Legal Framework for Public Law Associations and Hybrid Organizational Forms: Impact on NGOs and the Civic Space in Romania

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Abstract: This paper presents the impact of the lack of a coherent legal framework for governing public law associations and hybrid forms of associations on the functioning and development of NGOs in Romania.
The study focuses on how existing regulations and their inconsistency influence the relationship between the state and civil society, affecting the sustainability of the non-profit sector, civic participation, and the mechanisms through which citizens exercise public oversight.
In Romania, public law associations and hybrid entities organized as NGOs (quasi-NGOs and GO-NGOs), operate within a poorly defined legislative environment. Their activity is partially covered by Government Ordinance 26/2000 on associations and foundations and by the legislation applicable to public institutions, which generates a so-called "normative vacuum." This vacuum creates legal uncertainty, discrepancies in transparency and public accountability standards, differences in access to public funding, and results in unfair competition for independent NGOs.
The hybrid structure of these organizations provides them with significant institutional advantages: legitimacy derived from the state, more substantial financial resources, facilitated access to public authorities, and the ability to influence public policies in ways that are difficult for independent organizations to achieve.
This legislatively ambiguous position raises important questions: to what extent can these entities still be considered NGOs? What public responsibilities should they be required to assume? How do they affect public trust in civil society, and how can the boundary between the public interest and the institutional interest be clearly defined?
The research employs a mixed methodology, considering the complexity of the topic: comparative legal analysis, case studies of relevant hybrid organizations, analysis of activity reports, and interviews with experts, public officials, and civil society representatives. The study examines the effects of this unregulated framework on transparency, public accountability, financial reporting, organizational behavior, and public perception.
Preliminary findings show that the absence of a clear regulatory framework for public law or hybrid associations negatively affects the civic space, distorts the architecture of civil society, and weakens the capacity of independent NGOs to contribute to public accountability and institutional oversight. The paper proposes directions for legal reform aimed at clarifying the status of these entities and strengthening civic engagement, through a more balanced relationship between the state and civil society represented by NGOs.