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LEGAL PERSON UNDER PUBLIC LAW

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CONCEPTUAL LANDMARKS OF THE RESEARCH

„The state and other legal entities governed by public law are not only creators of rules, but also subjects acting on the basis of those rules in the public interest."

- adaptation inspired by classical administrative law doctrine

The relevance and importance of the subject addressed. In this study, the chosen subject takes on a profoundly multidisciplinary character, with the aspects analyzed situated at the confluence of several branches of public and private law, due to the fact that legal entities governed by public law actively participate in multiple areas of legal, economic, and administrative life.This interdisciplinary approach is required by the complexity of the institution itself, which reflects the interdependence between the state, administration, and society.

In a contemporary context marked by profound institutional transformations, determined by the process of European integration of the Republic of Moldova and the need to strengthen the rule of law, the institution of the legal person under public law acquires particular doctrinal and practical relevance. On the one hand, administrative, economic, and social developments call for a clear distinction between public law entities and private law entities, while on the other hand, the need to maintain a balance between the general interest and the principles of legal autonomy requires a reconsideration of the way in which the state and its public authorities interact with civil society and common law legal relationships.

At the same time, according to contemporary doctrine and national legislation, the concept of a legal person under public law continues to generate issues of interpretation and conceptual ambiguities, particularly from the perspective of legal status, capacity to use and exercise rights, liability regime, and the legal relationships that these entities establish with other persons, whether public or private. The absence of comprehensive and consistent regulation of this institution leads to practical difficulties in defining competences, control mechanisms, and the subsidiary application of common law rules in the work of public authorities.In order to explain these aspects, this research aims to clarify the essence and legal regime of legal persons governed by public law, addressing a fundamental issue in legal science (the relationship between public law and private law) by drawing on national and foreign specialist literature and analyzing the most recent domestic and European regulations.

In the legal literature of the Republic of Moldova, there is a lack of

systematic and coherent analysis of the concept of a legal person under public law. Although the term is used sporadically in doctrine, it does not benefit from a consistent definition or a well-defined conceptual content. Frequently, the entity is invoked only as a secondary element of theoretical argumentation, without being treated as an autonomous legal institution with its own doctrinal significance. In this context, there is a clear scientific need to clarify the legal nature of public law legal person and their place in the legal system.This necessity leads to a reasonable question: Which branch of legal science is responsible for developing and defining this institution—civil law as a branch of private law, one of the disciplines of public law (administrative law or constitutional law), or general legal theory?

The answer comes from analyzing the functional nature of these entities: public law legal persons are created by acts of public power, exercise prerogatives of authority, and pursue the general interest.Therefore, the subject naturally falls within the field of administrative law, as only this branch regulates the power relations between the state and private individuals, the exercise of public functions, the liability of public authorities, and the legal regime governing activities of general interest.

At the same time, the approach is interdisciplinary, as it is also based on the principles of constitutional law and general legal theory, without being limited to the administrative perspective. Therefore, this study falls entirely within the field of administrative law, its purpose being to examine legal persons governed by public law as a distinct subject of public law, analyzed in correlation with the rules of common law, the principles of modern public administration, and the requirements of European integration.

Thus, this research aims to provide a systematic, coherent, and integrated approach to the institution of legal persons under public law, starting from its theoretical foundations, continuing with an analysis of the applicable legal regulations, and concluding with the formulation of proposals for *lege ferenda* adapted to the legal realities of the Republic of Moldova and European standards.

Overview of the research field and identification of the problem addressed. Legal person under public law are analyzed in national doctrine from different perspectives (civil, constitutional, administrative, criminal, and general theory), without these approaches being conceptually unified. Authors such as Igor Trofimov, Inga Călin, Grigore Ardelean, and Octavian Cazac explore the civil basis of legal personality and the particularities of the state, administrative-territorial units, and public institutions as subjects of public law integrated into the civil system. At the same time, the works of Victor Popa, Alexandru Arseni,

Roman Staraşciuc, Mihai Bîrgău, and Ghennadi Epure outline the role of the state and public authorities as normatively organized entities, with powers and responsibilities of general interest. From an administrative law perspective, Ştefan Belecciu and Maria Orlov, and at the sectorial level Natalia Chiper and Mariana Odainic, highlight the lack of a clear legislative distinction between the concepts of legal person under public law, public authority, and public institution.

In addition, domestic doctrine indirectly addresses these entities from the perspective of liability and control. The studies conducted by Sergiu Cornea, Gheorghe Gladchi, Xenofon Ulianovschi, Mihai Dogaru, Gloria Costea, Oleg Balan, Alexandru Burian, and Eduard Serbenco show that the nature of a legal person under public law influences the regime of legal liability, participation in international relations, mechanisms for preventing abuse, and the manner of engaging criminal or patrimonial liability. Foreign and comparative doctrine, including Russian and European doctrine referred to in the thesis, confirms the same problem: the criteria for identifying a legal person under public law (method of incorporation, public interest purpose, prerogatives of authority, assigned assets) are not treated uniformly, and the relationship between public law and private law remains debatable.

In Romanian doctrine, the contributions of C. Clipa, G. Beleiu, O. Ungureanu, M.D. Bocşan, A.C. Tărşia, A. Iorgovan, V. Vedinaş, D. Apostol Tofan, and others highlight the evolution of the legal person institution, the distinction between legal personality and legal person, the role of assigned assets, the public purpose, and the conceptual origin of the public law legal person in state institutions. These works confirm that public entities are created by law, not by private will, are organized to satisfy a public interest, and are governed by mandatory rules.

In Russian doctrine, the debates are even more striking. Authors such as Е.А. Суханов and В.П. Мозолин criticize the uncontrolled extension of the civil concept of legal person to the state and its bodies, emphasizing the separation between the public and private spheres. In contradiction, В. Е. Чиркин and О. А. Ястребов argue the need to recognize public legal person as a distinct category, characterized by their own assets, public purpose, authority, and creation by normative act. The works of Евтихиев, Суворов, and Безбородова analyze the theoretical foundations of collective will, responsibility, and the relationship between the internal structure and external manifestation of public entities. All these contributions confirm the existence of a conceptual and legislative gap in the post-Soviet legal space, which is also reflected in the Republic of Moldova.

In this context, the situation in the field of research is characterized

by a common assessment: in the Republic of Moldova, there is no unanimously recognized definition or systematic legal regime for legal person under public law. The provisions of the Civil Code, the Administrative Code, and special laws regulate only fragmentarily aspects related to incorporation, legal capacity, assets, jurisdiction, administrative control, reorganization, and dissolution. In practice, the same entity may be treated differently (public authority, public institution, legal person governed by public law), which creates uncertainty as to its legal status and the applicable rules.

The research problem may thus be formulated in clear terms: the lack of a unified normative concept of legal person governed by public law and of coherent criteria for distinguishing them from legal persons governed by private law and other administrative structures affects the coherence of the legal regime, the security of legal relations, and the effectiveness of control over the activities of public entities. This situation justify the need to draft a lege ferenda, which would expressly define a legal person under public law, establish its essential elements (constitution, purpose, assets, competence, liability) and unify the legal regime applicable in the legal order of the Republic of Moldova.

The purpose and objectives of the work. Taking into account the above, we propose a comprehensive study of the status of legal person under public law and an explanation of the specific features of its constitutive elements — assets, purpose, independent organization — as minimum requirements imposed by law upon incorporation, as well as an analysis of its functioning, reorganization, and dissolution. The results aim to identify gaps and propose evidence – based measures and recommendations for improving the legal framework and administrative practices at the national level.

To achieve the proposed goal, the following **research objectives** were set:

- to analyse the historical origins and theoretical foundations of legal person governed by public law;
- to investigate existing materials within the area of application of the legal person governed by public law;
- to clarify the concept of „legal person under public law" and determine its relationship with other legal subjects, in accordance with the legislation of the Republic of Moldova;
- to highlight the criteria for classifying legal persons under public law and their classification;
- to determine the specific elements that distinguish a legal person under public law;
- to establish the legal process for creating the legal entity – a legal person under public law;

- to establish relationships and legal capacity within the legal person governed by public law;

- to identify the legal operations for reorganizing a legal person governed by public law;

- to clarify the procedures for cessation of activity of a legal person governed by public law;

- to regulate the dissolution and liquidation of legal person under public law;

- to analyse the regulatory framework and national and European case law on bringing actions against legal person under public law;

- to assess the impact of decentralization on relations between central government and local public entities;

- to clearly delimit the area of activity of legal persons governed by public law from those governed by private law;

- to highlight international trends regarding the status of public legal persons and to establish the impact of European integration on the modernization of the legal framework and the functioning of Moldovan public entities;

- to systematise controversial issues and draw up recommendations for strengthening the rule of law and harmonisation with European standards;

- to draft proposals for *lege ferenda* to improve the legal framework governing the legal relations of legal person under public law.

Scientific research methodology. In the process of writing my doctoral thesis, I used a range of methods and approaches designed to provide a broad perspective on the subject under analysis. The study was conducted by applying three levels of methods characteristic of scientific research methodology. Thus, in the first stage, the historical method was used. „According to the historical method, legal sciences examine law from a historical perspective and its evolution throughout different social orders; they analyze the essence, form, and functions of law in relation to the historical stage it is going through, knowing that legal institutions bear the mark of the historical transformations of the respective people and country"[1].

Another approach, particularly relevant to the present research, is the logical method. According to Professor B. Negru, „legal logic, through mechanisms of analysis and synthesis, allows for the investigation of fundamental categories such as: the relationship between the particular and the general, the cause-effect connection, the relationship between content and form, the link between essence and phenomenon,

[1] BALTAG, D. *Scientific research of the legal phenomenon. Methodological guide*. Chisinau: F.E.-P. „ Central Typography", 2016, p. 97.

the correlation between necessity and chance, and between possibility and reality"[2].

Subsequently, in order to identify the scientific truth, a comparative method was applied, which allowed for the analysis of the experience of the European Union and its member states. This comparative analysis proved to be useful and inspiring for the process of modernization of the legislation governing legal person under public law, as well as for the consolidation of society's trust in the act of justice, with a view to ensuring the fundamental rights of the individual.

The research is also based on the dialectical method, supplemented by specific research methods used in various scientific fields, such as the structural-systemic method, the technical-legal method, and other tools suitable for studying socio-political phenomena. Due to the scientific and interdisciplinary nature of the subject, other relevant methods were also used: bibliographic research and academic documentation, analysis and synthesis, empirical method, systemic method, and others. Applying them in a complementary manner has facilitated a comprehensive and rigorous approach to issues concerning legal person governed by public law.By integrating these methods, it has become possible to investigate the proposed objectives in a complex, interdependent, and objective vision that reflects both the theoretical and practical dimensions of the subject.

Scientific novelty and originality. This work represents a complex and detailed analysis of the legal person under public law, from the appearance of this concept to its recognition as a distinct legal subject, with reference to its typology and evolution in the sphere of public law. At the conceptual level, we propose our own integrated definition of a legal person under public law, based on a cumulative analysis of administrative, constitutional, and civil law, thus overcoming the fragmented view that exists in domestic doctrine. There is a clear distinction between public law legal person and private law legal person, based on operational criteria (constitution, purpose of activity, applicable legal regime, assets, and organizational autonomy).

The analysis is systematic and comparative, focusing on legal person under public law in the Republic of Moldova, with reference to both national legislation and European standards. The internal legislative discrepancies (Civil Code, Administrative Code, special laws) are highlighted and a unified concept regarding the status of these structures is proposed.

The comparative law approach draws on legal experience from Eu-

[2] NEGRU, B., NEGRU, A. *General theory of law and the state*. Chisinau: Bons Offices, 2006, p. 43.

ropean Union countries (Germany, France, Romania, Italy) and post-Soviet countries (Russian Federation, Georgia), identifying best practices and possible ways of adapting them to the realities of the Republic of Moldova. The premises for aligning national legislation with European standards on the functioning of public institutions and their accountability are taking shape.

At the same time, the need for a specific regime for the assets of legal persons governed by public law is argued, governed by the principle of inalienability and allocation to the general interest, with criteria proposed to clarify the boundaries between public and private property. This research also serves as an invitation to perfect and improve the regulatory framework of the Republic of Moldova in this area.

The theoretical significance and practical value of the work. This doctoral thesis is among the first works of such amplitude in the Republic of Moldova dedicated to legal person under public law. This will provide support for the further development of this subject and the identification of new solutions aimed to improve the regulatory framework and practice in this area. The research results can serve as a theoretical guide for the improvement of specialists and as teaching material in the training process of students and participants in initial and continuing education courses in the following disciplines: administrative law, civil law, general theory of law, constitutional law, and so on.

The main scientific results submitted for support. The scientific results obtained, based on doctrinal opinions and multidimensional research into legal regulations in the field, have enabled the resolution of an important scientific problem. This aims to clearly distinguish between legal person governed by public law and those governed by private law, and to highlight their defining characteristics. The analysis was conducted taking into account the legislation of the Republic of Moldova and European standards, in correlation with the legislation of EU countries in the field of public law legal person.

The research allowed for the identification and explanation of legislative shortcomings regarding the establishment, operation, reorganization, and dissolution of legal person under public law. At the same time, the legal consequences generated by ambiguous wording and existing regulatory inconsistencies were highlighted. The work also highlighted the importance of clarifying the patrimonial status of these entities, the legal liability regime, and the applicable administrative and jurisdictional control mechanisms.

Finally, proposals for *lege ferenda* were formulated, designed to improve the national regulatory framework, ensure consistent and effective enforcement of legislation, and contribute to the alignment of

the Republic of Moldova with European and international best practices in this area.

The implementation of scientific results. The results of the research can be used in the process of improving the regulatory framework governing public legal person, by establishing a framework regulation that explicitly defines this institution, sets out the criteria for identification, and unifies the legal regime applicable to public authorities and institutions. The results of the research can also be applied in the practice of public authorities, for the delimitation of institutional competences and development of internal acts of organization and functioning, as well as in the activity of administrative courts, which meet difficulties regarding the legal nature and procedural capacity of public entities. At the same time, they can serve as support for the university and postgraduate education process, by updating teaching materials and strengthening the interdisciplinary approach in the study of public law. On the whole, the implementation of the results contributes to increasing legislative coherence, streamlining the work of public institutions, and strengthening the principles of the rule of law in the Republic of Moldova.

The approval of the results. This doctoral thesis in law, entitled „Legal person under public law", was prepared and approved by the Doctoral School of Criminal Sciences and Public Law at the „Ştefan cel Mare" Academy of the Ministry of Internal Affairs of the Republic of Moldova. The main results of the research, the theses presented, as well as the conclusions and recommendations formulated were reflected and disseminated in specialized scientific journals, as well as at various national and international scientific conferences and forums.

Publications related to the thesis subject. The research results were capitalized on by publishing 16 scientific articles in specialized scientific journals and national and international scientific collections.

Keywords: Legal person, public law, legal regime, legal establishment, administrative autonomy, patrimony, public interest, reorganization, dissolution, legal capacity, normative act, public authority, public institutions, public administration, subject of law, administrative control, legal liability, decentralization.

THE CONTENT OF THE DOCTORAL THESIS

The thesis has the following structure: annotation in Romanian, English, and Russian languages, list of abbreviations, introduction, three chapters divided into paragraphs and subparagraphs, general conclusions and recommendations, bibliography including 303 sources, three appendices, statement of responsibility, and author's CV.

Chapter I, entitled **„Doctrinal and normative analysis of problems related to the institution of legal person under public law in scientific research**", consists of three subchapters that address the theoretical foundations of the institution of legal person under public law, through an analysis of relevant doctrinal contributions at the national and international levels. This section outlines the main approaches in domestic literature regarding the concept, legal nature, and particularities of legal person governed by public law within the public law system. Scientific works from Europe and around the world that contribute to the theoretical consolidation of this subject are also analyzed.

Therefore, it has been highlighted that legal person governed by public law is an indispensable instrument through which the state and administrative-territorial units carry out their duties and exercise their powers within an organized regulatory framework. This category of subjects of law differs fundamentally from private legal person in terms of how they are constituted, the legal regime applicable to them, and the purpose of their activities. While private legal persons are created by the free will of their founders and usually pursue their own interests, public legal persons are created exclusively by law, by virtue of the normative will of the state, and aim to serve the general interest. The Civil Code of the Republic of Moldova recognizes full legal capacity for all legal persons, but introduces essential particularities for those governed by public law[3], regulating them through special rules. Public authorities, budgetary institutions, and administrative-territorial units acquire legal personality on the basis of normative acts and not through the registration procedure applicable to private legal persons, which reflects their specific status in the institutional architecture of the state.

Civil legal doctrine played a major role in clarifying and establishing this institution. The analyses of Igor Trofimov and Inga Călin[4] provided a systematic typology of legal persons and highlighted the distinct manner in which public entities are constituted and participate in civil relations alongside private subjects, but always governed by law and

[3] TROFIMOV, I. ș.a. *Drept civil. Introducere în dreptul civil. Persoana fizică. Persoana juridică*. Tipografia „Elena V.I.", Chișinău, 2004, p. 44-45, pp. 222-235.

[4] TROFIMOV, I. ș.a. *Drept civil. Introducere în dreptul civil. Persoana fizică. Persoana juridică*. Tipografia „Elena V.I.", Chișinău, 2004, p. 44-45, pp. 222-235.

the general interest. Grigore Ardelean[5] also developed an exhaustive approach to classification criteria and legal capacity, emphasizing that the law is the sole and imperative basis for the establishment of legal persons under public law. In the same register, Octavian Cazac analyzed in detail the legal regime applicable to these entities, defining them as the state, administrative-territorial units, and public authorities, when this fact emerges from the content of normative acts, confirming their full capacity to participate in civil legal relations, but always through the competent bodies and based on the principle of legality[6].

In doctrine, constitutional issues have been treated with particular attention. Victor Popa, through his monumental work „Treaty on Constitutional Law and Political Institutions"[7], the 2nd revised and expanded edition, showed that public authorities, such as Parliament, the Presidency, the Government, or local authorities, are the institutional expression of the sovereign will of the people and operate within a legal regime of public law. They are governed by the principle of legality, exercise powers established by law, and are subject to constitutional and legal review. Alexandru Arseni, in his treaty on constitutional law[8], specified the fundamental powers and functions of state institutions, emphasizing the independence and autonomy of judicial authorities, as well as the applicability of the principles of sovereignty, legality, and separation of powers in their legal system. At the same time, in the literature on general legal theory, the works of Roman Starașciuc and Ghennadi Epure[9], as well as those of Mihai Bîrgău [10], have highlighted the constituent elements of the state and its role as a legally organised entity, vested with powers of authority and functions of general interest, which are defining characteristics of any legal person governed by public law, even if the term is not expressly used.

In administrative law, the contributions of Ștefan Belecciu were groundbreaking, through his work on administrative litigation[11], in which

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[5] ARDELEAN, G. *Drept civil. Persoana fizică. Persoana juridică.* Editura Cartea Militară, Chișinău, 2021, p. 179 și urm.

[6] CAZAC, O. *Adnotare la art. 174 Cod civil Adnotat* [citat la 5.02.2025]. Disponibil: animus.md/adnotari/174/; *Adnotare la art. 171Codul civil Adnotat* [citat la 4.02.2025]. Disponibil: animus.md/adnotari/171/.

[7] POPA, V. *Tratat de drept constituțional și instituții politice. Ediția a 2-a, revăzută și adăugită.* Editura Notograf Prim SRL, Chișinău, 2021, 1024 p.

[8] ARSENI, A. *Drept constituțional și instituții politice. Tratat.* Vol. II, Ediția a 2-a revăzută și ajustată conform reglementărilor normative. CEP USM, Chișinău, 2019, 320 p.

[9] STARAȘCIUC, R., EPURE, G. *Teoria generală a dreptului.* Ediție revăzută și adăugită. Editura Cartea Militară, Chișinău, 2019, 228 p.

[10] BÎRGĂU, M., STARAȘCIUC, R. *Teoria generală a statului (studiu reflexiv).* Tipografia „Elena-V.I." S.R.L., Chișinău, 2005, 171 p.

[11] BELECCIU, Ș. *Contenciosul administrativ.* Editura Elena, Chișinău, 2003, 128 p.

it analyzed the legal nature of acts of public authorities, the procedure for judicial review, and the regime governing administrative acts. In the same administrative field, the work co-authored with Maria Orlov[12] brought clarification on the status of public legal person as a state body and distinguished it from private entities. At the same time, Natalia Chiper and Mariana Odainic proposed an applied analysis of the defining criteria of a legal person governed by public law[13], pointing out legislative discrepancies and the need for a clearer distinction between public authorities and public institutions. In the same context, Sergiu Cornea highlighted the role of local authorities as legal person governed by public law[14], by analyzing the principle of local autonomy and the need for administrative reform to strengthen their legal regime.

Significant contributions have also been made in other branches of law. In criminology, Gheorghe Gladchi [15] underlined the importance of institutional responsibility and internal organisation of public authorities in crime prevention. In criminal law, Gloria Costea made a distinction between the criminal liability regime for public legal persons and that for private legal persons, pointing out that, although the state and its authorities are exempt, other public entities may be criminally liable under specific conditions.[16]. In international law, Oleg Balan, Alexandru Burian[17] and Eduard Serbenco[18] explained the role of public institutions in the international legal order, presenting them as active and recognized participants in international relations.

Foreign research shows a broad historical evolution of the concept.

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[12] ORLOV, M., BELECCIU, Ș. *Drept administrativ*. Academia „Ștefan cel Mare" a MAI al RM, Chișinău, 2005, 310 p.

[13] CHIPER, N., ODAINIC, M. *Persoana juridică de drept public*. În: Administrarea Publică, nr. 3, 2021, pp. 39–48.

[14] CORNEA, S. *Puterea locală în sistemul puterii publice din Republica Moldova*. În: Perspectivele și Problemele Integrării în Spațiul European al Cercetării și Educației, Volumul VIII, Partea 1, Cahul, 2021, pp. 11–26 [citat la 17.03.2025]. Disponibil: https://ibn.idsi.md/sites/default/files/imag_file/11-26_1.pdf; *Reorganizarea teritorială a puterii locale – imperativ al modernizării Republicii Moldova.* Presa Universitară Clujeană, Cluj-Napoca, 2019, ISBN 978-606-37-0578-6 [citat 17.03.2025]. Disponibil: https://www.ssoar.info/ssoar/bitstream/handle/document/64948/ssoar-2019-cornea-Reorganizarea_teritoriala_a_puterii_locale.pdf.

[15] GLADCHI, G. *Criminologie: manual pentru facultățile de drept și polițienești.* Editura CEP USM, Chișinău, 2019, 619 p.

[16] COSTEA, G. *Răspunderea penală a persoanei juridice: abordări teoretico-practice*. În: materialele conferinței „Interuniversitaria", Universitatea de Stat „Alecu Russo" din Bălți, 2022, pp. 82-89.

[17] BALAN, O., SERBENCO, E. *Drept internațional public*. Volumul I. Tipografia Reclama, Chișinău, 2001, 357 p.

[18] BALAN, O., BURIAN, A. *Drept internațional public. Volumul II.* Tipografia Centrală, Chișinău, 2003, 388 p.

The origins of the legal person can be found in the collective structures of Roman law (collegia, municipia), although the modern concept was only legally established in the German Civil Code of 1896, later adopted by Switzerland and other European systems. In France, the distinction between „*personnes morales de droit public*" and „*droit privé*" has a consolidated status, and jurisdiction recognizes the personality of any entity that does not contradict the law.

Anglo-Saxon systems treat public and private law as interdependent, and Latin American countries adopted the public-private classification early on in their civil codes. The Constitutions of Spain, Portugal, Greece, Brazil, and Cyprus expressly recognize the rights of legal persons governed by public law, confirming their institutional role.

In Georgia, regulation is carried out through special laws dedicated to legal person under public law, supplemented by provisions in the Civil Code. This provides a coherent framework for legislative systematization.

Russian doctrine has undergone a specific evolution. Initially, the concept was rejected as „bourgeois", but later legal literature (Евтихиев, Суворов, Безбородова) explored its legal nature in greater depth. Authors such as Суханов and Мозолин criticize the uncontrolled expansion of the concept and the confusion between civil and public law, warning of conceptual confusion. In contrast, Чиркин and Ястребов explicitly define a legal person governed by public law and formulate its essential characteristics: public purpose, own assets, powers of authority, creation by law, mandatory legal regime, and public law liability.

Comparative doctrine confirms the fundamental criteria for distinguishing between legal persons governed by public law and those governed by private law: the act of incorporation, the purpose of the activity, the applicable legal regime and the prerogatives of public power.

Chapter II, entitled **„Theoretical and legal foundations regarding legal person governed by public law. General considerations regarding this institution**", comprises six subchapters that examine the legal person governed by public law as a distinct entity, holder of rights and obligations under domestic law. The sections detail the definition of the institution, the identification of its essential features and constituent elements, the manner of its establishment, and its classification into specific categories, including the state, administrative-territorial units, central and local public authorities, as well as other public law entities. Specific aspects regarding the functioning, reorganization, dissolution, and liquidation of these entities are also analyzed, particularly in the context of administrative, civil, and constitutional legal relationships. The chapter provides a comprehensive overview of the „life cycle" of a legal person governed by public law. Finally, the key conclusions reached were summarized.

In this context, the chapter clarifies the concept and defining characteristics of legal person governed by public law. It is a non-profit entity, created by law or, in certain cases, by an administrative act issued pursuant to the law, called upon to serve a general or local public interest. Contrary to a legal person under private law, which is based on the associative will of its founders, a legal person governed by public law expresses the normative will of the state: it is not „born out of private initiative", but out of the need for institutional organization of certain public functions (administrative, jurisdictional, educational, public order, and so on). The main features outlined are: the existence of a normative act of incorporation; the purpose of public interest; the predominant legal regime of public law, based on mandatory rules; the possibility of exercising prerogatives of authority; the existence of assets allocated to the public purpose; submission to specific forms of control and accountability.

The chapter also clarifies the position of the state, administrative-territorial units, and other public entities in the legal person governed by public law architecture. The state and administrative-territorial units are paradigmatic examples of legal persons under public law. They have their own assets (public and private property owned by the state or the LAU), representative and executive bodies, and exercise authority within the limits established by the Constitution and laws on administrative-territorial organization and local and central public administration. Ministries, other specialized public administration bodies, public education institutions, autonomous regulatory and control authorities, public health institutions, as well as certain professional self-governing structures empowered with public duties are also included in this register.

The chapter then describes the internal structure of the legal person governed by public law. The existence of mandatory bodies (supreme body, executive body) and, where applicable, advisory or internal control bodies (councils, colleges, committees, auditors, integrity councils, and so on) is highlighted. The supreme body is, depending on the type of legal person governed by public law, the Parliament, the local council, the board of directors, the university senate, and so on, which sets the general course of action, approves the budget, strategy, and main organizational acts. The executive body (government, mayor, general director, rector) ensures day-to-day management, manages resources, and represents legal person governed by public law in external relations. The internal organization always results from the act of establishment and the statutes/regulations, and structural changes are also made by means of regulations.

An important section deals with the legal capacity of legal person governed by public law. Contrary to an individual, whose capacity is general and begins at a certain point in time, the capacity of a legal person

governed by public law is always specific: it is determined by the rules of incorporation and special laws governing the powers and purpose of the entity. The legal person governed by public law may participate in public law relationships (administrative, constitutional, financial) as an authority exercising public power prerogatives, but also in private law relationships (civil, commercial) on an equal legal standing with other participants. In private relations, legal person governed by public law acts through its bodies, based on its legal or statutory mandate, but its capacity remains limited by the allocation of its assets for public purposes. This duality (public capacity and civil capacity) requires clear distinctions to be made in terms of applicable rules, jurisdiction, and liability regime.

Furthermore, the chapter lists the criteria for classifying legal person governed by public law. Classifications are presented according to: the nature of the powers assigned (political-territorial legal persons and special public law legal persons); territorial jurisdiction (public law legal persons operating and having powers throughout the national territory and local or regional public law legal persons); the manner of creation (created by law or decision of Parliament, by decision of the Government of the Republic of Moldova, by administrative act of a central public administration authority, as well as by administrative act of a local public administration authority). It should be noted that these criteria are not mutually exclusive, but overlap, forming a complex picture of the forms of public organization in the Republic of Moldova.

A substantial section is dedicated to the constitution, reorganization, and termination of legal person governed by public law. The chapter describes the legal regime for the creation of legal person governed by public law through normative acts (the Constitution, organic and ordinary laws, government decisions) and, in certain cases, through administrative acts issued in the execution of the law (e.g., the order establishing a local institution). The forms of reorganization (merger, division, absorption, transformation) regulated in particular for ministries and other authorities are analyzed, and it is shown that structural changes must be accompanied by clear rules on the succession of rights and obligations, the disposition of assets, and the continuity of public services. In the event of the dissolution of a legal person governed by public law, the assets are usually transferred to another public entity, and the powers are redistributed by law or higher-level act, so as not to create a „vacuum of competence" in the field concerned.

An essential part of the chapter is devoted to distinguishing legal person governed by public law from private legal person. Two fundamental criteria are emphasized: the manner of incorporation and the purpose of the activity. legal person governed by public law are creat-

ed by the unilateral will of the state (through law or normative act) to achieve a general public interest, while private legal persons are created by an act of will of their founders, with a view to pursuing a private interest (patrimonial or non-patrimonial). The applicable legal regime differs: legal person governed by public law is subject to mandatory public law rules, special administrative and judicial control, and benefits from certain particularities in civil relations (e.g., limitations on the enforcement of assets assigned to a public service, special rules on civil liability, public procurement procedures).

The distinction is not merely theoretical, but has direct practical consequences: it determines the competent court (administrative or civil), the regime governing contracts, the conditions of financial liability, and the procedures for reorganization and liquidation. The chapter shows that in the absence of an explicit legal definition of legal person governed by public law and uniform identification criteria, confusion may arise, especially in situations where the same structure exercises both authority activities and economic or service provision activities. Therefore, it is proposed, at the level of *lege ferenda* guidelines, to establish the concept of legal person governed by public law in law, clarify the relationship between „public authority" and „public institution", and establish uniform rules for publicity and legal succession in the event of reorganization or termination.

The chapter also includes an important comparative dimension. Solutions from German, French, Italian, Georgian law, as well as from Russian and Romanian doctrine, are presented to highlight the variety of regulatory models. Continental legal systems generally recognize a clear distinction between legal persons governed by public law and those governed by private law, explicitly enshrining this category in civil codes or special laws. In contrast, in certain systems (such as the Russian Federation), doctrinal discussions remain tense, with some doctrine experts insisting on treating the state exclusively as a subject of public law, without integrating it into the civil law typology of legal person. However, comparative analysis confirms the usefulness of the legal person governed by public law category for regulating the participation of public entities in civil proceedings and clarifying their legal status.

Chapter III, entitled **„Controversial aspects and modern challenges regarding the concept of legal person governed by public law**", consists of five subchapters dedicated to current theoretical and practical issues related to the application, interpretation, and regulation of legal person governed by public law. The first section analyzes the possibility and conditions for initiating legal action against these entities, with an emphasis on the exceptions and guarantees established by national and

conventional legislation. The effects of administrative decentralization and local autonomy on the status and powers of legal persons governed by public law, particularly in relation to central authorities, are also discussed. Another part concerns conflicts of competence and overlaps of functions between legal persons governed by public law and those governed by private law. Finally, the role of these entities in the context of globalization and European integration processes is discussed, with an emphasis on trends in institutional, regulatory, and functional adaptation. The chapter concludes with a series of summary conclusions that review the main findings and directions for development of the institution analyzed.

The domestic regulatory framework is reinforced by *Administrative Code* No. 116/2018, which modernized administrative litigation and repealed the old *Law* No. 793/2000. The code establishes five types of actions: challenge, enforcement, realization, determination, and normative control, inspired by the German model of the *Verwaltungsgerichtsordnung*. Each action corresponds to a specific remedy: annulment of administrative acts, obligation of the authority to issue acts, resolution of real acts, establishment of the existence of a legal relationship or the nullity of an act, as well as control of the legality of administrative normative acts.

Civil law supplements the administrative framework by regulating civil liability, including state liability for judicial errors (Article 2007 of the *Civil Code*) and through *Law* No. 1545/1998. In criminal proceedings, Article 21 (par. 3) of the Criminal Code stipulates that public authorities are not subject to criminal liability, but their officials may be held liable for acts committed in the course of their duties.

National case law reflects the consistent application of these principles. The Supreme Court of Justice, through Advisory Opinion No. 104, provided fundamental guidelines on the application of the Administrative Code, defining the legitimate defendant and preventing conflicts of jurisdiction. Administrative courts have annulled acts of the CSM, CSE, CEC, municipalities, or ministries, awarding significant damages. The decisions demonstrate that public authorities can be held accountable and that the legality of the administration's activities is effectively controlled by the courts.

The case law of the European Court of Human Rights confirms these directions. The cases of Olaru, Oferta Plus, and Mitropolia Basarabiei imposed on the state the obligation to ensure effective domestic remedies and to enforce court decisions. The Court of Human Rights sanctioned the lack of effective remedies and unjustified delays in enforcement, leading to legislative and institutional adjustments.

However, the chapter highlights an important gap: Moldovan legislation does not expressly establish the liability of public legal person as a separate institution. Although the Administrative Code regulates the liability of public authorities and related procedures, there is no general framework applicable to all legal persons governed by public law. This deficiency causes confusion in case law. To remedy the situation, it is proposed that a special law be adopted on legal person governed by public law, with provisions dedicated to legal liability in accordance with European standards.

The chapter also analyses in detail the principles of local autonomy and administrative decentralisation, established by Article 109 of the Constitution and the European Charter of Local Self-Government. The role of local communities as the true holders of autonomy is highlighted, while local public administration authorities are their representative bodies. The chapter highlights the terminological confusion that exists in national legislation between local authorities and administrative-territorial units, which affects the consistency of regulations.

Overall, the impact of local autonomy on public legal person is manifested through the strengthening of the position of administrative-territorial units as legal person governed by public law and through the clarification of their role in the administration of local public affairs. At the same time, decentralization involves clear demarcations between the powers of central and local authorities in order to avoid overlaps and conflicts.

At the same time, the third section of this chapter addresses one of the most complex issues identified, namely the interference between the public and private legal regimes. The analysis starts from Roman tradition and the historical evolution of the concept of legal person, highlighting how civil law institutions have been transposed into public law to serve the general interest.

The chapter shows that in the Republic of Moldova there is no legal definition of legal person governed by public law, and this omission causes difficulties in classifying and delimiting competences. There is a legislative tendency to apply civil law definitions to public entities, which causes confusion, especially in relation to property, liability, and administrative contracts.

The last section of the chapter analyzes the external dimension of the legal person governed by public law. Globalization is presented as a multidimensional phenomenon that generates both opportunities and risks, prompting states to seek forms of regional cooperation. The European Union appears as an institutional response to the pressures of globalization.

Legal persons governed by public law in the Republic of Moldova play a decisive role in the European integration process: implementation of the community *acquis*, management of European funds, strengthening of good governance, modernization of the administrative apparatus, and representation of the state in European structures. The chapter presents the evolution of Moldova's European commitments: the Association Agreement (2014), Deep and Comprehensive Free Trade Area (DCFTA), the attainment of candidate status (2022), and constitutional reform (2024), through which the European integration process becomes irreversible and EU law takes precedence in the domestic legal system.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

The synthesis of the results obtained and their correlation with the theme, hypothesis, purpose, and objectives of the thesis. Based on the research conducted in the doctoral thesis entitled „Legal Person under Public Law," the conclusions highlight that the status and legal regime of legal person under public law in the legal system of the Republic of Moldova were analyzed in an integrated manner. The study covers both theoretical and normative foundations, as well as practical implications with prospects for development. In particular, the thesis examines the rules governing the establishment, operation, reorganization, and dissolution of legal person under public law, as well as the contemporary challenges generated by decentralization processes, public-private partnerships, effective access to justice, and the dynamics of European integration.

Starting from the definition of the concept[19] and its distinction from a private legal person, a detailed investigation of the relevant legislative provisions was carried out. This analysis highlighted discrepancies between the general provisions of the Civil Code and the sectoral rules governing various legal person governed by public law. In particular, ambiguities were identified regarding the status and role of legal person governed by public law in the Republic of Moldova, as well as the delimitation of this legal subject from other forms of legal organization.

Through the multidisciplinary design of the research, based on administrative, civil, and constitutional law and general legal theory, the essential issues regarding the concept of legal person governed by public law were clarified and its position in relation to private law subjects was specified, both at a conceptual and normative-functional level. Considering the findings, we can state that the initial ***hypothesis***, according to which it is necessary to adapt and supplement the legislative framework regarding the need to clarify the concept of legal person governed by public law and the „minimum mandatory regime" for establishment and operation by corroborating doctrinal analyses, domestic legislation, and relevant practice, has proven to be well-founded. The research shows that standardizing and clarifying rules is essential for improving public governance, as consistent regulation of legal person governed by public law ensures the effective implementation of public policies and the provision of essential services.

Therefore, the general conclusions of the thesis can be summarized as follows: first, the concept of a legal person under public law has been clarified, highlighting its defining elements and applicable legal sources; second, it has been found that the current regulation has incon-

[19] See Article 2 of Annex 1 to the thesis (draft law de *lege ferenda*).

sistencies that need to be resolved; thirdly, the study revealed the need to introduce explicit criteria and procedures for the establishment and functioning of legal person governed by public law. The results obtained reflect the logical sequence of the research objectives and demonstrate that the purpose of proposing normative solutions has been achieved. Thus, this work contributes to strengthening the theoretical foundations of public law and provides practical elements for improving the national legislative framework on legal persons governed by public law.

The objectives in the Introduction. Starting with clarifying the concept and distinguishing it from private legal persons, through classification, individualization, establishing the framework for creation, legal capacity, reorganization, dissolution, and liquidation procedures, as well as formulating proposals for *lege ferenda* - all of these topics were addressed consecutively in Chapters II and III. Chapter II provided the conceptual and normative foundation (legal constitution, mandatory regime, classifications, and defining elements), while Chapter III addressed the most pressing areas of friction: access to justice against legal person governed by public law, the effects of local autonomy and decentralization, conflicts of competence at the public-private interface, and the role of legal person governed by public law in administrative, digital, and European transformation.

The scientific problem solved and personal contributions (theoretical significance and practical value). The central scientific issue addressed was the absence of a comprehensive clarification of the legal person governed by public law institution in national law, both in terms of the concept and criteria for individualization, as well as in terms of its „life cycle" (establishment, operation, reorganization, dissolution, liquidation) and clear demarcation from private law entities. The thesis solved this problem by: (i) systematizing and defining the concept of legal person governed by public law; (ii) identifying and justifying its constituent elements; (iii) specifying the procedures for its establishment by normative or administrative act and its legal effects; (iv) clarifying the regime for reorganization, dissolution, and liquidation; (v) proposing de *lege ferenda* to standardize the regulatory framework and institutional practices. These results have theoretical value (consolidation of domestic doctrine) and practical value (guidance for legislators, administrators, courts, and practitioners).

Major scientific results contributing to solving the problem:

1. Conceptual clarification of the legal person governed by public law. It has developed a concise definition of this concept in Moldovan law, summarizing the rules of the Civil Code and special laws. The theoretical contribution consists in clearly distinguishing between legal person

governed by public law and those governed by private law, highlighting the constituent elements and specific conditions of each. The practical significance of this contribution consists in providing a clear conceptual basis for legislators and decision-makers, facilitating a uniform interpretation of the rules and reducing the risk of legal disputes concerning the status of public law entities in relation to private law entities.

2. *Structuring the legal regime of a legal person under public law.* In this work, I proposed an analytical model of the organization and functioning of public entities with legal personality, identifying the applicable normative sources and levels of competence (central and local). From a theoretical perspective, this explanatory structure enriches the specialized literature by integrating existing case law and doctrine into a coherent whole. In practical terms, this approach helps decision-makers within the legal person governed by public law, as well as their founders, to better understand the limits of their powers and to ensure that their actions comply with the established legal provisions.

3. *The identification and substantiation of legislative gaps.* We conducted a systematic analysis of the provisions of relevant laws, highlighting paradoxes and unrelated elements, particularly in the Civil Code, the Administrative Code, and other special laws. The scientific contribution consists in highlighting these legislative gaps and explaining their implications for the stability of the administrative system. The practical significance lies in providing an overview of the issues that require legislative intervention, which is useful for the decision-making process and for avoiding the inappropriate application of the law.

4. *The doctrine of incorporation by legislative or administrative act* establishes the principle that a legal person under public law is created *ex lege*, pursuant to an act of state authority, and not by the free expression of the will of its founders, as is specific to legal persons under private law. Accordingly, Article 179 of the Civil Code confirms the constitutive nature of the normative or administrative act of establishment, while registration in the state register has a purely declarative role, serving exclusively for the purposes of legal record-keeping and transparency. This concept, based on the principle of „legal constitution", reflects the primacy of legality in the public sphere and reinforces the distinction between the legal regimes governing subjects of public law and those of private law. Therefore, the legal capacity of a public legal person derives directly from the law and is exercised within the limits and conditions established by it, and the formal recognition of its existence through the state register is a guarantee of legal certainty and the validity of the acts issued in the exercise of its legal powers.

5. *The unitary regulation of the reorganization, dissolution, and liq-*

uidation of legal persons governed by public law reflects the need for a coherent legal architecture based on principles of legality, continuity, and administrative efficiency. The established legal forms (merger, breakup, and transformation) have specific effects on asset succession, the transfer of powers, and the assumption of institutional responsibility, ensuring the maintenance of public service and the general interest. This conceptual framework requires the legal person governed by public law reorganization to be treated differently from that applicable to private entities, based on the functional logic of public law. By establishing a predictable and harmonized regulatory regime, a minimum standard of compliance for sectoral laws and practices is ensured, reducing legal uncertainty, litigation, and the risk of institutional blockages in administrative reform processes.

6. *The delimitation of the public-private interface and the effects of decentralization.* The thesis highlights conflicts of competence and possible overlaps, especially in public-private partnership contexts, and proposes criteria for distinction based on the general interest purpose and public control (including the benchmark in the *Public Procurement Law* regarding legal person governed by public law), with recommendations for regulatory clarifications. The purpose of the procedure is to create a common field of interpretation for public and private actors, avoiding uncertainty regarding the applicable regimes.

7. *The strengthening of accountability mechanisms and guarantees of access to justice* is a fundamental condition of the rule of law and an indispensable component of the proper functioning of public legal persons. In this regard, the thesis demonstrates, based on Articles 20 and 53 of the Constitution of the Republic of Moldova, as well as the case law of the Constitutional Court and the European Court of Human Rights, that any person harmed by an act or omission of a legal person governed by public law must have access to an effective remedy before the courts. At the same time, practical dysfunctions related to the diversity of liability regimes and the lack of unitary case law in this area have been identified, which requires the standardization of the regulatory framework and judicial practice. Through effective judicial review of the acts and deeds of public law entities, not only are individual rights protected, but the legality and proportionality of administrative actions are also verified, thereby strengthening the principles of accountability, transparency, and good governance in the exercise of public power.

8. *Legislative reform projects (lege ferenda).* We have drafted and argued concrete proposals to amend the existing rules on the status of legal persons governed by public law. These consist of detailed proposals for amending specific articles of the law. The theoretical contribution

of these measures consists in integrating the results of the normative analysis into a set of well-founded legislative recommendations. From a practical point of view, these proposals provide decision-makers with clear models for action, facilitating the process of updating legislation and increasing the regulatory coherence of public administration.

9. *The alignment with international standards and best practices* requires the integration of the legal framework of the Republic of Moldova into European trends in the regulation of public legal person. From a comparative law perspective, there are similarities with the systems in France, Germany, Georgia, and Romania, where public legal personality is conferred exclusively by law, and reorganization or dissolution is carried out by normative acts of the same level. We emphasize that the Georgian model, regulated by the *Law on Legal Person under Public Law* (1999), provides a clear example of modern codification, with explicit provisions on patrimony, autonomy, and reorganization. At the same time, the European framework requires further harmonization through *Directive 2014/24/EU on public procurement*, which defines a „body governed by public law" through criteria of funding, control, and non-commercial purpose. Complementary to this, the *European Charter of Local Self-Government* (1985) establishes the principle of local self-government and the responsibility of authorities in managing the public interest. By combining these standards, a clear direction for legislative modernization in the Republic of Moldova emerges, aimed at strengthening administrative autonomy, transparency, and consistency in the legal regime of legal persons under public law. From a theoretical point of view, this provides a comparative perspective, enriching the study and highlighting the level of harmonization required.

As a whole, personal contributions can be measured by: *defining a typology and operational classification of* legal person governed by public law; *the matrix of constituent elements* and *individualization criteria*; *the scheme of procedures* for establishment, reorganization, dissolution, and liquidation; *the set of proposals for lege ferenda* to unify the regulatory regime; *the application guide* for institutional practice.

Approval and usage value. The results are academically approved at doctoral level and are intended to be used as support for decision-makers, administration, and academia (including initial and continuing training programs), as they are among the first analyses of such breadth dedicated to legal person governed by public law in the Republic of Moldova.

Recommendations (including de lege ferenda) and future research directions

1. *Recommendations for lege ferenda*

1.1. *Framework law on legal persons governed by public law.* It is

necessary to adopt a unified framework law that codifies: the definition and essential features; the procedure for establishment by legislative or administrative act and the legal effects; classification; competence relationships; property regime (including the distinction between public and private state property); forms and effects of reorganization; causes and procedures for dissolution and liquidation; administrative and judicial control; legal liability regime; minimum standards of transparency and participation. This law would unify scattered provisions (Civil Code, Administrative Code, sectoral laws), reducing the ambiguous wording identified by the research (***see* ANNEX 1 *of the thesis***).

1.2. In order to eliminate regulatory inconsistencies and ensure a uniform interpretation of the concept of „administrative-territorial subdivision", a *lege ferenda* is proposed to amend the provisions of Article 13 of Law No. 764/2001 on the administrative-territorial organization of the Republic of Moldova and Article 55(1) of Law No. 436/2006 on local public administration ***(see Annexes 2 and 3 of the thesis)***

2. *Institutional and practical recommendations*

2.1. *Operational guidelines for authorities.* The development of inter-institutional guidelines on: (i) the establishment of legal person governed by public law and the documentation of their constituent elements; (ii) the management of public assets; (iii) the delimitation of powers between central and local levels in the context of autonomy and decentralization; (iv) the use of public-private partnerships and concessions, with checklists and model documents.

2.2. *Periodic compliance and performance audit.* The implementation of an annual institutional audit cycle for legal person governed by public law (legality, efficiency, transparency, public participation), with the publication of reports in the electronic register, in order to correct deviations from governance standards.

2.3. *Professional development and ongoing training.* Training programs for legal person governed by public law managers and lawyers in: applied administrative and civil law, asset management, procurement, public-private partnerships, professional ethics, digital governance (eID, digital signature, open data), including interdisciplinary modules in university and continuing education programs.

2.4. *Gradual alignment with European standards.* Continuous harmonization of the legal person governed by public law regime with EU and Council of Europe principles (legality, proportionality, transparency, accountability), correlated with integration policies and external financing, to enhance administrative capacity and institutional resilience.

2.5. *Improving interinstitutional cooperation.* Due to their role as an interface between the state and citizens, public legal persons must

collaborate closely both with each other and with civil society. It is proposed that interinstitutional forums or conferences be organized periodically to exchange best practices and continuously adapt internal procedures to European and local standards of good governance.

3. *Future directions for research*

• *Comparative analysis* of the legal person governed by public law regime in EU and neighboring countries, in order to extract best practices in terms of establishment, control, and accountability (with a focus on complex organizations).

• *Interface with ECtHR case law* on the positive obligations of the state and liability for the actions of authorities, with an impact on the design of effective remedies.

• *Digital governance and open data:* the effects of eID, digital signatures, and electronic registers on the transparency, efficiency, and accountability of legal person governed by public law.

• *Public economy of heritage*: standards for recording, evaluating, and protecting heritage managed by legal person governed by public law, including the separation between the public and private domains of the state.

• *Public-private partnerships and services of general interest:* criteria for normative delimitation, control standards, and mechanisms for preventing overlap of competences.

• *Case law and administrative litigation:* investigating how courts interpret and apply legal provisions relating to legal person governed by public law. This approach would help clarify legal principles in practice and could generate recommendations for improving procedural rules.

• *Administrative-territorial reform and its effects*: based on the provisions of Law No. 764/2001, it is appropriate to conduct a study on the influence of changes in administrative-territorial organization on the legal status and efficiency of public institutions. In particular, the practical consequences of municipal mergers and territorial reconfigurations on the public law legal personality of administrative entities can be assessed. Each of these future research directions is directly connected to the thesis subject and can naturally complete the results obtained, thus contributing to the continuous development of public law and administrative practices in the Republic of Moldova.

As a culmination of the research, the work provides a *coherent map* of the legal person governed by public law institution in Moldovan law, overcoming normative fragmentation and ambiguities in legal classification. By clarifying the concept, the constituent elements, and the procedures of the „life cycle", as well as by addressing areas of friction (access to justice, decentralization, public-private), the thesis consolidates the

theoretical foundation and provides practical tools for legislators, administrators, and courts. The proposals for *lege ferenda* and institutional recommendations outline a path toward greater professionalism, transparency, and efficiency in line with the digital transformation and European integration of the Republic of Moldova. This contribution, *being among the first analyses of such scope in the field*, lays the foundations for a more responsible, predictable, and citizen-oriented public administration.

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ADNOTARE
Ghenadie Preţivatîi. Persoana juridică de drept public.
Teză de doctor în drept. Chișinău, 2026

Structura tezei: text de bază 199 pagini, adnotare în limbile română, engleză și rusă, lista abrevierilor, introducere, trei capitole divizate în paragrafe și subparagrafe, concluzii generale și recomandări, bibliografia din 303 surse, trei anexe. Rezultatele obținute sunt publicate în 16 lucrări științifice.

Cuvinte-cheie: persoană juridică, drept public, capacitate juridică, autoritate publică, regim juridic, act normativ, autonomie instituțională, administrație publică.

Domeniul cercetării: drept administrativ, drept civil, drept constituțional, teoria generală a dreptului.

Scopul și obiectivele lucrării: Scopul tezei constă în analiza aprofundată a regimului juridic al persoanei juridice de drept public, din perspective doctrinară, legislativă și comparată, în vederea conturării unui cadru normativ clar și eficient. Obiective: determinarea trăsăturilor esențiale ale persoanelor juridice de drept public; identificarea criteriilor de delimitare față de persoanele juridice de drept privat; analiza procedurilor de constituire; examinarea competențelor legale; evidențierea regimului de responsabilitate; formularea de recomandări pentru consolidarea reglementării.

Noutatea și originalitatea științifică: Noutatea cercetării derivă din abordarea integrată a regimului persoanei juridice de drept public, prin corelarea normelor de drept civil, administrativ și constituțional. Este propusă o nouă clasificare doctrinară a acestor entități, în funcție de gradul de autonomie și natura funcțiilor exercitate.

Rezultatele obținute: Rezultatele se concretizează în evidențierea disfuncționalităților legislative și propunerea unei metodologii de interpretare a normelor incidente. Teza formulează criterii de distincție clare între structurile de stat și cele de drept privat cu funcții publice.

Semnificația teoretică: Cercetarea contribuie la dezvoltarea teoriei generale a dreptului și a doctrinei dreptului public, clarificând locul persoanei juridice de drept public în sistemul subiectelor de drept și oferind o bază conceptuală pentru armonizarea reglementărilor interne cu cele din dreptul comparat.

Valoarea aplicativă a tezei: Rezultatele teoretice și recomandările formulate pot servi drept suport pentru activitatea practicienilor în domeniul administrației publice, elaborarea politicilor publice și redactarea proiectelor de acte normative.

Implementarea rezultatelor științifice: Concluziile formulate în cadrul tezei pot fi utilizate în procesul de reformare a legislației administrative, la elaborarea reglementărilor privind organizarea instituțională a statului și pentru activitatea de pregătire profesională a funcționarilor publici.

АННОТАЦИЯ
Геннадий Прециватый. Юридическое лицо публичного права. Докторская диссертация. Кишинев, 2026

Структура диссертации: основной текст составляет 199 страниц, включает аннотации на румынском, английском и русском языках, список сокращений, введение, три главы, разделённые на параграфы и подпараграфы, общие выводы и рекомендации, а также библиографию, насчитывающую 303 источника, три приложения. Полученные результаты опубликованы в 16 научных работах.

Ключевые слова: юридическое лицо, публичное право, правоспособность, публичный орган, правовой режим, нормативный акт, институциональная автономия, публичная администрация.

Область исследования: административное право, гражданское право, конституционное право, общая теория права.

Цель и задачи исследования: Целью диссертации является всесторонний анализ правового режима юридического лица публичного права с доктринальной, законодательной и сравнительной точки зрения с целью выработки четкой и эффективной нормативной базы. Задачи: определить основные характеристики юридических лиц публичного права; выявить критерии разграничения с юридическими лицами частного права; проанализировать процедуры их учреждения; изучить компетенции, предоставленные законом; обозначить правовой режим ответственности; выработать рекомендации по совершенствованию регулирования.

Научная новизна и оригинальность: Научная новизна исследования заключается в комплексном подходе к анализу правового режима юридических лиц публичного права через призму норм гражданского, административного и конституционного права. Предлагается новая доктринальная классификация этих субъектов в зависимости от степени автономии и характера выполняемых функций.

Полученные результаты: Результаты выражаются в выявлении законодательных дисфункций и предложении методологии толкования соответствующих правовых норм. В диссертации предложены четкие критерии разграничения между государственными структурами и частными субъектами, выполняющими публичные функции.

Теоретическая значимость: Исследование способствует развитию общей теории права и доктрины публичного права, уточняя место юридического лица публичного права в системе субъектов права и предлагая концептуальную основу для гармонизации внутреннего регулирования с нормами сравнительного права.

Практическая ценность диссертации: Полученные теоретические результаты и рекомендации могут быть использованы в практической деятельности органов публичного управления, при разработке государственной политики и проектировании нормативных актов.

Внедрение научных результатов: Выводы, сделанные в диссертации, могут быть применены в процессе реформирования административного законодательства, при разработке нормативных положений об институциональной организации государства, а также в процессе профессиональной подготовки государственных служащих.

ANNOTATION
Ghenadie Preţivatîi. Legal person under public law.
PhD thesis in law. Chişinău, 2026

Structure of the thesis: the main text comprises 199 pages, with annotations in Romanian, English, and Russian, a list of abbreviations, an introduction, three chapters divided into paragraphs and subparagraphs, general conclusions and recommendations, as well as a bibliography consisting of 303 sources, 3 annexes. The obtained results have been published in 16 scientific papers.

Keywords: legal person, public law, legal capacity, public authority, legal regime, normative act, institutional autonomy, public administration.

Field of research: administrative law, civil law, constitutional law, general theory of law.

Purpose and objectives of the thesis: The aim of the thesis is to conduct an in-depth analysis of the legal regime of public law legal persons from doctrinal, legislative, and comparative perspectives, in order to outline a clear and effective regulatory framework. Objectives include: identifying the essential features of public law legal persons; establishing criteria to distinguish them from private law legal persons; analyzing the procedures for their establishment; examining their legal competences; clarifying the liability regime; and formulating recommendations for improving the regulation.

Scientific novelty and originality: The novelty of the research lies in the integrated approach to the legal regime of public law legal persons, through the correlation of civil, administrative, and constitutional norms. A new doctrinal classification of these entities is proposed, based on the degree of autonomy and the nature of the functions performed.

Results obtained: The results are expressed in identifying legislative dysfunctions and proposing a methodology for interpreting relevant legal norms. The thesis formulates clear criteria for distinguishing between state structures and private entities performing public functions.

Theoretical significance: The research contributes to the development of the general theory of law and public law doctrine by clarifying the position of public law legal persons within the system of legal subjects and by providing a conceptual basis for harmonizing national regulations with those in comparative law.

Practical value of the thesis: The theoretical results and recommendations can serve as a basis for practitioners in public administration, for the development of public policies, and for drafting normative acts.

Implementation of scientific results: The conclusions of the thesis may be applied in the process of reforming administrative legislation, in drafting regulatory frameworks on the institutional organization of the state, and in the professional training of civil servants.

PREȚIVATÎI Ghenadie

LEGAL PERSON UNDER PUBLIC LAW

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