THE INTERNATIONAL CONFERENCE

EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP

9th edition

Pitesti, 13 -14 of May 2016

THE CONFERENCE PROGRAMME
and
THE SYNTHESIS OF THE WORKS

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 13 – 14th of May 2016

The works *in extenso* will be published electronically on
CD-ROM with ISSN 2360 – 1841
ISSN-L 2360 – 1841
Online: ISSN 2360- 395X

Publishing House C.H. Beck, Bucharest

Currently the proceeding is *Indexed in SSRN,* an international database, recognized for legal sciences field (in accordance with Annex 1 point 1 of Order of the Minister of Education, Research, Youth and Sports No. 4691/2011).

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 13 – 14th of May 2016

CONFERENCE ORGANIZATION

- **SCIENTIFIC COMMITTEE**

Professor Emer. Ph.D. DDr.h.c., M.C.L. Heribert-Franz KOECK - Universität *Johannes Kepler* Linz, Austria
Professor Ph.D. hab., Dr.h.c. mult. Bogusław BANASZAK - University of Applied Science (PWSZ) Legnica, University of Zielona Gora, Poland
Professor Ph.D. Dr. h.c. mult. Herbert SCHAMBECK - Universität *Johannes Kepler* Linz, Austria
Professor Ph.D. Dr.h.c. Rainer ARNOLD - Universität Regensburg, Deutschland/Germany
Professor Ph.D. hab. Jakub STELINA - University of Gdańsk, Poland
Professor Ph.D. hab. Andrzej SZMYT - University of Gdańsk, Poland
Professor Ph.D. Anton-Florin BOŢA-MOISIN - University of Piteşti, Romania
Professor Ph.D. Sevastian CERCEL - University of Craiova, Romania
Professor Ph.D. Eugen CHELARU - University of Piteşti, Romania
Professor Ph.D. Dumitru DIACONU - University of Piteşti, Romania
Professor Ph.D. Ionel DIDEA - University of Piteşti, Romania
Professor Ph.D. Cristina Hermida DEL LLANO - Universidad *Rey Juan Carlos*, Spania
Professor Ph.D. DAN ŢOP - University *Valahia* of Târgovişte, Romania
Senior Lecturer Ph.D. Andreea DRĂGHICI - University of Piteşti, Romania
Senior Lecturer Ph.D. DHC Ioan GÂNFĂLEAN - *1 decembrie 1918* University of Alba Iulia, Romania
Senior Lecturer Ph.D. Livia MOCANU - University *Valahia* of Târgovişte, Romania
Senior Lecturer Ph.D. Camelia MORĂREANU - University of Piteşti, Romania
Senior Lecturer Ph.D. Carmen NENU - University of Piteşti, Romania
Senior Lecturer Ph.D. Maria ORLOV - coordinator researcher at the Political and Legal Research Institute of the Science Academy of Moldova, Republic of Moldova
Senior Lecturer Ph.D. Doina POPESCU - LJUNGHOLM - University of Piteşti, Romania
Senior Lecturer Ph.D. Andreea TABACU - University of Piteşti, Romania
Senior Lecturer Ph.D. Adrian ŢUŢUIANU - University *Valahia* of Târgovişte, Romania
Senior Lecturer Ph.D. Elise VÎLCU - University of Piteşti, Romania

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 13 – 14th of May 2016

- **ORGANIZING COMMITTEE**

Professor Ph.D. Eugen CHELARU - University of Piteşti, Romania

Senior Lecturer Ph.D. Bianca DABU - University of Piteşti, Romania

Senior Lecturer Ph.D. Ilioara GENOIU - University *Valahia* of Târgovişte, Romania

Senior Lecturer Ph.D. Andreea TABACU - University of Piteşti, Romania

Lecturer Ph.D. Marius ANDREESCU - University of Piteşti, Romania

Lecturer Ph.D. Iulia BOGHIRNEA - University of Piteşti, Romania

Lecturer Ph.D. Cătălin BUCUR - University of Piteşti, Romania

Lecturer Ph.D. Ramona DUMINICĂ - University of Piteşti, Romania

Lecturer Ph.D. Nicoleta ENACHE - University *Valahia* of Târgovişte, Romania

Lecturer Ph.D. Daniela IANCU - University of Piteşti, Romania

Lecturer Ph.D. Cristian MAREŞ - University *Valahia* of Târgovişte, Romania

Lecturer Ph.D. Florina MITROFAN - University of Piteşti, Romania

Lecturer Ph.D. Lavinia OLAH - University of Piteşti, Romania

Lecturer Ph.D. Carmina POPESCU - University of Piteşti, Romania

Lecturer Ph.D. Viorica POPESCU - University of Piteşti, Romania

Lecturer Ph.D. Lavinia SAVU - University *Valahia* of Târgovişte, Romania

Lecturer Ph.D. Amelia-Veronica SINGH - University of Piteşti, Romania

Lecturer Ph.D. Andrei SOARE - University of Piteşti, Romania

Lecturer Ph.D. Sorina ŞERBAN-BARBU - University of Piteşti, Romania

Lecturer Ph.D. Dumitru VĂDUVA - University of Piteşti, Romania

Assistant Ph.D. Adriana-Ioana PÎRVU - University of Piteşti, Romania

Assistant Ph.D. Andra PURAN - University of Piteşti, Romania

Assistant Ph.D. Candidate Flavius-Cristian MĂRCĂU - *Constantin Brâncuşi* University of Târgu-Jiu, Romania

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 13 – 14th of May 2016

INVITATION

Dear Madame / Sir,
…….

We have the great pleasure to invite you to participate at the "EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP", which will take place at the University of Piteşti, 13th – 14th of May, 2016.

Hoping that your participation will be confirmed, we assure you of our sincere consideration.

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 13 – 14th of May 2016

THE CONFERENCE PROGRAMME

Friday, 13 May 2016

Faculty of Law and Administrative Sciences,
Republicii Avenue, no. 71

9^{00} - 9^{30} **Guests Reception** (Ground floor)
9^{30}- 10^{30} **Festive Opening – Rector's address and welcome messages on behalf of the local administration representatives** (Room C1)
10^{30}- 12^{15} **Plenary Session** (Amphiteatre C1)
12^{15} – 12^{45} **Coffee Break** (Ground floor)
12^{45}- 13^{30} **Book Launch *„Drept constituţional. Teoria generală a statului",* authors Lecturer Ph.D. Marius Andreescu and Assist. Ph.D. Andra Puran, C.H. Beck Publishing House, 2016** (Amphiteatre C1)
13^{30} - 15^{00} **Lunch Break**
15^{00} – 16^{45} **Plenary Session** (Amphiteatre C1)
16^{45} - 17^{00} **Coffee Break** (Ground floor)
17^{00} - 18^{00} **Works in sections**
18^{00} - 18^{10} **Coffee Break** (Ground floor)
18^{10} - 19^{30} **Works in sections**
20^{00} **Festive Dinner**

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 13 – 14th of May 2016

Saturday, 14th May 2016

Faculty of Law and Administrative Sciences,
Republicii Avenue, no. 71

9^{30}- 10^{45} **Works in sections**
10^{45} -11^{00} **Coffee Break** (Ground floor)
11^{00}- 12^{00} **Works in sections**
12^{00}-12^{30} **Closing of the Conference** (Room C1)
12^{30} -14^{00} **Lunch Break**
14^{00} -19^{00} **Cultural programme**

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 13 – 14th of May 2016

Friday, 13 May 2016

Faculty of Law and Administrative Sciences,
Republicii Avenue, no. 71

Festive Opening
Rector's address and welcome messages on behalf of the local administration representatives

9^{30}- 10^{30} (Amphitheatre C1)

Plenary Session

10^{30}- 12^{15} (Amphitheatre C1)

Moderators:
Professor Emer. Ph.D. DDr. h.c., M.C.L. Heribert - Franz KOECK (University *Johannes Kepler* of Linz Austria)
Professor Ph.D. Eugen CHELARU (University of Pitesti, Romania)

- **THE HIERARCHY OF LAW AT STATE LEVEL AND IN THE EUROPEAN UNION**

Professor Ph.D. Dr.h.c.mult. Herbert SCHAMBECK, honorifical president of Federal Council of Austrian Republic, member of the Pontifical Academy of Social Sciences, University *Johannes Kepler* of Linz, Austria

Every order is geared to an idea which defines its objective. It is not sufficient for these manifestations of the idea of law to be identified, they also need to be recognised, which can be ensured by legal certainty. Legal certainty ensures the legal effectiveness of norms. Representing the basic normative order of the state, constitutional law is designed to encompass the political forces and structures of the state and coordinate

them so as to ensure that the state is established, sustained and developed. Every state has its own tradition of developing order in terms of constitutionality and legality. This is also true of European integration. The Treaty of Lisbon represents the current legal basis of the EU's community of law. Such a community is only viable if borne by a sense of responsibility informed in thought and action by a commitment to home country, state and Europe as a whole. Abiding by the hierarchy of law in the Member States and the EU can contribute to such a sense of responsibility.

- **THE PRESENT REFUGEE PROBLEM IN EUROPE**

Professor Emer. Ph.D. DDr.h.c., M.C.L. Heribert Franz KOECK, *Johannes Kepler* University of Linz, Austria

The wave of refugees flooding Europe since 2014 calls for an adequate regime that respects international and European obligations and does justice to the people seeking shelter from persecution and war. Recent actions taken by Member States of the European Union raise the question of their compatibility with the just-mentioned obligations and the limits of the latter from the point of view of the principles of impossibility and unreasonableness.

- **CONSTITUTIONAL PRINCIPLES - SOME REFLECTIONS ON THEIR STRUCTURE AND FUNCTIONS IN A EUROPEAN CONTEXT**

Professor Ph.D. Dres.h.c. Rainer ARNOLD, University of Regensburg, Germany

Constitutional orders consist of rules and written or unwritten principles.They form a hierarchically structured coherent normative body. In democratic States constitutional principles are the principle of freedom as the basis of fundamental rights, a necessary result of human dignity as the supreme value for State and society. Dignity, autonomy and freedom of the individual are the anthropocentric elements, the core elements of the constitutional order. The principle of freedom is not absolute but relative; freedom has to be shared with the other individuals, and therefore has to be

limited for legitimate common goods, always in correspondance to proportionality and never allowed to conflict with dignity. Rule of Law is the basic principle which emphasizes, in its modern form, that the Constitution is the true sovereign; constitutionality of all public power, in particular of the legislator, is the contemporary approach; however it is not a formal hierarchy of norms but a substantial, material hierarchy: Rule of Law unites fundamental rights, democracy (as the political self-determination of the individual), equality and even, to some respect, social welfare as the basic constitutional principles of the democratic order . These principles normally appear as written principles in the constitutional orders of today, their function and interdependence mainly flows from unwritten principles. This statement is not only valid for internal State orders but also for multinational orders exercising public power as the European Union. In a certain way, these constitutional principles also appear at the level of the European Convention of Human Rights.

- **REFLECTION ON THE ROLE OF REASON IN THE CONFIGURATION OF HUMAN RIGHTS**

Professor Ph.D. Gheorghe DĂNIŞOR, University of Craiova, Lecturer Ph.D. Ramona DUMINICĂ, University of Pitesti, Romania

The present study starts from the idea that human rights are idealized human representations and aims to prove that when we are talking about the idealization of representations, we put in play the meaning and, thus, the symbol. This thing does not mean the supresion of reason, but its completion by a not insignifiant area of the human culture. The symbolism of human rights, together with reason, gives meaning to the action of legislating of the power legitimizing it.

- **PRIVILEGES – CAUSES OF PREFERENCE IN THE REGULATION OF THE NEW CIVIL CODE**

Professor Ph.D. Sevastian CERCEL, Dean of Law and Social Sciences Faculty, University of Craiova, Professor Ph.D. Ştefan SCURTU, University of Craiova, Romania

Since 2009, the Romanian Civil Code has established the principle of equality of creditors, founded on their joint guarantee, Article 2326 of the Civil Code providing that "the price of the debtor's assets shall be apportioned among the creditors in proportion to each one's amount of the claim (…)".

The law has equally created an exception from the principle of the equality of creditors by regulating the legal causes of preference, which entitle their holder to be paid with priority over other creditors in the case of compulsory enforcement of assets. According to Article 2327 of the Civil Code, causes of preference are privileges, mortgages and pledges.

The privilege is defined by law as a cause of preference at payment granted by the law to a creditor in consideration of the quality of its claim [Article 2333 para (1) of the Civil Code]; by quality of claim we understand its grounds. The Civil Code divides privileges into two categories: general privileges, on all moveable and immovable assets of the creditor (Article 2338 of the Civil Code) and special privileges, on certain, individually determined, moveable assets (Article 2339 of the Civil Code).

- **THE NATURE OF EVIL IN HANNAH ARENDT'S THINKING**

Professor Ph.D. Cristina Hermida DEL LLANO, University *Rey Juan Carlos*, Spain

In this contribution we analyze "the nature of evil" in Hannah Arendt's thinking through her books, articles and vital experience. Mainly, we study the thesis of her book The Origins of Totalitarianism *(1951), which was a study of the Nazi and Stalinist regimes that generated a wide-ranging debate on the nature and historical antecedents of the totalitarian phenomenon. Other important books for analyzing this topic are* The

Human Condition *(1958), which was an original philosophical study that investigated the fundamental categories of the* vita activa *(labor, work, action), and also* The Life of the Mind, *which examined the three fundamental faculties of the* vita contemplative *(thinking, willing, judging).*
In addition to these two important works, Arendt published a number of influential essays on topics such as the nature of revolution, freedom, authority, tradition and the modern age that can help to understand how she conceived the nature of evil.

Her own personal experience played a very important role in developing her thesis about evil, especially covering the trial of Eichmann in Jerusalem where she defended that Eichmann represented "the banality of evil". Our goal is to know, according to Hannah Arendt, what the characteristics of evil are, why it arises, why it is permanent in history, and whether it can be destroyed.

12^{15} – 12^{45} **Coffee Break** (Ground floor)

12^{45}- 13^{30} **Book Launch** *„Drept constituţional. Teoria generală a statului"*, authors Lecturer Ph.D. Marius Andreescu and Assist. Ph.D. Andra Puran, C.H. Beck Publishing House, 2016 (Room C1)

13^{30} - 15^{00} **Lunch Break**

Plenary Session

15^{00}- 16^{45} (Amphitheatre C1)

Moderators:
Professor Ph.D. Dres.h.c. Rainer ARNOLD (University of Regensburg, Germany)
Senior Lecturer Ph.D. Livia MOCANU (*Valahia* University of Târgovişte, Romania)

- **CHALLENGES OF HUMAN RIGHTS INSTITUTIONS IN THE CONTEXT OF ECONOMIC AND REFUGEE POLICY MIGRATION**

Senior Lecturer Ph.D. DHC Ioan GÂNFĂLEAN, Lecturer Ph.D. Manole-Decebal BOGDAN, Lecturer Ph.D. Miruna TUDORAŞCU, Dean of Law and Social Sciences Faculty, "1 Decembrie 1918" University of Alba Iulia, Romania

Migration annually amounts to over 1 billion people, mostly because of economics and climate change affecting the habitat of living. The Afro-Arab area recent de-structuring of national states generated an unimaginable phenomenon of flows for political refugees to which was added a great mass of migrants, economically speaking. We are interested in seeing the person's flows target in Europe. How can the cause be resolved and how can be determined the groups, that really needs the statue of refugee versus of the economic reasons attached groups. We would like to respond to the following questions: Migrant status in relation to refugee status. Human Rights Institutions in relation with the political refugee. EU political and legal potential solutions for emigrational persons flows re-seating.

- **ROMANIAN CITIZENSHIP IN THE EUROPEAN FRAMEWORK**

Professor Ph.D. Mircea CRISTE, West University of Timişoara, Deputy People's Advocate of Romania

Introduced by the Maastricht Treaty, the European Union citizenship is supplementary to national citizenship and gives some rights such as the right to free movement, settlement and employment across the EU, the right to vote for the European Parliament or the right to diplomatic protection by other EU members states.

After the fall of the communist regime, Romania adopted legal provisions regarding the facilitated re-acquisition of citizenship by former citizens and their descendants.

Citizenship in Romania can be acquired by four methods: birth, adoption, repatriation, and request.

Romanian nationality law is founded, primary, on the social policy of jus sanguinis, what means that the nationality or citizenship is not determined by place of birth, but by the citizenship of one's ancestor. Subsequently, the Romanian Citizenship it's given on the principle of jus soli, in which citizenship is determined by one's place of birth. That's the situation of the child with unknowns' parents who are found on the Romanian territory and who is considered Romanian citizens until proven otherwise.

- **CIVIL SANCTIONS IN THE FIELD OF THE DONATION CONTRACT**

Senior Lecturer Ph.D. Livia MOCANU,"Valahia" University of Târgovişte, Romania

Donation continues to remain a complex legal act within the new Romanian Civil Code system too, raising complex issues. Since it is the only contract by means of which a liberality can be made, the Romanian Civil Code provides a special legal regime to it, including provisions that not only do they underline the contextual and formal conditions meant to protect the donor's will, but they also acknowledge the ultimate irrevocable

character of a donation. It is precisely in relation with these provisions how we identified the issues related to the sanctions triggered by not observing them.

- **THE RIGHT TO PETITION IN THE REPUBLIC OF POLAND**

Professor Ph.D. hab. Andrzej SZMYT, Ph.D. Anna RYTEL-WARZOCHA, University of Gdańsk, Poland

The right to petition has been expressly mentioned in the Constitution of the Republic of Poland adopted in 1997. However, for a long time it had only a facade character as there was no statutory regulation providing the rules and procedures of submitting petitions to state authorities. The Act on petitions was adopted only in 2014 and it came into force on 6 September 2015. However, the institution still causes a lot of doubts even when it comes to defining its definition.

- **KEY LEGAL ASPECTS OF THE NEW UPBRINGING BENEFIT IN POLISH LAW**

Professor Ph.D. hab. Jakub STELINA, Ph.D. Maciej ŁAGA, University of Gdańsk, Poland

The new parliamentary majority in Poland has won elections in 2015 inter alia basing on the watchword „500 PLN for a child". The act of 11 February 2016 on state aid in raising children (OJ 2016, item 195) introduced the new social benefit. The main change is that as a rule any family in Poland is entiteled to the new uprbginging benefit of 500 PLN for the second and next children. Authors describe main legal aspects of the new benefit – its objective and subjective scope, legal prerequisites for acquisition of the right. The paper ends with an attempt to evaluate new law.

- **THE PHENOMENON OF INTEGRATION AND ITS COMPONENTS: THE RECONSIDERATION OF THE ROLE OF THE CULTURAL INTEGRATION IN THE EVOLUTION OF THE PROCESS OF THE EUROPEAN UNIFICATION**

Professor Ph.D. Anton-Florin BOŢA-MOISIN, Vicedean of Law and Administrative Sciences Faculty, University of Pitesti, Monica BOŢA-MOISIN, Lawyer, Bucharest Bar, (Romania)

In his paper, the author starts from the etymology of the word "integration", presents the economic meaning of the term "integration", after which he approaches the issue of the international economic interdependences. Also, the author emphasizes the components of the phenomenon of integration, underlining the determinant role of the economic integration and drawing the attention on the fact that in the new geo-political context marked by the accelerated evolution of the migration phenomenon towards Europe and of violent actions, with a terrorist nature, the cultural integration may be the solution for the revival of the European unification process.

- **LESION – VICE OF CONSENT**

Professor Ph.D. Eugen CHELARU, Dean of Law and Administrative Sciences Faculty, University of Pitesti, Romania

One of the conditions that consent must meet at the conclusion of a valid contract is that of being free, that is unaffected by any vice of consent. Vices of consent alter juridical will, which is not easy to identify as far as lesion is concerned, as this is characterized by an imbalance between the services of the parties, existing even at the time of conclusion of the contract, which is why it was also denied this legal nature in the regulation of the old Civil Code.

The new regulation is clearer in this respect, at least when talking about the lesion claimed by a person of age (over 18 years old), if one party to the contract takes advantage of the victim's state of need, lack of

experience or lack of knowledge. Thus, the structure of lesion is composed of two elements: an objective element, which represents the disproportion between the victim's service and the counterperformance it obtained, and a subjective element, consisting of the unfair attitude of one of the parties to the contract, an attitude that represents the cause of lesion.

This study deals with the concept and regulation of lesion, the arguments leading to its classification as a vice of consent, the structure of lesion, the conditions that lesion must meet when claimed by a minor (person under age) and when claimed by an adult (person of age), the sanction applicable in case of lesion and the mechanism of contract adaptation, which has the effect of avoiding the application of the respective sanction.

16^{45} - 17^{00} **Coffee Break** (Ground floor)

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 13 – 14th of May 2016

WORKS IN SECTIONS

Private Section

17^{00}-18^{00} (Amphitheatre C1)

Moderators:
Professor Ph.D. Ionel DIDEA (University of Pitesti, Romania)
Senior Lecturer Ph.D. Ilioara GENOIU ("Valahia" University of Târgovişte, Romania)
Senior Lecturer Ph.D. Andreea TABACU (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Ramona DUMINICĂ (University of Pitesti, Romania)

- **SHORT CONSIDERATIONS ABOUT THE CERTIFICATE OF INHERITANCE - EVIDENCE OF OWNERSHIP**

Senior Lecturer Ph.D. Ilioara GENOIU, Lecturer Ph.D. Olivian MASTACAN ("Valahia" University of Târgovişte, Romania)

In connection with the certificate of inheritance, which suffered a significant transformation of its configuration with the entry into force of the current Civil Code, we believe that some reflections are necessary. Therefore, we will try, to put the question in the following way: the relationship between the concepts of way of acquiring ownership, evidence of this right, namely the title, all related to the certificate of inheritance; subject to proof of the heir certificate; its report to the European Certificate of Succession; the need to know now the probative value of the certificate of inheritance, as it was regulated before 1 October 2011.

- **THE PRINCIPLE OF LEGALITY MEANS OF APPEAL**

Senior Lecturer Ph.D. Andreea TABACU, Lecturer Ph.D. Amelia SINGH (University of Pitesti, Romania)

The legislature intended to provide a useful procedural tool to avoid losing the appeal, within the meaning of its unsettlement respecting the principle of legality of appeals.

The article 457 from the New Code of Civil Procedure allow retraining appeal exercised in considering of the mention inaccurate judgment on appeal open against it or dismiss it as inadmissible, but thereafter the possibility of exercising the appeal provided by law in order to avoid harming the party as following the exercise of the appeal as erroneous claims from the judgment that it had been communicated.

- **CONSIDERATIONS ON THE CONTENT OF THE WRIT OF SUMMONS IN THE REGULATION OF THE NEW CIVIL PROCEDURE CODE**

Lecturer Ph.D. Dragoş DAGHIE (*Dunarea de Jos* University of Galati, Romania)

The new Civil Procedure Code has brought innovations in terms of civil proceedings, sometimes fundamentally changing notions, institutions, procedural instruments, means etc.

However, the writ of summons, as a form of civil action, has remained the same as in the previous regulation, which is a benchmark for the most common way to refer to court.

Nevertheless, the new regulation has brought some changes that were intended to provide a formal and safe framework for persons subject to trial to pursue their legitimate rights and interests.

- **THE LEGAL ACTION IN THE LIGHT OF THE NEW CODE OF CIVIL PROCEDURE**

Lecturer Ph.D. Dumitru VĂDUVA (University of Pitesti, Romania)

The Romanian doctrine is divided regarding the nature of the civil legal action. Mainly, for the doctrine of the civil law it is a prerogative of the subjective law, and for the one of the civil procedural law, is, on the contrary, an autonomous subjective law, an instrument designed to allow the legal subjects to valorize their rights in justice. The New Civil Procedural Code does not clarify the legal nature of the right to action, leaving room for the perpetuation of the dispute between the civil doctrine and the procedural one, or even between the authors of each of the two doctrines. In the absence of an express rule regarding the legal nature above-mentioned, it must be deduced from the rules of the legal regime of the action in justice organized by the New Civil Procedure Code and, for certain aspects, from the rules of a new Civil Code which refer to the civil action.

In the Romanian doctrine, starting with 1956, the two theories were conciliated through the dualist theory of the right to action, this one having a double meaning: the subjective right of the person to address the judge for the achievement of constraint, if necessary, a prerogative of the civil subjective law (the right to action in a material meaning) and the second, the prerogative of the subject to use the action, an ensemble of technical means organized by the rule of the civil procedural law is considered to be an independent subjective right, named the procedural right to action or the right to action in a procedural meaning.

- **EU REGULATIONS ON UNFAIR CONTRACT TERMS**

Lecturer Ph.D. Sorina ŞERBAN-BARBU (University of Piteşti, Romania)

The paper analyzes the recent EU regulations regading the unfair contract terms. The Directive on unfair terms in consumer contracts introduces a notion of "good faith" in order to prevent significant imbalances in the rights and obligations of consumers. The Directive also requires contract terms to be drafted in plain and intelligible language and states that ambiguities will be interpreted in favour of consumers. In this context, EU countries must provide effective means to enforce these rights.

- **COMPARATIVE LAW STUDY ON AGE LIMITS OF CIVIL CAPACITY IN DIFFERENT MEMBER STATES OF THE EUROPEAN UNION**

Ph.D. Candidate Al Temimi FISAL (University of Craiova, Romania)

This article analyze the main regulations on civil capacity of natural person in different European countries: France, Italy, Austria, Germany, Estonia, Bulgaria, Czech Republic, Denmark, Greece, and Romania. The author has sought mainly to highlight the similarities and differences that exist in national laws both in terms of the age of majority, as in terms of age limits between which restricting legal capacity of natural persons is operating. Equally, even if belonging to different systems of law - Germanic, Roman, Scandinavian - there are many similarities between the analyzed civil legislations concerning the legal age for marriage or for employment.

Public Section

17^{00}-18^{00} (Room no. 104 - Department of Law and Public Administration)

Moderators:
Professor Ph.D. Anton-Florin BOŢA-MOISIN (University of Pitesti, Romania)
Senior Lecturer Ph.D. Constanţa MĂTUŞESCU (*Valahia* University of Târgovişte)
Senior Lecturer Ph.D. Elise-Nicoleta VÂLCU (University of Pitesti, Romania)

Secretary:
Assistant Ph.D. Andra PURAN (University of Pitesti, Romania)

- **IMPLICATIONS REGARDING THE SUBSIDIARITY CONTROL MECHANISM IN THE EUROPEAN UNION**

Senior Lecturer Ph.D. Mihaela APOSTOLACHE („Petroleum-Gas" University of Ploieşti, Romania)

This paper addresses some issues raised by the subsidiarity control mechanism, a mechanism that allows EU national parliaments to send reasoned opinions where they consider that a legislative draft act does not comply with the principle of subsidiarity. The application of this mechanism is done in areas where the Union has common competences with the member states and does not apply in areas where the EU has exclusive competence (e.g. the common commercial policy), and nor to documents without legislative character such as communications or green cards.

Protocol no. 2 on the application of the principles of subsidiarity and proportionality annexed to the Lisbon Reform Treaty contains the rules that apply in this control mechanism. Thus, there are provided several steps called "yellow cards" and "orange cards". The Commission responds to all reasoned opinions received from national parliaments. But the number of opinions on a particular proposal, expressed within eight weeks from the

submission of the respective proposal, has an impact on the legislative procedure.

- **INTERNATIONAL AGREEMENTS - CATEGORY OF DISTINCT SOURCE OF THE UNIONAL LAW SYSTEM**

Senior Lecturer Ph.D. Elise-Nicoleta VÂLCU, Lecturer Ph.D. Alina-Gabriela MARINESCU (University of Pitesti, Romania)

The European Union has acquired legal personality with the entry into force of the Lisbon Treaty also known as the Reform Treaty. Its legal personality is reflected by the fact that the European Union is able to negotiate and conclude international agreements in their own name . These agreements establish both rights and obligations for both the European institutions and Members. From a legal point of view international agreements belong to the secondary legislation, so they must comply with the founding treaties of the European Union. It is worth mentioning that the international agreements have a higher legal value in relation to the other acts of secondary legislation, also called unilateral. These acts are unilaterally adopted by the EU institutions. They are the following: regulations, directives and decisions. The founding treaties of the European Union define the procedures by which the EU can conclude international agreements. Another important aspect addressed in this paper is the procedure for adoption of international agreements stated in the Lisbon Treaty

- **GENERAL ASPECTS REGARDING THE NATIONAL LEGAL REGIME OF THE PROTECTED NATURAL AREAS**

Lecturer Ph.D.Georgeta-Bianca SPÎRCHEZ (Christian Univeristy "Dimitrie Cantemir" Braşov, Romania)

Considering that the protection of the environment is an objective of public interest, the following paper focuses on the maintenance of the natural habitats and species, namely on the legal regime of the natural protected areas. Such a study involves the examination of the main aspects, as follow: the procedure and formalities applied in order to establish the legally protected natural areas and also the management of the national

network of protected areas. The research methodology is based on consulting the Romanian legislation in this area and the relevant case-law.

- **THE TREATY OF LISBON AND THE NEW DIMENSIONS OF EU INSTITUTIONAL REFORM**

Ph.D. Candidate Suhail-Abbas-Chachan ALJABRI (University of Craiova, Romania)

Once the number of EU Members increased from 15 to 25 and then to 27, the Community institutions, procedures and mechanisms, conceived for a certain European configuration, proved to be too „narrow", rigid and constraining for the new profile of the European construction. The Lisbon Treaty (2009), apart from its „labyrinthine" nature, represents a reference moment in simplifying and reorganizing the institutional architecture of the European Union. However, the delimitation and definition of the competences at the level of the new „rectangle" institutional structure appears to be still not enough clarifi. From the perspective of the Romanian translation, the Lisbon Treaty can be, a modifying/amending treaty (in French) or an reformatory treaty (in English). Although, in reality, the two terms can be considered synonyms, in substance, the Lisbon Treaty combines them both: it modifies EU treaties and also reforms the institutions within.

In the following we will try to demonstrate, among other things , that pure theoretical finding , but with coverage within the Treaty of Lisbon.

- **THE IMPACT OF THE EUROPEAN UNION ON NATIONAL INSTITUTIONS AND POLICIES**

Ph.D. Candidate Adrian-Mihai DAMIAN (University of Craiova, Romania)

One of the most interesting things about the EU is its huge significance in terms of actuality. For instance, the influence of the EU is being felt in an increasing number of areas with increasing effect, not only in politics and commerce, but also in everyday life within member states. Indeed, things have progressed so far that it is simply no longer possible to understand the political system of a member state without having knowledge of the EU.

Important decisions are no longer being made in isolation in the parliaments of the member states, but in Brussels.

The purpose of this paper is to perform a complex and detailed research of the topic - EU impact on National Policies and Institutions. The EU has taken up a position between research into political systems and international politics. It is becoming increasingly clear that the gap between the two is beginning to disappear.

.

18^{00} - 18^{10} Coffee Break (Ground floor)

Private Section

18^{10}-19^{30} **(**Amphitheatre C1)

Moderators:
Lecturer Ph.D. Daniela IANCU (University of Pitesti, Romania)
Lecturer Ph.D. Andrei SOARE (University of Pitesti, Romania)
Lecturer Ph.D. Dumitru VADUVA (University of Pitesti, Romania)

Secretary:
Assistant Ph.D. Adriana PÎRVU (University of Pitesti, Romania)

- **STIPULATION FOR ANOTHER – AN APPARENT OR REAL EXCEPTION TO THE PRINCIPLE OF RELATIVITY OF CONTRACT EFFECTS IN THE CIVIL CODE OF 2009?**

Senior Lecturer Ph.D. Nora DAGHIE (*Dunarea de Jos* University of Galati, Romania)

Although not regulated in the Civil Code of 1864, the stipulation for another has always been accepted by our doctrine as the only real exception to the principle of relativity of contract effects, being considered that the third party beneficiary of the stipulation acquires rights without having participated in the contract conclusion. According to the provisions of art. 1286 para. (1) of the Civil Code 2009, the right stipulated in favour of the third party is however subject to the latter's approval. Is the third party beneficiary's consent a condition of validity of the stipulation for another or does it just reinforce a pre-existing right, giving it full efficiency?

- **RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENT IN CIVIL AND COMMERCIAL MATTERS**

Lecturer Ph.D. Amelia-Veronica SINGH (University of Pitesti, Romania), Livia PASCU (Lawyer, Bar Arges, Romania)

A particularly important aspect in legal relations with foreign element is the recognition and enforcement of foreign judgments in Romania. The term foreign judgment refers to the contentious or non-contentious acts jurisdiction of the courts, the notary or any competent authority. The two procedures of recognition and enforcement of foreign judgment are related to the effects of judgment, namely: the judgment is authentic act, has the force of res judicata and enforceable. Recognition of foreign judgments is to consider the positive and negative conditions provided by law, but the court will not proceed to examine the substance of a foreign judgment and either to modify it. For approval of forced execution, the court should consider the same conditions positive or negative prescribed by law and for recognition of foreign judgments. Additionally, declared enforcement, required the proof of the enforceability of the foreign judgment issued by the court which pronounced it.

- **CONFLUENCES OF THE ANGLO-SAXONS LEGAL SYSTEM WITH RECENT ROMANIAN LEGISLATION, IN THE LIGHT OF AGENCY CONTRACTS AND FIDUCIARY**

Ph.D. Cristina GAVRILĂ (Raiffeisen Bank, Bucharest, Romania), Ph.D. Candidate Horaţiu MARGOI (*Nicolae Titulescu* University of Bucharest, Raiffeisen Bank, Bucharest, Romania)

In contents of a previous article, we approached the subject of Agency Contracts and the Fiduciary, in the perspective of the new Romanian legislation. We continue with this article in our endeavour to explain how the new Romanian Civil Code introduced legal institutions that were nonexistent in our legislation or poorly represented, in order to give a fresh resource to the business environment.

Agency contracts and Fiduciary are created as legal instruments with highly important roles for business activity. In order to improve the

apprehension of the notion and applicability of this type of contracts, legislation has changed in time, including from the perpective of the New Civil Code.

The mechanisms by which social and economic relationships will be strengthened depend of the law maker's capacity to create an optimal juridical environment.

- **CONSIDERATIONS REGARDING THE PROCEDURE OF INSOLVENCY FOR NATURAL PERSONS**

Lecturer Ph.D. Florina MITROFAN (University of Pitesti, Romania)

The present study aims to emphasize the means of regulation of the legal institution referring the insolvency of natural persons, surprising the particularities regarding the principle and purpose of the Law No 151/2015, of the area of application, as well as the forms of the procedure of insolvency.

Also, there will be analyzed the provisions concerning the authorities applying the procedure, special datio in solutum (giving-in-payment) as mean of extinguishing the obligation and the legal effects generated by this procedure.

- **THE INSURANCE CONTRACT AND THE PUBLIC FREEDOMS IN THE EUROPEAN AREA**

Ph.D. Candidate Cătălin-Costinel SELIŞTEANU (University of Craiova, Romania)

The European Union is a partnership in which the Member States pool their skills to achieve common goals, established by the Maastricht Treaty [signed by the European Council on 7 February 1992 in Maastricht (Netherlands) and entered into force on 1 November 1993].

Among the objectives of this Treaty, there is the one to promote economic and social progress which is balanced and sustainable, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union.

The European Union respects the identity of the Member States, whose systems of government are founded on democratic principles. Similarly, the fundamental rights are respected, in the manner that they are guaranteed by the European Convention on Human Rights.

In the European territory, the insurance sphere experienced a gradual evolution, characterized by both identical issues and differences, depending on the legal system of each Member State.

It is true that the insurance domain was established around Europe, but it got developed and up to date ***inside*** *this continent, thus the Europe insurance market is a global influence, as viewed especially from the insurance of persons and goods perspective.*

The doctrine and the relevant literature defined the insurance discipline as a socio-economic activity which aims to protect individuals and legal entities, (also known as insured) against various factors and various risks, and which is achieved by companies, specialized groups, (known as insurers).

Public Section

18^{10}-19^{30} (Room no.104 - Department of Law and Public Administration)

Moderators:
Senior Lecturer Ph.D. Camelia-Maria MORĂREANU (University of Pitesti, Romania)
Lecturer Ph.D. Cătălin BUCUR (University of Pitesti, Romania)
Lecturer Ph.D. Carmina POPESCU (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Maria–Gabriela ZOANĂ (University of Pitesti, Romania)

- **NON-RETROACTIVITY AND RETROACTIVITY THROUGH THE MEDIUM OF NEW REGULATIONS**

Senior Lecturer Ph.D. Ivan ANANE (*Ovidius* University of Constanta, Romania)

Non-retroactivity of criminal law stems from the principle of legality of criminal offenses which states that one can not be held liable for committing an act that at the time of committing, it was not stipulated as a crime. Under the principle of non-retroactivity of criminal law is guarranteeing the freedom of citizens which gives substance to safety of social relations,in that the state,by organs of coercion can not claim citizen a law that was not yet edicted, by organs of coercion can not claim citizen compliance of a criminal disposal not yet edicted. The rule of non-retroactivity of criminal law is one which may be derogated from in exceptional situations, such as the one of more favorable criminal law and interpretative criminal law. Retroactivity of criminal law appears as a necessity with the changement of social and economic conditions, deeds incriminated by criminal law suffering changes in the degree of social danger, meaning its shriinking.The retroactivity of criminal law is an exception from the principle of criminal law activity that establishes the general rule criminal law takes effect only for the future.

- **PRINCIPLE OF CRIMINAL LAW ACTIVITY IN THE LIGHT OF THE NEW PENAL CODE**

Senior Lecturer Ph.D. Ivan ANANE (*Ovidius* University of Constanta, Romania)

The criminal law applies to offenses committed in time as it is in force. To determine the duration of activity of law that is important to retain the date of its entry into force and the date the law comes in force. The law required to be applied immediately, fully and continuously, ie the whole time is in effect for all cases arising under its criminal law specifically applies to all offenses committed as long as it is in force. The existence of the law until its entry into force is marked by four stages of Constitutional law adoption, promulgation, publication of the law and enforcement of the law. Entry into force of the rule of law as the limit of the initial criminal activity, criminal law proceedings, and the output of force is the final moment, the moment that marks the end of the application of this law. Determining when the offense is very important because it sets depending on whether it was committed while a certain law was in force and, therefore, subject off limits her or her action.

- **THE CRIME OF "BUY INFLUENCE" IN THE NEW PENAL CODE**

Senior Lecturer Ph.D. Camelia-Maria MORĂREANU (University of Pitesti, Romania)

February 2014 has brought a series of modifications in the constitutive content of the offences stated by the old Criminal Code, also introducing some new ones. Also, this new legislative document took over a series of offences stated, until its entrance into force, by many special laws, grouping them in its content. Under this aim we scored the introduction of the offense of buying influence in the content of the new Criminal Code - offense until 1st of February 2014 was laid down in art. 6/1 of Law no 78/2000 on preventing and combating corruption.

- **THE OFFENSE OF CHEATING. SHORT HISTORY. COMPARATIVE ANALYSIS OF LEGISLATION**

Senior Lecturer Ph.D. Camelia-Maria MORĂREANU (University of Pitesti, Romania), Prosecutor Daniel CREŢU (Prosecutor's Office attached to the Costeşti Court, Costeşti, Romania)

This article aims to treat the offense of cheating, not in a complex way, as she appears in treaties specialty, but by highlighting its main aspects, from the point of view of substantive criminal law, but also in terms of criminal law, indicating, where necessary, of the defining elements from the perspective of establishing a legal framework and correctly folding exact situation. The theme chosen will stop and upon a brief comparative analysis of the crime of deception as it was referred to the Criminal Code in 1969 as Romanian legislature has sought to criminalize the new Criminal Code.

- **THE CONTENT OF HOME ARREST MEASURE. APPLICATION DECISION**

Lecturer Ph.D. Marian ALEXANDRU (*Ovidius* University of Constanta, Romania)

The home arrest measure is rather new as it has been introduced into Romanian Law system at the same time as the New Code for Criminal Procedural Law. It consists of the obligation imposed on the defendant, for a limited period of time, no to leave his/her house.

- **LIMITS OF THE PRESUMPTION OF INNOCENCE**

Lecturer Ph.D. Marian ALEXANDRU (*Ovidius* University of Constanta, Romania)

Presumption of innocence refers to the persons clearly accused of having committed a crime. It starts to have effects the moment the criminal investigating authorities lodge the accusation.

- **ETIOLOGICAL DETERMINANTS OF WOMEN CRIMINALITY**

Lecturer Ph.D. Carmina POPESCU, Senior Lecturer Ph.D. Andreea DRĂGHICI (University of Piteşti, Romania)

Considering the women role and status in the family, the question is what determined her criminalization. In determining the etiology of women criminalization, it must be considered the elements obviously contributing in the acquirement of such conduct, namely: biological and psychological characteristics, gender stereotypes, economical, social, and political conditions and the violence against women; but not least, we must consider other risk factors, such as alcohol or drugs consume.

- **NEWS ABOUT THE 2016 ELECTIONS**

Ph.D. Candidate Florentina-Corina FLOAREA (Free International University of Moldova, Chişinău, Republic of Moldova)

In Romania today, the right to vote is universal. Free and fair elections are a prerequisite of democracy. 2016 election brings two important point: the local elections and the parliamentary elections being organized by both new rules, following the amendment of the electoral law last year, rather controversial legislation to the political parties.

The legislative elections of 2016 will be different from those of 2012 and 2008 , whereas the Committee of the Electoral Code decided to return to vote on the list and waiver of uninominal voting system used in the last two parliamentary elections, change fueled by the PSD and the the main opposition Liberal party .

Saturday, 14 May 2016

Faculty of Law and Administrative Sciences,
Republicii Avenue, no. 71

Private Section

9^{30}-10^{45} (Amphitheatre C1)

Moderators:
Professor Ph.D. Dan ŢOP (*Valahia* University of Târgovişte, Romania)
Senior Lecturer Ph.D. Carmen NENU (University of Pitesti, Romania)
Senior Lecturer Ph.D. Marioara ŢICHINDELEAN (*Lucian Blaga* University of Sibiu, Romania)

Secretary:
Lecturer Ph.D. Viorica POPESCU (University of Pitesti, Romania)

- **CONSIDERATIONS ON THE INDIVIDUAL EMPLOYMENT CONTRACT OF THE PERSON WORKING AS A NANNY**

Professor Ph.D. Dan ŢOP, Lecturer Ph.D. Lavinia SAVU („Valahia" University of Târgovişte, Romania)

According to art. 7 of Law no. 167/2014, exercising the nanny profession can be done in two ways: through completion with a legal person of an individual employment contract or as authorized person, under a service contract concluded with the child's legal representative.

With respect to the individual employment contract of the person who is going to carry work as a nanny we consider that it cannot be concluded directly with the child's legal representative, as an employer, but the person will have to conclude under art. 87 paragraph 1 of the Labor Code, a temporary employment contract with a temporary work agent and will be made available to the user, who in such a situation is the child's legal representative. The disposal of art. 99 of the Labor Code regarding the continuation of work by the temporary employee is not applicable to the person performing the nanny activity, as a temporary employee, in the sense

that at the mission termination the temporary employee can conclude an individual contract of employment with the user, this thing being impossible.

- **IMPRISONMENT AND COMPLEMENTARY PUNISHMENT FOR PURSUING A PROFESSION OR HOLDING A POSITION – CAUSES FOR THE TERMINATION OF THE INDIVIDUAL EMPLOYMENT CONTRACT**

Senior Lecturer Ph.D. Carmen NENU, Lecturer Ph.D. Carmina POPESCU (University of Piteşti, Romania)

Termination of the individual employment contract law finds its express regulation in art. 56 of the Labor Code, the legislator considering a limitative number of cases where the individual contract of employment is legally terminated. In the light of the new regulations of the New Penal Code, an analysis from this perspective of the cases of termination the individual employment contract law will be provided following the conviction of the employee executing a custodial sentence or as a result of the prohibition to practice a profession or hold a function as a safety measure or additional penalty.

- **BRIEF COMMENTS ON THE MAIN LEGAL ACTS REGULATING PERFORMANCE OF THE INDIVIDUAL LABOR CONTRACT**

Senior Lecturer Ph.D. Carmen NENU, Lecturer Ph.D. Carmina POPESCU (University of Piteşti, Romania)

By law, the employer has authority in relation to their employee as the main feature of their rights. The employer authority is materialized in various legal instruments, under which the organization and operation of the entity is regulated, order and discipline within the organization is established, without which a group of employees could not to become a whole, where the personal interests of each of them would intersect with the general interest of the employers and the team that they coordinate.

- **RIGHTS AND DUTIES OF THE PARTIES IN THE EMPLOYMENT RELATIONSHIP: A COMPARATIVE VIEW BETWEEN ROMANIAN LAW AND EASTERN EUROPEAN STATES' LEGISLATION**

Senior Lecturer Ph.D. Roxana-Cristina RADU, Lecturer Ph.D. Mariana Loredana BELU (University of Craiova, Romania)

The contract of employment, once concluded, gives birth to a combination of diverse corresponding duties and obligations. While Labor Code defines the general rights and duties of the employer and the employee, other rights and obligations of the parties are specified in different specialized acts and regulations (e.g. the laws concerning workers' safety and security). The issue of the duties of the two parts under the employment relationship is more complex because they consist of many component parts. The fulfillment of each obligation presupposes the fulfillment of all its component elements in their diversity. There are many cases in which the Romanian legislation, unlike other labor legislations from Eastern European countries, gives a much generalized definition of a certain duty or right, but in order to know what was intended to be stipulated, we need to interpret the provisions of the law. The more generalized the manner in which a duty or right is formulated the more diverse are its concrete manifestations.

- **DAMAGE RECOVERY BY USING CASH FORMED GUARANTEE**

Senior Lecturer Ph.D. Marioara ŢICHINDELEAN (*Lucian Blaga* University of Sibiu, Romania)

According to Art. 254, Align. 1, Labor Code, the employees answer with their patrimony by respecting the norms and principles of the civil contract liability, for the material damages they induce to the employer by their own fold or their work related. Damage recovery by using cash formed guarantee has certain characteristics, like: cash formed guarantee can be used for covering inventory damages caused by the inventory-keeper and not for covering other debts he has towards the company; cash formed

guarantee cannot be used by another creditor company; regardless the amount of money owed by the inventory-keeper, the company cannot proceed for recovering its claim by using the cash formed guarantee if it does not own an indefeasible enforceable title in this sense; if the inventory-keeper causes a damage at his work-place and this damage is not fully covered within a month from the date the company obtained an indefeasible enforceable title, the company can proceed for recovering its damage by using the cash guarantee formed in its favor.

- **THE DISCIPLINARY SANCTIONS APPLICABLE TO MILITARY PERSONNEL FOR BREACH OF MILITARY DISCIPLINE**

Assist. Ph.D. Andra PURAN, Lecturer Ph.D. Ramona DUMINICĂ (University of Piteşti, Romania)

The army of a state, by its structure, organization and mission, shows the degree of development and democratic character of that state. For the good organization of the army, but also for the purposes of its activity, it is important to be respected the military discipline. Failing to comply with military discipline is liable to disciplinary sanctions, sanctions that we intend to analyze in this work.

- **STUDY ON TORT LIABILITY AND CONTRACTUAL LIABILITY OF LEGAL PERSONS**

Ph.D. Candidate Nichita-Iulian BUŞOIU (University of Craiova, Romania)

In the circumstances of modern society development legal entities play an important role in all areas of economic and social life. Liability of a legal person may be engaged in all its forms: civil, administrative, criminal, labor, environmental liability etc. This article addresses the issue of tort and contractual liability of legal persons, the conditions of employment of these forms of liability and the responsibility of the members of legal person's management bodies. A special case which receives a separate treatment in this article is the patrimonial liability of legal persons which are employers.

Privat Section

9^{30}-10^{45} (Room no.104 - Department of Law and Public Administration)

Moderators:
Senior Lecturer Ph.D. Andreea DRĂGHICI (University of Pitesti, Romania)
Lecturer Ph.D. Ramona DUMINICĂ (University of Pitesti, Romania)
Lecturer Ph.D. Lavinia OLAH (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Amelia SINGH (University of Pitesti, Romania)

- **PARTICULARITIES OF MAINTENANCE OBLIGATION BETWEEN SPOUSES**

Senior Lecturer Ph.D. Andreea DRĂGHICI, Lecturer Ph.D. Daniela IANCU (University of Piteşti, Romania)

Each and every marriage is grounded on feelings of solidarity and friendship between spouses. According to these feelings, the spouses owe each other maintenance support, their marriage being the source of the family itself and, therefore, nobody is entitled to such maintenance but themselves. Considering these aspects, the present article tackles the particularities of maintenance obligation between spouses according to the legal provisions, the doctrine and jurisprudence in the field.

- **CONSIDERATIONS ON THE MINOR'S GUARDIANSHIP**

Lecturer Ph.D. Oana MIHĂILĂ (University of Craiova, Romania)

The debates involving the various forms of child protection should never be concluded. In a state subject to the rule of law, the need to create a reliable and modern protection framework that is in the best interest of the child and complies with the current European regulations in the field, has determined a deeper concern to develop social services in favor of the child

deprived of parental care. This alternative form of protection, as guardianship is named, aims to protect the child by preserving, or at least reproducing an environment similar to that provided by the natural parents, considering at the same time an absolutely necessary practical applicability.

- **NAME'S MODIFICATION. FAMILIAL INFLUENCE OR CONSTRUCTION OF THE IDENTITY?**

Ph.D. Candidate Oana RETEA (University of Craiova, Romania)

Family relations determine the operation of name acquisition. The name is attached to privacy, by being a means of individualization of a person. Civil status of the person represents that legal means of individualization of peoples by indicating personal qualities which the law has conferred this meaning. Both the name and civil status are self-standing legal concepts but both are a way of identification for each individual . The purpose of this article is to underline the relationship between civil status and the modification of the family name as a direct result of a certain change in civil status and not as a result of an administrative judgment.

- **CONSIDERATIONS ON SERVICE INVENTIONS**

Research assistant Ph.D. Izabela BRATILOVEANU, Ph.D. Dan-Mihail DOGARU (University of Craiova, Romania)

Currently, the service inventions are regulated by Law no. 83/2014, which, as a novelty, defines these by following: they are created by an inventor individually or by a group of inventors and the individual inventor or at least one member of the group of inventors is an employee of a legal person of public or private law; they can be protected by patent or utility model registration and: a) they resulted from the inventor having carried out their job as expressly assigned in the individual employment contract and job description or set by other binding acts for the inventor which provides for an inventive mission or b) they were obtained during the individual employment contract and for a period of up to two years after its termination, as appropriate, through the knowledge or use of the employer's experience by using their resources as a result of preparation

and training acquired by the inventor employee by the care and at the expense of the employer or by the use of informations resulting from the employer's activity or made available by it. Recently, in order to facilitate the application of regulations which are specific for service inventions, the Executive Unit for Financing Higher Education, Research, Development and Innovation (E.U.F.H.E.R.D.I.) has developed the Good Practices Manual for the enforcement of service inventions.

- **CURRENT REGULATION OF CHEQUE FRAUD**

Assist. Ph.D. Adriana PÂRVU, Lecturer Ph.D. Daniela IANCU (University of Piteşti, Romania)

Cutting a cheque in absence of funds is an offence. Not long ago, the Criminal Code used to incriminate the cheque fraud as an offence different from the one provided by Law no. 59/1934. At present, the cheque fraud offence, as regulated by the old Criminal Code, does no longer exist. In the current Criminal Code, the article incriminating the fraud does not include the paragraph regarding rubber cheques. We appreciate this lawmaker's omission as very harmful for the economic activity, seriously jeopardizing the safety of the judicial and commercial relationships which suppose the use of some payment instruments, such as the cheque or the promissory note.

- **RETHINKING THE EXISTING PRACTICE OF JUDICIAL DIALOGUE**

Ph.D. Candidate Adela - Elena MICICĂ (University of Craiova, Romania)

Over the last few decades, an increasing judicial openness to learning from each other has been recorded. There is a constant need for high level coordination in order to refine and sharpen legal concepts in contemporary contexts. A distinctive characteristic is being given by the cooperation between authorities, which also implies a transnational judicial dialogue, concept validated by the use of foreign cases as arguments, as well as by direct interaction between judges. We identify a great diversity of factors such as the national culture, the constitutional tradition, the political

context, the institutional position of the constitutional court and last but not least, the human factor, mainly the academic background of the judges.

- **THE EVOLUTION OF THE RIGHT TO EDUCATION OF CHILDREN WITH DISABILITIES IN THE EUROPEAN SPACE**

Ph.D. Candidate Adelina MIHAI (University of Craiova, Romania)

The right to education of children with disabilities represents for the educational system of Romania a problem still unsolved, which has its background in an incomplete legal framework, if we take into consideration the legislative changes which have accured over time.

The adoption of the New legislation regarding the inclusion of children with special educational needs in mainstream schools, raises new problems, in what concerns the practical applicability in the institutions, which are not economically, nor socially ready to accomplish in a proper way the inclusion process in the mainstream school of children with disabilities.

Public Section

9^{30}-10^{45} (Room C2)

Moderators:
Lecturer Ph.D. Marius ANDREESCU (University of Pitesti, Romania)
Lecturer Ph.D. Iulia BOGHIRNEA (University of Pitesti, Romania)
Lecturer Ph.D. Florina MITROFAN (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Sorina ŞERBAN-BARBU (University of Pitesti, Romania)

- **CHILD'S CITIZENSHIP**

Senior Lecturer Ph.D. Oana GHIŢĂ (University of Craiova, Romania)

The rights and duties of granting citizenship tend to create a identity link. Granting its importance is determined by its effects.

From this perspective, to the international acts level we are not talking about citizenship as a right that the child has, but as a direct result of the right to identity.

In this study we aimed to analyze how the citizenship is granted, rights and obligations that this entails for the child, and especially, how citizenship – national or European – by its effects manages to impart a certain behavior from the State towards subjects of law

- **THE LIMITS OF STATE POWER IN A DEMOCRATIC SOCIETY**

Lecturer Ph.D. Marius ANDREESCU (University of Pitesti, Judge Court of Appeal Piteşti, Romania)

The coding is not only the expression of the political will of the law maker, it firstly is a complex juridical technique for the choosing and systematization of the normative content necessary and adequate to certain social, political, economic, institutional realities. Since Constitution is a

law, yet it nevertheless distinguishes itself from the law, the problem is to establish which juridical norms it contains. The solving of this problem needs to consider the specific of the fundamental law and also of the requirements of the coding theory. The determining with all scientific stringency of the normative content of the Constitution is indispensible both for the removal of any inaccuracy in delimiting the differences from the law, for the stability and predictability of the fundamental law and last, but not the least, for the reality and effectiveness of its supremacy.

In our study we realize an analysis based on compared criterions of the techniques and exigencies for the choosing and systematization of the constitutional norms with reference to their specific, to the practice of other states and within a historical context. The analysis is aiming to the actual proposals for the revising of the Constitution.

- **THE USEFULNESS OF METHODS FOR IDENTIFICATION OF ALTERNATIVES IN THE PROCESS OF DEVELOPMENT OF PUBLIC POLICY**

Lecturer Ph.D. Manuela NIŢĂ (*Valahia* University of Targoviste, Romania)

Identification of alternatives is a very important step in the process of development of public policy because the viability and effectiveness of possible solutions to solve problems submitted to the authorities depend largely by techniques and methods that decision-makers decide to apply.

Choosing solution for maintaining the current situation at the time of analysis or identification of a single alternative, are realities that we find in authorities' practice, sometimes justified, sometimes the solutions are extremes deriving from the impossibility of decision-makers to find a possible way of solving the problem found in society.

In this study we will conduct a review of the main methods used to identify alternatives and support the authorities in order to find solutions to a given problem.

- **THE ROLE OF MAGISTRATE REFLECTED IN INTERNATIONAL REGULATIONS**

Lecturer Ph.D. Viorica POPESCU (University of Pitesti, Romania)

Considered the third power in a democratic state, justice has a fundamental role to ensure social peace. Currently, parties to the dispute and for society as a whole judicial process is a kind of alternative democratic arena in which the exchange of arguments between segments of the public and state powers and matters of general interest are discussed. Starting from this new attribute, every state has the obligation to adopt all necessary measures to promote the role of judges as individuals and the judiciary as a whole and to decide the independence and efficiency . In respect of the prosecutors, the principles that govern the activity aimed at independence and autonomy.

This study aims to give a brief overview of international regulations that reflect the fundamental principles regarding judicial function.

- **TAXES AND LOCAL FEES IN THE LIGHT OF THE PROVISIONS OF THE NEW FISCAL CODE**

Lecturer Ph. D. Liliana CÂRMACIU (University of Craiova, Romania)

In the current period it is often discussed how appropriate was the measure of "rewriting" the Fiscal Code, the expressed opinions being different, from those of its promoters, who consider that the adopted measures are sustainable, effective in terms of tax collection, respectively the opinions of those who demonstrate the unsustainability of the new regulations and the distortions produced by them.

Even in this case, we should notice that the new legislation concerning taxes takes into account also some recommendations expressed by various experts (IMF missions, World Bank etc.).

Anyway, the new codification introduces provisions through which the necessary notions for the application of Title IX Taxes and local fees are defined.

- **TOWARDS A BETTER UNDERSTANDING OF AMBIGUITY IN LAW: TYPES AND CAUSES**

Ph.D. Candidate Adela CALOTĂ (University of Craiova, Romania)

Ambiguity is a pervasive concept; it permeates common language, much as it imbues legal language. Nevertheless, an in-depth comprehension of the concept of 'ambiguity' is absolutely necessary in law, as 'uncertainty of meaning of an expression used in a written instrument' spurs negative legal consequences. It hence becomes essential to grasp ambiguity in law, to know its manifold types and occurrences and, ultimately, to fully understand what exactly triggers its manifestation. The present paper will attempt to answer these questions, by making reference to the interdisciplinary methodology applied by jurilinguistics.

- **THE EUROPEAN JURISPRUDENCE ON ADDRESSING THE PROTECTION OF HUMAN DIGNITY**

Ph.D. Candidate Laura-Antoaneta MIREA-SAVA (University of Craiova, Romania)

Taking into consideration that the international documents do not contain a definition of the human dignity, the European and international jurisprudence can help to determine the circumstances or the facts that cause damage to the human dignity. Frequently, the moral or sexual harassment situations, along with the subjecting to inhuman or degrading treatments, were considered by both the European Commission, and the Court of Human Rights, as being the most severe infringements of dignity. A tremendously important section of this article is dedicated to the jurisprudence of the European Court of Human Rights (E.C.H.R.), regarding the applying of the non-discrimination principle, evidencing the contribution of this institution in the evolution of the methods that protect human rights.

- **GENERAL CONSIDERATIONS CONCERNING PATRIMONIAL ADMINISTRATIVE LIABILITY**

Ph.D. Candidate Liliana ZIDARU (Free International University of Moldova, Chişinău, Republic of Moldova)

Administrative liability is a form of legal liability that occurs when violated rules of administrative law by committing an illegal act and envisages compensation for damage caused to individuals by activity culpable state, public authorities, public officials, dignitaries and punishing those who break the law administrative.

In this paper we discuss one of the forms of administrative, namely, patrimonial administrative liability.

Privat Section

11^{00}-12^{00} (Room no.104 - Department of Law and Public Administration)

Moderators:
Professor Ph.D. Dumitru DIACONU (University of Piteşti, Romania)
Lecturer Ph.D. Manuela NIŢĂ (*Valahia* University of Târgovişte, România)
Lecturer Ph.D. Amelia SINGH (University of Pitesti, Romania)

Secretary:
Assist. Ph.D. Adriana PÎRVU (University of Pitesti, Romania)

- **EXERCISE OF VOTING RIGHTS AT THE GENERAL MEETING AT LIMITED LIABILITY**

Ph.D. Candidate Victor BÎRCA (University of Craiova, Romania)

In this article refer to the importance of exercising voting rights in the company with limited liability, the most common form of company in Eastern Europe. The right to vote is considered specific instrument through which associates have the opportunity to be actively involved in running the company, also is considered by most doctrine and jurisprudence function whose exercise must follow strict best interests of the Company in general meeting.

- **THE LIMITATIONS OF PARTY AUTONOMY IN ROMANIAN PRIVATE INTERNATIONAL LAW. AN OVERVIEW**

Ph.D. Candidate Vladimir DIACONIŢĂ (University of Bucharest, Romania)

The article aims to provide a brief presentation of the instances when a Romanian court of justice is entitled to apply to a certain contract a law that is different than the one chosen by the parties to govern it. All these instances are limits to the fundamental principle of party autonomy in Private International Law.

Viewed as a whole, Private International Law, including the principle of party autonomy, is one of the most important tools to use for bringing about uniformity and predictability in legal relationships that span across the boundaries of the jurisdiction of one country or another. As a consequence, the limits thereof – that is, the situations where a court applies a law which is different than the one determined according to the conflict-of-laws rules and which is usually lex fori – constitute one of the most prominent strongholds of national legal peculiarities and usually represent either the cultural or historical heritage of the legal system of the respective court or the effort of the legislator to protect its own citizens.

The limits to the principle of party autonomy that represent the subject matter of this study are the following: public policy, overriding mandatory provisions, fraud, the impossibility to determine the content of a foreign law, the inexistence of a foreign element and the requirement that the rules chosen by the parties are laws, not rules of law.

- **CURRENT ISSUES IN ESSENCE AND CONTENT KNOWLEDGE CIVIL LIABILITY**

Ph.D. Candidate Mihaela FRĂTOAICA (Free International University of Moldova, Chisinau, Republic of Moldova)

As an institution stemming from society and finds support in the relations between people, the right is inextricably linked to overall progress of society. This paper said that legal liability is determining role in ensuring

legality, prevention and cessation illegalities. We will analyze this scientific paper the two branches namely civil liability, namely: tort liability and contractual liability. Thus, contractual liability is based on a valid contract concluded between injured and damaging due to non-performance of contractual obligations. Tort liability is outside the contractual relations and imposes certain striking to establish whether the offender is or not impute any fault in the damage. Each form of civil liability therefore has its own field of application. Tort liability caused a diversity of views, have proposed many different solutions, but outlined a principle was unqualified: the responsibility for the wrongful act of producing damage.

- **THE ECONOMIC IMPOSSIBILITY OF PERFORMING THE CONTRACT: A POSSIBLE SYMPTOM OF THE EROSION OF THE PRINCIPLE OF ENFORCED PERFORMANCE**

Ph.D. Candidate Cristian PAZIUC (University of Bucharest, Romania)

The paper argues that the rule of Article 1527 para. (1) of the Civil code – which excludes the obligee's use of enforced performance where such performance is "impossible" – is not limited to cases of absolute impossibility, factual or legal, of performing the obligation. To the contrary, in light of the comparative law models used by the legislator, of the harmonisation tendencies at European and international level and of the legislative process which preceded the enactment of the new Civil code, Article 1527 should be interpreted purposively, as offering a solution which is both flexible and economically superior to a rigid application of the principle of enforced performance. The paper thus argues for the inclusion, in the domain of Article 1527, of the notion of economic impossibility to perform a contractual obligation.

- **THEORETICAL ASPECTS CONCERNING THE PATRIMONY LIABILITY**

Ph.D. Candidate Tatiana STAHI (State Agrarian University of Moldova, Republic of Moldova)

The topicality of the subject results from interest pronounced to the identification of the forms of legal liability intended to evolve with the society as well as the importance of property liability as a form of legal liability, interest generated by the continuing reconfiguration of social reality, which involves the reevaluation of legal phenomena.

The legal doctrine and legislation always gave particular importance to legal liability and especially to liability for violation of property right. The property right being the one of the most important civil right of property has beneficiated of a special protection from the state. The identification of patrimonial liability generated an interest in legal literature in recent times. The proper identification of the forms of legal liability constitutes a guarantee of legality of employment of the legal liability, contributing at the same time to the elimination of errors in the application of legal norms.

Public Section

11^{00}-12^{00} (Amphitheatre C1)

Moderators:
Senior Lecturer Ph.D. Claudia GILIA („Valahia" University of Târgovişte, Romania)
Senior Lecturer Ph.D. Doina POPESCU-LJUNGHOLM (University of Pitesti, Romania)
Lecturer Ph.D. Maria-Gabriela ZOANĂ (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Cătălin BUCUR (University of Pitesti, Romania)

- **THEORETICAL AND PRACTICAL ASPECTS ON CONCESSION OF PUBLIC SERVICES**

Senior Lecturer Ph.D. Maria ORLOV (*Alecu Russo* State University of Bălţi, Chairman of the Institute of Administrative Sciences, Republic of Moldova), Professor Ph.D. Liliana BELECCIU (Police Academy *Stefan cel Mare*, Republic of Moldova)

The concession is a new institution for the countries that have abandoned the socialist regime of government, including for the Republic of Moldova. Although, the legal regulations were adopted in this regard, however, the inexperience and the absence of perception of the essence of this legal institutions prevent its development, and sometimes lead to errors followed by embezzlement of public property.

- **REFUGEES BETWEEN INTERNATIONAL PROTECTION AND ABANDON**

Senior Lecturer Ph.D. Doina POPESCU-LJUNGHOLM (University of Piteşti, Romania)

By approached theme I proposed to analyze the phenomenon of leaving people in the home country where he was in imminent danger from the perspective of challenges unprecedented in the Member States of the European Union and UNHCR has to face, and finding new solutions and measures to protect and guarantee the rights of refugees, in conditions of maximum safety both for them and for the host country. Even if it is a legitimate right of every government to secure their own territory and prevent illegal immigration, is also essential that, given the most strict border management, access to an asylum seeker to territories not prohibited.

- **HUMAN RESOURCES MANAGEMENT IN EUROPEAN ADMINISTRATIONS**

Lecturer Ph.D. Cătălin BUCUR (University of Pitesti, Romania)

To improve the performances of the public administration means the identification of better standards of efficiency and effectiveness in the application of the law. It means the delegation of responsibilities to public managers, accompanied by appropriate mechanisms of control. In such cases, the quality of public managers becomes of maximum importance. Moreover, when the state policies are more and more complex and exposed to international cooperation, as in the case of the EU Member States, the need for public managers with real perspectives and with the ability to coordinate their work in the relations with national and international institutions becomes more acute.

- **BRIEF ANALYSIS OF THE FUNCTIONS OF CIVIL LIABILITY IN THE ENVIRONMENTAL LAW**

Lecturer Ph.D. Ramona DUMINICĂ, Assist. Ph.D. Andra PURAN (University of Pitesti, Romania)

Currently, civil liability in the environmental law represents an institution with an increasing applicability, considering the multiplication and diversification of the sources of environmental pollution, the multiplication of the damages caused to it and the increase of their seriousness determined by the worsening of the global ecological crisis. Starting from the actual conceptualization of the notion of civil liability in the environmental law, the present study aims the analysis of the functions of this type of liability, namely the preventive-educational and the reparatory functions, from the perspective of the environmental legislation.

- **EXAMINATION OF THE LEGALITY OF THE ADMINISTRATIVE ACTS**

Lecturer Ph.D. Florina MITROFAN (University of Pitesti, Romania)

The examination of the legality of the administrative acts is of high importance in a state of law, by placing at the disposal of the subjects of law of an efficient mean for the prevention of possible abuses from the administrative authorities or the removal of the consequences of such abuses. Also, it is created the possibility to restore the rule of law, by reinstating the previous situation and sanctioning those who issue administrative acts by abusively using the attributions given by the law.

- **BRIEF CONSIDERATIONS ABOUT ELECTIONS LAW IN ROMANIA**

Lecturer Ph.D. Marius VĂCARELU (National School of Political and Administrative Studies Bucharest, Romania)

Any analyze of the Romanian legislation adopted on electoral domain after 1990 will discover a less coherent type of regulation, where political interest was above the social one, the law principles and logic. Thus, we can consider that laws were adopted with a temporary purpose, and any new parliamentary elections are just an occasion to change something on legal framework. In this topic, we consider being necessary a short analysis of Romanian electoral laws, being sure that the next years will bring some changes, too.

Public Section

11^{00}-12^{00} (Room C2)

Moderators:
Lecturer Ph.D. Olivian MASTACAN (*Valahia* University of Târgovişte, Romania)
Lecturer Ph.D. Viorica POPESCU (University of Pitesti, Romania)
Lecturer Ph.D. Sorina ŞERBAN-BARBU (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Carmina POPESCU (University of Pitesti, Romania)

- **CULTIVATING THE CORRECT SOCIAL BEHAVIOURS BY THE PUPILS FROM THE ROMANIAN SCHOOL. THEORETICAL AND PRACTICAL PERSPECTIVES**

Lecturer Ph.D. Carmen ALEXANDRACHE („Dunarea de Jos" University of Galati, Romania)

This paper starts from the premise that the children of the Romanian primary school learn the social behaviours from the correct / incorrect, the just / unjust, well / bad perspectives. In our paper, the correct behaviours means a polite conduct and a moral and civic conduct also. În this way, our paper capitalize on the results of a investigation which was attended the children from second class of primary school. The analysis of these responses revealed some observations that are important for academic environment. These observations attract the attention to issues pertaining to curriculum, to relevance and to specific training of courses and of seminars This paper propose a few particular solution by cultivating the correct and well, just conduct to the children. By means of them, we hope, the number of those who are polite and honest with other will increase.

- **CRIMES PROVIDED BY GOVERNMENT EMERGENCY ORDINANCE NO.190/2000 REGARDING THE TREATMENT OF PRECIOUS METALS AND PRECIOUS STONES IN ROMANIA**

Lecturer Ph. D. Maria-Gabriela ZOANĂ (University of Pitesti, Romania)

The regime of precious metals and precious stones in Romania was governed by a series of legal paradoxes.

The first paradox was represented by the application of the provisions of the State Council Decree no. 244/1978 on the regime of precious metals and precious stones, until date 31 December 2002, although its provisions were in flagrant contradiction with the new economic and social relations in the field and, therefore, fallen into disuse.

The provisions the criminal nature of the Decree no. 244/1978 were applied by the legal bodies, even after their express repeal by the provisions of art. 29 lit. a) of the Government Emergency Ordinance no. 190/2000 regarding the regime of precious metals and precious stones in Romania, republished, with subsequent additions and amendments, starting with 16 December 2000.

From the 39 articles of the initial Government Emergency Ordinance no. 190/2000, as a result of its approval through the Law no 261/2002 that remained unchanged and non-abrogated only three articles, which they should be repealed , because it regulates the tasks of the National Bank of Romania, which is the subject of regulatory normative acts, The National Bank considers that the "authorization of commercial banks" concerning the operations with precious metals and precious stones, that it is currently assigned by law, constitutes a violation of the principle of free movement of services established by the Treaty of the functioning of the European Union and developed by Directive 2006/123 / EC from the European Parliament and of the Council of 12 December 2006 regarding the services on the internal market.

However, in this situation, according to the rules of legislative technique is required the repeal of Government Emergency Ordinance no. 190/2000 and adopting a new normative act in the field. In our opinion, the national legislation in the field of precious metals and precious stones has

restricted the access on the national market to service providers from the European Union on the grounds of the legislative vacuum, so that, from the date that Romania has the quality of member state, no operator from the regime of precious metals and precious stones, from another member state was not authorized to carry out operations on the national territory. This violates the right of establishment and provision of services in a cross-border regime.

- **JURIDICAL ANALYSIS THE CONCEPT OF GUILT**

Ph.D. Candidate Viorica URSU (Free International University of Moldova, Chisinau, Republic of Moldova)

The doctrine of guilt occupies a special place in case law since ancient times. Issues about the nature, content, its forms were developed as the foreign literature, both in the national and not just in the general theory of law, but and in the legal sciences branch. It would seem that among legal scholars once and for all formed and became almost chrestomathy conception of guilt as an element of the subjective side of the offense. For this particular interpretation of the concept of guilt it is offered in many modern legal textbooks.

However, the problem seems to be exhausted and guilt definitively resolved only at first glance. In fact, with a deceptive external simplicity, it causes serious difficulties in knowledge. The correctness of this conclusion is confirmed in particular by the difficulties arising from the definition of guilt and delimited, on the one hand, the subjective elements of the crime - the reason, objective, emotions, on the other hand, the elements of the objective side of crime for example, the causal link between the act and its disastrous consequences. Suffice it to say that in this regard the experts' opinions differ essentially.

Finally, there are significant differences in the interpretation of the nature of guilt in some areas of legal sciences, although, apparently, would be more correct to speak only about nuances, peculiarities of guilt arising from the specific object of legal regulation.

To clarify the guilt we try, first, to make systematization and analysis of the most common views on the definition of guilt, and to identify factors influencing the ambiguity of the term. Activity, we hope, will allow us to

formulate a unified general theoretical definition of "guilt" that could be used for solving the tasks of general theoretical branch.

- **THE GUILT IN THE FEUDAL PERIOD**

Ph.D. Candidate Viorica URSU (Free International University of Moldova, Republic of Moldova)

The second stage of the development of the law is called the step of the corporate law or the law of the fortresses (the youth law) and it appeared with the development of the society in general and in particular, with the economic and public labor specialization. This period dates to the ninth and eleventh centuries until the end of the eighteenth and fifteenth centuries and it was based on personal, property, the power of corporations, political and religious interests. This law operated in the feudal community and it regulated the land ownership relations, as well as the relationships between the owners.

Among the corporate rights (the city right (the police law), the merchant right, etc.) the canon law (the church law) was distinguished from other rights through a wider, richer and more varied range, as well as a much better systematized one.

Besides, in the canon law the following branches were delimited: family, marriage, and inheritance law, civil law (property and contract right), criminal law, administrative law, as well as financial law.

In fact, the canon law has made much progress in comparison with the Roman law that determined the criminal sin and secondly the detailed meaning of guilt, although it has borrowed much from the Roman law, however, the lawyers managed to turn this concept into a more sophisticated and more differentiated one. Thus the intention was different from the fault (the imprudence), and it was also known about the difference between the various categories of intentions.

- **THE EVOLUTION OF THE LEGAL SANCTION IN SOME ANCIENT STATE ENTITIES**

Ph.D. Candidate Ina BOSTAN (Free International University of Moldova, Chisinau, Republic of Moldova)

The concept study of legal sanction necessarily implies historical vision, linked to decipher its origins. In accepting the thesis, according to which the right can express only the social needs of a community established in the political form, there is no doubt that the right appears in social historical conditions characterized by differences specific for a political society.

The ancient works and subsequently those developed in the Middle Ages did not set any distinction between the concept of punishment and that of sanction, the latter intervening only in modern times as a variant of the punishment. At first, the two concepts were confused, there were only small differences in the quality between several types of punishments. From this perspective, our analysis is based on the "sactions" imposed on the society, following a brief overview of the primitive society, the tribe, till the ancient Greek society, which was considered more advanced.

- **LEGAL INCOMPATIBILITIES - ELEMENT OF LEGAL COERCION SPECIFIC TO THE STATE OF LAW**

Ph.D. Candidate Oleg TĂNASE (Republic of Moldova)

The analysis of legal incompatibilities is designed as a report between the state, as a public authority and individual, as the bearer of certain rights and obligations, resulting from its status. Thus the incompatibility is an inseparable condition by a person, is determined by the existence of certain restrictions that are imposed by the state, as public power.

This condition of things does not seek a specific person, foreseen as individual, but its status and legal capacity, aiming the protection of public interests.

12^{00}-12^{30} Closing of the Conference

SPONSORED BY:

CONSIULUL JUDEŢEAN ARGEŞ

ASOCIAŢIA *TRAINING & COACHING* PITEŞTI

BANCA COMERCIALĂ ROMÂNĂ

NESADI PROTECT S.R.L.