

THE FRAMEWORK AND LIMITS OF THE CONSTITUTIONAL AND LEGAL POWERS IN THE ACTIVITY OF THE PUBLIC MINISTRY IN THE CONTEXT OF RESPECTING THE FUNCTIONS OF THE STATE

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Abstract: *The material competence of public administrative authorities, with the object of drafting and issuing administrative acts, is provided in the Romanian Constitution and the Administrative Code introduced into the normative circuit by O.U.G. no. 57/2019. The legality control of administrative acts is generally ensured by the courts directly or indirectly, especially by the administrative litigation courts. Therefore, it is obvious that the Public Ministry, which is part of an executive-administrative body (see ECtHR decisions) and not of the judicial power, has no way to rule on the legality/opportunity of normative administrative acts, this control remaining exclusively in the task of administrative litigation courts. It remains to be discussed regarding the individual administrative acts, within what limits they can be subject to criminal prosecution. The present communication seeks to place in the natural concert of the legal powers of the various constitutional and legal authorities, each institution respecting the functions of the state and their competences.*

KEY WORDS: *competence; control of legality; state; functions; judicial power; administrative authorities.*

JEL Code: K23.

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