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AROȘOAIE MIHAELA-OTILIA

THE ROLE OF THE GOVERNMENT REPRESENTATIVE IN THE TERRITORY IN ASSURING THE QUALITY OF ADMINISTRATIVE ACTS IN ROMANIA AND THE REPUBLIC OF MOLDOVA

563.02. ORGANIZATION AND MANAGEMENT IN PUBLIC ADMINISTRATION INSTITUTIONS; PUBLIC SERVICES

Summary of the doctoral thesis in administrative sciences

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The thesis was developed within the Doctoral School of Social Sciences of the Moldova State University

Scientific supervisor:
DULSCHI Ion, doctor of historical sciences, associate professor

Members of the Guidance Committee:
1. **SOLOMON Constantin**, doctor habilitated in political sciences, university professor
2. **PALIHOVICI Serghei**, doctor of political sciences, university lecturer
3. **POPOVICI Angela**, doctor of historical sciences, associate professor

Composition of the Doctoral Committee:
1. **PERU-BALAN Aurelia**, doctor habilitated in political sciences, associate professor, Moldova State University – chairman
2. **DULSCHI Ion**, doctor of historical sciences, associate professor, Moldova State University – doctoral supervisor
3. **CORNEA Sergiu**, doctor habilitated in political sciences, associate professor, "B.P.Hasdeu" University Center from Cahul – official referee
4. **POPOVICI Angela**, Doctor of Historical Sciences, Associate Professor, Moldova State University – official referee
5. **CIGU Elena**, PhD in Economics, Associate Professor, Qualified in Administrative Sciences, Alexandru Ioan Cuza University of Iași, Romania - official referee

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President of the Doctoral Commission: PERU-BALAN, Aurelia,

Doctor habilitated in political sciences, associate professor signature

Doctoral supervisor: DULSCHI Ion,

Doctor in historical sciences, associate professor signature

Author: AROȘOAIE Mihaela-Otilia signature

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TABLE OF CONTENTS

CONCEPTUAL POINTS OF RESEARCH..........4

THESIS CONTENT..........8

GENERAL CONCLUSIONS AND RECOMMENDATIONS..........20

BIBLIOGRAPHY 25

LIST OF THE AUTHOR'S PUBLICATIONS ON THE THESIS TOPIC..........29

ANNOTATION..........31

ANNOTATION..........32

АННОТАЦИЯ..........33

CONCEPTUAL FRAMEWORK OF THE RESEARCH

Timeliness and importance of the researched topic. Both Romania and the Republic of Moldova are making sustained efforts toward establishing an optimal model of public administration. A defining moment was represented by the structural reforms that stabilized administrative activities, ensuring alignment with European standards. These transformations enable the authorities to respond efficiently to the dynamics specific to social life, while at the same time requiring the maintenance of high ethical and professional standards, such as competence, ethics, and efficiency in the provision of public services.

In order to achieve its strategic objectives, public administration requires the appropriate development and consolidation of the relevant institutions and related competencies. It is essential that these institutions implement adequate incentives and establish dynamic connections in order to guarantee society a highly professional public service. The activity of public administrations must be governed by clear rules focused on legality, integrity, and transparency, while also promoting neutrality and equal access to opportunities for the development of communities. From this perspective, the essential mission of public administration consists in satisfying the general interest of citizens through the exercise of governance and the provision of high-quality public services.

Administration cannot limit itself to the mere transmission of information; its task also includes understanding citizens' needs and identifying efficient ways to respond to them. In this context, the representative of the government is obliged to provide local authorities with certainty regarding the legality of the verified acts. Consequently, its role transcends that of a mere specialist in legislation, becoming a factor capable of understanding and resolving the situations and problems of the community.

The representative of the government in the territory thus becomes a decisive factor in the achievement of good governance — an intrinsic element of modern administrations — contributing decisively to shaping the administrative capacity of the state. The improvement of its activity is dictated by the needs of local communities and by the identification of the most efficient means of action, potentially including even the amendment of the national legislative framework. Strengthening trust in the state may be achieved by reinforcing the role of the Prefect in guaranteeing the quality of local administrative acts and by increasing its strategic relevance for economic development and the consolidation of democracy.

The timeliness of the topic lies in the imperative of strengthening the role of the representative of the government in the territory in the verification and certification of legality, in ensuring the quality of administrative acts through the coordination of the stakeholders involved, and in guaranteeing legislative coherence. The administrative acts of local public administration authorities communicated to the representative of the government in the territory for the purpose of legality verification are legal acts issued under a public authority regime for the purpose of organizing the execution of the law or its actual implementation, which give rise to, modify, or extinguish legal relationships in the most varied fields of activity.

He relevance of the research is determined by the opportunity to draw inspiration from the European models of the representative of the government in the territory. The organization of the

institution, the applicable procedures, and best practices constitute a point of administrative unity. The comparative analysis of these aspects, without neglecting national specificities, served as a challenge in establishing the role of the representative of the government in ensuring the quality of administrative acts, with emphasis on the exercised administrative guardianship. Ensuring the quality of the administrative act constitutes the guarantee of the efficient exercise of guardianship, having overwhelming importance in achieving the general objective of public administration, both from the perspective of the effects of local acts and the observance of the central legal order at the local level.

Addressing the **degree to which the topic has been investigated**, we may conclude that the clarification of the level of research into the issue indicates a significant presence of academic and practical interest, materialized in reference publications. These works cover both public administration as a whole and the organization and functioning of central and local institutions, according to the relevant contributions of authors such as Alexandru I. [26], Balan O., Șaptefrați T., Popovici A. [27], Preda M. [32], Sîmboteanu A. [33], Trăilescu A. [35], and Voicu B., Șuta Ș. [37].

A significant number of studies focus on tangential, yet essential, subjects such as the role of the prefect, administrative control, administrative guardianship, and the legality of local acts (Cornea S. [29], Diaconu M. [30], Stoian R.N. [34], and Waline J., Rivero J. [38]). Although the concept of administrative guardianship exercised by the representative of the government in the territory has been widely addressed in the modern era, a major gap is observed in the specialized literature: the central topic concerning the role of the representative of the government in ensuring the quality of administrative acts has not been explored directly and in depth. This insufficiency of specific analysis, despite the existing tangential research in both states, imposes the necessity of generating a focused study capable of investigating the issue in both theoretical and practical contexts.

The purpose of the paper consists in carrying out a complex and multidimensional analysis, from an administrative-legal and constitutional perspective, of the role of the representative of the Government in the territory within the institutional mechanisms for guaranteeing the quality of administrative acts adopted by the local public administration authorities of Romania and the Republic of Moldova. The research is oriented toward an in-depth investigation of the legality control exercised over local administrative acts, through the systematic examination of the relevant normative framework, the institutional architecture, and the methods of organization and functioning of the competent authorities, with a view to highlighting the existing functional limits and vulnerabilities.

At the same time, the scientific approach aims to identify operational and institutional dysfunctions, as well as to assess their impact on the relationships between the executive power and the local public administration authorities, with emphasis on the necessity of maintaining a constitutional balance between the principle of local autonomy and the imperatives of compliance with legality in the activity of public administration.

Research objectives. The achievement of this purpose is marked by a series of objectives intended to substantiate the research approach:

- the historiographical, theoretical, and methodological analysis of the institution of the representative of the government;
- the investigation of the normative and functional evolution of the institution;
- comparative research of the evolution of the institution of the representative of the government in European countries;
- the analysis of the current activity regarding the guarantee of legality and the quality of local administrative acts;
- the conceptual correlation of the institution's principles with the principle of local autonomy;
- the highlighting of the specific organization and functioning of the representative of the government in Romania and in the Republic of Moldova;
- the formulation of concrete recommendations for optimizing the process of ensuring the quality of administrative acts.

The research hypothesis is based on the idea of a causal relationship between the quality of local administrative acts and the capacity of the issuing authority to strictly align the form and content of the act with the intended administrative purpose, on the one hand, and the exercise of legality control by the representative of the government in the territory, as a determining institutional factor in guaranteeing the quality of administrative decisions, on the other hand.

Summary of the research methodology and justification of the chosen research methods. The theoretical-methodological basis of the investigation derives from the purpose and objectives of the paper, implementing a complex of research actions in order to ensure informative, statistical, and synthetic benchmarks. In order to achieve a complex approach, guiding principles such as historical analysis, determinism, objectivity, simplicity, complementarity, and rationalization were applied.

The breadth of the subject required the use of a diverse set of general scientific methods:

- historical, comparative, phenomenological, and systemic analysis;
- the case study, statistical, functional, and dialectical methods;
- induction and deduction, documentary analysis, and synthesis.

Additionally, specific techniques were applied, including: the in-depth study of the bibliography (domestic and foreign) for the scientific substantiation of the notions of administrative guardianship and administrative acts subject to guardianship; the identification of relevant paradigms in the public administration of Romania and the Republic of Moldova; and the use of qualitative methods (observation) and communication research techniques (content analysis).

Scientific novelty and originality. The research brings an original contribution by outlining an innovative approach to the intervention of the representative of the government in the territory. This includes *de lege ferenda* proposals aimed at increasing the efficiency of the procedure for the adoption of local acts and the scientific substantiation of the Representative's role in ensuring the quality of administrative acts.

Among the notable results are: the identification of mechanisms for increasing the efficiency of legality control, including through the proposal of a new institution and the adjustment of the normative framework (e.g., the elimination of the opinion of specialized committees for individual acts); the clarification of the level of influence exercised by the political status of the representative of the

government on the objectivity of legality verification; the substantiation of the practical utility of adopting best practices from European countries regarding legality control; and the substantiation of the concept of the quality of the local administrative act from the perspective of the attested legality and the social effects generated.

The theoretical significance consists in clarifying the relationship and impact between the notions of legality and the quality of local administrative acts, deepening previous research and providing clarifications in terms of theories, concepts, definitions, and legislative principles.

The applicative value resides in the comparative analysis and identification of the particularities of legality verification in Romania and the Republic of Moldova. The activity models analyzed allow for the adoption of best practices which, adapted to national specificities, may contribute to the improvement of institutional processes and to the well-being of communities. The research results serve as concrete support for central and local public authorities in guaranteeing the quality of administrative acts.

Main scientific results submitted for defense:

1. Identification of mechanisms for increasing the efficiency of the process of verifying the legality of local administrative acts in Romania and the Republic of Moldova by the representative of the government in the territory, through the establishment of a new institution of interest in the field, as well as through the adjustment of the current normative framework, particularly by eliminating the opinion of the specialized committee of the deliberative local public authority in the case of the adoption of local administrative acts of an individual nature.
2. Clarification of the level of influence determined by the political status of the representative of the government in the territory with regard to the objective exercise of the duty of verifying the legality of local administrative acts.
3. The usefulness for Romania and the Republic of Moldova of the practices of European countries regarding the legality control exercised by the representative of the government in the territory over the acts of local public administrations.
4. Substantiation of the concept of the quality of the local administrative act from the perspective of the legality attested by the representative of the government in the territory, together with the social effects by virtue of which that act was issued or adopted.

Approval of the research results. The scientific investigation is integrated within the research framework of the Moldova State University. The results of the scientific investigations were presented in scientific communications delivered and published within national and international scientific forums, with the publication of 14 articles in conference proceedings, 4 articles in scientific journals, and two books in the field of public administration.

Volume and structure of the thesis: introduction, three chapters, general conclusions and recommendations, bibliography comprising 207 titles, 5 annexes, 147 pages of main text, and 10 figures.

Keywords: representative of the government in the territory, prefect, head of the territorial office, legality, legality verification, administrative control, central public authority, local public authority, local autonomy, local administrative act, quality of local administrative acts.

CONTENT OF THE THESIS

The **Introduction** substantiates the timeliness and importance of the research topic, formulates the purpose and objectives of the paper, the research hypothesis, highlights the applied methodology, the scientific novelty of the study, the scientific problem solved, the theoretical significance and applicative value of the paper, the submitted results, the approval of the results, and the summary of the thesis chapters.

Chapter 1 entitled **Historiographical and Theoretical-Methodological Foundations Regarding the Representative of the Government in the Territory**consists of four subchapters and includes the historiographical research, the conceptual framework, and the theoretical-methodological landmarks concerning the representative of the Government in the territory, through the investigation of international bibliographic sources and the analysis of domestic specialized materials, as well as the study regarding the correlation between the principles governing the representative of the Government in the territory and the principle of local autonomy.

The first subchapter, **1.1. Historiographical Landmarks Regarding the Institution of the Representative of the Government in the Territory**includes the investigation of the genesis of the concept of the representative of executive power in the territory, including the notion of the prefect, within a complex temporal and geographical framework. It reflects the work of the great thinkers of earlier times who highlighted elements of correlational connection to the concept of the representative of the government in the territory. The approach to various visions regarding concepts such as the state, the principle of separation of powers within the state with emphasis on executive power, administration, and the rule of law contributed to shaping and locating the notion of the representative of the government in the territory. Since “the state is the product of a social contract, of an agreement concluded between people” [36], and executive power with impact upon the national community is found in the vision of the thinkers of the time who regarded “government as a force that watches over the welfare of each individual” [31].

The Roman period is rich in providing data and information regarding the function of the prefect, a formal title attributed to several mid-ranking military or civil officials whose authority was delegated by a higher-ranking authority. We may affirm the existence of correlational elements of state interest for local communities even since Antiquity, when the Prefect, as the representative of the Emperor, acted under delegated authority in his name.

The evolution of political thought determined the necessity of highlighting and defining a concept known today as the principle of the separation of powers within the state. For Montesquieu, the functioning of the powers within the state under conditions of separation presupposes “the establishment of rules governing the functioning of the relations between them, especially between the legislative and executive powers, which define a balance between them, a collaboration in achieving the purpose for which they exist” [42].

The historical analysis of the relationship between state and power reveals a fundamental antithesis: either an approach based on solitary leadership (characterized by the indivisibility of power), or a structure involving governance through delegates. This research endeavor is a bold one, seeking within the historical background the shaping of the idea of delegating the leader’s powers to trusted persons. The

purpose of this division of power within the territory was to satisfy the need for representation of central power at a subordinate level. Consequently, the effort focuses on identifying the primary concepts from which the necessity of dividing power territorially may be inferred.

The approach to the principle of the separation of powers within the state may highlight the genesis of executive power, which, throughout its evolution toward contemporaneity, generated a representative in the territory in support of the democratic exercise of state power.

For the French authors J. Waline and J. Rivero, the term *prefect* belongs to the Napoleonic era, being "created in the eighth year following the French Revolution" [38]. The concept was adopted by Romania and the Republic of Moldova, being exercised according to the parameters specific to each state.

The inclusion of the concept of the representative of the government in the territory within the historiographical sphere presupposes the analysis of works addressing the emergence of the state and the development of society, from which resulted the imperative of forming specialists entrusted with the role of implementing and executing political decisions at a subordinate level. Starting from this premise, it is essential to place the representative of the government within the field of public administration science, as a subsystem of executive power.

Romanian specialized literature is not particularly generous in providing studies expressly referring to the role of the Romanian Prefect in ensuring the quality of administrative acts. In most cases, researchers have analyzed this function either within the section dedicated to executive power (highlighting the representative in the territory), or within the analysis dedicated to local public administration (offering a distinct section to the issue). A lack of diversity is noticeable in the works dedicated to researching the function of the Prefect strictly from the perspective of the local administrative act.

The Romanian researcher Trăilescu A., analyzing the concept of stability in office of the professional prefect, expresses the view that "the advantages of this legislative option are much more important for citizens, since their interests may be better protected by professional leaders trained and specialized in the field of public administration" [35].

Recently, the idea has been advanced that the Prefect has few responsibilities left to exercise within local public administration, which has led to proposals for abolishing this function. It was proposed that the legality verification of local administrative acts should be exercised through the establishment of a new function of "county prosecutor within the tribunal who would carry out this activity" [39, p. 13], an idea supported in a doctoral thesis authored by Cenușe S.

The authors R.N. Petrescu and O. Petrescu, however, reject this proposal correctly and categorically, stating that "we do not agree with this opinion, considering that the institution of the prefect remains imperative and useful, especially with regard to the legality control of the acts of local public administration authorities" [43, p. 4].

Concerned with studying aspects related to the evolution of the institution and activity of the representative of the government in the territory, the researcher Cornea S. from the Republic of Moldova emphasizes the idea that "administrative decentralization cannot be conceived without the institution of the representative of the state in the territory" [29].

The study conducted by the author Diaconu M. [30] made a significant contribution to the analysis of the mechanism for ensuring the legality of administrative acts in the Republic of Moldova, both at the administrative and judicial levels. It analyzed in detail the legality of administrative acts, an essential phenomenon within public administration and a means contributing to the realization of the rule of law, specifically addressing the conditions of legality applicable to local administrative acts, with impact upon the researched topic.

Among the doctrines analyzed (liberal, social-democratic, and statist), the only one compatible with the contemporary concept of the representative of the government in the territory is the statist doctrine, which substantiated the idea of state representation in the territory and contributed to the conceptualization of the relationship between central administration and local administration.

According to the author Sîmboteanu A., the French prefect has its origins in the statist doctrine, emphasizing that "…these were relations of authority, based on the statist doctrine and aimed at the strict subordination of local bodies to the central ones" [33], an opinion which we endorse. The optimal formula for the decentralization strategy may consist in balancing the relationship between the central and local levels through the representative of the government in the territory, because, as researcher Cornea S. underlines, "administrative decentralization cannot be conceived without the institution of the representative of the state in the territory" [29].

The historiographical analysis reveals a conceptual continuity of the function of representative of central power in the territory, from the Roman *praefectus* (a military/civil commander exercising delegated authority) to the Napoleonic *préfet* (an institutional creation of 1800), and further to the contemporary Prefect. This continuity is not one of direct functional identity, but rather one of terminological filiation (Latin) and institutional inspiration (French).

Subchapter 1.2. *Research Methodology and Epistemological Landmarks*. The methodological substantiation of doctoral research in administrative sciences necessarily presupposes the identification of the epistemological paradigm guiding the entire investigative approach. The choice of paradigm is justified by the complexity of the researched subject — the role of the representative of the government in the territory in ensuring the quality of local administrative acts — which requires both a profound understanding of institutional mechanisms (the qualitative dimension) and a statistical assessment of the efficiency of legality control (the quantitative dimension).

The research design is a mixed one, integrating qualitative and quantitative components within a sequential-explanatory structure. Concretely, the research goes through the exploratory, descriptive, and explanatory phases, highlighting the comparative component that ensures the identification of similarities and differences between the two administrative systems, thus providing premises for the transfer of best practices. Defining the essential concepts such as representative of the government in the territory, quality of local administrative acts, administrative guardianship/administrative control, local autonomy, and legality control ensures scientific rigor. The key concepts of the research were operationalized for the purpose of outlining a coherent and replicable analytical framework. All these aspects contribute to the integration of the RGT within the sphere of the good governance mechanism because "the development

and implementation of an efficient and high-performing local public administration system is a necessary priority of good governance" [27].

Recent opinions regarding the French prefect describe it as "a political agent of the government, an official exercising revocable authority" [44], although one of the constitutional obligations of the prefect is precisely "absolute political neutrality" [40].

The theoretical support for the function of representative of the government in the territory is found in fundamental works authored by renowned scholars such as the academician Titu Maiorescu [41], who provided a realistic and detailed description of the Romanian administrative system, with concrete references regarding the appointment of prefects. The doctrinal argumentation of Trăilescu A. [35] corresponds to the sphere of objective competence in the exercise of the function of representative of the government in the territory, assimilated to public functions. Author Stoian N.R., with reference to the constitutional status of the prefect, does not accept the doctrinal opinions that consider the prefect to be an authority of local public administration [34], an opinion which we share. With regard to control activity, Professor Alexandru I. emphasized the idea of "pertinent control" [26], while for researcher Diaconu M., control represents "the most important means of ensuring legality within public administration, including the legality of administrative acts" [30].

The investigation was grounded on a set of guiding principles that directed the entire research process, ensuring the coherence and rigor of the scientific approach, such as the principle of historical analysis, determinism, objectivity, simplicity, complementarity, and rationalization.

In particular, the principle of interdisciplinarity enabled the integration of two complementary fields in the analysis of the institution of administrative guardianship/administrative control, which remains anchored in administrative science, but with major implications for the following sciences:

Legal sciences: The administrative litigation court is competent to decide upon the annulment of an act, while the procedure for challenging an administrative act involves specific procedural law rules.

Sociological sciences: The mission of the RGT in ensuring legal discipline at the community level through the attestation of the quality of administrative acts materializes in the well-being of the citizens of that community, conferring upon the control activity a significant social dimension.

The study integrated a wide range of research methods specific to the science of administration, structured on three methodological levels: theoretical methods, empirical methods, and synthesis methods. The following proved absolutely necessary: the historical, chronological, comparative, phenomenological, systemic, and case-study methods. The statistical method and content analysis method provided a quantitative perspective regarding the level of implementation of legality verification activity within the two administrative systems. The functional, dialectical, intersection, induction, and deduction methods were also highlighted. Finally, the method of analysis and synthesis was essential for finalizing the research, leading to the formulation of the final conclusions and recommendations of the thesis.

In order to ensure the validity and reliability of the results, the research applied the principle of triangulation across three complementary dimensions: sources, methods, and theory. The limitations of the research were acknowledged, their transparency constituting a guarantee of scientific rigor.

In subchapter **1.3.** ***The Conceptual Perspective Regarding the Correlation Between the Principle of Local Autonomy and the Prerogative of Legality Control Exercised by the Representative of the Government in the Territory,***a concise analysis is carried out concerning the relationship between executive power and administration, in order to create the premises for the development of the principles governing the organization and functioning of the representative of the Government in the territory, which are approached gradually, with emphasis placed on the social value and the impact of deviation from the rule they establish, both in Romania and in the Republic of Moldova.

The principle of legality is developed because this principle prevails at the basis of the functioning of social institutions as a whole and of public institutions in particular. The legal regime of local administrative acts is governed by the principle of legality. There are situations in which local public administration, through its acts, violates this principle, the representative of the government in the territory identifying a presumption of illegality affecting those acts, the effect being the sanctioning of unlawful activities through the exercise of administrative guardianship. The confirmation of the legality of the administrative acts of local public authorities is the exclusive prerogative of the representative of the government in the territory.

The principles of equality, transparency, proportionality, as well as those of collaboration and consultation, responsibility and impartiality, together with the principle of efficiency, are further developed, leading to the conclusion that the activity of public administration in Romania is carried out according to fundamental rules enshrined both in the Constitution of Romania [2] and in the Administrative Code of Romania [4], under the generic designation of principles, whether general or specific, applicable also to the representative of the Government in the territory.

The Constitution of the Republic of Moldova [3] dedicates an entire title to general principles, from which, in the context of the analyzed topic, emphasis was placed upon the constitutional principles having an impact upon the activity of the representative of the government in the territory. The Administrative Code of the Republic of Moldova [5] is extensive with regard to the rules established for regulated administrative procedure, by highlighting principles aimed at legality, efficiency, security of legal relationships, proportionality, reasoning, communication, cooperation, comprehensibility, transparency of the actions of public authorities, and accountability.

“The concept of autonomy has a predominant applicability at the level of communities” [1] in both states, ensuring the necessary premises for the application of the principle of legality in its entirety. Local autonomy is directly linked and interconnected with compliance with the principle of legality at the local level. The principle of legality presupposes not only compliance with the national legal provisions in force, but also with the international treaties and conventions to which the state is a party. The entire activity of public administration must be grounded in law and must act in the direction of defending and protecting legality.

The debate developed around the concept of local autonomy concerns the analysis based on its administrative character, while highlighting its political dimension, and the clarification concludes with a finding reflecting a current reality within the referenced administrative systems, namely that “local

autonomy has primarily a predominantly administrative dimension and subsidiarily a diminished political dimension" [37].

The correlation between the principles applicable to the representative of the government in the territory and the principle of local autonomy constitutes a key factor in positioning this function within the national administrative system, as a local/territorial structure fulfilling the role of representing the government before local public authorities. The correlation of these principles has implications for the role of the representative of the government in the territory, in the sense that it is required to respect local autonomy and to collaborate with local public administration authorities in an efficient and constructive manner, and to cooperate with local public administration for the purpose of fulfilling the missions specific to each entity within the competencies established by the legislator. This constitutional principle — collaboration — is intended to strengthen the principle of local autonomy. However, the administrative guardianship exercised by the representative of the government in the territory may be regarded as a form of oversight imposed upon local public administration authorities for the purpose of safeguarding legality and protecting the public interest, representing a genuine legal exception to the principle of local autonomy.

The conclusions of Chapter 1 highlight the conceptualization of the representative of the government in the territory from the perspective of historiographical and theoretical-methodological approaches, as well as from the perspective of correlating its own principles with the principle of local autonomy. The study of the issue concerning the establishment of the function of representative of the government in the territory is of interest both from the perspective of administrative science and for researchers concerned with the field of constitutional and administrative law.

Chapter 2. ***The Evolutionary, Normative, and Functional Dimension of the Institution of the Representative of the Government in the Territory*** consists of four subchapters aimed at presenting the specific experiences of certain European states, both from the perspective of best practices and of the lessons learned during administrative reform processes. The origin and essence of the representative of the government in the territory in the two reference states are highlighted, together with the organization and functioning of the activity, by identifying the specific elements.

In subchapter 2.1. ***The Evolution of the Institution of the Representative of the Government in the Territory in European Countries*****,**the function of representative of the government in the territory and the specific prerogative consisting in legality verification are analyzed from an evolutionary perspective in those European states where particularities of administrative experience at the local/territorial level have been identified, such as France, Austria, Germany, Poland, Italy, Bulgaria, Greece, Luxembourg, and Portugal.

The evolution of the representative of the government in the territory is also linked to Antiquity [32], when the term *prefect* was characterized by a multitude of forms and various competencies attributed to such officials, ranging from the militarization of the function to prerogatives in the legal, administrative, and social fields.

Historical specificity, as well as central and local development traditions, individually influenced each European state, while their own administrative systems, including the representative of the government in the territory, evolved in turn according to these elements. In France, for example, after 1800,

following the essential reform of the administrative system aimed at centralizing and standardizing administration throughout the country, the prefect's prerogatives multiplied, these officials being responsible for everything concerning "public property and national prosperity" [28]. Romania, Austria, Greece, and Italy adopted the designation of *prefect*, whereas the Republic of Moldova currently designates the representative of the government in the territory as the Head of the Territorial Office of the State Chancellery. Bulgaria preferred the designation of regional governor appointed by the Council of Ministers under the 1991 Constitution of Bulgaria; Luxembourg — district commissioner, a state official subordinate to the Minister of the Interior; and Portugal — district civil governor. Nevertheless, there exists a common element concerning the representative of the government in the territory, regardless of the designation attached to the function, namely the control exercised over local public administrations, especially with regard to the administrative acts issued or adopted by these entities.

Distinct from the European pattern of administrative-territorial division of a state is Poland, whose territory has been divided into voivodeships, districts, and communes since 1999. This territorial division also determined the designation of the representative of the government in the territory, namely the *voivode*, who is appointed by the Prime Minister upon the proposal of the Minister of Internal Affairs and who exercises legality control over the acts of local administrative-territorial authorities. This type of control aims to ensure that administrative acts are issued in compliance with material and territorial competence, under the conditions and within the deadlines expressly provided for by the normative acts regulating the field of activity forming the subject matter of the measure adopted by the local public administration authority. If the voivode considers that the acts issued or adopted by local authorities violate the provisions of the law, it may request their annulment before the court.

It may thus be observed, from the undertaken analysis, that within various administrative systems of European countries, the regulation of the representative of the government in the territory differs both from the perspective of identifying their designation and status, and from the perspective of highlighting the specific prerogatives attributed by each state in the exercise of this function. However, there are states in which the exercise of the function is similar to that in Romania and the Republic of Moldova with regard to the legality verification of local administrative acts.

In subchapter 2.2. *The Origin and Essence of the Institution of the Representative of the Government in the Territory in Romania and the Republic of Moldova*,an analysis is carried out regarding the origin of the function of the representative of the Government in the territory within an extended territorial area characterized by multiple nuances of content from both political and legislative perspectives. Nevertheless, there exists a constant element throughout the analysis, namely that, throughout its evolution, the representative of the government was entrusted with duties of a strongly decisional nature, unique at the territorial level, which contributed to strengthening its role as representative of the central executive power, regardless of the designation attached to the exercised function. The essence of the concept of representative of the government in the territory concerned the prerogatives and role attributed to the function of representative of the government in the territory throughout its historical evolution.

The identification of the legislative trajectory of the function, in transition, within both reference states, as well as the highlighting of essentialism as a concept in this matter, allowed for a deeper

examination of the specific activities carried out by the representative of the government in the territory according to the legal regulations. Within the Romanian space, especially in Moldova and in the counties of Muntenia, from the *pârcălab* of the Middle Ages — who was the representative of the ruling authority within the territorial district — to the current political prefect, and in the Republic of Moldova from the adoption of the Constitution on 29 July 1994, through which the foundation for building a new local-level administrative system was laid, up to the present-day Head of the Territorial Office of the State Chancellery, the evolution of the representative of the government in the territory in both states has had an incoherent character, being criticized in legal doctrine.

Essentialism is the concept according to which an entity possesses a series of attributes necessary for its identity and functioning. By restricting the sphere of action of essentialism to the representative of the government in the territory, we analyzed that which expresses the principal and stable elements of the activity of the representative of the government in the territory, aspects which may be understood by moving beyond the external appearance of the function and entering into the depth of the specific activities carried out according to legal regulations. For this reason, the development of the concept concerning the essence of the representative of the government in the territory involved the analysis of relevant legislative aspects closely connected with its activity, such as those concerning the representation of the central government at the local/territorial level, the prerogatives of the representative of the government in the territory — including the coordination, control, and supervision of the activities of local public administration authorities — while highlighting the similarities and differences through comparative legislative analysis, as well as clarifying the role of being the representative of the government in the territory.

Subchapter 2.3. ***The Organization and Functioning of the Institution of the Representative of the Government in the Territory in Romania and the Republic of Moldova***highlights the uniqueness of legality control within each reference state by identifying comparative aspects and emphasizing their specific features, without essential modifications in the actual procedure of administrative guardianship. The exercise of administrative legality control, through its legally regulated forms, whether ex officio or upon request, is not only a right but also an obligation of the representative of the government in the territory.

The achievement of the objectives established by the Government for the representative of the government in the territory may be accomplished under conditions of rigorous organization of the activity, which presupposes the identification of the ensemble of structures, functions, and processes composing it. A comparative analysis was conducted regarding the current organizational structure of the public institutions in which the representative of the government in the territory ensures general management, in both states.

The functional component was approached from the perspective of the constitutional role [2] of the prefect in Romania as holder of the prerogative of exercising administrative guardianship, with clarification regarding the qualification of the prefect as a local public authority. We did not endorse this opinion because the intention of the drafters of the constitutional text in positioning the prefect within the section dedicated to local public administration was solely to strengthen its role at the local level, without any

reference to classifying the representative of the government in the territory as an authority, and even less as a local one. The prefect is the representative of the central executive authority, a component part of this power, without constituting an autonomous local authority.

In the Republic of Moldova, the law expressly establishes the forms of legality control over the acts of local public administration exercised by the Territorial Offices of the State Chancellery, highlighting the acts and mandatory procedures that public authorities are required to perform in ensuring the legality of the administrative acts issued or adopted.

From the perspective of the quality of local administrative acts resulting from the exercise of administrative guardianship by the representative of the government in the territory, these acts must fulfill at least two conditions, namely: legality and the social effects by virtue of which the local administrative act was issued or adopted.

Legality pertains to the essence of the rule of law, its assurance being possible at the local level through mechanisms precisely regulated by domestic legislation concerning local administrative acts, mechanisms materialized in clearly defined institutions/entities, beginning hierarchically with the general secretary of the territorial administrative unit, then the representative of the government in the territory, and finally the administrative litigation courts [6], all having a role in consolidating the notion of legality of the local administrative act. Within the context of the functioning of the activity of the representative of the government in the territory, the concept of conflict in this field was also approached and developed, emphasizing the role of the function in preventing or eliminating it, because “legality constitutes the golden rule of every democracy” [33].

In Romania, unlike the Republic of Moldova [8], the entire mechanism for exercising the activity concerning the legality verification of local administrative acts is not governed by a normative act; rather, its regulation constitutes the object of an internal procedure established at the level of each prefecture, with its own specificities in implementation, approved by the prefect.

The analysis initiated with regard to clarifying the assessment made by the representative of the government in the territory, materialized in the phrase *may notify/may challenge before the administrative litigation court* when it identifies the illegality of a local administrative act, reveals that the phrase *may notify* does not concern the right of option of the representative of the government in the territory between initiating or not initiating an action before the administrative litigation court, but rather the prerogative of the representative of the Government in the territory, as holder of legality verification authority, to request the competent court to annul the unlawful act. It is a matter concerning the interpretation of a permissive legal norm, whereby a certain action is provided for, leaving it to the discretion of the holder of the right whether or not to perform what the norm permits, but does not obligate. At the same time, this legal construction materialized in the two words *may notify/may challenge* generated numerous controversies, most of them in the sense of non-compliance with the principle of legality; however, the existing legal provision in both states can represent nothing other than a prerogative of the representative of the government in the territory.

The conclusions of Chapter 2 highlight the fact that the analysis of evolution from the perspective of the figure of the French prefect and the administrative control exercised by it made it possible to identify

the model adopted by both reference states, while emphasizing the specific national adaptations. The actual modifications and interruptions in the activity of the representative of the government in the territory, both in Romania and in the Republic of Moldova, were highlighted through the examination of the legislative trajectory within each state, while the approach to the competencies of the representative of the government in the territory from the perspective of the functioning of the specific activity determined the degree of delegation attributed according to domestic particularities. The organizational structure of the public institutions in which the representative of the government in the territory ensures general management differs in the two states.

Chapter 3 entitled ***The Activity of the Representative of the Government in the Territory Regarding the Ensuring of the Legality of Local Public Administration Acts*** contains three subchapters and includes the study of the practical situation concerning the performance of legality verifications by highlighting the substantive elements of the legality control exercised by the representative of the government in the territory in Romania, as well as the analysis of the exercise of the mission of legality control over local administrative acts by the Territorial Offices of the State Chancellery in the Republic of Moldova.

In subchapter 3.1. ***Substantive Elements of the Legality Control Exercised by the Prefect in Romania*****,** an analysis is carried out regarding the quantitative public data provided by the activity reports of the prefectures [11–24], which practically constitute the source for documentary research, with a view to identifying the substantive elements within the procedure for verifying local administrative acts under the administrative guardianship procedure, such verification being carried out at the headquarters of the prefectures, taking as reference the years 2022, 2023, and 2024, as well as a number of 14 prefectures from various cardinal regions of the country, with varying numbers of territorial administrative units within the county structure and with specificities determined by the geographical area.

The substantive elements of legality control begin with an important factor within this process, namely the number of administrative acts issued or adopted at the local level by all territorial administrative units organized at the county level, representing the material basis for the exercise of control.

Legality control shall pursue the safeguarding of the general interest of local communities through the elimination of subjective benefit. It has been argued that "the prefects assumed active procedural standing, although it is evident that they were not defending public order in the case we refer to, but rather the interests of certain individuals who, considering themselves harmed in a right recognized by law, had the possibility of defending their interests before the administrative litigation court" [25, p. 123]. Within the activity of legality verification exercised by the prefect, the fulfillment of the substantive and formal conditions of local administrative acts corresponds to the set of essential requirements established by the legislator in shaping the concept of the substantive elements of legality control, the act thereby being confirmed as lawful.

The documentary research carried out reveals a fluctuation in the number of acts verified by the prefect within the framework of administrative guardianship, compared to the previous year; the number of preliminary procedures is significantly lower than the number of verified acts and directly proportional to the number of acts considered unlawful, as well as an increase in the annual number of actions brought

before the administrative litigation court in relation to the total acts verified and to the preliminary procedures initiated as a result of the exercise of administrative guardianship.

The conducted analysis facilitates the definition of the notion of the quality of local administrative acts insofar as it has the same meaning as legality, namely the fulfillment of the substantive and formal conditions by virtue of which a local administrative act is certified as lawful, thereby distinguishing it from unlawful local acts. The definition of the concept of the quality of local administrative acts is complete insofar as it is complemented by the necessity of producing the social effects by virtue of which the local administrative acts were issued or adopted, as the final substantive element within the legality control procedure. In this manner, the local administrative act whose legality has been confirmed by the representative of the government in the territory functions through the identification of the mechanisms necessary for achieving the purpose for which it was issued or adopted.

By virtue of this characteristic, qualitative local administrative acts may be integrated into the hierarchy of legal norms regulated at the local level, viewed from the perspective of the effects produced following the attestation of legality. This represents a natural incorporation, passed through the filter of legality control exercised by the representative of the state in the territory, to whom the legislator entrusted the possibility of challenging before the courts those acts considered unlawful. However, all other administrative acts considered lawful, and therefore qualitative, shall subsequently be deferred to local communities through their issuing authorities following the attestation of legality, an aspect which materializes in the essential role of the representative of the Government in the territory regarding the quality of social life within a local community.

Subchapter 3.2. ***The Exercise of the Mission of Legality Control over Local Administrative Acts by the Territorial Offices of the State Chancellery in the Republic of Moldova*** presents the procedure from the perspective of compliance with the principle of legality of local administrative acts, for which the legislator of the Republic of Moldova regulated by normative act the manner of exercising administrative legality control, indicating the subjects involved in this activity and the categories of acts subject to administrative control, so that, ultimately, the research contributes to the optimal functioning of local public administration, which represents the principal concern of the representative of the Government in the territory.

The reports of the State Chancellery [9] have significant scientific value. The statistical information and case studies made it possible to establish the existing trends within the decision-making process of local public administration and to identify causal relationships in situations involving deviations from the principle of legality. The statistical examination of the performance indicators related to the year 2021 [10] reveals a complex dynamic of administrative guardianship relationships.

The administrative control of the activity of local public administration authorities concerns compliance with the provisions of the Constitution, the international treaties to which the Republic of Moldova is a party, the law regarding local public administration [7], and other higher-ranking normative acts by local public administration authorities at both levels.

The activity of the representative of the government in the territory in the Republic of Moldova was analyzed dynamically, taking as reference the years 2018, 2019, and 2020, namely the total number of

verified acts, including those verified through the State Register of Local Acts, as well as the notifications and court actions filed by the territorial offices of the State Chancellery.

Following the documentary analysis carried out, taking as reference the years 2018, 2019, and 2020 and the total number of acts verified by the territorial offices of the State Chancellery, including through the State Register of Local Acts, it was concluded that there was a significant increase in the number of local administrative acts verified during the reference period, especially within the framework of optional control. The number of notifications issued and submitted to local public authorities when the Territorial Office identified the illegality of a local administrative act remained relatively constant throughout the three reference years, without substantial modifications, as did the relative percentage of court actions filed, proportionally to the total number of local administrative acts verified.

The analysis of the data corresponding to the year 2021 does not constitute merely a retrospective exercise, but represents the foundation [10] upon which the Public Administration Reform Strategy 2023–2030 in the Republic of Moldova was built. The experience of the year 2021 demonstrates that, without a resizing of the administrative apparatus or the automation of processes, the integrity of legality control remains under the pressure of human error.

The permanent monitoring exercised by the representative of the government in the territory in the field of legality, through ensuring the human factor in carrying out this process and the continuous professional development of specialists within these structures, allows for the achievement of the final result — the quality of local administrative acts, so necessary in the exercise of the specific prerogatives of local public authorities with impact upon beneficiary communities — which practically represents the final outcome of the mission of the representative of the government in the territory.

The conclusions of Chapter 3 highlight the results of the documentary research carried out in the two states, Romania and the Republic of Moldova, which generated both common elements and distinct elements within the two reference states concerning the researched concept. The identified common aspects concern the communication of local administrative acts, the establishment of a legal deadline for communication, the prerogative of challenging before the administrative litigation court those acts considered unlawful, as well as the operations carried out for remedying the identified illegalities.

The differing elements concern the heterogeneous structure of local public administrations, resulting in the issuance or adoption of administrative acts according to their respective competencies, the methods of carrying out legality verification, the different methods for communicating local administrative acts to the representative of the Government in the territory (paper-based versus electronic), as well as the existence of different holders of standing in notifying the administrative litigation court.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

Following the research conducted regarding the role of the representative of the government in the territory in ensuring the quality of local administrative acts within the reference states, we formulate the following **general conclusions**:

1. With reference to the first objective — *the historiographical, theoretical, and methodological analysis of the institution of the RGT* — the research confirmed the existence of a conceptual continuity of the function of representative of central power in the territory, from the Roman *praefectus* to the Napoleonic *préfet* (1800) and further to the contemporary forms existing in the two reference states. This continuity is not one of direct functional identity, but rather one of terminological filiation (Latin) and institutional inspiration (French). Among the doctrines analyzed — liberal, social-democratic, and statist — the only one compatible with the contemporary concept of the RGT is the statist doctrine, which substantiated the idea of state representation in the territory and contributed to the conceptualization of the relationship between central administration and local administration. The mixed methodological framework (qualitative-quantitative), grounded in the pragmatist paradigm, proved adequate to the complexity of the topic, allowing for a multidimensional approach to the role of the RGT through the integration of historical, comparative, statistical, and case-study analysis. The operationalization of the fundamental concepts (RGT, quality of the administrative act, administrative guardianship, local autonomy, legality control) outlined a coherent and replicable analytical framework, applied symmetrically to the two systems.

2. With reference to the second objective — *the research of the evolution of the RGT in European countries* — the comparative analysis confirmed the predominance of the French Napoleonic model as a fundamental source of inspiration. The French administrative reform of 1982, which marked the transition from *a priori* control (including opportunity control) to exclusively *a posteriori* control (limited to legality), constitutes a European benchmark with direct influence upon both states. The Portuguese classification of the forms of guardianship (integrative, supervisory, sanctioning, revocatory, substitutive) provides a useful analytical framework, although not all forms are applicable to local authorities. The European Charter of Local Self-Government constitutes the common normative framework delimiting the exercise of control, imposing the principles of legality, proportionality, and the limitation of opportunity control to delegated competencies.

3. With reference to the third objective — *the investigation of the normative and functional evolution of the RGT* — the research highlighted distinct legislative trajectories in the two states. In Romania, the function of Prefect followed a sinuous trajectory: establishment in 1864 (during the reign of Alexandru Ioan Cuza), consolidation under Carol I and Carol II, suppression during the communist period (1944–1989), democratic restoration (1990–1991), and constitutional enshrinement (Article 123 of the 1991 Constitution). The change of status in 2021 (from high-ranking civil servant to dignitary) regulated a pre-existing factual reality, but raises legitimate questions regarding the objectivity of the exercise of guardianship. In the Republic of Moldova, the evolution was marked by incoherence: the function of Prefect, regulated by Law no. 186-XIV/1998, was abolished in 2003 with the return to the district-based structure, the control prerogatives being transferred to the State Chancellery through the Territorial Offices. The Moldovan legislative framework is characterized by normative fragmentation, which does not contribute to strengthening the position of the institution and requires unification.

4. With reference to the fourth objective — *the analysis of the activity of the RGT regarding the ensuring of legality and the quality of local administrative acts* — the empirical research carried out on a sample of 14 prefectures in Romania (2022–2024) and on the basis of the data and information provided by the State Chancellery (2018–2021) confirmed the research hypothesis: there exists a causal relationship between the quality of local administrative acts and the exercise of legality control by the RGT. The volume of acts verified annually is considerable — over one million in Romania and approximately 200,000–218,000 in the Republic of Moldova — while the proportion of identified unlawful acts is low (1.1% in the Republic of Moldova, 2021), which confirms the effectiveness of the preventive role of the RGT. The voluntary compliance rate of 74% (Republic of Moldova, 2021) and the reduced number of preliminary procedures in relation to the total acts verified (Romania) demonstrate that amicable mechanisms function efficiently, administrative resolution being preferred over contentious confrontation. The case study of the Botoșani Prefecture (HCJ no. 64/2021) highlighted the severe consequences of suspension *by operation of law* — budgetary blockage at county level — thereby substantiating the necessity of instituting the mechanism of consultative prior review.

5. With reference to the fifth objective — *the correlation between the principles governing the RGT and the principle of local autonomy* — the research demonstrated that local autonomy and legality are not antagonistic principles, but complementary ones. Local autonomy is exercised exclusively within the limits of the national normative framework, while the legality control exercised by the RGT strengthens autonomy through the attestation of the conformity of acts with the legal order. The absence of legality may paradoxically amount to the absence of local autonomy. Administrative guardianship constitutes a legal exception to the principle of local autonomy, strictly delimited in scope: the RGT cannot unilaterally annul unlawful acts, but instead addresses the administrative litigation court, thereby granting local authorities a jurisdictional guarantee. The RGT–LPA relationship is constitutionally governed by the principle of collaboration (the absence of subordination relationships) and functions optimally through preventive dialogue, coordination, and methodological assistance. The principle of proportionality, although essential, suffers from the absence of objective legal criteria, which results in an often difficult application in both states.

6. With reference to the sixth objective — *highlighting the organization and functioning of the RGT in Romania and the Republic of Moldova* — the research revealed significant structural differences. In Romania, the Prefecture benefits from legal personality, a flexible structure, and the status of tertiary authorizing officer, while the Prefect is the exclusive holder of legality verification authority (the specialized structures merely examine and propose). In the Republic of Moldova, the Territorial Offices operate as deconcentrated subdivisions without legal personality, with a fixed staffing limit (98 units, 38 employees), while effective control is attributed to the Office as an entity, and not exclusively to its Head. The Republic of Moldova regulates four distinct forms of control (mandatory, optional, requested by the LPA, requested by injured persons) and benefits from the RSAL — a digital instrument whose implementation in Romania is imperative. The time limits differ significantly: 6 months in Romania versus 30/60 days in the Republic of Moldova, reflecting both differences in volume (3,224 TAUs versus 889 TAUs) and differences in procedural culture.

7. With reference to the scientific problem solved — *the scientific substantiation of the role of the RGT in ensuring the quality of local administrative acts* — the research proposed an operational definition of the quality of the local administrative act through a dual dimension: legality (compliance with substantive and formal conditions, attested by the RGT) and the production of social effects (the capacity of the act to achieve the purpose for which it was issued or adopted). A lawful act that does not produce the intended social effects is not fully qualitative; an unlawful act cannot, by definition, be qualitative. The RGT, through the transfer of methodological expertise and through correlating legality verification with social reality, constitutes the guarantor of this quality. The activity of administrative guardianship, covering legality verification at the level of 3,224 TAUs in Romania and 889 TAUs in the Republic of Moldova, constitutes a component of the national interest, contributing to the security of local legal relationships and to the fulfillment of the mission of the central executive power.

***Concrete Recommendations** for Optimizing the Process of Ensuring the Quality of Administrative Acts:*

Recommendations addressed to the Parliament of Romania and the Parliament of the Republic of Moldova (*de lege ferenda* proposals)

1. Establishment of the mechanism of consultative prior review. It is proposed to supplement the Administrative Code of Romania (Emergency Government Ordinance no. 57/2019) and, respectively, Law no. 436/2006 on local public administration of the Republic of Moldova, with a new legal institution — prior review (*preavizare*) — exercised by the RGT exclusively over draft local administrative acts of a normative nature, prior to their adoption by deliberative authorities. The prior review would not constitute a binding approval, but rather a consultative one, which would provide local authorities with the possibility of correcting potential non-conformities at the draft stage, thus avoiding the blockages generated by the suspension *by operation of law* of acts challenged after adoption. The case study of the Botoșani Prefecture demonstrated the severe consequences of the absence of such a mechanism — budgetary blockage at county-wide level. The prior review mechanism would represent the transition from reactive (*post factum*) control to proactive (preventive) control, aligning with the spirit of the Public Administration Reform Strategy 2023–2030 of the Republic of Moldova.Addressees: Parliament of Romania, Parliament of the Republic of Moldova, Government of Romania (for drafting the legislative proposal).

2. Elimination of the opinion of specialized committees for acts of an individual nature. It is proposed to amend the provisions of the Administrative Code of Romania regulating the procedure for adopting decisions of local and county councils, in the sense of eliminating the mandatory approval by specialized committees of draft decisions of an individual nature. The opinion of specialized committees is sufficient and useful exclusively for draft acts of a normative nature, which produce *erga omnes* effects. In the case of individual acts (appointments, dismissals, specific approvals), the approval procedure adds a bureaucratic stage that unjustifiably delays adoption, while also generating risks of political subjectivism at the committee level.Addressee: Parliament of Romania, through legislative initiative of the Government or members of Parliament.

3. Full communication of local administrative acts to the RGT. It is proposed to supplement Law no. 436/2006 of the Republic of Moldova with the express obligation of

local council secretaries to fully communicate all local administrative acts to the Territorial Office of the State Chancellery, and not merely a list thereof (as is currently the case for optional control). The mission of the RGT to ensure legality would be fulfilled much more efficiently if it had a complete overview of all issued acts. This proposal capitalizes upon the already existing RSAL infrastructure, without involving significant additional costs.Addressee: Parliament of the Republic of Moldova, upon proposal of the State Chancellery.

Recommendations addressed to the Government of Romania and the Government of the Republic of Moldova

4. Implementation of the State Register of Local Acts in Romania. It is recommended that the Government of Romania, through the Ministry of Internal Affairs, develop and implement an electronic platform for the registration and control of local administrative acts, following the model of the RSAL in the Republic of Moldova (operational since 27 October 2019). The normative premises already exist (Local Official Gazettes, project registration registers), while the political premises are created by the Memorandum of Understanding in the field of digital transformation (11 February 2022) and the Memorandum regarding the activity of the RGT (29 July 2024). Implementation would streamline communication between prefectures and LPAs, eliminate the critical deficiency identified in the SWOT analysis (the absence of an IT communication network), increase transparency, and reduce verification deadlines.Addressees: Government of Romania, Ministry of Internal Affairs, General Directorate for Relations with Prefect Institutions.

5. Recalibration of the human resources of the Territorial Offices in the Republic of Moldova.
The research highlighted a critical imbalance between the documentary volume (218,366 verified acts in 2021) and human resources (38 employees, an average of 5,746 acts per specialist), which constitutes the "saturation limit" of the system. It is recommended that the Government of the Republic of Moldova, within the framework of implementing the Reform Strategy 2023–2030, increase the staffing limits of the Territorial Offices and diversify staff competencies through the recruitment of specialists with legal and IT backgrounds, capable of operating advanced digital tools for the analysis of acts. Addressees: Government of the Republic of Moldova, State Chancellery.

6. Harmonization of the internal procedures for legality verification in Romania. The research found that, unlike the Republic of Moldova (which benefits from a rigorous temporal framework regulated at national level), in Romania the mechanism for exercising legality verification is not governed by a national normative act, but rather by internal procedures established at the level of each prefecture. It is recommended that the Ministry of Internal Affairs develop a unified methodological guide, approved by ministerial order, which would standardize the stages, deadlines, and criteria for legality verification at the level of all 42 prefect institutions. Addressees: Ministry of Internal Affairs, General Directorate for Relations with Prefect Institutions.

7. Establishment of objective proportionality criteria. The research identified, in both states, the absence of clear legal criteria for assessing the proportionality of RGT intervention, which results in an often subjective application. It is recommended that the Government of Romania and the Government of the Republic of Moldova elaborate, by government decision, a grid of objective criteria intended to guide

the assessment of proportionality between the scope of RGT intervention and the importance of the protected interests, in accordance with the requirements of Article 8 of the EuropeanCharter of Local Self-Government.Addressees: Government of Romania, Government of the Republic of Moldova.

Recommendations addressed to RGT institutions (Prefectures and Territorial Offices)

8.Strengthening the function of preventive legal consultancy. The research identified the free legal consultancy provided by the RGT to local authorities as a latent and insufficiently promoted function, with significant potential in preventing unlawful acts. It is recommended that the prefect institutions in Romania and the Territorial Offices in the Republic of Moldova institutionalize and systematically promote this function through the organization of periodic thematic guidance sessions (at least quarterly), developed on the basis of the typology of unlawful acts identified during the previous period. The results of the empirical analysis — especially the list of recurring deficiencies identified at the Cluj Prefecture (2022) — may serve as a basis for the themes of these sessions.Addressees: County Prefects, Heads of Territorial Offices.

9. Intensification of bilateral cooperation between Romania and the Republic of Moldova in the field of the RGT. The Memorandum regarding the activity of representatives of the government in the territory (29 July 2024) creates the legal framework for the exchange of experiences, training and practice sessions, as well as joint events. It is recommended that this framework be capitalized upon through the annual organization of at least two joint events (a practical exchange of experience between prefectures and territorial offices and a scientific conference on the quality of administrative acts), as well as through temporary staff secondments between the two systems. Addressees: Ministry of Internal Affairs of Romania, State Chancellery of the Republic of Moldova.

10. Conditioning appointment to the RGT function upon professional competence. The research highlighted the risks generated by the politicization of the function of Prefect (following the amendment of the status in Romania in 2021) with regard to the objectivity of the exercise of administrative guardianship. Without contesting the legality of the normative text currently in force, it is recommended that, by supplementing the Administrative Code, a condition be instituted requiring specialization in public administration or administrative law at the date of appointment to the office of Prefect, irrespective of the political affiliation of the candidate. This condition would ensure the professionalism of the exercise of guardianship, without eliminating the Government's prerogative of political appointment. The French model, in which the Prefect is the only high-ranking official with constitutional-level competencies and with the obligation of "absolute political neutrality" (Article 72 of the 1958 Constitution), constitutes a relevant benchmark. Addressees: Government of Romania, Parliament of Romania.

The present research confirms that the Representative of the Government in the Territory remains a function with a decisive role in achieving good governance and in ensuring the quality of local administrative acts. Strengthening this role — through digitalization, prevention, professionalization, and bilateral cooperation — constitutes an investment in the administrative capacity of the state and, ultimately, in the well-being of citizens.

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ANNOTATION

Aroșoaie Mihaela-Otilia, *The role of the Government representative in the territory in ensuring the quality of administrative acts in Romania and the Republic of Moldova*, doctoral thesis in Administrative Sciences, Chisinau, 2026

Structure of the thesis: introduction, three chapters, general conclusions and recommendations, bibliography of 207 titles, 5 appendices, 136 pages of basic text, 10 figures. The results obtained are published in 18 scientific papers, as well as two books published in Romania.

Key words: representative of the Government in the territory, prefect, head of the territorial office, legality verification, administrative control, central public authority, local public authority, local autonomy, local administrative act, quality of local administrative acts.

Research field: Social and Economic Sciences.

Profile: Administrative Sciences.

The purpose of the paper: consists of a complex and multidimensional study, from an administrative-legal and constitutional perspective, of the role of the Government representative in the territory within the institutional mechanisms for guaranteeing the quality of administrative acts adopted by local public administration authorities in Romania and the Republic of Moldova through a comprehensive investigation of the legality control exercised over local administrative acts, by examining the relevant regulatory framework, the institutional architecture and the methods of organization and functioning of the competent authorities, in order to highlight the existing functional limits and vulnerabilities.

Research objectives:historiographical, theoretical and methodologicalanalysis of the institution of the GovernmentRepresentative; investigation of the normative and functionalevolution of the institution; comparative research of the evolution of the GovernmentRepresentative in European countries; analysis of the currentactivityregarding the guarantee of the legality and quality of local administrative acts; conceptualcorrelation of the principles of the institution with the principle of local autonomy; highlighting the specificorganization and functioning of the GovernmentRepresentative in Romania and the Republic of Moldova and developingconcreterecommendations for optimizing the process of ensuring the quality of administrative acts.

Scientific novelty and originality:outlining the innovative approach to the intervention of the governmentrepresentative in the territory and proposals for lege ferenda in the procedure for adopting local administrative acts, proposals for streamlining the activity of verifying the legality and quality of acts at the territorial level and arguing the concept of quality of the local administrative actthrough the lens of certifiedlegality and the social effectsgenerated.

The scientific problem solved: notable results include: identifying mechanisms to streamline legality control, including by proposing a new institution and adjusting the regulatory framework (e.g. eliminating the opinion of specialized commissions for individual acts); clarifying the level of influence exerted by the political status of the Government Representative on the objectivity of legality verification; arguing the practical usefulness of taking over good practices from European countries regarding legality control.

Theoreticalsignificance of theresearch: consists in clarifyingtherelationshipand impact betweenthenotions of legalityand quality of local administrative acts, deepeningpreviousresearchandbringingclarifications on thedimensions of theories, concepts, definitionsand legislative principles.

Applicativevalue: lies in the comparative analysisandascertainingtheparticularities of legalityverification in Romania andthe Republic of Moldova. The analyze dactivity model sallowthetaking over of good practicesthat, adapted to thenational specifics, cancontribute to the improvement of institutionalprocessesandthewell-being of communities. The researchresults serve as concrete support for central and local public authorities in guaranteeingthe quality of administrative acts.

Implementation of scientificresults: isreflected in thepublication of articles in specializedjournalsandpresentations at nationalandinternationalconferences, as well as in thepublication of twobooks in thefield of public administration.

ADNOTARE

Aroșoaie Mihaela-Otilia, *Rolul reprezentantului guvernului în teritoriu în asigurarea calității actelor administrative în România și Republica Moldova*, teză de doctor în științe administrative, Chișinău, 2026

Structura tezei: introducere, trei capitole, concluzii generale și recomandări, bibliografie din 207 titluri, 5 anexe, 136 pagini text de bază, 10 figuri. Rezultatele obținute sunt publicate în 18 lucrări științifice, două cărți publicate în România.

Cuvinte-cheie: reprezentant al guvernului în teritoriu, prefect, șef al oficiului teritorial, legalitate, verificarea legalității, control administrativ, autoritate publică centrală, autoritate publică locală, autonomie locală, act administrativ local, calitatea actelor administrative locale.

Domeniul de cercetare: Științe sociale și economice.

Profilul: Științe administrative.

Scopul lucrării: constă în studierea complexă și multidimensională, din perspectivă administrativ-juridică și constituțională, a rolului reprezentantului Guvernului în teritoriu în cadrul mecanismelor instituționale de garantare a calității actelor administrative adoptate de autoritățile administrației publice locale din România și din Republica Moldova prin prisma investigării comprehensive a controlului de legalitate, exercitat asupra actelor administrative locale, prin examinarea cadrului normativ incident, al arhitecturii instituționale și al modalităților de organizare și funcționare a autorităților competente, în vederea evidențierii limitelor și vulnerabilităților funcționale existente.

Obiectivele de cercetare: analiza istoriografică, teoretică și metodologică a instituției Reprezentantului Guvernului; investigarea evoluției normative și funcționale a instituției; cercetarea comparativă a evoluției Reprezentantului Guvernului în țările europene; analiza activității curente privind garantarea legalității și calității actelor administrative locale; corelarea conceptuală a principiilor instituției cu principiul autonomiei locale; evidențierea organizării și funcționării specifice a Reprezentantului Guvernului în România și în Republica Moldova și elaborarea de recomandări concrete pentru optimizarea procesului de asigurare a calității actelor administrative.

Noutatea și originalitatea științifică: conturarea abordării inovatoare a intervenției reprezentantului guvernului în teritoriu și propuneri de *lege ferenda* în procedura de adoptare a actelor administrative locale, propuneri de eficientizare a activității de verificare a legalității și calității actelor la nivel teritorial și argumentarea conceptului de calitate a actului administrativ local prin prisma legalității atestate și a efectelor sociale generate.

Problema științifică soluționată: printre rezultatele notabile se numără: identificarea mecanismelor de eficientizare a controlului de legalitate, inclusiv prin propunerea unei noi instituții și ajustarea cadrului normativ (ex. eliminarea avizului comisiilor de specialitate pentru actele individuale); clarificarea nivelului de influență exercitat de statutul politic al Reprezentantului Guvernului asupra obiectivității verificării legalității; argumentarea utilității practice a preluării bunelor practici din țările europene privind controlul de legalitate.

Semnificația teoretică a cercetării: constă în clarificarea relației și impactului dintre noțiunile de legalitate și calitate a actelor administrative locale, aprofundând cercetările anterioare și aducând clarificări pe dimensiunea teoriilor, conceptelor, definițiilor și principiilor legislative.

Valoarea aplicativă: rezidă în analiza comparativă și constatarea particularităților verificării de legalitate în România și Republica Moldova. Modelele de activitate analizate permit preluarea de bune practici care, adaptate specificului național, pot contribui la îmbunătățirea proceselor instituționale și la bunăstarea comunităților. Rezultatele cercetării servesc drept suport concret pentru autoritățile publice centrale și locale în garantarea calității actelor administrative.

Implementarea rezultatelor științifice: este reflectată prin publicarea articolelor în reviste de specialitate și prezentări la conferințe naționale și internaționale, precum și prin publicarea unui număr de două cărți în domeniul administrației publice.

АННОТАЦИЯ

Арошоае Михаэла-Отилия, ***Роль представителя власти на территории в обеспечении качества административных актов в Румынии и Республике Молдова*****, диссертация доктора наук в области административных наук, Кишинёв, 2026**

Структура диссертации: введение, три главы, общие выводы и рекомендации, библиография из 207 наименований, 5 приложений, 136 страниц основного текста, 10 рисунков. Полученные результаты опубликованы в 18 научных статьях и двух книгах, изданных в Румынии.

Ключевые слова: представитель власти на территории, префект, глава территориального управления, законность, проверка законности, административный контроль, центральный орган публичной власти, местный орган публичной власти, местная автономия, местный административный акт, качество местных административных актов.

Направление исследований: социальные и экономические науки.

Профиль: административные науки.

Цель работы: исчерпывающий анализ, с административной точки зрения, роли представителя правительства на территории Румынии и Республики Молдова в контексте обеспечения качества местных административных актов. Это достигается путем детального изучения контроля за законностью, включая: организационную структуру и нормативные акты, применимые к данной деятельности; выявление оперативных сбоев; оценку влияния на конституционный баланс между местной автономией и принципом законности.

Задачи исследования: историографический, теоретический и методологический анализ института представителя правительства; исследование нормативно-функциональной эволюции института; сравнительное исследование эволюции представителя правительства в европейских странах; анализ текущей деятельности по обеспечению законности и качества местных административных актов; концептуальное сопоставление принципов института с принципом местной автономии; выделение специфики организации и функционирования представителя правительства в Румынии и Республике Молдова и разработка конкретных рекомендаций по оптимизации процесса обеспечения качества административных актов.

Научная новизна и оригинальность: изложение инновационного подхода к вмешательству представителя правительства на территории и предложения по законодательству в процедуру принятия местных административных актов, предложения по оптимизации деятельности по проверке законности и качества актов на территориальном уровне и аргументация концепции качества местного административного акта через призму подтвержденной законности и порождаемых социальных последствий.

Решенная научная проблема: среди важных результатов можно отметить: выявление механизмов оптимизации контроля за законностью, в том числе путем предложения нового института и корректировки нормативно-правовой базы (например, исключение необходимости заключения специализированных комитетов по отдельным актам); уточнение уровня влияния политического статуса представителя правительства на объективность проверки законности; обоснование практической целесообразности перенимания передового опыта европейских стран в области контроля за законностью.

Теоретическая значимость исследования: заключается в уточнении взаимосвязи и влияния понятий законности и качества местных административных актов, углублении предыдущих исследований и уточнении аспектов теорий, концепций, определений и законодательных принципов.

Прикладная ценность: заключается в сравнительном анализе и выявлении особенностей проверки законности в Румынии и Республике Молдова. Анализируемые модели деятельности позволяют перенимать передовой опыт, который, адаптированный к национальной специфике, может способствовать улучшению институциональных процессов и благополучию населения. Результаты исследования служат конкретной поддержкой для центральных и местных органов власти в обеспечении качества административных актов.

Внедрение научных результатов: в практику нашло отражение в публикации статей в специализированных журналах и докладах на национальных и международных конференциях, а также в издании двух книг в области государственного управления.

AROȘOAIE MIHAELA-OTILIA

THE ROLE OF THE GOVERNMENT REPRESENTATIVE IN THE TERRITORY IN ASSURING THE QUALITY OF ADMINISTRATIVE ACTS IN ROMANIA AND THE REPUBLIC OF MOLDOVA

563.02. ORGANIZATION AND MANAGEMENT IN PUBLIC ADMINISTRATION INSTITUTIONS; PUBLIC SERVICES

Summary of the doctoral thesis in administrative sciences

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