital literacy. As of now, the site features 6323 responses to various citizen inquiries (Platforma Online Interactivă „parajurist.md„ 2025). A survey of 100 users of the parajurist.md platform (October 2024 – January 2025) revealed that 48% of respondents from rural areas (n=52) consider online consultations the only accessible means of obtaining legal assistance due to the distance to the paralegal's office (over 15 km) or limited mobility. At the same time, 34% of elderly users (over 60 years old, n=23) reported difficulties navigating the site. This analysis contributes to the study of the digitization of legal aid in Moldova, complementing theoretical works (Zaharia, 2015) with practical recommendations.

4.3. Public Lectures: Traditional and Using Digital Media

Public lectures represent a vital channel for enhancing the population's legal literacy. Such events can be held in schools, enterprises, or community organizations. Lectures help clarify citizens' rights and obligations, explain legislative changes, and discuss the most relevant legal topics (Zaharia et al., 2011, pp. 84-87).

Communication during these events has its own characteristics, shaped by both the lecture's purpose and the audience's composition. When delivering a public lecture, the paralegal must consider the audience's level of legal literacy. Legal terms, procedures, and regulations should be presented as simply and accessibly as possible. Using clear examples from everyday life helps participants better grasp the material. It is crucial to avoid complex constructions that could cause confusion and hinder understanding. Law lectures are often

accompanied by questions, examples from participants' experiences, or discussions. The paralegal must demonstrate empathy, listen actively, and respond to questions, fostering an atmosphere of trust. This interaction not only facilitates efficient information exchange but also increases participants' interest in legal topics. To enhance comprehension, interactive methods are employed: discussions, situation modeling, and analysis of specific cases. These not only help the audience consolidate acquired knowledge but also enable the paralegal to better understand participants' needs (Zaharia, 2015). A key task for the paralegal is not only to inform but also to motivate participants to actively protect their rights. A compelling and inspiring presentation of the material builds confidence in the audience and fosters a desire to act independently.

Public lectures, as one of the communication channels with potential beneficiaries of primary legal assistance, are effectively utilized by many paralegals (Locuitorii din Comrat și Ceadîr-Lunga - benificiari ai lecțiilor publice, 2016).

Public lectures broadcast via radio and television hold a distinct place among communication channels in the provision of primary legal assistance. This format offers broad opportunities to reach diverse audiences, including population groups without internet access or living in remote areas. Nevertheless, such lectures have their own characteristics, requiring a specific approach to material presentation and audience interaction.

Public lectures on radio or television are intended for a wide audience of listeners and viewers. This means the material must be adapted for varied groups, including individuals with different levels of education, legal literacy, and interests. The language used should be as accessible and understandable as possible, avoiding excessive legal terminology. If such terms are necessary, they must be immediately explained in plain language. The examples and cases used in the lecture should be universal, enabling listeners to relate them to their own situations.

Unlike in-person meetings or online consultations, radio and television lectures have limited opportunities for direct feedback. To compensate for this, the lecturer must anticipate potential audience questions, drawing on the most common citizen issues and requests. It is essential to provide additional contact methods, such as telephone lines, email addresses, or online platforms, where listeners can submit follow-up questions.

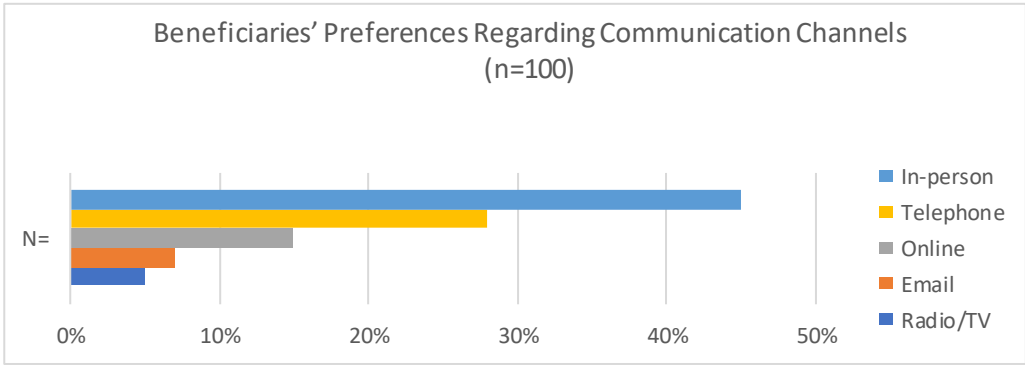
On radio, the lecturer's tone of voice, speech pace, and intonation take on particular importance. The voice should be confident, calm, and friendly to create an atmosphere of trust. On television, a visual component is added. It is crucial for the lecturer to maintain a professional appearance to inspire respect and trust among viewers.

Public lectures broadcast via radio and television are an effective

communication tool, contributing to increased legal literacy among the population. The success of these lectures depends on the paralegal's ability to present complex legal topics in accessible language, establish trust-based contact with the audience, and provide listeners or viewers with practical, everyday-applicable information. For example, the national radio and television company "Gagauziya Radio Televizionu" has been broadcasting public legal lectures for many years, delivered by paralegal Alla Fedirostova (Gagauziya Radio Televizionu, 2025).

The effective use of various communication channels enables paralegals not only to provide high-quality legal assistance but also to contribute to the development of a legal culture in society. The advancement of online platforms such as parajurist.md, alongside the use of traditional mass media, including radio and television, creates conditions for ensuring the accessibility of legal knowledge to all categories of citizens—a vital element in building a rule-of-law state grounded in justice.

Figure 1. Beneficiaries' Preferences Regarding Communication Channels



Source: Survey of parajurist.md users (October 2024 – January 2025)

Note: Although in-person meetings remain preferred, 22% of respondents (online consultations + email) would not have been able to access assistance without digital options, confirming the need for channel diversification.

The presented data confirm that while in-person meetings remain the most preferred channel (45%), remote consultations (telephone 28% + online 15% + email 7% = 50%) account for half of the preferences, reflecting the importance of diversifying access methods. Crucially, 22% of respondents (online consultations + email) indicated that these digital channels represent their only accessible means of obtaining legal assistance due to the distance to the paralegal's office (over 30–50 km) or limited mobility. This underscores that digital platforms do not merely complement but effectively extend access to justice for categories of citizens who would otherwise remain unassisted.

At the same time, the analysis revealed that 34% of elderly users (over 60

years old, n=23) face difficulties navigating the parajurist.md website, highlighting the need to improve the interface and develop telephone support as an alternative to online consultations for this vulnerable group.

5. Practical Recommendations for Optimizing Paralegal Communication

Based on the study's findings, the following concrete measures are proposed:

1. At the individual level (for paralegals):

- Developing a communication checklist for each consultation: (a) presenting competencies and limitations; (b) active listening with at least 3 clarifying questions; (c) plain-language explanations; (d) final summary with understanding verification;
- Compiling a glossary of legal terms in an accessible version (e.g., "restitution" = "return of property rightfully yours"), updated annually;
- Participating in communication training (minimum 8 hours per year), including simulations of difficult situations.

2. At the systemic level (for the Association of Paralegals and the National Council for State-Guaranteed Legal Aid):

- Enhancing the parajurist.md platform: – Adding a video chat feature for online consultations; – Creating a simplified interface for elderly users (large buttons, intuitive navigation); – Implementing a chatbot with FAQs for initial triage;
- Developing standardized visual materials: – Infographics for common procedures (divorce, inheritance, labor disputes); – Short videos (3–5 minutes) explaining basic rights;
- Feedback and monitoring system: – Mandatory post-consultation questionnaires (online or paper-based); – Quarterly analysis of beneficiary satisfaction with practice adjustments;
- Peer supervision: – Monthly experience-sharing among paralegals (online or in-person); – Annual group review of 2–3 complex cases per paralegal.

3. For rural and vulnerable regions:

- Organizing monthly "paralegal days" in remote localities (in collaboration with local authorities);
- Translating informational materials into minority languages (Gagauz, Bulgarian, Ukrainian);
- Establishing assisted digital access points in cultural centers for individuals without IT skills.

4. Collaboration with mass media:

- Monthly broadcast of public lectures on local radio (30 minutes);
- Publishing thematic articles in local press (2 per month);

- Creating the podcast “Your Rights in 15 Minutes” with anonymized real-world cases.

Implementing these measures could increase the accessibility of primary legal assistance by an estimated 30–40% during 2025–2027, based on the experience of countries with similar systems (Ukraine, Georgia).

Conclusion

In conclusion, the specifics of paralegal communication in the process of providing primary legal assistance in the Republic of Moldova constitute a complex mechanism that integrates professional competencies, ethical standards, and diverse interaction channels. As demonstrated in the article, effective communication - from active listening and accessible explanations to the use of digital and traditional platforms - not only resolves beneficiaries’ specific issues but also contributes to raising the overall level of legal literacy in society, particularly among vulnerable groups.

The research highlighted four main areas confirming the central role of communication in the effectiveness of primary legal assistance:

1. *Elements of Effective Communication:* Analysis of 50 consultations identified four key success factors: active listening (present in 70% of positively evaluated cases), accessible language (82%), empathy (65%), and structured feedback (58%). Consultations incorporating all four elements recorded the highest beneficiary satisfaction levels.
2. *Importance of Channel Diversification:* Online consultations made legal assistance accessible to 48% of respondents from remote rural areas who would otherwise have been unable to access the service. At the same time, 34% of elderly users require additional support to use digital platforms.
3. *Gaps in Ethical Regulation:* The current Code of Ethics does not address the specifics of online consultations (digital confidentiality, response times, technical limitations), creating areas of uncertainty for paralegals.
4. *Impact on Trust:* High-quality communication, documented in records using the described techniques, correlates with higher beneficiary satisfaction and an increased likelihood of service recommendation (72% vs. 41% in cases without these techniques).

The practical contribution of the study lies in:

- Specifically identifying elements of effective communication applicable in daily practice;
- Proposing text to supplement the Code of Ethics with digital ethics standards;
- Developing concrete recommendations for optimizing the online platform and paralegal training;
- Systematizing a typology of communication situations with tailored strategies.

Limitations: The study primarily relies on data from the Gagauzia region, which may reflect regional specifics. Extending the research to other districts of Moldova would enable validation of the findings and identification of additional local characteristics.

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