



Proceedings of the 3rd International Conference on Law and Social Order

Constantza
April 25–26, 2013

VOLUME 1

Mihnea Claudiu Drumea
Arnaud Paturet
Frank S. Ravitch
(eds.)



CONTEMPORARY SCIENCE ASSOCIATION • NEW YORK
INSTITUTE OF INTERDISCIPLINARY STUDIES
IN HUMANITIES AND SOCIAL SCIENCES • NEW YORK

Proceedings of the 3rd International Conference on Law and Social Order

Constantza
April 25–26, 2013

VOLUME 1

Mihnea Claudiu Drumea
Arnaud Paturet
Frank S. Ravitch
(eds.)

ADDLETON ACADEMIC PUBLISHERS • NEW YORK



Addleton Academic Publishers

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

ISBN 978-1-935494-54-6

© Addleton Academic Publishers 2013

Addleton Academic Publishers is an imprint of RIOTS, New York

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

This volume is a direct offshoot of *The 3rd International Conference on Law and Social Order-Constantza* (April 25–26, 2013).

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

INDEXING AND ABSTRACTING SERVICES

Academic Search Complete, Cabell's Management Directory, CEEOL, Contemporary Science Association Databases, DeepDyve, EBSCOhost, EBSCO Discovery Service, Gale, Index Islamicus, International Bibliography of the Social Sciences, HeinOnline, Legal Collection, ProQuest, Scopus, Ulrich's Periodicals Directory, Universe Digital Library.

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

Produced in the United States of America

General Co-Chairs

Associate Professor Mihnea Claudiu Drumea, Spiru Haret University, Romania
Professor Frank S. Ravitch, Michigan State University, USA

International Advisory Board

Professor Bruce Bean, Michigan State University, USA
Professor Cécile Bertrand-Dagenbach, Université Nancy 2, France
Associate Professor Anna Babka, University of Vienna, Austria
Associate Professor Sofia Bratu, Spiru Haret University, Romania
Professor Alexandru Boroi, PhD Supervisor
Doctoral School Titu Maiorescu University, Romania
Professor Olga A. Burukina, Moscow State Linguistic University, Russia
Professor Theodor Damian, Metropolitan College of New York, USA
Associate Professor Gheorghe Dinu, Spiru Haret University, Romania
Adjunct Professor Meri Disoski, University of Vienna, Austria
Associate Professor Mihnea Claudiu Drumea, Spiru Haret University, Romania
Professor Manuela Epure, Spiru Haret University, Romania
Professor Dr. Hab. Tatyana Fedulenkova, Moscow State Linguistic University, Russia
Dr Atalay Gündüz, Ege University, Turkey
Associate Professor Florin Făiniși, Spiru Haret University, Romania
Associate Professor Alecu Gheorghe, Spiru Haret University, Romania
Associate Professor Stéphane Guérard, Université Lille 2 Droit et Santé, France
Professeur Jean-Louis Halpérin, ENS, France
Associate Professor Susanne Hochreiter, University of Vienna, Austria
Associate Professor Eduard Ionescu, Spiru Haret University, Romania
Dr. Mihaela M. Johnson, University of Pennsylvania, USA
Dr. Danuta Kierzkowska, Poland
Professor Dr. Hab. Alexander Kozyrin, Moscow State University, Russia
Professor Viktor Kruglov, PhD, Dr Hab., Director of the Institute for Quality in Higher Education, Russia
Associate Professor George Lăzăroiu, Spiru Haret University, Romania
Adjunct Professor Xi Lian, Peking University, China
Dr. Aleksandra Matulewska, Adam Mickiewicz University, Poland
Associate Professor Ramona Mihăilă, Spiru Haret University, Romania
Associate Professor Elena Maria Minea, Babeș-Bolyai University, Romania
Professor Mircea Ștefan Minea, Babeș-Bolyai University, Romania
Professor Lavinia Nădrag, Ovidius University, Romania
Professeur Arnaud Paturet, ENS, France
Professor Nicolae Pușcaș, Spiru Haret University, Romania
Professor Frank S. Ravitch, Michigan State University, USA
Professor Yuriy A. Senkevich PhD, Dr Hab., Institute for Quality in Higher Education, Russia
Professor Ana Rodica Stăiculescu, Ovidius University, Romania
Dr. Christopher Stringham, Arizona State University Researcher, USA
Professor Doru Tsaganea, Metropolitan College of New York, USA
Associate Professor Florin Tudor, Dunarea de Jos University, Romania

Associate Professor Ruxandra Vasilescu, Spiru Haret University, Romania
Professor Dr. Hab. Alexander Yalbulganov, Moscow State University, Russia
Professor Alexander Yandovsky, President of Moscow State Institute
for Tourism Industry, Russia

Publication Chairs

Dr. Onorina Botezat, Spiru Haret University, Romania
Dr. George Lăzăroiu, Spiru Haret University, Romania

Conference Secretary

Luciana Bucur, Spiru Haret University, Romania

Program and Organizing Committee Chair

Dr. Onorina Botezat, Spiru Haret University, Romania

Organizing Committee Members

Dr. Ion M. Anghel, Spiru Haret University, Romania
Dr. Vasile Babu, Spiru Haret University, Romania
Dr. Mihail David, Spiru Haret University, Romania
Dr. Mihnea Claudiu Drumea, Spiru Haret University, Romania
Dr. Tiberiu Duțu, Spiru Haret University, Romania
Dr. Flavia Ghencea, Spiru Haret University, Romania
Dr. Patrick Lazăr, Spiru Haret University, Romania
Dr. Octav Neguriță, Spiru Haret University, Romania
Dr. Silviu Șerban, Spiru Haret University, Romania
Bogdan Barață Ph.D.c., Spiru Haret University, Romania
Radița Corcheș Ph.D.c., Spiru Haret University, Romania
Georgiana Covrig Ph.D.c., Spiru Haret University, Romania
Bogdan Ghițulescu Ph.D.c., Spiru Haret University, Romania
Raluca Lupu Ph.D.c., Spiru Haret University, Romania
Liliana Mănuc Ph.D.c., Spiru Haret University, Romania
Luminița Merei Ph.D.c., Spiru Haret University, Romania
Ingrid Nicolau Ph.D.c., Spiru Haret University, Romania
Anca Stoian Ph.D.c., Spiru Haret University, Romania
Ana Țigănescu Ph.D.c., Spiru Haret University, Romania
Aurel Zaharia Ph.D.c., Spiru Haret University, Romania

Conference Co-Organizers

Faculty of Law and Public Administration, Spiru Haret University, Romania
Central Research Institute, Spiru Haret University, Romania
Faculty of Law, Social and Political Sciences, Dunarea de Jos University, Romania

Special Sessions

Sociology Doctoral Studies School, Bucharest University, Romania,
LSO 2013 Partner

Faculty of Journalism and Communication Sciences, Spiru Haret University,
Romania

Faculty of Law, Administrative Sciences and Sociology, Ovidius University,
Romania

CONTENTS

KEYNOTE SPEECH

INTERPRETING SCRIPTURE/ INTERPRETING LAW [9]
FRANK S. RAVITCH

INTERPRETING FUNDAMENTAL RIGHTS THROUGH REGULATIONS, OBLIGATIONS AND, PRINCIPLES

**RIGHTS AND PRINCIPLES – IS THERE A NEED
TO DISTINGUISH THEM IN THE CHARTER OF
FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION? [18]**
VERONIKA LACIAKOVÁ, JANA MICHALIČKOVÁ

**THE APPLICATION OF THE DEFINITION OF TORTURE:
NOWADAYS AND PERSPECTIVES IN THE PRACTICE
OF EUROPEAN COURT OF HUMAN RIGHTS [27]**
EVELINA ŠILINYTĖ

**THE CHILD'S RIGHT TO EDUCATION
AND CULTURE IN FRENCH LEGISLATION [38]**
INGRID NICOLAU, RALUCA LUPU

**ASSISTED SUICIDE – BETWEEN THE RIGHT TO LIFE,
THE OBLIGATION TO LIVE AND SOCIAL ACCEPTANCE [44]**
WEDAD-ANDRADA QUFFA, DAN-VALERIU VOINEA

**COMPARATIVE OVERVIEW OF REGULATIONS ABOUT
FINANCING SECURITY MEASURES IN SCHOOLS IN SOME
MEMBER STATES OF EUROPEAN UNION [50]**
FLORIN FĂINIȘI

**HISTORICAL EVOLUTION OF THE DEATH PENALTY
ABOLITION AS A FUNDAMENTAL HUMAN RIGHT [61]**
INGRID NICOLAU

THE ROLE OF BODIES, POLICIES AND POLITICAL SYSTEMS IN REPRESENTING CONSTITUTIONAL LAW

**THE ROLE OF THE PARLIAMENT AS
THE SUPREME REPRESENTATIVE BODY [67]**
VASILE BABU

**THE ROLE OF THE HEAD OF STATE IN
THE IMPLEMENTATION OF CRIMINAL POLICY [71]**
VASILE BABU

**A HISTORICAL PERSPECTIVE ON ROMANIAN
CONSTITUTIONAL AND ELECTORAL SYSTEM [76]**
CAMELIA NICOLETA OLTEANU

**HISTORY, ACTUALITY AND PROSPECT OF
THE CONCEPT OF ETHNO-POLITICAL CONFLICT [83]**
ANA-MARIA BEJAN

KEYNOTE SPEECH

**UNE NOTE SUR LES OUTILS JURIDIQUES ROMAINS
DE L'ÉCHANGE ECONOMIQUE : CONTRATS, VALEURS ET CHOSES [92]**
ARNAUD PATURET

NORMS, JUDICIAL PROCEDURES, LEGAL RULES ALONG THE HISTORY OF LAW

**THE RULE OF LAW IN THE MODERN EUROPEAN CONTEXT:
A CRITICAL NOTE [116]**
ANTONIOS E. PLATSAS

LES RELATIONS DE TRAVAIL DANS LA PÉRIODE DACIQUE [121]
MIHNEA CLAUDIU DRUMEA

LES RELATIONS DE TRAVAIL DES LE XVII^E SIECLE JUSQU'A 1950 [126]
MIHNEA CLAUDIU DRUMEA

GENERAL CONSIDERATIONS ON THE GETO-DACIAN STATE AND LAW [133]
CAMELIA NICOLETA OLTEANU, BIANCA MORARU

THE JUDICIAL PROCEDURE: HISTORICAL FORMS [140]
ION M. ANGHEL

THE JUDICIAL PROCEDURE: UNITY AND DIFFERENTIATION [148]
ION M. ANGHEL

SOURCES OF LAW – JUDICIAL PRECEDENT [158]
RALUCA LUPU

**TECHNICAL NORMS AND LEGAL RULES ON
THE CONSTRUCTION AND ADMINISTRATION OF ROMAN ROADS [165]**
AUREL ZAHARIA

THE EVOLUTION OF THE ROAD LEGISLATION IN ROMANIA [171]
AUREL ZAHARIA

CONSIDERATIONS ON ENVIRONMENT, CONSUMERS AND SERVICES

**CONSIDERATIONS ON THE MAIN ONLINE SERVICES
USED BY COMPANIES IN THE VIRTUAL ENVIRONMENT [176]**

IULIANA CETINĂ, GHEORGHE ORZAN, MARIA-CRISTIANA MUNTHIU

**FAMOUS CASES WHICH CONFIRMED THE RIGHT TO A HEALTHY
ENVIRONMENT ON NATIONAL AND EUROPEAN LEVELS [183]**

ANGELICA COBZARU

CONSUMERS' PROTECTION IN INSURANCES DOMAIN [193]

OANA GĂLĂȚEANU

***CRIMINAL LAW AGAINST REPORTS, DOCTRINES,
PROCEDURES, AND PROCEEDINGS***

SURVEY REPORT IN CRIMINAL TRIALS [201]

MARIAN ALEXANDRU

**COMPARED ANALYSIS BETWEEN RESEARCH
ON THE SPOT AND REENACTMENT [208]**

MARIAN ALEXANDRU

**THE EVIDENCE AND THEIR IMPORTANCE
IN CRIMINAL PROCEEDINGS [222]**

GEORGE COCA

**CONSIDERATIONS REGARDING
THE LEGAL NATURE OF THE CONTINUED OFFENCE [229]**

ANCA-IULIA STOIAN

CORRUPTION AND ORGANIZED CRIME [237]

ADRIANA MAGDALENA SANDU, MIRELA LOREDANA NIȚU

THE PRELIMINARY COMPLAINT IN THE DOCTRINE [244]

OANA GĂLĂȚEANU

TECHNIQUES SPÉCIALES DE SURVEILLANCE OU D'ENQUÊTE [252]

TIBERIU DUȚU

LE CLASSEMENT ET L'ABANDON DE LA POURSUITE PÉNALE [260]

TIBERIU DUȚU