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**ANALYSIS ON THE SOCIAL POLITICS OF THE MINIMUM INCOME
INDEMNIFICATION AND FIGHT AGAINST POVERTY IN ROMANIA
1996 – 2013**

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TABLE OF CONTENTS

ABBREVIATION LIST

INTRODUCTION

Chapter I. THE ROLE OF THE STATE IN WHAT CONCERNS THE FIGHT AGAINST POVERTY AND THE INSURANCE OF MINIMUM RESOURCES - CONTEMPORARY APPROACHES

- I.1. Introduction – about poverty and its challenges in contemporary Europe
- I.2. Dimensions of poverty and concerns regarding its disproof
- I.3. Poverty conceptualization
- I.4. Theoretical perspectives related to poverty
 - I.4.a. Cultural approach of poverty
 - I.4.b. Structural explanation of poverty
 - I.4.c. Poverty caused by cumulative and circular interdependencies
- I.5. The role of the state in the fight against poverty and social politics promotion
 - I.5.a. How do the European states relate to social problems- charity, welfare and workfare
 - I.5.b. Social benefits- part of the social protection system
 - I.5.c. Guaranteed Minimum Income and the fight against poverty

Chapter II. THE SYSTEM OF GUARANTEED MINIMUM INCOME

- II.1. The system of guaranteed minimum income in Romania
 - II.1.a. Institutions and services involved in the system of guaranteed minimum income
 - II.1.b. The discourse about “the dependence” of social services
 - II.1.c. Vulnerable categories which benefit of the guaranteed minimum income
- II.2. The systems which guarantee the minimum incomes in the European Union
 - II.2.a. The particularity of the guaranteed minimum income in Poland
 - II.2.b. The particularity of the guaranteed minimum income in Great Britain
 - II.2.c. The particularity of the guaranteed minimum income in France
 - II.2.d. The particularity of the guaranteed minimum income in Germany

Chapter III. RESEARCH METHOD

- III.1. Research objectives
- III.2. Research stages
- III.3. Research design

Chapter IV. EVOLUTION OF THE LEGISLATION RELATED TO THE GUARANTEED MINIMUM INCOME IN ROMANIA

IV.1. First stage: From the enactment of the Law no. 67/ June 24, 1995 regarding the social help and the law enforcement, until December 2001

IV.2. Second stage: From the enactment of the Law no. 416/ July 18, 2001 regarding the guaranteed minimum income and the law enforcement until December 2010 – with legislator’s amendments

IV.3. Third stage: From the enactment of the Law no. 276/ December 24, 2010 regarding the amendment and the addition to the Law no. 416/ 2001 regarding the guaranteed minimum income and low enforcement – with the further amendments stated by the legislator, until present

Chapter V. RESULTS AND ANALYSES OF THE QUANTITATIVE DATA REGARDING THE EXIT FROM THE GUARANTEED MINIMUM INCOME SYSTEM

V.1. The socio-demographic characteristics of the families under study

V.2. The reasons for which the families/ the single persons got out the guaranteed minimum income system in the cohorts of 2011, 2012, 2013 in the Municipality of Cluj-Napoca

V.2.1. The centralized results of the reasons out of which the recipients of GMI from the Municipality of Cluj-Napoca got out the guaranteed minimum income system

V.2.2. The reasons for getting out the system according to family's/ the single person's ethnicity

V.2.3. The reasons for getting out the system according to the educational level

V.2.4. The reasons for getting out the system according to the working experience

V.2.5. The reasons for getting out the system according to the area of living

V.3. The length of receiving GMI for the families/ single persons who got out the system of guaranteed minimum income in the cohorts of 2011, 2012 and 2013

V.3.1. The length of receiving GMI, the mean and mode of the period spent within the system

V.3.2. The length of receiving GMI according to ethnicity

V.4. The track of the families/ single persons who had received guaranteed minimum income and whose social support was stopped during the years of 2011, 2012 and 2013

V.4.1. Exits from the system of GMI due to the legislation amendments

V.4.2. Exits from the system of GMI which are not due to the legislation amendments

V.4.3. Exits from the system of GMI due to other protection systems

V.5. Administration costs related to legislative changes and handling the GMI files

V.6. Institutional mechanisms which can be involved in the case in which a family mistakenly framed tries to return to the system of GMI

V.7. Total costs of the social benefits which the GMI in the Municipality of Cluj-Napoca implied at 31 December 2013 (GMI, social support canteen, family supporting allowance)

CONCLUSIONS

BIBLIOGRAPHY

APPENDICES

Key words: social support, guaranteed minimum income, poverty, social benefits, public services of social assistance, means testing, social performance dependence, social politics.

INTRODUCTION

Social benefits represent an important part of the system of social protection whose component of guaranteed minimum income is monitored in the reports of the Central authorities and is approached in various scientific papers – out of which I recall the studies conducted by the Institute of Research for Life Quality. The organisms of the United Europe offer the public opinion and implicitly, the researchers, documents containing analyses, information related to the social politics of the member states, comparative approaches and data concerning the evolution of the systems of social protection.

The present paper is the result of the work of a social assistant who has been preoccupied with the evolution during time of the main measures of social politics measures aimed to fight against poverty in contemporary Romania: the program of minimum income guarantee (GMI). The paper's relevance is given by two aspects:

1. For the first time in Romania the legislative system which controls the granting of this social benefit has been studied in depth by looking at: the arguments which accompany each item of the system of guaranteed minimum income, the deliberations from the Upper Chamber and the Lower House generated by these legislative regulations, the connection with the governing programs assumed at that date, the manner in which the law proposals or law amendments are part or are correlated with the social protection system, the manner in which the legislative regulations bring a plus of clarity in what concerns the practice of guaranteeing a minimum income.
2. I conducted as well a longitudinal and retrospective study over the families which managed to get out the system of guaranteed minimum resources as a consequence of the legislative amendments after December 2010 (starting with the enactment of the Law 276/2010 for changing and completing the Law no. 416 from 2001 regarding the guaranteed minimum income). I managed to identify the socio-demographic characteristics of the families, the length of their benefits, the path followed by these families after losing their

guaranteed minimum income, system's capacity of protecting itself from frauds, overburdening errors, and mostly, the costs supported by the local administration as a consequence of amendments' fluctuations. Even though this study was conducted only in the municipality of Cluj-Napoca and therefore, its results cannot be generalized at national level, still, it emphasized a series of social processes and administrative mechanisms which are typical to the way GMI functions. Consequently, taking into account the appropriate precautions, they can be taken into account and considered valid for other municipalities as well.

Therefore, the analysis combines a historical and institutional approach which follows the changes and the steadiness of the GMI program under ideological and practical aspects, and includes as well the longitudinal exploration of GMI beneficiaries' social paths that mirror program's consequences over those who receive this kind of support.

I. THE ROLE OF THE STATE IN WHAT CONCERNS THE FIGHT AGAINST POVERTY AND THE INSURANCE OF MINIMUM RESOURCES - CONTEMPORARY APPROACHES

I.1. Introduction- about poverty and its challenges in contemporary Europe

In a global world, for significant segments of the population, the social vulnerability due to unequal and insufficient income and profit has various sources such as demographic, social, economic, politic (Chossudovsky, M., 2004). The poverty increase, the lack of economic and social measures meant to prevent and eradicate it may cause crises for humanity and deterioration of the living conditions, especially for those who are poor. Poverty is not a new phenomenon but it repeats itself and gains new forms or new connotations throughout history.

Poverty is a social state and not a situation or a private circumstance of people. The mark of the social system over poverty makes it gain very different contents: poverty in rich countries is different from poverty in poor countries; poverty in countries with a communist regime was, at its turn, a distinct phenomenon (Urse, L., 2007).

I.2. Dimensions of poverty and concerns regarding its disproof

Concerns over diminishing poverty first belonged to the Christian mercy. Later, they entered in the activities of mutual help societies and the state, context in which they became amplified and diversified, generalized and institutionalized. State's powerful involvement in the creation and sustainment of some social security systems, ensuring in this way a level of social protection, gave birth to what was called the welfare state. Some studies prefer to focus on social problems such as marginalization or social exclusion. Recent studies show that the persons who live in poverty are fighting with unemployment, have health problems, have to raise children by their own, without any help, report a low level of personal satisfaction. Low income has an obvious adverse effect over people's satisfaction and this effect is significantly higher in the countries with a lower level of GDP¹.

A more recent approach over the monitoring of this complex reality should take into consideration the social, environmental and economic conditions. These considerations are reflected

¹ Eurofound, (2010). *European Foundation for the Improvement of Living and Working Conditions*, downloaded in May 12, 2013, from www.eurofound.europa.eu

in the recent OECD's and European Commission's initiatives, including the new strategy for 2020 which "puts people in the first place and aims to reduce the level of poverty by 25% in the EU, estimating that nowadays, 80 million Europeans (17% of the population) live in poverty".²

The strategy Europe 2020 will work over again the elements of Lisbon's Agenda and will integrate them inside some coherent politics which will put again the European economy on a right direction until 2020. Launching this initiative at the beginning of 2010, the president J. M. Barosso mentioned some negative statistical data published by Eurostat. According to these statistics, 23 million Europeans must survive with less than 10 euros a day. One in eight Europeans live in a family in which no member is employed. Scientists showed that age is directly correlated with poverty. The social categories which are most exposed to the risk of poverty are children and old people, even though children are considered to be more vulnerable to poverty than elders (Brady, D., 2004).

The new poverty which appears in 70's-80's does not depend only on the life circle, but a higher level of exposure to poverty belongs to those with "atypical like trajectories, respectively persons with permanent invalidity, persons with a low educational level, single parent who has children to raise" (Stanculescu, M. S., Berevoescu, I., 2004), Romania remaining one of the poorer countries in the European Union. The GDP per capita represents only 41% of the EU-27 mean and the poverty rate (households which live with less than 60% from the medium family income) is high. According to the poverty evaluation method used in the European Union (relative method in relation to an established threshold of 60% from the available income mode) in 2007, 19% of the Romanian population (4 million persons) are under the risk of poverty, a high rate compared to most of the member states.

Recent studies show that in 2011, 40.3% of state's population is exposed to the risk of poverty as compared to the EU mean of 24%. Concerns for poverty disproof take firstly into consideration the development and the improvement of the protection systems for a more precise orientation of the resources towards those who are poor, and for covering the new poverty situations generated by the work market evolution and by the family structures (such as the increase in the number of single parent families).

²European Economic and Social Committee (EESC Info), 2010m downloaded from <http://www.eesc.europa.eu/?I=portal.en.eesc-Info>

I.3. Poverty conceptualization

Defining poverty is not at all simple and univocal when it is about operational terms, meaning when it is necessary to identify concretely those who are poor in order to help them or to evaluate the proportions of this phenomenon at national or global scale. Generally, poverty is defined through the welfare perspective, being considered a lack of it, a deprivation from the welfare attributes, and an incapacity to follow welfare because of the lack of material means, being considered a social-psychological-cultural complex. "Poverty is, first of all, an economic state. On the one hand, poverty is an absolute state in the sense that out of objective reasons, the poor is economically deprived to the point in which his survival becomes a problem. On the other hand, poverty is a relative state in the sense that the poor ones are economically deprived in comparison with the majority of the population" (Neubeck, Neubeck, 1996, p. 211). In the scientific literature poverty is defined both as a severe deprivation state for at least two basic human needs: food, water, sanitary facilities, shelter, education, information, as well as a social exclusion. Therefore, poverty does not depend only on income and on the access of social services (Bastos, A., 2001) which are considered to be essential for ensuring welfare. Poverty is usually seen from the perspective of the second definition being describes in the terms of "a group of different needs which interact to each other and are able to accentuate or diminish the level of welfare" (Bastos, A., 2001, p. 4). Traditional poverty in most countries is a consequence of their economic model based on low income and on low level of professional qualifications and abilities.³

I.4. Theoretical perspectives related to poverty

Over the history of welfare state, poverty has been approached from the point of view of four main perspectives: *neoliberalism*, *conservatism*, *social-democracy*, *revolutionary socialism* (Dan, A., 1999). Recent literature admits the difference between the theories which find the cause of poverty in *the individual deficiencies* (conservative) and the theories which place the cause on *larger social phenomena* (liberal or progressive). The various theories are divergent and each of them proposes specific methods to diminish it.

³ http://www.dictsociologie.netfirms.com/P/Termeni/protectie_sociala.htm, last access date: 10 february 2009

I.4.a. Cultural approach of poverty

A theory which has been long debated lately among sociologists states that poverty has its roots in the *poverty culture*. The concept of culture of poverty was launched by Oscar Lewis⁴ who suggests that poverty is created through the transfer from generation to generation of a set of beliefs, values and abilities which are socially generated but are entertained by each individual separately. Culture is socially generated and perpetrated, reflecting individual's interaction with the community. This aspect makes out of the poverty culture a different theory from those related to individuals, which explicitly ties poverty to individual's abilities and motivation. Oscar Lewis analyzed poor people's lifestyle and reached the conclusion that in those communities exist: a) a powerful feeling of marginalization and lack of help; b) a powerful feeling of dependence and inferiority, and a lack of a social personality; c) resentment and fatalism.

Therefore, sets of beliefs and behavior norms appear which include apathy attitudes, immediate gratification tendencies, early sexual experiences and unstable family life, school disparagement etc. Therefore, a cycle of poverty is formed and it is continuously reinforced because children internalize their parents' values and attitudes, inheriting and reproducing the poverty state. The help which could be offered for exiting poverty has been criticized by some conservative voices, such as Charles Murray⁵ who thought that social help encourages poverty allowing a circle of *social help dependency* that families develop and transmit to others under the form of some abilities of how to deal well within the system rather than to teach them how to find jobs.

I.4.b. Structural explanation of poverty

This theory sees poverty not as an individual problem but as a social problem which need to the reassessed politically and structurally. It is known the fact that the individualist theory of poverty is defended by the conservative and liberal thinkers. The one which will be further approached is the social progressive. The scholars of this tradition do not search in an *individual* the source of poverty but in the economic, political and social *systems* which make people have opportunities and resources which help them have limited income and welfare. Socialist intellectuals of the 19th century constructed a real attack over the individualist theory of poverty by ex-

⁴ http://www.ignaciodarnaude.com/textos_diversos/Lewis,Oscar,The%20Culture%20of%20Poverty.pdf last access date: June 12, 2013

⁵ Murray's study, Ch. (1984), downloaded in May, 18, 2011 from <http://www.irp.wisc.edu/publications/focus/pdfs/foc83a.pdf>

ploring how the social and economic systems took the control and created situations of individual poverty. This approach has at its base the Marxist perspective of class conflicts, according to which the economic inequality which dominates the capitalistic society promotes the interests of the owners of the means of production, generating therefore a power monopoly for a restricted segment of people who own the economic power (and complementary, the political one, as well), situation which gives birth to mass exploitations of the poor by the power elite (Dan, A., 1999).

Guy Standing⁶ speaks about the apparition and expansion of a developing class, meaning the precariat, pointing to the necessity to adopt some political strategies, other than the neoliberal one. The author considers that the certainty of the basic income represents “the only way through which we can obtain a sort of a certainty level in an open market economy”⁷.

Recent studies confirmed the relationship between wealth and power and proved how poor people and less involved in the political discussions, their interests are more vulnerable towards the political process, and are excluded at multiple levels. Coupled with the racial discrimination, poor people lack the influence on the political system which could be used in order to access the economic benefits and justice. The major change that has to be done would consist of redistributing the power and the political control. This change cannot be done though, through the simple reform of the politics and legislation but through the replacement of the whole political mechanism; the masters of power are not expected to change anything in the distribution of resources but the poor ones must gain a political conscience and to organize themselves in order to gain the power and the political control (Ghebrea, G., 2002).

A last category of critics to the capitalist system connected to poverty are related to the groups of people with whom certain social stigmas are associated, such as race, physical disabilities, religion or other types of groups which could limit the opportunities no matter the personal abilities. Any treatment against poverty cannot be completed without admitting that the groups against which discrimination appears have reduced opportunities despite any legal protection. The process of obtaining more powerful rights for the minorities in the poverty domain is ongoing. The legal initiatives and the reform of public politics must function together with the change in public's attitudes (Ted, K. Bradshaw, 2006).

⁶ Guy Standing, (2012) “Precariatul și de ce ar avea acesta nevoie de o democrație deliberativă”, article retrieved in May, 15, 2014 from <http://www.criticatac.ro/18172/precariatul-de-ce-ar-avea-acesta-nevoie-de-democraie-deliberativ/>

⁷ *Idem*, pg 5.

I.4.c. Poverty caused by cumulative and circular interdependencies

The description of the poverty cycle incorporates many of the theories which exist in the specific specialty literature, showing how people become disadvantaged in their own social context which later affects their psychological abilities. Various structural and political factors in the cyclical theory are strengthening each other with economic factors related to the community and to the political and social variables. Maybe their greatest value is that they connect more explicitly the economic factors at individual level with the structural factors which operate at the level of socially, economically, politically and culturally larger but interconnected institutions. The cyclical explanation of poverty deals explicitly with the individual situations and communities' resources as being co-dependent with a defective economy. This theory has its origins in economy in the work of G. Myrdal⁸, the one who elaborated a theory of a tied and circular interdependence with a causal cumulative process which helps explaining the economic underdevelopment and development. Other authors⁹ emphasize the fact that education and the employment level at the community and individual level interact in order to create a circle of un-investment and decline, while in the advanced communities the same factors contribute to development and welfare. The lack of working places leads to low consume and expenses in the sense that people cannot reinvest in their education and they lack as well the capacity to start their own businesses. Therefore, the lack of development has as effect the erosion of the market and the stop in investments which create limited opportunities in the community. The lack of a permanent job and implicitly, the lack of a stable income lead to a low self-esteem, a weak self-motivation, even depression, but also the loss of the social respect, deterioration of the relational capital, restricted access to the social participation forms. People's psychological problems are reinforced by the association with other similar individuals who deal with the same problems, which generates a desperation culture that affects even the leaders of that community. As a poverty theory, the cyclic theory shows how multiple processes gather and allow the supposition that if one of the hooks was broken, the cycle cannot continue. The problem is that the hooks are too hard to be broken because each of them is stiffened by the other parts of the spiral system (Ted, K. Bradshaw, 2006).

⁸ Myrdal, G., (2006), retrieved in May 18, 2011 from http://growthgroup3.ec.unipi.it/EGISD_wp003.pdf

⁹ Sher, J., (1977), retrieved in December 4, 2012 from <http://www.oecd.org/site/cfecpr/39137885.pdf>

I.5. The role of the state in the fight against poverty and social politics promotion

Despite its ideological orientation, the state is or should be, the guarantor of citizens' rights to safety and dignity. In other words, the State proposes, determines, generates certain changes in the life of its inhabitants, such as reducing/ fighting against poverty, re-distributing the resources, ensuring a qualitative lifestyle etc. A liberal state oscillates between a minimal classic version of the fundamental rights and liberties, and an optimistic version which supports the welfare state (Dobrei, Molocea, 2012); the social-democrat print supports the construction and maintenance of a model based on solidarity and on the creation of an inclusive society (Iancu, 2012); Christian-democracy re-writes its interests for traditional and communitarian values, high interest for social cohesion, for supporting the marginalized ones (Iancu, 2012); even neo-conservatism supports the idea of a social state, at least out of reasons related to the stability of democratic regimes which otherwise would be divided into conflicts between rich and poor (Kristol, 2012).

Catalin Zamfir shows that the state acts and intervenes through specific instruments in directions which are established by political actors selected democratically with the purpose of ensuring welfare for the citizens (Zamfir, Zamfir, 1995). Simona Maria Stanescu defines **social policy** as “the way in which the state manages to respond to the different needs that individuals have and express throughout their lives; some of them can be satisfied by using market's mechanisms, others by the family or community” (Stanescu, 2013, pg. 30). In order to explain the terms, I will use in the present paper the one given by Catalin Zamfir in 1995 which states that “social policy represents state's intervention in the format of the social processes which are characteristic to some collectivities, with the purpose of changing them in a certain direction envisioned by the political actors” (Zamfir, Zamfir, 1995, pg. 22). State intervention in what concerns the individual welfare depends significantly on how the institutions function, but on other mechanisms as well, such as economic ones. Social policy – with its assumed objective of social protection, refers both to the “contributive and the non-contributive system. The contributive system gathers the social benefits given on the base of some previous contribution: unemployment insurances, health insurances or retiring pensions. The non-contributive system is represented by the social assistance system which is made out of social benefits and social services” (Stanescu, 2013, pg. 31).

I.5.a. How do the European states relate to social problems- charity, welfare and workfare

The concept of welfare state – a product of the “Beveridge” period which evolved in different political parties, brings with itself both the notion of “right to protection” from the state for the citizenship sakes, but also the principle of social justice (Bocancea, Neamtu, 1999). This means that the disadvantaged population – including that part which is affected by poverty – has certain rights and the social assistance is not a problem of political willingness but one of social necessity. The paper of T. H. Marshall¹⁰ underlies the concept of citizenship stating that people have the right to be protected by the state. Social citizenship (one of the three parts of citizenship, besides the civil and political ones) include as well the right to the guaranteed minimum income aimed to cover individuals’ basic needs without excluding citizen’s duty to work, pay for the taxes, go into the army (Preda, 2007).

Livia Popescu shows that to Richard Titmuss (influenced by T. H. Marshall) who was preoccupied with the social justice and who was deeply implied into defining social work as an academic discipline, one should owe the first classification of the models of social politics (Popescu, 2004). These gather elements related both to the financial support that the state assumes towards its citizens, and to its intervention through institutional mechanisms.

At present, for the member states including Romania, “the challenge to assume the member state responsibilities in the social domain imply successfully continuing the reform in the social assistance domain and fulfilling some conditions such as: actual implementation of the community acquis, law improvement, redefining the institutional construction by including new institutions and lastly, searching for social political solutions for the specific problems of the transition from a planned economy to the market economy (Stanescu, 2006, p. 290)”.

Depending on how the resources are distributed, on the recipient group/ groups of the social protection system, on how is constructed the institutional system which goes from political commitment and actual implementation of the social policies to the European states (Pauna, 2006, p. 8-9), they can be found under the following models:

¹⁰ Citizenship and Social Class, (1950), retrieved in December 15, 2013 from http://www.jura.uni-bielefeld.de/lehrstuehle/davy/wustldata/1950_Marshall_Citizenship_and_Social_Class_OCR.pdf

- The Scandinavian or Northern model (Denmark, Finland, Sweden). The state is pre-occupied to ensure working places. Social benefits are given on the base on citizenship after some “risks” occur, the social expenditures are high, public contributions are consistent. The model aims to reach a zero unemployment level.
- The Anglo-Saxon or Liberal model (Great Britain, Ireland, Estonia, Slovakia). Social protection depends greatly on the employment status. The non-contributive benefits are based on mean testing and the amount of the money gained in this way is lower than in the first model.
- The Continental or Corporatist Model (Austria, Belgium, France, Germany, Hungary, Czech Republic, Poland) is based on a social security system after the Bismark model, respectively on a social insurance system financed through the contribution of those who are employed. The protection of those who are outside the insurance system is done through social assistance programs, public or private.
- The Mediterranean model (Greece, Italy, Spain, Portugal) where social expenditures are low, the state offers benefits according to contributors’ status and the support webs made by belonging to a familial group play an important role.
- The catching-up model of the new states which entered the European Union in 2004 (Lithuania, Latvia, Estonia, Cyprus, Malta, Bulgaria and Romania) where the standard of living is lower than in the other EU state members, the system of social protection is under construction, the social welfare still depends on the construction/ reconstruction of the institutions and on defining/ assuming some politics aimed to solve some public/ social problems. “The job is placed in the center of European Union”¹¹. The member states are encouraged to decide about the working policy under the assistance of the Council of Europe and the Working Committee. Therefore, poverty is a problem which is long to be solved and needs complex solutions and approaches. Ensuring the access to a job is considered one of the solutions which might determine a light economic recovery, at least, if not the actual exit from poverty.

¹¹ <http://cursdeguvernare.ro/wp-content/uploads/2014/07/amsterdam-1997.pdf> , Accessed in November 12, 2013.

1.5.b. Social benefits - part of the social protection system

According to Luana Pop, social benefits represent “a form of supplementing or replacing the individual primary income obtained from work or property owning with the purpose of ensuring a minimum socially acceptable standard of living to all the inhabitants of a country. For an individual, social benefits can take the form of a monetary or in kind transfer, or they can have the form of non-chargeable services, subventions of preferential credits” (Pop, 2002, pg. 142). The purpose of social benefits would be to raise from poverty those who are already under a socially minimum acceptable threshold. The state represents in this case the last form of support, if the other support groups such as the family, the market, become inoperative.

The problems associated with this type of benefits are connected, from beneficiaries' points of view, with high infliction costs (time, transportation etc.) and especially, high social stigma. From the point of view of how efficient they might be, the weakness would be a low coverage rate (some overcharging errors might appear when those who do not deserve to benefit from these, access these forms of support, while those who need them remain excluded). The institutions which have this type of social policy imply quite high functioning costs.

Another problem associated to this kind of benefits is what the literature calls “poverty pitfall”: any increase in income, as a result of individual effort, leads to losing the benefit which means a negative motivation for working, especially for those who have very low income or who have high probability to earn very low if they start working.

1.5.c. Guaranteed Minimum Income and the fight against poverty

The guaranteed minimum income has been considered a part of the social assistance system, a social benefit based on means testing. Catalin Zamfir shows that the social assistance system, which is different from social insurance, is a redistributive and un-contributive type of system (Zamfir, 1999). The state budget is made out of the taxes paid by the population and not of the individual contributions, and the benefits are not given according to the individual contributions or their volume. The system of social assistance based on means testing appears as a last network of social security which aims to help all the families/ persons in need. “Serving as a last resort, it, the network, fills the gap between the minimum income and the individual incomes that

come from other sources”¹². This system is, therefore, a focused social protection: it, the system detects only the persons effectively in need and the help offered depends on the resources that each person has. This system means establishing a minimum threshold for poverty and consequently, a minimum income (Zamfir, Zamfir, 1995, pr. 121-122). Imposing a minimum income, besides the legislative aspects, is based on a relationship between the public institutions responsible with the social politics, the vulnerable groups, but also with the groups which are outside the poverty risk ¹³. This relationship can be tense and hostile: the poor groups are often considered to be lazy, resource consuming without deserving it; those who are outside the poverty risk are seen to be as excessively protective with their own resources, who do not get involved in solving the social problems, who have no civic responsibility, and who are self-centered when it comes to their own welfare; the public institutions can be accused of excess of bureaucracy, waste, or, on the other way around, of weak and incoherent implication.

II. THE SYSTEM OF GUARANTEED MINIMUM INCOME

The guaranteed minimum income was appointed in Romania as a social un-contributive benefit as a consequence of means testing generated by poverty (Zamfir, 2001) but also as an external obligation for the Social European Charter aimed to recognize peoples’ fundamental rights to resources for a decent living, compatible with human dignity (Stanescu, Dragotoiu, Marinoiu, 2012).

The minimum income in Romania, initiated by the Vacaroiu Government in 1995, has had the following pathway:

- The Law 67/ 18 July 1995 for social help
- Government Resolution no. 565/ 28 July 1995 (methodological norms for applying the Law 67/ 1995)
- Government Resolution 125/ 1 March 1996 (modified GR 565/ 1995)
- Law no. 416/ June 2001 for guaranteed minimum income

¹² Atkinson, T., (1991), p. 7, article retrieved in March, 15, 2012 from [http://www.unrisd.org/80256B3C005BCCF9/%28httpAuxPages%29/1BE056D69DC9F9E880256B65004A1953/\\$file/OPWSSD1.pdf](http://www.unrisd.org/80256B3C005BCCF9/%28httpAuxPages%29/1BE056D69DC9F9E880256B65004A1953/$file/OPWSSD1.pdf)

¹³ Bonelli, L.,(2012), p. 79, retrieved in December 15, 2013 from http://www.academia.edu/8134312/Pour_une_approche_relationnelle_de_la_pauvret%C3%A9_Examining_the_relationships_of_poverty

- GR no. 1099/ 25 October 2001 (methodological norms for applying the Law no. 416/ 2001 for guaranteed minimum income)
- Government Emergency Ordinance no. 6/ 20 January 2002 for completing the Law no. 416/ 2001 for guaranteed minimum income
- Law no. 115/ 4 May 2006 for modifying and completing the Law no. 416/ 2001 for the guaranteed minimum income
- Decree no. 1010/ 9 August 2006 for approving the methodological norms of applying the Law no. 416/ 2001 for guaranteed minimum income
- Law no. 51/ 19 March 2008 for modifying item (1) from article 8 of the Law no. 416/ 2001 for guaranteed minimum income
- GEO no. 57/ 27 May 2009 for modifying the Law no. 416/ 2001 for the guaranteed minimum income
- Law no. 276/ 24 December 2010 for modifying and completing the Law 416/ 2001 for the guaranteed minimum income
- Decree no. 50/ 19 January 2011 for approving the Methodological Norms for applying the Law no. 416/ 2001 for the guaranteed minimum income
- Decree (from the Work Ministry) no. 1474/ 6 May 2011 for approving the Instructions for applying of some provisions of the Methodological Norms for applying the Law no. 416/ 2001 for the guaranteed minimum income, approved by the GR no. 50/ 2001
- GEO no. 124/ 27 December 2011 for modifying and completing some normative acts which regulate the granting of social assistance benefits
- Law no. 166/ 9 October 2012 for approving the GEO no. 124/ 27 December 2011 for modifying and completing some normative acts which regulate the granting of social assistance benefits
- GEO no. 42/ 15 May 2013 for modifying and completing the Law 416/ 2001 for the guaranteed minimum income and for modifying the Law no. 277/ 2010 for the allowance for family aid.

Nowadays, according to the legislation, the social aid is given on the base of a requirement of family's legal representative (or by the actual person itself) for the mayor of the administrative unit. The mayor, through the specialized service or with the help of the assigned persons,

after an administrative demarche and a means testing, establishes through a written command the right for social help and the extend of that aid. This support is paid from the state budget through the Local Agency for Payment and Social Inspection (LAPSI).

The guaranteed minimum income is part of an un-contributive benefit system which aims to “reduce poverty and maintain the poorest segment at a minimum accepted level”, shows Luana Pop in an analysis of selective social benefits¹⁴.

III. RESEARCH METHODOLOGY

This research aims to analyze the emergence, the evolution and the operation of the main social policy measures designed to fight poverty in Romania in the post-December era: minimum income grant program (hereafter GMI). The analysis will combine historical and institutional approach that examines the ideological and practical changes, and continuities of GMI. This will not only be ideological and practical but also longitudinal in investigating the beneficiaries of MGI and the corresponding reflective consequences of the support that they are receiving

III.1. Research objectives

This research has the following **objectives**:

1. To identify the underlying ideological justifications and political, economic and social changes that have accompanied the introduction and subsequent GMI program. This is achieved by analyzing explanatory memorandum discourse of political actors (in particular, parliamentary debates), the comments made by the committees Bills, specialists and the civil society.
2. To study the continuities and the alterations in the GMI program from when it was adopted (Law no. 67/1995 on social welfare) to its last amendment (available July 2014), following institutional continuity, "path dependence" (path dependency) and changes undergone by the original version, the magnitude and the relevance of the alterations. So far, there has been a substantial variation (“critical turning point” or “critical juncture”) in comparison to the original version of the GMI program.

¹⁴ www.iccv.ro/oldiccv/romana/dictionar/luana_bss.html, Accessed in July 2014, p. 1-12

3. To not only examine the relationship between GMI and other social protection measures in Romania but also to facilitate the achievement of economic income.

4. To assess the operation of the guaranteed minimum income law in terms of coverage, targeting, effectiveness, financial effort, administrative and human costs involved, both from the state point of view and likewise from the beneficiaries' point of view.

5. Identify the main routes through which GMI beneficiaries in Cluj-Napoca enter and exit the GMI system-analyze the duration, intermittency and continuity of benefit between 2011 and 2013, the reasons of termination (employment work, retirement, changing household structure and obtain new revenue, unpaid taxes, etc.). We have chosen Cluj-Napoca as our case study and we considered to explore the relations between these factors and their determinants (social, economic, cultural and political).

6. Analysis of different routes beneficiaries use in the termination of employment due to an adult recipient family being able and other reasons leading to the withdrawal from the system (administrative termination due to default on changes in revenue dynamics or the existence of goods which lead to exclusion from the right to family guaranteed minimum income, etc.).

III.2. Research stages

This research was designed and conducted in two successive stages:

A. **The first phase** had its focus on analyzing documents, specifically on the development of GMI legislation in Romania, the first law of social aid (Law no. 67 of 1995 on social assistance) until June 2014 . I studied and analyzed the following legislative or administrative documents:

a. Legislation that established the social support / GMI since the first law, Act 67 of 1995, all successive changes over the years, until July 2014 - according to the scale of analysis ANNEX 1;

b. the explanatory memorandum accompanying laws and legislative changes relating to the guaranteed minimum income;

c. Governance programs that correspond to the times when the law was adopted and the legislative changes in the system of guaranteeing minimum resources - in terms of the correlation between the law / amendment of the law / enforcement of the law and the con-

tent of an objective government program;

d. The decisions of the Local Council of Cluj-Napoca on enforcement on minimum wage;

e. The decisions of the Local Council of Cluj-Napoca that relate to human resource dynamics Welfare Service which manages GMI law enforcement.

B. In the second phase of the study, we conducted quantitative research on the population of all the families / single persons to whom the right to social support was stopped by order of the mayor of Cluj-Napoca, according to Law. 416/2001 on minimum wage, as amended and supplemented, within the period January 2011 - December 2013. They were later classified into two categories of family / single people: those who had definitely exited the minimum income guarantee system (due to increased family income or other circumstances that led to exclusion from the right to social assistance, such as possession of goods lead to the exclusion of social aid) and those who returned to the system as a new case - family / single persons applying for social assistance and which it was established that they had the right of admittance into the system by a new provision of the mayor. As such, we established a cohort of families / singles, month and year after termination of social aid by order of the mayor of Cluj-Napoca, seeking answers to the following research questions:

1. What are the socio-demographic characteristics of the families / single persons that left the minimum income guarantee system, in cohorts of outputs from 2011, 2012 and 2013?
2. What reasons did the families / single persons have for exiting the minimum income guarantee system, in cohorts of 2011, 2012, 2013?
3. Did the families / singles that came in the first phase in any of 2011, 2012 or 2013 groups came as a result of legislative permutations in 2011 - 2013? (In other words, did they come out of the previous system because 2011 was a more permissive system and did the legislative changes after the 2011 correct these errors of law or law enforcement?)
4. What was the total duration of the benefit of GMI (the length of stay in the system) for the families / single persons that came out of the GMI in cohorts of 2011, 2012 and 2013?
5. What are the dominant channels by age, ethnic composition, vocational training, family structure and gender of the holder through which people exited GMI in Cluj-Napoca, from 2011-2013?

6. What are the institutional mechanisms that may be involved in conditions under which a family mistakenly diagnosed may return to GMI? In what measure does the system permit fraud or errors? Does the system repudiate re-entry of parties affiliated to the aforementioned anomalies legislatively or through institutional mechanisms?

7. How frequent are the outputs of GMI by occupying a job, compared with other outputs, and individual factors that explain their probability?

8. What is the share of output from GMI to other protection systems (e.g. with persons with disabilities or disability pension)? ...

9. What is the impact of the legislative changes on expenditure after 2011 by the local authority on GMI (especially on the working time of personnel involved)? Did the legislative changes after 2011 mean that GMI guarantees the elimination of existing fraud, errors, or discouraging dependency system?

10. What is the cost assumed by the community for social benefits, available to GMI beneficiaries (GMI, social canteen, family support allowance, children's allowance State aid for heating)? What is the assumed cost in relation to the minimum wage that could be obtained from adults of working age in families benefiting from GMI?

11. Based on existing literature that states that a long period of reliance on social assistance benefits is often associated with a reduced probability of exiting from the social assistance system by engaging in a job, I wanted to investigate the relationship between profile family / individual beneficiaries, duration and likelihood to benefit from GMI output by occupying a job. An effort to study these relationships is a complex and delicate one mainly because of the issue of causation. In some cases, extended periods of benefiting from social support can be a factor that diminishes self-esteem, individual skills, social respect from others and thus correlatively diminishing employability. In other cases, the plight of family / person is too serious to allow for the application of a new job, regardless of whether or not they benefit from GMI (e.g. Citizens belonging to marginalized Roma communities, without schooling).

III.3. Research design

The research design was descriptive and analytical. It was also explanatory in granting services of GMI in the context of legislative amendments of December 2010 (applicable from 1 January 2011) when establishing service of GMI (within municipalities, adminis-

trative-territorial units) were separated by payment services benefits (taken over by the county agencies for payments and social inspection). Such legislative changes have brought significant changes in the social services administration circles (in terms of increased scrutiny of state institutions on families receiving social assistance and the issues of managing social benefits). These changes to a large extent have led to a reduction in personal.

The main strategy used in investigating was evaluation based research analysis of administrative data of public interest.

Data collection for quantitative research was effected from December 2012.

We opted for the analysis of written documents as a method of data collection and analysis of historical and institutional introduction and evolution of GMI program. We conducted a content analysis, based on a scale of thematic legislative texts and on draft laws, parliamentary debates, specialty commissions' comments etc. For quantitative research, we built a proprietary database. This database contains the entire GMI beneficiaries' populace who left the program during the years 2011, 2012 and 2013 by main independent variables (explanatory) and dependent operation relevant to the study program. In particular, we were interested in explaining the determinants of the probability of exit from GMI program through employment and the relationship of this and duration of receipt of the GMI benefits.

After collecting data on target populations, the data was processed using descriptive statistics.

Limitations of the study:

The research refers to families receiving minimum income in Cluj-Napoca, i.e. a county capital and not the entire beneficiary populace of the GMI. Because I always in constant consultation with fellow employees in public social services in a number of the Transylvanian county capitals namely Arad, Sibiu and Bistrita-Nasaud, I can say that the results are significant for public social services in other cities.

The study would have been more complete had I succeeded in processing the data that I obtained through interviews with the beneficiary families that I studied. Although it is found in my PhD thesis at least in a smaller magnitude, GMI beneficiaries' perspective on social security benefits would have been an important piece of work that would have added value.

I believe that the model of this study can be applied in other protection systems, for example in terms of family support allowance law.

IV. THE EVOLUTION OF GMI LAW WITH TIME IN ROMANIA

IV.1. First stage: From the adoption of Law no. 67 of 24 June 1995 on welfare and law enforcement to December 2001. Law no. 67 1995 social aid, was the first law of its kind in Romania. This law was applied in a course of 6 years and 4 months. This period of time witnessed an increased number of unemployment (Voineagu, Pistic , 2012) peaking at 845,000 unemployed persons in 2002. (As an extension of Law no. 1/1991 on social protection of the unemployed and their professional reintegration) as a form of social assistance to families who beyond their control do not have sufficient financial means and Money. This law was an effort in resolving the Romanian state disengagement and poverty predicament. The roots of these problems can be traced to the establishment of a financial support with everything short of the actual needs of a family. The local authorities were unprepared for this neither financially nor administratively.

The Social Aid Law was initiated by the Social Democratic government (under the guardianship of Mr. Ion Iliescu). This law was later repealed (and replaced by a new law, that of GMI) during the reign of the social democratic government (and in the second presidency of Mr. Ion Iliescu). As I found out, this law was way difficult to change in its later stages. This law was not applied with regard to social assistance and social protection (Zamfir, Zamfir, 1995). In terms of public administration, HG 125/1996 was the initial law that came into force.

IV.2. Second stage: Law no. 416 of 18 July 2001 on minimum wage and law enforcement to December 2010 - as amended by the legislative arm. This new law introduced a minimum income as a tool of combating poverty and social exclusion. Moreover, this law was significant as a tool in the identification and estimation of adults of working age who are not part of the formal labor market. This Act followed the conventional route. It was administrative in nature and it was effected mainly through the specialist social services of the mayor or social assistance directorates of local councils, not bound by law governing social protection. This law (416 of 2001) stipulated that there should be a reference of legislative and institutional connection that support families with financial difficulties. (possibly for a limited period of time). Moreover, there

were stipulations that would generate intervention mechanisms that allow poor families to exit the system and most importantly to not clog it.

By its own name (guaranteed minimum income law) families were not guaranteed a way out of the crises that they were facing. This law was a means to the implementation of an intervention mechanism for poor families. These interventions were not operational either at the time of writing this study. Professionally and in terms of social services in the Romanians have had difficulty in terms of social inclusion and the enhancement of personal, family and group potentials. An important aspect that is still left aside is the aspect of medical insurance for families. If we examine the law in terms of what it has achieved then the results of implementation seems to be an end in itself. This secludes it with the mechanisms that induce dependence certainly on social benefits and encourages dependency on social benefits.

IV.3. Third step: Since the adoption of Law no. 276 of 24 December 2010 amendment and supplementation of Law no. 416 of 2001 on GMI and law enforcement - with subsequent amendments by the legislature, to the date of this study.

Changes were introduced that caused significant institutional reforms. These changes focused on the harmonization of minimum wage and the laws governing protection and welfare. GMI law changes in 2010 were introduced following the objectives that the government assumed aimed at: restricting spending; reducing social benefits, eliminating fraud from the system and eliminating dependency on social benefits. Essential changes to the new regulations were mainly effected by taking social benefit payments to paying agencies and to the Social Inspection (which provided funds for supporting these benefits from the state's budget). At an administrative level, social services in municipalities have the obligation of determining the entitlement to social benefits, which is why I say that there has been a significant increase in administrative expenses related to this social benefit. Minimum Income Guarantee Law was amended synchronously with the adoption of Law on Social Assistance (without being conceptualized as a social protection law - professionals have a special role in the new law unlike in the old law) and for the first time in recent history, in relation to other laws that relate to social benefits – i.e. Law no. 277 of 2010 on family support allowance. Political regime changes generated diverse objectives set initially, I mean the ones restrict spending - legislative changes adopted after the political change in 2012 have led to significant increases in the amounts of social benefits (family support allowance increased significantly, and a family that has children GMI beneficiary may receive both benefits).

So the first part of this stage, GMI related administrative expenses increased. In the second part, there was a rise in the actual amounts granted to families receiving GMI, the side effect of the growth of other types of benefits.

Legislative changes in the years 2011 to 2014 meant rapid changes in social services in municipalities. This also meant that municipalities had to adapt as quickly as the legislative change. Moreover, there was a generated high costs for public administrations and beneficiaries. Still, there are hiccups witnessed in the form of means-testing procedures, social services setting GMI rights have not been and are not equipped with computer mechanisms or institutional links that allow real-time verification and declaration of beneficiaries. Steps have been taken to harmonize legislation on non-contributory social benefits but did not solve the fundamental problems that the system faces such as removing dependency and promoting incentives for professional. The system preserves the function of granting "social benefits" without integration into a service plan drawn up by professionals in social work, under contract with the customer.

V. The results and analysis of quantitative data regarding the exits from the the guaranteed minimal income system (GMI) – Study case, Cluj-Napoca municipality

The study comprises all the families who stopped receiving social aid, in between January 2011 and December 2013, according to Law nr. 416 and further changes. The study followed the following aspects: socio-demographic characteristics (beneficiary age at the moment of exit from the system, ethnic appurtenance, family type, educational level, work experience (GMI), place of living and the appurtenance to any marginalized communities); the motives of exit from the guaranteed minimal income system; the duration that the families/single people in the study received the minimal income; the mode these families/single people adapt to the above mentioned legislative changes, the ways these families could eventually reintegrate into the guaranteed minimal income system and the administrative costs supported by the government by adopting these legislative changes (especially regarding the necessary work time for the guaranteed minimal income system instrumentation.) In order to get a better perspective on the effects of the legislative changes on the 414 families in the study, we prolonged the research un-

til 31st of December 2014 so as to follow their integration into the guaranteed minimal income system.

V.1. The socio-demographic characteristics of the studied families:

The socio-demographic characteristics of the families/single people that existed the guaranteed minimal income system in Cluj-Napoca municipality, during the 2011, 2012 and 2013 cohorts, have been followed considering the following factors: the age of the beneficiaries, ethnic appurtenance, family type, educational level, work experience (GMI).

As well we have been following the place of living of these families/single people (if they own an accommodation or, if not, where do they live). In order to emphasize another aspect – the appurtenance of the beneficiaries of the system (GMI) to the marginalized communities we have codified the residential zones independent of whether the entitled people are owners of the properties or not. Therefore: 3rd Zone – is the zone known as Pata Rat (officially registered as Platinilor and Cantonului St.), 2nd Zone – includes the beneficiaries that live in communities already recognized as “the poorest”, ex. Mesterul Manole St., Stephenson St., Byron St., as well the special housing for homeless; 1st Zone – the remaining streets of Cluj-Napoca. We concluded that the families that existed the guaranteed minimal income system in Cluj-Napoca municipalities, in between 2011 and 2013, are the families that are the most vulnerable and have the least chances to integrate into the labor market; i.e. the families from the all three cohorts representing Romanian adult people above 45 years old, 25% of them without secondary education, 18% with less than a year of work experience and 50% living in the poorest zones (PataRât, Stephenson, Me teruManole, Croitorilor) or in special housing for homeless. The percentage of single people benefiting of the system (GMI) have been gradually growing every year and the families have been represented by women. The effect of Law nr. 276/2010 (as well as the other modifications in 2011, 2012 and 2013) have determined a grow in pregnancies of the beneficiaries of the VMG system, consequently leading to the lose of the right to social aid. Notable is that the exists from the system were not because of (in the Cluj-Napoca municipality) the supraevaluation of the beneficiary families – the families that existed the system, in 2011, 2012 and 2013 were *poor* families and with a high risk of social eclusion.

V.2. The reasons why the families/singe people existed the guaranteed minimal income system , in 2011, 2012 and 2013, in Cluj-Napoca municipality

Administrative reasons are one of the main reasons of the cessation of the guaranteed minimal income system. Administrative cessations are a consequence of the suspension of social aid cause by the lack of obligation fulfillment from the beneficiary side (the obligations are: placing a request due time, according to the law, the request being actually a declaration of the fact the family/single person is eligible for the social aid; a certificate issued by the Agency for Workforce placement, proving that the bearer is able to work and is looking for a workplace and s/he didn't refuse unjustified a workplace; the payment for the right to develop actions and activities of local interest, at mayor's disposal. The suspension is for three months, during which the bearer has the chance to fulfil his/her obligations, the right to social aid being reobtained with the mayor's disposition, contrary, after three months the right to social aid is ceased through mayor's disposition.

The impact of the legislative changes that causes, for instance, system exits because of the non-fulfilment of the obligations (administrative exits) is mitigated in between the 2011 cohort to the 2013 cohort. A reason could be the fact that the GMI beneficiaries learn to fulfil the obligations, but as well the legislature changes that lessened the beneficiaries' tasks (ex. Starting with November 2012, cf. Law nr. 166/2012 beneficiaries do not submit monthly certificates from the Agency for Workforce placement, but once in three months).

One cannot identify a specific model of the cessation of GMI following the aspect of the motives of the exits from the system (the motives are: ADS, ANG, B, D, F, H, IMP, INV, LV, M, SCH, VERIF) in correlation with the ethnic appartenance of the beneficiary family representative, educational level, work experience or residential zone. The legislature changes didn't influence more or less the different categories following the work experience; education didn't represent a an advantage in detriment of the beneficiaries with less education; from the research point of view the 2nd and 3rd zones, the poor and housing zones for homeless, does not represent an agglomeration of people that avoids the legalisation more that other people living in Cluj-Napoca. On contrary, the beneficiaries that live in special housing for homeless (owned by DSAM or partner organization) show almost no face declaration upon verification. The 3rd zones represents the zone were the family structure is more flexible. A suggestion for a further research is to study the way the children that come from beneficiary families of GMI, living in poor zones, become the next GMI beneficiary families. A first step towards this research has been al-

ready done: there has been identified 28 families from the sample are blood related (first line blood relation, ex. children of beneficiaries that have families and other non-blood relatives).

V.3 The amount of time the families/single people benefited from the guaranteed minimal income system upon exiting, in the 2011, 2012 and 2013 cohorts.

The average period in 2011 was 52,56 months, in 2012 the families that exited the guaranteed minimal income system benefited from GMI for an average of 49,94 months, and in 2013 the average was 28,90 months. The drop is significant.

From the median point of view, the period families benefited from the system (the medium being the number of months that half of the families exit the system in the research period) in 2011 cohort, after 32 months, half of the people/families benefiting from GMI left the system, the median is 21 for both 2012 and 2013 cohorts. The median can mean something else: an observation is that after a certain amount of time a beneficiary families becomes a permanent client of the system. According to the presented data it is rational to state that, after 21 months the chances that a family will exist the GMI system are basically null.

The average of GMI beneficiaries (families/single people) that existed the system from the first episode, drops during the three years of study, the lowest being 28,90 in 2013. The 6 month period is not significant for the studies sample. The median stay of the families in the system drops as well during the three year, reaching 21 months in 2013. In the studied sample there are families with an impressive duration of stay in the guarantee minimal income system, of 7-13 years. We have to mention that the actual stay is longer.¹⁵ These results can be interpreted in another way: the government has to be prepared that a family that becomes a beneficiary of the system has to stay in the scheme for at least 21 month, which is an optimal duration to invest resources for social inclusion; after this period passes the exit from the system is less probable. The Romani ethnic families/single people have showed an average length of benefiting of GMI bigger than the ethnic majority with 3-7 months, and a median bigger with 3-10 months during the three years in which the studies have been conducted.

¹⁵ As shown in chapter III – the methodology of the research, data regarding the beneficiaries in SPS evidence have been gathered beginning with the date when the Law nr. 416 from 2001 was adopted, i.e. January 2002. From the SPS inspectors sayings and interviews with the beneficiary families of GMI, it results that there are at least 5 beneficiary families since 1995, cf. Law nr. 67/1995, that is the first social aid law in Romania.

V.4. The way of the families/single people that benefited from the guaranteed minimal wage and that didn't receive social aid, in 2011, 2012 and 2013.

Not all the exits from the system are caused by the legislative changes. It is rational that a scheme (even when it is the last survival chance) has to be entered in certain crisis situations, and the exists from the scheme to be determined by a amelioration of the socio-economic situation of the beneficiary family/single person, by the integration into workforce of the adults able to work or by obtaining of certain right that can be obtained at a certain age (ex. Pensions).

The system exits caused by the change of the conditions necessary to be offered an GMI are not definitive, this generates short term exits. The impact of law changes on the studies sample can be interpreted as a significant one – 64,30 % of the system exits in 2011 can be correlated to these changes, 83% in 2012 cohort and, following with a drop to 57,59 % in 2013. However, following the way of the families that existed the guaranteed minimal income system in Cluj-Napoca, we can assume that if the law had a short-term effect, the exists generated from the legislature changes reason that induces certain conditions to be met by the beneficiary families (ex. ADS, B, VERIF, IMP, etc) causes a more consistant return (82% of exists caused by legislative changes families return in teh system, compared to 12% of the cases where beneficiaries were responsbile for that changes, were par of the exit process from GMI and didn;t feel like the cessation was iposed by the exterior factors). Even families that were identified to have assests that normally lead to exclusion from the social aid system in Cluj-Napoca represented a insignificant percentage from the total of families that have been studied could return to the system, fact that can be interpreted (besides some dysfunctions, specified in chapter IV, in between the services that manages the social benefits and the tax services, that have or should have an idea about the total assets of a family – mentioning that the assets owned in another municipality cannot be identified) through capitalization/alienation. The statement confirms Catalin Zamfir saying¹⁶, since 1994, in an analysis of the first law project for social aid – more precisely the fact the law establish/will establish a “a truthful poverty race for the poor: to be supported because temporary they don't have sufficient income they will eliminate all their fixed and mobile assets, dropping the chance to stop their poverty status...it will encourage those who are socially dependent to live from one day to another”. As proof of the *system efficiency*, more than 70% of beneficiaries that were caught with false declaration by SPS inspectors returned in the system. “False declarations”

¹⁶ Social research magazine, nr.3, 1994, Catalin Zamfir, Law project regarding social aid, page 125

were related to the family structure – an adult able to work wasn't declared by the bearer of the application as to be a member of the family, or it was related to the residence of the family that proved to be a wrongful one. The changes in the beneficiary families of GMI that would appear to stabilize the family at least from the income point of view are not long lasting, the families are fragile both from the family structure aspect and constancy of income. We concluded that the beneficiaries that exited the system from causes other than legislature changes, exited the system because of other protection schemes, at not because they managed to integrate into the workforce: there had been obtained 16 certificates for handicap people, 16 pensions due to handicap and 14 pensions due to age limit from the 414 families in the three studied cohorts – compared to 26 hirings, from which only 17 were long term. Therefore, the consecutive stops in legislature changes in between December 2011 – December 2012 determined short term savings for the government paying GMI, because the families/single people return in the system. The fact that 4 out of 5 families are certainly returning to the system means that the results of legislature modification represents only a mere reduction of the beneficiary families' incomes, not an encouragement for these families to overcome the status of “helped families”.

V.5. Administrative costs generated by the implementation of legislative changes and GMI application management – are considerable (even in regards with the work time of employees involved in the process of allocation/management/GMI payment). A cycle – suspension – stop – new family case – costs for the governments, in work time of the SPS and AJPIS employees, 90,75 lei. A suspension costs, also in work time of the employees, 27 lei.

I consider that there have to be done more calculation in depth, regarding the GMI quantum that paid to the beneficiary is less costly than if the right is suspended or cessed. The cost of work time is also important and is not visible until the payment of GMI and though a comparison with through benefits paid to the family, ex. ASF. The harmonization of the entire social benefits into a unique support form for poor families is certainly, a necessity.

V.6. The institutional mechanism that can be used in situations when a family that is integrated in the system by mistake wants to return to the guaranteed minimal income system.

The families that are inspected and excluded from the social aid scheme, usually return in the system – basically we talk only about an economic sanction, the interruption of social aid payment for a certain amount of time, and, the most important, the interruption of health insurance payment, covered by the state budget during the period which the family is GMI beneficiary. If talking about the social aid quantity, the two benefits, GMI and the canteen, don't have the same direction – however certainly the cessation of the right to canteen is much more drastically felt by the beneficiaries than the cession of GMI right.

V.7. The total costs of the benefits allocated to the GMI beneficiaries in Cluj-Napoca municipality on 31st December, 2013 (GMI, social aid canteen, allocation for family support)

The families/single people GMI beneficiaries are/can benefit in the same time of family support allocations and free canteen. The total benefits can exceed the minimal wage, which represents, on the one hand a support and protection form against poverty of the families, but, on the other hand, an impediment in the integration/reintegration of the able to work adults from the GMI beneficiary families, that can access, mostly, only activities paid with a minimal wage on economy.

CONCLUSIONS

By implementing the social assistance bill or the guaranteed minimum income bill it has been intended to diminish poverty (practically all the arguments that accompany the GMI laws contain references to the regarding the decrease of poverty, the protection of the population); the objective was partially achieved, considered the fact that research shows that the establishment of social benefits does not improve the relative financial deprivation of families (Rat, 2012), and the administrative costs generated by the establishment of such a system based on testing larger resources, as was written already in 1994, on the margin of the first bill of the social income, by Catalin Zamfir.¹⁷

The initiators of the legislative changes from the third stage have intended to guarantee the payment of the benefits from the social assistance provided by law by establishing financial resource from which the integral payment of the social assistance benefits to be assured; this objective also was only partially achieved: although the money are assigned from the MSWFP, according to the law, there are significant delays in the payment of the social assistance benefits because the human resource from the LAPSI level is insufficient to manage the payment for all the mayoralties from a county. (81 mayoralties in the Cluj county). The payment of the benefits, established by the mayoralties, as well as the alteration of the sum is being made with delay of 1 to 6 months, because of this reason. In addition, the possible errors in the documentation sent by the mayoralties are not (cannot be) grasped promptly at the time of the sending of the documentation, adding other costs related to the communication between institutions (LAPSI and city halls).

The drafts of legislative alterations have brought into discussion the necessity of having defined more accurately and equitably some of the criteria: the criteria are truly more accurate (regarding the ceiling of income and of the list of assets that lead to the exclusion from GMI) but not more equitable. The same criteria applies in regards to owning assets to persons/families which have a dwelling to those who do not have one., to areas with touristic potential or communities with extreme poverty, to the inhabitants from the urban environment and those from the rural environment, to persons/families that have a support system, help and to those who do not have this system.

¹⁷ The social research magazine, no, 3 of 1994, Cătălin Zamfir, The legislative project related to social help, pg. 123

As I showed in the fourth chapter, the initiators of the legislative changes, have brought into discussion the necessity of the modernization of the social services, inclusively, by that that the family- a client system targeted by the social assistance ,should be seen as a whole. I consider that this objective is far from being realized. The GMI bill allows a definition of the family that is in reach of the beneficiary/ solicitant – and the other benefits that are entitled to the family (FSA, subventions for heating the household) are/ can be managed by different compartments in PSSA, which means that, the function of family need/ family interest, for GMI, has one component, for FSA another component, and for heating subvention yet another component. The addition of all the social benefits into a unique package e.g. the minimum insertion income would simplify most of the problems of the PSSA, would massively reduce the administrative costs- moreover that in the present conditions , the same family is/may be in the care of two or three different services. (and if in the family is an adult with a physical disability, the family is assessed also by another compartment, according to the 448/2005 law, republished, regarding the protection and promotion of the rights of persons with physical disabilities: if the family is facing domestic abuse, they enter in the care of yet another compartment within Public Service of Social Assistance).

The intervention, the multinational assistance is not supported by the law. The law seems to be suspended and independent, it does not intersect with other legal provisions from the social assistance repertoire. Significant change to the law (e.g. regarding the work volume generated by the legislative change afferent to the 276 bill from 2010 the allowance for the family support or of UO nr.70/2011 regarding the protection of vulnerable consumers in the cold season) have not been correlated with legal provisions dedicated to the social services that should have been/ needed to be supported, on the contrary, the social services have obeyed the rigors of austerity policies.

Although the PSSA is authorized as a supplier of social services according to the 197/2012 bill regarding the assurance of quality in the domain of social services (although the authorization of the PSSA is an exception, not a rule) the authorization represents an act which attests that the service fulfills the minimum requirements for functioning, not the optimum for functioning. The decision of the government no. 539/ 2005 regarding the social services resolves the dilemma of the social services, others from that of the local public administrations, dilemmas regarding the personnel structure (see Appendix No.1: The classified list of the social assistance institutions

and the orientative structure for the qualified personnel. The local public services DO NOT have a regulation of the sort, and consequently, the personnel structure is established by criteria at least unclear and opaque.

It can be said that there is an attempt to fight against poverty by excessively assigning resources. Starting with November 2012 (as a consequence of the 166/2012 bill regarding the passing of the GEO no. 124/2011 for the change and completion of certain regulatory acts which establish the grant of benefits from social services) practically any family beneficiary of GMI can request/ obtain also the allowance for family support. The three social benefits (GMI, FSA and canteen) summed up represent, for a mother with two minor children, more than she would earn in conditions of employment on a minimum guaranteed wage. I consider that this aspect should be analyzed in an institutional context as well, not only legislative: usually, the mayoralities from the rural environment do not have social canteens. Administrative territorial units (such as Arad County) have decided (by public local policies) that the grant of benefits should be made separately: the beneficiaries choose between GMI and canteen. This aspect deserves to be studied in the future and I consider that it should be taken into account also the motivation that leads to these decisions.

The system of guaranteeing of minimum resources does not take into account the community from which impoverished ones come from. Practically, the truly marginalized persons are those who do not have papers- or do not have a family doctor. If they do not have any identification papers they do have no possibility of obtaining this right. If they do not have a family doctor, they cannot obtain the evidence that they are “fit for work” to be taken into account at the employment and vocational training agencies in the county- to obtain the attestation that they are persons in search of a work place. If they do not bring the proof from the unemployment agencies the GMI dossier cannot be completed. Also, the law does not leave any solutions for the persons that have health problems-health problems that are not considered serious enough for the respective persons to benefit from a pension for people with physical disabilities- but they cannot on the other hand obtain a certificate from the family doctor that attests that they are fit for work.

The legislator does not make a difference between “poor” and “very poor” as it would be specified in the Social Assistance Bill. Practically, the sum afferent to the GMI is being granted to the persons which owns a house as well as to the one who does not, to the persons who is able

to work and to that who is not fit for work, to the family that has in care an elderly person with addiction problems and the family who has minor children.

An important element in the study of the system of guaranteeing minimum resources in Romania is that there is no optimal time frame in which the families can benefit from protection in the outcome of social/professional reintegration or measuring indicators of the efficiency of the system; the measures that the law stipulates are passive. The consequence on an institutional level is that a service that is exclusively preoccupied on the enforcement of the law is totally inefficient from the perspective of social inclusion (as a practitioner I accept that there are persons/families that have no potential for social reintegration and who depend on the GMI system their entire life. In these situations though, I consider that after an evaluation made by professionals, it is sufficient to be rendered annual statements of the fulfillment of the requirements of the law). I consider that neither in the rural or the urban environment with accredited social services it cannot be said that there is a vision of the services that manage social benefits, a coherent program for the beneficiaries of the GMI or even more simply speaking of an insertion in the poor families (which, besides financial aid, to undertake at least two programs: the social-professional reinsertion of the fit for work adults and of education, development of the children from poor families.)

The legislative changes which from the years 2011, 2012, 2013 have exerted pressure on the beneficiaries of GMI – it seems that the legislator has achieved an important goal- that of reducing the number of families that benefit from GMI. The decrease cannot be attributed to these legislative changes only but the decrease of GMI beneficiaries in Cluj-Napoca is situated on the same descendent trend, which began in 2006, with a minimum recorded in 2008, followed by an increase in the following years. The tendency in the increase is obvious in 2014, when in Cluj-Napoca are registered 260 families beneficiaries of GMI.

Therefore, the decrease of the number of the GMI beneficiaries, objective persuade by the legislator, is accomplished, it is not due to the legislative changes. On the contrary, in the same system introduced in 2010, the number of families that benefit from GMI is slightly elevated. (Aspect that is statistically confirmed both on a local and national level). Significant is the fact that the exit from the system is not due(in Cluj) to the discovery of errors in the overestimation of the beneficiary families – these families that exited the system in 2011,2012,2013, are still poor families with a risk of social exclusion.

The exit from the system as a result of employment of the beneficiaries of GMI are rather modest, if we have into account the administrative exits (26 exits from the system due to employment from the test object of 414 families) I have not observed an advantage of the employment of the fit for work adults with certain educational level. In fact, the system of guaranteeing minimum resources it is accessed by qualified persons or with studies above ten grades only in a percentage of fewer than 10% - and the main reason for this is the reserve, the opposition towards being forced to undertake actions and jobs of local interests at the mayor's disposal. Thus, the group of fit for work adults that execute these actions and jobs is unqualified and cannot be entrusted works of great import for the community. It is a vicious circle: on one hand those qualified for GMI do not request it, particularly because they consider that they will have to undertake humiliating jobs, on the other hand, of the group that undertakes "unqualified" actions and jobs cannot be entrusted with other actions, than those that are insignificant and easy to do. Therefore, the guaranteed minimum resources system, mainly because of the legal provisions, and the nature of the jobs at the disposal of the mayor, is not accessed by persons/families without resources at one point, a short period of time, a situation of crisis, but signifies of marginal and of long duration status.

The average period of time to benefit from GMI is at least two years, in all the three years that are the object of the study; if the family exceeds 21 months of being in the system it can be said that the family remains a permanent client of the GMI system.

The exits from the GMI system due to legal changes were not permanent, these generated only short time exits (out of 5 families 4 returned into the system), with returns that generated significant administrative costs, comparable with the costs that would imply keeping the families in the system (a cycle suspension- termination- new case of a family costs the state, in work hours of the employees involved, 90.75 lei , suspension or change of quantum costs the state in work hours of the employees 27 lei. Besides the adaptation of the families to the rigors of the new legal provisions can be seen in the decrease of the interval in which the families return into the system after a cease of GMI (in the year of 2011 a family which has been ceased the social aid, benefited from GMI 6 months; in 2012- 7 months and in 2013- 8 months).

The system of guaranteed minimum income does not protect itself from errors, fraud. In a proportion of 70% the beneficiaries found with false statements were recorded in 2015 in the SPS accountancy. The "false statements" are usually related to the structure of the family- a fit

for work adult is not declared as being part of the family or to the residence of the family which is found in another place from that which is declared. It is important to be shown that that which appears to be “fraud” is part of the condition of a fragile and vulnerable family. The changes inside of the families that benefit from GM that would seem to stabilize the family at least from the point of venue of the revenues, are not of duration. The families are usually illegally constituted, which leads to the situation in which the statements regarding the components of the family to shift with the real change inside the family

The families/ single persons who benefit from GMI are/can be at the same time beneficiaries of an allowance for family support and free canteen. The summed up benefits can exceed the minimal wage, which represents on one hand a form of support and protection against the poverty of families both also an important obstacle regarding to the employment of the adults from de families that benefit from GMI. The sense of the right to the social aid canteen is felt more harshly by the beneficiaries than the right to GMI, for plenty of reasons: the cost of one portion of food is higher than the average sum of the social aid.; a family is protected also by that that it has a weekly meal guaranteed; the beneficiaries are more willing to work knowing that they have assured food for their families. Besides, in the speech of the group of beneficiaries of GMI there is a phrase frequently used: “I work at the municipality for food”.

Some final considerations:

The poor families which enter the system of guaranteed minimum income should be approached from the *intervention in poor families* approach which means granting minimum income, access to a working place for the adults who are able to work and sustain a family, good education and support for the children in poor families, health protection, housing, but also social responsibility and civic engagement.

It is important that the socio-demographic profile of the family who enters the system should be evaluated – a family which has children who go to school should be approached differently than a family made out of two elders who have no income. The needs are different as one can see; the same are the chances of social insertion; the administrative procedures (request/ statement on one’s own consent which is made once in three months, papers which prove that family’s financial state does not change every three months) should not be detailed.

If a family received GMI for 24 months, in my opinion, all the administrative expenses for the once in 6 months social investigations¹⁸, statements depositions once in three months, paper deposition regarding the status of “person looking for a job” are not justified anymore. The annual declarations are sufficient from my point of view, especially since the checking for these papers cannot be done often than annually. This aspect is more important as the GMI titular’s age is higher, or as their families is made out of one or two uneducated persons.

Assisting GMI families/ single persons would imply therefore, a system’s informatization, the creation of some inter-institutional connections, and also attracting, sustaining, empowering and exploiting the competencies of the social work specialists.

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¹⁸ According to the present law

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