CONTEMPORARY SCIENCE ASSOCIATION • NEW YORK

Proceedings of the 7th World Congress on the Advancement of Scholarly Research in Science, Economics, Law, and Culture

THE 1ST IISHSS INTERNATIONAL CONFERENCE ON LAW AND SOCIAL ORDER – CONSTANTZA

March 12, 2011

VOLUME 1

Heather Ridley, Michael Farber, and Susan Hull (eds.)

ADDLETON ACADEMIC PUBLISHERS • NEW YORK



Addleton Academic Publishers

www.addletonacademicpublishers.com, editors@addletonacademicpublishers.com 30-18 50th Street, Woodside, New York, 11377

ISBN 978-1-935494-20-1

Library of Congress Control Number: 2011903242

© Addleton Academic Publishers 2011

Addleton Academic Publishers is an imprint of RIOTS, New York

Addleton Academic Publishers has no responsibility for the persistence or accuracy of urls for external or third-party internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

This volume is a direct offshoot of *The 1st IISHSS International Conference on Law and Social Order* – Constantza, March 12, 2011

CSA Congresses are affiliated with the international peer-reviewed academic journals edited by Addleton Academic Publishers, New York.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission in writing of Addleton Academic Publishers, or as expressly permitted by law, or under terms agreed with the appropriate reprographics rights organization. Enquiries concerning reproduction outside the scope of the above should be sent to the Rights Department, Addleton Academic Publishers, at the address above. You must not circulate this book in any other binding or cover and you must impose this same condition on any acquirer.

Produced in the United States of America

General Co-Chairs

Associate Professor Gheorghe Dinu, Spiru Haret University, Romania Professor Frank S. Ravitch, Michigan State University, USA

International Advisory Board and Program Committee

Professor Emeritus Frank Bates, University of Newcastle, Australia Professor Cécile Bertrand-Dagenbach, Université Nancy 2, France Associate Professor Anna Babka, University of Vienna, Austria Professor Olga A. Burukina, Moscow State Linguistic University, Russia Associate Professor Gheorghe Dinu, Spiru Haret University, Romania Adjunct Professor Meri Disoski, University of Vienna, Austria Dr. Atalay Gündüz, Ege University, Turkey Associate Professor Gheorghe Alecu, Spiru Haret University, Romania Associate Professor Susanne Hochreiter, University of Vienna, Austria Dr. Mihaela M. Johnson, University of Pennsylvania, USA Professor Vincent R. Johnson, St. Mary's University, USA Adjunct Professor Xi Lian, Peking University, China Dr. Anca Magiru, Spiru Haret University, Romania Associate Professor Ramona Mihăilă, Spiru Haret University, Romania Professor Lavinia Nădrag, Ovidius University, Romania Dr. George Gray Molina, Princeton University, USA Associate Professor Nicolae Puscas, Spiru Haret University, Romania Professor Frank S. Ravitch, Michigan State University, USA Dr. Christopher Stringham, Arizona State University, USA Associate Professor Ruxandra Vasilescu, Spiru Haret University, Romania

Program Co-Chairs

Associate Professor Gheorghe Dinu, Spiru Haret University, Romania Dr. Mihnea Claudiu Drumea. Spiru Haret University. Romania

Publication Co-Chairs

Onorina Botezat, Ph.D.c., Spiru Haret University, Romania Dr. Mihnea Claudiu Drumea, Spiru Haret University, Romania Dr. George Lăzăroiu, Spiru Haret University, Romania

Organizing Committee

Dr. Mihnea Claudiu Drumea, Spiru Haret University, Romania Dr. Patrick Lazăr, Spiru Haret University, Romania Onorina Botezat, Ph.D.c., Spiru Haret University, Romania Rădița Corcheş, Ph.D.c., Spiru Haret University, Romania Georgiana Covrig, Ph.D.c., Spiru Haret University, Romania Raluca Lupu, Ph.D.c., Spiru Haret University, Romania Liliana Mănuc, Ph.D.c., Spiru Haret University, Romania Luminița Merei, Ph.D.c., Spiru Haret University, Romania Ingrid Nicolau, Ph.D.c., Spiru Haret University, Romania Anca Stoian, Ph.D.c., Spiru Haret University, Romania Anca Tigănescu. Ph.D.c., Spiru Haret University, Romania

CONTENTS

KEYNOTE SPEECH

LAW, RELIGION AND SCIENCE: DETERMINING THE ROLE RELIGION PLAYS IN SHAPING SCIENTIFIC INQUIRY IN CONSTITUTIONAL DEMOCRACIES – THE CASE OF INTELLIGENT DESIGN [7] FRANK S. RAVITCH

INTERNATIONAL AND EUROPEAN LAW

THE PROCEDURE BEFORE EUROPEAN COURT OF JUSTICE [21] GHEORGHE DINU DIANA DINU

NEW LEGAL PERSPECTIVES REGARDING MANDATORY LAWS IN THE FIELD OF INTERNATIONAL ARBITRATION [29] ADRIAN PRICOPI BIANCA DROC

LIMITS ON THE EXERCISE OF UNIVERSAL JURISDICTION ESPECIALLY ABOUT OTHER STATES REPRESENTATIVES' IMMUNITIES [35]
MIHAELA AGHENIŢEI
ION FLĂMÂNZEANU

THE FOUNDATIONS OF SITUATIONS IN WHICH
THE CLAUSE REBUS SIC STANTIBUS IS INVOKED [41]
MARIAN MIHAILA

CONTROVERCIES AND AMBIGUITIES REGARDING THE CLAUSE REBUS SIC STANDIBUS [49] CLAUDIA ANDRITOI

CONSIDERATIONS REGARDING THE LEGAL INTERPRETATION OF CONTRACTS IN PRIVATE INTERNATIONAL LAW [56]
CIPRIAN PRICOPI

NEW DEVELOPMENTS REGARDING LEGAL CULTURES IN EUROPE. EXPLORING LEGAL CONFLICTS IN THE MULTICULTURAL SOCIETY [65]

CLAUDIU D. BUTCULESCU

CONSIDERATIONS ON THE ECONOMIC AND FINANCIAL CRIME INVESTIGATION PHENOMENON PECULIAR TO THE EUROPEAN JUDICIAL SCOPE [73]

TACHE BOCANIALA, ION RUSU, VARVARA LICUTA COMAN, MIRELA PAULA COSTACHE, DORIN MATEI

ROMANIAN LEGAL REGULATIONS ON WORKERS FROM NON-EU BORDERS [82]

MIHNEA CLAUDIU DRUMEA

EUROPEAN REGULATIONS ON WORKERS OF MEMBER STATES [90] MIHNEA CLAUDIU DRUMEA

SEXUAL FREEDOM IN FRENCH LEGISLATION [99] INGRID NICOLAU RALUCA LUPU

CRIMINAL AND CIVIL LAW

REFLECTIONS REGARDING THE INVESTIGATION OF ILLICIT DRUG TRAFFICKING [107]

GHEORGHE ALECU

THE INSTITUTION OF PREVENTIVE MEASURES IN THE NEW CODE OF CRIMINAL PROCEDURE [113] TIBERIU DUŢU

COMPARATIVE STUDY ON SELF-DEFENSE IN CASE OF PROPERTY VIOLATION IN OTHER STATES AND ROMANIA [122] NICOLAE GRĂDINARU

STAGES OF THE CRIMINAL CASE AS STIPULATED IN THE ROMANIAN CODE OF CRIMINAL PROCEDURE [129] GHEORGHE IVAN

THE AFFIRMATION OF THE RENEWING CURRENT OF PRISON REFORM IN THE NINETEENTH CENTURY ROMANIAN THINKING [137] LUMINIȚA ELENI MEREI

THE PRESUMPTION OF MARRIAGE IN AUSTRALIA – REVIVINE? [147] FRANK BATES

FEATURES AND EVOLUTION REFERENCES TO PERSONALITY RIGHTS [184] LILIANA MARILENA MĂNUC

CONSIDERATIONS REGARDING THE LEGAL STATUS
OF EMBRYO AND FETUS FROM
THE PERSPECTIVE OF THE RIGHT TO LIFE [195]
PATRICK RAREŞ LAZĂR

NEW REGULATIONS CONCERNING THE CONTRACTUAL RISK IN INTERNAL LEGAL CIRCUIT [207] ANCA-IULIA STOIAN

MEDIATION AS AN ALTERNATIVE TO CONFLICT SETTLEMENT [216] ROXANA TOPOR CRISTINA BOROIU DRAGOMIR

ECONOMIC, FINANCIAL AND COMMERCIAL LAW

CROSS-CULTURAL PERSPECTIVES ON THE BUSINESS DISPUTE RESOLUTION SYSTEM IN CHINA [222] XI LIAN

ASPECTS OF AUDITORS' PERSONAL LIABILITY IN INSOLVENCY PROCEDURE [244] RĂDIȚA CORCHEŞ