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"EXPLORATION, EDUCATION AND PROGRESS IN THE THIRD MILLENNIUM"
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Organized by:

"DUNĂREA DE JOS" UNIVERSITY OF GALAȚI, ROMÂNIA

through:

FACULTY OF LEGAL, SOCIAL AND POLITICAL SCIENCES GALATI

THE RESEARCH CENTER OF JURIDICAL AND ADMINISTRATIVE SCIENCE

"DUNĂREA DE JOS" EUROPEAN DOCUMENTATION CENTRE GALATI

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GENERAL OVERVIEW

CONFERENCE'S PURPOSE: The conference will have as a purpose an interdisciplinary approach of various themes in the field of social and humanistic sciences: law, administrative sciences, regional studies, economics, psychology, sociology, theology and other interrelated domains.

CONFERENCE'S OBJECTIVES: The conference intends to bring together researchers and professionals in the above mentioned fields. The participants are expected to answer to the various questions related to and deriving from the thematic under debate by means of an innovative and accurate methodology.

The conference's coherence and originality will be ensured by the combination of two fundamental elements: on the one hand, special attention will be given to the classic aspects of the study of the social and humanistic sciences, and, on the other hand, the classical perspective will be complemented by the modern European and international approach of the topics under analysis.

PANELS

- **LAW: PUBLIC LAW; PRIVATE LAW; CRIMINAL SCIENCES**
- **PUBLIC ADMINISTRATION AND REGIONAL STUDIES**

The Scientific Committee:

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PARALLEL SESSIONS

- **PANEL 1 - LAW: PUBLIC LAW; PRIVATE LAW, CRIMINAL SCIENCES**

- **PANEL 2 - PUBLIC ADMINISTRATION AND REGIONAL STUDIES**

PANEL 1 - LAW: PUBLIC LAW; PRIVATE LAW, CRIMINAL SCIENCES

PANEL 2 - PUBLIC ADMINISTRATION AND REGIONAL STUDIES

PANEL 1

LAW: PUBLIC LAW; PRIVATE LAW, CRIMINAL SCIENCES

Moderators:

Public Law. Criminal Sciences
Professor Gheorghe Ivan
Associate Professor Ana Stefanescu
Lecturer Adriana Stancu
Lecturer Stefania Mirica

Private Law
Professor Nadia Anitei
Associate Professor Nora Daghie
Lecturer Dragos Mihail Daghie
Lecturer Mirela Costache

Conceptual Analysis of the Interpretation At The Beginning of the Road

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Abstract: Interpreting in law, before being a moment of law enforcement, is the first operation that prepares and rationalizes the elaboration of the law, of any normative act, in general. What we consider to be necessary is that the prior application of the European Convention on Human Rights takes place not only in the case of conflict of laws but also in the case of non-compliance resulting from different interpretations of the legal provisions. From this justification, it is not difficult to observe that the European Union's normative acts apply as a priority in relation to national law.

Keywords: legal norms, interpreting, conflict of law, European Convention, human rights

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Law Applicable to Maintenance Obligations in the Event of Conflicting Rules Ensuring an Objective Location in Accordance with the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations

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Abstract: Article 2,612 of the Civil Code provides: "The law applicable to the maintenance obligation is determined according to the regulations of European Union law." Among the European regulations in the field, we set out to dedicate the study of the Hague Protocol of 23 November 2007 on the law applicable to maintenance obligations. The protocol contains two categories of rules that differ in the nature of the connection point:
• the first category consists of norms that ensure an objective location of the bond ratio (art. 3-art.6);
• the second category consists of norms whose point of connection is the will of the parties (art. 7-art. 8).

So, we will dedicate this article to the presentation of the law applicable to maintenance obligations in case of conflicting norms that ensure an objective location according to art. 3-art.6 of the Hague Protocol of 23 November 2007 on the law applicable to maintenance obligations.

Keywords: law applicable to maintenance obligations, habitual residence, parties, creditor, debiotr, children, spouses, ex-spouses

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Cyber Security - A *Sine Qua Non* Condition in the Paradigm of the Developing of Contemporary Society

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Abstract: The beginning of the third millennium brought to the fore unexpected changes in the security environment, with various effects, starting at the level of the individual and continuing to that of state and non-state actors. The present appears as a true conglomeration of opportunities, evolution, globalization and threats, all operating in an unimaginable synergy until the end of the last century, difficult to realize and implicitly managed at the institutional, organizational and individual level.

The current pandemic context creates an accentuated dependence on the online environment in our daily activity, both personally and professionally, regardless of the field in which we operate. Entities that are part of everyday life, from companies, organizations and government institutions to economic agents, service providers or end users, are connected to a certain degree in the virtual environment. Exponentially evolving, much faster than any other process - current or encountered in history, the virtual environment and information technology have generated opportunities for the development of the information society, but also risks to its functioning. In this context, we can say that a premise for the proper functioning of modern society is easy access to information and communication technology.

Cyberspace is characterized by lack of borders, great dynamism and anonymity, generating opportunities for the development of the information society based on knowledge, but also actual risks and threats in the field of national and international security. Along with the indisputable benefits that computerization generates at the level of current economic, social, cultural or administrative entities, specific vulnerabilities also appear, so ensuring the security of cyberspace must be a major concern of all actors involved, especially at the institutional level, where the responsibility for the elaboration and application of coherent policies in this field is concentrated. The adoption of proportional and combined sets of measures to ensure cybersecurity, as a state of normality of the digital information space, is an imperative of a generalized modus operandi of public and private entities.

Keywords: society, institution, security environment, virtual space, cybersecurity, vulnerability, threat

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Femicide in Romania. A Criminological Analysis of Risk Factors

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Abstract: Covid pandemic 19 is increasingly associated by specialists with an increase in the number of acts of violence against women. Recent statistics indicate an increase in the number of female victims of partner violence in several countries around the world. At the same time, the first year of the pandemic was associated with an increase in the number of women killed by their partners (femicide). In this context, the paper will present the results of the analysis of risk factors specific to femicide committed in Romania during 2011-2020. The analysis was performed from the perspective of the ecological model of risk factors. The individual, relational, community and societal factors specific to the femicide committed in Romania will be highlighted.

Keywords: femicide, risk factors, ecological model, Romania

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Aspects regarding the Civil Liability of the Insurance Company in the Criminal Process

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Abstract: According to the provisions of the new Code of Criminal Procedure, taking into account the provisions of art. 86 and the interpretation given to them by decision no.1 / 2016 of High Court, in the case of compulsory civil liability insurance for damages caused by vehicle accidents, the insurance company alone repairs the damage caused by the crime, as a civilly liable party. The provisions regarding the tortious civil liability and those regarding the contractual liability, as it results from the insurance contract and the legal provisions regarding the compulsory civil liability insurance, under the conditions regulated by Law 132/2017, are taken into account when repairing the damage.

The coverage of damages caused by vehicle accidents in the criminal process provokes discussions regarding the introduction of the insurance company in question, taking into account the jurisprudence of the High Court and the Constitutional Court, as well as establishing the limits of its obligations.

Keywords: insurance company, indemnities, civil liability

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Optional Grounds for Refusal in the Procedure for the Execution of European Arrest Warrants

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Abstract: With regard to international judicial cooperation in criminal matters regulated by Law 302/2004, in the procedure of executing a European arrest warrant, the Romanian judicial authorities may invoke mandatory grounds for refusal or may consider optional grounds for refusal.

In the latter situation, the refusal to surrender must be based on one of the express and limiting reasons provided, and the Romanian judicial authority may refuse but may also order the execution of the European arrest warrant, even without the consent of the requested person, if all necessary conditions are met. The verification of the incidence of these reasons presupposes an examination of legality, for the limiting situations foreseen, but also one of opportunity, without affecting the effectiveness of this instrument.

Keywords: criminal judicial cooperation, European arrest warrant

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The Criminal Clause in the Public Procurement Contract

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Abstract: The criminal clause, as provided by the provisions of art. 1538 alin. (1) of the Civil Code, has started to become an increasingly common contractual clause, being also essential, as it avoids the difficulties encountered in performing a contract. The importance of the penal clause is given by the fact that the parties to the contract may determine in advance the extent of damages to be borne by the debtor, in case of non-execution, defective execution or in case of delay of the performance to which it was due. This paper seeks to shed light on the practical usefulness of the penal clause, as well as how to design it to be valid, to produce legal effects and not to be diminished by the courts.

Keywords: criminal clause, contracts, public procurement contract, obligations, damage

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Procedure for the Authentication of Property Transfer Deeds between Caragea's Law, the Calimah Code and the Law for the Authentication of Deeds from 1886

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Abstract: The evolution of the formal requirements to be met in case of transfer of ownership of real estate, the requirements regarding the fulfillment of the solemn form or of the procedures of publicity and opposability strongly indicate the concern of the authorities for ensuring clear and consolidated legal circulation of real estate in general and land in particular. Starting with the first concerns in the matter, which we find in Moldova and Wallachia through the Calimah Code and Caragea's Legislation, passing through the Civil Code of 1864, the Law of authentication of deeds of September 1, 1886 and reaching contemporary legislation, we identify in our research several findings imposed by the legislator regarding these transfers of real estate and the authentication procedure. Among these, below we will refer to the form of the deed that validly enshrine the transfer of the property and to the authority of the person who draws up or confirms the document. Thus, we find in Caragea's legislation the obligation that the "sale of the immovable" is made only in writing and the "record of the sale" is certified by the "Great Logothete", we meet situations in which the presence of witnesses is mandatory and identify the prohibition of accepting the presumption in real estate sales. The advent of the "notarial courts" of the "authentication report" and the enshrining of the "authentic notarial deed" by legislative acts such as the Civil Code of 1864, the Law of authentication of deeds of 1886 and the Civil Code of 2009, reveal the legislator's concern to ensure a clear and sure context in which real estate transactions are carried out. This article approaches all these themes by emphasizing the constants mentioned above and the normative acts by which they are enshrined.

Keywords: the authentification procedure, real estate, solemn form

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The Legal Regime of the Secondary Modalities of Constitution of the Real Right of Superficies

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Abstract: The law problem analysed in this paper regards the atypical situation of the constitution of the real right of superficies, which is materialised in the fact that, in the last paragraph of the article 693 of the Romanian Civil Code there are stipulated two special cases in which this right can be formed. The first one refers to the inscription of the superficies right in the favour of the one that built on the land of someone else, based on the decision of the landowner to give up the right to invoke the accession. The second one presumes the cession in favour of a third party of the right to invoke the accession. Therefore, the new legal framework capitalizes on both previous doctrinal experience and similar provisions of the Quebec Civil Code and includes in the sphere of possibilities of acquiring the right of superficies either a potential right of renunciation or the cession of this right in favour of another party. However, the two situations rise difficulties either by the legal nature of the act of renunciation or by the way the cession is born. This paper analyses the enumerated situations and contains personal opinions in this matter.

Keywords: property right, superficies, accesion, unilateral legal act

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Protection of the Civil Service against Assault in the Criminal Policy of the Republic of Moldova: History, Evolution and Trends

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Abstract: In presented article the authors expresses opinion that, the criminal policy of the state must establish the strategy to combat crime, to ensure the security of citizens and produce a positive impact on the safety of legal relationship. In particular, in order to perform the functions of the state, are needed material resources and a state apparatus, whose representatives need adequate social protection, including through criminal policy, so in criminal regulations of all times there have been numerous provisions on the conviction of acts which infringe on the respect due to the ruler, the governors of the state and their assistants, according to their importance and duties. In order to exercise his duties, the person appointed or elected to a public office must have authority and be able to make decisions, make requests that are mandatory for any person.

It is obvious that in their activity, civil servants encounter difficulties, and in the cases of use of the coercion power, sometimes they face resistance or even violence from those summoned to comply with the requirements, in this sense the state applies a set of measures to prevent these types of crimes.

The punishment for committing crimes against the authority and the representatives of the state must be in accordance with the prejudicial character, the social danger and the incidence of the deed, thus determining the necessity of criminalization or decriminalization of certain deeds.

Keywords: criminal policy, assault, civil service, criminal offences, punishment

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Cases of Suspension of the Decision to Open Insolvency Proceedings

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Abstract: By unifying the insolvency and insolvency prevention procedures, carried out by Law no. 85/2014, it was wanted to create a unique tool available to practitioners and recipients of the procedure to carry out the steps involved in opening such a procedure. Although the procedure applicable to the judgment of such claims is based on the rules of the Code of Civil Procedure, we still find numerous derogations from civil procedural law, the common rules not being applicable in matters of insolvency. Such a derogation, or special regulation, also takes into account the cases in which the appeal against the decision to initiate the procedure may be suspended.

Keywords: insolvency, opening, suspension of decision

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Benefit of Division – a Peremptory Plea at the Disposal of the Guarantor

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Abstract: According to the provisions of Article 2298 (1) of the Civil Code, the benefit of division represents the right recognized to the guarantor, in the case that there are more obliged guarantors for the same debt, to request the creditor to first divide its action and reduce it to each share.

Plea of the benefit of division appears to be a limitation of the rule established under the provisions of Article 2297 of the Civil Code, according to which, in the case of plurality of guarantors of the same debtor for the same debt, each guarantor is bound to the entire debt and on whom the enforcement order may be executed as such.

By the effect of the benefit of division, the obligation is changed into a divisible one, and the guarantor which relied on this plea shall be exempt from the creditor's action for whatever exceeds its share.

Keywords: co-guarantors, indivisible obligation, benefit of division, presumption of equality, insolvency

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Educative Measures applied to Juvenile Offenders Registered in Probation Services

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Abstract: The issue of juvenile delinquency has led to the adaptation of the criminal policy on the sanctioning regime applicable to juvenile offenders. Law no. 286/2009 on the Criminal Code regulates in Title V the educative measures applicable to minors who have come into conflict with the criminal law, each sanction following, in addition to specialized supervision, the intervention of specialists on the conduct of the juvenile offender. The application of educational measures aims at fulfilling their educational function, and less the punitive function. Although limited by the provisions of the criminal sentence, the intervention is adapted to the personal circumstances of the minor, aiming to reduce the repetition of criminal behavior, the development of his social skills, using community resources to provide assistance and counseling services. The paper will present an analysis of statistical data on educative measures applied, at the level of the probation system, in the case of juvenile delinquents. The data will be structured according to several static indicators (gender, age, area of residence, level of education).

Keywords: probation, educative measures, juvenile offenders

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Insolvency. Practical Issues Relating to the Relationship between Action in the Training of Equity Responsibility and the Employment of Fiscal Responsibility

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Abstract: The provisions of art. 169 of the law no. 85/20014 allow filing an action in against some persons who determined the insolvency of the persons responsible for causing the insolvency of a debtor. At the same time, the Code of Fiscal Procedure enshrines for the outstanding tax receivables the commitment of the fiscal responsibility of the persons who, in bad faith, determined the insolvency. Not infrequently, the tax authority takes parallel steps to recover its claims against the insolvent debtor, both in the collective and insolvency proceedings, in which all creditors may participate, and by issuing decisions to engage joint and several tax liability, so that it can lead to the coexistence of two enforceable titles against the same person.

The purpose of this paper is to analyze the relationship between the two types of coexisting liability, to determine the problems that such a situation may create, as well as to propose various solutions to them, taking into account, of course, the case law.

Keywords: insolvency; action in training responsibility; tax procedure; the decision to engage the joint and several fiscal liability; enforceable title

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Issues concerning the European Union's Concerns about the Return Procedure

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Abstract: The Former President of the European Commission (2014–2019) Jean-Claude Juncker stated in the European Parliament in Strasbourg on 3 July 2018: ″ Europe must be able to effectively manage its external borders, improve returns and ensure a high level of security within the Union.

Return, according to the provisions of Directive 2008/115 / EC (on return), is considered to be the process of returning a third-country national - either by voluntarily complying with a return obligation or by enforcing it - in: country of origin, or in a country of transit in accordance with Community or bilateral readmission agreements or other agreements, or in another third country, in which the third-country citizen concerned voluntarily decides to return and in which it will be accepted. In the procedure, according to the provisions of the same Directive, a return decision must be issued for the return. Enforcement of the return obligation is carried out by means of a removal order, which is a decision or any other act of an administrative or judicial nature ordering the execution of the return obligation, in addition to physical transport outside the Member State.

The application are of the Return Directive covers any third-country national who is staying illegally in the territory of a Member State. The Return Directive is binding on all EU Member States except Ireland and Switzerland, Norway, Iceland and Liechtenstein.

To ensure the success of the plan mentioned by the former President of the European Commission, this Commission has put forward the proposal to equip the European Border and Coast Guard with the necessary operational capacity and skills to effectively support Member States on the ground. The aim is to create a new permanent body of 10,000 operational agents with executive powers and their own equipment to ensure that the EU has the necessary capabilities to intervene wherever and whenever necessary, both along external borders. EU countries as well as in third countries. The intention is for this body to play a more important role in return and to work

closely with the new EU Asylum Agency. At the same time, this group of agents will be able to support third countries in their return activities to other countries. The European Border Police and Coast Guard will work closely with the Enhanced European Union Agency for Asylum to train migration management support teams, especially in hotspots and controlled centers, to provide integrated border support. , asylum and return, as appropriate.

This study presents this specialized body at European level, through which the European Union is involved and intends to support Member States in migration and return procedures.

Keywords: process of returning, new permanent body of operational agents at European level, Member States, third-country

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Limited Border Traffic. Juridical Regime from an European Perspective

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Abstract: The basis of the individuals' freedom of movement is to eradicate discrimination between nationals of the Member State in whose territory they reside or work, and nationals of other Member States living or working in that territory. Discrimination can refer to the conditions of entrance, travel, work, employment, or compensation. Freedom of movement is separated from other human rights in that the exercise and full accomplishment of it involves affiliations between states, the compatibility of their position on this right, which positively influences the international environment. By exploiting the right to the freedom of movement there are consequences both in macro and micro-social plan, fulfilling the role of progress factor both for communities and for the human personality, enriching their knowledge and developing their feelings.

Keywords: border traffic, european law, freedom of movement, fundamental rights

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The Best Interests of the Child

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Abstract: The best interests of the child is a principle that governs relationships within the family. In judicial practice this principle is understood abstractly and theoretically and applied as a template. The court does not refer to the factual situation, i.e. the situation of each individual child. In these circumstances, the child's superior principle remains a myth. On following this principle, what is more important is the harmonious development of the child or maintaining the relationship with the non-resident parent. In applying the best interests of the child, judges must look at the social and moral profile of the parents, how they exercise their obligations to provide for the growth and raising of their children.

Keywords: the best interests of the child, judicial practice, obligations, children, relationships

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Qualified Murder. The Rehabilitation or the Fulfillment of the Rehabilitation Term does not Prevent the Remand of the Aggravating Circumstantial Element Stipulated in Article 189 (1) e) of the Criminal Code - the Murder committed by a Person who has Previously Committed a Crime of Killing or attempting to Commit this Offense. Subsistence of the Judgmental Authority. Recurrence - Cause of Aggravation of Punishment. Admissibility

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Abstract: In Interpreting the Article 189 (1) (e) of the Criminal Code and Article 169 (1) of the same Code, in the case of a new offense of murder or attempted murder, the rehabilitation or the fulfillment of the term the rehabilitation of a person who has been convicted of an offense who has previously committed a murder or attempted murder does not prevent the retention of the aggravating circumstance referred to in Article 189 (1) (e) of the Criminal Code, namely the murder committed by a person who has previously committed a crime of murder or attempted murder.

To consider that intervening the rehabilitation or the fulfillment of the rehabilitation term regarding a defendant who was previously convicted for a crime of murder or attempted to commit such an offense would prevent retaining the aggravation referred to in Article 189 (1) (e) of the Criminal Code in the case of committing a new offense of murder or attempts to commit this offense would annihilate the judgment authority of a court decision by which it had definitively ruled that the crime exists, constitutes an offense and was committed by the convicted person. Recurrence is not always a cause of aggravation of punishment.

Keywords: labor authority, cause of aggravation of punishment, aggravating circumstantial element, non bis in idem, qualified murder, power of judgment, rehabilitation, attempt

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Violation in Bad Faith, Condition of Replacement of a Preventive Measure

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Abstract: During the execution of the measure of judicial control, the measure of judicial control on bail or the measure of house arrest, a person accused according to a judicial procedure, intentionally, does not comply with certain obligations, namely established by the judicial body, which may constitute a serious violation. Faith in these obligations. This violation is a condition for the replacement of the preventive measure, already imposed on the defendant.

Keywords: judicial control, judicial control on bail, the preventive measures, in bad faith

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Obligation not to own, use or Stole Weapons, Part of the Execution of the Preventive Measure of the Judicial Control

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Abstract: The enforcement of the measure of judicial control and the measure of judicial control on guarantee assumes that the judicial body may establish more duties for the defendant, not to do it. The obligation is general and does not concern a certain type of weapons, it refers to all categories of weapons, regardless of their nature.

Keywords: judicial control, judicial control on bail, the preventive measures, arms

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Considerations Regarding the Extent of the Right to Life in ECHR practice - Case of Lambert and others v. France

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Abstract: The right to life is the first and most important right established in the European Convention of Human Rights as it is the necessary foundation for the exercise of all the other fundamental rights. In this paper we aim to analyze one particular aspect of the right to life: the end-of-life issues (the extent, the prolongation or interruption of human life by disconnecting a person in a vegetative state from the medical equipment). For exemplification I chose the Case of Lambert and others v. France. In the first part of the paper I referred to some general aspects regarding the right to life and the problem of the end-of-life, and in the second part I analyzed the Lambert Case and other related cases. Vincent Lambert was a French nurse whom had a car accident in 2008, at the age 32. As a result of this accident Vincent Lambert had a severe brain injury that left him paralyzed (tetraplegic) and totally dependent. Despite all the medical efforts there was no improvement in his health. He was totally dependent on the medical equipment for hydration and nutrition. So, in 2014 the doctors (with the approval of several family members and after detailed examination) interrupted the nutrition and hydration of the patient. This decision was not accepted by Lambert' parents and they decided to take the case to the European Court of Human Rights.

The profound legal, moral and philosophical analyze of the question of when and who may decide to end a human life was debated once more but the conclusions are not definitive or generally accepted. The national legislations contain many differences and the points of view are various. It is however a subject that deserves attention and further studies.

Keywords: human rights, quality of life, right to life, end-of-life, philosophy of law

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Aplications of the Theory of Unpredictability in the Romanian Jurisprudence

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Abstract: In the present paper we aim to analyze the concept of unpredictability as it was established in the Romanian jurisprudence and practice. The civil law and the moral rules state that when one person makes a promise to another, he/she should stick to it and fulfil it. This legal and moral principle is fundamental to our social and economical relations. Until the apparition of the New Civil Code the matter of unpredictability had no express legal recognition, but it could be found in jurisprudence and through the interpretations of the existent provisions. In the paper we will specify certain general aspects of the institution of unpredictability, from the legal, moral and psychological points of view in Romania today. Unpredictability is an unexpected event that leads to a over indebtedness for the party of a civil contract. This situation leads to very serious consequences legally, economically and psychologically for the person which finds himself, almost suddenly in such an unpleasant position. As the Romanian economy is not a very stable one, the appearance of unpredictability was inevitable. We will present several court decisions in this matter and draw several conclusions on how to adjust to such an event appearing in the execution of a contract.

Keywords: unpredictability, obligations, giving in payment, moral obligations, jurisprudence

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Considerations regarding the Complementary Sanction of Temporary Suspension of the Driving Licence

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Abstract: In Romanian jurisprudence were raised issues regarding the possibility of the court of law to appreciate about the complementary sanction of temporary suspension of the driver licence stipulated by the Government Emergency Ordinance no. 195/2002. For many years, it was considered that this sanction is applied automatically in case of committing specific traffic offences but, recently, in trials regarding the annulment of the contravention reports, a new interpretation was given to the legal provisions that govern this domain. Due to the different currents of opinion in this matter, the High Court of Cassation and Justice of Romania was seized with the request to provide a unitary interpretation in this matter. In April 2021, the High Court of Cassation and Justice of Romania stated that the judge cannot examine the proportionality of this complementary sanction.

Keywords: complementary sanction, contravention, case law, administrative law

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The Legal Guarantees Stipulated in Case of Expulsion in the European Court of Human Rights Case-Law

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Abstract: In this paper we aim to analyse several significant aspects of the conditions that must be respected in order to proceed to the expulsion of an alien that has the legal right to reside in a state. In the matter of expulsion apply both international and national legal provisions and a significant one in this domain is represented by the Protocol no.7 to the Convention for the Protection of Human Rights. The article contains the presentation of several cases in which the European Court of Human Rights ruled that the procedural safeguards established by the Convention were breached. This procedure implies the obligation for the authorities to analyse for each case if the conditions are fulfilled, collective expulsions being forbidden.

Keywords: human rights, expulsion, procedural guarantees

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Statements by the Prism of the Criminal Law

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Abstract: Analysing in detail the notion of justice, it has several meanings, two of which are directly related to the study of the court system: justice is a function - the function of the judge to decide on conflicts between different subjects of law enforcement respectively, justice is all the activities which contribute, directly or indirectly, may exercise the judicial function. In fact, the primary purpose of this article, highlighting the need for protection is the accuracy of the information through the criminal rules. The problem arises when the statements of witnesses against a person narration and/or information that don't correspond to reality.

Perjury in *judicio falsitas* is that a witness who, in a criminal, civil, disciplinary or any other case in which listening to witnesses, making false statements, or does not say everything he knows concerning the circumstances essential to the which was asked and is prosecuted by the provisions of articles of Criminal Code.

Keywords: statements, justice, veracity, truth, false statements criminal liability

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Matrimonial Property Agreement

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Abstract: Since In recent years, more and more frequent, problems arise in the face of citizens in defending property rights, including in family relations. A civilized way of regulating the property relationships between spouses during or in the event of marriage is the matrimonial contract or the matrimonial property agreement, also known as a prenuptial contract.

Although it is still viewed with scepticism, like many of the novelties that surprise today's society, the matrimonial property agreement is a legal act whose effects are still perceived with restraint by the majority of couples in Romania. Often considered a conditioning of love when one partner proposes to the other such a Convention, this institution makes a smooth, but safe way in the mentality of those who want to formalize their relationship, or even those they have been already united for many years of marriage. In order to be able to emphasize the importance of regulating this institution, a matrimonial property agreement approach is needed, taking into account the legal principles governing it, its legal character and the specific scope of the agreement.

Keywords: matrimonial contract, family, marriage, matrimonial property regime, goods

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Fear of Crime, Safety and Police Work in a Pandemic Time

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Abstract: This paper discusses the fear of crime, a concept long studied by scholars and researchers, from the second half of the 1960s to the present times. With the increase of the academics and the general public interest for topics in the field of subjective perception on crime and its impact on feeling of safety, even the police work has gained new value from fields such as criminology, sociology or psychology. Thus, the inclusion of the citizens' expectations on the agenda of the law enforcement agencies, mainly the police, marked a turning point in the history of these institutions.

At present, the police is no longer just a fighter against crime, responsible for implementing measures to prevent and combat crime, now it must also address the repression of fear of crime and increase the feeling of security of the population it serves. There are several theoretical approaches to the fear of crime construct: individual-level theories (vulnerability perspective – social or physical vulnerability to crime), contextual-level theories (disorder thesis, social integration thesis), and a more recent approach (the multilevel perspective, which combines individual vulnerability, contextual disorder and the absence of social integration).

Starting from simple definitions, developed in the early 1970s, in which the fear of crime was seen as an negative emotional response to the threat of crime, the concept has evolved, more recent research showing that the fear of crime is a multidimensional construct, that refers to the interaction between emotions, cognitive processes, crime and environment. Although no consensus has been reached on defining the fear of crime, most definitions have the following elements in common: it is a negative emotional response, which appears in the face of a real danger or a potential threat of a criminal incident.

Keywords: fear, crime, police, vulnerability, threat

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The Creation of the Customary Norms into Diplamatic Law

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Abstract: Based on the idea that diplomacy promotes a common foreign policy of states, diplomacy contributes to the improvement of the international order and good cooperation between states. Most of the rules that make up diplomatic law have been formed on the basis of international custom and these rules continue to play their role whenever necessary in this area. The first attempts, consisting in fact of a partial codification, were embodied in the Final Act of the Congress of Vienna of 1815, which, in Annex XVII, laid down some rules for the classification and precedence of diplomatic agents, rules known as the Vienna Regulations, supplemented by the Protocol of Aix-La Chapelle in 1818.

Keywords: diplomatic law, codification, customary norms, international relations

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Social Reintegration Measures addressed to Elderly Prisoners in tThe Romanian Penitentiary System

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Abstract: Social reintegration activities for the detainees aim the educational intervention, including here the religious moral assistance, and the psychological and social assistance. Despite the fact that the percentage of elderly detainees is low compared to the general population, the approach of recovery intervention addressed to this category of convicts requires special attention from specialists, adapted to the age and the real prospects of post-detention social reintegration.

In prison we identify elders who must serve long sentences, and so, the prospects of social reintegration at the end of the sentence is often reduced to their simply return to their families and communities they belong to.

During the execution of the sentence, the attention of specialists must be directed towards ensuring them a safe environment, in which the elderly person is involved in leisure activities, which should meet their needs.

Although we expect that this situation may lead to a total rupture with their family, we meet elderly detainees who benefit from emotional and material support of the rest of the family members. The identification of the mechanisms to be involved in this process is the basic element of the social reintegration, addressed to an age group which is very often subjected to the forgetfulness, ignorance or even to the serious abuse in today's society.

Keywords: eldery, prisoners, social reintegration

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Strain and Cultural Deviance Theories

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Abstract: Sociological theories seek the reasons for differences in crime rates in the social environment. These theories can be grouped into three general categories: strain, cultural deviance, and social control. Strain and cultural deviance theories both' assume that social class and criminal behavior are related, but they differ as to the nature of the relationship. Strain theory argues that all members of society subscribe to one set of cultural values—that of the middle class. One of the most important middle-class values is economic success. Since lower-class persons do not have legitimate means to reach this goal, they turn to illegitimate means in desperation. Cultural deviance theories claim that lower-class people have a different set of values that tend to conflict with the values of the middle class. Consequently, when lower-class persons conform to their own value system, they may be violating conventional or middle-class norms.

Keywords: strain and cultural deviance, sociological theory, criminal behavior

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Special Inabilities regarding Donation - Inability to Receive

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Abstract: The regulations of the states of the world aim to create a contractual space meant to protect the donor, his patrimony and to ensure the good faith. There are regulations around the world in the field of donation aimed at limiting the possibility of making donations to people who could influence the donor or who due to their status cannot receive donations. The purpose of this research is to present the aspects of comparative law appliable to the inability to be gratified by donation on certain categories of people and not only. According to American doctrine, *undue influence* is a philosophy of equity that involves a person taking advantage of a position of power over another person. This inequity of power between the parties can vitiate the consent of a party, because they are not able to freely exercise their independent will. For this, the undue influence is likely to lead to an inability to receive.

Keywords: inability to receive, undue influence, legal entities, doctors, teachers, guardians

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Execution of Obligations arising from the Donation Contract

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Abstract: The donation knows several varieties and types of it that find their applicability in the usual practice. An increased interest is applied to the *donation received as result of an obligation*, being the variety of the donation contract with a synallagmatic character. Burdening the donation with a task requires the donee to accept the task for which he is bound once the liberality is accepted.

The donor can be protected in case of non-fulfillment of the task imposed on the donee by two measures regulated by the Civil Code, namely *the execution of the task* or the *revocation of the donation*. It is necessary to specify that following the application of art. 1028 C. Civ. "The donee is required to perform the task only within the value of the donated property, updated on the date on which the task was to be performed."

The present research aims to treat from the point of view of regulation and jurisprudence the issue of the right to sue for the execution of the task by the donee.

Keywords: donation, non-execution of the task, right to sue, forced execution, done

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PANEL 2

LAW: PUBLIC ADMINISTRATION AND REGIONAL STUDIES

Moderators:

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Professor Florin Tudor
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PANEL 2 - PUBLIC ADMINISTRATION AND REGIONAL STUDIES

Highlights on the Calculation Method of the Salaries' Income Tax Accounting

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Abstract: This paper goal is to call attention to the method of calculating the salaries' income tax and its share in total budget revenues. Salary income is considered all income in money obtained by a person who carries out an activity based on an individual employment contract, and the tax is calculated and withheld by cumulating with the income from salaries for that month, and its payment to the state budget is performed monthly. The salary tax, which represents 78.4% of the revenues related to this budget aggregate, had a very slow dynamics, recording an increase of only 1.3% in 2020 compared to 2019, which represents a failure of 0.6 billion lei. Consequently, there is a revenue deficit of about 2 billion lei, which raises questions about the efficiency of collecting this income category. The evolution of income tax revenues reflects a decrease of 8% as a share of GDP in January 2021.

Keywords: budget deficit, budget revenues, direct tax, share in GDP, accounting monograph

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Digital Transformation of the Public Administration: a Case for Odessa Region

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Abstract: Digital transformation and integration into the social networks of the public administration system is considered as the latest paradigm of its modernization in the XXI century. Its application allows combining the process of providing public services in accordance with the needs of citizens with the guarantee of their democratic rights and the opportunity to participate in decision-making. As known, the success of the digital transformation of public administration depends on the answers to two questions: the extent to which citizens, as users of administrative services are ready to move to communicate using digital technologies; which forms of public administration will ensure the transition from government-oriented services to meet the needs of citizens to an environment in which they will independently determine their needs and mechanisms for meeting them.

The basis of the process of digital transformation is the redistribution of functions and operations of public administration. To transfer them to other institutions, the study proposes an approach in which structured information and management functions will be assigned to three specialized platforms: information, management and presentation. Their use will allow to present government information in digital form through websites, mobile applications, etc.

Noting the importance of developing a new architecture of public administration, the paper also emphasizes the problem of motivating citizens to use digital services.

According to international practice, to assess the level of information development, the country uses a system of indices that characterize its electronic readiness or involvement. But such indices give only a general estimate. They do not provide an understanding of the many factors that influence the process of digital transformation. Therefore, without abandoning the methodology for determining e-readiness and engagement, the case study of the Odessa region proposed indicators to obtain a direct assessment of the process of digital transformation. The combination of a qualitative assessment of the motivation of service recipients and quantitative data indicating the level of electronic readiness of the region allowed to establish the effectiveness of its digital transformation. The implementation of the prepared recommendations will not only help increase the efficiency of public services at the local level, but will also contribute to the digital transformation of public administration in Ukraine.

Keywords: digital transformation, administrative services, public administration

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Benefits and Limitations of Outsourcing Services for the Development of Local Development Strategies

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Abstract: Outsourcing of activities and services is considered a suitable solution in terms of cost effectiveness. The range of public services that is provided to the outsourcing of public administration, is varied - from the sanitation, maintenance of green spaces, parking management to consulting services for raising non-refundable funds. The study discusses the social and economic implications of outsourcing services for the elaboration of local development strategies. Two main objectives are pursued: 1) analysis of the outsourcing process and its specific elements: reasons, benefits, risks, outsourcing decision, provider choice and 2) study of the public-private partnerships and shared public service agreements as an alternative to outsourcing. We argue that in the case of elaboration of the development strategies, the outsourcing solution offers limited results in terms of cost and effectiveness.

Keywords: strategy, outsourcing, role, competence, public-private partnership, shared public service

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The Hope of the Economic Recovery across the Eu27

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Abstract: The paper deals with the analysis of the present global crisis' impact on the EU Member States' economies and answers to the question related to the posibility of economic recovery on short and medium terms. Different methods of statistical analysis and forecasting are used in order to quantify the economic recovery process using two scenarios. The main conclusion of the research is that the present crisis succeeded in increasing the economic disparities between the Member States' economies. The statistical databased used for the analysis is the latest official one.

Keywords: global crisis; economic disparities; economic recovery; economic clusters; scenarios

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The Procedure for Cancelling Administrative Acts

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Abstract: The administrative act enjoys the presumption of legality, which in turn is based on the presumption of authenticity and veracity, being itself an enforceable title. However, the principle of legality of administrative acts presupposes that both the administrative authorities do not violate the law and that all their decisions are based on the law. It also requires that the authorities effectively ensure that these requirements are met. The ***cancelling*** of administrative acts may be ordered by both the administrative court and the criminal court. The administrative court examines whether there are grounds for illegality, while the criminal court examines whether an offense provided for by the criminal law has been committed.

Keywords: administrative acts, presumption of legality, the administrative court, the cancelling of administrative, the administrative authorities

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The Principle of Multiculturalism and its Application in European States

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Abstract: Today's Europe is far from a Europe of stereotypes, of boring uniformity, but it represents an interesting mosaic of nations, traditions and cultures that interfere in a constructive way every day. In our opinion, cultural diversity is at home in a Europe of "nations", where everyone fights more or less visibly for the maintenance of their own state and cultural identity, thus militating for "diversity in unity".

This article will focus on presenting the issues inherent in the ethnic and cultural rights of minorities in various European countries and the legal ways in which national or European authorities try to respect them.

Keywords: multiculturalism, diversity, public authority, rights

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Communication – A Crisis Management Factor

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Abstract: In this paper we aim to analyze the importance of the communication process for the management of crisis situations that occur within organizations. We will refer to poor communication which can itself be a cause of a crisis situation. We will argue that effective communication between members of an organization can lead to a quick resolution of crises, and poor communication, a truncated presentation of the facts or a misunderstanding of a created situation can lead to a crisis, conflict or unjustified extension of existing ones. Communication is closely linked to the emergence of conflicts and crisis. Good communication can ensure harmony and effective collaboration between the members of an organization, while improper communication based on misperceptions or misleading will give rise to and perpetuate crises and conflicts. Effective communication is essential for the proper functioning of any organization, this aspect being highlighted by specialists in the field.

Keywords: communication, crisis, management crisis, crisis management, organizational management, human resource

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Mediation and Negotiation – Effective Solutions for Overcoming Conflicts in/between Organizations

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Abstract: In this paper we aim to analyze two of the most effective methods of resolving conflicts that may arise within an organization or between two or more organizations. The first method we will refer to is mediation. Mediation is a process conducted by a third person, foreign to the conflict between the parties, with the help of which the parties can express their views (which usually are contradictory) and can seek an amicable solution, favorable to both parties in order to resolve the conflict. The negotiation is carried out through discussions between the parties, at the end of which, a satisfactory compromise situation can be reached. We will also make a comparison between mediation and negotiation and an analysis of the situations in which each of the two methods can be used successfully.

Keywords: mediation, negotiation, conflict, crisis management

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Peculiarities of the Administrative-Patrimonial Liability

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Abstract: The foundation of the administrative-patrimonial liability, a form of responsibility specific to the administrative law, is constituted by art. 52 of the Romanian Constitution, which recognizes the fundamental right of the citizen to be compensated for damages caused by administrative acts of public authorities. Regulated by the Administrative Code in several forms (exclusive patrimonial liability of the state for damages caused by judicial errors; exclusive patrimonial liability of public administration authorities for public service limits; joint and several patrimonial liability of public authorities and civil servants for material and moral damages caused by administrative typical or assimilated acts), the administrative-patrimonial liability is distinguished by certain particularities that aim at the specific conditions of this type of liability. In the present study, based on the analysis, logic and comparative method, we will highlight the legal regime of administrative-patrimonial liability, a distinct form of liability, researched since the interwar period by all great authors of administrative law.

Keywords: administrative-patrimonial liability; administrative acts; damages; public authorities

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Looking Ahead: How ”Smart”Can Public Administration Get Through Social Innovation?

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Abstract: 21st Century public administration faces numerous challenges that make its activities difficult to organize and coordinate and be at the same time in synchronicity with the increasing needs of its citizens. The only way public administration can address these challenges has to be its will and vision to adapt to harsh conditions of environment and the pressure to perform better with less. In order to become more efficient, public administration has to get ahead these problems and become „smarter”. In an age when social innovation seems to be the response at hand, it seems equally easy for public administration to go forward by using it.

The present article explores concepts such as „smart public administration”, „social innovation”, digitalization and „smart” public service. The methods used are the qualitative evaluation of various sources of specialized research and literature in the field.

Keywords: „smart public administration”, „social innovation”, smart public service

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Impact of Information Technology Development on the Higher Education

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Abstract: Advances in information technologies are transforming the whole social and economic scene and changing requirements not only for technology-related industries, but also for education in all levels. The Covid-19 pandemic has highlighted awareness of the strategic role that digital technologies play in underpinning the long-term success and sustainability of higher education institutions as well as their strengths and weaknesses. Aim of this paper is to analyse, how digital transformation changes have affected the higher education ecosystem, examine the current challenges and opportunities faced by HEIs in order to adapt to already available and upcoming technologies.

Keywords: digital transformation, higher education, strategy, Covid-19

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The Concept of Public Order and Peace

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Abstract: History has shown that human society cannot exist and, moreover, cannot progress apart from a general, well-structured and unanimously respected general order state. In nature, everything is done according to objective laws, so well designed and respected that no one has succeeded at least to equalize them, despite the efforts of millennia. At the same time, during his/her development as a social element, in order to survive, the human being tried to find his/her own rules that would ensure his/her role as master of nature and promoter of knowledge. Therefore, human societies have experienced periods of prosperity, especially where skilled leaders have imposed strict rules of conduct on the population, unanimously accepted by all members of the community.

Keywords: order, constitutional, public, safety, constraint

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The Neo-beguinage – a Possible Socio-religious Solution to a Demographic Problem

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Abstract: This article analyzes a new urban-residential concept - beguinage. Historically, the concept, originally from Belgium, referred to houses where single women lived, ie in a house consisting of one or more groups of houses connected by corridors near a church and a small yard. Today, beguinages are mainly present in northern European countries, such as the Netherlands, Flanders and northern France. The structure of the accommodation remains identical with the past and preserves its religious and secular values from the past; This is why a number of beguinages are now listed as UNESCO World Heritage sites. However, the concept of beguinage has been adapted to our day in two main forms:

In the form of women's associations: the aim is to promote solidarity and provide women with a common place for socialization and rest

Béguinages aimed at the "elderly": present mainly in the north of France, these are collective dwellings for the elderly who want to have their "home" and live at the same time in a community. In addition to being a social establishment, it is a suitable place for the elderly who lose their mobility, because the common spaces are maintained by specialized structures.

The model is gaining ground in Western countries, being an alternative to the classic nursing homes. From our point of view, it can be assimilated to the monastic settlements in the Orthodox space. Considering the perspective of the aging population of Romania, but also the very large number of monasteries (over 800 places), this article pleads for considering this socio-religious solution adaptable to the Romanian context.

Keywords: beguinage, residential, religion, elderly, demography

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Considerations on the Perspective of Human Resources Management in SMART Public Administration

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Abstract: The Administrative Code, adopted by Government Emergency Ordinance (G.E.O.) no. 57/2019, highlights a greater openness of the Romanian legislator towards flexible labor forms in the public administration, being however more reserved towards them in terms of civil servants in relation to the contractual staff. However, even the moments of crisis we are going through have pushed the limits of acceptance not only from the perspective of the digitalization of work, but also from the perspective of the management, respectively human resources management, in very modern forms with emphasis on an increasingly advanced technology.

Accordingly, a SMART public administration based on digital technologies requires both an adapted legislative framework and a human resources management that is sufficiently efficient and quickly adapted to changes, being able to support it. Indeed, in agreement to the opinion of the National Agency of Civil Servants (ANFP), "parallel to the legislative framework, public management is the theoretical and practical support needed to implement the changes within public authorities" and "human resources management, as part of the public management system, is the functional and operational component of applying the legislation from public administration area".

Keywords: SMART public administration, flexible labor forms, legislative framework, public management, human resources management

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Transparency and Digitalization in Public Administration in Romania

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Abstract: Transparency in public administration requires ensuring that citizens have broad access to information in the possession of state authorities, but also that citizens participate in the decision-making process through information and consultation. Ensuring transparency thus requires the creation and permanent updating of the public authority website so that citizens can easily access any public information they need, especially in the current period. However, there are still common in Romania that do not have public information displayed on-line. In order to ensure compliance with the principle of transparency in the work of public administration, a digitization strategy applicable at both central and local level is therefore needed, so that public interest information is easily accessible to all stakeholders.

Keywords: transparency, public administration, digitization

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The Design Failures of the Romanian Public Policies for Regional Development

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Abstract: The public policies on territorial development are one of the most significant instruments of state intervention for solving the social, economic, and infrastructural problems within the development regions. The persistence of the regional vulnerabilities is indicating a weak strategic capacity of the public policies to advance effective intervention tools. The design of the national data system is itself a vulnerability, affecting the way public policies are functionally designed. Also, the lack of synergy between different public policies affecting territorial development, makes the public policies on regional development (which are meta-politics, because they bring together an extensive set of sectoral public policies) to fail in connecting them effectively in a system of unitary interventions. The presentation is based on a critical analysis of the most relevant public policy documents targeting regional and territorial development, focused on their specific design flaws. Two specific issues are considered: (1) the comprehension of the problems and priorities and (2) the feasibility of the solutions.

Keywords: public policies; regional development; territorial development; social problems

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Priorities for Fighting Serious Transnational Crime - Between the EU's Financial Protection Mechanism and Good Practices in Shared Competence

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Abstract: The approach to OLAF investigations into suspected fraud is most often followed by a criminal investigation at national level, which requires a considerable amount of time for a criminal investigation with the direct consequence of reducing the chances of prosecuting perpetrators, which ultimately seriously affects the EU budget. Even if the institution of the European Public Prosecutor's Office can be the right direction to investigate such transnational crimes, we believe that its current rules of procedure will create an even bigger crisis because it is not linked to shared competence resulting from the Treaty. The present study proposes to highlight the legislative overlaps in the mentioned field of investigation and to propose constructive solutions to unblock the inquiries that will be soon started by the new European Prosecutor's Office.

Keywords: crime, administrative investigations, financial interests, transnational crimes, shared competence

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