

Rule of Law and the Democratic Mechanisms of Political Parties

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Abstract

This paper examines the close relationship between the rule of law and political pluralism, both from a constitutional perspective and in light of European and international standards. The analysis begins with the relevant provisions of the Constitution of Romania, the Charter of Fundamental Rights of the European Union, and the case law of the European Court of Human Rights, highlighting how these instruments define and safeguard the balance between public authority and fundamental freedoms. Particular attention is given to dysfunctions observed in Romanian political life, such as decision-making opacity, clientelism, and excessive centralization of decisions, and to their relationship with the principles of legality and equality enshrined in domestic and international law. The paper also underscores the role of continuous political training for party members and the importance of effective public oversight, exercised in part through the involvement of civil society and the press. Drawing on examples from other EU member states, we highlight best practices that can be adapted to strengthen transparency, integrity, and fair competition in the political process. Our conclusions emphasize that the consistent application of rule of law principles, the decentralization of party decision-making processes, and the reinforcement of monitoring mechanisms are essential conditions for consolidating a fair, competitive, and public interest-oriented political environment, in full alignment with Romania's European commitments.

Keywords: *Rule of law; political pluralism; transparency; internal democracy; governance.*

Introduction

The rule of law represents the foundation of any genuine democracy, enshrined both at the constitutional level and through

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binding international instruments such as the Treaty on European Union (European Union, 2012a) and the Charter of Fundamental Rights of the European Union (European Union, 2012b). Its core principles - legality, separation of powers, and the protection of fundamental rights - are inseparable from the functioning of political pluralism (Venice Commission, 2011). Within this framework, political parties are not merely electoral actors but essential pillars of democratic life, tasked with mediating between citizens and state institutions, formulating public policies, and ensuring the representation of collective interests (Constitution of Romania, 2003).

The internal democratic mechanisms of political parties are essential to safeguarding the integrity of the democratic process as a whole. A lack of transparency, excessive centralization of decision-making, and the absence of effective internal oversight can lead to major dysfunctions and to the erosion of the rule of law (Mersel, 2006). Comparative studies highlight that the regulatory framework governing party operations has a direct impact on the quality of governance and compliance with democratic norms (Casal Bértoa, 2014; Perju, 2015).

From a European perspective, EU institutions have developed mechanisms to monitor and strengthen the rule of law, including through reports and recommendations addressed to Member States (European Commission, 2014; European Committee of the Regions, 2020). At the international level, the International Covenant on Civil and Political Rights guarantees the right to political participation and political pluralism, setting standards for the organization and functioning of political parties (Farisi et al., 2025).

In the context of Romania, the process of democratic consolidation has been shaped by European integration and by the need to align with the European Union's governance standards (Mişcoiu, 2021). At the same time, recent literature emphasizes the importance of political culture and civic education in developing a robust and accountable political system (Burduja, 2020; Mungiu-Pippidi, 2023). Therefore, analyzing the relationship between the rule of law and the internal democratic mechanisms of political parties is essential for understanding and improving the functioning of the Romanian democratic system.

The Rule of Law - Concept, Principles, and Its Relationship with Pluralist Democracy

The rule of law constitutes the foundation of the legal and political organization of a democratic society, ensuring the supremacy

of law, the limitation of arbitrariness, and the effective protection of fundamental rights. It cannot be separated from pluralist democracy, as the functioning of political pluralism depends on the existence of solid normative and institutional guarantees (Venice Commission, 2011; European Union, 2012a). Within this framework, constitutional norms, international instruments, and relevant case law define the minimum standards that any democratic state must respect in order to maintain the balance between authority and individual freedom.

Definition of the Rule of Law in Doctrine and in International Legal Instruments (Constitution of Romania, ECtHR Case Law, EU Charter)

The rule of law is the foundation of any democratic constitutional order, defined by the supremacy of the law, the limitation of arbitrary power, and the effective guarantee of fundamental rights. In legal doctrine, it is viewed both as a normative concept and as a set of values that establish a balanced relationship between public authority and individual liberty (Venice Commission, 2011). The Constitution of Romania enshrines, in Article 1(3), the rule of law as a supreme value, in correlation with human dignity, justice, and political pluralism (Constitution of Romania, 2003). At the European level, the Charter of Fundamental Rights of the European Union reaffirms, in Articles 1–54, the protection of dignity, freedom, and equality (European Union, 2012b), while the Treaty on European Union places the rule of law among the Union’s fundamental values (European Union, 2012a). In the case law of the European Court of Human Rights, the principle of the rule of law is a transversal element, indispensable for assessing the legitimacy of institutions and protecting individual rights.

At the same time, contemporary doctrinal debates emphasize the dynamic nature of the concept, constantly adapted to the socio-political context and global challenges. Strengthening the rule of law requires not only the formal existence of norms but also their consistent and impartial application, regardless of circumstances or actors involved (Mungiu-Pippidi, 2023). This approach entails ongoing cooperation between domestic institutions and international monitoring bodies, as well as the integration of European best practices into national legislative and administrative processes (European Commission, 2014). Thus, the rule of law becomes not merely an abstract principle, but a concrete standard of governance aimed at

ensuring the balance between institutional stability and the protection of fundamental rights.

In comparative analysis, the rule of law is described as a legal construct in which the national normative order is integrated into a European and international framework for the protection of rights. Article 1(3) of the Constitution of Romania enshrines it as a supreme value, while the Charter of Fundamental Rights of the European Union (European Union, 2012b) establishes a set of guarantees directly applicable in domestic law through the effect of accession. In its jurisprudence, the European Court of Human Rights has transformed the principle of the rule of law into a criterion for assessing the proportionality and legitimacy of state measures, reinforcing the idea that it entails not only compliance with norms, but also the exercise of authority within the limits and spirit of democratic values. In this way, the rule of law becomes an operational legal concept, functioning simultaneously at the domestic and international levels through a constant normative dialogue between national and European courts.

The Inseparable Link between the Rule of Law and Political Pluralism

The rule of law and political pluralism are structural elements of the democratic constitutional order, each conditioning the existence and functioning of the other. In the understanding of constitutional law and public international law, the rule of law entails not only the supremacy of the law and the limitation of arbitrariness, but also the guarantee of the institutional framework necessary for the manifestation of genuine political competition. This essentially requires the existence of functional political pluralism, in which political parties and independent actors can exercise their rights under conditions of legal equality, without arbitrary constraints or disproportionate institutional barriers (Casal Bértola, 2014). Without pluralism, democratic oversight mechanisms become inoperative, and the rule of law risks being emptied of substance, turning into a mere normative label without practical effect.

Authentic pluralism is characterized by a genuine diversity of political options and the fair representation of societal interests, ensuring that power is not monopolized by a single political pole. The International Covenant on Civil and Political Rights, ratified by Romania, enshrines in Article 25 the right of citizens to take part in the conduct of public affairs and to have equal access to public office, in accordance with the principles of the rule of law (Farisi et al., 2025).

Thus, political rights cannot be separated from the institutional framework that makes them effective, and this framework is shaped precisely through the interaction between domestic norms, the case law of the European Court of Human Rights, and the standards established at the level of the European Union.

Romania's experience shows that the process of European integration has played a catalytic role in strengthening political pluralism by imposing strict criteria regarding transparency, fair competition, and the functioning of democratic institutions (Mișcoiu, 2021). These requirements have led to the adoption of legislative reforms in the areas of party financing, media access, and the regulation of electoral campaigns, all subordinated to the principle of the rule of law. Nevertheless, the political reality reveals that formal rules can be subverted through informal practices – such as clientelism or the discretionary control of resources – which affect both the quality of pluralism and the effectiveness of the rule of law.

The actual functioning of political pluralism depends on a set of institutional safeguards: the independence of electoral authorities, the neutrality of public administration, non-discriminatory access to public resources, and the effective protection of freedom of expression and association. In the absence of these safeguards, pluralism becomes formal, reduced to the nominal existence of several parties without genuine political competition. In such a context, the rule of law is structurally undermined, as its mechanisms of institutional control and balance can no longer operate effectively, and constitutional principles become vulnerable to capture by narrow interest groups (European Union, 2012a; European Union, 2012b; Venice Commission, 2011; Perju, 2015).

The Importance of Upholding the Principles of Legality, Separation of Powers, and Protection of Fundamental Rights

Legality requires that any act of public authorities be adopted and implemented in accordance with the applicable legal norms, both in terms of its legal basis and the limits of the competence granted by law. It functions as an instrument for preventing abuses of power and ensuring the predictability of state action. The principle of separation of powers is a fundamental mechanism of institutional balance, enabling mutual oversight among the legislative, executive, and judicial branches in order to prevent the arbitrary concentration of power (European Committee of the Regions, 2020). The protection of fundamental rights – guaranteed by the Constitution and enshrined in

international legal instruments – represents the absolute limit of state action and the source of legitimacy for the democratic order (Mungiu-Pippidi, 2023; Perju, 2015). Together, these principles form the normative infrastructure that underpins institutional stability, public trust in the judiciary, and the proper conduct of the political process.

Upholding these principles is not merely a matter of formal legal compliance, but a substantive condition for strengthening democracy and preventing any drift towards authoritarianism. Comparative experience shows that states which have internalized and consistently applied legality, separation of powers, and the effective protection of fundamental rights have managed to maintain political stability and responsible governance (Venice Commission, 2011; European Commission, 2014). In Romania, compliance with these standards is closely linked to the processes of Europeanization and the obligations undertaken through accession to the European Union, which generate additional pressure for transparency, accountability, and the consolidation of the rule of law (Burduja, 2020; Mişcoiu, 2021).

Beyond their role in safeguarding the legal limits of state action, these principles help shape an institutional framework in which political competition takes place fairly and in accordance with democratic rules. Legality ensures the uniform application of electoral norms, separation of powers guarantees the neutrality of institutions involved in the electoral process, and the protection of fundamental rights offers all political actors and citizens the opportunity to participate freely and without discrimination in public life. In the absence of the genuine application of these principles, the risk of distorting the democratic process increases, and the rule of law can be structurally undermined through the limitation of pluralism and the erosion of citizens' trust in institutions.

Political Parties as an Expression of Pluralism and Popular Will

Political pluralism, enshrined as a fundamental principle of the rule of law, is manifested through the existence and functioning of political parties – entities indispensable to the democratic process. In Romania, the constitutional and legislative framework guarantees the freedom of political association as well as the conditions necessary for conducting fair electoral competition (Constitution of Romania, 2003). Thus, political parties are not merely organizational structures for electoral participation, but essential actors in defining and channeling

the popular will towards the institutional mechanisms of the state (Casal Bértoa, 2014; Mișcoiu, 2021).

The Constitutional and Legal Role of Political Parties in Romania

Article 8 of the Constitution of Romania enshrines political parties as fundamental elements of constitutional democracy, emphasizing their role in contributing to the definition and expression of citizens' political will. This constitutional recognition is not merely symbolic; it creates the legal framework for the functioning of a pluralistic and competitive political system. The Law on Political Parties sets out detailed rules for their establishment, organization, and operation, explicitly requiring adherence to the principles of pluralism and transparency – essential conditions for fair political competition and for maintaining public trust in democratic institutions (Perju, 2015).

Through these regulations, the state assumes the obligation to prevent the monopolization of political life by a single party or a narrow group, ensuring balanced representation of social interests and a genuine diversity of electoral options. At the same time, the legal framework seeks to guarantee that participation in political life is accessible on equal terms, without discrimination, and that democratic mechanisms are not diverted in favor of partisan interests.

This constitutional enshrinement also underlines the function of parties as intermediaries between citizens and state institutions, facilitating democratic participation, aggregating collective interests, and transmitting them to decision-making bodies (Mersel, 2006). The effectiveness of this role depends on the degree of openness of parties to society, their capacity to incorporate diverse perspectives, and their strict compliance with standards of transparency and integrity. The effective enforcement of rules on political financing, electoral campaigning, and respect for fair competition is essential to the credibility of the democratic process (Casal Bértoa, 2014).

At the European level, these requirements are reinforced by the rule of law principles enshrined in the Charter of Fundamental Rights of the European Union and in the Treaty on European Union, which impose equal opportunities for political actors, fair competition, and the protection of citizens' fundamental rights (European Union, 2012a, 2012b). Thus, the democratic functioning of political parties is not merely an internal organizational choice, but a legal obligation and a condition of compliance with Romania's international commitments as a member state of the European Union.

*The Function of Political Parties as an Institutional Interface
Between Society and the State*

Political parties represent the main channel through which the will of the citizens is translated into political and governmental action, fulfilling an essential role of mediation between society and state institutions. This function is not limited to merely conveying electoral messages, but involves a complex process of identifying, aggregating, and synthesizing citizens' interests and aspirations into a coherent framework of public policies (Burduja, 2020). Parties must be able to capture the diversity of opinions and needs within society and transform them into political programs adapted to the economic, social, and institutional context, while at the same time offering feasible and accountable solutions.

In this capacity, political parties act as mediators between various social groups and public authorities, facilitating negotiations, compromises, and solutions that respond to the general interest (Lazar, 2022). They must maintain a constant, two-way dialogue with citizens: on the one hand, they convey the public's concerns and priorities to state institutions; on the other hand, they explain to the public the decisions and policies adopted, contributing to increased understanding and acceptance of these measures.

The effectiveness of this mediation function depends directly on the degree of openness of parties towards society, their ability to include diverse perspectives, and the existence of robust internal democratic mechanisms (Mersel, 2006). Lack of transparency, concentration of decision-making within narrow circles, and exclusion of critical voices can seriously undermine their role as an institutional interface, leading to a disconnect between citizens and political leadership structures.

In consolidated democratic systems, this function becomes even more relevant, as political competition and alternation in power depend on the ability of parties to respond coherently and responsibly to societal demands (Mișcoiu, 2021). International standards, such as those enshrined in the International Covenant on Civil and Political Rights, oblige states to ensure a legal and institutional framework that allows the effective exercise of political rights – including freedom of association, equality of opportunity, and non-discriminatory participation in public life (Farisi et al., 2025).

In Romania's case, the process of Europeanization has led to the adoption of concrete measures aimed at increasing transparency and accountability of political parties, such as improving regulations on

political financing, ensuring fair access to the media, and organizing electoral campaigns under fair conditions (European Commission, 2014). Through these mechanisms, the link between society and state institutions has been strengthened, ensuring the functioning of this institutional interface in accordance with the values of the rule of law and the principles of pluralist democracy.

Contribution to the Formation and Expression of Political Will Under Conditions of Equality

A defining element of pluralist democracy is the guarantee of equal conditions for the participation of all political actors in the electoral competition (Farisi et al., 2025). Political parties have the responsibility to ensure fair representation of citizens, to promote equal opportunities in public life, and to prevent any form of political discrimination. This responsibility entails not only formal compliance with legal norms but also the adoption of internal procedures that enable the effective participation of diverse social groups in the political process. Through their activities, parties contribute to shaping public opinion, fostering civic education, and maintaining a pluralistic framework for debate (Mungiu-Pippidi, 2023).

These functions are not limited to electoral periods but extend throughout the entire political cycle, involving the maintenance of communication channels with civil society, participation in public consultations, and engagement in debates on issues of general interest (Casal Bértoa, 2014). In this way, political parties can act as mechanisms for transmitting society's concerns to state institutions and vice versa, facilitating continuous interaction between the governed and the governing.

The application of the principles of transparency, accountability, and legality remains essential for the proper functioning of the democratic process (Venice Commission, 2011). This includes clear regulation and strict adherence to rules on the financing of political activities, equitable access to media resources, and the internal organization of parties on democratic foundations. In the absence of these conditions, there is a risk of distorting political competition and effectively limiting pluralism—issues repeatedly highlighted in international monitoring reports on compliance with the standards of the rule of law (European Union, 2012a).

Internal Democratic Mechanisms of Political Parties

The internal democratic functioning of political parties is an essential condition for their credibility and for strengthening the rule of law. In the absence of transparent and participatory internal mechanisms, parties risk becoming mere instruments of power, disconnected from the electorate and from the real needs of society (Mersel, 2006). In the Romanian context, the debate on the quality of parties' internal democracy is closely linked to institutional reforms and to the adaptation to European standards in the field of political governance (Mişcoiu, 2021; European Commission, 2014).

The Principles of Transparency and Internal Participation

Transparency and internal participation are structural elements without which the democratic life of political parties cannot function authentically. Transparency refers not only to the clear communication of adopted decisions but also to opening the entire decision-making process to the members of the organization. This involves providing, within a reasonable timeframe, all relevant information regarding internal policies, the use of financial resources, funding sources and their allocation, as well as the criteria and procedures by which leaders and candidates are selected (Mungiu-Pippidi, 2023). Genuine transparency reduces the risk of internal corruption, discourages clientelism, and strengthens the trust of members, the electorate, and civil society as a whole.

Internal participation entails the effective and non-formal involvement of members in making strategic decisions, drafting political programs, and formulating the party's public positions. It is not limited to symbolic consultations but requires functional mechanisms through which members' opinions can influence the political direction of the party. According to international standards on political rights—enshrined, among others, in the International Covenant on Civil and Political Rights—members must have the genuine opportunity to participate in managing the organization's internal affairs, including through free and periodic elections for leadership positions (Farisi et al., 2025).

For these principles to be effectively applied, clear and predictable internal procedures are required, such as: internal elections held at regular intervals under fair conditions, internal public consultations on programmatic documents, internal referendums on major issues, and ensuring equal access to all information of interest to party members (European Commission, 2014). Implementing these

procedures reduces the risk of excessive concentration of power in the hands of a small group and fosters a climate of fair competition within the organization (Mișcoiu, 2021).

Aligning these practices with the principles of the rule of law and the requirements of political pluralism not only strengthens internal legitimacy but also enhances the party's capacity to respond in a legitimate, transparent, and effective manner to societal demands. In this way, political parties can fulfill their role as responsible democratic actors, contributing to the sustainability of constitutional democracy and maintaining public trust in the political process (European Union, 2012b).

Rules on Candidate Selection and the Adoption of Political Programs

Candidate selection is one of the essential stages in the internal democratic functioning of political parties, having a direct impact on the quality of political representation and on public trust in the electoral process (Casal Bértoa, 2014). In a genuinely democratic framework, this process must be conducted on the basis of clear, public, and uniformly applied rules, avoiding opaque practices or arbitrary decisions. Selection criteria should include, in addition to professional competence and representational capacity, moral integrity, absence of conflicts of interest, and adherence to fundamental ethical principles. Emphasis on ethics is crucial, as the behavior of candidates, both during the campaign and after taking office, influences the party's credibility and the quality of governance.

Transparency in selection can be ensured through open and competitive procedures, such as internal elections involving all eligible members, the organization of open primaries, or consultation with the party's local structures. Appeals mechanisms, overseen by independent internal committees, help prevent abuses and maintain a climate of trust among members. Additionally, training candidates through programs on public ethics, responsible communication, and knowledge of the national and international legal framework is a recommended practice to ensure a high standard of political representation.

The adoption of political programs is, in turn, a substantive process that must reflect both the diversity of opinions within the party and the real needs of society (Burduja, 2020). The drafting of these documents should be based on extensive internal consultations, organized through conferences, workshops, thematic debates, and

online participation platforms (Lazar, 2022). Consultation with civil society organizations, independent experts, and professional groups can enrich program content, ensuring its relevance and scientific grounding.

International experience confirms that parties that base their political programs on a rigorous analysis of the socio-economic context and on constant dialogue with citizens enhance their governing capacity and public credibility (Mersel, 2006). Furthermore, aligning these processes with European and international standards on transparency, inclusion, and political responsibility - including those set out in instruments such as the Venice Commission's Code of Good Practice in Electoral Matters - ensures compatibility with the values of the rule of law and pluralist democracy (European Union, 2012a).

Ultimately, adherence to ethical principles in both processes - candidate selection and program adoption - is not only a moral obligation but also a strategic condition for the political sustainability of the party. The absence of this foundation can lead to loss of legitimacy, organizational fragmentation, and erosion of public trust, with negative effects on the democratic system as a whole.

Internal Control and Balance in Order to Prevent Excessive Concentration of Power

Internal control mechanisms serve to prevent decision-making from becoming concentrated in the hands of a small group and to ensure that leadership remains accountable to the membership (Perju, 2015). Such mechanisms may include ethics committees, procedures for challenging decisions, term limits, and periodic internal audits. Comparative experience shows that parties with balanced internal structures and functional control mechanisms are more resilient to corruption and abuses of power (Lazar, 2022; Mungiu-Pippidi, 2023).

A clear regulatory framework, complemented by well-defined internal rules, helps maintain organizational discipline and safeguard the integrity of decision-making processes (Venice Commission, 2011). Moreover, aligning these mechanisms with the recommendations of international bodies - such as the Venice Commission or the European Union - strengthens the credibility of political parties both domestically and internationally (European Commission, 2014). Thus, effective internal control is not only a guarantee of adherence to democratic principles but also an essential tool for building public trust and preventing institutional backsliding.

The Influence of Internal Mechanisms on the Quality of Governance and the Rule of Law

The quality of governance is directly proportional to the level of internal democracy within political parties. Parties that base their decisions on transparent, participatory, and equitable internal procedures tend to apply the same principles in the exercise of public office, thereby contributing to the consolidation of the rule of law (Mersel, 2006; Mișcoiu, 2021). Conversely, internal shortcomings – such as the absence of effective oversight of leadership or the exclusion of members from decision-making – often translate into arbitrary governmental practices and the erosion of public trust (Mungiu-Pippidi, 2023).

Impact on Public Policy-Making and the Protection of Citizens' Rights

From a legal perspective, the internal functioning of political parties directly influences both the quality of the public policy-making process and the degree to which the fundamental rights and freedoms of citizens are respected. Compliance with democratic internal procedures, including the guarantee of genuine debate and the effective exercise of members' rights, constitutes an extension of the constitutional obligations of political parties to contribute to the formation of citizens' political will under the conditions of the rule of law, as enshrined, for example, in Article 8 of the Constitution of Romania.

This correlation is grounded in the principle of aligning political action with higher-ranking norms - both constitutional and international - that safeguard the right to political participation, freedom of association, and equality of opportunities in public life. The Treaty on European Union and the Charter of Fundamental Rights of the European Union impose positive obligations on Member States and domestic political actors to ensure respect for these rights, not only in their direct relationship with citizens but also within the internal functioning of political organisations (European Union, 2012a; 2012b).

In terms of public policy-making, a party that ensures transparent and participatory internal mechanisms is more likely to transpose these principles into legislative and administrative activity, adopting solutions that comply with international human rights standards (Farisi et al., 2025). Conversely, the absence of such mechanisms can lead to arbitrary, disproportionate, or discriminatory public policies, thereby breaching obligations under both international and domestic legal instruments, including Article 20 of the Constitution

of Romania, which provides for the primacy of international treaties on fundamental rights.

Moreover, adherence to internal democratic standards strengthens public trust, which in turn fosters political stability and fair competition between political actors (Mișcoiu, 2021). Externally, parties that align their operations with the values of the rule of law become credible actors in European and international dialogue, enhancing the State's ability to promote its national interests within a cooperative, predictable, and mutually respectful legal framework (Perju, 2015).

Comparative Examples from Other EU Member States

The legal and institutional experience of European states demonstrates that a high level of internal democracy within political parties is correlated with institutional transparency and the strengthening of public trust in state authorities (European Commission, 2014; European Committee of the Regions, 2020). In Germany, the Political Parties Act (*Parteiengesetz*) establishes detailed obligations regarding the publication of sources of funding, expenditures, and annual reports, with significant financial and administrative sanctions applicable in cases of non-compliance. Furthermore, the process of candidate selection is expressly regulated to ensure the effective participation of members and to prevent decision-making from being concentrated within the central leadership (Perju, 2015).

In the Nordic states, such as Sweden, the legal framework and internal practices establish a decentralised model of consultation, under which local branches enjoy autonomy in nominating candidates and formulating political positions adapted to the regional context. This decentralisation constitutes an effective legal instrument for limiting excessive centralisation and for ensuring the effective participation of members in decision-making. In Finland, the Political Parties Act sets high standards for financial reporting and guarantees full public access to such information, thereby ensuring transparency in the political process and reinforcing the presumption of its integrity.

France offers a distinct model through the establishment of the National Commission for Campaign Accounts and Political Financing (*Commission nationale des comptes de campagne et des financements politiques – CNCCFP*), an independent body with statutory powers to verify and validate the financial reports of parties and candidates. This external control mechanism serves as a safeguard against clientelist practices and the misuse of public funds

for partisan purposes, thereby reinforcing the principles of the rule of law.

In Spain, the Political Parties Act provides for both strict rules on financial transparency and the obligation to periodically organise national and regional congresses with the participation of elected delegates. These deliberative bodies have the competence to adopt statutory amendments, set political strategies, and approve candidate lists, thus preventing unilateral decisions by the central leadership and ensuring internal democratic control.

This comparative framework demonstrates that internal democracy within political parties is not an abstract concept but a functional legal mechanism for strengthening good governance and preventing authoritarian deviations (Mungiu-Pippidi, 2023). The implementation of clear, transparent, and inclusive procedures, such as the mandatory publication of financial documents, the decentralisation of candidate selection, or the establishment of independent external control, constitutes legal instruments adaptable to the national context, with a direct impact on political pluralism and the observance of the rule of law (Casal Bértoa, 2014).

Challenges and Reform Directions

Although Romania's legal and constitutional framework recognizes the importance of political parties and the rule of law, practical realities reveal a series of persistent problems. Deficiencies such as decision-making opacity, clientelism, and the excessive centralization of power affect both the functioning of political parties and the quality of governance (Mungiu-Pippidi, 2023; Burduja, 2020). These dysfunctions undermine political pluralism and citizens' trust in the democratic process, requiring coherent legislative and institutional interventions.

Current Issues – Opacity, Clientelism, Excessive Centralisation of Decision-Making

In numerous political parties in Romania, opacity in the decision-making process remains one of the most persistent structural deficiencies. The absence of clear and accessible procedures for adopting internal resolutions prevents the effective exercise of members' right to participate in the party's political life. The failure to publish meeting minutes, agendas, and financial reports undermines transparency and contravenes the principles enshrined in Article 8(2) of the Constitution of Romania (2003), which requires political parties

to operate in compliance with the law. At the European level, such practices are incompatible with the obligations set out in Articles 10 and 11 of the Charter of Fundamental Rights of the European Union (European Union, 2012b), which protect freedom of expression and association for political purposes and implicitly require a transparent internal framework. In legal scholarship, it has been emphasised that decision-making opacity reduces members' ability to exercise democratic oversight over the leadership (Mişcoiu, 2021; Mersel, 2006) and erodes public trust in the political process.

Political clientelism constitutes another structural problem, undermining both the integrity of the electoral process and the functioning of public institutions. The preferential treatment of individuals close to the leadership—by awarding positions, public contracts, or other material benefits in exchange for political loyalty—contravenes the principle of equality enshrined in Article 16(1) of the Constitution of Romania (2003) and affects the impartiality of public administration. Such practices also violate Article 25 of the International Covenant on Civil and Political Rights, which guarantees equal access to public service without discrimination (Farisi et al., 2025). In the European context, the use of state resources for partisan purposes is incompatible with the rule of law values set out in Article 2 of the Treaty on European Union (European Union, 2012a) and may be regarded as a form of political corruption, with direct consequences for governance quality and citizens' trust in democratic institutions.

The excessive centralisation of decision-making around a single leader or a small leadership group limits internal participation and reduces intra-party pluralism. Legal scholarship has noted that such concentration of power undermines the functioning of internal control and deliberation mechanisms (Mişcoiu, 2021; Mersel, 2006), potentially leading to arbitrary decisions and the exclusion of internal opposition from the decision-making process. Normatively, these practices conflict with the requirements of Article 8(1) of the Constitution of Romania (2003), which enshrines political pluralism as a fundamental value, and with international standards requiring the democratic functioning of political organisations. At the European level, the Venice Commission (2011) has emphasised that internal checks and balances are essential to preventing authoritarian leadership within parties, as excessive centralisation can create conditions for abuse of power and reduce leadership accountability to members.

Thus, opacity, clientelism, and decision-making centralisation are not merely administrative shortcomings but potential breaches of constitutional and international standards on political rights, with direct

effects on the quality of democracy and respect for the rule of law. Addressing these problems requires the adoption of clear rules on internal transparency, the establishment of effective oversight mechanisms, and the guarantee of genuine member participation in the decision-making process.

Possible Legislative and Institutional Reforms for Alignment with European Standards

Reforms should aim to enhance internal transparency, strengthen oversight mechanisms, and limit the duration of leadership mandates (Casal Bértoa, 2014). The recommendations of the European Commission on strengthening the rule of law (European Commission, 2014) and the opinions of the European Committee of the Regions (European Committee of the Regions, 2020) may serve as benchmarks for adjusting domestic legislation. The adoption of clear rules on party financing and expenditure transparency could reduce the risk of corruption and strengthen public trust (Lazar, 2022).

To prevent blockages and clientelist deviations, legislative changes should focus on fostering genuine internal competition and ensuring equal access to leadership positions. Instead of concentrating power in the hands of the same individuals, periodic leadership rotation and open selection procedures could generate more diverse and credible representation. At the same time, establishing independent mechanisms for monitoring the use of funds and compliance with party statutes would allow for the prompt sanctioning of breaches and reduce the temptation to use public resources for partisan purposes (Casal Bértoa, 2014; Lazar, 2022; European Committee of the Regions, 2020).

The Need for Political Training of Members and Effective Public Oversight

Political education and continuous training of party members are fundamental elements for consolidating a democratic organizational culture and preventing institutional deviations (Burduja, 2020). In the absence of systematic training programs, members risk remaining dependent on the decisions of a narrow leadership core, which may foster non-transparent practices and excessive concentration of power. Political training must encompass both legal knowledge regarding the functioning of the rule of law, separation of powers, and the protection of fundamental rights, as well as practical skills for participating in internal decision-making processes.

Democratic consolidation and Europeanization initiatives, such as those analyzed by Mișcoiu (2021), confirm that organizational change is possible when political will is accompanied by public pressure and the constant involvement of members.

Strengthening external monitoring mechanisms plays a complementary role to internal training. The involvement of civil society, academia, and the press ensures effective public oversight, intended to prevent abuses and promote leadership accountability. These monitoring tools contribute to the effective application of the principles enshrined in the Charter of Fundamental Rights of the European Union (European Union, 2012b) and in the case law of the European Court of Human Rights, in line with the standards formulated by the Venice Commission (2011) and developed doctrinally by Perju (2015). In this context, transparency and unrestricted access to information regarding party activities become essential guarantees of a fair and open political process.

Another strategic element for enhancing the quality of political life is the openness of parties to collaboration and the exchange of best practices at the international level. Active participation in European political networks, transnational partnerships, and joint training programs facilitates the transfer of advanced standards regarding integrity, decision-making transparency, and member involvement in political processes. Such interactions enable not only the professionalization of leadership and modernization of internal structures but also the harmonization of the domestic legal framework with the values and principles enshrined in European Union law and the ECtHR case law (European Union, 2012b; Venice Commission, 2011). In this way, the internal political process becomes an integral part of a European democratic culture in which public accountability and respect for the rule of law are mandatory standards, not mere declarative objectives.

Conclusions

The analysis of the legal framework and political practices in Romania, in relation to constitutional, European, and international standards, highlights that the rule of law and political pluralism are inseparable foundations of the democratic order. Consolidating these principles requires not only their formal enshrinement in legal norms but also their effective implementation through robust institutional mechanisms, transparent procedures, and the consistent respect for fundamental rights. The experience of other European Union member states confirms that the internal democracy of political parties, the

decentralization of the decision-making process, and effective public oversight are decisive factors in maintaining the balance between public authority and individual freedom.

In Romania, although the constitutional framework and international commitments offer solid theoretical guarantees, the persistence of phenomena such as decision-making opacity, clientelism, and excessive centralization undermines public trust and the quality of political life. This gap between the norm and actual practice requires both political will and constant pressure from civil society and from domestic and international monitoring bodies. Oversight mechanisms must be independent, equipped with real powers, and capable of enforcing transparency and integrity standards comparable to those in states with consolidated democracies.

Reforming Romania's political life requires integrating good European practices in candidate selection, party financing, and member consultation, combined with political education programs and the professionalization of leadership. Only in this way can a competitive, fair, and public interest-oriented political environment be created. Ultimately, respecting the principles of the rule of law and ensuring the functioning of genuine pluralism are not abstract objectives but essential conditions for institutional stability, social cohesion, and the effective protection of fundamental rights in a European democratic system.

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