



BUDGET LEVEL OF SOCIAL SECURITY PENSION IN ROMANIA COMPARED TO SOCIAL AID ESTABLISHED BY THE LEGISLATOR

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Abstract *At global level pension system is going through a crisis that is likely to become more acute. Currently, the European Union, the funding of the pension scheme generates impressive cost in order to keep it afloat. In order to design a basic scenario of demographic transformations in the public pension system, the most recent amendments to the legislation are foreseen, as is the case in Romania. Saving public pension system may be achieved through the implementation of private pension plans, capital generating, the reference solution proposed by the Dutch economists Lans Bovenberg and Casper van Ewijk.*

Key words:

The social insurance system, social security, pension system, isolation, marginalization, minimum social pensions, social insurance budget, social solidarity allowance, social inclusion, the standard of living, private pension, capital market

JEL Codes:

M21, M42

1. Budget race

At global level, pension system is going through a crisis that is likely to become more acute. Currently, the European Union, the funding of the pension scheme generates impressive cost about 8-10% of GDP just to maintain a line of economic afloat¹.

The social security system is based on the collection of funds from a system of contributions, that must generate social security - concept attributed to Otto von Bismarck and Bericht von der Tauffe, who issued between 1871 and 1891, the first social security laws in Germany. System was very appreciated at the international level due to reasonable contributions, which provide a substantial income for those in the retirement threshold. Compared to it, the obligations of a modern State is to create a legal framework allowing the organisation of a pension scheme is workable and realistic, able to provide a decent living for its citizens, who have reached the age of retirement.

Romania is included in the Group of the most vulnerable economies in the Economic Union, in conditions which provide for a reduction in the level of the human population of this continent. In these circumstances, human population structure tends toward an unsustainable form, in the form of a pyramid of the inverse form, until 2060². One of the most important risks, refer to increasing the rate of dependency of those who are inactive compared to active people, and this may lead to a collapse of the social security system subsidized by the State. Thus, in the period 2010-2030, the percentage of people who will take over 65 will increase by 5%, and during the next twenty years with

10% While the percentage of citizens who are able to work will fall by 3.2%, for the first time, and three times in the period 2030-2050.

The first overall assessment of the pension system in Romania, has been made within the year of projection of expenditure, taking into account population ageing, during the 2008-2060, carried out by the European Commission, so that, as the number of retirees will exceed the number of contributors to the system in the year 2040. The report, seen by the reduction of 23% in the year 2060 as compared to 2010. Because of the discounts "support report" will increase the pension scheme deficit from 2% in 2010, for at least 4% in the year 2060, which will lead to a public debt of over 200% of GDP, compared to 35% today.

In Romania, for a population of 19 million, there are 4.3 million employees, of which 3.1 million in private sector and public sector 1.2 million, 5.3 million that sustain retirees, which means that an employee accepts 1.24 retirees³. In this context, our country has a unique situation in Europe, being the only country where pensioners are outnumber workers, yet now.

In order to design a basic scenario of demographic transformations in the public pension system, the most recent amendments to the legislation on pensions in Romania: the new value of the pension point of 43.3% of average gross salary per economy, instead of 45% in October 2008; growth rates of social insurance contribution 2.4 percent points in February 2009.

The quality of life of the elderly and their social integration in need of social services, which are deficient in România⁴, as well as in other transition states⁵.

Superficial identification of the needs of older people, the need for quality in the rural areas and differences between urban and rural areas in between are some of the current problems with which European governments are facing. Economic problems of the elderly, are related to low income; reduced subsistence level; social problems: isolation, marginalized, retirement; the moral: infringement of legitimate rights, have negative repercussions on the health status of these persons.

Reducing the number of contributors to the social insurance budget and increasing the number of pensioners in the macro social insurance sectors, Romania has imposed measures, for the gradual increase in the retirement age, pensions, public holding recalculation of pension pillars: pillar I, the public pension system, pillar II, the compulsory private pension scheme, pillar III, optional private pension system⁶.

2. The current law. Grounds for change

It is necessary to have a look at the retrospective traveled from the pension scheme, in Romania, in order to observe the progress that has been made and to design future actions. During 1990-2013 there were four stages of reforming the system of pensii⁷.

1990-2000 period, with some positive legislative measures for the financial sustainability of the system, others less, to support certain categories of persons or to avoid popular movements.

2001-2004 stage, characterized by the appearance of a normative⁸ framework which provided for the gradual increase of: retirement age from 57 to 60 years for women and 61 to 65 years for men, a gradual increase of the minimum contribution period of internship for both sexes from 10 to 15 years, until 2014, and a calculation of pensions based on a points system that will take into account the income their entire career.

2005-2010 stage, characterized by: implementation of a legal framework cross-pillar pensions, materialised through the creation of a Commission to monitor the Private Pension System, and the implementation of pillars II and III; consolidation of the first pillar, materialized by eliminating non-contributory pensions such as: farmers' pensions, allowances for child-rearing and child care, sick leave, minimum social pension financed entirely from the State budget.

2010-2013 phase, characterised by: implementation of a law⁹ materialized mainly through: increasing the standard age of retirement, the integration of persons of special system, fixing the amount of the pension, discouraging early retirement or invalidity social pension level, setting minimum guaranteed.

3. Case study

To understand the implications at the macroeconomic level, the authors have made reference to a case that takes into account social and microeconomic levels

in the local countryside, regarded as one of the most disadvantaged social categories both in institutional terms, but also economically.

A pensioner, as wife, requested inclusion of the survivor's pension after the Sustainer died at 02.02.2012, based on a standard on the basis of decision 04.07.2012. Having regard to the legal provisions¹⁰, which specifies: *"the surviving spouse of a person who, at the time of death, the quality of the pensioner, as the case may, in the public pension system [...] shall be entitled, upon request, [...], a monthly 'aid'; while 'monthly Aid shall be granted to the surviving spouse at the time of the request meets the following conditions: (a) (b) cumulatively) is retired from the public pension system and has at least the standard retirement age, [...]; b) does not qualify for a pension from other systems for non-public system; c) not remarried after the death of her husband; d) duration of the marriage with her husband who passed away was at least 10 years; [...]; f) domiciled in Romania. Keep in mind the provisions of the EC specifies: "monthly Aid shall be granted in the event that the amounts of pension rights carried out at the request of the parties concerned are less than 364 lei the surviving spouse pension benefit determined under the provisions of law No. 19 of 2000"*.

County retirement home has examined the documents in the dossier on the basis of legal retirement framework¹¹, and has admitted the application of the applicant's retirement, female, born 28.03.1932, and established right to retirement pension insurance, pension code N31, amounting to 226 lei, on the basis of a decision dated 26.04.2012. The rights have been established since 01.03.2012, in percentage of 50% from the annual average score achieved by the proponent in accordance with normative documents in law¹².

The retiree has requested monthly aid under law¹³, with the request dated 12.03.2012. County Retirement Home has examined the documents annexed to the application and has admitted fixing the aid monthly, no. 1 10, in the amount of 110 lei, starting 01.04.2012, on the ground of decision dated 04.07.2012.

County retirement home has subsequently checked the setting and payment of the corresponding rights for the retirement of the person concerned residing in Dârmănești Commune, Argeș County, and found the following:

During the period 01.04.2012-01.08.2012 have been paid and received by the pensioner, of undue entitlements totalling 446 lei, determined according to the report, having regard to the report drawn up by the Payment Service and Benefits from the date of 20.07.2012.

According to legal provisions¹⁴, pursuant to the provisions of the Constitution of the task recipient willing to flow totalling 446 lei, and the decision of 11.09.2012

concerning the recovery of sums wrongly paid by way of social security benefits.

According to the law provisions¹⁵, the pensioner has lodged an appeal against the decision of 11.09.2012. For the purposes of this decision, an amendment issued by the defendant with violation and misapplication of the law on the one hand, and on the other hand it is claimed another reality, in the sense that the defendant has not complied with the provisions of the law¹⁶ through non-payment of aid along with a pension in payment to reach the total of 364, neither before nor after the increase in value of the pension at the time of issuing the decision in 26.04.2012. County Pension House, argues in defense of the following:

a) in accordance with the public system¹⁷, retirees pensioners resident in Romania, regardless of the date on which the pension benefits of a social allowance for retirees if the amount of the pension, or the payment due is less than the guaranteed minimum social pension level;

b) in this regard, contestatoarea have a rate of pension of 226 lei, while the social allowance for retirees was \$ 350 in 2012, according to law¹⁸ which leads to the conclusion that: called was entitled to a social allowance up to the amount of 124 million lei;

c) this is reinforced and the what: legally¹⁹ "if persons entitled to cumulate, so one or more of the pension rights

of the public system and the pension systems are not integrated, as well as of rights established and paid public pension system on the basis of special law, granting the minimum social pension is guaranteed level of cumulative amounts of all such income";

d) Flow in the amount of \$ 446 established by decision of the 11.09.2012 representing the social allowance was compensated with due monthly on the basis of the decision of the 04.07.2012 for 01.04.2012-01.08.2012 period.

2013, finds useful, relevant and conclusive proof with contabilă2 expertise, with the following objective: "to check that the flow rate established by the contested decision in 11.09.2012 was correctly determined in relation to the documents submitted to the pension of the legal texts in force at the time of the formulation of the request".

In order to resolve the case, the Court of the County, Civil Division for Labour Disputes and social security in open court from 11.10.2013 finds useful, relevant and conclusive proof with accounting expertise²⁰, having regard to the following objective: "to check that the flow rate established by the contested decision in 11.09.2012 was correctly determined in relation to the documents submitted to the pension of the legal texts in force at the time of the formulation of the request".

Table 1.

Luna/ 2012	Pensia de Asigurări Sociale/n31	Indemn. Socială O.g.6/ 2009	Luna virări/ 2012	Total venit Primit	Pensia De asigurări Sociale Solicitată	Indemn. l 10 Legea 578/2004 Solicitată	Indemn. Socială O.G.6/ 2009	Dif.
0	1	2	3	1+2 = 4	5	6	7	5+ 6+7-4=8
03	226	124	05	350	226	-	124	-
04	226	124	05	350	226	110	124	110
05	226	124	05	350	226	110	124	110
06	226	124	06	350	226	113*	124	113
07	226	124	07	350	226	113*	124	113

*amount modified on legal ground²¹.

Resulting from Table No. 1: a) in may 2012, the County House of Pensions was paid the sum total of 1,050 Lions players: 678 lei (226 x 3 = Pension insurance on March, April and may 2012) and 372 lei (124 x 3 = Social Allowance on March, April and may 2012);

b) in June 2012, the County House of Pensions was paid the full amount of 350 lei: 226 lei social security Pension for the month of June 2012 and 124 social Allowance Law June 2012;

c) in July 2012, the County House of Pensions was paid the full amount of 350 lei: 226 lei social security pension for the month of July, 2012 and 124 Social Allowance on lei July 2012;

d) column 5, represent the so-called rights, required, in the form of social security pension, pension code N31, amounting to 226 lei, from withing the decision, 26.04. 2012;

e) column 6, represents the so-called rights, requested help in the form of monthly, no. 10, in the amount of 110 lei, as of 01.04.2012, on the basis of decision 04.07.2012;

f) column 7, represents the so-called rights, due, in the form of social allowance for pensioners in the amount of \$ legii1 based on 124, establishing social allowance for retirees up to the sum of 350 lei in 2012;

column 8 g), represents the difference between the total amount of duties required by the called, and the

total amount of duties due and paid by the County retirement Home, which accumulated in the period 01.04.2012-01.08.2012 the amount of \$ 446 (110 lei per month April + 110 lei per month + \$ 113 a month June + July \$ 113) that correspond to the amount stated in the decision of 11.09.2012.

After analyzing all these bureaucratic, legal aspects has come to the conclusion that the pensioner in question have the following rights during the period 01.04.2012-01.08.2012:

a) the right to social insurance pension, pension code N31, amounting to 226 lei, decision of 26.04.2012, in accordance with the legal framework²², for the period 01.04.2012 - 01.08.2012;

b) using monthly aid no. I 10, in the amount of 110 lei, decision of 04.07.2012, according to the legal framework²³ for the period 01.04.2012 – 01.06.2012;

c) using monthly aid , no. I 10, in the amount of 113 lei, in the legal framework²⁴ and decision dated 04.07.2012, during the period June 1st-01.08.2012;

d) the right to minimum social pension in the amount of 14 lei, based on the legal framework²⁵ during 01.04.2012 legal4-June 1st;

e) the right to minimum social pensions, in amount of 11 lei, on the basis of legal framework²⁶, during the period June 1st-01.08.2012.

On the other hand, the pensioner's approach is justified, taking into account the amount of monthly assistance of 113 Ron actually represent the equivalent of € 24,63 = (113 euro: 4,5885 lei per euro), calculated at the exchange rate established by NATIONAL BANK on the date of 01.08.2012, in the condition in which the amount of the minimum pension is € 76,28 = (350 lei: 4,5885 lei per euro), compared to 174,35 euro = (800 lei:4,5885 lei/euro) is the average amount of the pension in Romania, 1620 in Greece, Italy, in 1141 437 euros in Poland, the Czech Republic, euro 390 332 in Hungary, 321 euros in Croatia and 145 euros in Bulgaria²⁷.

4. Conclusions. Proposals

Demographic Fluctuations proposals over the next 50 years are accelerated the aging process of the population of Europe is presented in the form of factors: solidarity and social inclusion of people in the third age, stage and can materialize through a series of concrete measures taken on behalf of such persons, by interested parties in this field²⁸.

The main solutions identified in most European Member States relate to coordination between the retirement age and increasing life expectancy, to limit the access to early retirement schemes and establishment of incentives to postpone retirement on the labour market. These measures should result in increasing the rate of participation of older workers,

lowering the rate of economic dependence of employees of România²⁹.

However, legislative changes made by Governments in the form of tax advantages, which can determine investment attractive to employees and employers in the private sector, in the form of pensions³⁰. In addition, the introduction of private retirement system in the countries of Eastern Europe can offer a temporary economic stability of these countries³¹. The development of private pension system requires a proper management of risks in the context of reform of the system of pensions³² and of the sustainability of the pension funds of proper decision according to invest³³. Aspects of political solidarity of the European Union has a powerful instrumentation through the European structural funds allocation to the regionale municipalities³⁴.

In conclusion, saving the public pension system in Romania, can be achieved through the implementation of private pension plans, generating capital, so that the social security system for the elderly should be a tool for economic growth. In this respect, Dutch economists Bovenberg Lans and Casper van Ewijk have proposed raising the standard of living, based on private pension funds, a capital market for financing the investment, which should be regulated at European level, and that will take into account the effective risk between the member states³⁵. The authors of the article have in mind and clarifying the law, from the point of view of the spețelor instituționate, as is the case for monthly aid to the surviving spouse.

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