THE INTERNATIONAL CONFERENCE "EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"

Pitesti – May 17, 2024 - 16th edition

POLITEHNICA BUCHAREST
NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY
LAW AND PUBLIC ADMINISTRATION DEPARTMENT
FACULTY OF ECONOMIC SCIENCES AND LAW - CENTER OF LEGAL AND ADMINISTRATIVE STUDIES - ROMANIA
***AMICII SCIENTIAE* ASSOCIATION - ROMANIA**

THE CONFERENCE PROGRAMME
and
THE SYNTHESIS OF THE WORKS

THE INTERNATIONAL CONFERENCE "EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP" - Pitesti – May 17, 2024 - 16th edition

In collaboration with

"*Acad. Andrei Rădulescu*" Legal Research Institute of the Romanian Academy - ROMANIA
Association "Society of the Labor and Social Security Law" - ROMANIA
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The papers will be published in E-book available on www.iccu.upit.ro with
ISSN 2360 – 1841
ISSN-L 2360 – 1841
Online: ISSN 2360- 395X

Publishing House C.H. Beck, Bucharest

Currently the proceeding is indexed in CEEOL and WorldCat

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THE CONFERENCE PROGRAMME

Friday, May 17, 2024

Faculty of Economic Sciences and Law,
Targu din Vale, no. 1, Pitesti
Rectorate Central Building - Festivities Hall

Time	Activity
9^{30} - 10^{00}	**Guests Reception** (1st floor)
10^{00}- 11^{30}	**Festive Opening – Dean's address and welcome messages on behalf of the local administration representatives** **AND** **Ceremony of awarding the title of Doctor Honoris Causa to the Emeritus Professor Ph.D. Alexandru ATHANASIU**
11^{30}- 12^{30}	**Coffee Break**
12^{30}-15^{00}	**Plenary Session (I)**
15^{00}-15^{30}	**Lunch Break**
15^{30} – 17^{30}	**Plenary Session (II)**
17^{30}-19^{30}	**Works in sections (1st floor)**
19^{30}	**Festive Dinner Ramada** Restaurant, Calea București, Pitești

Friday, 17 May 2024

OPENING OF THE CONFERENCE

Greetings from the Moderators
Dean's address and welcome messages on behalf of the local administration representatives

Ceremony of awarding the title of Doctor Honoris Causa to the Emeritus Professor Ph.D. Habil. Alexandru ATHANASIU

PLENARY SESSION (I)

Festivities Hall
12^{30}- 15^{00}

Moderators:
Professor Ph.D. hab. Jakub STELINA (University of Gdansk, Poland)
Professor Ph.D. Raluca DIMITRIU (University of Economic Studies, Bucharest, Romania)
Associate Professor Ph.D. Andreea TABACU (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

- ***Using Algorithms in Personnel Recruitment : Some Implications for Labour Law,* Professor Ph.D. Raluca DIMITRIU, Faculty of Law, University of Economic Studies, Bucharest, Romania**

Recruitment algorithms, far from eliminating potential subjective and discriminatory behaviours of the human recruiter, risk perpetuating

discriminatory practices and excluding candidates from among persons with disabilities or ethnic, racial, and sexual minorities who do not fit the already established profile in the employing firm of the "ideal candidate." Indeed, one of the main issues is the difficulty not only in proving but also in understanding the criteria used by recruitment algorithms, which are often completely lacking in transparency.

The paper explores the causes of this troubling phenomenon, especially in the context of the principle of good faith that should govern pre-contractual negotiations.

Special emphasis is placed on the concept of explainability of the management algorithm, which refers to the ability to explain how a specific decision was made by the system. The right to information lacks substance if the information is generally unintelligible or unintelligible specifically to the subject of the right to information.

- ***Paid days off granted to employees for religious holidays in light of art. 139 of the Labor Code and CJEU case law*, Ph.D. Mădălina-Ani IORDACHE, Guest Lecturer, University of Bucharest, Faculty of Law, Lawyer - S.C.A. Ciulei, Iordache, Morozov, Co-Managing Partner ; Lawyer, Associate Professor Ph.D. Ana-Maria VLĂSCEANU, Vice-Rector University of Bucharest, Faculty of Law, Romania**

This study analyzes the non-conformity of the provisions included under art. 139 of the Labor Code with the non-discrimination principle enshrined under art. 21 of the Charter of Fundamental Rights of the European Union and EU Directive 2000/78 establishing a general framework for equal treatment in employment and occupation.

Concretely, the study demonstrates that the law lays down different rules for granting public holidays for employees who belong to a different religious cult than the Christian cult of new rite (the majority in Romania), rules which, considering various practical interpretations, lead to the application of a different treatment bases on religion.

Finally, we argue that these rules might contravene art. 21 of the Charter of Fundamental Rights of the European Union and, thus, could be disapplied under the principle of primacy of EU law.

- ***About a new approach to negotiations in labor relations,*** **Professor Ph.D., Lawyer, Magda VOLONCIU, Titu Maiorescu University, Bucharest, Romania**

- ***Implementation of the European Union "Work-Life Balance" directive into the Polish legal system*****, Professor Ph.D. H.C. Jakub STELINA, University of Gdansk, Constitutional Tribunal of the Republic of Poland, Poland**

The author discusses the implementation of the "Work-Life Balance" directive into the Polish legal system. The directive was adopted in 2019 and member states had to implement it by 2 August 2022. In Poland, the process was delayed, and finally the legislation implementing the directive was adopted in March 2023 and entered into force on 26 April 2023. These implementation includes issues such as carer's leave, paternity leave, parental leave, protection of the employment relationship of employees taking parental leave, and the possibility of introducing flexible working arrangements. Despite the nine-month delay in the implementation of the WLB Directive, it must be stated that, in principle, its provisions have been faithfully implemented into the Polish legal system. The Labour Code contains regulations that should guarantee that employees achieve the objectives set out in the WLB Directive. These regulations do not differ from similar solutions that have been implemented in internal legislation in other European Union Member States.

- ***From Practice to Constitutional Change – Towards a Hybrid Model of Constitutional Review in Poland,*** **Professor Ph.D. Habil. Anna RYTEL-WARZOCHA, University of Gdansk, Poland**

The constitutional crisis in Poland post-2015 stemmed partly from a series of reforms targeting the Constitutional Tribunal, which compromised its ability to effectively oversee the constitutionality of laws. Consequently, there arose a debate within legal circles regarding the feasibility of ordinary courts exercising this constitutional oversight during the application of laws, in accordance with the 1997 Constitution. This led to a decentralized approach to constitutional review, with an increasing

number of courts taking on this role. To address this legal ambiguity, a proposed constitutional amendment has been submitted to Parliament and is currently under review by the Sejm.

- ***The right to digitally disconnect from work, a fundamental right of employees,*** **Professor Ph.D. Marioara ȚICHINDELEAN, The President of the Asocciation ”Society of the Labor and Social Security Law”, Romania**

- ***The legislative unification and the constitutional role of the judiciary in the debate: the case of C. N. Schina 1919-1920,*** **Professor Ph.D. Sevastian CERCEL, Faculty of Law, University of Craiova, "C. S. Nicolaescu-Plopșor" Institute for Research in Social Sciences and Humanities.**

C. N. Schina was a member of a family of distinguished magistrates. Constantin E. Schina (1838-1913), his father, was the fourth first-president of the Court of Cassation (1838-1913), and his grandfather, Eustațiu Schina, was the president of the Criminal Court (1859). In the period 1919-1920, C. N. Schina was involved in the public debate on the problems of the Romanian society regarding legislative unification and the independence of the magistracy. First, he supported the professional collaboration of lawyers and magistrates, the establishment of a joint legal journal, but also the establishment of an organization of jurists from Greater Romania, with a very ambitious program. On the other hand, he critically presented the difficulties encountered in the judiciary, in particular, in the relationship between judges and the executive power, and he also supported the organization of a union of civil servants.

All this could not remain without consequences. First, in December 1919, the report of the ad-interim minister of justice, Ștefan C. Pop, presented several acts committed by C. N. Schina, which affected the prestige and dignity of the magistracy. As a result, the magistrate was suspended from his position for 15 days by the Royal Decree of 23 December 1919. Secondly, in the report of August 1920, it was estimated that the imputed facts were much more serious, and Schina's recidivism required an appropriate sanction. This time, he was sanctioned with the disciplinary penalty of being suspended from the position of president at the

Court of Appeal in Bucharest, and the Royal Decree of 10 August 1920 was countersigned by the Minister of Justice M. B. Cantacuzino.

What remains over time is the remarkable affirmation, in the first years after 1918, of some principles which will guide all future legislation: freedom of association, freedom of trade union, freedom of speech, protection of private life, separation of powers in the state and, above all, the independence of the judge.

- ***Division of inheritance. Special regard to its constitutive** effect,* **Associate Professor Ph.D. Ilioara GENOIU, Valahia University of Târgoviște, Public Notary – Ploiești Chamber of Notaries, Romania**

The inheritance division is intended to put an end to the state of indivisibility, which arose as a result of the debate on the heritage of the deceased and the issuance of the certificate of succession or, as the case may be, the pronouncement of a final court decision. Whether it is done amicably or judicially, the division currently has constitutive effects. The debate on this subject is of particular practical interest, since, prior to the entry into force of the current Civil Code, the division produced declarative effects, therefore retroactive ones, from the moment the inheritance was opened. De lege lata, however, the division produces constitutive effects, thus for the future, which generates important practical consequences. For instance, regarding an asset acquired by inheritance and assigned to an heir in exclusive ownership, by division, it will be specified, from the perspective of the mode of acquisition, that a share of it was acquired by heritage, from the date of the opening of the succession, and the rest of the share was acquired by division, from the date specified in art. 680 Civil Code. As a result, the tax due in the case of the transfer of ownership of such an asset will be calculated differently, taking into account the date of acquisition of the shares in it.

- ***Climate change the subject of heated polemics,*** **Professor Ph.D. Anca Ileana DUȘCĂ, Faculty of Law, University of Craiova, Romania**

The problem of the effects of climate change caused by global warming generated by anthropogenic greenhouse gas (GHG) emissions is

considered one of the great environmental challenges of our time. Formulated and promoted by scientists in the face of increasingly obvious realities, gradually assumed in political circles under the pressure of public opinion, mobilized by civil society, it is increasingly the subject of legal regulation and related theoretical reflection. Thus, worldwide, the issue now briefly analyzed, has been raised in several international documents: the United Nations Convention on Climate Change and the Kyoto Protocol, the Paris Agreement, which address issues of major poverty, the protection and ecological development of human settlements, the provision of food resources, protection against natural disasters, and other global issues facing humanity in these times. Climate controversies have existed since the 18th century and continue today in the scientific literature because knowledge about the understanding of the climate system remains subject to many encertainties, is insufficiently known or the subject of fierce controversies.

- ***Hobbes, Locke, Rousseau and Hume – Political thought titans of the 17th century from a contemporary perspective*, Professor Ph.D. habil. Diana DĂNIȘOR, University of Craiova Faculty of Law, Associate Member of the Academy of Scientists of Romania, Romania**

The political philosophies of Hobbes, Locke, Rousseau, and Hume represent four distinct perspectives on the origin and structure of society. Hobbes emphasizes the need for a strong state to prevent conflict, while Locke advocates for the protection of individual rights through the limitation of state power. Rousseau focuses on the idea of the social contract and a return to an ideal form of communal life, rejecting the representation of sovereignty and insisting on the general will of the people. In the light of these ideas, a society based on a legal framework that guarantees a better and safer life in exchange for obedience to the general will emerges. Rousseau also emphasizes the importance of equality and the indivisible unity of society members. In contrast, Hume questions contractual theories about the origin of society, arguing that political authority arises from the need to regulate disputes in complex societies. He highlights the importance of custom and social acceptance in the formation and perpetuation of political authority. At the same time, Hume promotes a political perspective that seeks to ensure individual freedom through a

government limited by laws and through the education of the human individual. Thus, while Hobbes, Locke, and Rousseau explore the nature and structure of the state and society, Hume makes an important contribution by criticizing contractual theories and promoting a perspective that emphasizes the balance between freedom and authority within a civilized society.

- ***Types of alimony obligations in Georgian legislation*, Lia Chiglashvili Deputy Rector, Professor Ph.D. Tbilisi Humanitarian University, Georgia**

In family law, family member relations are mostly defined on the basis of moral principles. They have an obligation for helping and caring each other. The alimony obligation is a type of civil-legal relationship that implies the obligation of recipient demanding the payment of alimony. The legal nature of alimony obligations is manifested in their characteristic's nature, such as: property-value characteristics, the object of alimony represents the action of debtor of alimony's action, which is related transferring alimony to the recipient of alimony. Such actions are carried out during the alimony agreement or non-contractual relationship - on the basis of a court decision.

The right demanding the alimony is exercise within strictly defined frameworks, based on the alimony agreement or court decision. The law provides the possibility of voluntary provision of material assistance toward family members, which are based on the desire of family members for determining the amount of alimony, payment methods, forms and terms. Agreement on the payment of alimony has the binding force. In case of failure on reaching an agreement, an alternative rule is used. In both cases, the alimony-legal relationship is not limited not only to the blood relatives.

The existence alimony obligations may arise between those persons, who hasn't such relationships (for example stepfather-stepmother and stepson, adoptive parents and adoptive children etc.).

In spite of the above mentioned, there are issues, in Georgian reality we face some difficulties. In this article we will talk about these problems and prepare some recommendations for solving them. Also, we present some examples from international practice.

- ***The Role of Middle Corridor in One-Belt One-Road Initiative in the Context of Ukraine-Russia War,*** **Associate Professor Ph.D. Giorgi Kharshiladze, Tbilisi Humanitarian University, Georgia**

In XXI century, the government of China announces new economic initiative "One Belt One Road" which is considered as the restoration of old Silk Road. The main aim of this new initiative is economic convergence between Asia and Europe. One of the most important factors in "One Belt One Road" is identifying those short routes which makes it easier transporting goods from Asia to Europe.

After the Russian invasion in Ukraine in 2022, situation radically changed. It became necessary identifying new routes which should be shorter and cheaper. One such linking route can be considered The Trans-Caspian International Transport Route (TITR) known as the Middle Corridor, is a multilateral institutional development linking the containerized rail freight transport networks of the People's Republic of China (PRC) and the European Union through the economies of Central Asia, the Caucasus, Turkey, and Eastern Europe. It is an alternative to the Northern Corridor, to the north through Russian, and the Ocean Route to the south, via the Suez Canal. Geographically, the Middle Corridor is the shortest route between Western China and Europe. It is undergoing major developments in parts, with the Trans-Kazakhstan railroad completed in 2014 and the Baku-Tbilisi-Kars (BTK) railway operational in 2017.

The replacement process of old route (northern corridor) with new one (middle corridor) is politically decisions. But in this process several factors must be considered. One is supply-side policy which suggests that growth in transcontinental containerized rail transport is politically feasible. However, demand-side factors suggest that trade development potential is largely limited to greater extraregional connectivity from the Middle Corridor economies with little economic rationale for increased PRC–Europe transcontinental freight flows.

- ***Effects of the legal act simulation on recent practice of the CIEU on the limitation of criminal liability. Aspects on the admissibility of the action in declaring the simulation,*** **Lawyer, Lecturer Ph.D. Mihai DOGARU, Faculty of Law, Craiova University, Romania**

Where there are inconsistencies between national law and european law, the priority application of the latter, is an aspect of undisputed.

The recent practice of the CJEU on the limitation of criminal liability would it should be applied as a priority by the courts in relation to the CCR Decision 358/2022.

However, the admissibility of any action in declaring the simulation of the process resolved by the European court may be of a nature attracts the tortuous liability of the authors of the simulation, who can acquire the quality of civilly responsible party in criminal cases.

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

PLENARY SESSION (II)
Festivities Hall
15^{30}-17^{30}

Moderators:
Professor Ph.D. Sevastian CERCEL (Faculty of Law, University of Craiova, "C. S. Nicolaescu-Plopșor" Institute for Research in Social Sciences and Humanities, Craiova, Romania)
Associate Professor Ph.D. Carmen Constantina NENU (Dean, Faculty of Economic Sciencies and Law, POLITEHNICA Bucharest, Piteşti University Centre, Romania)
Lecturer Ph.D. Ramona DUMINICĂ (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

- ***75 years of the German Grundgesetz (Basic Law) – Some consideration on its Evolution,*** **Professor Ph.D. Dr. Dr. h.c. mult. Rainer ARNOLD, University of Regensburg, Germany**

The German Basic Law (the "Grundgesetz") will be 75 years old this May. This provides an opportunity to reflect on its evolution.

The text of the Basic Law, which was created in 1949 and has been amended over 60 times, represents a constitution of transformation. Originally, the Basic Law was intended as a provisional constitution for the unification of Germany, which was then to be replaced by a new constitution. The document, which focused in particular on the value of the human being, met with broad public approval and developed into a final, genuine constitution, particularly as a result of the case law of the Federal Constitutional Court, which was founded in 1951.

The values section of the constitution, with the guarantee of human dignity in Article 1 Paragraph 1 at the forefront, was a conscious rejection

of the Nazi dictatorship that came to an end in 1945. The fundamental rights enshrined in the first part of the Basic Law (Articles 1 to 19) have become of paramount importance in politics and jurisprudence. Their function has been considerably expanded by case law; from the traditional conception of fundamental rights as rights of defence against state intervention, they were soon recognized as objective values influencing the entire legal system, were then understood as the basis for active state duties of protection and finally also acquired significance for the future (so-called intertemporal validity of fundamental rights). The value system of the Basic Law, which is based on the three fundamental values of human dignity, the principle of freedom and equality, is the core of contemporary German constitutionalism. The legal thinking based on this system of values has led to the recognition of a strong position of the individual. The protection of fundamental rights was later combined with the idea of open statehood. This contributed significantly to the internationalization of the values section of the constitution through interpretation. Today, the interpretation of German fundamental rights in the light of the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union is a constitutional obligation.

The institutional part of the Basic Law is less affected by evolution. Nevertheless, Germany's integration into the supranational European Union, whose law is accepted as taking precedence over national law (with the exception of the area of so-called constitutional identity), has an effect here - again an important aspect of open statehood. Article 23 of the Basic Law, which was redrafted in 1993 and is now the constitutional article on Europe, is the basis for the "responsibility for integration" of the German state organs developed by the case law of the Federal Constitutional Court, which can be enforced in constitutional court, even by the individual by means of a constitutional complaint.

In the institutional part of the Basic Law, the provisions on the federal state are of particular importance. This system of vertical separation of powers, historically deeply rooted in German history, is constantly in motion, alive and therefore undergoes numerous changes. This applies above all to the correction of developments that have shifted the balance of power between the federal government and the federal states as intended by the Basic Law (through the 2006 reform of competences). A constant point of contention between the federal government and the federal states is still the (reformed) financial equalization between the federal

states, the constitutionality of which is once again being challenged before the Federal Constitutional Court. However, the management of the pandemic, which has taken place legally within the framework of regular constitutional requirements, has raised the question of a possible reorientation of German federalism, which is often judged to be too decentralized, especially in times of crisis. The existence of the so-called debt brake (introduced with the 2010 reform), which stands in the way of the desired boost to investment in times of economic downturn, is seen as a further problem. In addition, there is the intensive discussion about how the functioning of the Federal Constitutional Court can be safeguarded. The Basic Law itself only contains the fundamental data on constitutional jurisdiction, but not important details such as the election of judges by a two-thirds majority, term of office and limiting eligibility to one mandate, which are regulated by a simple federal law, the Act on the Federal Constitutional Court. This could be changed in the future by a potential extremist majority with a relative majority in the Bundestag. In order to prevent the Federal Constitutional Court from losing its ability to function, the inclusion of all details essential to its functioning in the Basic Law is being considered. The electoral system (reduction in the size of the Bundestag, problem of so-called overhang mandates) has also been reformed, although this has met with great resistance from the minority in the Bundestag. Here too, the Federal Constitutional Court is currently hearing the question of the constitutionality of the amendment to the Federal Election Act made by the current governing coalition.

Overall, it can be said that over the course of its 75 years of existence, the Basic Law has maintained and consolidated its main feature, the human-centered value orientation, while at the same time aligning itself with European and international standards. The institutional provisions of the Basic Law have also proven their worth, although the dynamic structure of federalism has meant that functional adjustments have had to be made (albeit in various attempts and with delays). The institutional system has proven to be suitable for crisis management, but has also provided the impetus for reform considerations. Overall, the Basic Law can be given a very positive assessment on the occasion of its 75th anniversary.

- ***Imminent dangers for our freedom and other fundamental values from outside and inside the European Union***, **Dr. iur. Dr. h.c. mult., M.C.L., Heribert Franz KOECK, Emeritus Professor of**

Law (Public International Law, European Law, and Philosophy of Law), Johannes Kepler University Linz, Former President of the Association International pour le droit européen, Austria

Today, Europe faces dangers from without and within. The war waged by Russia against Ukraine will be, if won by the aggressor, only the prelude to further exercises of Russian imperialism aiming, in the end, at Russian hegemony over all of Europe. Bearing this in mind, the "West", and Western Europe in particular, should understand that defending the Ukraine means defending Europe. Unfortunately, European politicians do not always seem to be sufficiently clairvoyant, and therefore armament transfer to the Ukraine is unfortunately reluctant in means and extent. In addition, populist movements in the EU have grown stronger; and their objecting against further support for Ukraine is but part of their overall position of obstruction of the work of the European Union. Both developments might either lead to a break-up of the EU or to the creation of European Defense Community which will be less democratic, less liberal, less social and less solidary. Non-populist politicians should understand that our – the European – values are at stake.

- ***The Polish experience with direct democracy at national level,*** **Associate Professor Ph.D. Andrzej JACKIEWICZ, University of Bialystok, Poland**

The presentation will outline instances of the use of direct democracy mechanisms in Poland at the national level over the last few decades, including the last referednum conducted in 2023. It will be shown that this mechanism is used by politicians for their political interests and not for real decision-making by the Nation.

- ***Safe, but under the umbrella of uncertainty. Temporary protection status for Ukrainians after March 4, 2025,*** **Lecturer Ph.D. Mihaela Adriana OPRESCU, Vice-Dean Faculty of European Studies, Babeș-Bolyai University, Romania**

The launch of the military aggression against Ukraine by the Russian Federation on February 24, 2022 and the attempt of millions of

people to flee the war, respectively to seek protection on the territory of the member states, forced the European Union to activate for the first time (March 4, 2022) Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. The temporary protection regime granted to Ukrainian refugees has been successively extended (2023 and 2024) for the maximum duration of 3 years allowed by the Directive, a circumstance likely to give people in need a secure current framework, but which reveals their future uncertainties. May 4, 2025 marks the end of the period of application of the temporary protection regime. This study aims to identify the advantages of the temporary protection system, how it was transposed into the legislation of the member states, especially in Romania, and potential solutions for the scenario in which Ukrainian citizens will attempt to regularize their stay in the EU after May 4, 2025, obviously, in the event that the conflict in Ukraine does not come to a conclusion prior to that moment.

- ***The concept of civil obligation in positive law,* PhD, Scientific Researcher gr. III Radu STANCU, "*Acad. Andrei Rădulescu*" Legal Research Institute of the ROMANIAN ACADEMY, Romania**

This research endeavors to illuminate the evolution of the concept of civil obligation within the framework of positive law, particularly against the backdrop of rapid technological advancements characterizing the contemporary era. Civil obligations, traditionally understood as legally enforceable duties arising from contracts, torts, or law itself, are experiencing a profound transformation influenced by digitalization, automation, and the emergence of artificial intelligence. The study examines how these technological shifts are reshaping the understanding and execution of civil obligations, necessitating legal systems to adapt and redefine the bounds of liability, enforcement, and compliance. By analyzing legislative developments, judicial precedents, and scholarly debates, the research highlights the dynamic interplay between established legal doctrines and the demands of a digital society. This exploration not only traces the trajectory of civil obligations from their classical roots to their

current configurations but also projects the trajectory of future developments, providing insights into the legal implications of an increasingly interconnected and technologically reliant world.

- ***Public debt as standard for administrative organisation,* Lecturer Ph.D. Marius VĂCĂRELU, National School of Political and Administrative Studies, Bucharest, Romania**

Very often the common people think of the administrative organisation of their country rather from a geographical and ethnic perspective, in relation to the strength of different local identities.

However, it is important to note that in this century things are changing even in this specific political-administrative action. Efficiency and economic stability are becoming more important than before, and it is necessary to take them into account, both from the perspective of the development of the different areas, but especially from the perspective of administrative inefficiency, which is often expressed in the increase of public debt.

- ***New technologies, the law, and post mortem reality. Some desired approaches*, Professor Ph.D. Habil. Mariusz ZAŁUCKI, AFM KRAKÓW University, Justice of the Supreme Court of Poland, Poland**

In this communication, we will not scold young drug addicts, because they are victims, and doctors will work to cure them, not beat the patient for asking why he got sick. At present, young people who have been affected by drug addiction are not seen as sick people, but as anti-social elements, instead of victims. Thus, drug addiction is still seen as a particular or individual case, as an insignificant accident, as a side loss in the war of life, even though it is not just a tragedy in the life of a single individual, but a national tragedy of the Romanian people, a tragedy of millions of young Romanians, touched by the unhealable disease called drugs, and predestines them to inevitable death in physical and moral suffering and takes them out of the useful fluid of social life, and parents to mourn for a lifetime mourning their children who have been misled. These are the reasons why I am writing this scientific communication because I foresee the inevitable end of young drug addicts waiting their turn... Our

only hope is that this communication will not be seen as a threat, but as a call to life, so that young people will understand the danger posed by drugs, which, once in, even experimentally, in their bodies, cannot be taken out, because of the deception that ultimately leads to death, and there is no such thing as a trial death.

- ***The relationship between the state and the church in Poland. Remarks against the background of Article 25 of the Polish Constitution,* Professor Ph.D. Habil. Beata STĘPIEŃ-ZAŁUCKA, University of Rzeszow, Poland**

The relationship between the state and the Roman Catholic Church in Poland is regulated by the 1993 agreement between Poland and the Holy See.

This agreement is in line with the Constitution, and more specifically with Article 25, which states that 'Churches and other religious associations shall have equal rights. Public authorities in the Republic of Poland shall be impartial in matters of religious, philosophical and ideological beliefs, ensuring the freedom of their expression in public life."

Theoretically, therefore, such a situation should not give rise to any objections. nevertheless, in practice, these objections, especially in recent times, are gaining in strength, which in turn has a direct impact on support for the Catholic Church. This situation is due to a number of factors. One is the tightening of abortion laws, another is the issue of church taxes and fees and yet another is the issue of special powers granted to the church by the state and teaching realigion in school. Together, these factors mean that the equality of churches and religious associations is being called into question, and it is precisely the examination of these doubts that will be the subject of this paper based on a theoretical-legal and dogmatic-legal method.

- ***Consortium as an entity in public procurement,* Professor Ph.D. Habil. Tomasz SZANCIŁO, European University of Law and Administration in Warsaw, Poland**

The participation of consortia in public procurement is common, as it gives a better chance of winning a procedurę under such a contract. A consortium constitutes a single 'entity' vis-à-vis the contracting authority,

whose liability is governed by the law and the contract concluded with the contracting authority. On the other hand, a doubt arises as to whether a consortium constitutes a civil law entity and should be treated as an entity of rights and obligations. It can be assumed that, while from the point of view of civil law a consortium doesn't constitute a separate entity, its legał status is unregulated, as it constitutes a contract concluded between its members. This gives rise to the conclusion that a consortium constitutes a specific legał 'creation' used for the purposes of public procurement.

- ***Reparation of damage in the Polish criminal law system*, Professor Ph.D. Igor ZGOLINSKI, Akademia Kujawsko Pomorska, Poland**

One of the basic functions of criminal law is compensation. This publication deals with this aspect, understood as the problem of adjudicating various types of compensation for damage against the background of criminal proceedings. Indeed, in the Polish criminal law system, compensation is not limited solely to the issue of reparation of damage and compensation of harm caused by a crime. Criminal courts also adjudicate in cases concerning compensation for wrongful conviction, detention or pre-trial detention, as well as in very specific compensation cases which are conducted on the basis of the Act of 23 February 1991 on the recognition as invalid of judgments issued against persons repressed for activities for the benefit of the independent existence of the Polish State (the so-called "February Act"). In the latter two cases, therefore, it is a question of compensation, or reparation, due from the State Treasury as a result of improper action by public authorities. The article is an attempt at a comprehensive, holistic approach to the title issue.

- ***The origin and evolution of the concept of the right to health protection in the age of artificial intelligence and sustainability,* Lawyer, Ph.D. Aleksandra Kadłubowska – Klin, Poland**

The concept of the right to health care, from the perspective of the constitutional provisions of the Republic of Poland, goes beyond the traditional interpretation of the state's obligations towards citizens. In the light of the Constitution of the Republic of Poland, the state's obligation is not only to ensure access to medical care at an appropriate level, but also

to implement extensive preventive and health promotion programs. Such commitment reflects an understanding of health not only as freedom from disease, but as a state of comprehensive physical, mental and social well-being. In this context, the constitutional guarantee of the right to health care is an expression of recognition as a fundamental human right, inextricably linked to personal dignity and equality before the law.

PAPERS IN SECTIONS

SECTION 1
17^{30}-19^{30}

Moderators:
Associate Professor Ph.D. Ilioara GENOIU (Valahia University of Targoviste, Romania)
Associate Professor Ph.D. Andreea DRĂGHICI (POLITEHNICA Bucharest, Piteşti University Centre, Romania)
Lecturer Ph.D. Andra PURAN (POLITEHNICA Bucharest, Piteşti University Centre, Romania)
Lecturer Ph.D. Adriana PANȚOIU (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

- **THE IMPACT OF ECONOMIC AND CULTURAL FACTORS ON MEDICAL COMMUNICATION IN THE EU**

Associate Professor Ph.D. Stela SPÎNU ("Nicolae Testemițanu" State University of Medicine and Pharmacy, Republic of Moldova)

Medical communication within the European community space is shaped by the fundamental principles of bioethics, which mold it and contribute to the construction of an effective dialogue between patients, medical staff, and other parties involved in making ethical and moral decisions. Additionally, medical communication is influenced by various economic and cultural factors. The financial conditions of healthcare institutions determine the resources available for treatments, new technologies, and access to quality care services. On the other hand, the cultural diversity of patients can shape how they perceive illness, treatment, and communication with medical staff. Exploring the interaction between economic and cultural factors helps us recognize complex ethical situations, especially in the context of allocating limited resources and accessing medical services. Therefore, to address the existing challenges in the

medical sector, effective and equitable solutions are needed that reflect the economic and cultural diversity of the region, while ensuring equitable access to high-quality medical care.

- **PREVENTION VERSUS STATE INTERVENTION IN THE PROTECTION OF MINORS**

Associate Professor Ph.D. Răducu-Răzvan DOBRE (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

The framework legislation on the rights of the child sets out a number of guiding principles to ensure the normal development of the minor within the natural family or through substitutes provided for this purpose. However, there was a need to introduce additional instruments to be regulated by means of a special piece of legislation. It could even be argued that the newly established system directly competes with the system of special protection for vulnerable minors. Public authorities with competences in this field intervene in cascade, preventing or intervening as appropriate, work together on three levels (local, county and national), address interdisciplinary practical situations and provide interchangeable solutions, in the best interest of the child.

- **ADMINISTRATIVE CHANGE OF NAME FOR MINORS AND PERSONS WITH INTELLECTUAL AND PSYCHOSOCIAL DISABILITIES**

Lecturer Ph.D. Ramona DUMINICĂ, Associate Professor Ph.D. Andreea DRĂGHICI (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

In Romania, the right to request an administrative change of name is granted to all Romanian citizens, whether domiciled in the country or abroad, as well as to stateless persons domiciled in our country.

Foreign citizens, even if they are domiciled in Romania, as well as stateless persons who are not domiciled in our country do not have the possibility to request an administrative change of name or surname.

In the case of minors and adults with intellectual and psychosocial disabilities, given that we are in the presence of persons lacking legal

capacity or with limited legal capacity on a case-by-case basis, the legislator has laid down special requirements regarding the possibility of changing the name by administrative means, which we have dealt with in this article.

- **HUMAN TRAFFICKING IN ROMANIA**

University Assistant Andreea CORSEI ("Petre Andrei" University in Iasi, Vice-Dean of the "College of Legal Advisers Suceava" Association, general secretary of the "Order of Legal Advisers from Romania" Federation, Romania), Legal adviser Mariana-Alina ZISU ("College of Legal Advisers Suceava" Association, "Order of Legal Advisers from Romania" Federation, Romania)

Human trafficking aimed at sexual exploitation and forced prostitution is in continues to grow at the level of the European Union. The Romanian authorities as well international organizations identify some major obstacles they face in within the approach of this dynamic phenomenon. Existing policies are not clear enough and structured, thus presenting gaps in the recognition of the determining elements the involvement of female persons in human trafficking. The existing laws present a limited applicability and an absence of national public will to invest more in research and protection efforts, and on the other hand, they are predominant corrective measures, thus neglecting the integration of the socio-economic framework necessary to create a overview. Organized groups exploit considerably the vulnerabilities they identify at the level of Romanian legislation. The Romanian authorities face different challenges and support the need to change the paradigm created at level of policy making.

- **INTERNET AND ARTIFICIAL INTELLIGENCE AS LAW CONFIGURATION FACTORS**

Associate Professor Ph.D. Iulia BOGHIRNEA (POLITEHNICA Bucharest, Piteşti University Centre, Romania), Associate Professor Ph.D. Mihail NIEMESCH, Titu Maiorescu University from Bucharest, Romania)

In this study we will deal with new law influencing factors with social and economic advantages, namely the Internet and artificial intelligence (A.I.). Both the Internet and A.I. have created a new world, captivating and in permanent change, being on the first place among the legal phenomena that configure the world's future in all aspects of social life.

We will try to deal with the definitions of these concepts and the necessary regulations that the legislator managed to adopt to keep up with the evolution of these legal phenomena.

- **CONTRIBUTIONS OF THE DOCTRINE AND CONSTITUTIONAL JURISPRUDENCE TO THE CONSTRUCTION OF THE PRINCIPLES OF PROPORTIONALITY AND EQUALITY**

Lecturer Ph.D. Marius ANDREESCU, Lecturer Ph.D. Andra PURAN (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

In this study, we propose to analyze some aspects of constitutional doctrine and jurisprudence in shaping and developing the constitutional principles of proportionality and equality of law. We especially emphasize its contribution to the emergence and development of the constitutional control of laws as well as to the edification of some principles of law.

We mainly analyze the role of judicial practice in the construction of the principle of proportionality in constitutional law, the principle of equality and the interference between the principle of proportionality and the principle of equality. In this sense, we support the role of jurisprudence not only in the correct interpretation and application of the constitutional norms but also in their construction, in the discovery of the existing normative meanings, most of the time only implicitly in the formal expression of the legal norm of the constitutional principles mentioned above. By this, the jurisprudence in constitutional matters is not limited only to the interpretation according to classical methods of the norms of the Fundamental Law, but has an important contribution to the clarification and construction of some principles of law, to the constitutionalization of the entire legislative system and the judicial practice of all courts.

- **STRATEGIC PLANNING OF HUMAN RESOURCES IN THE ROMANIAN PUBLIC ADMINISTRATION IN THE CONTEXT OF NEW TEHNOLOGY**

Lecturer Ph.D. Viorica POPESCU (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

This article aims to make a brief analysis of how new technologies and especially artificial intelligence will determine new approaches in terms of strategic planning in public administration in Romania.

The permanent changes in the frontiers of innovation have also determined a redesign of standards and practices in the sphere of human resources, including in the field of public administration.

The integration of AI in the strategic human resources planning process will be able to provide specialists with the necessary information, perspectives and recommendations almost in real time. In this context, all the activities specific to human resources planning, such as the analysis of the need for human resources or environmental factors, will be carried out in a very short time and the results obtained will be able to be used much more quickly. Assuming the global trends in the field, the Romanian public administration invests in the future, thus being able to provide public services that contribute to the development of society.

- **ASPECTS REGARDING THE LEGITIMACY OF TAXATION**

Lecturer Ph.D. Adriana Ioana PANȚOIU (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

Taxation has always been seen as a necessary evil. In recent years, however, the legality of the tax is increasingly contested. This is because taxation seems more and more excessive, and the benefits of taxation are less and less felt. At a simple glance, the situation seems overwhelming: we owe taxes for the incomes received, but also for the money spent, for those saved, but also for those invested. Apparently, we are captives, chained in this tax system.

- **ASPECTS OF REGIONAL AND NATIONAL EFFORTS TO RESPOND TO THE NEEDS OF UKRAINIAN REFUGEES**

Assistant Ph.D. Ștefania-Diana IONIȚĂ-BURDA (Romanian American University, Romania)

The invasion of Ukraine by Russia caused an unprecedented exodus of the population (women, children, elderly, in particular) to neighboring areas that could offer them protection, even temporarily. To be able to manage the situation created, the European Union activated (March 2022) the Temporary Protection Directive. And Romania responded firmly to the needs of refugees, and not only at the institutional level, but also at the individual level. Measures taken at the regional and national level to respond to the needs of Ukrainian refugees are analyzed in this study.

- **THE SPECIFICITY AND IMPORTANCE OF ORGANIZATIONAL CULTURE IN PROFESSIONAL SERVICES FOR EMERGENCY SITUATIONS**

Ph.D. Student Alin-Adrian DINCĂ, Ph.D. Student Mihaela (MUȘETOIU) GEORGESCU, Ph.D. Student Flaviu-Casian FAUR (Valahia University of Târgoviște, Romania)

Professional emergency services are very popular and trusted by the public. This is due, in addition to the characteristic professionalism, to the specific organizational culture of this institution. The binder of the activities that ultimately compete for success is this organizational culture, very strong, through the multitude of elements that define it and that shape the activity and character of the worker in such an institution.

Beyond these aspects, the importance of organizational culture is also manifested in the act of management, but also in informal leadership in an organization where the activity is carried out most of the time in a team, and the informal leader is the most important person at certain times with risk.

SECTION 2
17^{30}-19^{30}

MODERATORS:
Associate Professor Ph.D. Doina POPESCU LJUNGHOLM (POLITEHNICA Bucharest, Piteşti University Centre, Romania)
Lecturer Ph.D. Daniela IANCU (POLITEHNICA Bucharest, Piteşti University Centre, Romania)
Lecturer Ph.D. Marius VĂCĂRELU (National School of Political and Administrative Studies, Bucharest, Romania)
Lecturer Ph.D. Sorina IONESCU (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

- **THE PERSPECTIVES AND CHALLENGES OF ALBANIA'S INTEGRATION INTO THE EUROPEAN UNION**

Associate Professor Ph.D. Kristinka JANCE, Associate Professor Ph.D. Edvana TIRI (University of Tirana, Albania)

Since the collapse of the communist regime, Albania has regarded European integration as a top priority of foreign policy. This involves not only meeting political, legislative, and institutional requirements. It also combines Albanian values, democratic principles, and social ideals with European common values, emphasizing freedom and democracy. Albania's transition to democracy has faced many challenges and political and institutional progress in the process of European integration. During this process, Albania experienced difficulties in establishing stable political structures, establishing an effective public administration, organizing fair democratic elections, and promoting social, cultural, and inter-community growth. During this period, Albania's main focus was to establish political and institutional relations with neighboring countries.

- **THE CHALLENGES OF THE EUROPEAN UNION REGARDING ASYLUM PROCEDURES**

Associate Professor Ph.D. Doina POPESCU LJUNGHOLM (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

The European Union had been working on implementing various policies and agreements to manage the flow of refugees and migrants, improve border control, and address the root causes of migration.Integration of refugees into European societies remained a significant challenge, with issues related to housing, language barriers, employment, and social inclusion. Different countries had different approaches to integration, leading to disparities în outcomes for refugees. Asylum procedures varied across European countries, leading to differences in the recognition rates of asylum claims and the treatment of asylum seekers.Some European countries experienced a rise in anti-immigrant sentiment and populist movements, leading to political tensions and debates over immigration policies.

It's important to note that asylum procedures can vary significantly from country to country, and each country has its own laws, policies, and practices regarding asylum.Asylum procedures refer to the legal processes that a person must go through to seek asylum in a particular country and to have their claim for refugee status assessed. These procedures are put in place to determine whether an individual meets the criteria for refugee status under international and national laws.

Moreover, the rise of anti-immigrant sentiment and populist movements in certain European countries has added a layer of complexity to the refugee debate. Political tensions over immigration policies, concerns about national identity, and fears of cultural change have fueled debates about the rights and responsibilities of both refugees and host communities.

- **PROCEDURAL ASPECTS REGARDING THE RESUMPTION OF THE CRIMINAL PROSECUTION**

Associate Professor Ph.D. Camelia MORĂREANU (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

The existence of the criminal investigation, as a distinct phase of the criminal process, is imposed by the need for certain specialized state officials to carry out specific activities to discover crimes, identify and catch criminals, in order to bring them to criminal liability.

This first phase of the criminal investigation is comprised between two well-defined moments in time, namely: a triggering moment, respectively, the beginning of the criminal investigation, and an ending moment, when the criminal case is resolved by the prosecutor. This resolution is either by suing or by a non-sue solution.

However, there are situations when, for various reasons, the initially adopted solutions are returned. These will determine the resumption of the criminal prosecution and therefore the postponement of the completion of the first phase of the criminal process. This study will analyse these situations as well as the controversies that have arisen in judicial practice regarding the powers of the prosecutor in such situations.

- **NATIONAL AND EUROPEAN CASE LAW – A REMARK FOR THE HIGH COURT OF CASSATION AND JUSTICE IN PRELIMINARY JUDGMENTS**

Lecturer Ph.D. Cornelia Beatrice Gabriela ENE-DINU ("Nicolae Titulescu" University of Bucharest, Romania)

The High Court of Cassation and Justice has the responsibility to ensure consistency and predictability in case law. This is essential to maintain individual confidence in the judicial system and to respect the principle of legal certainty, which is a fundamental element of the rule of law. Consistent case law helps guarantee the right to a fair trial and strengthen the rule of law, giving citizens the confidence that they will be treated fairly and according to the law in any litigious situation. According to art. 126 para. (3) of the Romanian Constitution, the High Court of Cassation and Justice ensures the uniform interpretation and application of

the law by the other courts, thus having the fundamental role of resolving or clarifying the legal issues that have created or may create a non-unitary judicial practice through the unification mechanisms regulated by law. One of these mechanisms, of French inspiration, introduced by the new procedural legislation in order to prevent non-unitary jurisprudence, is the preliminary ruling for resolving some legal issues. This mechanism comes to analyze the majority case law, as well as the practice at the European level, imposing its binding considerations and in case the notification was rejected as inadmissible, if the resolution given to the question of law, arising from the majority practice of courts, analyzed by the supreme court, or from the previous ruling of the supreme court, can be found in the recitals. In this sense, it is interesting to analyze the importance of the analyzed national and European jurisprudence in the formation of the panel's opinion that resolves the respective legal issue.

- **PUBLIC ADMINISTRATION PRINCIPLES IN CRISIS SITUATION**

Lecturer Ph.D. Sorina IONESCU (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

The paper highlights the importance of public administration principles when crisis occur. These principles should include transparency and accountability, participation and pluralism, subsidiarity, efficiency and effectiveness, and equity and access to services.

- **RESOLUTION OF LEGAL CONFLICT OF CONSTITUTIONAL NATURE – MECHANISM FOR REGULATING THE BALANCE OF POWERS IN THE STATE**

Lecturer Ph.D. Florina MITROFAN (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

Starting from the special importance of social relations regulated by the norms of constitutional law, regarding the principle of separation of powers in the state, it emerged the need to regulate an effective mechanism to ensure balance and loyal cooperation between state powers, which would

guarantee collaboration between different state bodies in the performance of their functions.

Thus, if there is a conflict arising from the direct, immediate violation of the principle of separation of powers, the competence to resolve the conflicting legal status rests with the Constitutional Court, according to the Constitution.

- **THE HABITUAL OFFENCE**

Lecturer PhD Cătălin BUCUR (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

The habitual crime is a form of the natural unity of crime, which consists in repeating the incriminated act in such a way as to reveal a habit of the perpetrator, an occupation of the perpetrator, in such a way as to attribute to the set of offences the social danger of the crime.

- **HUMAN DIGNITY – RECENT DEVELOPMENTS IN THE JURISPRUDENCE OF THE CONSTITUTIONAL COURT OF ROMANIA**

Lawyer, Ph.D. Izabela BRATILOVEANU (University of Craiova, Romania)

According to Article 1 paragraph (3) of the Constitution, human dignity, the rights and freedoms of citizens, the free development of the human personality, justice and political pluralism represent supreme values of the state and are guaranteed, this constitutional text being qualified as a regulation of principle that constitutes the framework on which the other constitutional norms are grafted. As a supreme value in the rule of law, human dignity constitutes a benchmark for the interpretation and application of other constitutional norms. Also, article 30 of the Constitution with the marginal name "Freedom of expression" lists in paragraph (6) dignity among the limits of freedom of expression, along with honor, the private life of the person and the right to one's own image. In this study, we aimed to insist on the recent jurisprudential developments of the Romanian Constitutional Court in relation to human dignity.

- **LEGAL POSITION OF PARTICIPANTS IN THE SPECIAL PROCEDURE OF GUILT AGREEMENT**

Lawyer, Ph.D. Delia MAGHERESCU (Gorj Bar Association, Romania)

The special criminal procedure, based on the guilt agreement rules, involves several legal ratio both during the investigation and judgment stages of criminal proceedings. Achieving the functions of accusation and judgment is possible under the terms and conditions established by the legislator in a special procedure, derogatory from the ordinary one. Several legal positions are occurred in this context. It is firstly about the legal position of prosecutor and defendant, then it is followed by those involving the lawyer and defendant, and, finally, the judge and defendant. The current paper focuses on researching the main principles which guide the special criminal procedure of guilt agreement, as well as its foreground legal positions occurred by the appropriate judicial bodies, lawyers and defendants. The study on the current topic is characterized by a conceptual approach both of doctrine and jurisprudence in criminal matters. The conclusions gathered from the study have stated that the legal positions during the guilt agreement special procedure mean an important point in achieving due process.

- **COMPARATIVE ANALYSIS BETWEEN PATRIMONIAL RESPONSABILITY IN THE CASE OF PRISON POLICE OFFICERS AND MATERIAL LIABILITY OF MILITARY**

Ph.D. Candidate Elena GĂMAN (Doctoral School of Law, Bucharest University of Economic, Romania)

In order to hold employees liable for damages caused, the legislator has established special rules, derogating from the Labour Code, for prison police officers and military.

Although the rules established by the legislator regarding the responsibility of the categories of public officials with special status under analysis share common features, a recent decision of the Constitutional Court has created a distinct legal perspective regarding the obligation to pay damages caused to the employing authority by eliminating the institution of imputation decisions.

SECTION 3
17^{30}-19^{30}

Moderators:
Professor Ph.D. Anca Ileana DUȘCĂ (University of Craiova, Romania)
Lecturer Ph.D. Amelia GHEOCULESCU (POLITEHNICA Bucharest, Piteşti University Centre, Romania)
Lecturer Ph.D. Viorica POPESCU (POLITEHNICA Bucharest, Piteşti University Centre, Romania)
Lecturer Ph.D. Andrei SOARE (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

- **(R)EVOLUTION OF INSOLVENCY LAW UNDER THE IMPACT OF ARTIFICIAL INTELLIGENCE (AI). TRANSFORMATIVE TECHNOLOGIES - CHALLENGES AND PERSPECTIVES**

Professor Ph.D., Habil. Ionel DIDEA (POLITEHNICA Bucharest, Piteşti University Centre, Doctoral School, Titu Maiorescu University, Bucharest, Romania), Legal Adviser, PhD Diana Maria ILIE (POLITEHNICA Bucharest, Piteşti University Centre, Romania)

It is said that innovation arises from the mixture of already existing ideas, which is why, through this research, we aim to explore the role of artificial intelligence (AI) and its potential in transforming and reshaping the global economy, to reflect on the potential of Artificial Intelligence in business sustainability, in global insolvency practices, as well as on the digital future of restructuring debtors in difficulty, by reference to research and practices debated and nuanced in the international landscape and not promoted and addressed at the level of the

national doctrine and vision of insolvency practitioners. The digital age of insolvency certainly requires a holistic approach, and the "embrace" of innovation outlines a successful "journey" in the procedure of restructuring, reorganization or bankruptcy of professional debtors, our research pursuing an interjurisdictional vision.

In essence, the central objective of our research is to analyze and evaluate the digital transformation in the insolvency area based on current progress, but also the potential for further transformation, by identifying the latest generation "algorithms" in the fight against financial difficulties, in which sense we will "put under the magnifying glass" digital tools with a predictive role in the intelligent management of restructuring and insolvency procedures.

- **THE IMPLEMENTATION OF WORK TICKETS AND FORMALIZATION OF DOMESTIC WORK IN ROMANIA. ASPECTS OF TAXATION AND SOCIAL PROTECTION**

Associate Professor Ph.D., Dean Carmen Constantina NENU, Lecturer Ph.D. Daniela IANCU (Faculty of Economic Sciences and Law, POLITEHNICA Bucharest, Pitești University Centre, Romania)

One of the activities in Romania that has been and continues to be largely conducted in the informal economy is that of services provided by individuals in households, such as domestic cleaning, cooking, gardening, childcare, and eldercare, among other household activities. Most often, these services are offered on an occasional basis, and payments from the beneficiary to the provider are made in cash and rarely taxed. This phenomenon is not unique to Romania; it is encountered in many other European countries, which are concerned with taking necessary measures to regulate this social reality normatively. On the one hand, it is necessary to regulate the exercise by individuals who provide domestic services of the fundamental right to work, based on a legal relationship established through the agreement of the parties. On the other hand, it is necessary to protect the public interest represented by the inclusion in the formal economy of inactive persons and unemployed individuals predisposed to engage in household activities, within a flexible legal framework that also grants them insured status in the public pension system and health insurance system. This study aims to analyze how Romania has sought to

regulate the protection of domestic workers, as well as the taxation of their work, including through the implementation of a digital platform for managing work tickets for domestic workers.

- **DEVIATIONS IN RESEARCH ACTIVITY**

Associate Professor Ph.D. Andreea TABACU (POLITEHNICA Bucharest, Pitești University Centre, Romania)

The relevance of the research and its quality is imposed in art. 3 line.1 letter b) of L.nr.199/2023 is directly related to the progress of knowledge and the socioeconomic environment, as not only through education but also through research activity does the education system meet the needs of society.

Academic freedom leaves the research activity up to the educational community members. Still, there are legal constraints aimed at ensuring a level of its quality, the main tools used by the legislator being the regulation of deviations from good conduct in scientific research activity and their consequences.

A fabricated, falsified, plagiarized result obtained entirely through the contribution of others or AI technology is not research within the meaning of the law, does not support progress, is dangerous, and must be removed.

- **ON THE TAXONOMY OF ARTIFICIAL INTELLIGENCE SYSTEMS IN THE VIEW OF THE UNIFORM UNIFICATION LEGISLATION. SPECIAL LOOK AT "HIGH RISK" IN BUSINESS-TO-CONSUMER, BUSINESS-TO-BUSINESS CONTRACTS**

Associate Professor Ph.D. Elise Nicoleta VÂLCU (POLITEHNICA Bucharest, Pitești University Centre, Romania)

The EU Regulation on Artificial Intelligence is the legal framework designed to curb the misuse of digital systems while encouraging technological progress and providing effective safeguards to protect fundamental rights and freedoms. The most important step in this regulation was to establish criteria for assessing the risks associated with the

development and deployment of artificial intelligence technologies, as well as carefully evaluating the potential associated risks. Specifically, the EU standardization provision defines four levels of potential threat associated with the use of AI technologies, namely unacceptable risk, high risk, limited risk and minimal risk.

The present study establishes as main topics for reflection both an analysis of these risk typologies and the circumscribed areas of application and a specific approach to high-risk AI systems in business-to-consumer and business-to-business contracts. Thus, with regard to automated B2C contracts we stress the need for a "recalibration" of consumer protection legislation in the context of the need to guarantee additional consumer rights. As regards B2B contracts, we believe that appropriate legislation may be needed to protect small and medium-sized enterprises from abuse of market power by dominant players who may resort to commercial or technological lock-ins.

- **QUALIFICATION OF CIVIL CONTRACTS, THE OBJECTIVE AND SUBJECTIVE CRITERION OF THIS OPERATION**

Lecturer Ph.D. Dumitru VĂDUVA (POLITEHNICA Bucharest, Pitești University Centre, Romania)

Qualification is the intellectual operation by which a legal fact, taken in a general sense, is included in one of the legal legal categories in order to establish its applicable legal regime. The qualification operation, being necessary for the application of the law, is not specific to the matter of special civil contracts but to any other source of obligations from civil law, torts or lawful civil legal acts, etc., as well as to the relations of obligations from other branches of law, such as either to illegal criminal acts, in criminal matters, or to administrative contracts, in public law, etc.

As a principle, any individual contract must be qualified, but those whose content and economics do not raise any difficulty in establishing their legal nature, nor is this issue raised by the parties, their inclusion in the category they belong to is done implicitly, without the judge being obliged to give an express ruling. When the object of the dispute is an unnamed individual contract, the qualification operation is mandatory, the

judge being the one who gives or restores the qualification (art. 22 par. 4 C. civil.).

The qualification criterion for unnamed individual contracts is the objective one, the value of the characteristic essential obligation. Punctual civil law provides for cases where the criterion of qualification is subjective, the intention of the parties.

As a principle, the judges qualify the unnamed contracts as a unit. Exceptionally, when this is not possible, the qualification is distributive.

- **LET'S DEFEND THE FOREST, REGARDLESS OF THE OWNER!**

Lecturer Ph.D. Andrei SOARE (POLITEHNICA Bucharest, Pitești University Centre, Romania)

The forest fund is often the meeting place of two legal notions of great importance: the right of public ownership and the right of private ownership. When these rights overlap on the same real estate, a complex legal conflict results. According to the applicable regulations, this conflict should always have the same winner, public ownership. The study proposes an analysis of the common aspects encountered in practice, in order to identify the requirements that must be met to achieve this objective.

- **DUAL UNIVERSITY EDUCATION (II)**

Lecturer Ph.D. Amelia GHEOCULESCU (POLITEHNICA Bucharest, Pitești University Centre, Romania)

In Romania, dual university education is still developing, but there are several programs and initiatives in this direction. Some universities have started to offer dual programs in collaboration with local companies, especially in fields such as engineering, IT, business and tourism. However, the concept is not as widespread as in other European countries, and the implementation and recognition of these programs may require more support and involvement from the authorities and the business environment.

- **ARTIFFICIAL INTELLIGENCE AND THE TRANSPORT SYSTEM IN ROMANIA**

Lecturer Ph.D. Amelia GHEOCULESCU, Lecturer Ph.D. Lavinia OLAH (POLITEHNICA Bucharest, Pitești University Centre, Romania)

Artificial intelligence plays an increasingly important role in improving Romania's transport system. This can be used to optimize traffic, improve road safety and manage transport resources efficiently. For example, smart traffic light systems can adjust timing based on traffic volume in real time and AI algorithms can be used to prevent accidents or identify traffic patterns and optimize routes. With the continued support of the government and the private sector, the integration of artificial intelligence in the transport system can bring significant benefits to Romania.

- POLYGRAPH TESTING AND ITS UTILITY IN THE ECONOMY OF EVIDENCE

Lecturer Ph.D., Lawyer Maria Gabriela ZOANĂ (POLITEHNICA Bucharest, Pitești University Centre, Romania)

The theme proposes a forensic approach, from the point of view of the tactics of hearing through the polygraph technique, as well as a criminal procedural approach, from the point of view of the admissibility of the polygraph as a means of evidence in the criminal process. The polygraph is frequently used in many international legal proceedings (Japan, USA) where state laws provide specific regulations regarding polygraph testing. Romania successfully uses polygraph testing, within all county police inspectorates there are Laboratories for the detection of simulated behavior (Polygraph), and polygraph testing is carried out by the psychological officer specialized in the detection of simulated behavior. However, polygraph testing is still not provided for in national legislation as a distinct means of evidence and can be used as evidence only under certain limiting conditions in the light of art. 97 CPP. Polygraph testing can only be done with the consent of the person to be interviewed by the

polygraph technique and with strict compliance with certain requirements that we will develop further.

- **THE DOMICILE OF THE NATURAL PERSON. JURISPRUDENTIAL PERSPECTIVE**

Assistant Ph.D. Oana-Nicoleta RETEA (University of Craiova, Romania)

The circumstance that a person is, to a certain extent, linked to a specific place, where he has his home, also facilitates the individualization of persons, and from this point of view, the science of law created the notion of domicile. So, the domicile as an identifying attribute of the person indicates its location in space. It is different from residence in the sense that it represents the home located in a place other than that of the domicile, thus, not every home that belongs to a natural person has the legal meaning of domicile, as the notion of domicile is not dependent on the right of ownership either on a house (living space). The domicile of the natural person has legal importance in several aspects as we will try to identify them in relation to the issues raised before the courts.

- **COMMENT ON THE EUROPEAN SOCIAL PARTNERS FRAMEWORK AGREEMENT ON DIGITALIZATION**

Judge, Ph.D. Candidate Livia PASCU (Academy of Economic Studies in Bucharest**,** Doctoral School of Law, Romania)

The digital transformation brings both benefits to the labor market, but it also entails risks, as some jobs will disappear or be transformed, which implies the formation of a workforce with digital skills suitable for new technologies. Adapting to the digital age requires a reflection on how the balance between work life and family life will be ensured. The implementation of artificial intelligence in the field of work must ensure compliance with the principle of human control over machines and artificial intelligence. The implementation of artificial intelligence in the field of work must ensure compliance with the principle of human control over machines and artificial intelligence. The use of digital devices raises questions about how fundamental worker rights are affected.

- **JOINT VENTURE. RIGHTS AND OBLIGATIONS OF ASSOCIATES**

Ph.D. Candidate Beatrice STAICU (Faculty of Law, University of Craiova, Romania)

Characteristic of joint venture is the lack of legal personality, but also the fact that it does not benefit from a common, autonomous patrimony, has not its own name and consequently, no may aquire rights or obligations of its own.

From this fundamental characteristic it follows that the associates, which are subjects of law, engage in their own name towards third parties when they act on behalf of the joint venture.

The contracting parties are: the managing partner and the participating partner.

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