THE INTERNATIONAL CONFERENCE

EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP

12th edition

Pitesti, 17 -18 May 2019

THE CONFERENCE PROGRAMME
and
THE SYNTHESIS OF THE WORKS

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

Friday, 17 May 2019

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

9^{00} - 9^{30}	**Guests Reception** (Ground floor)
9^{30}- 10^{30}	**Festive Opening – The welcome messages of the Rector of the University of Pitesti and of the local and county public authority representatives** (Room C1)
10^{30}- 11^{30}	**Plenary Session** (Room C1)
11^{30} - 12^{00}	**Coffee Break (Ground floor)**
12^{00}- 13^{00}	**Plenary Session** (Room C1)
13^{00} - 15^{00}	**Lunch Break-*Victoria* Restaurant, Egalității Avenue, no.21, Pitești**
15^{00} – 16^{00}	**Works in sections**
16^{00} – 16^{30}	**Coffee Break** (Ground floor)
16^{30} – 17^{30}	**Works in sections**
20^{00}	**Dinner - *Victoria* Restaurant, Egalității Avenue, no.21, Pitești**

Saturday, 18 May 2019

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

9^{30}	**Visit to the National History Museum in Bucharest. Departure to Bucharest from *Victoria* Hotel in Pitești**
13^{30} -15^{30}	**Lunch at *Curtea Berarilor* Restaurant**
15^{30}	**Transfer to Henry Coanda Airport Bucharest (for people leaving Romania on May 18th)**
18^{30}	**Return to Victoria Hotel in Pitești**
20^{30}	**Dinner - *Victoria* Restaurant, Egalității Avenue, no.21, Pitești**

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Pitesti, 17 – 18 May 2019

Friday, 17 May 2019

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

Festive Opening

The welcome messages of the Rector of the University of Pitesti and of the local and county public authority representatives

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

PLENARY SESSION

10^{30}- 11^{30} (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. hab. Eugen CHELARU (University of Pitesti, Romania)

- ***Constitutional Justice in Germany and its perspective on international and supranational law*, Professor Ph.D. Dres.h.c. Rainer ARNOLD, University of Regensburg, Germany**

- ***The Austrian Presidency of the Council of the EU: Accomplishments and challenges*, 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**

During the second half of 2019, Austria exercised the Presidency of the Council of the European Union. It was preceded,

during the first half of 2019, by Bulgaria, and is succeeded, during the second half of 2019, by Romania. Responding to a generally felt need, the Austrian chose for its Presidency in the Council the motto "A Europe that protects". The Austrian Presidency focused on the following areas: security and the fight against illegal migration, securing prosperity and competitiveness through digitalisation, stability in the neighbourhood and the strengthening of the principle of subsidiarity. In most areas, progress was made; if it was limited in the reinforcement of FRONTEX and a speedy improvement of its mandate, this was due to the reluctance of just those Member States which would have profited most from this development to hand over additional parts of what they believed to be their sovereignty. This was a wrong approach from the point of subsidiarity, because the protection of the outer borders of the European Union is not of secondary but of primary importance.

- ***The international arbitration process. The Romanian Civil Procedure Code versus international conventions,*** **Professor Ph.D. Sevastian Cercel, Professor Ph.D. Ștefan Scurtu, University of Craiova, Romania**

The Romanian legislature regulated the international arbitration process in Book VII ("The International Arbitration Process"), Title IV ("International Arbitration and the Effects of Foreign Arbitral Awards"), on the assumption that the international arbitration litigation is a variant of the international civil trial. Chapter I of Title IV, referred to above, was exclusively devoted to the international arbitration process. In the chapter entitled "The International Arbitration Process", the Romanian legislature regulated issues such as: the classification of the international arbitration litigation; the scope of the Romanian law; the arbitrability of the dispute; the formal and substantive conditions of the validity of the arbitration agreement; the establishment of the arbitral court; the establishment of the arbitration procedure; provisional and conservative measures; the jurisdiction of the arbitral court; the law applicable to the dispute; the arbitral award. Most of the rules that the legislature set in the international arbitration process are found in international arbitration conventions, conventions to which Romania is a party and which have the merit of promoting the settlement of disputes through arbitration and of facilitating the implementation of arbitral awards.

- ***The legal regime of the land on which constructions owned by consumer and craft cooperatives are located,*** **Professor Ph.D. hab. Eugen CHELARU, Dean Faculty of Economic Sciences and Law, University of Pitesti, Romania**

Although the system of property governed by the Communist state law, based on state socialist property, was abolished following the Romanian Revolution of December 1989, it left behind legal situations that the post-December legislator had to take into account. This had to do with the real rights to use land owned by the state in favour of physical persons or cooperative units. On the land in question, the latter constructed buildings over which they acquired ownership.

Agricultural production cooperatives were dissolved, but the units of consumer and craft cooperatives were reorganized as cooperative companies, which led the legislator to adopt legal norms aimed at regulating the latter's rights to use the land owned by state on which they constructed buildings. There has ensued a contradictory regulation that has created significant problems for cooperative units, often put in a position to bear unjustified limitations of their right of ownership on the constructions they built.

The legislation adopted in the field has evolved from the unconditional recognition of those rights to use to conditional recognition. A right of pre-emption was also put in place for the purchase of the land that was transferred to the private property of the state or of the administrative-territorial units, with the cooperative units as holders. Finally, the possibility of establishing ownership of this land has also been created if certain conditions are met.

Coffee Break
11^{30} - 12^{00}

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PLENARY SESSION

12^{00}- 13^{00} (Amphitheatre C1)

Moderators:
Professor Ph.D. Cristina Hermida DEL LLANO (University *Rey Juan Carlos*, Spain)
Dean, Associate Professor Ph.D. Constanța MĂTUȘESCU (*Valahia* University of Târgoviște, Romania)

- ***The core problem of Europe's migration policy*, Professor Emer. Ph.D. DDr.h.c., M.C.L. Heribert Franz KOECK, *Johannes Kepler* University of Linz, Austria**

Discussion about asylum seekers and other kinds of migrants, also operating under the term of "refugees" (e.g., economic, environmental refugees) and whether they can legitinmately expect that we accept them into our European society/ies has so far missed the salient point, namely whether and under which conditions we may justifiably admit them to the European Union and its Member States. This is not a question of fiscal or economic or even cultural bearability but one of political tolerability. It is evident that politically tollerable are only persons who are ready to accept the principle necessary for a peaceful living together. This principle is pluralism of society and its political forms, the state and supranational communities. Its conseqeunces are the European values that are listed in Article 2 TEU.

So far, the European Union and/or its Member States have neglected the scrutiny of the individual asylum seekers and other migrants necessary for establishing whether they indeed embrace pluralism and the ensuing European values. Those who do not cannot be admitted to the European Union and its Member States.

- ***The surviving spouse: should we offer her/him more in Romanian law of successions?*, Professor Ph.D. Mircea Dan BOB, *Babes – Bolyai* University Cluj, Romania**

- ***The Protection Of Romanian Citizens Fundamental Rights Through The Ombudsman Intervention,*** **Professor Ph.D. Mircea CRISTE, Vest University Timișoara and „1 Decembrie 1918" University of Alba Iulia, Associate Professor Ph.D. Miruna TUDORAȘCU, „1 Decembrie 1918" University of Alba Iulia, Romania**

The Ombudsman is not only an institution without tradition, but even one unknown in Romania until the end of the last century. Although constitutionally consecrated in 1991, the Ombudsman shall begin activity barely over six years, with the adoption of the Law on its organization, No 35 /13 March 1997, amended several time after, last amended by Law No 9 /5 January 2018, published in the Official Gazette No 17 / 8 January 2018, when appeared The Child Ombudsman. We will present in this scientific material the relevant aspects in connection with this institution and how the institution protects the fundamental rights of Romanian citizens.

- ***The importance of non-governmental organizatons of achieving the sustainable development goals: the fight against racial discrimination of Roma in Europe,*** **Professor Ph.D. Cristina HERMIDA DEL LLANO, University *Rey Juan Carlos*, Spain**

Here we examine the decisive role that non-governmental organizations play in fulfilling the sustainable development goals, and more specifically, in the sphere of the fight against racial discrimination of Roma in Europe. I will try to show how non-governmental organizations, thanks to the close relationship that they have with Roma communities, constitute key actors in the fight against discrimination of these groups. In fact, by being able to work as partners with other public and private entities, non-governmental organizations become strategic organizations in the development of programmes with Roma communities, above all at the local level, cognizant of the importance local actions have for achieving the sustainable development goals.

Lunch Break

$13^{00} – 15^{00}$

PAPERS IN SECTIONS

Private Section

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

Moderators:
Professor Ph.D. Jakub STELINA (University of Gdansk, Poland)
Professor Ph.D. Gabriella MANGIONE (Universita' Degli Studi Dell'Insubria, Como, Italy)
Senior Lecturer Ph.D. Andreea TABACU (University of Pitesti, Romania)

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

- **EMPLOYMENT STATUS OF POLITICIANS HOLDING THE HIGHEST STATE POSITIONS**

Professor Ph.D. hab. Jakub STELINA (University of Gdańsk, Poland)

The paper considers issues of employment on political positions. There are three groups of workers in the public sector - state official corps, auxiliary employees corps and so-called political corps.The latter refers to employment of persons who hold p olitical posts (authoritative). These persons have a special legal status in many countries (e.g. France, Germany, Russia).

Employment relationships of such persons are qualified in Poland as so-called constitutional law employment.

- **THE PRINCIPLE OF SOLIDARITY IN ITALY AND IN EUROPE**

Professor Ph.D. Gabriella MANGIONE (Universita' Degli Studi Dell'Insubria, Como, Italy)

The Constitution of the Italian Republic (1948) is strongly characterised by the principle of solidarity.

As one of the Founding Fathers said, solidarity constitutes the foundational value holding together all of the fundamental principles that permeate the legal order.

With the adoption of the Charter of Fundamental Rights and the subsequent Lisbon Treaty, solidarity has taken on central importance within the new constitutional and institutional framework of the European Union, which grants it the status of one of the "indivisible, universal values alongside human dignity, freedom, and equality".

Indeed, when confronted with a biblical exodus of migrants converging on the coasts of southern Italy, the problem of migration and solidarity is extremely delicate as it is associated with the objective problem of the economic crisis and the marked imbalance between the available resources and the needs that have to be satisfied. In reality, however, we must admit that the migration phenomenon is concentrated only in some border areas that are called upon, by simple geography, to carry the weight of the problem. It is therefore essential to develop solidarity among European countries in order to find a common solution at the European level.

- **A VIDEO-TESTAMENT. ON THE POSSIBILITIES OF *AUDIOVIDEO* FORMAT FOR DISPOSITION OF PROPERTY UPON DEATH**

Professor Ph.D. Mariusz ZAŁUCKI (AFM Kraków University, Poland)

The inheritance law of European countries is undergoing transformations. One of the main incentives for this is technological progress. Legislators are wondering whether and how to react to changing social needs. The area where the discussion is taking place is, among others, the area of the form of dispositions of property upon death. A will as

a formal legal act requires it to be d rawn up in the manner prescribed by law. However, traditional instruments do not seem to be sufficient in today's reality. Hence the search for other forms of wills. One of them is a video-testament. A form using audio-video format may be one of the alternatives to solutions dating back to Roman (traditional) times. In his work the author reflects on the possibilities that this format creates for the disposition of property in case of death. He presents the basic advantages and disadvantages of this form of wills and considers the possibility of extending the catalogue of statutory forms of wills with a video-testament.

- **THE ROLE OF JURISTS IN THE JUSTIFICATION OF THE IDEA OF POLITICAL POWER IN EUROPE IN THE MODERN AGE**

Professor Ph.D. Rafael SANCHEZ (University of Burgos, Spain)

The legitimation of the title of monarch, from ancient times, depended on the divine will. During the medieval period, the movement for the renewal of common law meant that jurists harmonized legal concepts. From the fourteenth century the vision of the legal world was going to be overcome to form a new order. The doctrinal works of the modern era would describe a prince or sovereign who should be a model of virtue, who governed a society that gave his consent. It reaches a moment of maturity of the Hispanic Monarchy. With the arrival of the contemporary era, characterized by rationalism, the Monarchy will have a symbolic character, since the power of the prince was questioned after the French Revolution and the establishment of the constitutional movement.

- **EUROPEAN CENTRAL BANK**

Professor Ph.D. hab. Andrzej SZMYT (University of Gdańsk, Poland)

The article discusses the legal position, composition and competences of the European Central Bank as the institutions of the European Union, in conjunction with the role of central national banks in the system of the European System of Central Banks. It also presents the role and importance of decision-making bodies - the Governing Council, the Executive Board and the General Council, as well as the principles and instruments of the operation of the Eurosystem.

Private Section

15^{00}- 16^{00} **(**Room C2)

Moderators:
Professor Ph.D. Ionel DIDEA (University of Pitesti, Romania)
Senior Lecturer Ph.D. Carmen NENU (University of Pitești, Romania)
Lecturer Ph.D. Adriana PÎRVU (University of Pitesti, Romania)

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

- **THE INSTITUTION OF THE NOTARY PUBLIC IN THE EUROPEAN UNION. SOME CONSIDERATIONS REGARDING THE CONTRIBUTION OF THIS INSTITUTION TO GUARANTEEING THE LEGAL SECURITY OF CITIZENS AND BUSINESSES**

Professor Ph.D. Liviu-Bogdan CIUCĂ (University "Dunărea De Jos", Galați, Romania)

Promulgated by Decree no. 1409 / 11.05.1995, Law of Notaries Public and Notary Activity transforms the institution of the state notary into the institution of the notary public and the state notary into a professional liberal notary. This transformation is in fact the entry of this profession into the European area of legal professions even before Romania's accession to the European Union.

On November 17, 1995, 484 former State notaries assumed responsibility for fulfilling a liberal and autonomous function with the purpose of carrying out their activities in the vicinity of the citizen by offering notary services. Over three decades now, we find the Romanian notary present and active in all European and international professional structures. The Council of Notaries of the European Union, the body that coordinates and represents the views of the national notaries in relation to the European institutions, a structure in which the National Union of Notaries Public in Romania is a full member, promotes values, instruments,

procedures regarding the free movement of the authenticated act in the European area, the legal security of citizens and businesses, the creation and development of the European network of registers of wills, the facilitation of cross-border transactions and the development of a European mortgage law.

This paper addresses the institution of the notary public in the European space and analyzes its contribution to the elaboration of certain rules of notarial procedure applicable to all EU member states for the purpose of a predictable and effective settlement of legal issues encountered by the citizens of the European Union in the context of the free circulation promoted as a European value.

- **INSOLVENCY "AROUND THE WORLD". A NEW "DESIGN" ON THE GLOBAL GEOGRAPHICAL MAP**

Professor Ph.D. Ionel DIDEA (University of Pitești, Romania), PhD Student Diana Maria ILIE (Titu Maiorescu University, Romania)

Through this study, we aim to make a "journey around the world" that allows for a complex analysis of the regulatory framework concerning insolvency in the context of the acceleration of the internationalization and globalization trend under the "umbrella" of the new orientations, principles and policies of the EU and international institutions and bodies. In a world where we speak of foreign ownership, foreign trade partners, foreign finances and contracts, foreign shareholders, foreign operations, international trade, and last but not least a global economic order continuously reshaped by "the variable geometry of superpowers" „we need a "regulatory mapping" of the insolvency regime through a comparative analysis of many cotemporary jurisdictions in order to eliminate geographical "barriers" and other differences the legal systems of the countries in relation to the insolvency proceedings. In fact, the field of insolvency is on the agenda of the interests of International and EU bodies and institutions, such as the World Bank, the Organisation for Economic Co-operation and Development, the United Nations Commission on International Trade Law, the World Trade Organization, the European Commission, the European Parliament, with recently published analysis reports which reflect an insolvency "around the globe" based on analysis statistics and indicators which outline a widely varying "design" of the

insolvency regimes across countries. Nevertheless, the institution of insolvency benefited from a restructuring in almost each legal system, with the promotion and development as a priority of a "rescue culture" – a second chance, reorganization, a fresh-start and the elimination of the stigma of bankruptcy, by prioritizing new interests in the context of the economic and social cohesion.

Starting from an "in globo" research of the main legal and economic directions outlined in the EU and international context, in a moment where the ongoing global financial crisis and the business globalization drastically increased the complexity of insolvency, we aim at identifying the best practices and solutions for the substantiation of the norms concerning the legal regime of insolvency, always referring to reminding here the problem of the stigma of the bankrupt which still inhibits the restructuring of enterprises, or the problem of the lack of early warning mechanisms of insolvency, taking into account, at the same time, certain changes brought through Government Emergency Ordinance no. 88/2018 to this institution. Despite the reforms in the field of insolvency, norms are still divergent and remain inefficient in certain countries, the result being legal insecurity, the generation of additional costs for investors in relation to the assessment of their risks, less developed capital markets and the persistent barriers to the efficient restructuring of viable trading companies in the European Union and elsewhere, including groups of cross-border enterprises.

- **NEW CHANGES IN CONTRAVENTIONAL MATTERS IN THE ROAD CODE**

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

The Government Emergency Ordinance no. 195/2002 regarding the traffic on public road – Road Code – has undergone a series of adaptations and changes over time imposed by the technological and society evolution. In 2018 and 2019 the Road Code has been modified to cover the lacunas and to ensure traffic safety.

- **CONDITIONS FOR CIVIL LIABILITY UNDER TORT LAW IN THE EVENT OF THE UNILATERAL TERMINATION OF THE ENGAGEMENT**

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

Still questionable in terms of its legal nature (a legal act or a legal deed) and in the absence of relevant case-law on this matter, the engagement is seen nowadays as a social, moral and cultural relationship, with possible material legal consequences in the event of its unilateral termination.

The exercise of the right to unilateral termination of the engagement for the purpose of causing excessive or unreasonable harm or damage, contrary to good faith, may result in civil liability under tort law, pursuant to the conditions provided for in Article 1357 of the Civil Code.

In terms of liability, the particular circumstances under which the unilateral termination of the engagement has occurred represent the key element.

- **ABOUT THE LAW APPLICABLE FOR THE PARENTAL AUTHORITY**

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

In the current context of multiplying and diversifying family relationships with an international element, this article brings into question conflicting rules in the field of parental authority.

The parental authority represents the main judicial mean for child protection and reunites the rights and obligations of the parents towards the child's persona and assets.

Regarding the applicable law, the Romanian Civil Code states that in this area is applicable the Hague Convention of 1996 on the jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children.

Therefore, the object of the current paper is represented by the analysis of the provisions stated by Chapter 3 ("Applicable law") of this Convention.

- **THE PROHIBITION OF ACTS ON AN UNOPENED INHERITANCE LEGAL SUCCESSION PROCEDURE**

Ph.D. Candidate, Bailiff Emilia MATEESCU (University of Craiova, Romania)

According to the Civil Code, the acts on an unopened inheritance legal succession procedure are those manifestations of will, having as their object any rights to an unopened inheritance procedure, the acceptance, renunciation, suspension or promise of rights that may be acquired in the opening of the inheritance procedure.

In the context of social evolution, constitutional liberalism and European or national European legislation in some European countries, the prohibition of acts on an unopened succession procedure finds no convincing foundation to be maintained in the Romanian law.

By highlighting the current lack of the prohibition as well as of the reasons why this ban should be reconfigured, we hope to contribute to an adaptation of the Romanian legislation to the Romanian constitutional modernism and to that of the community legislation.

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Private Section

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

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

- **FORCE MAJEURE – A CONTRACT CLAUSE EXEMPTING PARTIES FROM CONTRACTUAL LIABILITY**

Judge, PhD student Viorel TERZEA (Court of Appeals Pitesti, Faculty of Law - University of Bucharest, Romania)

The creditor is entitled to damages in the event of unjustified or culpable non-performance of the contract, as the case may be. A debtor invoking force majeure may be exempt from the contractual liability provided that the respective fortuitous event is in an exclusive causal link with the non-fulfilment of contract obligations.

The present study analyzes the requirements imposed by the law for an event to be considered a case of force majeure, as well as the effects generated by the occurence of the said fortuitous event.

- **SOME ASPECTS OF INTEREST FOR THE NOTARIAL SUCCESSORIAL PROCEDURE**

Associate Professor Ph.D. Ilioara GENOIU (*Valahia* University of Târgoviște, Romania)

The notarial succession procedure, initiated at the request of any interested person, and the secretary of the local council of the locality in which the assets of the deceased were located at the time of death (which distinguishes it from opening the inheritance, which operates lawfully, automatically, independently of the formulation of a requests by interested

persons) implies, according to the Law no. 36/1995 of the public notaries and the notarial activity, republished, passing several stages until its closing, which is usually accomplished by issuing the certificate of the heir. Of all this, we will discuss in our paper only the request for proving the procedure, the prior verification of competence by the notary public, the succession citation and the recording or, as the case may be, the proof of the succession option.

- **ASPECTS RELATED TO PATRIMONIAL EFFECTS OF DIVORCE IN RELATION TO COMPENSATION AND COMPENSATORY PROVISION**

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

The social, economic, and psychological consequences of divorce are a reality that is more and more common nowadays. The paper analyses only part of the effects of marriage dissolution, in particular those relating to the right of the spouse who is not faulty of divorce, to receive compensation for the damage suffered (whether material or moral), but also a compensatory benefit which has the role of balancing the living conditions after divorce. If the right to compensation is a well-known institution, which, in the opinion of the specialists, constitutes a particular application of tort law, the compensatory benefit is a new institution introduced in the Romanian Civil Code, of French inspiration, which provokes some doctrinal controversies.

- **APPLYING THE PRINCIPLE OF EQUAL TREATMENT BETWEEN MEN AND WOMEN AT THE TERMINATION OF THE INDIVIDUAL EMPLOYMENT CONTRACT. NORMATIVE REGULATION AND CONSTITUTIONALITY IN ROMANIA**

Senior Lecturer Ph.D. Carmen NENU (University of Pitesti, Romania)

Women and men must be treated equally regarding labor relations, including termination of the employment contract. One case of termination of the contract regulated by the national legislature is the situation where the employee cumulatively fulfills a minimum contribution period and the

standard age set by law in order to benefit from a retirement pension. In Romania, however, the standard age is different for men and women. In those circumstances, it was for the Constitutional Court to analyze how the legal provisions respect the principle of non-discrimination between women and men in the event of termination of the individual employment contract.

- **UNIFICATION OF THE PRIVATE LAW. ABSORPTION OF THE COMMERCIAL LAW**

PhD Student Mihai Marian ICU (University of Craiova, Romania)

The entry into force of the current Civil Code and the repeal of the Old Commercial Code has given salience to the controversy between the partisans of the unification of private law and those who have supported the autonomy of commercial law against civil law.

Although the Old Commercial Code has been repealed, the rules specific to commercial matter, to professionals in general, have been taken over and extended to all private law relations, and it can be concluded that commercial law has not disappeared; rather it has been naturally absorbed by private law by encoding this matter in the current Civil Code.

At the present time, the current Civil Code is the common law for all private law branches, including for Commercial Law naturally absorbed with the repeal of the Old Commercial Code.

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 17 – 18 May 2019

Public Section

15^{00}-16^{00} (Room no. 104 - Department of Law and Public Administration)

Moderators:
Professor Ph.D. Anton-Florin BOŢA (University of Pitesti, Romania)
Senior Lecturer Ph.D. Andreea DRĂGHICI (University of Pitesti, Romania)
Lecturer Ph.D. Daniela IANCU (University of Pitesti, Romania)

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

- **REVIEW IN ADMINISTRATIVE CONTENTIOUS**

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

The extraordinary right of action of the review, regulated in Law no. 554/2004 followed a sinuous legislative path, but the need to protect and respect the principle of Union law has led to its maintenance in extraordinary remedies. Its legal regime, which is summarized in the special law, will be supplemented by the Code of Civil Procedure of the revision of common law.

- **COMPLIANCE WITH THE PRINCIPLES OF THE STATE OF LAW IN THE REPUBLIC OF MOLDOVA**

Associate Professor Ph.D. Maria ORLOV ("Alecu Russo" State University of Bălţi, Republic of Moldova), Legal expert Mariana GROSU (Project Coordinator in Public-Private Partnerships)

According to the Constitution, ,, The Republic of Moldova is state of law, democratic, in which human dignity, the rights and freedoms,... represent supreme values and shall be guaranteed" (Article 1(3). The achievement of these provisions is put in charge of the system to the

authorities of state power, which assumes the government and responsibility for the implementation of the principles of the rule of law.

After 28 years from the date of the declaration of independence, the governing in our country has not yet been able to reach a concept and a unique perception of the basic principles of the rule of law, such as: the observance of the separation of powers, legality, equality before the law, etc.

As a result, there was no continuity of good practice of edifying a State of Law. In addition, frequently changes of the Governments has led to a diverse and confused applicability of these principles, to the detriment of the completion of the fundamental rights of the citizens and democratic government.

In this work, we will analyze the situation in the Republic of Moldova through the prism to the completion of the principles of the rule of law and the extent to which they are guaranteed fundamental rights and freedoms of citizens.

- **THE FORCED PAYMENT OF BUDGET RELATED DEBTS ACCORDING TO THE REGULATIONS OF THE FISCAL PROCEDURE CODE**

Senior Lecturer Ph.D. Rada POSTOLACHE, Lecturer Ph.D. Steluța IONESCU (*Valahia* University of Târgoviște, Romania)

The forced payment of the budgetary claims represents an actual issue of major interest both for the public institutions participating in the process of the budgetary execution, for professionals, as well as for non-professionals who, directly or indirectly, interact with these institutions. Currently, the issue of the forced payment of the budgetary claims is completely under the incidence of the Tax Procedural Code, Title 4, Chapter 8-9, Art 220-262. It states a special procedure for the payment, under the competence of the fiscal organs – through the revenue agents, with the exclusion of the competence of the judicial executors, given the interest of the operative collection of these claims, as well as the need to streamline the forced execution of financial claims. In addition to this regulation shall apply the provisions of the Civil Procedure Code, Book 5, Art 622-631, as common law in the area of forced executions – to the extent to which do not contradict the special norms of the Tax Procedural Code.

We shall analyze the forced execution of the budgetary claims, with special reference over those sourcing from contractual relations and from "special cases", the current study having as object the configuration and particularization of the legal regime of this execution. We shall use as documentation the two normative acts above-mentioned and the jurisprudence in this area

- **TRANSNATIONAL IDEA AND PERCEPTION OF RULE OF LAW**

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

The rule of law is today one of the most important concept of legal perception inside societies. For any lawyer the dimension of social perception become today more important than ever, because now the legal science is not acting in a laboratory. Today the social help become an important weapon in the public law cases and public perception of some legal concepts is important: lawyers are not isolated by society and their cases influence the whole people from big communities. In this new social and legal paradigm, the rule of law concept becomes international and it obliged us to analyse a bit its limits.

- **CHALLENGES OF THE EU COUNCIL'S PRESIDECY FOR 2019 IN THE FIELD OF COMMON VALUES – THE CITIZEN AS A SOURCE AND ENDING**

Ph.D. Mihaela STĂNCIULESCU (Romanian Ombudsman, Argeș Office)

A Europe of common values means, among others, respecting the human dignity, liberty, democracy, justice equality, so as respecting the human rights and the center of the European construction is represented by the citizen as a source and as an ending. It is expected that the start of 2019 to mark the beginning of spectacular changes which are meant to increase confidence and optimism among eurosceptics, as Europe of values will stratify or will consolidate its present structure, institutional and normative changes will take place or the already functioning ones will be consolidated. The following study's purpose is to analyze these aspects and

to contextualize them in the concept of a common values and human rights Europe.

$16^{00} – 16^{30}$ **Coffee Break** (Ground floor)

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 17 – 18 May 2019

Private Section

16^{30}-17^{30} **(**Amphitheatre C1)

Moderators:
Senior Lecturer Ph.D. Andreea DRĂGHICI (University of Pitesti, Romania)
Lecturer Ph.D. Florina MITROFAN (University of Pitesti, Romania)
Lecturer Ph.D. Andrei SOARE (University of Pitesti, Romania)

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

- **EXAMINING THE ORIGINALITY OF DISPUTED WORKS**

Professor Ph.D. Gheorghe GHEORGHIU (*Valahia* University of Târgoviște, Romania)

The problem of originality when it comes to intellectual property works is of interest for jurisprudence as well as for the doctrine and it shall be analyzed based on reliable criteria that establish the originality of a work challenged in a judicial proceeding.

In this study, I shall present some problems and criteria related to the originality of intellectual property works, that are selected from the European, French and Romanian case law, along with the comments from case law.

- **CONSIDERATIONS REGARDING THE CONVENING OF THE GENERAL MEETING OF SHAREHOLDERS**

Lecturer Ph.D. Dragoș DAGHIE („Dunărea de Jos" University Galați, Romania)

The Ordinary General Meeting of Shareholders shall convene according to the provisions of Article 111 para. (1) of Law no. 31/1990, at least once a year, no later than 5 months from the end of the financial year.

The duties assigned to the Ordinary General Meeting of Shareholders under the law are stated in Article 111 para. (1) of Law no. 31/1990.*

The convening date is to be scheduled so as to observe the minimum 30-day deadline from the convening date, as provided under Article 117 of Law no. 31/1990. These are public order provisions and may not be altered by the Shareholders pursuant to the Articles of Incorporation. Also, the second convening of the Ordinary General Meeting of Shareholders should also take place within the 5 months stated in Article 111.

- **THEORETICAL AND PRACTICAL ASPECTS OF THE AMENDMENTS TO LAW NO. 448/2006 ON THE PROTECTION AND PROMOTION OF THE RIGHTS OF PERSONS WITH DISABILITIES BY EMERGENCY ORDINANCE NO. 69/2018**

Associate Professor Ph.D. Lavinia ONICA CHIPEA (University of Oradea, Romania)

The scientific approach aims to analyze the amendments that the Emergency ordinance no. 69/2018 brings them to Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, for the stated purpose of ensuring them, in accordance with the provisions of the Convention on the Rights of Persons with Disabilities, ratified by our country, both respect for fundamental rights and equal opportunities with other men's in society.

If the Emergency ordinance no. 60/2017 proposes to reform the legal framework of the analyzed institution by supporting the necessity to apply the principle of activation, the normative act, that is the subject of the study, introduces regulations whose main purpose is to prevent the institutionalization of persons with disabilities and to stimulate their social inclusion (increased personal assistance, day centers, residential centers).

The study aims to identify the legislative changes mentioned, but also to highlight the practical effects of these changes, with concrete proposals, by lege ferenda, where it is considered necessary.

- **CONCEPTIONS ABOUT THE ENTREPRENEUR IN ECONOMIC SCIENCE**

Professor Cezar VASILESCU (Economic Highschool Ion Ghica Targoviste, Romania)

In this article I presented, in chronological order, a series of significant scientific opinions about the entrepreneur. For this reason-the selection of opinions of a scientific nature –didn't present the opinions of businessmen, managers or economic analysts (some interesting ones). I started by presenting the classical concept of the entrepreneur: a skilled dealer (Cantillon), the owner of the surfaces of the field (Ricardo) and the owner of the capital (Say). Neoclassics extended the vision of the entrepreneur: Marshall (responsible person), Schumpeter (innovator) and Knight (risk taking). In recent visions, the entrepreneur is characterized as looking for new opportunities, Kirzner and Rothbard. Gerber believes that the current entrepreneur is 10% entrepreneur, 20% manager and 70% technician, and Baumaol makes the distinction between the mimetic entrepreneur and the innovative one.

- **THE FUNCTIONING OF THE FAMILY COUNCIL**

PhD Candidate Mihai-Adrian DAMIAN (Doctoral School of the Faculty of Law, University of Craiova, Romania)

In this paper we shall approach the legal issues regarding the functioning of the family council, which are part of the area of regulation of Art 129 of the Civil Code. In a first step, we shall talk about the summoning of this council and after that about its valid meeting. The regulation of this aspects by the legislator it is owed to the fact that any entity with certain attributions must comply with well-established rules allowing it to function in a valid manner.

Public Section

16^{30}-17^{30} (Room no.104 - Department of Law and Public Administration)

Moderators:
Lecturer Ph.D. Amelia SINGH (University of Pitesti, Romania)
Lecturer Ph.D. Viorica POPESCU (University of Pitesti, Romania)
Lecturer Ph.D. Cătălin BUCUR (University of Pitesti, Romania)

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

- **BENEFITS OF CITIZEN'S FREE ACCESS TO PUBLIC INFORMATION, FOR PUBLIC ADMINISTRATION**

Senior Lecturer Ph.D. Maria URECHE ("1 Decembrie 1918" University, Alba Iulia, Romania)

The main benefit of free access to public information is that it allows citizens to have a fair picture of the work of public authorities and the society in which they live. Thus, besides informing them correctly, citizens can report issues that they consider relevant, can criticize and engage actively in community, local or even central issues. Citizens are the partners of the authorities in matters of public interest and can help solve various aspects of public interest, public administration. Thus, the active participation of the citizen through the use of free access to public information is essential for decision-making in the public administration.

- **"STREET CHILDREN" PHENOMENON IN THE ROMANIAN SOCIETY**

Associate Professor Ph.D. Maria PESCARU (University of Pitești, Romania), Ph.D. Cristina Maria PESCARU (University of Craiova, Romania)

The phenomenon of „street children "became more visible in Romania after 1989. Causes are related to family conditions: poverty, violence, alcoholism of parents, neglect or indifference leading to family break up. Another reason for the "street children phenomenon" is the child protection institutions, characterized by poor conditions and inadequate treatment received by staff. The vast majority of street youth live in groups because of the advantages of group life. The majority of street youth are consumers of toxic substances. The level of school education is quite low, many of them not knowing how to read and write, which explains the failure of school integration. Many street youth suffering from various medical problems due to limited access to health services. Much of street youth are exposed to sexual abuse and prostitution, especially girls. The main source of income is begging. The situation of economic exploitation among street youth is quite high. The current legislation is discriminatory for the street youth. Problems faced by street youth is the inefficiency of the system of social assistance. "Street children" stigma is unjust, but it continues to exist. The objectives of the investigation are: the influence of socialization agents (family) on why choosing the street life and detection of conditions which lead the child to choose life on the streets To achieve the case studies, we analyzed children's files which included: social inquiries made natural family child psychosocial children sheets, monitoring reports, psychological reports prepared by a psychologist.

- **THE REASONING OF JUDICIAL DECISIONS – EXPRESSION FOR THE JUDGES' INDEPENDENCE**

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

The reasoning of the judicial decisions represents a guarantee for justice seekers that their requests have been efficiently analyzed, while the

inexistence of reasoning or excessively succinct or apparent reasoning does not meet the requirements of the right to a fair trial.

Quality motivation is the premise of a quality justice act and a guarantee of increasing public confidence in the judiciary.

- **THE PRINCIPLE OF PRIORITY OF THE EUROPEAN UNION LAW COMPARED TO THE NATIONAL LAW IN THE TAX FIELD**

Lecturer Ph.D. Adriana PÎRVU, Lecturer Ph.D.Daniela IANCU (University of Pitești, Romania)

The state has the power to tax, respectively the state shall create a taxation system to assure the establishment of the public incomes to the state in the amounts necessary to cover estimated public expenses. In the process of establishing taxes and duties, the state has to comply with a series of principles established by law, principles that shall govern the national tax law, and their compliance assures a coherent, fair and efficient policy in accordance with the law rules applicable in the matter.

In their turn, these principles are subordinated to the principles in the matter regulated at the European Union level, principles which include the principle of priority of enforcement of the European law, principle who has no express consecration in the European primary law, but this comes from the practice and the decisions of the European Union Court of Justice. In Romania, the principle of priority of the European Union law is expressly dedicated in the Constitution.

- **EUROPEAN UNION – POLICIES IN THE AREA OF EDUCATION**

Lecturer Ph.D. Viorica POPESCU (University of Pitești, Romania), Professor 1st degree Ancuta-Elena POPESCU ("Matei Basarab" Secondary School, Pitesti Romania)

Every state or union of states must always relate to the future, and the future in a world under rapid changes refers to the adjustment to new opportunities. The complete valorization of the potential can only be

achieved through education. Education represents for each society aiming a durable development one of the strategic objectives. The policies in the area of education represent a priority also at the level of the European Union, the basic principles being established from the very beginning. They have the role to insure and develop the competitivity and productivity on labor market, because the level of quality of education is decisive for the perspectives and chances of success in life for young people.

The current study aims a brief analysis of the EU's position in the area of the general policies in education and the objectives aimed to be fulfilled until 2025 through the establishment of the European Education Area.

Public Section

16^{30}-17^{30} (Room C2)

Moderators:
Senior Lecturer Ph.D. Miruna TUDORAȘCU (*1 Decembrie 1918* University of Alba-Iulia, Romania)
Lecturer Ph.D. Marius ANDREESCU (University of Pitesti, Romania)
Lecturer Ph.D. Iulia BOGHIRNEA (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Lavinia OLAH (University of Pitesti, Romania)

- **THE CONCEPT OF ENVIRONMENTAL DAMAGE**

Ph.D. Student, Lawyer Octavian BARBU (ICJ Andrei Radulescu, Romanian Academy, Dambovita Bar)

The definition of environmental damage is the answer to the question whether the environment as a whole is a subject of law and can be included in the category of victims of the damaging deed, which implies the need to reconsider the concept of the holder of the subjective right.

The concept of "environmental damage" is a relatively recent phrase, used in doctrine and jurisprudence, by adapting the general traits of prejudice, as an element of civil and contractual liability, to environmental conditions.

The doctrine uses the term "ecological damage" from a terminological point of view, given the term "dommage écologique" used in French literature.

- **CONSIDERATIONS OF SETTLEMENT OF THE EXEMPTION OF NON-CONFIDENTIALITY RELATING TO ARBITRATION JUDGMENTS**

Arbitrator Ph.D. Daniela LAMEŞ (Permanent Court of Institutionalized Arbitration)

The study presents an insight into the history of arbitration from antiquity and the Middle Ages to the present, leading to the evolution of commercial arbitration litigation. We present the secular contribution of the arbitration institution to the development of private justice in Romania, taking into account the context in which it has developed or is currently being developed. We emphasize the correlation between the Romanian normative provisions, the treaties, the international agreements and the settlement of the arbitral cases having as main, contractual, the will of the parties in the case. We consider the argumentation, motivation and interpretation of the exceptions of unconstitutionality to be important in the current Romanian legal context, which leads to the observance of the principle of unity and compulsory force of the application of the constitutional provisions. We present in this article the way in which judicial precedents are used when there is no clear provision of normative regulation. We propose: Establishment of a public institution for the consolidation of private justice in Romania and amendments to the provisions of the fundamental law on the unconstitutional exception.

- **THE TERRITORIAL CHANGES OF THE EUROPEAN COUNTRIES REGARDED AS A DIMENSION OF CONSTITUTIONAL LAW AFTER ROMANIA´S INTEGRATION INTO THE EUROPEAN UNION**

Arbitrator Ph.D. Daniela LAMEŞ (Permanent Court of Institutionalized Arbitration)

The state territorial changes in Europe are a factor of borderline renewal but also for the cohesion of the newly formed nations. The inalienability of the territories, the self-determination, the state and administrative organization of the newly formed states contradicts the separatist elements that endanger the rule of law, the constitutions, the

nations, etc. The international recognition of the new territorial-juridical formations by the rule of law community but also recognition from the: UN, EU, CIS. Fundamental laws play an important role in the state's territorial developments in the contemporary world. Settlement of disputes that had as their starting point the territorial and ethnic disputes over the last decade in the European continent.

- **AGAIN, ABOUT THE CONSULTATIVE REFERENDUM. PROS AND CONS**

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

The current article has as starting point the initiative of the President of Romania to organize a consultative referendum simultaneously with the elections for the European Parliament. In this context, we are reiterating the debates about the pros and cons for such a referendum.

For certain theoreticians and politicians, a referendum is the political miraculous solution or an easy mean to perform the fundamental reforms the society keeps requiring. On the other hand, the referendum is seen as a mean of weakening the representative government. Starting from these divergent points of view and accepting that the role of the referendum in modern democracies is controversial, the current paper pleads for a moderate approach.

The institution of the referendum must be rationally used to avoid transforming it in a simple mean of manipulating the will of the people, but to be truly an element of political and social balance.

- **THE BIRTH OF THE CRIMINAL ACT FOR THE SERIAL KILLERS**

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

What could determine an individual to commit murder? What are the causes and under what conditions the transition to the criminal act itself is performed, a delicate moment that marks the overcoming of the initial condition of the individual after the potential offender, in order to reach the final qualification: offender. The evolution of specialized criminology to

general criminology has often been under the guise of fiery ideas. Confrontations of opinions have played a positive role, propelling the theories that have imposed scientifically, creating new trends of scientific thinking but also generating controversy from which criminology has gained.

Public Section

16^{30}-17^{30} (Room CS1)

Moderators:
Senior Lecturer Ph.D. Doina POPESCU-LJUNGHOLM (University of Pitesti, Romania)
Senior Lecturer Ph.D. Ilioara GENOIU (*Valahia* University of Târgoviste, Romania)
Lecturer Ph.D. Marius VĂCĂRELU (National School of Political and Administrative Studies, Romania)

Secretary:
Lecturer Ph.D. Daniela IANCU (University of Pitesti, Romania)

- **THE ORIGINS OF THE SCIENCE OF ROMAN LAW AND TRADITIONAL RELIGIOUS PRACTICES**

Senior Lecturer Ph.D. Andreea Rîpeanu (Ecological University of Bucharest, Romania)

The origins of the science of Roman law are closely related to traditional religious practices. In the old era, it was reduced to knowing forms, kept secret by pontiffs, like religious rites. It is in fact the consequence of the confusion existent between ius, honestum and fas. Therefore, both the juridical consultations, and the religious ones were strictly provided individually and confidentially, considering the secret contents thereof, with a view to maintain the influence of a closed caste over population. All this period, when it was perpetuated a tradition taken over from prestate period, lasted until the year 301 before Christ, under the name of sacred or religious jurisprudence.

- **DISPOSAL OF MEDICAL SAFETY MEASURES AND INSURANCE MEASURES BY THE PRELIMINARY CHAMBER**

Lecturer Ph.D. Denisa BARBU (*Valahia* University of Targoviste)

The Preliminary Chamber Judge is not a judge of instruction as prescribed by the Romanian inter-war criminal procedural law or the French criminal procedural law, having no competence in collecting the evidence, discovering the author of the offense or the participants in it or analysing the merits of the accusation or to bring defendants to court.

The analysis of the comparative law reveals that although the source of inspiration for the Chamber of the Preliminary Chamber is found in the German and Italian Penal Procedure Code, the national procedural rule of the preliminary chamber resulting from the CCP amendment is of little similarity with the institution of the preliminary chamber by art. 199-204 of the German Code of Criminal Procedure, respectively with the institution of the preliminary hearing (preliminary udienza) provided by art. 418-425 of the Italian Code of Criminal Procedure.

In the literature, safety measures are defined as "criminal law penalties consisting of preventive coercive measures aimed at removing a state of danger generating acts provided by the criminal law". These safety measures can also be ordered during the criminal proceedings, without the condition of criminal liability of the author of the offense.

Safety measures are: temporary medical treatment, medical hospitalization, a ban on taking up a job or exercising a profession, a special confiscation, a large confiscation.

- **DUTIES AND RESPONSIBILITIES INHERENT IN THE EXERCISE OF FREEDOM OF EXPRESSION IN THE MEDIA**

Ph.D Candidate Diana Cristina CRUȘOVEANU (Faculty of Law, University of Craiova, Romania)

We are going through a period in which freedom of expression is one of the essential foundations of a democratic society, an essential condition for its progress. A period in which the democratic development of

a society implies the pluralism of ideas and conceptions of world and life, about the social organization and the relations between the members of society and where the dynamic evolution of the mass media has a strong impact on the evolution of humanity and the activities of the modern society. Thus, the need for the safety and security of the fundamental rights of citizens in the media is observed. For this reason, the principles, norms and values promoted and supported by the European community must also be applied in the field of the media, since everyone exercising their freedom of expression assumes "duties and responsibilities", the extent of which depends on the concrete situation in question and on the procedure technically used.

We therefore propose to conduct a thorough study of the current legal framework in the field of the right to freedom of expression in the media with a view to investigating whether and to what extent it manages to ensure an adequate level of protection. In this regard, we will appeal both to the logical and the legal method by analyzing the relevant regulations in the field of the right to freedom of expression, both at national and European level. Consideration will be given to the limits of freedom of expression, the potential impact of the means of communication used, and the obligation to act in good faith in the provision of information to see if the interest of the public can go beyond "duties and responsibilities".

- **CONSIDERATIONS REGARDING THE WAY THE CONSTITUTIONAL COURT'S DECISIONS APPLY IN DIFFERENT STAGES OF THE TRIAL.**

Legal adviser Iustina Elena OȚELEA (University of Pitesti, Romania)

While the first court pronunced the decision taking into consideration the decision of Constitutional Court, being well known that the decisions issued by the Constitutional Court are binding and take effect starting the date of their pubication in the Official Gazette, in the appeal, the courthouse did not consider the decision while stating that the article declared unconstitutional must be essential for the resolution of the appeal.

- **CONSIDERATIONS ABOUT HUMAN DIGNITY IN THE JURISPRUDENCE OF THE CONSTITUTIONAL COURT**

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

The current Constitution of Romania includes two mentions on human dignity: as supreme value [art. 1 par. (3)] and as a limit of freedom of expression [art. 30 par. (6)]. This study analyzes the jurisprudence of the Constitutional Court so far, which has been given the creative role of developing this concept. From a constitutional point of view, human dignity has two inherent dimensions, namely, the relations between people, which aim at the right and obligation of people to be respected, and, correlatively, to respect the fundamental rights and freedoms of their peers and the relationship of man with the vegetal or animal environment to be appreciated from the perspective of the level of civilization reached. The Constitutional Court has retained its inalienable character and the social connotation of the concept that requires respect and protection in social relations.

- **CONSIDERATIONS ON STATE POWER AND THE MODE OF ITS IMPLEMENTATION**

Master in law Oleg TĂNASE (Republic of Moldova)

By its nature, the democracy, as a concept, signifies the power that emanates from the people and belongs to it; but at the same time, the people have entrusted this power to be achieved by the state, which, by virtue of a good and efficient activity, has divided its power.

In these circumstances, the state organized on the principle of the separation of powers in the state, ranks with the rule of law, with all the effects of functionality: state-citizen, citizen-state, responsibility and mutual constraint.