12TH INTERNATIONAL CONFERENCE

"EXPLORATION, EDUCATION AND PROGRESS IN THE THIRD MILLENNIUM"

Galati, Romania, 7th - 8th May, 2020

organizers

"DUNĂREA DE JOS" UNIVERSITY OF GALAŢI, ROMANIA

through:

THE FACULTY OF LEGAL, SOCIAL AND POLITICAL SCIENCES
THE RESEARCH CENTRE OF JURIDICAL AND ADMINISTRATIVE SCIENCES
THE CROSS-BORDER INSTITUTE OF INTERNATIONAL STUDIES AND CRIMINAL JUSTICE SCIENCES
"DUNĂREA DE JOS" EUROPEAN DOCUMENTATION CENTRE GALAȚI

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

"BOGDAN PETRICEICU HAŞDEU" STATE UNIVERSITY OF CAHUL, REPUBLIC MOLDOVA

ROMANIAN ACADEMY OF LEGAL SCIENCES

The National Institute for Training and Development of Lawyers
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GALATI BAR

BRAILA BAR
BAROUL BRAILA

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GALATI BAR

BRAILA BAR

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:

Ph.D. Nicolae DURĂ (Romania)
Ph.D. Alexandru BOROI (Romania)
Ph.D. Silvia Lucia CRISTEA (Romania)
Ph.D. Claudiu Mihnea DRUMEA (Romania)
Ph.D. Verginia VEDINAȘ (Romania)
Ph.D. Romeo-Victor IONESCU (Romania)
Ph.D. Luminița Daniela CONSTANTIN (Romania)
Ph.D. Andreas P. CORNETT (Denmark)
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Ph.D. Irena SZAROWSKA (Czech Republic)
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Ph.D. Fabio MUSSO (Italy)
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Ph.D. Sergiu CORNEA (Republic of Moldavia)
Ph.D. Emilian STANCU (Romania)
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Lecturer AGHENIȚEI Mihaela
Lecturer BELDIMAN Camelia Mădălina
Lecturer BLEOANCĂ Alexandru
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Lecturer JÎRLĂIANU Silviu
Lecturer MIHĂILĂ Cosmin Răzvan
Lecturer MIRICĂ Ștefania Cristina
Lecturer PĂTRAȘCU Gabriela Cristina
Lecturer POPESCU Gabriela Getty
Lecturer SLABU Elisabeta
Lecturer STANCU Adriana
Assistant NICULESCU Liliana

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

White Collar Crime in Healthcare

Mihaela AGHENIȚEI
Lecturer Ph.D., „Dunarea de Jos" University of Galati
Tatiana Luiza PRICOP
Legal Adviser, ADR South East, Romania

Ne Bis in Idem Around the World

Mihaela AGHENIȚEI
Lecturer Ph.D., „Dunarea de Jos" University of Galati
Jafar SAMDANI
Attorney at Law, The Legal Center – Kuwait (L.L.P)

The Law Applicable to the Legitimation of the Child according to art. 2604 Romanian Civil Code

Nadia-Cerasela ANIȚEI
Professor Ph.D., „Dunarea de Jos" University of Galati

The Consequences of the Decisions of the Constitutional Court of Romania on the Law no. 77/2016

George-Ciprian BACIU
Lawyer, Galati Bar

Crimes, Fear of Crime and Perception of Victimisation's Risks in Bucharest. An Exploratory Study

Ecaterina BALICA
Ph.D. Hab., Senior Researcher, Romanian Academy

Bribery. Comparative Examination in Relation to the Previous Law

Bogdan BÎRZU
Assistant Professor Ph.D., „Danubius" University of Galati

Possible Legal Adaptations to the Need for Social (Physical) Distancing

Alexandru BLEOANCĂ
Lecturer Ph.D., „Dunarea de Jos" University of Galati

Comparative Presentation of the Regulations of the Offenses of Biting and Biting from 1969 and up to the Present

Petru BOLOS
Legal Adviser

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 Iuliana Stancu
Lecturer Stefania Mirica

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

White Collar Crime in Healthcare

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Abstract: Although there has been some debate as to what qualifies as a white-collar crime, the term today generally encompasses a variety of nonviolent crimes usually committed in commercial situations for financial gain. Many white-collar crimes are especially difficult to prosecute because the perpetrators use sophisticated means to conceal their activities through a series of complex transactions. The most common white-collar offenses include: antitrust violations, computer and internet fraud, credit card fraud, phone and telemarketing fraud, bankruptcy fraud, healthcare fraud, environmental law violations, insurance fraud, mail fraud, government fraud, tax evasion, financial fraud, securities fraud, insider trading, bribery, kickbacks, counterfeiting, public corruption, money laundering, embezzlement, economic espionage and trade secret theft.

Keywords: insurance fraud; government fraud; healthcare fraud; white-collar crime; offences institutions

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Ne Bis in Idem Around the World

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Abstract: All countries consider the ne bis in idem principle as a principle that is recognized at the domestic level. This basic right is directly applicable only with respect to judgments of domestic courts. The most frequent legal basis for the domestic recognition of the principle ne bis in idem, is simple statutory law, on a customary basis in Finland or in the Penal Code such in France, the Netherlands, Sweden. In Belgium, France, Germany, Romania, Italy, Hungary, Spain, Croatia Turkey it is recognition in the Code of Penal Procedure and in Spain, in other legal texts.

Recognition of the ne bis in idem effect of foreign res judicata at the national level is not very frequent. Except the relevant treaty expresses a prohibition, countries do not recognize a ne bis in idem blocking effect to foreign decisions, such in Germany in case of judgment of a court outside the European Union and admit a double prosecution and punishment. Prosecuting a person twice for the same alleged offense (often known as "double jeopardy") is specifically prohibited by article 14 § 7 of the International Covenant of Civil and Political Rights (ICCPR). As a state party to the ICCPR, Kuwait is bound to uphold its provisions.

Keywords: *ne bis in idem*, procedure, *res judicata*, offense, judgment

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The Law Applicable to the Legitimation of the Child according to art. 2604 Romanian Civil Code

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Abstract: Book VII entitled Provisions of Private International Law in the Civil Code (art. 2557-art. 2663) deals with chapter II "Family" (art. 2585 - art. 2612) dedicating to section II "Filiation" (art. 2603- art. 2606) which regulates in subsection I "Affiliation of the child from marriage" (art. 2603- art. 2604). In this study we aimed to present and analyze art. 2604 with the marginal name **"Legitimation of the child"** which provides: "*If the parents are entitled to proceed to the legitimation by subsequent marriage of the child born before, the conditions required for this purpose are those provided by law applicable to the general effects of marriage*."

Considering that art. 2604 C civ refers to the provisions of art. 2589 C civ with the marginal name "Law applicable to the general effects of marriage" we will present and analyze the law applicable to the legitimation of the child born before the conclusion of the marriage by studying by analogy the provisions of the two articles.

Keywords: Romanian Civil code; child; parents; the law applicable to the child's identification; the law applicable to the general effects of marriage

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The Consequences of the Decisions of the Constitutional Court of Romania on the Law no. 77/2016

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Abstract: This paper aims to present the legislative evolution of the provisions of Law no. 77/2016 *regarding the transfer in lieu of payment of certain immovable assets in order to pay-off a loan obligation*, from the moment of its entry into force and until the moment of publication in the Official Journal of the Decision of the Constitutional Court of Romania no. 731 of November 6, 2019, a decision that clarified the way in which the courts should analyse the theory of imprevision in the disputes arising from the application of this law.

This paper also addresses the relevant aspects that emerged from the Decision of the Constitutional Court of Romania no. 623 of October 25, 2016 and the Decision of the Constitutional Court of Romania no. 731 of November 6, 2019, in order to identify objective criteria for establishing a case of unpredictability within the credit agreements that fall within the scope of the Law no. 77/2016.

Last but not least, the author of this paper wants to bring to the attention of those interested a practical perspective on the decisions of the Constitutional Court of Romania on the provisions of the law regarding the transfer in lieu of payment, especially on the considerations of the decisions that allow the courts to modify or adapt the credit agreement between the parties.

Keywords: theory of imprevision; practical issues; equilibrium; transfer in lieu of payment; adaptation of the credit agreement

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Crimes, Fear of Crime and Perception of Victimisation's Risks in Bucharest. An Exploratory Study

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Abstract: The analysis of data regarding criminality registered in Bucharest between 2010 and 2018 indicates for some sectors of the Capital high values of criminality rates and of criminality coefficients. In this context, I decided to analyse the way in which the inhabitants from the criminogenic risk areas see the level of criminality and of victimisation risk. The present paper presents the results of some investigations made at the level of one criminogenic risk area from the 6th sector of the Capital. The methodology of the research included the analysis of statistical data regarding criminality (violent criminality, street criminality and criminality in means of transportation) and the making of some semi-structured interviews with certain categories of people (women, young people, old people) and specialists (sociologists, police officers, probation consellors) from the selected area and its proximity. Amongst the objectives of the research on could mention: 1) identification of inhabitants' perception regarding criminality in the town and area where they live; 2) identification of factors that infuence the inhabitants' perception (age, gender, experience of victimisation, experience of the contact with the police); 3) identification of safety measures taken by locals; 4) identification of inhabitants' perception regarding the activity of the police from Bucharest and from the selected area. The results of the study emphasized the fact that the population from the selected area has an adequate perception of the victimisation risk that the area has, i.e. an average, even high risk. In order to increase the safety of the citizens, specialists formulated recommendations to be followed at an individual level, but also recommendations that require the involvement of local and central authorities: increasing the number of police officers on the street, video surveillance, zero tolerance for crimes and sanctioning people who commit crimes.

Keywords: crime; fear of crime; victimisation risks; personal safety; Bucharest

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Bribery. Comparative Examination in Relation to the Previous Law

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Abstract: The present paper takes into consideration the comparative examination of the constitutive content of the crime of bribery provided for in the law in force, in relation to the harsh provisions governing this crime in the Criminal Code of 1969. We have also considered the presentation of opinions regarding the application of the more favorable criminal law in transitional situations. Last but not least, we made a series of critical remarks, meant to contribute to the improvement of the legislative framework through which this crime is regulated. The paper can be useful both to the students of the profile faculties in the country, and to the practitioners in the field of law. This study is included in a university course to be published in the near future.

Keywords: comparative examination; more favorable criminal law enforcement; critical opinions

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Possible Legal Adaptations to the Need for Social (Physical) Distancing

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Abstract: The spread of the new coronavirus and the measures taken to limit it brought to the fore the need to digitize the legal system, either in Romania and worldwide. This goal can be achieved through a set of measures such as electronic drafting of documents, their electronic communication, electronic verification of identity, etc. Moreover, the advantage of the moment is that information technology is already widely used in the legal field in general and in justice in particular. Thus, for example, the documents submitted by the parties are scanned, if they are not already drafted and sent electronically, and the videoconference is used in criminal and civil proceedings. Therefore, it is only necessary to expand the use of information technology. However, the concrete measures that can be imagined must be supported by legislative measures, in order to receive the full legal value; otherwise, they remain mere working hypotheses. And, in all cases, the use of information technology in the legal field must take into account the need to respect fundamental human rights, because it is not an end in itself, but only a tool in streamlining the activity. Our study examines some changes that can be made to the judiciary in the sense of digitizing procedures, either by extending already used means or by introducing new ones.

Keywords: coronavirus, legal digitization, electronic procedures

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Comparative Presentation of the Regulations of the Offenses of Biting and Biting from 1969 and up to the Present

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Abstract: Abstract: corruption is an abuse of power in order to gain material or other benefits, it is not a good thing for you to function in the heart of the law of Rome, “do ut des” (you gave it to me) and to deny them and to perform in the conditions of clandestine and trustworthy." Criminal offenses under the general notion of corruption do not form a distinct group in the Romanian Rule of Law, but are removed from the offenses of service or in connection with services, although it differentiates it from other offenses in this case, with my own connection to the crime of the landmark, which in the course of trafficking the duties ascribe to the function held in the exchange of one or the other in the course of the functions and the consequences of the functions next to them.

Keywords: corruption; public space; civil servant; bribery

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Incidence of the Cause of Unpunishment in the Case of the Crime of Misleading the Judiciary

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Abstract: Regulating a special cause of unpunishment, the legislator provided, in par. 3 of art. 286 of the Criminal Code that the person who committed the misleading of the judiciary bodies shall not be punished if he/she declares, before the detention, arrest or initiation of criminal proceedings against the person against whom the denunciation or complaint was made or the evidence was discovered that the denunciation, the complaint or evidence are unreal. Therefore it can be observed that the intention of the legislator was that the prosecution of the person who made a denunciation or complain that was misleading, should take place only when they have produced legal consequences, in the sense that the arrest, arrest or initiation of criminal proceedings has been ordered against the person charged for the crime that formed the object of the referral document.

Keywords: impunity; misleading; judicial bodies

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Incidents arising in the Procedure of Judicial Cooperation in Criminal Matters, in the Context of the COVID-19 Pandemic

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Abstract: During this difficult period, international judicial cooperation in criminal matters continued to function under the conditions provided by law. However, given the state of emergency declared throughout Romania, taking into account the preventive measures taken by the Romanian Government, as well as the way in which the other states were affected, some of the institutions in the field of cooperation were affected in some measure, with effects in terms of the speed with which applications are processed or the canceling of certain procedures. In particular, the European arrest warrant, the transfer of convicted persons, European investigation orders and requests for assistance at the trial were affected.

Keywords: criminal judicial cooperation; European arrest warrant, transfer of convicted persons

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Some Considerations regarding Legal Research in Notarial Matters

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Abstract: Notary activity from the earliest times to the present day has defined an extremely useful place in the process of social development, in the general picture of the legal professions and in carrying out national and international legal doctrines. In this context, our research wants to bring to light and highlight several important moments from the perspective of legal research in notarial matters, to present the notarial publications and the concerns in the matter revealed by them. The present research takes into consideration the period after 1928 and underlines that the achievement of Greater Romania exceeding the political significance of the project, also meant the start of a wide and delicate process of social and legal reform. Notary activity was part of this reform process and has consistently contributed to the uniformity of notarial legislation and practice in all provinces. In support of the aforementioned, each notarial scientific research publication is analyzed, the concerns of the time are identified, important personalities of the notarial law and of the legal publication are evoked.

Keywords: notary public; scientific research; periodic notary publication; history of notary activity

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The Juridical Regime of the Superficies in the Regulations of the Romanian Civil Law

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Abstract: In the present study we intend to realize the radiography of the real right of superficies from the perspective of the actual provisions and regulations, as we benefit from a rich legal dedication to the issue, and it opens the series of the five dismemberments of the private ownership rights. By considering the model of the civil law in Quebec, but also previous theoretical and juridical details, superficial is a real estate right that includes as a mandatory content the right of the superficial beneficiary to use a certain field that belongs to another person on the one hand, and a right to edify in the future or even a right to detain the property on the constructions that are built on or under the respective field, on the other hand. Along with the general characterization of this dismemberment, certain aspects regarding the ways of constituting the superficial are revealed. In this way, the present article, intend to discuss the juridical regime of institutionalizing, taking in to consideration the different ways of giving birth to such dismemberment.

Keywords: property right; superficies; real estate

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The Publicity of the Court Hearings and the Publication on the Web Pages of the Courts in Terms of Respecting and Protecting Personal Data

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Abstract: Legal framework applied in the Republic of Moldova and Romania provide for the trial of cases in public hearings and the judgments, decisions, etc.by publicly communicated and presented. A contradiction arises between the notion of public interest and the protection of personal data, the two notions are rejected. Are provided for by the constitutions of the two countries-the public process and respect for the right to privacy.At the same time, personal data controllers must implement appropriate technical and organizational measures for the implementation of data protection principles.The processes must be designed and built with due regard to the regulations in force for the protection of personal data and to provide guarantees for data protection(for example, pseudonymization or anonymization where appropriate), but also to use the highest possible privacy settings by default.The present presentation will be a presentation on the publicity in the court hearings and the publication on the web pages in support of respecting and strengthening the protection of personal data.

Keywords: personal data, protection, court, legislation, protection of privacy

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Considerations regarding Secret Vote at the General Meeting of Shareholders

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Abstract: Regarding the adoption of the decisions of the general meeting of these shareholders, according to art. 130 para. (1) of Law no. 31/1990, are taken by open vote. Although open voting is the rule, art. 130 para. (2) of the law, provides for the obligation to use secret ballot in certain circumstances: for the appointment or removal of members of the board of directors, respectively of members of the supervisory board, for the appointment, removal or dismissal of auditors or financial auditors and for decisions on liability the company's management, management and control bodies. Therefore, the open vote is the rule and only exceptionally and in the cases limited and expressly provided by law, the secret ballot is mandatory.

Keywords: company; secret; vote

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Contributions to the Study of the Legal Nature and the Types of Suretyship

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Abstract: By reference to the collateral, which, theoretically, ensures a higher security of enforcement, the suretyship distinguishes itself by a lower formalism and a much higher degree of suppleness. By the mechanism of suretyship, the creditor will have as a joint guarantee at least two estates: first of all, of course, the principal's estate but, apart from this, he can also dispose of the estate of the surety/sureties.

No one can become a surety-guarantor against his will. Regardless of its nature, the suretyship is contractual and can only arise through the agreement between the creditor and the surety. The law or the judgment only requires the provision of a personal guarantee.

When a person is bound, by law or by agreement, to provide a security and fails to fulfill his obligation voluntarily, the judgment of conviction does not convert the security into a judiciary one but it still remains legal or conventional, as applicable. The judge simply orders the enforcement of the legal provision or the agreement. Exceptionally, in certain situations, the law absolutely presumes a particular person's capacity as surety. For example, there is suretyship, called assimilated suretyship, also if one party commits to another party to grant a loan to a third party, in which case the creditor (the person to whom the commitment was made) is a guarantor (surety) of the obligation to repay the loan received by the third party.

Keywords: security; source of guarantee; assimilated suretyship

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The Concept of Threat in the Legislation of the Republic of Moldova and other European States

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Abstract: The requirement of complex assurance of the person's freedom, including his psychic freedom, dictates the need to regulate in the criminal matter the threat that has the capacity to significantly limit the security of the individual, in this sense the researchers have the task to carry out a radial analysis of the concept of threat to optimize its application in practice.

The study has also a such purpose by revealing the doctrinal opinions both from the continental system of law and from the system of common law and by trying to identify an integral notion of the threat. The basic pillar of a person's freedom is moral freedom. In carrying out any activity, in daily life, for the individual is indispensable the feeling of peace, security, which he acquires only in the conditions of an undisturbed mental freedom. The awareness that an evil could be caused to the person causes a fear, a state of disturbance, which influences the acts he performs, the decisions he makes, and the behavior he has, in general, within society. The person whose mental freedom has been abducted no longer finds peace, is constantly preoccupied with what might happen to him, can no longer carry out his activity normally, and all this has a negative effect on his participation in life. social. Therefore, the act by which the person is deprived of his mental freedom is an act of social danger, which the criminal law must criminalize.

Keywords: moral freedom; threat; intimidation; fear; assault on public servant

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Singapore Convention. Perspectives of Mediation in International Trade in the European Union

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Abstract: In December 2018, by Resolution 73/198, the United Nations General Assembly adopted the Convention on International Agreements resulting from mediation, known as the Singapore Convention. The role of the Convention is to make a decisive contribution to changing the legal perspective on mediation, as an alternative procedure for resolving international trade disputes, by promoting mediation as a way of resolving disputes, forcing signatory states to recognize agreements reached after mediating international trade disputes. The Convention has already been signed by 52 states and will enter into force on 12.09.2020.

Romania and the other member states of the European Union, participated at the preliminary works of the United Nations, and within the Union there are discussions regarding the ratification of the Convention by the Parliament and the European Council on behalf of the member states.

The aim of the paper is to analyze the possible consequences of the ratification of the Singapore Convention in the European space, given that the Mediation Directive 2008/52 / EC is already in force within the EU.

Keywords: Singapore Convention; mediation; international trade disputes

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Insolvency Issues in the Covid Period

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Abstract: The insolvency procedure is a collective procedure, which the law establishes to cover the debts of the insolvent debtor, the procedure in which all creditors are called to participate in order to be able to cover their claims against the debtor. Throughout the procedure, the debtor's activity is conducted by the special administrator, when the debtor has retained the right to manage his business under the supervision of the judicial administrator or by the judicial administrator / liquidator if the right of administration has been lifted. The insolvency practitioner is, from a judicial point of view, under the control of the syndic judge and, from a managerial and commercial point of view, under the control of the creditors, exercised through the creditors' committee.

The insolvency procedure is on the border between the non-contentious and the litigious procedure, the activity of the insolvency practitioner not being, in principle, of a litigious nature, but the legality control of the courts is usually done according to the rules of the contentious procedure. Following the establishment of the state of emergency, the judicial activity continued only in the cases of special urgency, those in the matter of insolvency, except for the requests based on the provisions of art. 66, para. 11 of Law 85/2014, not being on the list of these causes. The purpose of this study is to analyze the implications of the President's Decrees establishing, respectively, extending the state of emergency in Romania on insolvency proceedings.

Keywords: insolvency; judicial administrator; liquidator; Covid 19

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Regulation of the Institution of the Protected Witness – Analysis

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Corina Florența POPESCU
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Abstract: The need for an unitary regulations, distinctive and clear in the protection of witnesses and persons providing key data and information to establish special crime is a major target for reform that is designed to protect witnesses. An examination of the legal provisions designed to ensure better protection of witnesses and collaborators with justice in solving serious crimes lead to defining and implementing a new concept dedicated to the fight against crime.

Keywords: protected witness; evaluation; organized criminal group; protection measures; protection program

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Reflections on the Abandonment in the Single-Parent Family

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Abstract: The article mainly analyses the criminal protection that the legislator understood to grant to the minor from a single-parent family, concluding that the minor is not protected by criminal law rules, emotionally speaking. The author analyses the commission of the offence of family abandonment in terms of the time of the offence, given that this crime is committed continuously. The author also analyses of the moment of formulating the preliminary complaint for the criminal prosecution of the perpetrator. The term of 3 months provided in the content of art. 296 para. 1 and 2 C.p.p. it can flow from three different moments, which are discussed in this article.

Keywords: crime of family abandonment; prior complaint; postponement of the application of the sentence

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Justifying Causes versus non-imputability Causes

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Abstract: The difference between the justifying causes and the causes of non-imputability consists in the fact that the former does not attract an illicit character of the deed, this being allowed by the legal order, while in the case of the latter, the deed remains an illicit one, but is not imputable to the perpetrator. Hence all the other differences: the justifying causes produce effects in rem, while the causes of non-imputability (except for the fortuitous case) produce effects in personam; the former affect all participants, while the latter only affects the person to whom the crime is not attributable; when the justifying causes are incidents, no form of legal liability (criminal, civil, administrative, disciplinary, etc.) can be attracted, while the incidence of non-imputability causes can attract civil liability.

Keywords: ustifying causes; non-imputability causes; civil law

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The Freedom of Expression from a Judicial Point of View

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Abstract: The freedom of expression, one of the oldest democratic values, has a specific nature in the judicial context and complies with certain limits. Thus, if for a judge the freedom of expression demands an objective impartial attitude, in case of a lawyer, the freedom acknowledged by article10 of the European Convention of Human Rights supposes, in a necessary way, to reconcile the respect for the dignity of the court with the protection of the freedom and independence of the lawyer profession, such requirements being able to guarantee a fair trial.

Keywords: the freedom of expression; article10 of the European Convention of Human Rights; fair trial

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The Necessity of Prolonging the Arrest at Home. Replacing it with the Preventive Measure of Judicial Control. Danger to the Public Order

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Abstract: In the case, there are no relevant and sufficient grounds justifying the deprivation of liberty by extending the measure of the house arrest of the defendants V.P.O.M., S.R.L., N.E., B.I., G.I.C., P.E., D.I., simply maintaining the bases of the original arrest regarding the suspicion of committing the facts of which they are accused (on which are based the Prosecutor's Office motives for the extension of the measure of arrest at home) in relation to the concrete social danger of them being unfit, about three months after the initial deprivation of liberty, to justify itself the continuation of home arrest.

At the same time, it cannot be remembered the existence of new legal grounds justifying the prolongation of the measure of the arrest at home of the defendants indicated above.

At this point in court trial, imposing a measure of freedom restriction (i.e. judicial control) on the defendants V.P.O.M., S.R.L., N.E., B.I., G.I.C., P.E., D.I. and the establishment, in addition to the obligations laid down in Article 215 (1) of the new Criminal Procedure Code, of the prohibitions of the same Article in paragraph 2 are capable of ensuring the proper conduct of the criminal proceedings.

However, still exists the situation referred to in Article 218 (1) in relation to Article 223 (2) of the new Criminal Procedure Code, namely the deprivation of liberty of the accused C.L.D. by the measure of home arrest is still necessary to remove a state of danger for public order. Regarding this last condition, it is to be mentioned that the appreciation of the danger to the public order which the defendant's freedom of liberty presents him must not be made obviously by the gravity of the act of which he is charged. Moreover, according to the aforementioned criminal procedural rule, the

seriousness of the offense, as well as the manner and circumstances of committing the offense constitute elements which, corroborated with personal circumstances, may or may not lead to the conclusion of a state of danger for public order. In this respect, the existence of the danger may result, among other things, from the social danger of the offense itself, from the public reaction to committing such a crime, from the possibility of committing similar acts by other persons, in the absence of a corresponding reaction to those considered to be the authors of such acts.

However, when assessing the danger to public order, it is necessary to take into account the concrete social danger (i.e. the danger posed by the act committed) and not the generic one.

Keywords: home arrest; judicial control; preventative measure; danger to public order

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The Obligation not to Drive Certain Vehicles versus the Suspension of the Right to Drive during Preventive Measures

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Abstract: Judicial supervision during the exercise of the criminal investigation and during the trial of the case in the first instance but also in the appeals is subject to very strict rules of application. We refer here to the general framework of taking preventive measures but also to the special way of exercising judicial supervision. The common element through which the activity of judicial supervision can be exercised is the involvement of the judicial police bodies specifically designated for this activity. During the judicial supervision, problems were encountered regarding the execution of some obligations of the defendant, one being that of not driving certain vehicles.

Keywords: judicial control; judicial control on bail; the obligation not to drive certain vehicles

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Study on the Establishment of the State of Emergency in the Context of the Covid - 19 Pandemic and how it Affects the Exercise of Judicial Supervision in Criminal Cases

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Abstract: With the establishment of the state of emergency on the entire territory of Romania in the context of combating covid -19, special regulations were seen as necessary in order to implement the preventive measures. Judicial supervision during the exercise of the criminal investigation and during the trial of the case in the first instance but also in the appeals is subject to very strict rules of application. The judicial bodies are obliged to impose the observance of these interdictions but at the same time to respect the procedural rights of these persons. In this special context, the legislator considered the modification for a limited period of the manner of execution of the preventive measures.

Keywords: judicial control; judicial control on bail; the covid-19 pandemic

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Theoretical and Practical Aspects regarding the Contestation of Paternity

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Abstract: In this study we aimed at analyzing some aspects of material law and procedural law of the appeal of the filiation towards the father of the child out of wedlock (art. 420 of the Civil Code). The idea of this study was given to us by a practical situation according to which, after birth, a child out of wedlock is voluntarily recognized by the alleged father, a man married to another woman, other than the biological mother. By the court decision, at the request of the father, the court establishes the dwelling of the child to the applicant, with his exclusive exercise of parental authority. When the child was 5 years old, against the background of the divorce between the father and his wife, the biological mother resorts to a legal action, requesting to be established that, in reality, the defendant is not the child's biological father. Also, the biological mother, after a total absence from the child's life, also files an application for establishing a visit program for the child, given that such a program was already obtained by a presidential ordinance (art. 920 of the Civil Procedure Code), by the child's father's wife. The factual situation is also complicated due to the fact that the minor lives with the father, because the wife was forced to leave the common home, claiming physical, verbal and emotional violence. In the study we will make an analysis of the legislative regulation, then we will show the neuralgic points of the case and what was the right solution in this case.

Keywords: paternity; recognition of parentage; contesting the mother's right to appeal paternity; probation; personal ties between the child and the biological mother

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Principle of Proportionality and the Limitation of Human Rights in Times of Pandemic

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Abstract: The essence of human rights doctrine is originated in the theory of the natural law. There are certain rights and liberties that belong to every member of the human race, regardless of his or her origin, color of skin, religion, personal believes and so on. These fundamental rights are recognized and protected by international treatises as well as national laws and any limitation regarding their exercise must respect legal constitutional and international conditions. The present context of Corona virus pandemic has generated the necessity of limitation of some of the fundamental rights and in the present paper we aim to analyze if these limitations respect the principle of proportionality, meaning that, the restriction must be adopted in relation to the necessity and should not be abusive in any way. We will analyze the concept of proportionality and the extent in which the rights are rightfully limited.

Keywords: proportionality; fundamental human rights; pandemic; limitation of the rights; legal restrictions

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Considerations regarding the Exception of Unconstitutionality Formulated by the Romanian Ombudsman on Article 9, Article 14 Paragrphes C¹)-F) and Article 28 of the GEO no.1/1999 regarding the State of Emergency and State of Curfew and the GEO no. 34/2020

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Abstract: In the present paper we aim to analyze the reasons and the legal argumentation formulated by the Romanian Ombudsman (Public Advocate) in order to support the exception of unconstitutionality regarding the article 9, article 14 paragraphs c^{1}) - f) and article 28 of GEO no. 1/1999 regarding the state of emergency and state of curfew and the GEO no. 34/2020 which modifies the GEO no. 1/1999. The main activity of the Public Advocate is to guard and represent the rights and the interests of the people and to intervene when these rights or legitimate interests are somehow broken. One of the ways of protecting the people's interests is to address to the Romanian Constitutional Court whenever is considered necessary. The present situation of Corona virus pandemic has generated the need of some drastic legal measures necessary in order to protect the public health. However restrictive these measures are, they still have to respect the Constitution and the limitations must reflect the actual necessities of the situations and not be abusive.

Keywords: human rights; constitution; exception of constitutionality; Ombudsman; limitation of human rights

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The Consequences of the Pandemic in Relations between States and their Relation to Fundamental Human Rights

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Abstract: Since the appearance of the Covid-19 virus in China at the end of last year, we have involuntarily witnessed unprecedented changes in all sectors of society: from the medical sector, which is affected the worst, given the inversely proportional ratio between thousands of victims. and infected people who appear every day worldwide and the small number of doctors who have to fight not only the virus but also the lack of disinfectants and medical equipment needed in the economic, financial, security field, that of the fundamental rights and freedoms of citizens, of relations between states, etc. This pandemic determined the governments of the world to adopt a series of measures that totally change the parameters of a society, which we perceived as normal and functional.

Under these conditions, it is obvious that a series of questions arise, the answer to which is currently as uncertain as the end of the pandemic. Thus, after the crisis, can we still talk about the full recovery of human rights, now restricted as a result of the establishment of the state of emergency? Or will the measure, which is intended to be temporary, in fact remain somewhere in the background, still producing its effects, in one way or another, after overcoming the crisis? We will also have intact the rights to dignity and privacy, when currently a number of states use telecommunications to track and locate people, or use applications to track and detect people with whom they have come in contact or to monitor quarantined people ? Moreover, will governments, now affected by the pandemic, succeed in respecting and protecting democracy and its values, or, in the light of the exceptional measures they are taking these days and which give them greater powers, we will witness dictatorial tendencies in the near future ? We will try to answer these questions, given the consequences of the pandemic in relations between states and their relation to fundamental human rights.

Keywords: virus; pandemic; crisis; emergency; quarantine; human rights

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The Continuity of the University Professors Activity Regarding the Age Limit Retirement

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Abstract: According to the existing common law [art. 56 par. (1) lett. c) of Labour Code], "the existing individual employment contract ceases by right: (…) on the date of cumulating the conditions of standard age and of minimum contribution period for retirement or, exceptionally, for the worker who opts in writing for the continuity of the execution of the individual employment contract, within 30 calendar days prior to fulfilling the standard age conditions and the minimum contribution period for retirement, at the age of 65 years old; on the date of communicating the retirement decision in the case of third degree disabled retirement, partial early retirement, early retirement, retirement for the age limit with the reduction of the standard retirement age; on the date of communicating the medical decision on the work capacity in the case of first and second degree invalidity." However, based on the principle of labour freedom, it is provided, relatively new (starting with the 11th of May 2019), in par. (4) of the same article that "based on a request made with 30 days prior to fulfilling both the standard age conditions and the minimum contribution period for retirement and with the approval of the employer, the employee can be maintained in the same function a maximum of 3 years over the standard retirement age, with the possibility of annual extension of the individual labour contract".

On the other side, the rule established by the National education Law no. 1/2011 is in fact that the university professors retire at the age of 65 years old [art. 289, par.(1)]. As an exception, it is provided in continuation, "the university senate from the state universities, private and confessional, based on the criteria of professional performance and financial situation, based on a fixed-term contract of 1 year, with the possibility of annual extension according to the University Charter, without an age limit" [par.(2) phrase 1].

We aim to show in the following material how these two types of provisions function and how to interpret them benefiting the university's professors and obviously the university.

Keywords: university professors; retirement for the age limit; continuation of activity; common law; special law; benefits

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The Digital Testament: a Modern Way to Testate

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Abstract: Modern times, characterized by the everyday use of technology, artificial intelligence and digital instruments, have brought fast-paced changes in many aspects of global society, including the juridical organization, justice and law systems. To such new challenges national authorities must answer by modifying their internal acts to better respond to society`s needs, the risk being that if left unattended such matter may give rise to social inequities or even cause a State to fall behind on innovation. The present study, without being exhaustive, intends to analyze the opportunity of a new legal method regarding testation, its advantages and disadvantages and if such digital testament could become a standard way to leave a will, such as the authentic and holographic testament, or if it would remain a subsidiary mechanism to be used in exceptional cases such as war, shipwreck, hospitalization and so on. As law systems must keep up with contemporary innovations and research, the study ends with a de lege ferenda proposal for the implementation of the digital testament.

Keywords: digital; testament; digitalization; succession; will

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Respect for the Principle of Best Interests of the Child in the Decisions issued by Public Authorities

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Abstract: In this study we set out to analyze the contradictory judicial practice generated by the adoption of decisions issued by local authorities regarding the rights of the child, namely the decisions concerning the classification of the minor child suffering from phenylketonuria in degree of disability. Thus, although the factual situation under consideration is similar, the solutions adopted in the case decisions covered by this research, are diametrically opposed, on the one hand, admitting the application for social protection, on the other hand, rejecting such an application. The best interests of the child are included to his/her right to a normal physical and moral development, to socio-affective balance and to a family life, and the principle of the best interests of the child, as expressly regulated in the national legislation by art. 263 of the Civil Code, must prevail in all steps and decisions concerning children, steps taken by public authorities and authorized private bodies, as well as in cases settled by the courts. However, as we shall see, the principle stated above has different approaches in practice, which, not infrequently, empty its content.

Keywords: phenylketonuria, child, social protection, rights, degree of disability

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Waiving the Application of the Punishment, an Element of Novelty in the Current Criminal Regulations

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Abstract: Waiving the application of the punishment is presented as a new institution in the current regulation of the Criminal Code, representing a measure that can be ordered by the court, taking into account the concrete conditions of committing the crime, the court analyzing whether all the criteria for taking such a measure are met. The measure of waiving the application of the punishment consists in waiving the establishment of the prison sentence or fine with respect to the defendant natural person adult, who committed a crime, for the correction of whom, taking into account the crime committed, the offender, his/her conduct, both before as well as after committing the crime, it is not opportune to apply a punishment, being sufficient to apply a warning. This measure finds its applicability only with respect to major offenders, it cannot be ordered in the case of minors or legal persons, but it can be annulled if within 2 years from the finality of the decision ordering the waiver of the sentence, it is discovered that the person against whom this measure was taken had committed a new crime before the pronouncement of the decision ordering the renunciation or until its finality.

Keywords: individualization; surrender; application; punishment; measure

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Minor Offenders – a Constant of the Judicial System

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Abstract: The present work was born as a result of the findings of a practical nature, respectively of the effects that a criminal trial has on a child / adolescent. The lack of proper legislative support and of psychological specialists to support the minor in the passing stage leads not only to a lack of awareness of the facts committed, but also to a possible criminal perseverance. The sanctioning character of the legal system, less empathetic to the minor offender, does nothing but maintain the number of crimes committed by this category of people at a constant level, failing to identify the actual generating factors. Moreover, the lack of programs in the communities through which specialists from the legal sphere and the psychological counselling explain to the minors the consequences they are exposed to if they commit crimes, but also to help them determine the problems that they encounter lead to an increase of the problem of juvenile delinquency.

Keywords: juvenile delinquency; minor offenders; juvenile justice; minority; discernment; psychological counselling

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About the Inadmissibility of a Request to Suspend an Expropriation Procedure Subject to Law no 255/2010

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Abstract: The purpose of this procedure is to analyze the trends in case law and the relevant doctrinal views of the (im)possibility of suspending or discontinuance of an expropriation procedure, as well as the public utility objectives covered by Law No 255/2010 on expropriation in public utility matters, necessary for the pursuit of national interest objectives, the county and local authorities, at the request of a person who claims the existence of a dispute concerning the possession or ownership of the expropriated building or plot. The need for this short incursion comes from the fact that, although the law contains clear provisions in this respect, recent court practice is turning towards ignoring this express inadmissibility case..

Keywords: expropriation; public utility cause; national interest objectives; property right; inadmissibility

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Corruption and Service Offenses in Romanian Law. General Considerations

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Abstract: In this paper we will proceed to a general examination of the group of corruption and service offenses, as distinctly mentioned in the Romanian law. We will consider the systematization of incriminations in the new law, a brief comparative presentation of the group of crimes in relation to the previous law, some common features of the crimes that are part of this group, as well as the application of the more favorable criminal law. We will also formulate critical opinions on the way in which the Romanian legislator incriminated some deeds of this kind, opinions followed by de lege ferenda proposals. The study can be useful to the university environment (academics and students at law in the country), practitioners in the field, as well as for the legislator from the perspective of possible changes in the legislation in the field. The work is part of a volume to be published in the next period at a recognized publishing house in Romania.

Keywords: systematization of incriminations; some common aspects; the application of the more favorable criminal law

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The Bribery Offense in the Romanian Law. Considerations regarding the Subjective Side, Forms, Modalities and Sanctions

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Abstract: In this paper we have examined the objective side of the crime of bribery provided in the Romanian Criminal Code. We have also examined the forms, modalities and sanctions provided for in the incrimination. In some cases, we have also formulated critical opinions, followed by de lege ferenda proposals, intended to contribute to the improvement of some provisions currently provided for in the text under consideration. As conceived, the paper can be useful to law students in the country, as well as practitioners in the field. The study is part of a university course to be published in the near future.

Keywords: crime; constitutive content; guilt

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The Partition in Authentic Form

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Abstract: Partition is the legal operation that ends the joint ownership or the share of possession, because "*no one can be forced to remain in the state of share possession*". The legislator, by general disposition instituted by articles 669 - 686 Civil code in the matter of partition, regulates the forms of the partition itself, namely: by agreement or mutual partiotion and the judicial one.

We propose for analysis, by this article, the partition by agreement or mutual type, in authentic form. This is the form of partition that, unlike the form of judicial one, brings many benefits, such as the short duration of the procedure, reduced costs and the non-conflictual environment in which it takes place. In addition to these aspects, by agreement or mutual partiotion is allowd the partition of periodic ownership and cases of forced common ownership, according to art. 671 Civil Code. The actuality and importance of the theme derives from the fact that, apart from the analyzed theoretical aspects, the analysis of the authentication procedure of such an operation is present. Starting from the concept, the right to request the partiton, the right holders to request the partition, the procedure of authenticating the operation, and finishing with the analysis of the effects of the partition in authentic form, a clear and current x-ray of the partition in authentic form, is made.

Keywords: partition; authentic; by agreement; notary; join ownership; share of possession

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Authentication of Documents - Definition And Regulations

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Abstract: According to the Civil Procedure Code: The authentic document is the document drawn up or, as the case may be, received and authenticated by a public authority, the notary public or by another person invested by the state with public authority, in the form and conditions established by law. This topic that we propose for analysis, of defining the procedure of authentification of the documents and identifying the regulations applicable to the procedure of authentification of documents has great interest for today's society. Its importance is due to the fact that authentification procedure is the most commonly used notary procedure.

In this article we analyze the regulation of the Code of civil procedure in the matter of authentification but also the special regulation imposed by Law no. 36/1996 of the notaries public and of the notarial activity, as well as of the Implementing Regulation for the Law of the public notaries and of the notarial activity no. 36/1995, thus being able to extract the definitions that derive from them.

Keywords: authentification; document; form; conditions; regulation

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Schools Of Thought throughout History

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Abstract: Criminologists traditionally consider that their field has its origins as a science in the eighteenth century, when Cesare Beccaria established what came to be known as the classical school of criminology. But when we look at what some much earlier thinkers had to say about crime, we may have to reconsider this assumption. Look again at the quotations above. The first may appear to be a modern description of delinquent youth, but Socrates made this observation over 2300 years ago. The second quotation, about instinct and learning and their association with criminality, was an observation made by Sophocles, who lived almost 2500 years ago. The final quotation, about income tax fraud, is not taken from a study of American white-collar crime: Plato voiced this insight, in his treatise The Republic, in the fourth century B.C.

Scholars, philosophers, and poets have speculated about the causes of crime and possible, remedies since ancient times and modern criminology owes much to the wisdom the ancient philosophers displayed. The philosophical approach culminated in the middle of the eighteenth century in the classical school of criminology. It is based on the assumption that individuals choose to commit crimes after weighing the consequences of their actions. According to classical criminologists, individuals have free will. They can choose legal or illegal means to get what they want; fear of punishment can deter them from committing crime; and society can control behavior by making the pain of punishment greater than the pleasure of the criminal X gains.

An understanding of the foundations of modern criminology helps us to understand contemporary developments in the field.

Keywords: comparative criminology, transnational crime, crime control

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On the Identity of the Ecclesiastic Abilities within the Context of the *Mortis Causa* Liberties

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Abstract: The present study focuses on one of the fundamental abilities of the physical individual to valorize mortis causa the patrimony of de cujus, and the possibility to inherit. This means the ability of a person to be the subject of the rights and obligations that one's capacity of legal or testamentary successor presupposes as both the capacity of use and the capacity of exercise are different from it. Part of the civil capacity, the ability to inherit does not identify with no one of the forms we mentioned above. Any person, either physical or juridical, has the capacity of being a successor if one is alive when the procedures have been started and if the one entitled to the successor ship is no longer alive or if no one has been designated up to that moment. The quality to be alive when successor ship is open has to be related to the achieving, also by birth, of the respective "personality" or of the civil ability admitted for all the persons involved. From this point of view, we analyze the situations when the one entitled to inherit and give for inheritance on the basis of the law is a physical person having a special status as he/she belongs to the ecclesiastic community, the categories of persons recognized by the Romanian Orthodox Church. Special situations are to be identified that waiver from the common law on the issue of inheritance. It is about the successor ship of monks which is regulated by special waiver provisions.

Keywords: legal inheritance; the ecclesiastic ability to successor ship; Church; monk; mortis causa liberties

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Considerations Regarding The Patrimonial Repair of the Non-Patrimonial Damage Suffered by the Fiance of the Victim of a Traffic Accident

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Abstract: Facing great social, economic and cultural changes of the human society, juridical evolution is natural to correlatively exist. From this point of view, the introduction of the New Civil Code was one of the biggest legislative reforms, not only coming with essential changes regarding more subjects, but also introducing new legal institutions. However, reality has shown that no matter how good a law is at the time of its adoption, it gets outdated because of the dynamics of life, requiring operational intervention by the legislator to remove inequities in the enforcement process. From this point of view, I appreciated that, in the matter of tortious civil liability, by reference to the provisions of Law no. 132/2017 on compulsory motor third party liability insurance for damages caused to third parties by vehicle and tram accidents, given the new regulations in the field of family law through the legal recognition of the engagement institution, it is necessary to reconsider the scope of persons entitled to compensation for non-pecuniary damages.

Our approach was motivated, in essence, by the idea of equity, in the realm of tortious civil liability, this desideratum being expressed in the principle according to which the legal obligation of the one who caused a damage is to compensate the injured person. This principle expresses, in reality, the moral rule not to harm another and to correct the mistakes made, and as a way to restore the destroyed social balance, I appreciated that the fiancé of the victim of a road accident is fully entitled, as *pretium affectionis*, to be compensated for the emotional damage suffered.

Keywords: tortious civil liability; non-patrimonial damage; moral damages; equity; engagement

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International Cooperation in Customs Domain for the fight against Organized Crime

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Abstract: It is a well-known fact that we are facing a never encountered before and severe crime, which is growing and that surpasses external European Union borders. The fight against this kind of transnational crime cannot remain the object of only public European policies; therefore the identification of the most adequate instruments to consolidate international cooperation has become a priority. The Customs Authority play a decisive role, at the border, to define the strategy for the fight against frauds but without the sustain of other force structures, with special investigation and research competencies, the results are likely to be underwhelming. The study means to analyze the role and place of the European Public Prosecutor`s Office, which will become functional at the end of the year 2020, regarding cooperation with border authorities and OLAF to prevent and fight against customs crime.

Keywords: cooperation; customs; frauds; criminality

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Inability to Dispose of Donations

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Abstract: The law, through its formulations and imposition, establishes the framework, through which the human being is protected, is in a safe environment and does not create situations that will disadvantage him or cause him harm. Thus, the law provides some rules, which establish protective measures for incapable persons.

The inability to dispose through donations is made to protect people from various abuses and to ensure maximum protection of their rights and interests, not allowing all people to be parties to the donation contract. In this paper, we analyze in a comparative point of view, the legally measures instituted regarding the incapacity of disposition through donations in the Romanian and Moldovian law system.

The actuality of the theme and the interest for it, derives from the need to protect people from abuses and attempts to circumvent the law. Thus, we consider that the theme is valid also due to the current world situation, because, in situations of vulnerability, circumstances that may harm certain categories of people, such as the incapable persons, may occur.

Keywords: inability; donation; protection; comparative analysis; juvenile; legal entity

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Environmental protection at the E.U. level

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Abstract: At the level of the European Union, the institutions propose a series of objectives and directions of action, which constitute references that must be achieved, maintained and implemented by all Member States, being transposed in the conception of socio-economic, technical-scientific cohesion, elaboration and development of programs which aims at education, health, culture, vocational training, as well as environmental protection.

Keywords: environmental protection; implementation measures; cooperation; management of environmental information; harmonization and adaptation of legal instruments

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PANEL 2

LAW: PUBLIC ADMINISTRATION AND REGIONAL STUDIES

PANEL 2 - PUBLIC ADMINISTRATION AND REGIONAL STUDIES

Causes of Non-involvement of the Population in Local Public Life

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Abstract: The active participation of the population in local public life is one of the essential characteristics of contemporary democratic societies. The objective of the research was to elucidate the causes of the non-involvement of the population in the public life of the local authorities in the Republic of Moldova.

As a result of the research, were established the following reasons for the non-involvement of the population in the process of administration of public affairs at the local level: a) the population does not trust the local authorities; b) the local authorities does not have sufficient resources and means to provide the residents with quality public services; widespread impoverishment had the effect of drastically diminishing the presence of the active population in the local public life, especially in the rural areas; the local population is not sufficiently informed about the conditions and possibilities for participation in the local decision-making process.

Keywords: local collectivity; public participation; local public authorities

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"To be or not to be": the Non-Territorial Autonomy

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Abstract: The non-territorial autonomy is an instrument to manage the ethnical and religious diversity for cases when the minority communities are not found in a compact space. This alternative approach is experienced in liberal democracies, the purpose being a better application of the European framework for the protection of the minorities, as well as the prevention or solving of the territorial conflicts. The main question of this study refers to the legitimacy and necessity of this instrument under the circumstances of the local autonomy. The argument of the necessity and legitimacy is developed starting from the analysis and synthesis of the theories concerning the ethnicity and local autonomy. The conclusion of the study is that the institution of the local autonomy offers sufficient possibilities of protection for the minorities, whereas for the existence of a different instrument, like that of the non-territorial autonomy, it is necessary to clarify its normative contents.

Keywords: autonomy; minority; ethnicity; management; diversity

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Globalisation, Global Challenges and Global Chaos. The Need of a New Approach

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Abstract: The research in the paper is based on the idea that the present crisis is very complex and unique. In order to quantify the defense capacity of different regional economic entities against the crisis' impact, a new mathematical model is proposed. It covers some representative indicators which have high impact on present human society. The model was implemented on four important regional economic entities and pointed out the disparities in fighting against the present crisis. The model can be used as an operative instrument for the supra/national/regional decision makers. It can be easily extended to more indicators and more regional economic entities.

Keywords: complex crisis; defense capacity indicator; defense maximization function; regional complex disparities

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The Bessarabian Local Law during the Czar's Administration reflected in the Works of Alexandru Boldur

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Abstract: Being a historic and a lawyer at the same time, Alexandru Boldur treats the Bessarabian issue in all aspects, including both the administrative and the legal ones. His work denotes a sense of justice towards this land, which the great scientist has always fought for. The themes of his research also include the studying of the bessarabian local law between 1812-1828. This period of time was studied by the historic Alexandru Boldur mostly in the context in which, at that moment, Bessarabia had already become a part of the Czar's Empire.

In this context, his works offer an ample vision on the evolution of the administrative autonomy of Bessarabia to a Russian provincial one, referring to the normative acts that were then providing the governance of the province between Prut and Dniester in the mentioned period. Also, there are multiple elucidated aspects which denote the suppression of the local laws and the administrative customs into those foreign to the natives.

The historic Alexandru Boldur, through his works, shows that the Bessarabian administrative system during the tsarist occupation and the fulfillment of the local law had both to suffer, and the consequences of this fact became noticeable in time.

Keywords: Alexandru Boldur, Bessarabia, bessarabian local law, administration

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The Impact of Erasmus+ Mobility on Students from the Republic of Moldova

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Abstract: Nowadays, Erasmus + program became one of the most popular mobility programs all over the world. And students from Moldova are not exception. Erasmus+ provides these students and all people with the competences needed to keep independent, fulfilling lives. It helps them find their place in Moldovan societies and develop a sense of a European identity – one that complements their national, regional and local identities.

The objective of this study is to analyze the students' point of views on the impact of the Erasmus+ project on their professional development, educational level, cultural values etc. The results show that these mobilities have a strong impact, purchase the social and cultural capital, that are complicate to obtain in a normal life.

Keywords: mobility, reform, development, programme, project, student

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Good Governance and Administrative Actions in "Covid –19'S Era"

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Abstract: COVID 19 crisis surprised us all unprepared, whether we are talking about small states, big states, strong states, giant economies or those who are struggling for survival and has shown how vulnerable all state and administrative structures are at the level of year 2020, whether we are talking about EU member states, Asia or about U.S.A.

Being initially superficially treated by most decision-makers, COVID 19 wreaked primarily on the number of human casualties, but also put its finger on deep and old wounds from various administrations, no matter the continent e are talking about, thus showing that no there is a perfect system, unbeatable, that there has has come the time to leave the political vanities aside and to acknowledge with all - great or great, rich or poor- that there is a lot of "carving" in terms regarding the citizen protection, medical system, the real possibility of to rapidly implement measures in emergency situations and even managing fundamental issues related to the development of educational activities.

Keywords: COVID; good governance; administration; decision

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The Effect of Handling the Capital Market Manipulation and Their Role in the Emergence of Financial Crises

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Abstract: The present study is a synthetic analysis of the role of capital markets in the development of international trade in the context of globalization, trying to provide an answer to one of the frequently asked questions of futures markets on the role of capital markets in the context of globalization. Influences the prices on the two markets (spot and forward). How can speculation in futures markets influence prices in these markets and how does this affect the spot markets?

Keywords: capital market; stock market; manipulation; economic and financial crisis; forward market; spot market

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The Efficiency of Global Measures to Limit the Effects of Economic and Financial Crises Produced by Handling of Stock Exchanges and Capital Markets

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Abstract: The economic crisis of 2008 in the USA and globalized rapidly, generated macro and micro economic imbalances that had short, medium and long term effects on all countries of the world. O lot of measures have been taken in all countries of the world, including the European Union. This study aims to analyze some of those measures applied after the crisis of 2008, all the more so as the current state of global economies confirms the imminence of a new global economic and financial crisis

Keywords: economic crisis; European Financial Stabilization Mechanism; European Financial Stability Facility; Stability and Growth Pact; Pandemic Emergency Purchase Programme (PEPP); Eurogroup

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Challenges of Upskilling Creative Industries Workforce in the Era of Data Economics

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Abstract: The aim of this paper is to examine changes and challenges of creative industries caused by the development of information communication technologies and data and present a project, that adresses the issue of lack of sufficiently qualified workforce in industry. Development of technologies are changing the whole social and economic scene and requirements for the labour market not only in technology-related industries, but also in creative industries. One of the main challenges facing almost all industries is the lack of specialists who, along with the specific skills of the sector, would also have sufficient understanding of technological developments and could contribute to the competitiveness of the company.

Keywords: creative industries; business analytics; information technologies; enetrpreneurship

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Breastfeeding in Public Spaces-Social Study on General Opinions based on Gender Criteria

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Abstract: This study aims to investigate the opinions and social perception of breastfeeding in public and breastfeeding in general, as well as the factors that influence the decision to breastfeed or not to breastfeed in public. The central point of the study is represented by the dif erences of gender and level of education in the social perception of the stated topic, as they appeared based on the research method used. Possible factors that can influence an individual's perception of breastfeeding in public are: the intimate nature of breastfeeding, self-censorship of public exposure, af ecting the aesthetics of the breasts, etc. It is also important to mention and follow the existence of arguments related to the eroticism of breastfeeding rather than the health and nutrition of infants. Further research is needed to examine the role of breastfeeding education, why certain categories of people feel uncomfortable seeing a breastfeeding mother. This data would be informative in the design and implementation of future interventions, as comfort in breastfeeding in public could help mothers to support their ef orts. In the study I will present a series of ideas that can be deduced from the answers we received in the social survey, and which are factors that influence the social perception of the topic discussed in the study. Breastfeeding in public can also be considered a taboo subject and has the potential to deviate from social norms especially due to concerns about causing others to feel discomfort, embarrassment or sexual arousal, due to ideals of female modesty and worries regarding inappropriate contact between mothers and children.

Keywords: breastfeeding; baby; mentality; intimacy; gender

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The Role of Public and / or Private Institutions in promoting the Development of Third Age Universities

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Abstract: The present paper deals with the education of the elderly, as a new paradigm in the ageing society era. It constitutes an instrument to feed the need for information in the late age and a valuable orientation on action models and lifestyles. By this, education is also a political act, a way to develop a critical conscience and a democratic attitude, to build another kind of cultural context.

From our perspective, we are particularly interested in the role of public and private institutions that are promoting the development of U3A in Romania. In this respect, we starting from the "founding currents" in the adult education: a. Behaviorist - emphasizes the behavior of the individual;b. Humanist and personalist - puts in the foreground the trainer-format relationship; c. Critic - aims to restore to the formation its value as an instrument of social and political criticism; and d. Constructivist - insists on the learning process.

Further, the analysis is focused on comparing the two U3A models currently operating in Romania – U3A Galați and U3A Cluj-Napoca. For each of them I evaluate the role and the involvement of public and private institutions in their development. The comparison criteria are aimed at financing, logistics, human participation, advertising and educational content.

Keywords: ageing, university, model, institution, Romania

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Post-COVID-19 World

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Abstract: We are living crucial times. Humanity is confronted today with the spreading of a virus which has proved to be lethal. Under the rule of morality, Covid-19 represents for the global society a fragile moment which splits up the last shred of trust, hope and balance in the world authorities and institutions, disease which has quickly ensnared the economy, the poor soundness of the medical systems, punishing harshly the education system reducing the freedom of tourism. History is being written now, but we are not involved too much. Similar to "rear wind", humanity needs support and real, credible visions and plausible involvement in this decisive moment. Although the attention is focused on survival, it is also addressed the issue from strategical point of view, i.e. How many states have the capacity to overcome this hazard and what are the world authorities doing to manage this situation? It is well known that one of the effects of this contagion is the change, but are we all willing to change? Irrespective of the answer, because a reinterpreted adage states that there is a possibility that "a chameleon can change its color, but not its vision", the society will follow the global "trend" reiterated by other states whose development allows this, but how much is illusion and how much is reality for a former communist country, subject to European concessions?

The status of Romania becomes a subject of analysis in the context in which the administrative capacity is called into question and due to the avidness of the authorities of vanity and political gain, at the expense of the fight for development and orientation towards the configuration of an economic independence. The administrative and managerial analysis of the Western countries in full crisis of the pandemic, of the direction towards which we are going, as well as the reflection on post-Covid-19 visions, especially finding answers to the eternal and poetic mediation of Eminescu, "What I Wish For You, Sweet Romania" are relevant for finding some pertinent answers for outlining the dimensions of the damages produced by Covid-19.

Keywords: virus, strategy, administrative capacity, post-Covid-19 visions

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Compliance with the Principles of Good Administration during the State of Emergency

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Abstract: The establishment of a state of emergency on the territory of Romania has important consequences for how the principles of good administration are respected. How appropriate were the normative measures taken by public authorities during this period, what are the short, medium and long-term consequences, this can only be analysed once the situation is normal and the public authorities with evaluation and control powers express their opinion. This does not mean that some preliminary conclusions cannot be drawn even during this period, which would draw attention to the need to respect the principle of proportionality of the action of public authorities even during the state of emergency.

Keywords: principles of good administration; state of emergency; principle of proportionality of action by public authorities

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Teachers Training and Interdisciplinary Pedagogical Practices in the Romanian Literature and Language Lesson

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Abstract: The entire professional training is based on a simple philosophy: the creation of a range of skills that a teacher can use in a lesson. A substantial professional training aims at permanent reasoning and reflection of pedagogical practices, the most efficient approach being realized through collaboration with other colleagues. The article describes a collaborative experience that came to light in the context of a training and continuous improvement programme under the aegis of the National University of Theatre and Film "I.L. Caragiale", illustrating the pedagogical concept of co-ensergnement/co-teaching. Onward, the definition of the term, the description of the teaching strategy, the method of application, the means used, the difficulties which appeared, and, also, the observed effects on the participating students and teachers will be considered. This activity, which took place at a 7th-grade class, consisting of 29 students, is part of a research-action initiative and its purpose is the development and the application of interdisciplinary didactic strategies through theatrical games and techniques in order to increase students' motivation during the literature lesson. The qualitative analysis of activity documents and the participating teachers' observations support the efficiency of co-teaching, realizing a true diversity of the pedagogical practices between teachers specialized in two different topics, theatrical pedagogy and literature. This efficient training example is conditioned by co-organizing, by creating together learning situations which favor interdisciplinarity and by co-evaluating the activity.

Keywords: collaborative teaching; interdisciplinarity; pedagogical practices; professional training

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The Individual Contract of the University Teachers – an Unnamed Teleworking Contract?

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Abstract: We must agree that in higher education, in addition to the actual teaching activities, there are a number of activities, such as research, guidance work or working in various commissions in the interest of education, as well as a series of "support" activities (reporting, training, communications) performed, in particular, in a place other than the workplace organized by the employer; it is, as a rule, at the teacher's home or in other places that make possible the continuity of the telematics connection performed on-line or off-line. All of the above have always been seen, at least for what we called and call "work from home"; and since the use of information technology has become indispensable for university activities related to telematics, we certainly find an identification with teleworking.

These ways of working existed in fact even if they were not expressly referred to in the specific laws of education, as is not done even today. Only from the perspective of common law, they have been better highlighted by similar (but not identical) models of common law - more precisely since 2003 through the Labor Code which introduced "work from home" and, since 2018, through Law no. 81/2018 regarding the regulation of the teleworking activity. Compared to the models of common law, however, the activity of university teachers is as we have pointed out by its nature, not presupposing, therefore, a choice on the part of the parties. Thus, we consider that specific provisions should be inserted in Law no. 1/2011 of the national education, which should correspond to this great difference, taking into account the specifics of the university work, not being applicable the provisions of common law in the matter.

Keywords: higher education; individual labour contract; university teachers; work at home; teleworking, common law; education laws

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A Regional Agenda of Danube Strategy for an European Collaboration. Maximizing Bioeconomy in rapport with Global Challenges

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Abstract: Europe 2020 Strategy represents a commitment undertaken by the European Union regarding sustainable growth and which is inclusion oriented. Among the main objectives, aspects regarding innovation, research, development are especially referred to, but also the problem of climate change, environment protection and population health. Therefore, the strategy, with a comprehensive vision and interconnecting the four macro strategies of development in Europe, contributes to realizing these objectives also in the Danube region. The protection of the environment is one of the four pillars on which the strategy of the European Union in the Danube region is built, and the optimization of the bioeconomy potential is a key-objective of the European Commission which supports and sustains innovation to prevent ecological disaster of the planet and to face global challenges. At the same time, the Commission coordinates an ample strategy of maximization of bioeconomy contribution to obvious priorities of European politics for a global economy, more competitive and more sustainable. Perhaps only through a systematic approach which justifies the interconnection of the involved actors, theories and supply chains it is possible to maximize the impact of such priorities based on a new industrial approach. The hereby study, without being exhaustive, proposes, in addition to identifying a plan of action regarding circular economy, to include bioeconomy among activities that will give substance to the Danube`s full potential. A series of actions could enhance the synergies between present work instruments of the EU and direct future finances towards bioeconomy models adapted at a local and regional level, and such a vehicle could be represented by the European Union Strategy for Danube Region which is undergoing and ample procession of revision of its action Plan.

Keywords: cooperation; customs; frauds; criminality

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The Principle of Prudence Approach in the Accounting of Affected by the Economic Crisis' Entities

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Abstract: The principle of prudence is one of the principles adopted by IAS 8. In the current context, we appreciate that the economic impact requires the responsible approach of the prudence principle in order to reflect the economic situation in the accounting of the Romanian entities affected by the crisis. The purpose of this paper is the ex-ante evaluation of the financial situation and the adjustment by econometric modelling under the current conditions. We aim to develop a comparative model based on the stock quotes of the entities, reflecting the applicability of the prudence principle. The results of the study constitute a source of information for the economic agents in their demersal for adjusting the accounting economic situation to the current situation.

Keywords: the principle of prudence; IAS 8; economic crisis; econometric model

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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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