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Special Sessions
Special panel Faculty of Juridical, Social and Political Sciences, University Dunărea de Jos Galați State and Local Government
Coordinator: Professor Ph.D. Florin Tudor
Special panel Faculty of Law and Administrative Sciences, Ovidius University of Constanța Innovative Legal Institutions in the Current Context of Globalization
Coordinator: Professor, Ph. D. Adrian Constantin Stoica
Special panel run by PhD students from Doctoral School in Business Administration - Bucharest University of Economic Studies Driving our Society to the Future
Coordinator: Larisa Mihoreanu
Special panel Faculty of Law and Public Administration Bucharest,
Spiru Haret University Current Developments and Changes in Legal Theory within the European Union
Coordinator: Claudiu D. Butculescu Ramon, Assistant Professor Ph.D.
Special panel Faculty of Foreign Languages and Literatures
Dimitrie Cantemir Christian University Linguistic and Intercultural Connections
Coordinator: Professor Ph.D. Ramona Mihăilă

KEYNOTE SPEECHES

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Competing Freedoms: Freedom of Religion and Freedom Os Sexual and Reproductive Liberty in Pluralistic Societies
Frank S. Ravitch, Professor of Law & Walter H. Stowers Chair in Law and Religion, Director of Summer Abroad Program Kyoto, Japan, Michigan State University, College of Law, USA

Land Use Regulation, Disability, and Aging in Place
Robin Paul Malloy, E.I. White Chair and Distinguished Professor of Law, Professor of Entrepreneurship and Innovation Director, Center on Property, Citizenship and Social Entrepreneurism, Professor of Economics, Maxwell School of Citizenship and Public Affairs (by courtesy appointment), Syracuse University, U.S.A.

Interpreting Multilingual Laws: Some Costs and Benefits
Lawrence M. Solan, Don Forchelli Professor of Law and Director of Graduate Education Brooklyn Law School, USA

Finding One's Way through the Complex Maze of Legal Terminology
Aleksandra Matulewska, Professor doctor habilitated, Department of Legilinguistics and Languages for Special Purposes, Institute of Linguistics, Faculty of Modern Languages and Literature, Adam Mickiewicz University, Poznań, Poland

The International Carriage of Goods by Sea Contract. General characterization. Forms
Gabriel Cornel Grigore, Counsel, Dean's Office of the Bar Association of Constanta, Assistant professor, Ph. D. Faculty of Law and Administrative Sciences, Ovidius University of Constanta

Particularities of Contractor Agreement in Civil Code regulation
Rareș Patrick Lazăr, Assistant professor, Ph. D. Faculty of Law and Public Administration, "Spiru Haret" University

Civil Law and Civil Procedure: Trust, Possession and Obligations. Rule of Law

1. Liliana Marilena Lazăr The Trust under the New Civil Code
2. Cornelia Munteanu About the Incapacities of Exercise and Their Sanction
3. Liliana Marilena Lazăr The Sources of Obligations under the New Civil Code
4. Rareș Patrick Lazăr The Contractor Agreement
5. Nicolae Pavel Reflections on the rule of law – selective aspects
6. Mihaela Cristina Mocanu General and Special Conditions for the Appeal for Annulment Admissibility
7. Rareș Patrick Lazăr Transmission of the Inheritance Possession

European Law: Fundamental Rights and Social Freedoms

1. Gheorghe Dinu, Raluca Antoanetta Tomescu The European Union Charter of Fundamental Rights, the Treaty of Lisbon, Fundamental Rights
2. Raluca Oana Lupu European Union Court of Justice Jurisprudence as a Source of National Law
3. Florin Făinişi, Victor Alexandru Făinişi Mediation in the Field of Criminal Disputes at European Level
4. Ingrid Ileana Nicolau, Raluca Oana Lupu Aspects Concerning Rights and Social-Political Freedoms Stipulated by Romanian Constitution
5. Ana-Maria Bejan The Status of the Peacekeeping Operations in Transnistrian Conflict
6. Ingrid Ileana Nicolau Aspects Concerning Precaution Principle in Environmental Law
7. Ingrid Ileana Nicolau The Rights of Roma Citizens in Romania

Taxes and Governmental Incomes. From Educational Programs to Public Pension System

1. George Gruia Regulation of the Cultivation, Manufacture and Sale of Marijuana as a Solution to Decrease of Violent Crimes and Increase of Governmental Incomes
2. Stoian Anca-Iulia The Analysis of Some Legal Provisions Concerning the Illicit Drug Trafficking and Consumption
3. Florin Făinişi, George Gruia Comparative View on Tax Incentives for Promoting Educational Programs and Professional Training
4. Daniela Boboc Juvenile delinquency - a reality that surrounds us
5. Daniela Boboc Family environment and its role in the emergence of deviant behavior
6. Claudiu Iulian Lesni Principles of the Public Pension System in Romania
7. Eugen Mario Manole Global Cruise Industry requires Global Rules
8. Claudiu Iulian Lesni Remedies against General and Special Disciplinary Sanctions

State and Local Government

Coordinator: Professor Ph.D. Florin Tudor
Special panel Faculty of Juridical, Social and Political Sciences,
University Dunărea de Jos Galați

1. Andreea Loredana Tudor, Florin Tudor Multilateral diplomacy - a way to promote international security
2. Mihai Floroiu Is the Strasbourg Court really accountable towards its ends?
3. Oana Galațeanu Views on Admitting Guilt and Its Effects in Criminal Law and Criminal Proceedings Law Areas
4. Adriana Iuliana Stancu Particulars of violent crimes authors
5. Oana Galațeanu Illegal Migration and the Migration Phenomenon at the Frontiers of Romania
6. Bogdan Liviu Ciucă, George Cristian Schin Some considerations regarding the succesion procedure with cross-border elements
7. George Cristian Schin, Bogdan Liviu Ciucă Considerations regarding the retransmission of heritage
8. Andreea Elena Mirică Impact and perspectives of the lawyer's plea (speech) in the courts of Romania

Innovative Legal Institutions in the Current Context of Globalization

Special panel Faculty of Law and Administrative Sciences,
Ovidius University of Constanța
Coordinator: Professor, Ph. D. Adrian Constantin Stoica

1. Adina Laura Pandele The International Carriage of Goods by Sea. A Comparative Study of Uniform Regulations
2. Florin Dobre The Role of the European Parliament in the Transport Sector
3. Gabriel Cornel Grigore Contractul international de transport de marfuri pe mare. Caracterizare generala. Forme
4. Florin Dobre Transport of Dangerous Goods in the European Union
5. Marian Alexandru The Content of the House Arrest Measure. Enforcement and Execution.
6. Marian Alexandru Comparative Approach regarding the Appeal Institution in Romania and Albania. The case of Applicants
7. Bogdan Cristian Trandafirescu The Emergence and Evolution of Lex Voluntatis Principle in Private International Law
8. Maria Cazanel Comparative Analysis between the Exception of a Non-Performance Contract and Potestative Duties

Driving our Society to the Future

Special panel run by PhD students from Doctoral School in Business Administration - Bucharest University of Economic Studies
Coordinator: Larisa Mihoreanu

1. Antoniu Ovidiu Balint The Concept of "Smart Mobility" – From Complex to Ordinary Intelligent Transport Systems
2. Janina Mirela M. Gabroveanu (Vlădoi) The Contribution of the European Union Financial Assistance to the Development of the Social Care System from Romania
3. Ionela Mădălina Gheța Theoretical and Methodological Considerations Regarding the Evaluation of Intangible Assets
4. Abdal Hydyrov Governance Responsibilities &Security and Safety Management Systems: Does corporate governance support Security and Safety Management Systems?
5. Larisa Mihoreanu Health - Right or Responsibility?
6. Valentin-Cosmin Sărăcin The Halal Food Law in Malaysia
7. Ionela Gabriela Solomon The Correlation between the New Leadership and Quantum Intelligence
8. Adrian Vasile Organic Legislation. Pro's and Con's of Organic Production
9. Alexandru Ștefănescu Identifying Subtle Risks, Threats and Vulnerabilities of Social Order and National Security

Current Developments and Changes in Legal Theory within the European Union

Special panel Faculty of Law and Public Administration Bucharest, "Spiru Haret" University
Coordinator: Claudiu D. Butculescu Ramon, Assistant Professor Ph.D.

1. Claudiu Ramon D. Butculescu A Propaedeutic Approach to Legal Communication. Legislative Inflation, Legal Message and Juridical Noise
2. Mircea Tutunaru Considerations for the Doctrine of Modern State of Law
3. Mihail Niemesch, Butculescu D. Claudiu Ramon Considerations Regarding the Communication of Law as an Auxiliary Field of Research within the General Theory of Law
4. Alexandru Florin Măgureanu Human Dignity between Means and Purpose
5. Emilian Ciongaru Transfer of Law in the Context of Europeanization of Law

Linguistic and Intercultural Connections

Special panel Faculty of Foreign Languages and Literatures
"Dimitrie Cantemir" Christian University
Coordinator: Professor Ph.D. Ramona Mihăilă

1. Mihaela Mateescu Anglicisms in American Spanish. A Special View on the Media
2. Roxana Mareș Phonetic and Phonological Aspects of the Gaf Sound in Arabic Dialects
3. Magdalena Ciubăncan It's hard to say Good bye. Leave-taking strategies and their Cultural Load
4. Carmen Duțu Gender Studies in Romania – A Trojan Horse in the Feminist Republic of Letters
5. Diana Ligia Tudor An Analysis of 'Y'know' as a Discourse Marker of Frame-Shifting and Unstated Meaning
6. Diana Ligia Tudor Investigating the Role of 'Well' as a Discourse Marker of Local Coherence in 'Hannah and Her Sisters' Film Script
7. Ramona Mihăilă Transatlantic Connections: Romanian Women Writers in American Print Media
8. Iulia Waniek Translation as a Means of Enriching the Japanese Language in the Meiji and Taisho Periods
9. Răzvan Staicu Shifts between Worlds: Passing "Beyond" in Three Constructions of the Imaginary
10. Irina Dubský "The Invisible Man" - A Critical Overview of Melville's Power of Darkness
11. Angela Dragan Santo Kyoden and his kibyoshi.

Finding One's Way through the Complex Maze of Legal Terminology

Aleksandra Matulewska
Department of Legal Linguistics and Languages for Special Purposes
Institute of Linguistics
Adam Mickiewicz University, Poznań, Poland

The presentation deals with the problem of translating selected system-bound terminology from Polish into English and from English into Polish. The research methods included: (i) the comparison of parallel texts and analysis of comparable texts, (ii) the method of axiomatisation of the legal linguistic reality, (iii) the terminological analysis of the corpus material, (iv) the concept of adjusting the target text to the communicative needs and requirements of the community of recipients and (v) the techniques of providing equivalents for non-equivalent terminology. The aim of the presentation is to show the complexity of intralingual and interlingual relations in reference to system-bound terminology. The task of the translator is to render a translation which shall be effective. On numerous occasions the effectiveness of LSP communication depends on finding adequate equivalents and determining differences in meaning of compared source and target language terms. The translator should always bear in mind the need to meet the communicative needs of translation recipients. However, in the case of languages which are used in numerous jurisdictions the problem of terminological disambiguation arises. The parametric approach may be helpful in such situations. Additionally, such an approach helps reveal systemic and semantic relations at the intralingual and interlingual level.

Land Use Regulation, Disability, and Aging in Place

Robin Paul Malloy, E.I. White Chair and Distinguished Professor of Law, Syracuse University (U.S.A.)

Our communities need better planning to be safely and easily navigated by people with disability, such as mobility impairment, and to facilitate intergenerational aging in place. Aging presents a number of issues because mobility declines with age. To achieve this goal, communities will need to think of mobility impairment and accessible design as issues for land use regulation, in addition to understanding them as matters of civil and human rights. Although much has been written about the rights of people with disabilities, little has been said about the interplay between disability and land use regulation. Making property accessible and safe imposes restrictions on property rights and development. In regulating property development it is important to mediate the rights of property owners and the rights of people who are aging or who are dealing with a disability. With proper regulation, our communities can be vibrant, sustainable, and inclusive. The lecture is based on Robin Paul Malloy, Land Use Law and Disability: Planning and Zoning for Accessible Communities (Cambridge University Press 2015).

Interpreting Multilingual Laws: Some Costs and Benefits*

Lawrence M. Solan Don Forchelli Professor of Law and Director of Graduate Education, Brooklyn Law School, USA

By banding together through the EU, Europe has taken on a leadership position in the world as far as human rights are concerned, and its large collective economy is a significant player, even in difficult times. It has, perhaps ironically, achieved these goals by creating a supranational legal system in which there is no common language of the law that everyone understands. This structure creates a strange contradiction: The difficulty in communication that comes from a l legal system in which every law is written in 24 different versions, many of which are not widely understood outside of a single country, is not an unintended consequence of a system that is otherwise functioning smoothly. Rather, it is an important element of the system's design. Simultaneous recognition of European law and the cultural and linguistic autonomy of the member states is precisely what has enabled the European Union to attract members and to keep them. Thus, all laws enacted by the EU are promulgated in all 24 official languages and each version stands as equally authoritative as the other 23.

* This article is an edited and abridged version of an article to appear in *The International Journal for the Semiotics of Law.*

This article discusses some of the many costs and benefits of this system. The costs are fairly clear: First, the EU structure enables conflicts among various versions that have nothing to do with the case at hand to have legal influence over disputes in which each side regards the language version on which that side relied as authoritative. Second, and most obviously, it costs a lot to translate laws into 24 versions that are as equivalent as the translators can make them. The EU now budgets 330 million Euros annually for translation services, and even with the use of cost-saving technology, predictions are that this sum will rise before it falls (http://ec.europa.eu/dgs/translation/faq/index_en.htm). And third, even a perfunctory reading of the literature on legal translation demonstrates that the expectation of true equivalence is a fantasy.

These costs of multilingualism are real, especially the rule of law issues. Yet, the interpretive methods of the Court of Justice of the European Union (CJEU) produce results that seem fair when there appears to be a conflict among the various language versions. The Court most typically examines multiple versions of the law, and then triangulates to extract a core intended meaning. I have elsewhere (Solan 2009) called this method Augustinian Interpretation after the method employed by St. Augustine in late antiquity to interpret the Scriptures. It is sometimes (misleadingly) referred to in EU law as the literal method in that a look at various language versions without much further inquiry suffices. The method most often coincides with investigating the purpose of the law using other legal tools. When either there is significant divergence among the various versions, or the purpose of the law appears clear in any event, the court defaults to the traditional teleological

approach and advances the purpose of the law, consistent with the most common method of interpretation in civil law legal systems (see Baaij 2012a).

Below I will argue that this method is largely successful, and explore what it is about the human language faculty makes it successful. Somewhat ironically, the absence of a single text protects interpretation against linguistic accidence. By permitting the interpreter to consider more data points, the system increases the likelihood of interpretation faithful to the goals of the legislature, as the system, by adding new members and new languages, decreases the mutual comprehensibility of the law throughout the EU. It is the irony of developing a text-oriented system of interpretation in a system that has no single text that brings success to the interpretation of laws by European courts.

This article looks at three different scenarios: cases in which multilingual drafting successfully disambiguates those language versions that would permit multiple interpretations; cases in which outlying versions are rejected as inconsistent with the will of the legislature; and cases in which the versions are not in accord, and the court must rely on other methods, such as discerning the purpose behind the law, to come to a single legal interpretation. In all three scenarios, examining versions of the law written in different languages provides opportunities for more refined inquiry into the legislative will. Before that, though, let us turn to some of the difficulties caused by this expensive and cumbersome system.

Competing Freedoms: Freedom of Religion and Freedom of Sexual and Reproductive Liberty in Pluralistic Societies*

Frank S. Ravitch
Professor of Law and Walter H. Stowers Chair in Law and Religion, Michigan State University College of Law

Recent events in Arizona, Arkansas, Georgia, Indiana, Michigan, Missouri, and New Mexico, along with the Supreme Court's recent decision in Obergefell v. Hodges, have resulted in a national debate often pitting religious freedom against the civil rights and civil liberties of the LGBT community. This controversy follows closely on the heals of the Supreme Court's decision in Burwell v. Hobby Lobby, which set off a firestorm over the balance between reproductive rights and religious freedom. Both conservatives and progressives have raised the level of hysteria. The media has been happy to oblige. Television and radio news programs, newspapers, magazines and the blogosphere are filled daily with reports of discrimination by one or both sides. We have entered a new, and heretofore unparalleled, battle in the culture wars. Of course, the framing of this controversy ignores

* This paper is based in part on Frank S. Ravitch, FREEDOM'S EDGE: RELIGIOUS FREEDOM, REPRODUCTIVE FREEDOM AND THE FUTURE OF AMERICA, and Frank S. Ravitch, *Be Careful What you Wish For: Why Hobby Lobby Hurts Religious Freedom*, 2015 BYU L. REV. (forthcoming 2015).

one central fact: religious freedom and strong civil rights for all can coexist when properly understood.

The stakes are high. For one side fundamental civil and human rights are involved. For the other fundamental civil liberties are involved. This conflict, however, can be resolved. In fact, in most situations the conflict has been manufactured by partisans on both sides of the culture wars. Coexistence is possible, and it is necessary for the survival of the United States as a nation of freedom for all.

The main allegations made by progressives against religious freedom claims in recent years arise from attempts by conservatives, courts, and legislatures to accommodate claims brought by for-profit entities and entities that serve the general public (including government entities). The Supreme Court's recent decisions in Obergefell v. Hodges and Burwell v. Hobby Lobby, and recent state legislation, have brought this to a head. Yet, protection of for-profit entities and those that serve the general public leads to many of the claims that religious freedom acts support discrimination against the LGBT community and reproductive freedom. The answer for government employees is more nuanced because it may be possible to accommodate them if doing so would cause no delay in services or inconvenience for members of the public they serve.

Yet, arguing that for-profit entities and some government officials should not be protected by religious freedom principles is deeply troubling to many people of faith. After all, for many people of faith, life is not separable into segments, some with faith and some without. Religion is at the core of their being and influences everything, including the businesses they

build and run. Religion is not left at church on Sunday, Synagogue on Shabbat, or Mosque on Friday.

Ironically, this is something that progressives should be able to identify with. Progressives don't leave their values at rallies and speeches. They take them everywhere and those values are part of their being. There is an irony in the way that progressives often write off faith based commitments as base discrimination rather than understanding the trauma that occurs when law and society reject those faith commitments and require behavior that is in conflict with them.

The side asserting that religious freedom claims and Religious Freedom Acts lead to discrimination has vastly oversimplified these issues, and created a straw-man that is easy to take down without a deeper understanding of religious freedom. Similarly, some religious freedom advocates have used religious freedom claims as a way to oppose LGBT rights in public accommodations and reproductive rights in employer benefit plans, without considering the impact and nature of such claims in their historical context. As a result, we have a battle against straw-men on both sides; a battle from which little good can come.

CIVIL LAW AND CIVIL PROCEDURE: TRUST, POSSESSION AND OBLIGATIONS

The trust under the new Civil Code

Liliana Marilena Lazar
Assistant Professor Ph.D., Spiru Haret University

Abstract. The trust has been regulated for the first time in Romanian law, by Title IV of Book III "About assets" of the new Civil Code. Art. 31 paragraph 3 NCC provides that affectation heritages are the fiduciary patrimonies constituted according to provisions of Title IV of Book III, those affected to the practice of an authorized profession, as well as other heritages determined by law. Art. 773 defines the trust as the legal operation whereby one or more settlors transfer real rights, claim rights, guarantees or other property rights or a set of such rights, present or future, to one or more trustees who exercise them with a specific purpose for the benefit of one or more beneficiaries. These rights form an autonomous patrimonial fund and are distinct from other rights and obligations from the patrimony of the trustees.
Keywords: settlor, trustee, beneficiary, real rights, transfer

About the Incapacities of Exercise and Their Sanction

Cornelia Munteanu
Associate Professor PhD, University Lucian Blaga of Sibiu

Abstract. Neither the Civil Code nor the other laws assigned a special part for the incapacities; a so-called "law of incapacities". There is a strengthened connection between personality and capacity; both of them permit the legal juridical activity. A plenary personality supposes a complete capacity and vice versa; there where there is not personality it cannot exist capacity. In this study we are going to enlarge only upon the incapacities of exercise and their sanction, respectively the general principles of the incapacities of exercise, the conditions of the annulment of the act, the confirmation and the maintaining of the cancelled act.
Keywords: exceptional character, general principles, annulment, confirmation, the embezzlement committed by the disabled person.

The Sources of Obligations under the New Civil Code

Liliana Marilena Lazar
Assistant Professor Ph.D., Spiru Haret University

Abstract. Civil obligation is the civil legal relationship under which a person named debtor is liable towards another person, called creditor, to give, to do or not do

something, under the sanction of state coercion in case of intentionally failing to perform.

According to the monistic conception, the obligation consists of a single legal relationship between creditor and debtor. There are four components constituting the relationship of obligations, namely: the subjects, the content, the object and the sanction.

As far as the sources of obligations are concerned, the old regulation knew four of them, namely: the contract, the quasi-contract, the offence and the quasi-offence; obligational relationships arising from the latter two were relationships of civil liability for damage, to which the same principles were applied. That classification was, however, criticized in the legal literature, generating the emergence, in the doctrine, of some classification proposals regarding the sources of obligations. Thus, in the current civil law, the legal facts and the legal documents are considered sources of obligations.

Keywords: legal relationship, debtor, creditor, legal documents, legal facts;

The contractor agreement

Patrick Lazăr
Assistant Professor Ph.D., Spiru Haret University

Abstract. In the current Civil Code, the legislator's vision on the contractor agreement has significantly changed. This institution has substantially changed due to the new regulation. This study aims at analysing the legal regime of the contractor agreement in the Civil Code in force, but also at pointing out changes made in this area compared to the regulation of the Civil Code of 1864.

Keywords: entrepreneurship, lease, contractor, beneficiary, contractor agreement in constructions.

Reflections on the rule of law – selective aspects

Nicolae Pavel
Associate professor, Ph. D., Spiru Haret University, Bucharest, Romania,
Research Associate at the Acad. Andrei Rădulescu Institute of Legal Research of the Romanian Academy

Abstract: By this approach, the proposed study opens a complex and complete vision, but not limited to: Reflections on The Rule of Law – selective aspects. The topic of the scientific endeavor will be circumscribed to the scientific analysis of its parts, as follows: 1) Introduction. 2) Identifying the constitutional principles on the rule of law in the Romanian Constitution of 1991 and in the Romanian Constitution of 2003 as well as in the Constitutions of other States. 3. Identifying the principles on the rule of law in the consolidated version of the Treaty on European Union and in the Charter of fundamental rights of the European Union. 4. Highlights about the doctrine concerning the rule of law. 5. Highlights about the jurisprudential on the rule of law. 6) Conclusions.
Keywords: rule of law, constitutional principles, constitutions, Treaty on European Union, Charter of fundamental rights, highlights about doctrine, highlights about the jurisprudential.

General and special conditions for the appeal for annulment admissibility

Mihaela Cristina Mocanu
Judge, Assistant Professor Ph.D., Andrei Saguna University

Abstract. The appeal for annulment gives the parties a procedural means to obtain a new trial in case of having committed significant procedural error , such as to disregard the principle of the right to defense, the adversarial and legality principles. That is why the legislature has expressly and exhaustively set out strict conditions for admissibility of that extraordinary remedy.
Keywords: appeal for annulment, admissibility, conditions;

Transmission of the inheritance possession

Patrick Lazăr
Assistant Professor Ph.D., Spiru Haret University

Abstract. The transfer of successional rights to heirs, from the opening of the inheritance, is not conditioned by the existence of the seizin; the latter is, however, interesting from the perspective of transmission of the inheritance possession. However, sometimes, the successional patrimony is possessed by people whose successional rights are contested, by way of heredity petition, by those who claim to be the true heirs.
Keywords: inheritance possession, seizin, heirs who have a seizin, heirs who do not have a seizin, heredity petition.

EUROPEAN LAW: FUNDAMENTAL RIGHTS AND SOCIAL FREEDOMS

The European Union Charter of Fundamental Rights, the Treaty of Lisbon, Fundamental Rights

Dinu Gheorghe
Associate Professor Ph.D., Spiru Haret University
Tomescu Raluca Antoanetta
PhD student

Abstract. The European Charter of Fundamental Rights has a major influence on the evolution of the European Union, given that, for the first time since the creation of the European Economic Community, the Charter covers, in a single document, the entire array of social, economical and political rights that all European citizens benefit from. The value of the document also lies in it's being the only text of its kind in the world. The Charter is therefore a cornerstone, it's inclusion in the Treaty of Lisbon guaranteeing the full and unhindered acknowledgement of the rights mentioned within. Furthermore, the principle of equality is acknowledged, for the first time in history, for all areas, as per article 23, which confirms the sustained efforts in promoting equality between men and women, within Europe. Even

though it was initially meant as a review of all rights benefiting from community protection, the Charter of Fundamental Rights impresses with its originality in the layout of the contents as well as with the manner in which some of the rules for writing and presenting international documents in this area have been put in context. Thus, the Charter consolidates all personal rights in one document, implementing the principle of indivisibility of the fundamental rights. The European model in consecrating fundamental rights, as opposed to the American one, sets itself apart if we take into account the social preoccupations manifested, even if to various degrees, by each member state of the Union. The attention being paid to economic and social rights in daily life, them being a stabilizing factor in European societies, the social dimension of the community ensemble, all these are arguments for maintaining the indivisibility of fundamental rights.

Keywords: European Union, human rights, treaty

European Union Court of Justice jurisprudence as a source of national law

Raluca Lupu
Assistant Professor Ph.D. student, Spiru Haret University

Abstract. The Court of Justice interprets EU law to make sure it is applied in the same way in all EU countries. It also rules in legal cases between EU governments and EU institutions. Individuals, companies or organisations can also bring cases before the Court if they feel their rights have been infringed by an EU institution. The Luxembourg Court alng 54 years of activity ruled in

almost 9000 cases, the number increasing in the last 15 years, which imposed new procedure rules and new courts.

Key words: Court of Justice, jurisprudence, judicial precedent, source of law.

Mediation in the Field of Criminal Disputes at European Level

Florin Făinişi
Professor Ph.D., Spiru Haret University
Victor Alexandru Făinişi

Abstract: Mediation in criminal cases, as an alternative means to settle disputes, should apply to rather large categories of crimes, which leads to making more efficient and better managed criminal proceedings and allows the justice to focus attention toward complex and higher difficult cases. This instrument enjoys lot of attention at international level, through the adaptation of an UN resolution, of some recommendations by the Council of Europe of some decisions by the European Union. Thus, the Framework Decision of the EU Council of March 15th 2001 on the standing of victims in criminal proceedings burden Member States to promote the mediation in criminal proceedings for offences which it considers appropriate for this type of measure. The paper presents the efforts made for the implementation of this system in European countries, through the adoption to that purpose of a series of criminal rules.

Keywords: legal mediation, extra-judicial mediation, criminal dispute, procedural criminal law, restorative justice, compared legislation

Aspects concerning rights and social-political freedoms stipulated by Romanian Constitution

Nicolau ingrid Ileana
Assistant Professor Ph.D., Spiru Haret University
Raluca Lupu
Assistant Professor Ph.D. student, Spiru Haret University

Abstract. Rights and social-political freedoms may be exercised by citizens, either to solve social and cultural problems, or participate in government. They ensure the possibility of expressing thoughts and opinions, reason to name them often freedoms of opinion. This category includes: freedom of expression, right to information, freedom of assembly, right of association, secrecy of correspondence.
Key-words: rights and social-political freedoms, freedom of assembly, freedom of conscience, freedom of expression, freedom of assembly, Romanian Constitution.

The status of the peacekeeping operations in Transnistrian conflict

Ana-Maria Bejan
Assistant Professor Ph.D., Spiru Haret University

Abstract. The transnistrian conflict, which at present is in a State of frozen conflict, started in the 1989. Transnistrian separatists they announced the independence of the "Transnistrian Moldovan Republic" (TMR) on august 25, 1991. Up to this time, the international community has not recognized Transnistria as an independent State, she is internationally

recognized as an integral part of the Moldavian teritory. In this situation complicated where a territory, who declared unilateral independence, it is not internationally recognized as a State and so, cannot become a party to the international treaties, and when the State which has jurisdiction over that territory and does not have any effective control over it, is necesary to setting-up of who and to what extent has the obligation to protect and who bears the responsibility for violations of the rights and rules laid down in international documents and the generally recognized principles of customary international law on this territory.
Due to the existence of a contingent of peacekeepers in the territory of the Republic of Moldova, more specifically in the Transnistrian, I found it helpful to carry out a study on its. Through this article, given the existence of a large number of research and studies on Transnistrian conflict, i intend to examine briefly the evolution of the conflict and the current status of this region, and finally to formulate a personal opinion on this theme.
Keywords:, transnitrian conflict, operations, peace.

Aspects concerning the precautionary principle in environmental law

Nicolau Ingrid Ileana
Assistant Professor Ph.D., Spiru Haret University

Abstract. The precautionary principle was founded on the necessity of preventing the negative effects for the environment determined by different human activities and was drawn from the preventing principle but, nowadays it is independent. Enacting this principle means both actions on the causes producing pollution or

degradation, as well as activities limiing the destructive or harmful effects for the environment. Therefore, there is an obligation to consider the demands for protecting the environment, on any private or public action occasion, risking to have an impact on the quality of the environmental factors. Considering the fact that solid economical development implying technological decisions is founded on evaluation studies on the impact of human activities on the internal and international environment, as well as specific procedures of authorization led by national authorities for environmental protection, this principle acquires an exceptional importance.

Key words: precautionary principle, ecological damage, pollution, environmental risk, Rio Declaration

Roma Citizens' Rights

Nicolau Ingrid Ileana
Assistant Professor Ph.D., Spiru Haret University

Abstract. Roma citizens are percieved everywhere in the world as a population with an inferior status compared to which, the majority of the population displays an attitude more or less negative.. In Romania's recent history, Roma's communities were rather tolerated: a category which provides specific activities to the community or represents just a reality one can do nothing about. In the common consciousness of the majority population, Roma's population didn't represent, but exceptionally, one of the major problems of our society.

Key words: Roma's citizen, discrimination, prejudice, human's rights, migration.

TAXES AND GOVERNMENTAL INCOMES. FROM EDUCATIONAL PROGRAMS TO PUBLIC PENSION SYSTEM

Regulation of the cultivation, manufacture and sale of marijuana as a solution to decrease of violent crimes and increase of governmental incomes

George Gruia
Assistant Professor Ph.D., Spiru Haret University

Abstract. The purpose of the paper is to give a solution to the actual economic and social crisis the European Union is confronted with in order to increase the local and governmental budgets and put the cultivation, manufacture and sale of recreational marijuana (cannabis) on the legal part of the law. A short analysis is made from the economic, social and juridical point of view between USA and European Union, research questions are put and conclusions are drawn in order for the decision makers to have actual current data with pros and cons, in order to be able to change the Romanian and European legislation in order to answer current needs and requirements of the people, living into a democratic society according to the acquis

communautaire. A hypothesis is stated and if demonstrated will change the European Criminal Code.
Keywords: social, economic, legalization, legal, marijuana.

The analysis of some legal provisions concerning the illicit drug trafficking and consumption

Stoian Anca-Iulia
Assistant Professor Ph.D., Spiru Haret University

Abstract. Currently, the production and trafficking of narcotic drugs and their abusive consumption are generating special problems in terms of increased criminality in many countries on all continents and are determining states to join efforts to achieve full cooperation between the different administrative systems worldwide in order to prevent addiction and suppression of illicit drug trafficking. The production and illicit trafficking of narcotic drugs and their abusive consumption raise special problems in terms of increased criminality in many countries on all continents and lead states to join efforts to achieve full cooperation between the different administrative systems around the world concerning the addiction prevention and suppression of illicit drug trafficking. Law no. 143/2000 on combating the illicit drug trafficking and consumption falls within this context; this regulation contains a novelty for our criminal law at art. 20 where an institution to combat trafficking and illicit drug consumption is regulated: the supervised delivery.

Comparative view on tax incentives for promoting educational programs and professional training

Florin Făinişi
Professor Ph.D., Spiru Haret University
George Gruia
Assistant Professor Ph.D., Spiru Haret University

Abstract. This study analyses tax incentives used by different governments in the European Union in order to facilitate investments in educational programs and professional training in a number of countries, as well as the main advantages and weaknesses of such programs. In particular, the research analyses tax incentives applied to incomes resulting from provision of services pertaining to educational processes, as well as to expenses incurred by individuals or companies in connection to these processes. The study presents the important differences between the countries included in the study in regards to the system of taxation of educational programs and professional training expenses. The study emphasizes on the role of tax incentives in promoting educational programs and professional training and illustrates the fact that tax incentives are appreciated by employers and employees alike, especially for their contribution to reducing education and training costs, as well as to reducing the level of bureaucracy.
Keywords: tax incentive, expense taxation, educational programs and professional training, compared legislation

Juvenile delinquency - a reality that surrounds us

Daniela Boboc

Abstract Juvenile delinquency is a real problem facing Romanian society, a problem that urgently needs to be addressed. Early age at which first behavioral disorders appear is worrisome. More and more primary school pupils behave inappropriately, violent which is not good. School psychologists can take action only if the family agrees. Often family does not consider important educational psychologist intervention making behavioral disorders of children to grow. The situation is worrying. These kids today can reach offenders of tomorrow. If those able to control the crime problem will not take action on this issue, prisons will be overcrowded which will lead to an expenditure exceeding the state budget. We know that the state pays for the education of prisoners and believe that this expense should be reduced. Only through teamwork can improve or even stop crime among minors. I believe that society could develop harmoniously only if its citizens will grow with respect for the law and a high morale. If parents will know their children to instill the love of liberty and work certainly the number of minors who commit crimes will be much lower.

Keywords: delinquency, family, education, freedom, respect

Family environment and its role in the emergence of deviant behavior

Daniela Boboc

Abstract. The family must provide the child a warm and full security. If this does not happen the child tends to seek what they need elsewhere. Parents should be aware that the love and attention they need to give their children one should not be conditional, but must always be present. Love for children never dies. Unfortunately, many families do not understand the importance of proper education and therefore the consequences are not so well. Negligence from family and violence have led many children to look for refuge elsewhere, becoming easy prey to criminals by profession. They took advantage of the naivety of children putting them to commit crimes. There have been cases of children 10 years and stealing. This is worrying. Life is hard for everyone but children from families who show a major imbalance is even harder. It must be taken measures to stop juvenile delinquency. We all can put a shoulder to stop this scourge.
Keywords: family, love, care, trust, freedom

Principles of the public pension system

Lesni Claudiu Iulian
Assistant Professor Ph.D., Spiru Haret University

Abstract. The insurance holders of the public pension system can be Romanian citizens, foreign citizens or stateless persons during the period when they domicile or have residence in Romania. The Romanian citizens, citizens of other countries and stateless persons not

domiciled or resident in Romania can also be insured persons of the public pension system, under conditions stipulated by the international legal instruments to which Romania is a party. The insured persons must pay social security contributions and are entitled to social security benefits (art. 5).

Remedies against general and special disciplinary sanctions

Lesni Claudiu Iuian
Assistant Professor Ph.D., Spiru Haret University

Abstract. The labour discipline is an objective condition, necessary and indispensable to every employer, in running his activity.
The need to comply with a certain order, a few rules to coordinate the conduct of individuals, to achieve the common goal, is imposed with an obviously valid force to any human activity carried out collectively. By virtue of the subordination relationship, the employee must meet not only general work obligations stipulated in the regulations, in the individual labour contract, in the internal regulations, but also the measures (provisions) taken by the employer, by decisions, written or verbal orders in exercising his duties of coordination, guidance and control.

STATE AND LOCAL GOVERNMENT

Coordinator: Professor Ph.D. Florin Tudor
Special panel Faculty of Juridical, Social and Political Sciences,
University Dunărea de Jos Galati

Multilateral diplomacy - a way to promote international security

Andreea-Loredana Tudor
National School of Political Science and Public Administration
Florin Tudor
Dunărea de Jos University of Galați

Abstract. The failure of the League of Nations as the main reason had just the impossibility to maintain peace, precisely because in that period were missing the legal means to ban the use of armed force. An important development was the Briand-Kellogg Pact, which entered into force in 1929, which banned aggressive war as a means of solving international disputes and established an obligation for states to use only peaceful means. Today, diplomacy has the role to facilitate relations between states based primarily on the respect for equal rights, national sovereignty and independence. This paper seeks to highlight the role of diplomacy in international criminal cooperation.

Keywords: diplomacy, aggression, sovereignty, cooperation

Is the Strasbourg Court really accountable towards its ends ?

Mihai Floroiu
Dunărea de Jos University of Galați

Abstract. The European Court of Human Rights (also known as "the Strasbourg Court") is an international judicial body aimed at prosecuting, under certain circumstances, possible violations by States parties of human rights established under the European Convention on Protection of Human Rights and Fundamental Freedoms and its respective Protocols. One of the rights established by the Convention, under its article 6, is related to the fair trial, by a court functioning under the dispositions of the State's law.

However, the Convention, under article 35, establishes some general criteria for the rejection/dismissal of individual complaints, which, to some extent, empty of content the principles established by the fathers of the Convention, who aimed, back in 1950 at protecting individuals against all possible abuses by national courts of law.

In short, article 35 establishes that the Court will declare inadmissible all anonymous queries, as well as queries similar to another petitions previously examined by the Court or that have already been submitted to another international investigation or settlement body and which do not contain any relevant new data or facts (known as Pilot Cases). Similarly, the Court may reject a request if it considers that the latter is incompatible with

the provisions of the Convention or its protocols, clearly unfounded or abusive, or that the applicant has not suffered a significant disadvantage.

Despite the general impression left by the Convention, by judging some of its procedures and actions with regard to the query rejection process and transparency towards individuals, one might conclude that the Court is not really acting in favor and on behalf of those individuals as it does not justify the rejection decision, otherwise than stating that the request did not meet the criteria set under art. 34 and 35, without motivating the decision, as a judicial act should do, under a principle of equity, set by art. 6 of the same Convention.

In this paper one will analyze the rejection of some individual queries made under the violation of article 6, which leads, in our opinion to the conclusion that the Strasbourg Court is failing in achieving some of its goals, lacking to respect the second considering of the

Convention, which is to ensure both universal and effective recognition and application of rights set forth by the latter.

Keywords: Strasbourg Court, fair trial principle, rejection of queries by ECHR

Some considerations regarding the succesion procedure with cross-border elements

Liviu Bogdan Ciucă
Dunărea de Jos University of Galați
George Cristian Schin
Dunărea de Jos University of Galați

Abstract. Respecting the right to freedom of movement, the existence of a real phenomenon in terms of labour migration, consolidation of ownership and the existence of several provisions both internally and in the international on successions with cross – border elements, required an approach applicable in the field, both by practitioners and theorists of law.

This paper aims to analyze and highlight the solutions offered by the law in matters of international succession legislation regarding the competences for solving, applicable law, the relation between legal norms incidents, the use of documents of foreign origin in the succession procedure, as well as aspects of the procedure for issuing the European succession certificate.

The existence of specific national legislation, the formation of European legislation on succession, respecting the rights of EU citizens and also the ratio of these extra rules and international law and bilateral treaties or conventions in matters of succession raises some procedural problems. This paper aims to identify these problems and to present solutions offered by practice and doctrine.
Keywords: rights, successions, norms incidents cross-border elements

Considerations regarding the retransmission of heritage

George Cristian Schin
Dunărea de Jos University of Galați
Liviu Bogdan Ciucă
Dunărea de Jos University of Galați

Abstract. The institution of legacy transmission has as a premise the existence of two or more legacies, with connection between them, and necessarily, the first legacy not being liquidated.prima moştenire nefiind lichidată. What is characteristic for the legacy through retransmission, is that the first legacy was not liquidated and the heir of the second deceased request inheritance rights of the first legacy. With the entry into force of the new Civil Code, transfer of right of option to inherit suffered significant changes compared to the former regulation. This paper wants to identify problems and to present solutions offered by practice and legislation.
Keywords: retransmission, inheritance, inherit option, Civil Code, notary public.

Particulars of violent crimes authors

Adriana Iuliana Stancu
Dunărea de Jos University of Galați

Abstract. In terms of etiology, the concept of "violence" comes from the Latin root "vis" meaning strength, which makes us think of the idea of power, of domination, of using physical superiority over another person. It can be exercised at an individual level, group or macro level, in order to impose their own wishes (a person, a group, social class etc.) over others. In this article we analyze the peculiarities of the authors of those forms of violence that affect the value of fundamental inalienable rights - life and bodily integrity or health of the individual, respectively the perpetrators of murder peculiarities, attempted murder and bodily injury causing death committed in the period 2003- 2013 in the county of Galați.

Keywords: violence, physical superiority, rights

Views on admitting guilt and its effects in criminal law and criminal proceedings law areas

Oana Gălățeanu
Dunărea de Jos University of Galați

Abstract. The increase of criminality and the social need to solve the criminal cases in the shortest time possible and with lower costs had represented preoccupations of the Romanian legislator, finalized with the conviction that it is useful to appeal to a method to determine the offenders to choose a cooperating attitude during the criminal trial which would help the judiciary bodies to solve the criminal cases in the shortest time possible and taking into consideration the attitude of those on trial, to decide softer punishments, but within legal limits. This is the reason for which the new Criminal code provided this attitude of the offenders as an individualization of punishment criterion which the Court of justice must take into account when deciding the criminal sanction to be given in a case on trial, and the new Criminal proceedings code had introduced the possibility of the defendant to admit guilt in front on the court of justice before starting the judiciary investigation, as well as a brand new special procedure through which the defendant has the right to initiate or to enter into a guilty plea agreement with the case prosecutor, in both cases the defendant benefiting from the possibility of receiving a lighter punishment for his/her deed or another solution provided by law. There are presented in this study the effects which admitting guilt can have at criminal law and criminal proceedings law level, being

included also some opinions of the author of this study regarding the new regulations in this area.

Keywords: admittance, guilt, defendant, forms of admittance, effects, criminal trial

Illegal migration and the migration phenomenon at the frontiers of romania

Oana Gălățeanu
Dunărea de Jos University of Galați

Abstract. The illegal migration represents a form of migration that was generated by the economical crisis experienced at world level and by the precarious economical status of some states. Even more so, it is considered that this form of migration represents at present the element of organized crime with the highest dynamics. At European level, as a novelty, transit illegal migration phenomenon has emerged, which is characterized both by unlawfulness and by the interference of the so called criminal organizations in human trafficking and in drugs smuggling. Within the framework of these conditions existing at world and regional – European level, acting in the capacity of a member state and as holder of the Eastern frontier of the European Union, Romania must be constantly preoccupied by the migration phenomenon and especially by the illegal migration, as it has to face both its direct and indirect form, of transit. There are hereby presented few findings on the evolution of the illegal migration phenomenon at the borders of Romania, as well as opinions regarding the importance of the existence of a real cooperation between the member states of the

European Union in order to efficiently manage this phenomenon, so that not to allow the occurrence of some dangerous effects of unbalancing the EU member states' societies and implicitly, Romania's society.
Keywords: migration, illegal migration, borders, state, responsibility

Impact and perspectives of the lawyer's plea (speech) in the courts of Romania

Andreea Elena Mirică
Dunărea de Jos University of Galați

Abstract. It is common knowledge that rhetoric, the art of discourse, the gift of convincing the public through words was known to all the peoples in Antiquity and practised especially in jury trials. A good lawyer is first and foremost a good orator, an individual in command of legal terminology, provisions and institutions, with a thorough knowledge of the client's actual situation and the case submitted, combining all these in a discourse able to convince the court of his/her client's rights or innocence.

But is it possible to deliver such speeches nowadays in the Romanian courts who are swamped in thousands of cases? Is there time and willingness to allow the lawyer to properly address this stage, which is the most important, significant, and spectacular in a case? It is not a rare occurrence for the Romanian lawyer to find that s/he is not given attention to, but instead is requested to submit written conclusions, and his/her minutely prepared discourse (mimics, gestures, voice tone, etc.) is left unused. Of course, the solution of written conclusion

still stands, but do certain statements have the same impact when read and not heard?

In the Anglo-Saxon legal system, in jury trials, the lawyer participates in selecting the jurors, s/he may refuse a juror who may not act in favour of his client. Then, during trial, s/he has to convince tens of people with no legal background and preparation of the justice of his/her cause.

The present article is a short analysis of the present-day situation of the lawyer's pleading in court. It is an attempt at finding the extent to which the lawyer is still able to deliver his/her entire speech and the latter's efficiency in the eyes of the panel of judges—who are legal experts—in comparison to the Anglo-Saxon system where the defence has to convince a group of citizens—the jury—who are not legal professionals.

Keywords: pleading, lawyer, court, efficiency, jury.

INNOVATIVE LEGAL INSTITUTIONS IN THE CURRENT CONTEXT OF GLOBALIZATION

Special panel Faculty of Law and Administrative Sciences,
Ovidius University of Constanța
Coordinator: Professor, Ph. D. Adrian Constantin Stoica

The International Carriage of Goods by Sea. A Comparative Study of Uniform Regulations

Adina Laura Pandele,
Associate Professor, PhD, Ovidius University of Constanta

The uniform regulations developed in the maritime transport based on the bill of lading had their share of contribution to the harmonization of the rules governing the conclusion and implementation of the corresponding contracts. The evolution of the international commercial practices influenced by the use of electronic communication and by the possibility of shipping functional interdependence with other modes of transport imposed new solutions for the uniform rules governing the international carriage of goods by sea. This triggered, as a result, the adoption of uniform rules

corresponding both to the interests of the parties, and to the modern transport conditions.
Keywords: carriage, contract, document, liability, carrier

The Role of the European Parliament in the Transport Sector

Florin Dobre
Associate Professor, PhD, Ovidius University of Constanta

Abstract. In the field of road transport, the European Parliament has promoted and supported, by means of numerous resolutions and reports, progressive opening of the market of transport of goods and people. On the other hand, the Parliament continuously signaled the need to ensure in parallel the liberalization and harmonization, including as regards the social environment and the safety of transport.

Transport of Dangerous Goods in the European Union

Florin Dobre
Associate Professor, PhD, Ovidius University of Constanta

Abstract. As a result of the late development of the world economy and technical progress, the transportation of dangerous goods has grown. The international transportation of dangerous goods is covered by international agreements. In terms of protection of unwanted events that may occur, a series of severe

measures both technical and legislative to be applied in domestic and international traffic have been drawn up.

The Emergence and Evolution of Lex Voluntatis Principle in Private International Law

Bogdan Cristian Trandafirescu
Assistant Professor, PhD, Ovidius University of Constanta

The principle of lex voluntatis, as a conflict rule, authorizes the parties to appoint the law applicable to the international contract. Currently, the principle of lex voluntatis is the widest and the most recognized conflict rule of law, enshrined in one form or another in all national systems of private international law, but also in international conventions.
The principle of lex voluntatis did not appear spontaneously; on the contrary, it has a particular historical development and the contemporary full understanding of the concept involves taking into account these developments. The emergence and evolution of the principle of lex voluntatis deeply marks the essence of private international law (contract law, at least), the aim of this paper being precisely to present the evolution stages of this concept.

Comparative analysis between the exception of a non-performance contract and potestative duties

Maria Cazanel
Assistant Professor, PhD, Ovidius University of Constanta

Abstract. The legal mechanism of the exception of a non-performance contract resembles that of potestative duties, given that they are exercised by the unilateral will of the holder as interference in the sphere of legal interests of the passive subject. However, the two legal institutions are set apart by a number of fundamental differences, consisting of the legal position of the parties, the comminatory nature of the exception of a non-performance contract and their different legal nature. On the other hand, the Court has confirmed that, although it was not clearly defined and unambiguous, the legal nature of the exception of a non-performance contract, its practical applications, demonstrate that it is a legal mechanism that is subject to its own rules. The exception of a non-performance contract is an autonomous legal institution, although it is analyzed together with related institutions, such as: judicial rescission and termination, retention of title, compensation of related debt, assignment of receivables, potestative duties etc. Therefore, *exceptio non adimpleti contractus* is not disregarded by practitioners and case law, finding its application in increasingly varied areas and being closely linked to notions of loss, good faith and the binding force of contract.
Keywords: contract, exception of a non-performance contract, civic duties, potestative duties, joinder.

DRIVING OUR SOCIETY TO THE FUTURE

Special panel run by PhD students from Doctoral School in Business Administration - Bucharest University of Economic Studies
Coordinator: Larisa Mihoreanu

The concept of "smart mobility" – from ordinary to complex intelligent transport systems

Antoniu Ovidiu Balint
Ph.D. student, The Bucharest University of Economic Studies

Abstract. The main focus of this paper is to give a chance to an alternative approach to the concept of "Smart Mobility" when implemented within the European Intelligent Transportation Systems (ITS). The first part of the paper is dedicated to the analysis of the main topics regarding the concept of "Smart Mobility" within the actual scientific and specialized literature. The second one develops the concepts linked to different topics regarding the implementation of the concept of "Smart Mobility" within the European Union (E.U.) and compares the results and propose a new way to implement this new concept.

The main research questions of this research paper are: What key elements are missing from implementing Intelligent Transport Systems (I.T.S.) within the

European Union (E.U.)? What are the main jeopardizes that can occur by implementing the concept of "Smart Mobility" (S.M.)? What benefices can appear by implementing new and complex concepts that involve Intelligent Transportation Systems and what are the legal implications?

The concept of "mobility" represents a key element of the major European cities, so that cars' manufacturers and other major players from the industry of transport have started to come up with alternatives to traditional means of transport and the first one, in my opinion, was the electric car.

In order to improve the transport networks in the main majority of the cities from the European Union (E. U.) it is necessary to implement new, futuristic and sustainable ideas that are connected with the idea of the concept of "smart mobility".

Some programs, already used in the field, implement new concepts of transporting people and goods inside cities started to be implemented by all major municipalities from the E. U. We can see a certain discrepancies between cities from the western part of Europe and those from the eastern part because of the lack of founding, the lack of bylaws that have to regalement all these new and complex concepts and also because of the lack of sustainability.

In sequence, to implement all of these new and futuristic systems we need to issue new laws that have to regalement the functionality of the means of transport and transit. The legal system requires also preparations for the judicial evolvement of the sector and has to be very clear and concise to all the aspects that are related to Intelligent Transport Systems (I.T.S.). The scientists and researchers have studied this issue for a long time

and the general idea generally accepted refers to the fact that we need an integrated legislation to cover all the European countries in order to optimize the system as a whole and find solutions to all the problems occurred in different parts of the union.

As a quite recent member of EU, Romania has started to access different calls and programs to improve its infrastructure and modernise the national transport system: airline, road, naval, railway, pipelines and cable. There is a long way to final recovery because the lack of investments of the last 25 years; however, the communitarian acquis obtained, the open access at all the European funds and programs can overcome the unequal development of the transport networks between Romania and the rest of the countries inside the European Union.

Keywords: smart mobility, legal use of ITS, complex systems

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The Contribution of the European Union Financial Assistance to the Development of the Social Care System From Romania

Janina Mirela Gabroveanu (Vladoi)
Ph.D. student, The Bucharest University of Economic Studies

Abstract. Starting with the global economic environment in which EU intends to reduce the disparities between the member states, to support them to rich a level of development which enabled them to obtain a high level of occupation for the workforce, productivity and not at last of social cohesion, all the governments are called to bring their contribution in ideas and best practices in order to rise the economic and social standards and to a better understanding of common policies enforcement allowing the European area to transform in an economy which is smart, sustainable and in favour of inclusion, with sound economic growth. In this respect, the European Commission and the member states signed partnership agreements by which the Commission and the national authorities established programs which outlined priorities for each country, region and field of policy in place.

The operational programs are approved by the European Commission at the beginning of each programming period and set strategic objectives from the partnership agreement in investment priorities and then in specific objectives and then in specific actions.

In Romania, through the 2007-2013 programming period, seven o operational programs have functioned as, follows: Technical Assistance, Administrative Capacity Development, Transport, Environment, Human Resources Development, Economic Competitiveness Improvement, and Regional Operation Programme. The financial allocation of the European Union for Romania was 19,21 billion Euros.

Starting from the strategic objective of the ESF which is a higher workforce adaptability and of the SMEs, reducing the unemployment rate, promoting social inclusion, more and better investments in human

resources (education and professional training) and strengthening the institutional capacity, the public services and public administrations efficiency at the national, regional and local level, the Operational Program for Human Resources Development had targeted some main fields: Education, Workforce Occupation and Social Inclusion.

As an example, the operations financed by EU, until the end of 2013, included 515.775 employees (from which 42.007 freelancers), 243.365 unemployed (from which 87.359 in long term unemployment) and 450.502 inactive persons (from which 209.465 inactive persons in some forms of education or training).

The research of the Lisbon Treaty and its implication on Romania identifies the following problems and recommendations: • Gender equality is insufficient tackled; • Reducing the geographic discrepancies regarding the income levels and the access to health services; • Improving the living conditions for the Roma minority especially by ensuring the access to education and training programs. Developing new ways of analytical, not narrative evaluations; • Encouraging the correlation between the social exclusion and the 2011 European Year of Volunteering; • Holistic tackle of the social inclusion: access to labour market, society participation, access to social care services needs to be improved.

As a result of identified disparities, the European Commission adopted the Europe 2020 Strategy which represents the EU Strategy of economic growth for the next ten years.

Keywords: Human rights, occupation; research, education, povert, social inclusion.

The Importance of Intangible Assets

Ionela Mădălina Gheța
Ph.D. student, The Bucharest University of Economic Studies

Abstract. In a modern economy, the role of intangible assets is decisive, it grants rights and generate incomes .To make profit all the companies must determine the customers to have a positive perception of the segment that they act so the most important assets held by successful companies are intangible assets because they have radically transformed the global economic architecture. The goodwill represents a key element of a business who determinate customers to use services or products offered and provide the ability to generate a profit higher than normally expected. The components who participate at the success of a company in order to resist nowadays competition are the intellectual capital such as human capital which includes knowledge, innovations, employee's skills and the structural capital consists of patents, licenses or software's company. Intellectual property rights reward creativity and human effort, the engine of human progress. The protection of intellectual property has a great importance because it's insuring the human intelligence's benefits. The evaluation of intangible assets it's a discussed topic who begins with the idea of the accounting human's assets in order to determine the real value of employees .The evaluation is not an exact science it's only an estimation by taking in consideration all the relevant factors who influence the type of value. Choosing the right method of

evaluation is depending on circumstances; Often is necessary to use multiple methods in order to verify the results.
Keywords: Intangible assets, evaluation, intellectual property, economic value.

Governance Responsibilities & Security and Safety Management Systems: Does corporate governance support Security and Safety Management Systems?

Abdal Hydyrov,
Ph.D. student, The Bucharest University of Economic Studies

Abstract. The Security and Safety Management Systems adopted during the last ten years continue covering the main issues linked to the topic for both workers and communities, mainly in the light of sustaining the companies' advantages. The corporate governance has outlined a new trend as the core stone of the chances in the business world in the last decades, enhancing the social and environmental responsibilities in order to provide a better place for all parties. The present paper discusses the common objectives for SMS and Corporate Governance in order to highlight the role of corporate governance in management systems in order to enhance governance responsibilities and corporate sustainability.
Keywords: Security and Safety Management System (SMS), Corporate Governance (CG), Governance Responsibilities, Safety working Places, Sustainability

Health, Right or Responsibility?

Larisa MIHOREANU
Ph.D. student, The Bucharest University of Economic Studies

Abstract. The Universal Declaration of Human Rights, the base of all international human rights laws, was adopted after the Second World War, in 1948, December the 10th, as a necessity to find internationally a common ground in order to rebuild the world and bring it towards a better and common future, based on respect of universal values.

In its Article 25 terms such as: health, medical care, access to social services, disability, are mentioned as it follows "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

Health has being a primary preoccupation of human being throughout history, and only very recently the concept of an Universal Hearth Care came around highly promoted by the World Health Organisation. Sometime it can take a surprisingly high amount of time for the obvious to be recognised as for the possible to be allowed, and that matches the gap between the society and it's systems.

At the European level, the British National Health Service (NHS) was created in the years 1940s from the need to treat the war wounded and to deal with major

hospital infections. It is the oldest health care system and the 5th biggest employer worldwide having 1.7 million people working in its service. Although it's costs rise of 0.7% per year, the spending per person decreased in England, since 2013. Over the decades, more than any other public service, political fluctuations and ambitions set hight pressures on health service deprioritising the importance of it's sustainability. Nowadays this beautiful creation is in danger, and urgent actions are needed in order to save it and help it in its mission.

Britain is not the only country facing challenges with its health care system, other countries don't even have one, or are setting one up as we speak, but the British model could be a good case study, taking into account it's long life and operational size.

The physical and moral health of our today's society needs our proactive attention, and there are a series of challenges and debates taking place such as legalising drug consumption, prostitution, gay marriages, euthanasia, treatment access for mental illness and rare conditions where arguments are divided, where only some states, countries, or groups officially recognised with an assumed position of the matter. All cases are human rights debates, where medicine and law have together their say.

The Universal Declaration of Human Rights recognised to everyone the right to access and to rational benefit of the medical care pointing out the necessity for health services; therefore it's is crucial to continuously improve this access based of the last technological advances, to facilitate access to innovative treatments for the ones they desperately need it by offering better multinational health care services. This can only be achieved by making a direct translation from science into

practice and take into account the newest research and incorporate it into recommendations or guidelines designing this way the new policies and laws.

Embedded efforts are permanently required not only to prolong one's physical Health and Life throughout direct treatment of symptoms, but also to consider and improve holistically the quality of life as the general well being of the individuals and societies. Our modern society should never forget its permanent duty in providing education in order to preserve Health and Life and prevent its deterioration in cases where this aim can be obtained. John D. Rockefeller said "I believe that every right implies a responsibility; every opportunity an obligation; every possession, a duty". Our health should be first of all our own individual responsibility, let's never forget that and keep a constant preoccupation to preserve it.

Keywords: Human rights, Healthcare systems, Quality of life, Social order, Embedded medical services

The Halal Food Law in Malaysia

Valentin Cosmin Sărăcin
Ph.D. student, The Bucharest University of Economic Studies

Abstract. In science and industry, the term of Halal generally refers to foods and drinks, that are recognized and allowed by Muslims law and religion - Shariah. There are specific criteria that use to mention what foods is permitted and how the food must be prepared. The foods addressed are mostly types of meat and animal tissue.

The Halal industry refers to both the production and distribution systems, as a specific market; from economic point of view that has not yet reached its full potential given by the immense possibilities of expansion in the near future.

As a main argument comes to our way the immersive number of Muslim communities that were estimated at about 1.8 billion only in 2011 this making the Halal industry to have an estimated value of 2.3 trillion dollars. However to be able to fully achieve its potential we must first go over the issues regarding this industry, both the abuse of the Halal logo and other offenses regarding this. Even after doing so, we must face the issues that occur in the domestic and international industries and also we must not forget the enforcement of relevant laws of certification regarding Halal.

The objective that we are trying to achieve with the present article is to take a look into the consumer protection and enforcement of the Halal laws that have been put in function by the State Religious Department of Selangor (JAIS) and the religious department of Kelantan (JAHEIK).

Furthermore our secondary objectives regarding the present paper are to better improve and support the enforcement and supervision of Halal certification for the safety and benefit of the people that consume and the companies that produce and to educate them in the responsibility of producing a Halal Product.

Keywords: Halal, Halal standards, protection, consumer supervision, law enforcement

The Correlation between the New Leadership and Quantum Intelligence

Ionela Gabriela Solomon
Ph.D. student, The Bucharest University of Economic Studies

Abstract. Modern society is in a constant change, which determines people to behave in a global and local manner, while in this context leadership must ensure political and social coherence. A new developing paradigm is to create acknowledge-based economy and society. Since leadership is the main component of change, it provides the vision, and dedication necessary for its materialization. The purpose of the article is to identify and classify types of leadership applied in a public or private organizations and their action in leading institutions, starting from the correlations with the types of intelligences. The article presents the link between leadership and public administration through intelligences. The type of intelligence is the essential component that aimed the human resources in public administration. The intelligence is expressed not only through cognitive and emotional processes, but also through skills and abilities. They are the result of normal brain activity. It is true that a high coefficient of intelligences does not guarantee the provision of quality skills. The novelty item consists of measuring the quantum /spiritual intelligence of the leaders from an organization, using as a start H. Gardner's multiple intelligences theory. This article proposes to outline a frame to define a new model of leadership, successfully applied in private organizations in the United States but also in Europe through the European Institute EPES ('Spirituality in Economics and Society'). This type of

leadership - spiritual leadership, is addressing in a holistic manner, both the leading style and the defining features of the new type of leader, spiritual/quantum leader. Spiritual leadership is an emerging paradigm in the broader context of spirituality at the workplace, which is designed to create an organization based on learning and intrinsic motivations. The spiritual leadership incorporates the values, attitudes and behaviors necessary to satisfy basic needs, spiritual welfare, positively influencing sustainability and corporate social responsibility as well as its financial performance. To speak of spiritual leadership is necessary to have an organizational culture based on the values of selfless love. Leaders must apply these values through their attitude and behavior, which creates a sense of belonging. A more effective and efficient governance can be achieved through knowledge transfer in areas such as management, leadership and organizational development. Intelligence approaches are also varied. One of the most popular theories is that of Howard Gardner, who forward the hypothesis of the eight types of intelligence: musical and rhythmic intelligence, bodily-kinesthetic intelligence, naturalist intelligence, interpersonal and intrapersonal intelligence, verbal-linguistic intelligence, logical-mathematical and spatial-visual intelligence. These intelligences are autonomous and allow the individual to assume different roles that lead to different ways of knowing the reality. To understand and measure how people differ in terms of mental ability, researchers designed intelligence tests, which measure samples consisting of mathematical logic, spatial ability, understanding correlation, and other constituent elements of intelligence. The universal index of intelligence is an intelligence quotient, abbreviated IQ.

The level of emotional intelligence (EQ) has proved to be a determining factor for predicting a person's ability to be successful in professional life and to be happy in personal life. Large corporations used Baron EQ test successfully for the selection and promotion of employees, while career counselors rely on it for coaching interventions. The level of IQ, EQ and SQ (spiritual/quantum intelligence) can vary within the same person. The brain is designed so that the three basic intelligences work together and support each other, but each of it has its own power as they can operate also separately. Once a leader acknowledges the importance of spiritual intelligence into daily practice, and includes intuitive compassion and intelligence to be among its main management tools, such spiritual intelligence developed, enables them to understand the underlying principles of unity and one's own place in the world. The article presents the results of a case study which aimed to identify the degree of quantum intelligence among graduates of public administration from a university, intelligence that can help them to implement a new type of leadership at their future workplace, the spiritual leadership. The study was conducted through a qualitative and quantitative research, using the questionnaire, on a sample of 80 people, graduates of the Master degree from the Faculty of Public Administration. The set of statements has resulted in a series of indicators, specific to spiritual / quantum intelligence. They relate to: the connection with a higher self, the degree of empathy, ability to develop interpersonal relationships with others, the degree of tolerance, fairness and equity, active listening, ability to transcend dualism, efficiency, ethical behavior, intuition. The article offers a series of recommendations on the role of

quantum intelligence in managing stress (occupational stress and organizational stress).
Keywords: quantum intelligence; new spiritual leadership; typology of leaders; public organizations; skills and abilities

Organic Legislation: Pro's and Con's of Organic Production

Author: Adrian Vasile
Ph.D. student, The Bucharest University of Economic Studies

Abstract. The vital needs of food and shelter for all the beings on the Earth, the people's needs for clothing are well recognised in the world; some of them are being met. Unfortunately, the rapid growth of the human population, the specific developing needs of the human race, the dramatic changes caused by natural catastrophes and man hand disasters are, every day, overwhelming and overload both the environment possibilities and national budgets funds.

The new conditions forced people to produce the majority of his alimentary needs on his own. Since people have become more and more focused on the procurement of money, agriculture has gotten further and further from the ways of nature, along with the creations of the humans, from irrigation, genetic engineering to chemically altering the products.

In this context, the suffering of nature has intensified the occurrences of natural disasters, floods, terrain slips, avalanches, the lack of terrain fertility, pollution, and so on. These phenomena have led to the increase of efforts regarding the protection of nature, and

the apparition and development of the concept and practical activities in the ecological agriculture field.

This paper will try to familiarize the reader with the specifics of ecological agriculture, to stimulate the individual and collective creativity, regarding the cultivation of crops and growth of animals, while respecting the quality standards for the environment.

Keywords: organic agriculture, organic production, organic legislation

Identifying Subtle Risks, Threats and Vulnerabilities of Social Order and National Security

Alexandru Stefanescu
Ph.D. student, The Bucharest University of Economic Studies

Abstract. The Romanian security strategy, as part of NATO and European Union ones, has to consider permanently, the complex value of its risks and threats. Beyond the ordinary fears of a classic war, neglecting such risks could cause major vulnerabilities to national security, diminishing dramatically the country capability of fulfilling its international duties and responsibilities.

Among the most known risks and threats that may jeopardize Romania's securities are: the international terrorism (structured cross-border networks); the proliferation of weapons of mass destruction; the regional conflicts; the transnational organized crime. Two more important should be added – the lack of education and government inefficiency and bad management.

International terrorism, known more thorough its cross-border informal and hidden networks, represents

the most serious threat to human life and freedom, democracy and fundamental values. International terrorist networks can gain access to modern technology and can use bank transfers and fast communication means, infrastructure and assistance provided by extremist organizations, cross-border crime support or support corrupt regimes that are incapable to govern democratically. Such invisible mashes can cause important loss of lives and massive values, the consequences becoming devastating.

The open nature of modern democracies comes along with an increased vulnerability in front of the proliferation of all modern weapons of mass destruction: nuclear, chemical, biological, bringing and increasing (artificial) conflicts in more and more areas of the world.

As a country situated inside the Black Sea region, Romania is also affected by the lack of strategy regarding the security development in the extended Black Sea area till the Caucasian Basin. This allow our specialists to better contribute to a complex sustainability of the regions and add national values to the regional ones, to eliminate tensions and bring peace to the world. The equation of stability is not easy to write. Complex questions are risen everyday with regard at our neighborhoods: Will endure the current US-Russian alliance will expand the area or is only circumstantial and temporal? What will be China's attitude regarding almost entire assumption of control by the US? Will Turkey have an important word to say in the Muslim world that lies between it and Russia? The emergence of new players in Asia, with pretensions of global security actors, particularly through the possession of nuclear weapons, such as India and Pakistan, will positively or negatively influence the security environment in the

Caucasus? All these questions and more remain unanswered at the beginning of XXI century and create white patches on the risk map in the proximity of Romania.

Unfortunately the bad management and poor governance may endanger more the normal exercise of fundamental human rights and freedom and even affect the fulfillment of international obligations, creating the risk of humanitarian crises with cross-border impact.

Fundamentally, the countering the threats and risk is, above all, a primary responsibility of the states. More and more, the citizen should take the social lesson of civism and do a better contribution to eliminate some of the hidden dangers linked to the national security policies and put the country there where it really deserve to be.

Keywords: security, strategy, international terrorism, democracy, education

CURRENT DEVELOPMENTS AND CHANGES IN LEGAL THEORY WITHIN THE EUROPEAN UNION

Special panel Faculty of Law and Public Administration Bucharest, Spiru Haret University
Coordinator: Claudiu D. Butculescu Ramon, Assistant Professor Ph.D.

A Propaedeutic Approach to Legal Communication. Legislative Inflation, Legal Message and Juridical Noise

Claudiu Ramon D. Butculescu
Acad. Andrei Rădulescu Legal Research Institute
Romanian Academy

Abstract. This article tackles some issues regarding legal communication, namely legislative inflation, legal message and juridical noise. If we envision law as an instrument of communication, then we may apply the theoretical aspects provided the information theory to the system of law. As such, the present paper addresses the possibility of drafting an equation to express legislative inflation, legal message and juridical noise.
Keywords: legal message, legislative inflation, juridical noise, legal information

Considerations for the Doctrine of Modern State of Law

Mircea Tutunaru
Titu Maiorescu University Bucharest,
Faculty of Law and Economics Targu Jiu

Abstract. The rule of law is an ideal form of state organization within which the rule of law, legislative bodies and even on all the topics of law including subordinated policymakers law is a concept that includes the rule of law, which is adopted a parliament that expresses the sovereign will of the nation, is a social response to the abuse of power. For there to be a state of law believe that it is not enough to establish a legal mechanism to ensure rigorous compliance with the law, but is also necessary that the law be given a certain content, inspired by the idea of promoting the rights and freedoms most genuine human spirit and a broad liberal democracies.
Keywords: state, law, legal system, doctrine, democracy

Considerations Regarding the Communication of Law as an Auxiliary Field of Research within the General Theory of Law

Mihail Niemesch
Acad. Andrei Rădulescu Legal Research Institute
Romanian Academy
Claudiu Ramon D. Butculescu
Acad. Andrei Rădulescu Legal Research Institute
Romanian Academy

Abstract. This article tackles the possibility of including a new field of research within the scope of legal theory, namely the communication of law. The legal sciences include the general theory of law, the sciences specific to various branches of law, the legal historical sciences and the auxiliary legal sciences. The issue regarding the communication of law has been studied before by renowned specialist in legal theory, such as Niklas Luhmann or Jurgen Habermas. However, within Romanian specialized literature, very few mentions were made concerning this field of research. The paper tries to analyze the essential elements of communication, taken from the theory of communication and transposes them into the framework of legal sciences. Also, this study aims to identify the place where such a field of study should be placed, in the spectrum of legal sciences.
Key-words: law, communication, legal theory, legal sciences, legal framework

Human Dignity between Means and Purpose

Alexandru Florin Măgureanu
Spiru Haret University

Abstract. Human dignity is a concept often linked to human rights, in most of the international documents. Firstly I must note that the following is not an attempt to diminish or question dignity, notion that is, obviously, paramount for human rights. However, the question that arises is whether human dignity can be considered as a constant, measurable notion or an oscillating one, according to different historical periods and different cultures; also whether dignity can be perceived as

foundational for human rights, or a value in itself. Defining dignity seems to be an impossible task, considering the high degree of generality that the concept has, its "chameleonic" nature in different legal cultures and different historical periods

Keywords: dignity, fundamental rights, legal cultures, legal axiology

Transfer of Law in the Context of Europeanization of Law

Emilian Ciongaru,
Associate Professor Ph.D. – University Hyperion Bucharest;
Associate Scientific Researcher – Romanian Academy, Institute of Legal Research „Acad. Andrei Rădulescu",

Abstract. Europeanization of law and transfer of law, have become daily reality to establish the connection between them: the Europeanization of law, as an architectural system of legal norms, ordered fairly rigorous and the transfer of law representing influences between the national juridical cultures. The continuing evolution of Europeanization of law is a permanent challenge with the aim of developing a global reasoning of judges in the application of legal rules from one Member State to another to find solutions the most suitable and convincing to clarify the concrete cases as well as to ensure the legal order and social peace at national and regional level.

Keywords: Europeanization of law, legal order, transfer of law, legal system, legal norms