

14TH

INTERNATIONAL CONFERENCE



FACULTATEA
DE DREPT
ȘI ȘTIINȚE
ADMINISTRATIVE

UNIVERSITATEA
„DUNĂREA
DE JOS”
DIN GALAȚI

“EXPLORATION, EDUCATION AND PROGRESS IN THE THIRD MILLENNIUM”

Galati, Romania, 12th - 13th May, 2022

organizers

“DUNAREA DE JOS” UNIVERSITY OF GALATI, ROMANIA

through:

THE FACULTY OF LAW AND ADMINISTRATIVE SCIENCES
THE RESEARCH CENTRE OF JURIDICAL AND ADMINISTRATIVE SCIENCES
THE CROSS-BORDER INSTITUTE OF INTERNATIONAL STUDIES AND
CRIMINAL JUSTICE SCIENCES
“DUNAREA DE JOS” EUROPEAN DOCUMENTATION CENTRE GALAȚI



UNIVERSITÉ PARIS-EST, FRANCE
CENTRE D'ÉTUDES DU DÉVELOPPEMENT INTERNATIONAL
DES TERRITOIRES (CEDITER)



“BOGDAN PETRICEICU HASDEU” STATE UNIVERSITY OF CAHUL,
REPUBLIC MOLDOVA



THE ACADEMY OF JURIDICAL SCIENCES OF ROMANIA



GALATI CHAMBER
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GALATI BAR



LAWYERS
ASSOCIATION FROM
GALATI BAR

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MILLENNIUM"
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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**

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Lecturer NICULESCU Liliana
Lecturer PĂTRAȘCU Gabriela Cristina
Lecturer POPESCU Gabriela Getty
Lecturer SLABU Elisabeta
Lecturer STANCU Adriana

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

Interpretation and Hermeneutics

Mihaela AGHENIȚEI

Lecturer Ph.D., „Dunarea de Jos” University of Galati

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Anti-Fraud Department (DLAF) -

The Body Responsible for Detecting and Combating Tax Evasion Activities in Romania

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Cyber Security Audit of Critical Infrastructure at National Level - From Necessity to Legal Imperative

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About the Simulation of the Civil Trial

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The Effects of the Emergency Ordinance no. 28 of March 18, 2020, in the Context of the Epidemiological Situation caused by the Spread of COVID19 with regard to the Provisions of the Criminal Code

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Violation of Privacy by Computer Means

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Cross-Border Inheritances. Practical Observations

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The Right to Work and Equal Salary in the Pandemic Health System

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Simplified Insolvency Procedure

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Liberation of the Guarantor by the Creditor's Deed – Specific Method of Extinguishing the Obligation of Surety

Nora Andreea DAGHIE

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International Standards of Criminal Policy for the Protection of Civil Servants

Mihai DRANICERU

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Theoretical and Practical Considerations regarding the Relationship Between the Rules of European Union Law and the European Convention on Human Rights

Simona GAVRILĂ

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Aspects of Discrimination and European Law to Fight Against It

Oana Elena GĂLĂȚEANU

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Considerations on the Source of the Maintenance Obligation and the Right to Maintenance

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Observations on the Performance of the Legal Equivalent Maintenance Obligation and the Transformation of the Conventional Rental Maintenance

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The Legal Nature of Time Limits in which the Disciplinary Sanctions Can Be Applied

Mara IOAN

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Guilty Plea. Some Considerations

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Amendments Brought By Law No. 146/2021 On Electronic Monitoring In Judicial And Enforcement Proceedings, Preventive Measures Of Judicial Control, Judicial Control On Bail And House Arrest

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Law no. 118 Of June 20, 2019

on the Automated National Register on Persons who have Committed Sexual Offenses, Exploitation of Persons or on Minors, as well as for the Completion of Law No. 76/2008 on the Organization and Functioning of the National Judicial Genetic Data System. A new Approach to the Surveillance of Sexual Aggressors

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The Object of the Cassation Appeal - Unconstitutionality of some Provisions of the Romanian Criminal Procedure Code in this Field

Anca-Lelia LORINCZ

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Constitutional Judge

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The Relevance of Citizenship in Consular Law

Jana Maftai

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Considerations Regarding the Respect for Fundamental Human Rights of Minorities in Romania

Andreea Elena MATIC

Associate Professor Ph.D., „Dunarea de Jos” University of Galati

Ștefania Cristina MIRICA

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Brief Considerations Regarding the Determination of the Adoption of the Minor (Apparently) Abandoned by the Mother Through a Legal Decision

Mădălina-Elena MIHĂILESCU

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Summary of the Results Obtained in the Scientific Investigation of Crimes of Domestic Violence (Part I)

Andrei NASTAS

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Marriage Convention. Delimitation from other Institutions: Engagement, Marriage, Domestic Partnership, Civil Solidarity Pact

Liliana NICULESCU

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Improper Participation in Crimes against the Financial Interests of the European Union

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Consumer Protection in the new Digital Decade

Cristina Mihaela SALCĂ ROTARU

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Cultural Deviance Theories

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PANEL 2 - PUBLIC ADMINISTRATION AND REGIONAL STUDIES

Efficiency and Advantages of Preventive Financial Control versus Internal Control in a Public Entity

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Relationship between Government Institutions and Happiness

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The Impact of the Crisis on the Regional Approach across the EU

Romeo-Victor IONESCU

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State Aid - Commitment to Join the European Union

Olesia LUNGU

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Brief Analysis on the Legitimacy of Restricting the Freedom of Religion

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Theoretical and Practical Aspects regarding the Concept of Organizational Identity

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Some Considerations Regarding the Application of the Proportionality Principle in the Romanian Public Administration

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The Concepts of „Resilience” and „Adaptive Administration”: Various Approaches in Scientific Research

Cristina PĂTRAȘCU

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An Analysis on the Evolution of European Funds’ Absorption in Romania in Pandemic Context

Rodica PRIPOAIE

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Studies on the Analysis of Stakeholders through Social Surveys Related to Urban Planning Documents and Spatial Planning

Violeta PUȘCAȘU

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Some Aspects of the Defining Features of Social Services in the European Union

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The Structural Approach of the Organization in Crisis Management

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Ensuring the Right of the Child to Friendly Justice - A Current National and European Objective

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Considerations regarding the Conditions for Entering, Remaining and Being Promoted as a Tenure Teaching Staff in the Higher Education System

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The Principle of Tax Competition vs. Tax Harmonization

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PANEL 1

LAW: PUBLIC LAW; PRIVATE LAW, CRIMINAL SCIENCES

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Public Law. Criminal Sciences

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Lecturer Ștefania Mirica

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Interpretation and Hermeneutics

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Abstract: Hermeneutics, in general terms, is considered to be the art of interpretation. As such, hermeneutics has a rich history and can now be identified with four major directions: conservative, critical, radical, and moderate. Of these components, Hans-Georg Gadamer's moderate hermeneutics proved to be the most relevant for educational thinking. While many hermeneutic topics talk about educational concerns, four - questioning, world history, language, and disciplinary knowledge - are particularly relevant. Hermeneutics remains an important but unexplored branch of educational philosophy.

Hermeneutics refers to the theory and practice of interpretation, where interpretation involves an understanding that can be justified in time. It describes both a body of diverse historical methodologies for interpreting texts, objects, and concepts, and a theory of understanding. As such, it refers to making the unintelligible both intelligible and communicable. The history of hermeneutics spans epochs, methods and all disciplines in the humanities, social sciences and even the natural sciences. Finally, hermeneutics is conceived as a theory of information exchange developed from the ancient theories of truth to the theories of gnoseology of the twentieth century.

Keywords: hermeneutics, interpretation, multidisciplinary vision, practice, legal specificity

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Anti-Fraud Department (DLAF) - The Body Responsible for Detecting and Combating Tax Evasion Activities in Romania

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Abstract: This article is dedicated to the Department of Anti-Fraud (DLAF) as the national body responsible for detecting and combating tax evasion. The paper will be devoted to the Department for the Fight against Fraud (DLAF), presenting the following aspects: a brief history and introductory notions on the emergence and evolution of DLAF; the organisation and management of DLAF; the functions, powers and competences of DLAF; the sanctions established by DLAF; DLAF as the body responsible for investigating matters of a criminal matters affecting the financial interests of the European Union in Romania and the status of civil servants working for DLAF.

The following regulations will be taken into account when drafting the article: Law no. 61/2011 *on the organisation and functioning of the Department for the Fight against Fraud (DLAF)*, Government Decision no. 738/2011 *approving the Regulation on the organisation and functioning of the Department for the Fight against Fraud* and other regulations to which these regulations refer.

Keywords: Anti-Fraud Department; body responsible for detecting and combating tax evasion, territory of Romania, protection of the financial interests of the European Union

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Cyber Security Audit of Critical Infrastructure at National Level - From Necessity to Legal Imperative

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Abstract: We have recently witnessed the resurgence of cyber-attacks on the IT&C infrastructures of the Romania as well as of our traditional allies, attacks with uncertain genesis, very difficult to attribute, being almost as difficult to repair the damage caused. Since early 2022, the wave of attacks that have mainly targeted Ukraine, but also other European countries including Romania, in areas vital to the functioning of a society - financial, military, energy, communications, health, etc., has foretold the conventional war that has changed the course of recent history, starting with February 24, 2022. In this context, cyber security and our digital autonomy have become a topic of strategic importance for the European Union or the North Atlantic Treaty Organization of which Romania is a part, and as the level of threat increases, there is a need to intensify efforts to protect our information systems and our digital infrastructure against cyber-attacks.

Cyber security is not just about utilities, defense or health systems, but also about the protection of personal data, business models and intellectual property. In short, cybersecurity aims to protect democratic societies, our independence as European citizens and the way we live together.

Adopting an adequate and flexible legislative package, implementing a set of proportionate and combined measures, limited to cybersecurity, to ensure the normality of the digital information space at national level, is an imperative of today's society.

Keywords: cyberspace, cybersecurity, vulnerability, cyber attack

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About the Simulation of the Civil Trial

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Abstract: Our analysis starts from a court case in which the existence and the legal consequences of a simulated civil trial were discussed. According to the plaintiff, by initiating a certain type of proceedings (having as object the insolvency proceedings), the aim was only to avoid the payment of the debt that the defendant owed to the plaintiff, and for this purpose several companies collaborated, as they were part of the same economic group as the defendant. The two main issues that were discussed during the trial were the admissibility of the claim from the perspective of its object (stating the existence of a simulated civil trial) and, respectively, the actual existence of the simulated nature of that trial. Our study critically presents these two issues, as well as the conclusion stated by the court.

Keywords: simulation, civil trial, admissibility

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Ways to Exercise the Right to Defense during Criminal Proceedings

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Abstract: The fundamental right exercised during the criminal process, the right to defense is regulated, in principle, in the content of art. 10 Code of Criminal Procedure. When examining the legal provisions regarding the way in which this right is manifested, a gradual evolution is found, depending on the different phases of the criminal process and the specific character. In this regard, during the criminal investigation, the lawyer has the right to assist in the execution of any act of criminal investigation, with the exceptions mentioned by the legislator, to participate in the hearing of any person by the judge of rights and freedoms, to formulate complaints, requests, memoranda, and, during the trial to consult the file, to assist the party, to exercise its procedural rights, to formulate complaints, requests, memoranda, exceptions and objections.

Keywords: the right to defense, defender

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The Effects of the Emergency Ordinance no. 28 of March 18, 2020, in the Context of the Epidemiological Situation caused by the Spread of COVID19 with regard to the Provisions of the Criminal Code

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Abstract: Considering the epidemiological situation determined by the spread of COVID19, by Emergency Ordinance no. 28 of March 18, 2020, for the amendment and completion of Law 286/2009 on the Criminal Code, it was legislatively intervened in the field of criminal law. On the one hand, the need to tighten the sanctioning system was taken into account, for example in the case of the crime of false statements provided by art. 326 para. 1 of the Criminal Code, on the other hand, aggravated forms determined by the specifics of the situation were introduced, such as in the case of the crime of false statements, provided by art. 326 para. 2 of the Criminal Code, of some alternative contents in the case of the crime of preventing the fight against diseases, provided by art. 352 of the Criminal Code and of a new crime, provided by art. 352 ind. 1 Criminal Code, respectively the omission in declaring information, aspects that are the subject of discussions from a theoretical and practical point of view.

Keywords: coronavirus, epidemic, crime

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Release of Criminal Liability for the Illegal Traffic of Drugs, Ethnobotanics or their Analogs (Legislation and Experience of the Republic of Moldova)

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Abstract: The principle of humanism invokes the need to focus the entire legal regulation on the protection, as a matter of priority, of the person as the supreme value of society, its rights and freedoms. On the other hand, focusing on the subject of the crime, the same principle, imposes the negative obligation of the state to avoid causing physical suffering or harming human dignity. The transposition into law of the principle of humanism has theirs through the institutions of release from liability and criminal punishment. We draw attention to the fact that the release from criminal liability, although it has its legislative headquarters in the General Part of the Criminal Code of the Republic of Moldova, is also found with reference to some components of crimes in the Special Part of the Criminal Code of the Republic of Moldova. The normative regulations from article 217, paragraph (5) of the Criminal Code of the Republic of Moldova, represent a particular case of the release of criminal liability for the illegal circulation of drugs, ethnobotanics or their analogues. The conditions imposed for the application of the latter are of a dual nature and concern the application of the institutions of material and procedural criminal law. We exclude the possibility of assessing this legal-criminal institute, as an exception to the rule of passivity of criminal liability. Its value, in our opinion, lies in the need to prevent and combat crime aimed at the illegal circulation of drugs, in addition to the possibility of applying the criminal law, with strict observance of the principle of legality and humanism.

In this study, we aim to analyze the criminal regulatory framework on the release of criminal liability for the illegal circulation of drugs, ethnobotanics or their analogues, as well as the experience of judicial practice in the application of this institution.

Keywords: criminal liability, release from liability, self-denunciation, drugs, illegal movement

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Violation of Privacy by Computer Means

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Abstract: The concept of "privacy" has always been the subject of debate and has received increased attention and protection from the legislature and the states. Given the fact that most of the current activities of people have moved in the online environment, as well as on certain social networks, we notice that this concept has recently suffered certain limitations. It should also be noted that there is a fine line between a person's social and private life and his or her public life, as certain aspects of private life may fall into the realm of public life when he or she makes one public. several aspects related to one's own person. The legal protection of the right to privacy does not offer sufficient guarantees, as its beneficiaries cannot be prevented from voluntarily renouncing it, thus being able to become victims of their own acts of irresponsibility.

Keywords: privacy, online environment, computer media, crime

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Cross-Border Inheritances. Practical Observations

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Abstract: Based on the principle of the European citizens’ free movement and their right to settle in any Member State, procedures with extraneity elements have become increasingly common. This material deals with the practical issues arising from the law applicable to cross-border successions, the role and procedure for issuing the European Certificate of Succession and the effect of court judgments in a State other than the State in which they were delivered. At the same time, the article analyses from a practical perspective Regulation (EU) No 650/2012 - on successions and its application in relation to the inheritance opening date, as well as certain issues arising from practice regarding the European Certificate of Succession.

Keywords: inherence, law applicable, solemn form

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The Right to Work and Equal Salary in the Pandemic Health System

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Abstract: The right to work is one of the fundamental rights of man who ensures the existence and development of a human being and at the same time involves capitalizing on physical fitness and intellectual property, which allows for material benefits and its subsequent inclusion in socio-political life.

The wage is the main source of income for the working age population, and the establishment of the minimum wage is the basic instrument available to the state to ensure the realization of the right to a decent living. At the same time, the state may provide other instruments intended to compensate the living expenses of employees, in order to ensure this right.

Keywords: salary, work, equal salary wrights

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Simplified Insolvency Procedure

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Abstract: Law no. 85/2014 on insolvency prevention and insolvency proceedings is the only framework through which the debtor can recover and creditors can recover their claims on the debtor. However, in certain situations, safeguarding the debtor is not always possible, as the law provides for certain cases in which the debtor will enter the simplified procedure, without the possibility of attempting to recover his activity. Therefore, the simplified procedure is a way of liquidating the debtor and ceasing his activity, after the recovery of his assets.

Keywords: insolvency, simplified procedure

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Release of the Guarantor Due to the Action of the Creditor – Specific Manner of Settlement of the Suretyship Obligation

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Abstract: Being based on the subrogation mechanism, the guarantor's regression transfers *tale quale* all remedies to the creditor regarding the principal debtor from the creditor to the guarantor.

By subrogation to the creditor's rights, the guarantor intends to benefit from all guarantees accompanying the receivable and ensures the guarantor's regression against its debtor.

When, subsequently to contracting suretyship, in a culpable manner, the creditor loses, limits such guarantee or only reduces the chances of the guarantor to recover (by subrogation) from the debtor which paid directly to the creditor, according to the provisions of Article 2315 of the Civil Code, the guarantor is released within the limit of the amount which it could not recover from the debtor.

The benefit of the exception of subrogation is a defense on the merits, and thus, the defendant guarantor is able to defend its interests in the legal proceedings initiated against it by the creditor.

Keywords: settlement of the suretyship, action of the creditor, guarantees, regression of the guarantor, means of defense

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International Standards of Criminal Policy for the Protection of Civil Servants

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Abstract: The article presents the analysis of the history of the development of the doctrine of criminal law in relation to the concept of criminal policy, examines the contribution of international standards for the formation and implementation of state policy in the field of protection of civil servants against criminal attacks. Some problems with the regulation of modern criminal law have been identified in the context of the implementation by the state authorities of the functions of combating crime.

A comparative analysis is made of the sanctioning regime of crimes that threaten the physical and moral security of civil servants in the laws of European states, France, Germany, Spain, Italy, Romania, the Republic of Moldova.

Based on the analysis, scientific recommendations are formulated on certain aspects of criminal policy: the effectiveness and variety of types of criminal punishment; the preventive effect of criminal penalties.

The author considers that the international experience of states with democratic traditions and secular law schools is useful for the formation of national criminal policies while at the same time requiring legal information of the population and the formation of the legal conscience of citizens to ensure the effective performance of state functions through the protection of civil servants.

Keywords: criminal policy, civil servants, international legal standards, assault

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Theoretical and Practical Considerations regarding the Relationship Between the Rules of European Union Law and the European Convention on Human Rights

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Abstract: A decision pronounced by the European Court of Human Rights, condemning Romania, sheds new light on the relations between the European Convention on Human Rights, respectively the content of art. 6 regarding the right to a fair trial and the provisions of art. 267 of the Treaty on European Union.

According to this decision, by unjustifiably rejecting a person's request to refer a preliminary question to the Court of Justice of the European Community, the national court violated the provisions of art. 6 of the European Convention on Human Rights.

Keywords: CJEU, European Union, preliminary ruling, ECHR

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Aspects of Discrimination and European Law to Fight Against It

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Abstract: By discrimination we mean the act by which certain persons are treated differently from others or endure the restriction of certain rights unfairly, on unfounded grounds.

Direct and indirect discrimination, harassment and incitement to discrimination have been identified as forms of social discrimination. At the level of the international society, there is still a concern to prevent and combat any form of discrimination by resorting to the most appropriate legal measures. The rules of law on discrimination prohibit those cases in which persons or groups of persons in a similar situation are treated differently, and situations in which persons or groups of persons in different situations are treated in the same way. The aim of the law on non-discrimination is to guarantee everyone an equal and fair perspective on access to the opportunities offered by society.

The present study will present the different forms of discrimination, the reasons behind discriminatory behavior, the areas where it manifests itself and some aspects of European law on non-discrimination.

Keywords: discrimination, discrimination criteria, forms, European law

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Considerations on the Source of the Maintenance Obligation and the Right to Maintenance

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Abstract: The maintenance obligation may have a legal character or may result from the will of the parties, stating that its source is either the law, a unilateral legal act or a contract. Also, regarding the legal obligation of maintenance, it was argued that this arises from the moment when the subjects of law are established between family relations, affinity or other relations assimilated to family, which is the very basis of the obligation. Our study shows that the law is not the source of such an obligation, which can be a legal act or a fact, and that the legal obligation of maintenance, unlike the conventional one, which arises from the conclusion of the contract, is in its perfect form, effective, only from the moment when all the conditions required by law are fulfilled, until that moment the person indicated by the norms of civil law as being entitled to maintenance having only a vocation to this right.

Keywords: maintenance, source, contract, law, legal fact

JEL classification: K12, K36

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Observations on the Performance of the Legal Equivalent Maintenance Obligation and the Transformation of the Conventional Rental Maintenance

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Abstract: The maintenance obligation, like any debt, must be performed, in principle, in kind. It is noted that, regardless of whether we are talking about such a legal obligation or one arising from the conclusion of a maintenance contract, the legislator imposed, in order to protect the debtor or other persons in his care, or to respect the principle of equity, certain limits of value. and, in certain situations, allows execution by equivalent. But the rules that set the rules for these situations are not out of the question, so in our study we want to show that more flexibility is needed in terms of the maximum legal maintenance ceiling, that what the law calls the advance payment does not lead to the loss of the successive nature of the maintenance and that this solution is not in all cases fair, that the conversion of conventional maintenance into a life annuity by the will of the parties is not performs this must meet all the substantive and formal conditions required for the validity of the maintenance modified or terminated in this way.

Keywords: maintenance, execution by equivalent, value of benefits, life annuity

JEL classification: K10, K12, K36

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The Legal Nature of Time Limits in which the Disciplinary Sanctions Can Be Applied

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Abstract: The current Labour Code, like the previous normative acts, does not qualify the time limits within disciplinary sanctions can be applied. On this lacunar background, un-unitary opinions were formulated in doctrine and jurisprudence, meaning that these deadlines were qualified either all of them to be decay terms, either as decay terms or prescription terms, either all of them as prescription terms. The last opinion is the majority. Only the prescription was established at a legislative level, while the decay being only recognized and debated by the doctrine and applied by the courts. The conjuncture was partially modified by the entry into force of the 2011 Civil Code, the decay being expressly regulated in it, only with a partially different physiognomy. However, in special normative acts, such as Law no. 360/2002 regarding the status of the policeman or Law no. 80/1995 regarding the status of military forces, the terms in discussion (by amendments to the applicable rules, made after 2011) are expressly qualified as having different legal natures, even if the effect of their fulfillment is the same. In this study we analyse the fairness of possible qualifications in all possible variants, as well as the course of these time limits.

Keywords: disciplinary sanction, prescription, decay, legal nature, course

JEL classification: K 31

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Guilty Plea. Some Considerations

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Abstract: From a normative perspective, the guilty plea represents an institution of procedural law, including the norms from art. 478-488 of the Code of Criminal Procedure (Law no. 135/2010, as subsequently amended and supplemented).

From an existential perspective, the guilty plea is the agreement between the prosecutor and the defendant regarding the settlement of the case; it is a form of negotiated justice; it is also a simplified criminal prosecution procedure: the criminal investigation is truncated, the preliminary chamber is removed, and the trial is much shortened; the individualization of the punishment is done by the prosecutor, and the judge confirms it.

In this study, the authors present some interesting ideas about the guilty plea.

Keywords: defendant; guilty plea; prosecutor

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**Amendments Brought By Law No. 146/2021 On
Electronic Monitoring In Judicial And Enforcement
Proceedings, Preventive Measures Of Judicial Control,
Judicial Control On Bail And House Arrest**

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Abstract: On 21.05.2021, Law no. 146/2021 on electronic monitoring in judicial and enforcement criminal proceedings. The law is intended to be a point of point, a new approach to the way of surveillance of some people who would commit various types of crimes and for which they will adopt modern surveillance. We refer here, in essentially, to the supervision carried out through some bracelets, electronic devices, which will be mounted on the bodies of some people, to which the court will impose this luc. The judicial supervision by the assembly of such devices is expressly provided for in the romanian code of criminal procedure and the Law no. 146/2021.

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

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**Law no. 118 Of June 20, 2019
on the Automated National Register on Persons who
have Committed Sexual Offenses, Exploitation of
Persons or on Minors, as well as for the Completion of
Law No. 76/2008 on the Organization and Functioning
of the National Judicial Genetic Data System. A new
Approach to the Surveillance of Sexual Aggressors**

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Abstract: Law no. 118 of June 20, 2019 on the national automated registry on persons who have committed sexual offenses, exploitation of persons or on minors is intended to be a new approach to the surveillance of persons generically referred to as sex offenders. The law provides, among other things, for the establishment of the national register in which, based on the data in the records of the national judicial record system, it will take over and group all persons who have been investigated and convicted for sexual offenses. The law stipulates that those persons who committed such acts during the period of the minor should not be included in the records of the register. Persons who will be part of the register will be required to undergo surveillance measures but, most importantly, will be subject to biological sampling and new biometric data.

Keywords: sexual offenses, judicial surveillance, biometrics, sexual assault

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The Object of the Cassation Appeal - Unconstitutionality of some Provisions of the Romanian Criminal Procedure Code in this Field

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Abstract: The institution of recourse in cassation, an extraordinary remedy introduced in our criminal procedural legislation by the provisions of the current Code of Criminal Procedure (Law no. 135/2010, entered into force on February 1, 2014), has been analyzed, several times, by to the court of constitutional contention, including regarding the provisions governing its object, respectively the decisions that may be subject to this way of attack.

Noting a reconsideration, in recent years, of the jurisprudence of the Constitutional Court of Romania regarding the provisions of art. 434 para. (2) of the Code of Criminal Procedure, referring to the decisions that cannot be recoured in cassation, the present study treats the effects of Decision no. 651/2017, Decision no. 573/2018 and of the Decision pronounced on April 7, 2022, in the context of the legislative amendments expected by the most recent draft law amending and supplementing the Code of Criminal Procedure, a project launched in public debate by the Ministry of Justice in September 2021.

Keywords: cassation appeal, criminal trial, the current Romanian Code of Criminal Procedure, unconstitutionality, legislative changes

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Constitutional Judge

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Abstract: More than two hundred years after the establishment of the constitutional review, the status of the judge exercising it is still a constant concern of researchers in the field of legal sciences.

In this conference I propose to draw some ideas about this legal institution, from the position and role in the system of public authorities, going through the method of appointment / election and concluding with the minimum necessary qualities for the exercise of a relevant mandate.

Keywords: judge, public authorities, election

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The Relevance of Citizenship in Consular Law

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Abstract: The main function of the consuls is to protect the citizens of the sending state in the territory of another state. The centuries-old practice of states in this field has been codified by the 1963 Vienna Convention on Consular Relations (VCCR). The law is, however, a living mechanism and many subsequent international conventions strengthen the access of individuals to consular protection. In this paper we will analyze aspects of consular protection of citizens reflected in the regulations contained in the VCCR and other international legal instruments, but we will also highlight the current significance and importance of citizenship from the perspective of development of EU consular protection.

For the elaboration of the paper we have used as research methods the analysis of problems generated by the mentioned subject with reference to doctrinal views expressed in treaties and papers, the documentary research, the interpretation of legal norms in the matter.

Keywords: international law, citizenship, European Union, consular relations

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Considerations Regarding the Respect for Fundamental Human Rights of Minorities in Romania

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Abstract: In this paper we aim to analyze the regulations regarding the fundamental human rights for minority groups in Romania. Romania is an Eastern European state, member of the European Union since 2007. Due to its geographical position, from ancient times, a significant number of people belonging to several ethnic groups have passed through and settled on the Romanian territory. Although according to the latest census the percentage of minority populations has decreased to 12% (from around 18%), the legislation is adapted to meet the needs of these populations and to ensure respect for their fundamental rights. In Romania it is not possible right now to speak of an actual non-territorial autonomy, the fundamental rights of minorities are legally regulated. In the paper we will briefly review the more difficult periods such as: the period of slavery of the Roma population, the persecution of Jews and Roma in the 1940s and the abuses to which some ethnic minorities (Germans, Hungarians, Jews) were subjected during the communist period. The present legislation, instituted after the Revolution that took place in 1989, contains specific regulations (especially constitutional provisions, but not only) that create a proper framework for the protection of minorities' fundamental rights. In essence, legislative measures allow and encourage the preservation of the identity of minorities, their cultural and religious values. Protecting and preserving the cultural, spiritual and religious values of minorities is an important aspect of the legal and administrative police in Romania, but not all measures have been successful in practice. In the article we will capture the problematic aspects related to these aspects.

Keywords: fundamental human rights, minority groups, law, constitution

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Brief Considerations Regarding the Determination of the Adoption of the Minor (Apparently) Abandoned by the Mother Through a Legal Decision

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Abstract: The superior interest of the child / minor is often invoked by both the defenders and by the courts in cases involving adoption. Moreover, art. 2 par. (2) and (3) of law no. 272/2004 mentions that this type of interest "it is imposed also in connection with the rights and obligations of the child's parents, other legal representatives, as well as any persons to whom it has been legally placed" and "is limited the child's right to a normal physical and moral development, to socio-affective balance and to family life". That is why it is an extremely sensitive issue to balance, as a result of the analysis of these issues, the legal possibility for this child to be taken over by an organized, united family, which will provide him an environment conducive to his mental and physical development, that of maintaining contact / remaining with his forest parents, especially the mother, even if she finds herself in a difficult life situation that makes it impossible for her to keep the permanent contact with the minor.

Keywords: minor, adoption, mother, interest, decision

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Summary of the Results Obtained in the Scientific Investigation of Crimes of Domestic Violence (Part I)

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Abstract: This scientific article is devoted to some legal-criminal issues synthesized and analyzed in the scientific research of the criminal acts of domestic violence provided for in art.201¹ Criminal Code of the Republic of Moldova. Taking into account the recent conceptual changes that the incriminating framework of domestic violence has undergone, the author intervened with new interpretations of some legal categories that need to be analyzed. The research was carried out on the basis of the author's own empirical data obtained from the analysis of judicial practice in this field, as well as on the basis of the most recent doctrinal sources both in the field of criminal law and other sciences (criminology, psychology, sociology, pedagogy). As a result of the study, conclusions and interpretations were formulated that can be used in the science of criminal law, as well as in the practice of application of the legal-criminal norm on domestic violence (Article 201¹ Criminal Code of the Republic of Moldova).

Keywords: family violence, family member, family, family solidarity, family security, person's health, person's life, inhuman treatment, bullying, family abuse, economic and social deprivation

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Marriage Convention. Delimitation from other Institutions: Engagement, Marriage, Domestic Partnership, Civil Solidarity Pact

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Abstract: In recent years, there has been a tendency for future spouses to take other aspects into account when entering into a marriage, leaving aside the personal and emotional side, which is theoretically the driving force behind the formalization of the relationship. These other situations are the basis for the design and choice of the matrimonial property regime which best governs the property relations between the spouses resulting from the new status acquired following the conclusion of the marriage.

Thus, there may be situations where the future spouses have substantial assets, and also have professions whose financial side contributes to them during the marriage, and they may decide to opt for the regime of separation of property, not wishing to confuse them. Also, one of the spouses may be engaged in professions with a high financial risk, which may cause damage to the joint assets, and the spouses may therefore, by mutual agreement, consider that the choice of the separate property regime is the best solution for the fairness of the couple's cohabitation.

The rules specific to any matrimonial property regime provide for the disposal and administration of these assets. The main question here is whether each spouse can manage his or her assets alone, or whether the rights of disposal and administration are concentrated in the hands of one spouse only, or whether they are divided between husband and wife.

For situations where a specific matrimonial property regime has not been chosen by marriage contract, the law indicates the matrimonial property regime applicable to the spouses, which thus constitutes the legal matrimonial property regime. From the provisions of para. (1) of Art. 312 of the New Civil Code, we note that the future spouses have the possibility of choosing as matrimonial regime: legal community, separation of property or community by agreement.

Keywords: matrimonial contract, family, marriage, matrimonial property regime, legal community

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Improper Participation in Crimes against the Financial Interests of the European Union

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Abstract: The protection of financial interests is a constant goal of the European Union, and the fight to prevent and combat financial fraud is intended to ensure the proper use of funds allocated to our country for social and economic development. However, these funds must be managed in conjunction with the obligation to ensure that these funds are used in accordance with their stated development objectives.

Keywords: financial interest, European Union, financial fraud, improper participation

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Consumer Protection in the new Digital Decade

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Abstract: This article discusses the effect of digitization, the use of the Internet and the Internet of Things on consumers in the EU in general and in Romania in particular. The research is linked to the legislation and policies for accelerating the digital transformation and to the concrete digital objectives pursued in the implementation of the Digital Decade at the level of the European Union. Creating new volumes of data through the implementation of digital services and technologies can create new issues related to data protection and therefore maintaining consumer confidence, confidentiality, access to data and their integrity. The right to information and the information of the average consumer are perhaps the most important aspects of consumer protection. These are key elements of the informed decisions that the consumer must make, in and about the digital environment, so that it is protected against risks and possible harm to its health, safety and fundamental rights. The research results reveal the vulnerability of Romanian consumers to the new reality imposed by the acceleration of digitalization at European level and proposes measures to reduce the digital divide in terms of digital skills.

Keywords: consumer protection, digitalization, digital skills, European policies, European legislation

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Cultural Deviance Theories

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Abstract: The programs that emanate from strain theory attempt to give lower-class children ways to achieve middle-class goals. Programs based on cultural deviance theories concentrate on teaching middle-class values.

Strain theory attributes criminal behavior in the United States to the striving of all citizens to conform with the conventional values of the middle class, primarily financial success. Cultural deviance theories attribute crime to a set of values peculiar to the lower class. Conformity with the lower-class value system, which determines behavior in slum areas, causes conflict with society's laws. Both strain and cultural deviance theories locate the causes of crime in the disadvantageous position of those at the lowest stratum in a class-based society.

Scholars who view crime as resulting from cultural values that permit, or even demand, behavior in violation of the law are called cultural deviance theorists. The three major cultural deviance theories are social disorganization, differential association, and culture conflict. Social disorganization theory focuses on the development of high-crime areas in which there is a disintegration of conventional values caused by rapid industrialization, increased immigration, and urbanization. Differential association theory maintains that people learn to commit crime as a result of contact with antisocial values, attitudes, and criminal behavior patterns. Culture conflict theory states that different groups learn different conduct norms (rules governing behavior) and that the conduct norms of some groups may clash with conventional middle-class rules.

All three theories contend that criminals and delinquents in fact do conform - but to norms that deviate from those of the dominant middle class. Before we examine the specific theories that share the cultural deviance perspective, we need to explore the nature of cultural deviance.

Keywords: cultural, social, theory, differential, association

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PANEL 2

LAW: PUBLIC ADMINISTRATION AND REGIONAL STUDIES

Moderators:

Professor Victor Romeo Ionescu

Professor Florin Tudor

Professor Violeta Pușcașu

Associate Professor George Cristian Schin

PANEL 2 - PUBLIC ADMINISTRATION AND REGIONAL STUDIES**Efficiency and Advantages of Preventive Financial Control versus Internal Control in a Public Entity****Mădălina BELDIMAN***Lecturer Ph.D., Faculty of Law and Administrative Sciences,
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Abstract: This paper targets to highlight the objectives and advantages offered by the preventive financial control endorsement compared to the efficiency of setting up internal control departments within public entities. The role of preventive financial control is to contribute to the most efficient use of all material and financial resources, which involves the verification and analysis of economic and financial activity in terms of legality, timeliness, and economy of operations. The preventive financial control aims at identifying the projects of operations that do not respect the conditions of legality and regularity or within the limits and destination of the budgetary and commitment credits and through which their performance would be detrimental to the public patrimony or public funds. There are many disadvantages in public entities where internal control departments are established because the internal control is performed over a long period of time and requires several steps to prepare for the audit mission.

Keywords: internal control, preventive financial control, risk analysis and evaluation, risk elimination, financial crimes and fraud

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Relationship between Government Institutions and Happiness

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Abstract: Happiness has become an object of study for various academic disciplines. Studies in the behavioural sciences remain dominant. This study discusses the issue of happiness from an interdisciplinary perspective, the primary objective being to identify the answer to the question of whether governments can create happiness. Institutional arrangements for ensuring well-being in the countries of European Union are examined. The data is taken from the World Happiness Report, which is published by the United Nations. The study shows variations in the relationship between a country's economic development and its happiness index. It argues the need for a discipline such as 'the economics of happiness'. In the age of consumerism, a great deal of attention to self-reported individual well-being is needed in order to think and rethink the policies for sustainable development that address both the economic and environmental, social dimensions at the same time. Using a comparative analysis of institutional arrangements and the happiness index, the elements of a theoretical framework of governance that can produce happiness are highlighted.

Keywords: happiness, government, institutional arrangements

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The Impact of the Crisis on the Regional Approach across the EU

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Abstract: The paper aims to analyse the necessity of changing the regional approach across the EU under the impact of the pandemic. In order to realise it, specific regional socio-economic indicators are analysed during 2012-2020. The analysis covers EU NUTS2 regions. The main objective of this research is to quantify the socio-economic trend of the NUTS2 regions and to realise a comparative analysis related to three moments in time: the latest EU enlargement, the economic crisis and the pandemic. A dynamic multi-criteria model assessing the strategic perspective was built. The implementation of this model will be able to offer pertinent solutions for the regional decision makers in order to ensure cohesion and sustainable development on short and medium term.

Keywords: regional disparities; regional socio-economic trends; multi-criteria model; regional decision makers

JEL Classification: R11, R12, R15

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State Aid - Commitment to Join the European Union

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Abstract: The Vector of European Integration is one of the priority directions of the policy of the Republic of Moldova. In order to achieve this goal, the Republic of Moldova has made several commitments through Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (ratified by Law no.112/2014). Through the Association Agreement, the Republic of Moldova has made commitments in the field of state aid, including in respect of state aid monitoring.

Monitoring state aid is a complex process, the correctness of the performance of which depends not only on the efficiency of the use of public resources and preventing significant distortion of the competition environment, but and the level of fulfillment of international commitments.

Keywords: commitments, European Union, monitoring, state aid

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Brief Analysis on the Legitimacy of Restricting the Freedom of Religion

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Abstract: In this paper we aim to analyze the way in which the issues regarding the exercise of freedom of thought, conscience and religion enshrined in Article 9 of the European Convention on Human Rights, are treated and solved, both nationally and internationally. The right to religion has three components: the right to choose a particular religion, the right to practice religion and the right to religious education. At certain times, in certain territories, members of national minorities who also had religious beliefs different from those of the majority of the population suffered as regards the free practice of their religion. The exercise of the freedom enshrined in Article 9 of the ECHR is closely linked to the exercise of freedom of expression (Article 10 of the ECHR) and freedom of association (Article 11 of the ECHR). Thus, as a rule, the practice of religion is done in groups and involves the observance of rules by a group of people who share the same religion (participation in certain events, a certain dress code, etc.).

We will also refer to the restrictions that the right to practice a certain religion may suffer, especially in the context in which that religion is practiced by a member of a minority group. We will analyze the ECHR decisions in this matter. We will present the case of Leyla Shahin v. Turkey settled by the Court in 2005 as well as other relevant cases in this matter.

We will argue that, by establishing non-territorial autonomy, a legislative framework would be created within which persons belonging to minority groups would have decision-making power regarding the way of practicing religion, maintaining customs, specific clothing and other elements that define the minority group from an ethnic, cultural and religious point of view.

Keywords: fundamental human rights, right to religion, free thinking, democracy, constitution, decisions of the European Court of Human Rights

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Theoretical and Practical Aspects regarding the Concept of Organizational Identity

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Abstract: In this paper we aim to analyse the concept of organizational identity. Organizational identity is a relatively new concept, which was launched around 1960, at first being used in advertising. Later it was taken over in other fields, and today it is a well-established notion. During the paper we will refer to the definition of this concept and we will analyse its component elements: the name, the logo and the special identifying characters. There are several approaches in this area that we will refer to, as follows: the paradigm of graphic design, the paradigm of integrated communication and the interdisciplinary paradigm. Key words: organization, identity, image, communication, law, public institution. The elements of the organizational identity must keep into account the legal provisions regarding this matter. We will present some relevant provisions in the Romanian legislation. At the end we will show how, at this moment, the concept of can apply to all organizations, both private and public.

Keywords: organization, identity, image, communication, law, public institution

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Some Considerations Regarding the Application of the Proportionality Principle in the Romanian Public Administration

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Abstract: The purpose of this study is to highlight the important aspects regarding the application of the proportionality principle in the Romanian public administration. In order to achieve the objectives of the paper, using the logic and the comparative method, we have analyzed the specific legislation, the specialized literature, and the jurisprudence in the matter.

Being developed mainly in the jurisprudence of the Court of Justice of the European Union, the concept of “proportionality” implies that the means used by the authorities are proportionate to their purpose.

As for the principle of proportionality, the Administrative Code stipulates that the activity of public administration authorities must be according to the satisfaction of a public interest and balanced in terms of the effects on persons. To this end, public administration authorities and institutions will initiate and then adopt regulations or measures only after assessing the needs of public interest, as well as the risks and impact of the proposed solutions.

Keywords: principle of proportionality; public authorities; public interest; means

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The Concepts of „Resilience” and „Adaptive Administration”: Various Approaches in Scientific Research

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Abstract: The scientific research on public administration and governance has greatly expanded over the last decades to include the analysis of the impact that high risk events and factors have on various structures and processes of public decision-making. Concepts such as „resilience”, „adaptive capacity” or „adaptive administration” have been used to describe the new aspects of public governance that include the building of the capacity to adjust to disruptive and unpredictable phenomena.

The focus of our study is placed on the findings and different perspectives on „resilience” and „adaptive capacity” in the scientific research in the field. The main objective is to present a conceptual framework of analysis that can support a better understanding and use of these concepts, both in theory and practice.

Keywords: resilience, adaptive administration, governance

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An Analysis on the Evolution of European Funds' Absorption in Romania in Pandemic Context

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Abstract: The pandemic context had major implications on most areas of activity around the world, and implicitly in Romania. Some of them were more or less affected depending on the industry. This paper aims at studying the influence of the pandemic on the degree of absorption of European funds in Romania. In response to these complex threats, exceptional measures have been taken and major changes occurred in the business environment. The lockdown periods affected the activity of most Romanian companies, so the entrepreneurs sought financing solutions and resorted to government assistance or European funding to survive. Also, Romanian companies were able to access European funds through the National Recovery and Resilience Plan (PNRR) as a way to mitigate the negative effects of the pandemic. Although the absorption rate of European funds is not yet satisfactory, its evolution in Romania between December 2014 and May 2022 was an upward one for all operational programs and throughout the country, but there are also a number of disparities between certain counties of the country.

Keywords: absorption rate of European funds, Covid-19, degree of absorption, European funds

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Studies on the Analysis of Stakeholders through Social Surveys Related to Urban Planning Documents and Spatial Planning

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Abstract: In order to respect the principles of transparency, partnership, decentralization of public services and participation of the population in the decision-making process, urban planning activity requires the inclusion of the human and social component that is directly related to aspects of the life of urban communities. The town planning law stipulates the provision and implementation of public consultations in carrying out activities related to the development of general and zonal urban plans (Order no. 2701/2010), in order to improve living conditions by eliminating malfunctions, ensuring access to infrastructure, public services and affordable housing for the population involved, as well as in order to comply with the socio-economic requirements that outline a fair community, with an efficient functioning from all points of view.

This paper presents the working methodology, from the design and application to the interpretation of the relevant results for urban planning documentation of such a study. The consultative substantiation studies aim at including the human factors interested or located in direct connection with the area studied in the decision-making process and the elaboration of the plan and are based on the opinion poll conducted through a questionnaire. The objectives of this questionnaire include, but are not limited to, identifying the perception of the studied area, assessing the urban potential, identifying the population's options for the direction of urban development to be followed, and assessing the requirements for investment in the analyzed area, regardless of their nature (technical-urban endowments, arrangements, mobility, etc.). The paper highlights the stages and impact of the results obtained through two case studies, one conducted in urban areas, the other in rural areas.

Keywords: social survey; urban area; urban planning methodology

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Some Aspects of the Defining Features of Social Services in the European Union

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Abstract: Social services play an essential role within the European society, promoting and ensuring the increase of the capacity of vulnerable persons to participate actively in the life of society and they guarantee the respecting of the fundamental rights of the European citizens proclaimed by the Community legislation. In the realized study, there have been identified the most important characteristics and standards of the social services established through the European Union legislation, which states undertake to transpose within the national social policies in order to develop and improve the national social service systems.

Keywords: social service, administration, governance

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The Structural Approach of the Organization in Crisis Management

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Abstract: The structural approach of the organization provides a better understanding of the phenomenon of organizational crisis. The organization consists of two subsystems. The physical structure includes human, technical-material, technological, financial resources, and the symbolic structure that includes the objectives and strategies, the formal organizational structure, the management systems, the informal relations, the organizational culture. The paper approaches the organization from a systemic point of view, in order to be able to capture the origins of organizational crises, simultaneously exploring both the internal and external causes that determine crises. As crises profoundly affect both physical and symbolic structures, their effects can materialize not only in material, financial or human damage or costs, but also in symbolic losses, and a deep knowledge of the causes of crises can diminish their effects.

Keywords: crisis management, organizations, structural approach, negative impact reduction

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Ensuring the Right of the Child to Friendly Justice - A Current National and European Objective

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Abstract: Law no. 272/2004 on the protection and promotion of the rights of the child, republished in Chapter II, entitled “the rights of the child”, details only a part of the rights a child can benefit from. It is true that it is difficult to include in a single normative act the multitude of aspects that compete for the effective realization of the rights of the child. However, a number of reports from the European institutions and non-governmental organizations with experience in protecting the rights of the child show that minors involved in judicial proceedings are seriously affected by the experience of going through these procedures. This is why it is necessary to supplement national and European legislation with a number of provisions supporting the creation of a friendly framework in which minors involved in both judicial and administrative proceedings are treated in such a way that they can express themselves freely, dignified, respecting their peculiarities of age and mental state. This creates the premises for the respect of the rights of the child in any legal procedure.

Keywords: child rights, friendly justice, European Union

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Considerations regarding the Conditions for Entering, Remaining and Being Promoted as a Tenure Teaching Staff in the Higher Education System

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Abstract: The conditions for entering, remaining and being promoted as a tenure teaching staff, in the higher education system are related, on the one hand, to the general prerogative of any employer regarding the organization and operation of the unit, transposed, according to special provisions, in the attribute of the executive management of the university to carry out the management and operational leadership and, on the other hand, to the right of career development for the teaching staff. Obviously, the employer's right takes precedence, as it is able to establish its own specific human resources policies on the issues under consideration.

The usefulness of our approach lies in showing how the teaching staff's right to career development can be achieved by subordinating him or her to the employer's prerogative and even in understanding this subsidiarity.

The conditions of employment on a university teaching position are the most familiar (CNATDCU standards and the university's own standards), and these are related to what we call in labour law and human resources management "initial assessment" if we refer to the "entry" into the system, namely the filling of a new senior teaching position, by competition. In addition to these, we distinguish between 'minimum standards of teaching and research performance', standards which must be included and assumed in individual employment contracts, which corresponds to 'periodic evaluation', namely to conditions for remaining in the system. In addition to these two, corresponding to management policy, there is also the possibility of promotion in the teaching career, based on an examination, as a benefit that can be granted to the teaching staff. But, of course, the benefit in question is linked to the periodic evaluation by reference to the minimum

standards mentioned above and to any other conditions of the same type of evaluation which must thus lead to "a *very good* qualification in the last 3 years and the absence of a disciplinary sanction in the last 3 years, in addition to the usual fulfilment of the conditions for holding a university teaching position (CNATDCU standards and the university's own standards).

Therefore, the approach to the conditions for entering, remaining and being promoted as a tenure teaching staff in the higher education system is made by a systematic interpretation of the provisions, comparing separate regulations in (even) separate legal instruments (the last one, concerning promotion by examination, being relatively recent) and from the perspective of managerial policies.

Thus, we launch and develop the idea of promotion by examination only as a benefit of the teaching staff themselves, as a right of career development, if additional conditions are met (the qualification "very good" in the last 3 years and the absence of a disciplinary sanction in the last 3 years) and if on the basis of specific prerogatives in the education system jobs/positions are reserved for this purpose.

Keywords: higher education system, recruitment by contest, promotion by examination, standards for remaining, managerial prerogatives, employment policies, subsidiarity, CNATDCU standards, own standards, "very good" qualification in the last 3 years, lack of a disciplinary sanction in the last 3 years

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The Principle of Tax Competition vs. Tax Harmonization

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Abstract: Fiscal harmonization at EU level is a difficult process to impose, and over time it encountered a number of obstacles, mainly due to the different objectives of Member States in terms of fiscal policy. While the EU aims to achieve economic and monetary union, Member States are more interested in providing the fiscal resources needed to cover national public spending, driven by the desire to use taxation as an economic lever. The broad process of fiscal harmonization has created a series of controversies over the limits of regulatory measures to act, in an integrated manner, at the level of EU bodies, as long as the concept of harmonization is seen either as a mean to ensure the compatibility of differences or to act for their elimination. For this main reason, there is no unanimity on the appropriateness of tax harmonization, but among the relatively recent objections are those relating to concerted practices which have as their object or effect the restriction or distortion of competition in the European market, as well as abuses of a dominant position. This study examines the process of fiscal harmonization that has led to EU regulatory action on fiscal coordination actions and how they can affect the principle of fair cooperation between Member States.

Keywords: harmonization, competition, cooperation, compatibility, interventions

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CONFERENCE PURPOSE:

The conference proposes an interdisciplinary approach of various themes in the field of social and human sciences, such as law, administrative sciences, regional studies, international relations, economics, psychology, sociology, theology and other interrelated domains.

CONFERENCE OBJECTIVES:

The conference intends to bring together researchers and professionals in the above mentioned fields. 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 human sciences, and, on the other hand, the classical perspective will be complemented by the a modern European and international approach of the topics under analysis.

SECTIONS

LAW: PUBLIC LAW; PRIVATE LAW; CRIMINAL SCIENCES

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