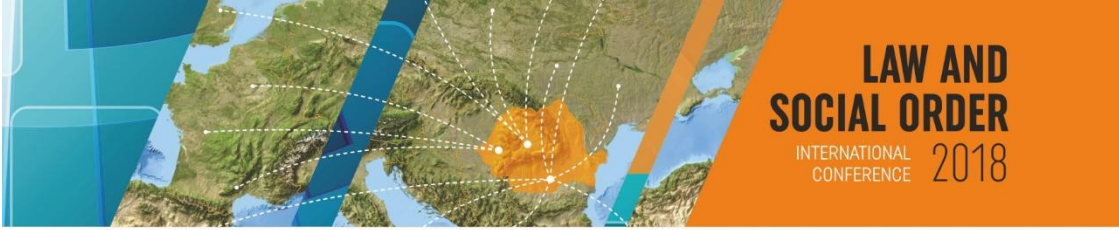

INTERNATIONAL CONFERENCE ON LAW & SOCIAL ORDER

1918-2018: 100 YEARS OF LEGAL COMMUNICATION

LSO 2018

Constanta
November 9-10, 2018

Editura SITECH
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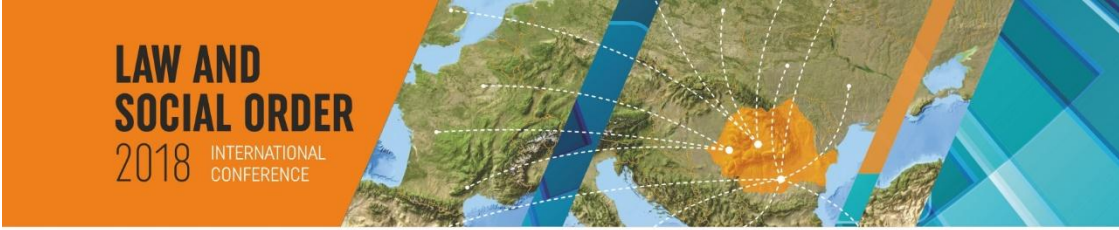

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1918-2018: 100 Years of Legal Communication

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Arnaud Paturet, CNRS Centre de théorie et Analyse du droit, Ecole normale supérieure campus Paris Jourdan, France
Frank S. Ravitch Michigan State University College of Law, U.S.A.
Lawrence M. Solan, Brooklyn Law School, U.S.A.

1918-2018: 100 YEARS

OF LEGAL COMMUNICATION

In terms of legal thinking and communication, the period 1918 – 2018 defined the fundamental principles of the Romanian State, strongly influenced by the political regimes under which those principles emerged.

If the Union of December 1, 1918 was implemented under the Constitution and Codes adopted during the reign of Alexandru Ioan Cuza, considered among the most modern and liberal at that time, the re-establishment of the rule of law under the reign of Ferdinand I brought the first legislative changes. Thus, in 1923, the first Constitution of the United Romania was adopted. This fundamental law granted the right to citizenship regardless of religion, language and ethnicity, guaranteed private property, compulsory and free primary education, and put the natural resources of the country, such as mineral deposits and gold, under the public ownership of the state. The Civil Code, the Civil Procedure Code, the Criminal Code and the Criminal Procedure Code adopted back in 1864 remained in force, characterized by modernity and stability, and extended their applicability under the Royal Decree throughout the entire territory of the newly reunited country.

The monarchy of Carol II was a period of legislative instability – and it presented an opportunity for the King to impose a new Constitution (1937), based on an authoritarian conception. Also during this period, a new Criminal Code came into force (adopted in 1936), that intended to express the idea of unity and to implement the modern principles of criminal policy. The 1864 Civil Code was till applied, with some amendments.

The abdication of King Michael gave the occasion for the new socialist power to impose its own rules, adopting in great hurry a new Constitution (1948), which outlined the path towards a Communist

State. Four years later another fundamental law was adopted, the Constitution of 1952, which proved Romania's orientation towards left-wing totalitarianism. In 1948, the Code of Civil Procedure underwent major changes and was republished.

Once the public power was excessively centralized around a single party, the legal principles were rethought and subordinated to the idea of eliminating political pluralism and separation of powers in the state, eliminating the rights and freedoms of citizens. The 1965 Constitution enshrined the governing form of the Socialist Republic, the territory being "inalienable and indivisible," and the leading role of the entire life of the Romanian society lied with the Romanian Communist Party. In this context, the Criminal Code and the Code of Criminal Procedure were adopted in 1969, codes that succeeded in imposing some principles of humanism and criminal justice and remained in force until February 1, 2014. The 1864 Civil Code continued to apply, with only some provisions relating to private property, natural and legal persons, prescription, inheritance rights and the family relationship, being repealed.

The December 1989 Revolution marked the transition to the democratic state and to the principles of the rule of law in Romania, which led to the adoption of a new Constitution in 1991 (revised in 2003 by means of a Referendum). The 1991 Constitution combined the Western democratic values with the requirements of the integration into the European Union, but it did not give expression to all normative and cooperative situations between the three independent powers of the state (legislative, executive and judiciary).

The 1864 Civil Code was applied until October 1, 2011, which marked the entry into force of the New Civil Code, inspired by Quebec's legislation, as well as civilian regulations of Italy, Spain, Switzerland and Germany. The new Civil Code also included many of the principles of the Civil Code of 1864, thus adding a European logic regarding the structure of patrimonial and non-patrimonial relations,

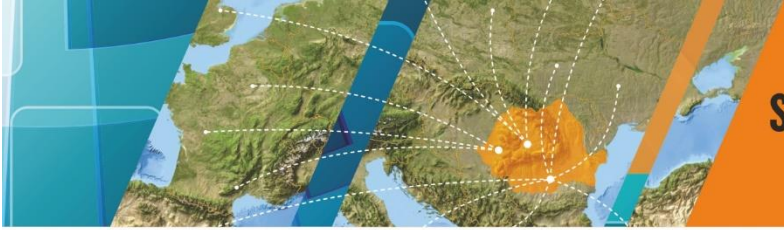
family relations, and good neighborliness. At the same time, a new Code of Civil Procedure came into force, in accordance with the new material legal rules regarding the relations between individuals.

On February 1, 2014, the New Criminal Code and Criminal Procedure Code came into force, aiming at redefining the criminal policy. These codes underwent various amendments, some provisions being currently subject to constitutional review and declared unconformable, and therefore necessitating a rethinking of the limits and mechanisms of the criminal liability and the qualification of antisocial crimes in full compliance with the practice of the European Court of Human Rights and the principles of European criminal law.

Over the past 100 years, Romania had Tax and Fiscal Procedure Codes, Labor Code, Air Code, Commercial Code, Customs Code, Forest Code, and others. The domestic legislation has been in a continuous process of re-evaluation, dictated by international law, European Treaties, and Conventions it ratified, but also by joining the European Union. Starting from the Codes of Cuza in 1864-1865, we have come to the harmonization of Romanian legislation with European law and the direct applicability of the EU regulations and decisions. Moreover, Romania has given priority to the application of the fundamental human rights treaties and treaties to which Romania is a party.

While celebrating 100 years from the *Great Union*, the Law and Social Order International Conference, 2018, aims at framing the legal communication (legislation, codification, acts and deeds) into a European and Global context, to discuss how legal terminology has evolved and national and international legislation has changed.

Onorina Botezat
Frank S. Ravitch
Anca Iulia Stoian



PROGRAM

November 9, 2018
Complex Bulevard, Constanța, Mamaia Bd, 294.

10.00 **10.30**	**Participants' Arrival and Registration:** **Constanța, Complex Bulevard, Conference room**
10.30- **10.40**	**Opening Remarks** Dean of Law and Economics Faculty, Mihnea Claudiu DRUMEA
10.40- **11.20**	**Keynote Speech: Aleksandra Matulewska** ***The Century Long Story of One Legal Term***
11.20- **12.00**	**Keynote Speech: Arnaud PATURET** ***The Link between Social Ideology and Legal Solutions: The Case of Suicide in Ancient Rome***.
12.00- **12.40**	**Keynote Speech: Lawrence M. Solan** ***Deceit and Fake News in the Current Legal Order***
12.40- **13.20**	**Keynote Speech: Frank S. Ravitch** ***Complicity and Discrimination: Balancing Religious Freedom with LGBT Nondiscrimination Principles***
13.20-	Group Photo & networking
13.20- **13.40**	Tea/Coffee Break
13.40- **15.00**	Panel 1

November 10, 2018
Spiru Haret University, Constanța, Unirii Str. 32-34.

PARALLEL SESSIONS – USH BUILDING			
10.00 10.30	Participants' Arrival and Registration: Constanța, Unirii Str. 32-34, Ground Floor		
10.30- 12.30	Panel 2 Room 207	Panel 3 Room 209	
12.30- 13.30	Tea/Coffee Break, S 207		
13.30- 15.30	Panel 4 Room 207		Panel 5 Room 209
Special Panel: Organized by the Faculty of Juridical, Economic and Administrative Sciences, Brasov, Spiru Haret University.			

Panel 1: Globalization, Internationalization, Comparative Law
Chair: Lavinia Nădrag

NPOs' Role in Contemporary South Africa's Society
Dikeledi Jacobeth Warlimont, Lavinia Nădrag
The Delicate Boundary between the Right to Information and Privacy"
Oljana Hoxhaj
TERM OF PROTECTION OF THE WORKS:
A Comparative Overview between Article 7 and Article 7bis of Berne Convention and the New Albanian Law 35/2016 "On Author's Rights and Other Neighboring Rights"
Ergysa IKONOMI
Problems in Polish-French and French-Polish translation of* ratio decidendi *of judgments
Paulina Nowak-Korcz
The Uncontested Divorce in Albania and the Controlling Role of the Judge
Jonada Zyberaj

Panel 2: Private Law: Statutes & Procedures
Chair: Patrick Lazăr

Some Matrimonial Regulatory Consideration in Romania and European Union
Ana-Maria Comșa
The Legal Nature and the Romanian Civil Law Regulation of the Succession's Option Time Limit
Rareș-Patrick Lazăr
Acceptance of the Inheritance, Unilateral Act of Will in Exercising the Right of the Successor's Option
Rareș-Patrick Lazăr
Procedural Aspects Regarding the Simplified Eviction Action Based on the Civil Procedure Code. Articles 1034-1049 Provisions
Mihaela Cristina Mocanu
The Insurance Contract. The Evolution of Regulations over the Past 100 Years

Adina Laura Pandele
Adoption: Between Law and Reality
Roxana Topor
The Judiciary System in Romania
Oana Andra Niță

Panel 3: Criminal Law & International Law
Chair: Anca Iulia Stoian

Cyberterrorism, from SF Scenario to Reality
Anca Iulia Baldan
Comparative study – penal sanctions stated in the penal codes of some EU Member States for corruption offences
Florin Făinișii, Gheorghe Gruia, Victor Alexandru Făinișii
Corruption in the Public Administration in Romania
George Gruia
Views on Criminalization, Prevention and Combating Money Laundering Under National and International Law
Adrian Cristian Moise
Natural Law: From History to Current issues
Constantin Cezar Tită, Violeta Dana Tită
The State, between the Norm and its "Creator"
Stanciu Vasile Miltiade
The Legal Person's Criminal Liability. Principles. Limits. Conditions
Anca Iulia Stoian
Humans between Rules and Ethics
Oana Andra Niță
Guiding Marks on the Use of Alternative Ways of Solving Litigations in European States
Rodica Vlaicu

Panel 4: Legal Communication & Public Law
Chair: Flavia Ghencea

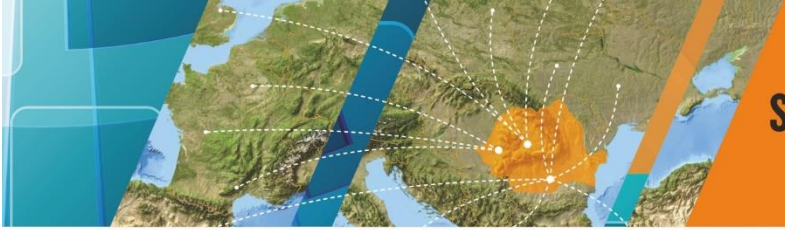
Legal Communication and Academic Curriculum Teaching Patterns for Law and Business Students of English
Daniel Dăneci-Pătrău, Mihaela Lavinia Ciobanică, Anca Magiru

Decentralization of Public Services in Romania. Special Overview on Educational Public Service
Flavia Ghencea
The Organization of Public Administration in Romania
George Gruia
Legal and Economic Sustainable Development of Romania Using Bee Algorithm
George Gruia, George Cristian Gruia
A Study of Pseudo MTL-Algebra of Fractions and Maximal Pseudo MTL-Algebra of Quotiens
Jeflea Maria Antoneta
External Financing of Non - Financial Companies in Romania
Octav Neguriță, Eduard-Ionel Eduard

Panel 5: Human Rights & Freedoms. A Historical Approach
Chair: Ingrid Ileana Nicolau

The History of Romanian Connections with the European Values – a Starting Point for the European Integration
Ion-Viorel Matei, Ionel Eduard Ionescu, Laura Ungureanu
The Evolution of the Legal Framework of the Citizen's Freedom and Security
Ioan Solomon
The Historical Evolution of Legislation Related to Urban Planning In Romania
Anca Stroiu
International Regulations on the Right to Liberty and Security
Ioan Solomon
The Evolution of the Regulation of the Institution of Corporate Governance in Romania
Arcadia Hinescu
Aspects Concerning Human Rights in Artificial Intelligence Era
Ingrid Ileana Nicolau

KEYNOTE SPEECHES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The Century Long Story of One Legal Term

Aleksandra Matulewska

The aim of the paper is to present the history of one Polish legal term, which was coined in 1918 when Poland regained independence after 123 years of having being occupied by Prussia, Austria and Russia. The author presents the philosophical reasons for the semantic neologism coined by the Polish lawyers drafting Polish language legislation. The lawyers were the members of the Polish Codification Commission of the Republic of Poland. The Commission was established for the purpose of creating nation-wide Polish language versions of legislation in the territory of Poland were several legal systems and legal languages had been used until the country managed to regain independence. Therefore, the process of terminology creation frequently encompassed transplanting legal institutions already known but having no Polish names. It was the process of providing equivalents for terms existing in languages of occupying countries. Finally, the author presents the impact of institutionalized translation rendered for the purpose of European Union communication and presents the impact of EU translations on the Polish term in question.

Keywords: LSP translation; legal translation; legal language; legal terminology

Prof. UAM dr hab. Aleksandra Matulewska graduated from Adam Mickiewicz University in Poznań, Poland, Faculty of Modern Languages and Literature, Institute of Linguistics (MA in linguistics and information science in 2000, PhD in general linguistics in 2005, doctor habilitated in applied linguistics in 2014). She is a translator, a member of the Association of Polish Translators and Interpreters (STP) and an expert member of the Polish Society of Sworn and Specialized

Translators TEPIS. She is the President of a branch of the Polish Society of Sworn and Specialized Translators TEPIS in the Wielkopolska Region. She is also a member of the European Association for Translation Studies (EST). She has been teaching legal translation and interpreting since 2003 at the graduate and postgraduate studies. She has lectured at workshops organized by the Translation Unit of the European Parliament in Luxemburg, STP and TEPIS in Warsaw. So far, she has published 4 monographs on legal translation, one coursebook and over 80 papers on specialised translation. She has also participated in over 100 conferences and workshops delivering speeches. She is the editor-in-chief of *Comparative Legilinguistics. International Journal for Legal Communication*. She is a member of the editorial boards of *International Journal for the Semiotics of Law, International Journal of Korean Studies and Humanities*.

The Link between Social Ideology and Legal Solutions: The Case of Suicide in Ancient Rome

Arnaud Paturet

The conference will address the problem of voluntary death envisaged in the social order since Roman Antiquity but not only. In our contemporary societies, death remains the number one public enemy. In addition, the choice of one of the members of the social body to suppress oneself is, independently of the positive or negative reactions that it can arouse, most often considered as the ultimate behavioral deviance. Things were very different in ancient Rome in the sense that death was more familiar. Remaining a defilement that must have been contained by the burial rite, it was de-dramatized.

Following this idea, Roman social conceptions about voluntary death varied according to the times but never tended to condemn it as such. Since it does not involve a significant digression of the scale of values, legal operators have never planned a systematic and institutionalized punishment for suicide. The latter is only approached from the point of view of the prejudice that it could bring to the proper execution of the legal procedures, in the sense that one tries to maintain the effectiveness of a punishment that the suicide of the accused could have been erased by virtue of the principle that the crime is extinguished by the death of the accused. Such pragmatism also prevails in the apprehension of the attempt, considered more in its consequences than in its materiality, when it emanates from a soldier whose psychological weakness severely prejudiced the army corps, or from a slave whose deficiency and dangerousness vis-à-vis others had to be denounce. In this universe, hanging suicide was problematic in that the death of a suspension, whether wanted or not, was considered for a long time to be a bad death. The responsibilities of the classical jurists have scarcely preserved anything of this original repulsion and do not establish any particular restriction as to funeral or devolution in this specific case. With the advent of Christianity, the criminalization of suicide evolved under the aegis of the first fathers of the Church such as Eusebius of Caesarea, Ambrose or John Chrysostom and with the radical attitude of St. Augustine whose scope is summarized as follows: the individual had to keep his life until it pleased God to deliver him, on pain of being considered a murderer. This will result in disapproval but also criminalization of the suicide. It will be necessary to wait until the very end of the 19th century. and the work carried out by E. Durkheim to ensure that the veil is not truly lifted on the suicidal issue through a psychological and social and no longer (im)moral approach of the phenomenon, which will give way to indulgence and then to prevention from the second half of the 20th century. The problem of suicide is now at the forefront of euthanasia,

with the 2005 Leonetti law distinguishing between passive and active euthanasia, the legalization of the act is not yet in order of the day.

Keywords: death; suicide; attempt; law; Rome; Antiquity; euthanasia; history

Private law jurist and historian, Arnaud Paturet is a researcher at the CNRS (UMR 7074 Center for Theory and Analysis of Law) and teacher at the Ecole Normale Supérieure of Paris and in various institutions (National Center of the Territorial Public Service, Ecole National Superior Police, Institute of Social Work of the Auvergne region ...). As a historian of law, he is particularly interested in Roman law as a historical discipline, but also and above all in its projection as a matrix of Western rights, even modern mental images. His main research topics, namely death and funerary rituals, suicide, legal concepts and categories, language and legal qualifications, religion, slavery, bodies, gender differentiation, disability, father figure etc. have a strong societal connotation that goes beyond the legal technique. The result is a specific method of work that combines historical sociology and anthropology with the sciences of law.

Complicity and Discrimination: Balancing Religious Freedom with LGBT Nondiscrimination Principles

Frank S. Ravitch

This talk explores the broad tension between religion based complicity concerns and discrimination. Specific attention is paid to conflicts involving same sex marriage and transgender bathroom access. Much of the tension between complicity and discrimination

arises from a failure within the legal system to understand the concepts themselves, as well as their commonality. The talk suggests that compromise is possible, and in fact legally mandated in the U.S., the EU and elsewhere. The best approach to these issues is based on context and focuses on the settings where conflicts take place and the sorts of discrimination involved. The United States Supreme Court's decision in *Colorado Civil Rights Commission v. Masterpiece Cakeshop* hints at this sort of contextual approach, but only addresses it in dicta. This dicta suggests that a context based approach should differentiate between religious entities and for-profit entities that serve the general public. This talk supports such a differentiation and explains how it might work in a variety of contexts.

Keywords: Law and Religion; LGBT Rights; Constitutional Law; Legislation; Civil Rights; Civil Liberties

Frank S. Ravitch is Professor of Law and the Walter H. Stowers Chair in Law and Religion at the Michigan State University College of Law. He also directs the law school's Kyoto, Japan Program. Professor Ravitch has authored nine books, numerous law review articles, essays, book reviews, and book chapters, as well as amicus briefs to the U.S. Supreme Court. He is the author of *Freedom's Edge: Religious Freedom, Sexual Freedom, and the Future of America* (Cambridge University Press, 2016); *Marketing Creation: The Law and Intelligent Design* (Cambridge University Press 2012), *Masters of Illusion: The Supreme Court and the Religion Clauses* (NYU Press 2007); *Law and Religion: Cases, Materials, and Readings* (West 2004)(2nd Ed. 2008) (3rd Ed. 2015 with Larry Cata Backer), *School Prayer and Discrimination: The Civil Rights of Religious Minorities and Dissenters* (Northeastern University Press, 1999 & paperback edition 2001). He is co-author, with the late Boris Bittker and with Scott Idleman, of the first comprehensive treatise on Law and Religion in more than one hundred years, *Religion and the State in American Law* (Cambridge

University Press 2015). He is also co-author with Colin P. Jones of *The Japanese Legal System* (West 2018), and co-editor with Jessica Giles and Andrea Pin of *Law, Religion and Tradition* (Springer 2018).

Professor Ravitch's research has primarily focused on law and religion in the U.S. and Japan, but he has also written about civil rights law and disability discrimination. He has given numerous academic presentations nationally and internationally. In 2001, he was named a Fulbright scholar and served on the law faculty at Doshisha University (Japan), where he taught courses relating to U.S. constitutional law and law and religion. He regularly serves as an expert commentator for print and broadcast media. He speaks English, Japanese and Hebrew.

Deceit and Fake News in the Current Legal Order

Lawrence M. Solan

The law purports to disapprove of dishonesty. But not all species of dishonesty are created equal, and not all contexts are equivalent when it comes to the law's intolerance of dishonest conduct. This presentation distinguishes among types of dishonesty. It touches on such areas of law as perjury, making false statements to government agents, fraud, court pleading requirements, as well as political speech. In the past, it could be said that the law concerning business affairs, where deceit is illegal regardless of whether it involves statements that are literally false actually set higher standards of honesty than did the law concerning legal proceedings, where perjury requires and actual lie. Politicians would "spin" the facts, to avoid lying while intentionally creating misimpressions, and businesses were not

permitted to go even that far. Now, in the "post-truth" social order outright falsehood is more and more acceptable, or at least it seems so. Consequences of this shift will be explored.

Lawrence M. Solan is the Don Forchelli Professor of Law and Director of the Center for the Study of Law, Language and Cognition at Brooklyn Law School. He holds a Ph.D. in Linguistics from the University of Massachusetts and a J.D. from Harvard Law School. Much of his writing is about the interpretation of statutes and contracts. His books include *The Language of Judges*, *Speaking of Crime* (with Peter Tiersma), and *The Language of Statutes: Laws and their Interpretation*, all published by the University of Chicago Press. He and Peter Tiersma co-edited *The Oxford Handbook of Language and Law* (2012), and he co-edited with Janet Ainsworth and Roger Shuy, *Speaking of Language and Law: Conversations on the Work of Peter Tiersma*, published by Oxford University Press in 2015. Solan has been a visiting professor at the Yale Law School, and in the Psychology Department and Humanities Council at Princeton University.

ABSTRACTS

Cyberterrorism, from SF Scenario to Reality

Anca Iulia Baldan

Taking into account that the Internet is a virtual space without which the activity of public establishments, state or private companies, banks, health and education systems, etc. is inconceivable in contemporary society, this presentation addresses in general lines the new manifestation forms of the cyberterrorism, as the current statistical data shows it.

Nowadays, both at the international level and in Romania, it is possible to talk about cyberterrorism whose trends of showing-up are focused on: financial malware distribution or Ransomware type cyberattacks standing for the most spread threatening; fraud of electronic commerce and ATM cash machines; access to bank computer systems, etc.

From the statistical data that we have analyzed, it comes out that within the years 2010 and 2012, the cyberterrorism was only some SF scenario, while within in 2016 and 2017, public and private establishments throughout the entire planet became helpless targets for Ransomware type virus cyberattacks getting unprecedented overall magnitude. In Romania as well, the cybercrime has known an on-going increase from 2,210 cases in 2010, up to 7,160 cybercrime cases in 2017.

The global danger of cyberterrorism determined the adoption of the *Directive 2013/40/UE concerning attacks against computer systems*. Therefore, the provisions of this European Directive envisage creating urgently a free, secure and law-abiding virtual space.

Keywords: information system; computer data; cyberterrorism; financial malware; Ransomware viruses; hackers; cyberattacks

Anca Iulia Baldan (BA in Law, in 2016, MA in Criminal Sciences, in 2017) is Legal Counsel and independent researcher.

Some Matrimonial Regulatory Consideration in Romania and European Union

Ana-Maria Comșa

The paper aims at briefly review the regulations of the matrimonial regime in Romania and in the European Union. Given that, one of the European Commission's concerns in regulating relations of coexistence involves the conditions of management of the assets belonging to the international couples, whether they are traditional unions, united by marriage or joined by registered civil partnerships. Such a normative act that guides EU countries when it comes to matrimonial property regime is *Regulation (EU) 2016/1103 of the Council of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement judgments in matrimonial property regimes*.

The current regulation promotes legal Romanian Civil Code, with its new structure and reforming materials regulated pluralism matrimonial property regimes, changing thus the matrimonial characters above: unique legal and binding. That is, it establishes in this matter principle of freedom conventions dating, the response being to enable the intending spouses or, where applicable, spouses organize their affairs patrimonial marriage by choosing the matrimonial regime of the expressly provided: community legal separation goods or conventional community.

Keywords: civil partnership; matrimonial; procedure; international law; legal document; European Union

Ana-Maria Comșa is Assistant Professor at the Spiru Haret University, Romania. She is a doctor in law, specialization International and European law. She has been teaching since 2001. She has participated in several national and international conferences on legal issues. She is member of some professional organizations and scientific associations with activities in

the juridical field. She is the author and co-author of over 30 publications in Romania and abroad.

Legal Communication and Academic Curriculum Teaching Patterns for Law and Business Students of English

Daniel Dăneci-Pătrău, Mihaela Lavinia Ciobanică, Anca Magiru

The investigation will be a complex process in which an American landmark civil case will interact dynamically with some American newspaper articles and an American detective short story. The paper provides information and suggestions on how professors for law and business students could approach the American law as an interdisciplinary and/or intercultural study, trying to integrate and link a trial into literature and journalism. The purpose is to prove that legal communication, in the course of time, has remained the same while changes emerge in the methods we use.

Keywords: civil case; journalism; literature; legal; communication

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The Evolution of the Labor Disputes Settlement in Romanian Law over the past 100 Years

Mihnea Claudiu Drumea

The labor law institutions, more than any other legal institution, have experienced a profound transformation in the context of multiple legislative changes in the field of labor law imposed on the one hand by the structural changes in the Romanian society and, on the other hand, by the necessity of harmonizing the Romanian legislation with the European and international ones.

The labor conflicts are inextricably linked to the work, which is a living condition, because without a paid job, one cannot obtain the necessary assets and means for living.

Although, at first, from a philosophical perspective, there was a difference between the noble work and the humiliating work, nowadays, due to the social mentalities' changes that occurred in time, the work is considered a necessity.

Keywords: labor law; labor disputes; history of law; labor disputes settlements

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Comparative study – penal sanctions stated in the penal codes of some EU Member States for corruption offences

Florin FăinișI, Gheorghe Gruia, Victor Alexandru FăinișI

Since corruption represents a menace to democracy, to the pre-eminence of law and to human rights, more multilateral instruments for preventing and fighting corruption have been adopted over the last years. In the given context, UE Member States have implemented the provisions of these international documents both in their penal codes and, to a more detailed extent, in the special legislation. Considering the complexity of the subject, we have chosen to present only the penal and administrative means for fighting active and passive corruption offences by public officials, public official having the meaning as per the United Nations Convention against Corruption, adopted in New York on 31st October 2003, excluding the private sector from the current analysis. The incrimination of corruption acts is penalized in the penal codes of EU Member States, highlighting

similarities and differences regarding the periods of the sentences, especially.

Keywords: corruption; active corruption; passive corruption; public official; penal code; comparative law

Decentralization of Public Services in Romania. Special Overview on Educational Public Service

Flavia Ghencea

This paper is an analysis of the impact that regulations on decentralization of public services have in education.

The analyses builds on the principles of the organization and functioning of the public administration in Romania regulated, on the one hand expressly at constitutional level in our fundamental law and, on the other hand, at statutory level.

Further, the paper refers to regulations on decentralization, particularly through the framework of the Law 195/2006, in situation where, through decentralization regional policies can be implemented, and in this context, regulations on education, one of the main areas targeted by regional policies shall be analyzed.

Based on how the transfer of authority can be made, we will analyze how the Romanian law can cover specific situations, given the provision that local administration authorities exercise powers shared with the central government on public education, without any reference to higher education, exclusively reserved to the central level.

Our analysis refers to the division of the central and local authorities' competences in higher education, unable to deny its specificity and depending on the type of community in which they operate.

Finally, we will formulate some proposals that, in our opinion, would enhance the regulation by covering its gaps and increase the efficiency and concrete practice of public service of education.

Keywords: Decentralization; educational public service; educational system; public liability; state legal responsibility

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Corruption in the Public Administration in Romania

George Gruia

The continuation of the process of democratization of the Romanian society, starting after the fall of the communist regime in December 1989 and the acceleration of Romania's transition from the centralized socialist economy to the market economy are things that are priorities for the political factors. The political and economic transformations in recent years have placed Romania on the orbit of developing countries. Yet, the accomplishments of the young Romanian democracy have often been overshadowed by the noisy corruption scandals, which have become a constant presence on the front pages of the media. The article treats concrete aspects of excess of power. If until now the historical perspective of the phenomena of corruption was treated, this article aims to analyze the corruption in public administration with the types of corruption, types of the offenses of corruption and finally yet importantly, an analysis on corruption with pertinent conclusions about this generalized

flagellum. As a general conclusion, we can say that the aim of the present article is to see which is / what corruption in the Romanian public administration is.

Keywords: public administration; corruption; flagellum; legal; offences

The Organization of Public Administration in Romania

George Gruia

The organization of public administration in Romania aims at analyzing a series of issues that are of interest both to Administrative Law and to Public Administration, the debates highlight the provisions, which are not sufficiently clear and precise and can generate different interpretations. Public administration is at the center of certain ideological controversies; it has a political dimension and is the subject of political discourse and regime.

The pressure of political forces is exerted at all public services levels. In addition, this is growing due to the participation of civil servants in political life and the multiplication of groups that are in contact with the public administration, while increasing the influence of experts. The doctrine of political neutrality of the public administration summarizes the essence of relations between politics and public administration and frames ideas as: the elected officials are the only ones who decide, while the public servants assist them and supervise the execution according to the decisions that are made; the elected officials avoid to politicize the public administration, and this, in turn, is limited to its role as faithful executor; the public administration is subordinated to political power, but is distinct from it; the public administration is neutral in relation to politics. In reality, things are quite different: public administration has a political dimension.

Public administration and the independence from political struggles are placed inside an institutional gear. Protected by power variations, the public administration ensures the continuity of public affairs. It provides the guarantee of political independence, and the doctrine of neutrality is the basis for the legitimacy of public administration.

Keywords: public administration; independence; legal; political dimension; organization

Legal and Economic Sustainable Development of Romania Using Bee Algorithm

George Gruia, George Cristian Gruia

The article is focused on presenting a starting point of the sustainable development of administration policies and private sector with economical strategies with the purpose of better integration between the two. Bee behavior is used to inspire and develop our society to achieve better results. The ultimate scope of the article is to show an overview of the European policies into state members with focus on sustainable economic development of Romania. This is part of the authors' research from the last 10 years with focus on public, economic and social development and represent starting point of their yet not published work.

Keywords: development; legal; Romania; bee; economic

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The Evolution of the Regulation of the Institution of Corporate Governance in Romania

Arcadia Hinescu

Corporate governance aims to create a set of rules concerning the shareholders, the management and other stakeholders of a company, especially as regards the management and control of the activity of the entity, in order to ensure a long-term sustainable development of the company, in the interest of stakeholders. The legal term of corporate governance has its source in USA and Great Britain, but was adopted in the European legislation and entered also in the Romanian legislation. As regards our country, the legal term of corporate governance is not widely used in legislation; existing only one law with the title and content dedicated especially to the corporate governance and it regards state-owned companies. Still, we confirm that corporate governance is quite well legislated in Romania, as the principles and rules specific to this institution of law are found in several relevant laws, including in Romanian Civil Code. Our paper intends prove that and to identify the evolution of the Romanian legal frame of corporate governance, with reference to primary and secondary legislation, but also to the regulations of certain institutions involved in the supervision of companies.

Keywords: corporate governance; company; state-owned companies; companies' law; Civil Code

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international specialized journals, and delivered speeches at several law and business conferences.

The Delicate Boundary between the Right to Information and Privacy"

Oljana Hoxhaj

The right to information, as a constitutional right, is a fundamental guarantee in the process of obtaining information in order to increase transparency. Nowadays, the source of information is extensive therefore, it directly affects the consolidation of the democratic society, mainly focused on the approach that public authority has towards citizens. The paper aims to analyze the delicate relationship between the right to information and the right to privacy. In practice, these rights cannot co-exist, so they encourage judicial debates about the priority one has over the other.

Keywords: the right to information; privacy; priority; public interest

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TERM OF PROTECTION OF THE WORKS: A Comparative Overview between Article 7 and Article 7bis of Berne Convention and the New Albanian Law 35/2016 "On Author's Rights and Other Neighboring Rights"

Ergysa Ikonomi

The protection of author's rights, guaranteeing the rights holders the monopoly position on exploiting their works, represents the *raison d'être* of copyright laws and the term of protection is considered to be determinant in author's benefits.

As the latest decades the EU has imposed the extension of the term of protection of both author's rights and neighboring rights, Albania by adopting the new law 35/2016 *"On Author's Rights and the Other Neighboring Rights,"* fulfilled one of the main obligations under the 2006 SAA relating to author's rights. This new law is "*harmonized at the highest possible rate in Albanian jurisdiction"* with EU Directives which discipline the field of author's rights.

This paper is conceived as a comparative overview on the protection term of the works to identify the differences between Berne Convention and the 2016 Albanian Law provisions, according both to the protection of economic and moral rights. These differences will completely show the approach of the Albanian legislation similar to other Civil Law countries.

The paper also will focus some interesting cases of the extension of the protection term beyond the usual term provided by law, highlighting the different reasons and calculations of these new protection terms, in USA, EU and Albania, which "saved" the works from falling into the public domain.

Keywords: author's rights; protection term; economic rights; moral rights; extension

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A Study of Pseudo MTL-Algebra of Fractions and Maximal Pseudo MTL-Algebra of Quotiens

Maria Antoneta Jeflea

In the last years, residuated structures became popular in computer science since it was understood that they play a fundamental role in fuzzy logics. We recall that the origin of residuated lattices is in Mathematical Logic without contraction. Basic Fuzzy logic (BL from now on) is the many-valued residuated logic introduced by H´ajek to cope with the logic of continuous t-norms and their residua.Monoidal logic (ML from now on), introduced by H˝ohle is a logic whose algebraiccounterpart is the class of residuated lattices; MTL algebras arealgebraic structures for the Esteva-Godo monoidal t-norm based logic (MTL); a many-valued propositional calculus that formalizes the structure of the real unit interval[0; 1]; induced by a left–continuous t-norm. MTL algebras were independently introduced under the name *weak-BL algebras*. Pseudo MTL¡ algebras are non-commutative fuzzy structures, which arise from pseudo t-norms, namely, pseudo BL¡algebras without the pseudo-divisibility condition.

The main aim of this paper is to characterize pseudo MTL-algebra of fractions and maximal pseudo MTL-algebra of quotients.

Keywords: pseudo MTL-algebra of fractions; maximal pseudo MTL-algebra of quotients; strong multipliers; pseudo BL-algebra; ideals

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The Legal Nature and the Romanian Civil Law Regulation of the Succession's Option Time Limit

Rareș-Patrick Lazăr

According to Article 1103(1) Civil Code, the right of inheritance's option shall be exercised within one year from the date of the inheritance is open.

It can be observed that, compared to the previous legislation, which stipulated that the time limit was 6 months; the length of the time limit of the succession's option in the current regulation is double.

The time limit of one year in which the right of inheritance has to be exercised shall not be confused with the period within which the right to an action for annulment of the acceptance or waiver prescribed by Article 1124 Civil Code, the latter being a limitation period of 6 months.

Keywords: succession option's right; suspension and discontinuance of the succession option; reinstatement in the time limit of the succession option, the extension of the inheritance option time limit

Acceptance of the Inheritance, Unilateral Act of Will in Exercising the Right of the Successor's Option

Rareș-Patrick Lazăr

The acceptance of the inheritance is a unilateral act of will by which the successor consolidates the quality of heir to the deceased. By the oblique way, the successors' creditors can do the same, but only to the extent of their claim.

The acceptance of the inheritance may be voluntary or forced the first being the acceptance resulting from a unilateral and irrevocable act or fact of the successor of preserving the inheritance.

According to Article 1119 Civil Code, the successor who, in bad faith, stole or concealed goods from the succession heritage, or disguised a donation subject to the ratio or the reduction, is considered to have accepted the inheritance even if he or she had previously renounced it.

Keywords: succession option's right; inheritance acceptance; voluntary acceptance; forced acceptance

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The History of Romanian Connections with the European Values – a Starting Point for the European Integration

Ion-Viorel Matei, Ionel Eduard Ionescu, Laura Ungureanu

In the sphere of the big powers' interests, between the Byzantine or Ottoman Empire, the German Empire or the European Union and Russia or the Commonwealth of Independent States (CIS), Romania has tried for hundreds years to get integrated in the Euro-Atlantic space. However, a cooperation without values and common behavior rules is possible only for a short time, and to achieve a lasting one is impossible.

This Romanian dilemma is one thousand years old. Every generation from the East and West has contributed to resolving this real problem. This paper aims at highlighting the keys of authentic and lasting integration of the Romanians in the Occident, based on an honest and direct dialogue concerning the catalogue of norms, common values and a strategy.

Keywords: history; national identity; European values; harmonization

Procedural Aspects Regarding the Simplified Eviction Action Based on the Civil Procedure Code Articles 1034-1049 Provisions

Mihaela Cristina Mocanu

The summary eviction is a procedure that has proven its incontestable usefulness, given the frequency of its use compared to the common legal procedures.

The importance of total eviction in all procedural means requires the exact knowledge and the correct application of the procedural rules that govern it. In our presentation, we shall approach the matter

from a statutory perspective, to analyze to what extent the legislator establishes a series of procedural rules derogating from the common statutory provisions and other applicable regulations.

Keywords: simplified eviction; procedural rules; evidences; summon

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Views on Criminalization, Prevention and Combating Money Laundering Under National and International Law

Adrian Cristian Moise

Starting from the provisions of Article 29(1) and Article 31(1) on money laundering offences under the Law No 656/2002 on the prevention and sanctioning of money laundering, as well as for measures to prevent and combat financing terrorism and the provisions of the New Romanian Law on the Prevention and Control of Money Laundering and Terrorist Financing which it will come into force in the near future, this article presents and analyzes aspects related to the money laundering phenomenon at the state level in Romania as well as at the international level.

In the same time, this article seeks to establish whether the Romanian legislation on money laundering has adapted to the provisions of the most important legal instruments in the field of prevention and combating money laundering at international level, which are the following: the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 16 May 2005, the United Nations Convention against Transnational Organized Crime and its Protocols, adopted by United Nations General Assembly Resolution 55/25 of 15 November 2000 and the Directive 2015/849/EU of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing.

The article aims to present and analyze aspects both regarding the stages of money laundering and the prevention and combating of this phenomenon.

Keywords: money laundering; money laundering stages; investigation; prevention; combating

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Criminological Dimension of Cybercrime (Bucharest, 2015). Co-author of a course on forensics Emilian Stancu, Adrian Cristian Moise, *Forensics. Technical and tactical elements of criminal investigation* (Bucharest, 2014) and Adrian Cristian Moise, Emilian Stancu, Forensics. *Methodological elements for the investigation of crimes. Academic course* (Bucharest, 2017).

External Financing of Non - Financial Companies in Romania

Octav Neguriță, Eduard-Ionel Ionescu

At the national level, companies improved their capitalization in the first half of 2017 compared to the same period in the previous year, with the debt / equity ratio falling slightly to 1.54, amid a capital increase of a percentage higher than the debt advance. At aggregate level, the ability of companies to pay the interest from their earnings improved significantly, with the EBIT / interest expense ratio moving from 5.9 in June 2016 to around 7.2 in June 2017. Individual analysis shows that some important structural vulnerabilities. Thus, a significant share of companies that submitted financial statements in mid-2017 has difficulties in doing business. The presented situation does not fully reflect the image at the level of Romanian economy, because the companies submitting the financial statements for half a year are considered to be more efficient. Nevertheless, vulnerabilities, such as the persistence of negative outcomes for a large group of companies, the poor quality of equity and the high number of companies with anomalies are consistently found in the end-of-year financial statements. All these aspects advocate the implementation of measures to support firms with growth potential and ensure an efficient and orderly process of closing down the economically unviable companies. The size analysis of company structure shows that while corporations managed to reduce the gap with SMEs in terms of return on capital and net result, and in the case of asset returns, the values of this indicator equaled in the first half of 2017

and the weightings in total GAVs remained unchanged in favor of the SME sector.

Keywords: funding; debt; loans; companies; capital.

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Aspects Concerning Human Rights in Artificial Intelligence Era

Ingrid Ileana Nicolau

Artificial Intelligence has the potential to help human beings maximize their time, freedom and happiness. At the same time, it can lead us to a dystopian society. Therefore, finding the right balance between technological development and protection of human rights is an urgent matter on which relies the future of the society we want to live in.

Dunja Mijatović, European Council Commissioner for Human Rights stated, "Use of Artificial Intelligence in our life is growing,

currently covering a wide range of domains. Something seemingly trivial like avoiding traffic jam by use of an intelligent navigation system or getting the offers directed by a trustworthy trader is the result of data analysis that can be used by AI systems." Having that in mind, we intend to approach the issue from a current societal perspective.

Keywords: artificial intelligence; human rights; society; robot laws; robot ethics.

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Humans between Rules and Ethics

Oana Andra Nițǎ

The quality of magistrates is not a gift of nature or a right conferred by the rank you occupy in a society, it represents instead one accumulation of principles, social and moral values that the society confers upon the invested, which must be respected and improved, so that the time factor does not alter their significance.

The analysis of the liability of judges must, however, start from the responsibility of all persons who carry out a public service. Justice is also a public service and those who are exercising the act of justice cannot remain outside the democratic principles of accountability and responsibility.

Keywords: principles; deontology; liability; error; justice

The Judiciary System in Romania

Oana Andra Niță

The modern organization of the courts is the result of an interesting historical development. Judicial power has gained an independent organization only in the modern age, respectively with the stronger assertion of the principle of the separation of powers in the state, in England, France and then in other Western states. Previously, justice coincided with executive practice and was often carried out by the same organs.

Law no. 304/2004 governs the current organization of the courts. According to Article 2(2) of Law 304/2004, the justice is done through different level of courts.

Keywords: Constitution; judiciary system; independence; impartiality

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Problems in Polish-French and French-Polish Translation of Ratio Decidendi *of Judgments*

Paulina Nowak-Korcz

The texts of *ratio decidendi* of judgements are sometimes unfortunately full of errors of various types. The aim of the presentation is to discuss the problem of errors occurring in Polish and

French *ratio decidendi* of judgments in the aspect of translation. First, the author discusses the specificity of *ratio decidendi* of judgments in Polish and French legal systems. Then, the typology of errors in translation is presented and richly illustrated with examples from Polish and French *ratio decidendi* of judgments. The author focuses on errors occurring in the source texts that constitute a big challenge for translators of Polish and French legal texts who are always searching for appropriate translation strategies to deal with them and in fact are not supposed to correct the source text in the process of translation.

Keywords: judgment; *ratio dicidendi* of judgement; legal translation; errors in translation; translation strategies

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The Insurance Contract. The Evolution of Regulations over the Past 100 Years

Adina Laura Pandele

Since ancient times, the need to protect oneself or one's goods against damaging events called "hazards" has led to the identification of effective ways of removing the negative effects of their production. At present, among the methods of covering the losses caused by risks, an important role is played by the insurance, where a specialized person takes over the risks. From an economic and financial perspective, the insurance designates all the operations that insurers can carry out in the process of covering the damage suffered by policyholders. From a legal perspective, the insurance concerns the establishment of relationships between insurers and insured persons or, as the case may be, only between insurers. In this regard, an important role is played by the essential legal instrument in establishing these relationships, i.e. the insurance contract, whose regulation we intend to analyze.

Keywords: contract; insurance; insured person; insurer; risk

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The Evolution of the Legal Framework of the Citizen's Freedom and Security

Ioan Solomon

The issue of freedom in western thought is reflected differently from the ancient conceptions. The proof of freedom in Greek politics

was the possibility for the citizen to participate in the political life of the Citadel, while in the East, the theme of the human freedom was completely missing and only the monarch was "free." Our presentation aims at retracing the historical and legal roots of this fundamental principal.

Keywords: *habeas corpus*; European Court of Human Rights; French Declaration of Rights and Citizen

International Regulations on the Right to Liberty and Security

Ioan Solomon

The paper analyses the current system of legal safeguards concerning the protection of the right to liberty and security from a historical perspective, with a special regard to the Romanian and Moldovian

Keywords: *habeas corpus*; European Court of Human Rights; French Declaration of Rights and Citizen

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The State, between the Norm and its "Creator"

Vasile Miltiade Stanciu

Every human community has to function on the basis of the norms of law, and, implicitly, the social order within it is created and protected by law, which is, at the same time the product of the community. Nevertheless, the law must not be conceived and designed in a static way, but in a permanent change, under the influence of three distinct but interdependent categories: the natural

environment, the social-political environment and the human environment. It is the task of the law to establish the correspondence of the legal norms created with and for each of these environments, but also with the whole format of them. The essence of legal reality is given by the success of (re)continuous building, depending on the evolution and needs of society, on which the creation and maintenance of a strong state depends.

Keywords: the healthy norm; the human-loving state; the institutional harmony

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The Legal Person's Criminal Liability. Principles. Limits. Conditions

Anca Iulia Stoian

The quality of the subject of law lies not only with individuals but also with legal persons, which has raised over time the question whether the latter may also have the status of a subject of criminal law or an active subject of the offense. This aspect was clarified by the criminal legislation as early as 2006 by amending the Criminal Code in force at that time, but the controversy over the conditions and limits of the criminal liability of the legal persons still subsists today. As subjects of law, the legal persons are also beneficiaries of criminal legal protection and, therefore, may also have the status of passive

subjects of the offense, aspects which we intend to analyze in this paper.

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The Historical Evolution of Legislation Related to Urban Planning In Romania

Anca Stroiu

The first unofficial urban planning regulations in Romania are mentioned in the project of the Urban Planning Code of Mihai Fotinopulos from 1775/1777, while the first official regulations were contained by the Code of Scarlat Callimachi (1817 Moldova) and Legiuirea Caragea (1818 Muntenia). Such regulations referred to various fire safety measures, water supply, sanitation, circulation and limitations of the means of construction. The project of the general code made by Mihai Fontino, although it was never promulgated, contained seven independent codes regarding the i) Constitutional law and administrative law; ii) fiscal law; iii) agricultural law; iv) civil law parallels and additions provisions related to byzantine law; v) urban planning law; vi) criminal law; vii) military law.

In 1829, the Organic Regulation is adopted, followed in 1847 by the divisions of the cities into construction areas and adoption of severe regulations related to the distances between buildings and materials used in construction.

In the nineteenth century, a series of laws and regulations are adopted in the fields of urban planning law and cultural heritage

protection (including the law on expropriations for public utility cause, law on the preservation and restoration of public monuments, Regulation regarding the buildings and Alignment of Bucharest Municipality, etc.).

During the communist regime, period comprised between 1965 and 1989, the urban planning is renamed as systematization and is governed by the Law No 58/1974 on the systematization of the territory and of urban and rural localities and by the Decree No 56/1978 on the organization of the Central Party Committee for the systematization of the territory and the urban planning and rural localities and the local systematization commissions. This law requires the functional zoning of localities, the efficient use of the territory and the limitation of the territorial extension of the localities.

After the fall of the communist regime, the systematization law and the decree are repealed by the Decree Law No 1/1989 on the adoption of some laws, decrees and other normative acts, marking therefore the beginning of the new urban planning field in Romania.

From 1991 to 2001 urban planning field is governed mainly by the Law No 50/1991 on the authorization of the execution of construction works and the Law No 350/2001 on urban planning to date, which are also applicable today, with some amendments and modifications.

Notwithstanding the commitments to reform the legislation on the management and planning territory, construction quality as well as to adopt the town planning code, Romania has not yet adopted such a code meant to bring together the specific regulations applicable in this field of law.

We note, however, an interest in this direction consisting of publishing on the website of the Ministry Regional Development and Public Administration in March 2018 the preliminary theses of the draft of the Planning Code territory, urbanism and construction in view of its public debate.

In this legislative context, urban planning disputes continue to be governed by the administrative law No 554/2004 and other specific regulations which are constituted in the urban planning law and pertain to the public law, mainly because they provide constraints of order in general.

Keywords: Urban planning code; constructions; systematization; town planning law; administrative law

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Natural Law: From History to Current Issues

Constantin Cezar Tită, Violeta Dana Tită

The law, like any human product, is imperfect, because its creators are imperfect. In order to strike a balance between the interests of the community and those of the individual, and in order to ensure effective protection of the latter, a system of rules overriding the positive right, that is to say, natural law, is used.

Historically speaking, the idea of natural law arose in the Greek-Roman antiquity, underlying the concept of the Romanian jurists about *jus gentium*. Subsequently, the idea has crossed the centuries, being one of the foundations of the philosophical ideas of fundamental human rights developed in The Age of Enlightenment, to come to the present day, when the principles of natural law are incorporated into the constitutions of states and the treaties of public international law.

Keywords: Law; Natural Law; Fundamental Human Rights; Public International Law; Positive Law.

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Adoption: Between Law and Reality

Roxana Topor

Article 451 of the Civil Code defines the adoption as the legal operation that establishes the relationship of parenting between the adopter and the adoptee, as well as the connection of the relationship between the adoptee and the adoptive family.

The adoption decision is connected to a series of factors regarding the family. All family members participate and contribute to this decision.

The adoption is always done in order to protect the superior interests of the minor, this being an interest in both national legislation and international acts in the field.

Keywords: adoptee; adopter; minor; family; filiation

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Guiding Marks on the Use of Alternative Ways of Solving Litigations in European States

Rodica Vlaicu

The European Union bodies support and recommend to Member States to resolve litigations by using alternative ways. In most European countries there are "at least three alternative forms of dispute resolution, the most used arbitrage and mediation," arbitration in 44 states, and mediation in 42 states. Alongside mediation and/ or conciliation and arbitrage at the level of E.U. states, other alternative dispute resolution mechanisms are also useful, which differ from one country to another. The degree of regulation and access to alternative procedures varies from one country to another depending on the involvement of the authorities and the specificity of each country.

Keywords: litigation; alternative dispute resolution; conflicts; disputes; arbitration; mediation; conciliation; court settlement; arbitration court

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NPOs' Role in Contemporary South Africa's Society

Dikeledi Jacobeth Warlimont, Lavinia Nădrag

This paper highlights key moments in the history of South Africa before and after apartheid, their connection and impact on youth's life, expectations, needs and desires. The history of a people who lives very far away from Europe, where the cradle of humanity is believed to have started, will be presented to the reader from the perspective of an indigenous, well-rooted, realistic, objective person, who loves

her country, identity and heritage. With 25 years of democracy, the South African people is making continuous progress and it is up to its youth of the '70s to create a platform of lifelong learning by investing time, experience and skills for the new generation to embrace the youth of other countries by sharing history, culture, heritage, in order to generate innovative solutions with each other or to share or collaborate in the 21st century. *Apartheid*, translated from the Afrikaans, means 'apartness.' Apartheid was the legislated system that separated people according to their skin color and it tried to stop all inter-marriage and social integration between racial groups. During apartheid, to have a friendship with someone of a different race generally brought suspicion upon you, or worse. Apartheid not only meant separate and inferior public services, benches and building entrances for non-whites. It also stripped South African blacks of their citizenship (placing them into tribally based Bantustans instead) and abolished all non-white political representation. Nelson Mandela was a key anti-apartheid activist, leading defiance campaigns and becoming the first president of the democratic South Africa.

At the same time, the paper shows the aims of the NPOs (Non-Profit Organizations)/NGOs (Non-Governmental Organizations) for assisting, supporting and empowering young people in this African country and for extending the collaborative relationships with the youth in Romania and other European Union Member States. Helping young people to understand their mission, their strengths, competences and abilities can make peoples and countries happy and satisfied with their endeavors and achievements.

Keywords: NPOs/NGOs; South Africa; the E.U.; youth empowerment

Mrs. Dikeledi Jacobeth Warlimont is Director and Co-Founder of *Mzansi Youth Leadership Academy* (MYLA), a Non-Profit/ Non-Governmental Organization based in South Africa. She got a Certificate in Public Relations and a Marketing and Management Certificate with Damelin College. She is a Social

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The Uncontested Divorce in Albania and the Controlling Role of the Judge

Jonada Zyberaj

The divorce institution in the Albanian family law is designed to avoid severity and to promote the preservation of family relations and the amicably settlement of the family disputes. Respecting the will of the partners to divorce by a mutual agreement, the Albanian legislation provides their right to divorce by a facilitating judicial procedure, while many European countries have recently adopted a more facilitating procedure, the administrative divorce. The paper aims at comparing the Albanian judicial procedure with the

administrative procedure by identifying in any of them the guarantor elements of the best interest of the child and the rights of the partners.

Keywords*:* Uncontested divorce; agreement; judicial procedure; administrative procedure.

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