

CONTEMPORARY SCIENCE ASSOCIATION • NEW YORK

INSTITUTE OF  
INTERDISCIPLINARY STUDIES  
IN HUMANITIES  
AND SOCIAL SCIENCES

# Proceedings of the 2<sup>nd</sup> International Conference on Law and Social Order

Constantza  
March 2–3, 2012

VOLUME 1

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

  
Addleton  
Academic  
Publishers  
NEW YORK



CONTEMPORARY SCIENCE ASSOCIATION • NEW YORK

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

# Proceedings of the 2<sup>nd</sup> International Conference on Law and Social Order

Constantza  
March 2–3, 2012

## 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 978-1-935494-31-7

Library of Congress Control Number: 2012933542

© Addleton Academic Publishers 2012

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 2nd International Conference on Law and Social Order-Constantza* (March 2–3, 2012).

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, EBSCOhost, EBSCO Discovery Service, Gale, Index Islamicus, International Bibliography of the Social Sciences, HeinOnline, Legal Collection, ProQuest, Ulrich's Periodicals Directory, Universe Digital Library, Contemporary Science Association Databases.

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 and Program Committee**

Professor Bruce Bean, Michigan State University, USA  
Professor Cécile Bertrand-Dagenbach, Université Nancy 2, France  
Associate Professor Anna Babka, University of Vienna, Austria  
Professor Olga A. Burukina, Moscow State Linguistic University, Russia  
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  
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 Alecu Gheorghe, Spiru Haret University, Romania  
Professeur Jean-Louis Halpérin, ENS, France  
Associate Professor Susanne Hochreiter, University of Vienna, Austria  
Dr. Mihaela M. Johnson, University of Pennsylvania, USA  
Dr. Danuta Kierzkowska, Poland  
Professor Dr. Hab. Alexander Kozyrin, Moscow State University, Russia  
Adjunct Professor Xi Lian, Peking University, China  
Associate Professor Ramona Mihăilă, Spiru Haret University, Romania  
Associate Professor Elena Maria Minea, Babeş-Bolyai University, Romania  
Professor Mircea Ştefan Minea, Babeş-Bolyai University, Romania  
Professor Lavinia Nădrag, Ovidius University, Romania  
Professeur Arnaud Paturet, ENS, France  
Associate Professor Nicolae Puşcaş, Spiru Haret University, Romania  
Professor Frank S. Ravitch, Michigan State University, USA  
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

### **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. Mihnea Claudiu Drumea, Spiru Haret University, Romania  
Dr. Tiberiu Duţu, Spiru Haret University, Romania  
Dr. Patrick Lazăr, Spiru Haret University, Romania  
Bogdan Baraţă Ph.D.c., Spiru Haret University, Romania  
Radîţă Corcheş Ph.D.c., Spiru Haret University, Romania  
Georgiana Covrig Ph.D.c., Spiru Haret University, Romania  
Bogdan Ghiţulescu 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  
Luminiţa Merei Ph.D.c., Spiru Haret University, Romania  
Ingrid Nicolau Ph.D.c., Spiru Haret University, Romania  
Raluca Rotaru 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

## CONTENTS

### *KEYNOTE PAPER*

**A BASIC INTRODUCTION TO CONSTITUTIONAL FREE EXERCISE  
OF RELIGION IN THE UNITED STATES AND JAPAN [7]**  
FRANK S. RAVITCH

### *CIVIL LAW AND CIVIL PROCEDURE*

**CONSIDERATIONS ON CLASSIFICATION OF GOOD  
IN FUNGIBLE AND NON-FUNGIBLE [22]**  
CORNELIA MUNTEAN

**DETERMINING THE TIME OF DEATH AND  
ITS IMPORTANCE IN THE INHERITANCE MATTER [29]**  
PATRICK RARES LAZĂR

**GUARANTEEING THE CARRIER'S CLAIMS:  
REGULATIONS IN THE CIVIL CODE AND SPECIAL LEGISLATION [35]**  
ADINA LAURA PANDELE

**THE INHERITANCE OPENING AND ITS LEGAL CONSEQUENCES  
IN LIGHT OF THE ENTRY INTO FORCE OF THE NEW CIVIL CODE [42]**  
PATRICK RARES LAZĂR

**THE DISSOLUTION OF A MARRIAGE ON THE TERRITORY  
OF AN EU STATE, BETWEEN A ROMANIAN CITIZEN AND  
THE CITIZEN OF THAT STATE. TERRITORIAL COMPETENCE [48]**  
MADALINA BOTINA  
MARILENA MARIN

**SPECIFIC FEATURES OF THE DISMISSAL OF  
PERSONAL ASSISTANTS OF DISABLED PERSONS. CASE STUDY [53]**  
MARILENA MARIN  
MADALINA BOTINA

**CONTRACT OF MANDATE IN THE NEW CIVIL CODE [61]**  
MIRELA LOREDANA STIOLICA  
ROXANA GOGA-VIGARU  
OANA GABRIELA DUMITRACHE

**RECOURSE IN LEGAL PURPOSES FROM THE PERSPECTIVE OF  
LAW 202/ 2010 REGARDING THE ACCELERATION OF TRIAL SETTLEMENT [68]**  
GEORGE COCA

**THE RIGHT TO SELF IMAGE: THE CONSENT GIVEN IN  
THE CASE OF REPRODUCTION OF A PERSON IN A  
PHOTOGRAPH, FILM, DRAWING, ON THE INTERNET [73]**  
LILIANA MARILENA MĂNUC

**EQUITY, FUNDAMENTAL PRINCIPLE OF LAW [77]**

VARVARA COMAN

LUCIANA BOBOC

OCTAVIA STERIOPOL

**THE RIGHT TO SELF IMAGE: THE CONSENT GIVEN TO CREATE OR USE  
A PERSON'S IMAGE IN THE NEW CIVIL CODE. GENERAL CONSIDERATIONS [85]**

LILIANA MARILENA MĂNUC

**EUTHANASIA [89]**

AMELIA MIHAELA DIACONESCU

***EUROPEAN COMMUNITY LAW***

**THE PRINCIPLE OF DIRECT CONSEQUENCES AND EFFECT  
OF EU RULES ON NATIONAL COURTS [99]**

GHEORGHE DINU

**THE INSERTION OF THE PRECAUTIONARY PRINCIPLE IN THE ENVIRONMENT  
PROTECTION AS A LEGAL NORM IN THE EUROPEAN UNION COUNTRIES [104]**

FLORIN FAINISI

MARIAN ILIE

DIANA ANCA ARTENE

**ASPECTS OF EUROPEAN COOPERATION IN  
THE FIGHT AGAINST CROSS-BORDER CRIME [124]**

TACHE BOCĂNIALĂ

ANDREI BOCĂNIALĂ

**APPLICABILITY OF THE PRECAUTIONARY PRINCIPLE.  
EUROPEAN UNION CASE LAW – FRANCE MODEL [132]**

ANGELICA COBZARU

**THE VICTIM OUTSIDE THE TRIAL:  
ILLEGAL IMMIGRATION AND THE RESIDENCE PERMIT [143]**

MIHAELA AGHENIȚEI

**THE RELATIONSHIP BETWEEN  
THE ROMANIAN AND THE EUROPEAN CITIZENSHIPS [148]**

FLORICA BRASOVEANU

ALEXANDRU PETRU LISIEVICI BREZEANU

**THE ISSUE OF THE POLICE AND JUDICIAL COOPERATION  
IN THE EUROPEAN UNION [152]**

CRISTINA FLORINA (POPESCU) PANAIT

## ***PUBLIC LAW AND ECONOMICS***

### **THE ACCOUNTING LAW AND THE MIXED LEGAL INSTITUTIONS SYSTEM IN TERMS OF PROMOTING DEVELOPMENT MECHANISMS [160]**

AURELIAN VIRGIL BĂLUȚĂ

### **RISK ASSESSMENT AUDIT VERSUS WORK ACCIDENTS PREVENTION [167]**

LIANA ELEFTERIE

### **MONEY LAUNDERING DIRECTIVES AND CORRUPTION IN THE EUROPEAN UNION [177]**

LUMINITA IONESCU

### **THE IMPLICATIONS OF THE ADOPTION OF THE EU ACQUIS ON THE ROMANIAN BANKING SECTOR [182]**

OCTAV NEGURIȚĂ

### **INTERNATIONAL COOPERATION IN THE STRUGGLE AGAINST TRANS-BORDER ORGANIZED CRIME AND MONEY LAUNDERING [190]**

GEORGE DOREL POPA

### **ASSIGNING BETTER TAX GOVERNANCE WITHIN THE EU THROUGH THE ACTIONS TO OVERCOME THE DEBT CRISIS AND ENHANCE THE ECONOMIC CONVERGENCE [194]**

FLORIN TUDOR

## ***CRIMINAL LAW***

### **THE STATUS OF ACTIVE SUBJECT OF BRIBE-TAKING [202]**

GHEORGHE ALECU

CAMELIA DOINA MICU

### **CRIMINAL POLICY IN CONSTITUTIONAL DEMOCRACY. TERMINOLOGY AND CONCEPT [210]**

VASILE BABU

### **CRIMINAL POLICY AND CONSTITUTION. TERMINOLOGY AND CONCEPT [214]**

VASILE BABU

### **GUILTY PLEA AGREEMENT [218]**

TIBERIU DUTU

### **REQUIREMENTS FOR ENSURING UNIFORM LEGAL PRACTICE [222]**

TIBERIU DUTU

### **THE ACCESSORY PUNISHMENT ACCORDING TO THE NEW CRIMINAL CODE OF ROMANIA [227]**

GHEORGHE IVAN

MARI-CLAUDIA IVAN

### **CUSTODY ON REMAND ACCORDING TO THE NEW CRIMINAL CODE OF ROMANIA [233]**

MARI-CLAUDIA IVAN

GHEORGHE IVAN