GENERAL ASPECTS REGARDING THE ROLE OF AUTONOMOUS AUTHORITIES WITH CONSTITUTIONAL STATUS

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Abstract:
In any democratic society, the state has a number of mechanisms at its disposal to ensure that the values of the rule of law are not violated, but rather preserved, and that the individual is at the center of these values. One of the state's objectives is to protect its citizens. Within the system of public authorities, there is a category of authorities that have constitutional status and to which the relationship of authority as a result of hierarchy does not apply. The role of these authorities is to use their legislative levers to help the state function as correctly as possible. These authorities are considered to be autonomous.
Keywords: *public authorities, autonomous authorities, constitutional status, rule of law, rights and freedoms*

INTRODUCTION

Human society has evolved over time, emphasizing certain values and aiming to preserve them for future generations. Since ancient times, Aristotle has discussed how the "city" should function and how important it is for the individual not only to be at the center of its concerns, but also to be a creator of values. That is why he tells us that man must also be a "zoon politikon," involved in the life of the city. The values of Athenian democracy are often discussed as an important benchmark for modern democracy and as an example of individual involvement in the governance of the city.

In his writings, Aristotle also talks about the need to separate powers in the state in order to prevent abuse of power when governing, promoting the idea of three functions in the state: legislative, executive, and judicial. [1] Aristotle's ideas influenced generations of philosophers who addressed, among other things, the themes of the state, the citizen, and how citizens exercise power.

In his work, The Myth of Democracy, author Lucian Boia discusses the particularities of Athenian democracy, highlighting its advantages, innovative ideas, but

also its limitations, especially in the context of restrictions on participation in government, the exercise of rights, or rather, the absence thereof in the case of certain social categories. [2] "Athenian democracy—if we move from myth to reality—was still far from being impeccably democratic, at least according to today's standards. It concerned only a small part of the population: the people who exercised sovereignty were only a small minority. Slaves—more numerous in Athens than citizens—were naturally excluded, as were metics (i.e., foreigners) and, of course, women. In addition, a large number of citizens, caught up in their own activities or lacking interest, did not participate in public debates. Ultimately, a few thousand men would gather to decide on the affairs of the city." [3]

The imperfections of Athenian democracy should not overshadow its importance and role in laying the foundations of the modern state, which is based on values such as the separation of powers, guaranteeing citizens' rights, equality, and, last but not least, the rule of law.

PRESENTATION OF CONCEPTS

The organisation of a state is thus designed to ensure the fulfilment of its interests, which correlate with those of its citizens. The state creates a series of structures to implement these interests, and the fundamental requirement is compliance with and enforcement of the law. From a territorial point of view, we can structure state authorities into centrally organized authorities and authorities that we find at the local level. At the local level, we can talk about both county authorities and authorities organized at the city or commune level. At the central level, we find a series of authorities with executive functions, such as:

The President of Romania who, according to the Romanian Constitution, represents the Romanian state and is the guarantor of national independence, unity, and national territorial integrity. He ensures compliance with the Constitution and the proper functioning of public authorities. To this end, the President acts as a mediator between the powers of the state, as well as between the state and society."[4] The President of the country has a number of powers, both in the executive sphere, where we naturally include

him, but also in relation to other authorities that either exercise the functions of other powers or have constitutional status.

The doctrine emphasizes the role of the head of state in three respects: as head of state; head of the executive (one of the two heads of the executive); guarantor of the Constitution and mediator between the powers of the state. [5]

The Romanian Government represents the executive branch and is responsible for the general management of public administration, as well as the internal and external policies of the state, as specified in the Romanian Constitution.

"The government is a public administration body with general jurisdiction which, pursuant to Article 15 of the Administrative Code, exercises the following functions: strategic, implementative, regulatory, state property administration, representation, and state authority."[6]

Ministries are specialized central public administration authorities that implement government policies in their respective fields. The Romanian Constitution does not specify a fixed number of ministries or their names. These aspects are regulated when the government is invested and its governing program is approved. As the government depends on a vote of confidence from the Parliament and its political structure at that time, the number of ministerial portfolios is directly proportional to this structure.

Parliament is a central authority, but within the sphere of legislative power. It is the country's sole legislative authority and its supreme representative body. It has a four-year term and a bicameral structure. In performing its legislative function, it adopts laws that may be constitutional, organic, or ordinary.

AUTONOMOUS AUTHORITIES WITH CONSTITUTIONAL STATUS

The Romanian Constitution identifies a number of authorities that are considered autonomous, and their powers are diverse, with the ultimate goal of promoting and consolidating the democratic values promoted by a state governed by the rule of law.

Constitutional Court

The only constitutional authority in Romania is the Constitutional Court, which is independent of any other public authority and is subject only to the Constitution and the laws in force. It should be noted that the Court only rules on the constitutionality of the

acts referred to it, without being able to amend or supplement the provisions subject to review. Several authorities are involved in the appointment of judges to the Constitutional Court: three judges are appointed by the House of Deputies, three by the Senate, and three by the President of Romania. [7]

The literature highlights a number of functions and characteristics of the Constitutional Court that are considered essential to its work: [8]

- it does not take over the functions of any of the three powers of the state, nor does it represent another power
- it has a political and a jurisdictional nature, the former resulting from the manner in which the judges of the Constitutional Court are appointed, the latter resulting from the powers vested in the Court
- as a public authority, the Constitutional Court has the role of guaranteeing the supremacy of the Constitution. The President of Romania has the same role
- it is a public authority that supports the proper functioning of public powers, and in this regard, it has the power to resolve legal conflicts of a constitutional nature between public authorities
- it is the only constitutional jurisdiction authority in Romania, and its organization, functioning, and exercise of powers are carried out in accordance with the principle of legality
- The composition of the Court is established by the Constitution and the law, and in exercising its powers, the Constitutional Court interprets the Constitution and the law; it cannot amend, supplement, or repeal a law
- The Constitutional Court is a guarantor of respect for fundamental rights and freedoms.

The role of the Constitutional Court is particularly important in upholding the principles of the rule of law, and it is essential that its work be separated from the political changes that inevitably occur, especially when a democracy is still being established, as is the case in Romania. The involvement of politically biased authorities in the appointment of the nine judges hinders this process.

Ombudsman

According to the Romanian Constitution, the Ombudsman is appointed to defend the rights and freedoms of individuals for a five-year term. The Ombudsman exercises

his or her powers ex officio or at the request of persons whose rights and freedoms have been violated, in accordance with the law. The appointment is made by the House of Deputies and the Senate in a joint session, and the term of office may be renewed once.

"Public authorities are required to provide the Ombudsman with the necessary support in the exercise of his or her duties. The Ombudsman shall submit reports to the two Houses of Parliament on an annual basis or upon request, which may include recommendations on legislation or other measures to protect the rights and freedoms of citizens." [9] The Ombudsman's office is organized territorially, so that citizens have as much assurance as possible that their fundamental rights and freedoms are respected.

Court of Accounts

The Romanian Constitution identifies the Court of Accounts' responsibility as exercising control over the formation, administration, and use of the financial resources of the state and the public sector.

The only authority that can request the Court of Accounts to audit the management of public resources is the Parliament, through its two Houses. The Court reports its findings, and the annual report of the Court of Accounts shall be published in the Official Gazette of Romania, Part III. The plenary session of the Court consists of 18 members appointed by Parliament, who are audit advisors. The Court of Accounts is managed by the plenary session of the Court, and executive management is exercised by the president, assisted by two vice-presidents, who are audit advisors. The president and other members of the Court of Accounts are independent in the exercise of their duties and in their decision-making, respecting the principles of collective management, publicity, and transparency. [10]

In order to function properly, a state must use its resources efficiently, avoid waste, and use these resources in effective and necessary public policies.

Legislative Council

Another particularly important authority is the Legislative Council, which reviews draft legislation with a view to systematizing, unifying, and coordinating all legislation, as provided for in Article 79 of the Romanian Constitution. [11] The activity of this authority is relevant for the proper functioning of the public authority system, because legislative

overlaps or contradictions must be avoided, otherwise there is a risk of hindering administrative activity.

Economic and Social Council

According to Article 141 of the Romanian Constitution, the Economic and Social Council is an advisory body to Parliament and the Government in specialized areas, as established by the organic law on its establishment, organization, and functioning. [12] The structure of this authority is tripartite, representing three significant structures in society: trade unions, employers, and civil society. It provides advisory opinions to the two structures, because it is important that when regulating issues related to economic and social life, etc., the informed opinions of the representatives of the three structures are known.

Supreme Council for National Defense

Article 119 of the Romanian Constitution establishes the role of the Supreme Council for National Defense. According to the regulations in force, it is an autonomous authority vested with the organization and unified coordination of activities related to national defense and security. For a state to function, it must be secure, and to this end, it establishes its courses of action both domestically and internationally. [13]

Superior Council of Magistracy

The Superior Council of Magistracy acts as guarantor of the independence of the judiciary. In this capacity, it has a duty to comply with the law and to implement government policies relating to the work of the judiciary, as established by law. The Superior Council of Magistracy protects the body of magistrates and its members against any act that could undermine the independence or impartiality of magistrates in the administration of justice or create suspicion in this regard. [14]

On the other hand, the Superior Council of Magistracy has a moral duty to ensure that magistrates carry out their work in accordance with ethical principles and professional conduct, so that the administration of justice does not suffer.

CONCLUSIONS:

The work of these autonomous authorities with constitutional status is extremely important and relevant for the development of the rule of law and for consolidating and

strengthening democracy, which is currently quite fragile. Their purpose is to protect society's values and ensure that citizens' freedoms and rights are respected.

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