

## **Classification of Public Services and the Legal Regime of the Local Sanitation Public Service**

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### **Abstract**

This article aims to analyze the classification of public services from the perspective of administrative law doctrine, with the purpose of identifying the place and particularities of the public service of local sanitation. Based on the main doctrinal criteria for classifying public services, the study proposes its own systematization, intended to highlight the legal, functional, and normative specificities of the sanitation public service. Particular attention is given to the legal regime applicable to this service, as well as to the need to distinguish it from other communal management activities, especially from the greening of localities.

**Keywords:** public service, classification of public services, public interest, communal services, sanitation, local public administration, legal regime, administrative law.

### **Introduction**

Public services are among the most important manifestations of public administration, aiming to serve the general interests of communities. Their diversity and complexity have led legal doctrine to develop multiple classification criteria intended to facilitate the understanding of their legal nature, organization, and operational regime.

In this context, the public sanitation service occupies a particular place due to its essential role in ensuring hygiene, public health, and environmental protection at the local level. However, in specialized literature and normative regulations, it is not always clearly distinguished from other related activities within the sphere of communal management.

The purpose of this article is to analyze the doctrinal classifications of public services in order to identify the place of the sanitation public service and to highlight the particularities of its legal regime, as well as certain dysfunctions existing in the legislation of the Republic of Moldova.

### **Methods and Materials Used**

In conducting the research, the following scientific methods were used in combination: logical, analytical, comparative, and systemic. The documentary basis of the study consists of specialized literature in the field of administrative law, as well as relevant normative acts of the Republic of Moldova.

### **Classification of Public Services in Administrative Law Doctrine**

For scientific reasons, in order to identify the category to which the sanitation public service belongs, it is necessary to analyze the main classifications of public services established in legal doctrine.

Thus, classical doctrine divides public services into public services of general interest (central) and public services of local interest (decentralized). Another classification considers the nature of the provider, distinguishing between public services provided directly by public authorities and those carried out by private agents based on delegated management.

Another classification distinguishes between services of economic interest and nonprofit services, as well as the distinction between public services proper and public utility services provided by private legal entities under the control of public authorities.

Specialized literature also identifies the legislative service, the judicial public service, and administrative public services, as well as classifications depending on the form of organization: public administration bodies, public institutions, and autonomous public enterprises.<sup>1</sup>

### **Proposal for a Systematized Classification of Public Services**

During the interwar period, there were also opinions that a distinction should be made between mandatory and optional public services. For optional services, the state could allow private individuals to provide them.

From all these classifications, one issue becomes readily apparent: none of them includes public sanitation services, or at least communal management services that also encompass sanitation.<sup>2</sup>

Therefore, based on these classification suggestions, although somewhat limited, we present our own categorization of public services according to the following criteria:

#### **According to the area of interest satisfied by the public service:**

- **Public services at central level (national interest)** – all public services managed by central public authorities (transport services, maintenance of public order and security, education, management of national communication routes, etc.);
- **Public services at local level (decentralized)** – services provided at the local level (waste management, sanitation, registration of persons and property within the locality).

#### **According to the economic content of the activity:**

- **Services of economic interest**, referring to services provided by public authorities for a fee (issuance of trade authorizations within the locality, notifications, issuance of extracts, etc.);

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<sup>1</sup> CHESOI T. The concept of local public administration and the principles of its organization and functioning. Online. Available: [https://ibn.idsi.md/sites/default/files/imag\\_file/92-98.pdf](https://ibn.idsi.md/sites/default/files/imag_file/92-98.pdf) (accessed: 04.02.2026).

<sup>2</sup> ONIȘOR, Victor. Treatise on Administrative Law. Bucharest: Cartea Românească, 1930, p.447.

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- **Nonprofit services** (issuance of extracts, certificates, references, organization and conduct of public consultations, issuance of authorizations for the special use of environmental components, etc.).

**According to the frequency of service provision:**

- Services performed on a permanent basis;
- Services performed on a temporary basis.

**According to the degree of obligation:**

- Mandatory public services;
- Optional public services.

**According to the category of entities providing the services:**

- Public services provided directly by certain structures of public authorities;
- Public services provided exclusively by private agents or in partnership with authorities.

**According to the field of activity:**

- Education services;
- Medical services;
- Public information services (for example, regarding weather alerts or environmental conditions within the locality);
- Transport services;
- Urban planning services (coordination of geodetic activities, territorial planning, construction authorization, etc.);
- Cultural and sports services.

**According to the nature of the service:**

- Administrative public services;
- Social public services;<sup>3</sup>
- Cultural public services;
- Religious public services (although religious denominations, according to art. 15 para. (1) of Law no. 125/2007<sup>4</sup>, are autonomous and separate from the state, certain components where religious services are carried out, mainly cemeteries, are

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<sup>3</sup> PROFIROIU A. Pilotajul serviciilor publice. București: Economica, 2001, p. 16.

<sup>4</sup> Law no. 125 of May 11, 2007, on freedom of conscience, thought, and religion. Official Gazette No. 127-130 of August 17, 2007.

subordinated to local public administration, which implies their management by public authorities);

- Industrial public services;<sup>5</sup>
- Commercial public services (creation and management of local markets, issuance of trade authorizations, establishment and collection of local taxes);
- Recreational public services;
- Legal public services.

**According to the general scope of the covered fields:**

- Cultural and educational services (education, cultural, sports, recreational, religious services, etc.);
- Infrastructure services (territorial planning, maintenance of communication routes, development and administration of housing infrastructure, etc.);
- Communal management services:
  - water supply;
  - thermal energy supply;
  - sewerage and treatment of wastewater and stormwater;
  - sanitation:
    - separate collection and transport of municipal waste;
    - sweeping, washing, sprinkling, and maintenance of public roads, including the collection and transport of waste from street bins;
    - snow removal from public roads and maintaining their functionality during icy or freezing conditions;
    - disinsection, disinfection, and deratization of objectives within the public and private domain of the administrative-territorial unit;
  - greening of localities;
  - provision of local public transport;
  - maintenance of the public and private housing stock.

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<sup>5</sup> Government Decision No. 1072 of October 22, 1998, on the approval of the Regulation on cemeteries. Official Gazette No. 100-02 of November 12, 1998.

Based on the presented classification, we intend to focus on identifying the public sanitation service and outlining the activities that comprise it. Therefore, the sanitation public service belongs to the category of local (decentralized) public services, deriving from the need to maintain hygiene within localities and ensure access within road infrastructure. Consequently, these are the two categories of interest on which sanitation services focus, with environmental protection potentially added.

In this context, although the content of Law no. 1402/2002 places sanitation in the same section as the greening of localities, we consider that these two categories of public activities should be separated, given that greening represents a different field of activity from sanitation, hygiene, and cleaning, even if it is carried out in green spaces. Greening is the process of planting and maintaining green spaces; although these spaces are also subject to sanitation, along with the entire infrastructure of a locality, their establishment and maintenance fall under a different field.

Moreover, our research addresses the regulation of the sanitation process in localities, not the legal regime governing the construction of local infrastructure, which also includes greening (the creation of green spaces).

As a result of these findings and arguments, we recommend that the legislator exclude the phrase “**greening of localities**” from the text of art. 3 letter d) of Law no. 1402/2002.

### **The Legal Regime of the Public Sanitation Service of Localities**

From the presented classification, it follows that the sanitation public service belongs to the category of local, decentralized public services, determined by the need to maintain hygiene, public health, and environmental protection.

The sanitation public service mainly concerns activities such as the collection and transport of municipal waste, the cleaning and maintenance of public roads, snow removal, and disinsection, disinfection, and deratization. These activities justify the existence of a special legal regime characterized by continuity, obligatoriness, and subordination to the local public interest.

In this context, we consider that including the greening of localities within the scope of the sanitation public service, as provided for in Law no. 1402/2002, is debatable. The greening of localities constitutes a distinct field focused on planting and maintaining green spaces and is closer to urban planning and territorial development than to sanitation itself.

### **Conclusions**

Based on the research conducted, it can be concluded that public services constitute a central element of public administration, and their classification is an indispensable tool for understanding their legal regime. The sanitation public service falls under local communal public services and plays an essential role in ensuring hygiene, public health, and environmental protection.

At the same time, the normative analysis reveals certain ambiguities in the regulation of this service, especially regarding its delimitation from the activity of greening localities. In this regard, we consider it appropriate for the legislator to intervene in order to revise art. 3 letter

d) of Law no. 1402/2002 by excluding the phrase “**greening of localities**”, in order to ensure a coherent and clear regulation of the sanitation public service.

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