11th INTERNATIONAL CONFERENCE
"EXPLORATION, EDUCATION AND PROGRESS IN THE THIRD MILLENNIUM"
18th April 2019

Organized by:

"DUNĂREA DE JOS" UNIVERSITY OF GALAŢI, ROMÂNIA
FACULTY OF LEGAL, SOCIAL AND POLITICAL SCIENCES
JURIDICAL, ADMINISTRATIVE, SOCIAL AND POLITICAL RESEARCH CENTER

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

THE STATE UNIVERSITY "BOGDAN PETRICEICU HAŞDEU"
CAHUL, REPUBLIC OF MOLDAVIA

ROMANIAN CROSS-BORDER INSTITUTE FOR INTERNATIONAL STUDIES AND CRIMINAL JUSTICE SCIENCES

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GENERAL OVERVIEW

CONFERENCE'S PURPOSE: The conference will have as a purpose an interdisciplinary approach of various themes in the field of social and humanistic sciences: law, administrative sciences, regional studies, economics, psychology, sociology, theology and other interrelated domains.

CONFERENCE'S OBJECTIVES: The conference intends to bring together researchers and professionals in the above mentioned fields. The participants are expected to answer to the various questions related to and deriving from the thematic under debate by means of an innovative and accurate methodology.

The conference's coherence and originality will be ensured by the combination of two fundamental elements: on the one hand, special attention will be given to the classic aspects of the study of the social and humanistic sciences, and, on the other hand, the classical perspective will be complemented by the modern European and international approach of the topics under analysis.

PANELS:

- **LAW: PUBLIC LAW; PRIVATE LAW; CRIMINAL SCIENCES**

- **PUBLIC ADMINISTRATION AND REGIONAL STUDIES**

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Ph.D. Professor Florin Tudor
„Dunărea de Jos" University of Galaţi

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Programme

Thursday, April 18th 2019

09:30 AM: **Arrival and Registration**
Faculty Library – Venue AE 103

10:00 AM: **Welcoming Participants** (Dean's speech)

10:15 AM: **Session (Parallel Sessions)**

Panel 1 Discussions
Panel 2 Discussions

12:00 PM: **Round Table Discussion**
„ACTUAL PROBLEMS OF JURISDUDENCE ON CASUALS WITH MINORS" Venue AE 105

14:00 PM: **Debate; Conclusions**

14:30 PM: **End of Debate**

Each session, moderated by a president, will take place in three stages:

- rapporteur's presentation of the session terms of thematic, communications and questions arisen;
- presentation in a synthetic form of the ideas proposed and analyzed by each author;
- debate between the audience, rapporteur and authors.

PARALLEL SESSIONS

- **PANEL 1 - LAW: PUBLIC LAW; PRIVATE LAW; CRIMINAL SCIENCES - Venue AE 207**

President: Ph.D. Oana Elena GALATEANU

- **PANEL 2 - PUBLIC ADMINISTRATION AND REGIONAL STUDIES - Venue AE 103**

President: Ph.D. Florin TUDOR

Corruption in European Union Healthcare

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

The Law Applicable to the Nullity of Adoption in Accordance with art. 2610 Romanian Civil Code

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

Considerations on the Procedure for the Recognition Of Accusations in Criminal Proceedings

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Criteria for Assessing Evidence in Criminal Proceedings

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Contract's Modification or Termination only by Agreement of the Parties

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Procedure for Placement under Court Ban

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Some Considerations regarding Notarial Activity and Non-Litigious Procedures during 1918-1989

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The Psychosocial Inquiry – a Legal Tool meant to Ensure the Best Interests of the Child

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Aspects on the Concerns and means of Combating Money Laundering and Financing of Terrorism

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Modernization of Ukrainian Legal Model for regulating Open Access to Scientific Publications according to Plan S

Taisiia IVANIICHUK
National University "Odessa Academy of Law", Ukraine

Arbitration and His Roots in the State of Kuwait

Samdani JAFAR
Lawyer, the Legal Center Kuwait

Ending the Preventive Measure of Judicial Control or Judicial Control on Bail

Silviu JÎRLĂIANU
Lecturer Ph.D., „Dunarea de Jos" University of Galati

The Constitutional Court in a Current Perspective

Neculai LUNGEANU
Lecturer Ph.D., „Dunarea de Jos" University of Galati

Considerations on the Child's Right to Personal Ties

Gabriela LUPŞAN
Professor Ph.D., „Danubius" University of Galati

The Protection of the Right to Education throughout the Legal Imputation of Bullying in Romanian Schools

Andreea Elena MATIC
Associate Professor Ph.D., „Dunarea de Jos" University of Galati
Ştefania Cristina MIRICĂ
Lecturer Ph.D., „Dunarea de Jos" University of Galati

The Art of Speech and the Contemporary Law

Mădălina Elena MIHĂILESCU
Associate Professor Ph.D., „Dunarea de Jos" University of Galati

The Problem of Recycling and Waste Collection in Romania

Liliana NICULESCU
Assistant Professor Ph.D., „Dunarea de Jos" University of Galati

The Still Modern Issue of the Evaluation Criteria of University Professors

Răducan OPREA
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Properties of Rulings in Criminal Proceedings

Serhiy PYLYPENKO
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From Lack to Excess of Power of Representation

George-Cristian SCHIN
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Comparative Criminology

Adriana STANCU
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Limitations of N.A.Q for Graduates' University Diploma Supplements vs the Solution of Certificates Issued by Universities

Ana ŞTEFĂNESCU
Associate Professor Ph.D., „Dunarea de Jos" University of Galati
Laura GEORGESCU
Associate Profesor Ph.D., Ecological University of Bucharest

Identification of Online Network Users: Possibilities and Problems

Olesia VASHCHUK
Associate Professor Ph.D., National University "Odessa Law Academy", Ukraine

Elements of Public Procurement Crimes' Investigation Planning

Vadym VYNOHRADOV
Post-Graduate student, National University "Odessa Law Academy", Ukraine

Publishers' Integrity as a Part of Academic Integrity

Nadiia ZUBCHENKO
National University "Odessa Law Academy", Ukraine

PANEL 2 - PUBLIC ADMINISTRATION AND REGIONAL STUDIES

Zemstvo Institutions in Bassarabia (2nd part of the 19th – Early 20th Centuries): Lessons Learned and Unlearned

Ludmila COADĂ
Associate Professor Ph.D., Free International University of Moldova, Republic of Moldova

Parliamentary Elections in the Republic of Moldova (February 24, 2019): The Effects of the Mixed Electoral System

Sergiu CORNEA
Associate Professor „Bogdan Petriceicu Hasdeu" State University of Cahul, Republic of Moldova

The Conversion of Sustainable Development into Public Interest

Valentina CORNEA
Lecturer Ph.D., „Dunarea de Jos" University of Galati

Immigration Approach in the Context of Migration Policies in the Republic of Moldova

Ina FILIPOV
Lecturer, „Bogdan Petriceicu Hasdeu" State University of Cahul, Republic of Moldova

Administrative Tutelage

Gina IGNAT
Judge, Ph.D., Galați Court of Appeal

Romania vs Opportunity of using European Structural and Investment Funds

Romeo-Victor IONESCU
Professor Ph.D., „Dunarea de Jos" University of Galati

Citizens' Participation and Innovation in the Public Service in Europe

Cristina PĂTRAȘCU
Lecturer Ph.D., „Dunarea de Jos" University of Galati

Citizens' Participation and Innovation in the Public Service in Europe

Gabriela POPESCU
Lecturer Ph.D., „Dunarea de Jos" University of Galati

Particular Aspects of Urban Dynamics in Galati City

Violeta PUȘCAȘU
Professor Ph.D., „Dunarea de Jos" University of Galati

Is the Right to Good Administration a Constitutional Right?

Elisabeta SLABU
Lecturer Ph.D., „Dunarea de Jos" University of Galati

Prosperity vs security. Opportunities and challenges of cooperation in the Black Sea region.

Florin Tudor
Professor Ph.D., „Dunarea de Jos" University of Galati

PANEL 1

LAW: PUBLIC LAW; PRIVATE LAW; CRIMINAL SCIENCES

President: Ph.D. Oana Elena Gălăţeanu

Panel 1 **-** Venue AE 207

Corruption in European Union Healthcare

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Tatiana Luiza PRICOP
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Abstract: Reduction of weaknesses in the healthcare system (low salaries, relatively low levels of healthcare spending or research budgets, close ties between the industry and healthcare providers) or flaws and loopholes in healthcare supervision, anti-corruption legislation or judicial effectiveness. Integrity violations and misuse of rights and opportunities depend on personal motivations, norms and values.

A single policy in the successful fight against corruption. European implementation of national legislation. Practical application of the new directives about reduction of weaknesses in the healthcare system. All successful policies in the fight against corruption are a combination of strong, independent institutions, and a general rejection of corruption by the society.

Keywords: corruption, healthcare, fight, flaws and loopholes, independent institutions

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The Law Applicable to the Nullity of Adoption in Accordance with art. 2610 Romanian Civil Code

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Abstract: The article aims to study the law applicable to the nullity of adoption in terms of the following regulations: art. 2.610 of the Romanian Civil Code with the marginal title "The law applicable to invalidity", which states: "The nullity of adoption is subject, under the substantive conditions, to the law applicable to the substantive conditions, and for the non-observance of the formal conditions, the law applicable to the form of the adoption". The article aims to answer the following questions:

1. What is the law applicable to the nullity of the background of adoption?
2. What is the law applicable to the nullity of the formal conditions of adoption?

In drafting the article, we will have the following provisions: the Romanian Civil Code, the Revised European Convention on the Adoption of Children adopted in Strasbourg on 27 November 2008, the Convention on the Protection of Children and Cooperation in the Field of International Adoption at the Hague of 29 May 1993 and Law no. 273/2004 on the adopted adoption procedure.

Keywords: adoption, the law applicable to the nullity of the substantive conditions of adoption, the law applicable to the nullity of the formal adoption conditions, the Romanian Civil Code

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Considerations on the Procedure for the Recognition Of Accusations in Criminal Proceedings

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Abstract: The Guilty Recognition Procedure is a simplified way of solving the criminal proceeding for certain categories of offenses, based on a guilty recognition prior to the commencement of the judicial investigation, with predetermined effects of reducing the penalty limits. Since the introduction of this regulation under the Code of Criminal Procedure, it has experienced changes as regards the conditions for the application and the effects it produces, including ruling of the Constitutional Court related to the these aspects.

Keywords: simplified procedure, admission, punishments

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Criteria for Assessing Evidence in Criminal Proceedings

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Abstract: The concept is defined in art. 97 paragraph 1. the Criminal Procedure Code, as any element which serves the existence or lack of a criminal offence, to identify the person who committed it, and the knowledge of the circumstances necessary for the fair settlement of the case that contribute to finding out the truth. The new regulation has brought about a change in the indication of evidence, exemplary, not limitative, in the art. 97 paragraph 2 Code of Criminal Procedure.

In our procedural system, the principle of free assessment of evidence allows judges to appreciate the value of each and their credibility.

Keywords: means of evidences, the appreciation of the evidences, finding the truth

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Contract's Modification or Termination only by Agreement of the Parties

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Liviu-Bogdan CIUCĂ
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Abstract: The concept of contract's binding force (pacta sunt servanda) came into existence and had developed in ancient times. This principle was ensured by gods; the deity intervened and punished the debtor who did not fulfill his/her obligations, this concept gaining religious, mythical valences. Even in the Bible, in The Gospel of Matthew, the following can be found: "be your word: what is yes: yes; and what is no: no; and what is more than these, it is from the evil one". Portalis, by formulating pacta sunt servanda principle, set the concept according to which the freedom of will cannot be unlimited and it must be submitted to public order and decent behavior. From this extensive and important principle, we have chosen to review the unlimited will of the contracting parties, which can lead to the change and termination of the contractual relationship. From the contents of article 1270 Civil Code, which comprises the principle of the binding force of the contract, corroborated with the provisions of other norms incident to the effects of the contract in relation to the contracting parties, it results as follows: the contract cannot be unilaterally recalled or changed but in clauses authorized by law and the limitation of the binding force principle in certain cases regulated by law, by the intervention of the Court of Law.

This theme is characterized as being of interest, as the contractual relations are most frequent in the daily life and also continuously changing. Due to this, we also analyze in the present article precise situations, like the case of a successive performance contract, where the parties can convene on its recalling, but this legal operation cannot produce retroactive effects, the amicable recalling producing effects only for the future, for which the parties will establish, as applicable, a reposition to the previous situation, in case of contract's recalling.

Keywords: contract, binding force, recalling, rescission, modification

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Procedure for Placement under Court Ban

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Abstract: The procedure for putting a court ban as provided in the new Civil Code and the new Civil Procedure Code was taken from the 1953 Family Code and Decree no. 32/1954. As far as this regulation is concerned, it has to be taken into account that this issue has not been very important, as there are contradictory aspects regarding the establishment of the court-banned procedure. Due to these legislative loopholes, many people may remain unprotected due to the imperative elements limiting the applicability of the legislative framework. Moreover, the competent bodies do not benefit from legal provisions to prevent the commission of antisocial acts, which may result in the enrichment of individuals and the impoverishment of those under interdiction.

Keywords: banning, social protection, prevention, legal protection

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Some Considerations regarding Notarial Activity and Non-Litigious Procedures during 1918-1989

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Abstract: An analysis of the notarial activity after 1918 to 1989 reveals not only the development of the legislative framework in the Romanian unitary state, but also of the Romanian society, of the cultural or religious influences existing at its level. Situations such as the use of the seals and forms with the official signs of the Hungarian state after 1918, the application on documents of the Hungarian judicial stamps and the existence of the symbols of the old state on the facade of the Romanian institutions prove an inertia behind which we grasp a giant will effort by the notaries to make part of the project of achieving a Romanian unitary state, assuming, each one of them, the challenges generated by new and constantly changing legislation. Thus, in the old kingdom we can identify the Law of 1886 for the authentication of acts in Transylvania, Banat, Crisana, Satmar and Maramures, Law XXXV / 1874 modified by Law VII / 1886, Law 111/1 August 1885 in Bucovina, the Russian Notary Law of 1866 and the Decree Law from October 6th, 1918 in Basarabia, all regulating procedures for the authentication and legalization of notarial acts by the competent authorities in this respect.

The development of the Notary profession between 1923-1945, the appearance of the Notaries Public Magazine, the official notary public body in Romania, the attempts to de-structuring of the profession, the international context favourable to notarial activities are just some of the surprising aspects of research. The Decree Law from August 11th, 1945, the Decree no. 79 from March 30th, 1951 for the organization of the State Notary, the Decision no. 1897 from July 12th, 1951 on the organization of the State Notary, the Decree no. 377 from October 20th, 1960, as well as the modification of the administration from 1969 and 1981 are other parts of this research that open the way to a complex analysis of both the role and importance of notarial procedures in the development of society and the remarkable course that the public notary institution went through this period.

Keywords: state notary, history, competences, great union, notary

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Ways to Restraint the Exertion of the Right to Private Property

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Abstract: The major changes in the level of mentality and social behavior reclaim a new approach of the concept of property from judicial perspective and, implicitly, from administrative perspective. In essence, the reform of the concept of property aims at a limitation of the judicial effects that do not exclude the person of the owner, but makes the latter responsible in accepting the public interest as part of the process of law. The diversification of the regime of the property is related both to the nature of the goods as object of closure, to the purpose and use of the goods as well as the quality of righteous owners. This study aims at underlining, through a descriptive documentary research, using content analysis, the limits of exerting the right to property through the light of some regulations with special features, whose reasoning derives from protecting the public interest and goods of the public domain. Our interest for the concept of public domain, which gained relevance in judicial regulations after the Revolution, entails the creation of distinct forms of property- public property - and attributing them to particularities of the regime of private property over the goods owned by the holders of public power. The issue of special domain regimes presents interest especially regarding the ways of restraining the exertion of the right to private property on goods belonging to private of judicial persons, according to the provisions of article 53 in the Romanian Constitution. We therefore assert that in virtue of the changes in the Romanian society after 1989, some categories of goods owned by private people keep their statute of private property, having restrictive conditions which are imperative, regarding the ways **and means of protecting, administrating and preserving.**

Keywords: public domain, administration, public property, private property, expropriation, the inalienability clause

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Some Empirical Approaches to the Application of EU Data Protection Regulation 2016/679

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Abstract: Having regard to the application on the territory of România starting with 25 May 2018 of Directive 680/2016 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data by the competent authorities for the purposes of prevention, detection, investigation or prosecution of criminal offenses or the execution of penalties and on the free movement of such data and General Regulation 2016/679 EU of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data, it is necessary in the criminal process to analyze the practice in order to identify and to know in the investigation activities the necessities of changing the working methods

Keywords: personal data, protection, legislation, special measures, criminal proceedings, protection of privacy

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Considerations regarding the Reorganization Plan

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Abstract: Law No 85/2014 on insolvency prevention and insolvency proceedings was designed as a code, a uniform regulatory source on the law that applies to insolvent debtors. Shortly after its entry into force, it was amended, with the most recent of those amendments included in Government Emergency Order No 88/2018, which, amending and supplementing legislative acts in the field of insolvency, has brought about significant changes in respect of reorganization plans.

Reorganization plans proposed by debtors or other persons which the law acknowledges as having *locus standi* in insolvency proceedings represent an attempt at saving the activities of the insolvent company and must often undergo several phases until they are confirmed, implemented and take effect.

Judicial reorganization, as defined by Article 5(1)(54) of Law No 85/2014 is the procedure applied in respect of insolvent debtors which are legal entities, with a view to the payment of their debts, according to the debt payment schedule.

Keywords: insolvency, debtor, creditor, reorganization plan

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The Psychosocial Inquiry – a Legal Tool meant to Ensure the Best Interests of the Child

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Abstract: Divorce requires the permanent monitoring of relationships between adults and children, alongside the development of emotional connections based on authenticity, availability, respect, safety and warmth.

In order to settle the differences between parents in relation to the exercise of their rights and the fulfilment of their duties, the court requires the delegate of the supervisory body responsible for matters related to guardianship to conduct a psychosocial inquiry into how the child is raised and brought up and how the parents meet their duties towards the child.

One of the goals of the psychosocial inquiry must be to monitor the dynamics of the relationship between the child and his/her parents after divorce, as this relationship does not follow a certain pattern and permanently changes and evolves. The civil procedural law does not include a minimum set of rules to regulate the procedure related to the conduct of the "psychosocial inquiry" and the contents of the "report further to the psychosocial inquiry", which has resulted in non-unified case-law, mainly lacking the psychological component.

Keywords: psychosocial inquiry, the principle of the best interests of the child, dual investigation

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Aspects on the Concerns and means of Combating Money Laundering and Financing of Terrorism

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Abstract: Organized crime represents a serious and actual problem concerning the entire international community. There is a constant preoccupation of the states at global level for finding the means for combating the organized crime forms and for their constant improvement in accordance with the development of technologies registered at actual society's level. Both at global and regional level, respectively at European Union level, there is an impulse and a constant request for the states to develop a real and efficient collaboration between them, in all useful areas, in order to diminish the organized crime forms. An example to this sense is The Financial Action Task Force (on Money Laundering) (FATF) established in 1989 at world level and the activity of the European Commission, of the European Parliament and of the Council, at EU level, highlighted by the adopted directives and regulations and which must be mandatorily transposed by the Member States into the internal legislations. An important role in this fight against terrorism and the organized crime forms is held by the legal cooperation in penal area, by which, for example, it is possible to obtain information on the financial situation of a person and his/her financial transactions, in case there are thorough indications related to the perpetration of a crime and these data would constitute evidence in the case.

At EU's level, by Directive no. 2005/849, each Member State must establish an administrative body under the form of a Financial Information Unit, with a role in preventing, identifying and efficiently combating money laundering and financing of terrorism. Accordingly, an administrative body was established in Romania in order to prevent money laundering and financing terrorism, but unfortunately, the above mentioned Directive has not been transposed "ad literam" up to date in the national legislation, fact which hinders the activity of the competent bodies – investigation prosecutors – in the fight against those crimes extremely severe from the point of view of their consequences. We present in this study aspects on the role and importance of the legislative framework and of these bodies in the fight against organized crime, terrorism and against any form of supporting these severe criminal deeds.

Keywords: money laundering, financing of terrorism, judicial cooperation

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Modernization of Ukrainian Legal Model for regulating Open Access to Scientific Publications according to Plan S

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Abstract: The idea of open science is one of the most important strategic goals both at the national Ukrainian and European level. However, some aspects of the functioning of open science require further critical reflection. As a rule, an open science strategy includes requirements for opening access to scientific publications and materials, for obtaining more accessible scientific data and for their multiple use, for encouraging open source software, etc. It may be argued that open science, in the context of comprehensive digitalization, facilitates the democratization of research, but also requires appropriate legal support and a balance between private and public interest in society.

At present, the European scientific community is actively advocating the expansion of the introduction of open access policies to experimental data and research results. Following the proclamation of the Budapest Open Access Initiative (2002) and statements in Bethesda to support the Open Access (2003) idea, the Berlin Declaration of 2003 became the third most significant document on the path to the development of open access. Already in 2013, the EU set out the principles of the transition to open access to science, and in 2016, EU ministers of science and innovation decided to have immediate access to all European scientific publications by 2020. The decision was made in the form of Plan S, which is a publicly launched publication initiative launched in September 2018. Plan S is supported by cOAlition S, an international consortium of research sponsors. According to Plan S, 2020, scholarly publications that are the result of studies funded through government grants should be published in relevant journals or open access platforms.

The cardinal reform of Ukraine's intellectual property domain is due to obligations assumed by the state in accordance with the Association Agreement. Taking into account the European integration changes in the process of modernization of the legal system of Ukraine, it is urgent to develop the relevant legal mechanisms for regulating open access to scientific research at the national level by the rules of intellectual property law. For now, this issue remains unresolved in Ukraine, while at the same time, such services as open access repositories, OJS (Open Journal Systems), Cited-by, are being implemented at an active pace, it is planned to create a national scientific literature and instrument database to track the censuses of the Open Ukrainian Citation Index, Active Library acquires Digital Library Publishing.

Keywords: open access, open science, Plan S, intellectual property

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Arbitration and His Roots in the State of Kuwait

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Abstract: Arbitration is a preferred alternative resolution to settle down the disputes, conflicts, differences, discrepancies in international construction contract between or among the parties, while saving the time, money, energy, skill and litigation under normal domestic or foreign Laws of the parties towards the developments of the Business. Amicable solution by the parties or special negotiators settlement or reconciliation, or Experts opinion, or mediations and or the Arbitration through entity are normally called the alternative means of the disputes settlements.

Keywords: arbitrage, amicable solutions, international contracts, reconciliation, alternative means

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Ending the Preventive Measure of Judicial Control or Judicial Control on Bail

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Abstract: The judicial supervision activity provides the existence of a period in which the supervisory measure is active. This measure improves the enforcement of the legal provisions which regulate the cancellation of the measures of these measures.

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

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The Constitutional Court in a Current Perspective

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Abstract: The idea of bending on this issue arose due to the increasingly frequent media coverage of the debates and polemics about the decisions taken by the Constitutional Court in 2018 in order to resolve various institutional blockage. The paper aims at bringing to the fore the unique constitutional legal authority in Romania in order to understand how it works and why the decisions made by it have become ample subjects debated in both media and various circles of legal debates.

As in any state governed by the rule of law in Romania, the Constitutional Court is independent of any other public authority. It is organized and operates according to its own laws and is subject only to the Romanian Constitution. The Constitutional Court fulfills its attributions under Law 47/1992 and Art. 146 of the Romanian Basic Law and, among its attributions, assures the control of the constitutionality of the laws before the promulgation, resolves legal conflicts of a constitutional nature that arise between the public authorities and so on. Also, this public institution is made up of 9 judges appointed on a 9-year term that can not be extended or renewed. The appointment of the 9 members of the RCC judges is thus 3 by the Chamber of Deputies, 3 by the Senate and 3 by the President of Romania. Thus, having an overview of the way in which the Constitutional Court works and the judges who have decisions on its behalf, we can also draw on some examples of decisions the institution had to take to relieve institutional bottlenecks. A prime example is decision no. 875 of 2018 which brings to the forefront the notification of the Prime Minister of Romania on the institutional blockade created by the Romanian Presidency by the refusal to appoint two persons for the vacant positions of minister of Government at that time and the second example is made by the decision 685 from 2018 for the complaint made by the Prime Minister of Romania on the grounds that the High Court of Cassation and Justice decided not to immediately apply the modifications to the way of setting up the full court of 5 judges from Law 304/2004.

From this perspective, it is desirable to bring into the foreground subjects of extensive discussion based on decisions of the Constitutional Court, such as those mentioned above, widely debated at the level of the Romanian society as well as of the European Union. Therefore, we consider that the decisions of the Constitutional Court are of particular importance in order to regulate the legislative framework in Romania.

Keywords: Constitutional Court, decision, institutional, law, judges

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Considerations on the Child's Right to Personal Ties

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Abstract: Parentage, irrespective of whether it is from marriage or outside of marriage, produces legal effects, among which we mention the right to personal ties between the child and each parent as well as other relatives on the maternal and / or paternal lines. Admitting the claim in the denial of paternity, no matter who owns the right to action, has the effect of overthrowing the legal paternity presumption, making the child out of wedlock a child out of wedlock without an established paternal filiation. So, all the legal effects of the filiation over the husband or ex-husband of the mother are removed. However, under the law, some of the effects of paternity just removed may survive (for example, the child's family name may remain the name of the former presumptive father, although the father does not have the capacity to be a parent). In this paper we propose to analyze such a situation, namely the right of the husband or ex-husband of the mother, to have personal ties with the child whose fatherhood was denied, but who was raised by that parent. Specifically, it is about art. 438 paragraph 2 of the Romanian Civil Code. This analysis will be made from a legislative, doctrinal and jurisprudential point of view, insisting that the superior interest of the child, judged by the judge on the basis of the administered evidence, is the one that will incline the balance to the granting or not of this personal and non-patrimonial right, which comes into the content of the notion of family life.

Keywords: denial of paternity, the right to personal ties, the best interests of the child, family life

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The Protection of the Right to Education throughout the Legal Imputation of Bullying in Romanian Schools

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Abstract: In the present paper we aim to analyze the new legal provisions added to the Law of National Education no. 1/2011 through which the Romanian legislator expressly forbids and punishes bullying in schools. We consider that this incrimination is welcomed and it would ensure a safer environment in schools from now on.

The psychological violence is a severe form of abuse and if the victims are children and young people it is even more dangerous as it affects negatively the future intellectual, emotional and physical development. In order to insure the full respect of the children's right to an education, in all schools of Romania, the pupils must feel safe and welcomed. Any negative attitude which includes physical and emotional abuse, discrimination, inequity creates the premises for low performances, bad results (grades), absence from classes or school dropout.

We will also refer to the consequences of bullying: the necessity of counseling for the victims as well as the abusers, the sanctions and the teachers' duty to pay attention to any sign of misconduct which may lead to violence in schools.

Keywords: right to education, bullying, violence, misconduct, law, counseling, awareness

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The Art of Speech and the Contemporary Law

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Abstract: The art of discourse was (and still should) be one of the strengths of law practitioners, besides solid knowledge, patience, perseverance, quick thinking and logic, openness to new legal and doctrinal aspects.

Obviously, a successful speech is based on elements related to psychology, anthropology, sociology, all of them happily knit together, generating a common language for the transmitter and receiver and creating the premises of a feed back. The more so in the area of juridical speech can not be a convincing one by resorting strictly to technical terminology.

This article aims to show how the evolution of Romanian law in the last decades, as well as the framing of the law, led to a change of mentality (in our opinion) - in terms of creating and structuring the speech, as well as supporting it in front of the interested audience.

Keywords: speech, law, orator, lawyer

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The Problem of Recycling and Waste Collection in Romania

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Abstract: Since its joining, Romania has been trying to align itself with the requirements of the European Community in all areas. We want a better life, conditions like in countries like Germany or Switzerland, but in practice, we often limit ourselves to just putting ideas on paper. At best, we attract some European money which are spent on issues that are altogether different from what we really need. **The field of recycling and selective collection of waste** is no exception to this. In Germany, every citizen selectively collects glass, metal, plastic waste, paper and cardboard, and ultimately, biodegradable household waste that eventually end up in bioenergy compost pits. For the first categories of recycled materials, citizens receive as compensation a symbolic amount of money, but even if that weren't the case, their conscience would certainly still urge them to do the same thing for nature.

In Romania and more precisely in the big cities of the country, recycling is done at very low rates and few people bother to selectively collect and recycle. Romania also is, unfortunately, in a precarious situation regarding a number of areas related to European environmental legislation. We have many delays in implementing environmental policies as well as situations where deficient implementation is rather aggravating problems rather than solving them. The solution? I think that, in order to reach a correct solution, we must first identify the cause of these deficiencies. Where we are wrong: at the governmental level, because we do not have an integrated vision between the central and local government on environmental policies, or on the level of the citizen, who has a passive attitude, or worse, he is not aware of the importance of preserving the environment, because in what concerns the collection and recycling of waste, the citizens themselves have an important role.

Keywords: waste, recycling, collection, environmental policy, environment

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The Still Modern Issue of the Evaluation Criteria of University Professors

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Abstract: As any other employee, a university professor must be assessed from the perspective of the realization performance of the academic didactic norm which includes both proper didactic activities and search activities. Therefore, according to specific legislation, in order to be valid, the individual employment contracts must include the assumption of some minimal standards of the activities results, approved by the university senate, as well as clauses regarding the sanctioning in case of their unfulfillment, in compliance to the legislation currently in force.

Also, the issue is mostly drawn from the perspective of these standards and sanctions limitations, and most of all from the necessity of referencing to the real and legal dimension of the university didactic norm.

There are aspects that although they have been regulated since 2014, still lack a resolution in practice, especially because instead of accepting the legal solution already presented in legal literature, the dimensioning of the university didactic norm still presents different forms of compromise more or less reasonable.

There are aspects that we would like to bring in the spotlight in this article and in this way stimulate the acceptance of certain solutions.

Keywords: university environment, activities results, evaluating criteria, standards, law enforcement, problems, solutions

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Properties of Rulings in Criminal Proceedings

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Abstract: The legal activities of the official actors of criminal proceedings are reflected in the legal document - the verdict, the decision. Decrees are issued by courts of general jurisdiction in Ukraine in criminal, civil, economic and administrative proceedings. The trial, which is decided in essence, ends with the adoption of a court decision in the name of Ukraine; other cases of expiry of the case (in particular, closure of proceedings in the case, leaving the application without consideration) are in form of ruling.

The ruling is a procedural document in which the court decides the matters other than the substantive charge related to preparatory court hearings and trial (Article 369 of the CPC). It is generally acknowledged that the properties of ruling as a criminal procedural act are legitimacy, validity and motivation (Part 2 of Article 369 of the CPC). At the same time, there are other ideas about the properties of rulings in criminal proceedings.

Properties of rulings in criminal proceedings: 1. Rulings are legal in nature and contain an order for the application of legal (procedural) norms. 2. Rulings are of a dominant character. 3. Regulatory nature of rulings in criminal proceedings. 4. Obligatory implementation for the natural and legal persons concerned by the ruling, as well as for the bodies that execute the decision. 5. Epistemological character. 6. Incitement of participants in criminal proceedings to certain legitimate actions within the framework of criminal proceedings. 7. Fixed form. 8. Purpose – solving the problems of criminal proceedings. 9. Relationship between rulings in one proceeding.

Consequently, as acts of the application of law, rulings are peculiar legal facts, which are associated with the emergence, change or termination of relations in criminal proceedings. The process of taking rulings in criminal proceedings is multifaceted, so it is important to bear in mind not only the properties of rulings, but also their functions, which in fact provide the practical realization of the tasks of criminal proceedings through the functional manifestation of the properties.

Keywords: criminal procedure, rulings in criminal procedure, properties of rulings

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From Lack to Excess of Power of Representation

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Abstract: The power of attorney is the contract by which a party, referred to as *principal*, commits to conclude one or more legal documents on behalf of the other party, referred to as *attorney-in-fact*. Generally speaking, the power of attorney arises from the will of the contracting parties, but the power of attorney legal relationships can be generated also by the letter of the law, for example the presumption of mutual implied power of attorney between spouses in what concerns the administrative, preservation documents, as well as documents for acquiring common assets. The special situation of interest is the one of the case where the representation power is exceeded or when it is missing. According to the Civil Code, "the contract concluded by the person acting as a representative, but without being empowered or exceeding the powers conferred, does not have effects between the party represented and the third party", meaning that the effect specific to the proxy – i.e. to make the attorney-in-fact a party to the contract concluded on its behalf and expense as principal with a third party – is removed. Accordingly, the contract concluded by the principal without having a proxy or by exceeding its limits, in as far as there is no power of attorney or its limits are exceeded, does not bind the represented party to anything towards the third party, but at the same time it does not confer any rights towards it. The problem raised is one related to evidence, the solution depending on the proof of the existence / inexistence of the proxy, respectively, of exceeding / non-exceeding its limits, i.e. ultimately, of the fact that if by concluding the document by the principal, the legal relationship between the attorney-in-fact and the third party is interlocked, which is the specific effect of the representation, but not a problem of opposability, i.e. regarding the fact that if a valid document concluded between the parties was brought or not to the knowledge of the third parties by fulfilling the publicity formalities.

Keywords: lack, excess of representation, ratification, rejection of document, apparent power of attorney

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Comparative Criminology

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Abstract: Comparison is something all human beings do every day. In choosing a home, for example, you compare such elements as number of rooms and price, location, access to transportation, shopping and recreation, age of the structure, beauty of the surroundings, and so on. This comparison can become a science if it is done in a systematic manner. Comparative criminology it is the application of the comparative method in the science of criminology. Many criminologists use comparisons. Just think of a study comparing one group with another group, a control group. But this is not what we mean by comparative criminology; it requires comparison across cultures or nations.

Typical of comparative criminology is research on "transnational crime and comparisons of crime and criminal justice systems across nations," as it is stated in the mission statement of the International Division of the American Society of Criminology. We would like to elaborate this definition by calling comparative criminology the cross-cultural or cross-national study of crime and crime control.

Keywords: comparative criminology, transnational crime, crime control

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Limitations of N.A.Q for Graduates' University Diploma Supplements vs the Solution of Certificates Issued by Universities

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Abstract: As it is known, relatively recently, the National Authority for Qualifications requires universities to indicate by faculties for each university degree program, in diploma supplements and also to register in the National Register of Qualifications in Higher Education, maximum three occupations and only from the Classification of Occupations in Romania, under the conditions that there are laws regulating occupations logically related to these programs (the best example is the public functions which are found especially in Law 188/1999 on the Civil Servants' Statute, republished, which are thus "forbidden" to be indicated as possible for graduates of the "Public Administration study" program); otherwise, there are other strange limitations, like other discussions, interpretations.

The negative consequences are mainly for graduates who may suffer from the labor market and for universities against whom they might be against, which would invoke the limitations of the National Qualifications Authority, etc.

As one cannot insist on the latter, since it has the power to reject (re) accreditation of study programs (an attitude that forces the faculty's compliance with its demands), the only legal solution is to supplement the diploma supplements and the National Registry Qualifications in Higher Education with all possible occupations for each study program, according to the law, to be indicated by certificates issued by universities; the certificate, as it is known, only confirms what the law and the principles of law and even elementary logic regulate. These aspects are proposed in detail in the present study, also identifying possible socio-educational causes.

Keywords: National Authority for Qualifications, Diploma Supplements, National Register of Qualifications in Higher Education, problems for graduates, solution, certificate

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Identification of Online Network Users: Possibilities and Problems

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Abstract: The Internet is the most well-known communicative network. Thanks to it every second there is communication among billions of people. A large number of social online networks is used by most Internet users. Each user leaves his individual online track. It is customary to have multiple profiles in different social online networks for the same user. As a result, a large amount of cross-media information is consolidated in various social online networks. Detecting profiles of one user in several social online networks allows him to get a more complete psychophysiological portrait. This search helps to get new data and check existing ones. However, information from profiles is inherent in falsehood, fragmentation, anonymity. However, it is precisely through social online networks that we can quickly get the widest format of user information (for example, from location in specific point of time to user's hidden propensities). This information can be obtained by applying the methods of identifying users of social online networks. The algorithm of these methods involves the collection of data from profiles, the identification of identical (or joint) data, comparison between the findings, the calculation of the results of comparison, the formation of conclusions.

Keywords: network users, the Internet, social networks, identification of users

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Elements of Public Procurement Crimes' Investigation Planning

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Abstract: Investigation of crimes in the field of public procurement depends on investigator's actions aimed at quick and effective clarification of the circumstances of the criminal-relevant event. Like every complicated process, crime investigation requires a clear organization and an own algorithm of action. An investigation procedure is chosen for each crime-relevant event.

Following from the general to the individual, it is necessary to identify the elements of public procurement crimes' investigation planning. Generally recognized elements are the analytical processing of primary information about an event; nomination of versions and statement of tasks of investigation; determination of methods of solving the tasks of the investigation; possible adjustments to the investigation plan in view of the circumstances of the criminal proceedings.

In cases where the investigation of a crime in public procurement requires special knowledge, the investigator may use a help of a specialist or expert, a public procurement specialist. The results of such an appeal for the help of a specialist result in the actual correction of the investigation plan.

In general, considering the study of the elements of planning the investigation of crimes in the field of public procurement, it is necessary to classify these elements on the following grounds: by the nature of the activity: organizational tactical and procedural; using additional resources: involving specialists and state bodies and independent investigator actions; by the nature of planning: detailed and general elements.Thus, planning the investigation of crimes in the field of public procurements is a complex process aimed at obtaining, evaluating information about a criminal-relevant event, making versions, establishing the circumstances of a crime, which often requires additional resources and conducting investigative (detective) actions to establish validity in criminal prosecution of crimes in the field of public procurement.

Keywords: crimes in public procurement, public procurements, investigation of crimes in public procurements

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Publishers' Integrity as a Part of Academic Integrity

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Abstract: Is it worth talking about academic integrity, when a modern researcher at each step encounters such phenomena as violation of author's rights, as predatory publishers, as fake scientific journals?

Turning to the issue of copyright and integrity, we should mention publishers. "Predatory publishers", "Beall's list" - everyone has heard about it, someone have faced. The algorithms of the activity of these publishing houses are very similar to fraudulent manipulations: "predator" in every way trying to lure as many researchers as possible and obtain the maximum benefit (material in particular). "Predators" often operate in two ways:

- copyright infringement (publication in "non-impactful" or unofficial publications, including scholars in editorial boards without their permission, reprints of publications without the permission of authors and other publishers, etc.);

- fraudulent practice (reprint of publications without the consent of the right holder, the use of titles of known editions, their ISSN, substitution of the impact factor, source data of the publication for misleading, manipulations with personal data).

So, is it not necessary to put into circulation the notion of "editor's integrity"? In addition, the reputation of the publisher is easy to verify: it is enough to check the data on the site of the publication with the data of scientometric tools of free access (Scopus Metrics, Master Journal List Clarivate Analytics, Beall's list, MIAR etc.). In addition, with regard to university science, information about the activities of "predators", training for increasing information literacy and content verification skills and publication information should be introduced.

The efforts of scientists to receive publications in leading publications "here and now" break down on the rocks of reality: most researchers were not ready to wait a considerable time for review and publication, they prefer the speed of publication, but not quality, paid publication in the "predator" than free in the leading journal, violation of their copyright, than reasonable compliance. Is it worth such a rapid publication the reputation of a scientist?

Keywords: academic integrity, fraudulent practice in publishing, academic publishsing, predatory publishers

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PANEL 2

LAW: PUBLIC ADMINISTRATION AND REGIONAL STUDIES

President: Ph.D. Florin TUDOR

Panel 1 **-** Venue AE 103

PANEL 2 - PUBLIC ADMINISTRATION AND REGIONAL STUDIES

Zemstvo Institutions in Bassarabia (2nd part of the 19th – Early 20th Centuries): Lessons Learned and Unlearned

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Abstract: The Zemstvo reform, establishing a decentralized administration and local self-government structures in the Russian Empire, was implemented in Bassarabia (as part of it since 1812) beginning with 1969, after the first elections to the new institutions took place in November 1868. The new bodies existed on two levels – the province and the uyezd, covering the whole Bassarabian province (later governorate) and its seven uyezds (județe) - Hotin, Soroca, Iasi/Balti, Orhei, Chisinau, Bender, and Akkerman. Bassarabian Zemstvo ended its activity in 1920s, after the unification of Bassarabia with Romania in 1918 and mainly after the adoption of the 1925 Law of Administrative Unification.

The present paper discusses the experiment of Zemstvo in Bassarabia, its efficiency and consequences. This study aims at answering several basic questions. Among them: How did the Zemstvo institutions of self-government functioned? What was the structure of Zemstvo institutions and what role for each body? How were the Zemstvo institutions elected? Did there exist any barriers in implementing Zemstvo's decisions? What role for Zemstvo in the process of modernization of Bassarabia? And what have we learned from the Zemstvo experience?.

Keywords: Bessarabia, Russian Empire, Local Self-Government, Zemstvo

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Parliamentary Elections in the Republic of Moldova (February 24, 2019): The Effects of the Mixed Electoral System

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Abstract: The ordinary parliamentary elections in Moldova took place on 24 February 2019 and, for the first time, they were based on a mixed electoral system in the recent history of the post-Soviet state. Although, the mixed system was criticized by the specialized international institutions, the development partners of the Republic of Moldova and by the parliamentary and extra-parliamentary opposition, the government decided to implement it. Under these circumstances, political parties have had to adapt to the new conditions. The essence of these changes is the following: from the 101 deputies 51 were elected in uninominal constituencies and 50 deputies on the basis of the party lists. There are examined the particularities of the implementation of the new electoral system and its impact on the electoral campaign and the parliamentary elections from February 24, 2019.

Keywords: Parliament, electoral system, political parties, electoral campaign

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The Conversion of Sustainable Development into Public Interest

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Abstract: The public interest represents the measure and limitation of public administration. The way of relating to this concept justifies the administrative decision. The actual preoccupations for the sustainable development have created enough challenges for the formulating and the implementation of the local policies. The objective of this paper is to analyse the extent to which the principles of the sustainable development are reflected by the administrative decisions of the local authorities. Based on case studies, the present article states that the discourse of the sustainable development is to be found *in nuce* in the actual practice of making decisions al the local level. The making of decisions and the local policies are dominated by governance arrangements relatively close and hierarchical, and the principles of the sustainable development rarely appear as opportunities to encourage sustainable attitudes and behaviours. We suggest that the integration of the sustainable development within the conceptual area of the public interest and implicitly in the practice of public administration can be realised by the reflexive governance, by encouraging a sustainable ethos among the citizens. We propose a more comprehensive definition of the public interest by taking into consideration the fact that some administrative decisions are legal, but are not according to the principles of the sustainable development.

Keywords: interest, sustainable development, reflexive governance

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Immigration Approach in the Context of Migration Policies in the Republic of Moldova

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Abstract: Researching the migration profile of our country, essentially, focuses on the issues of citizens' emigration, based on the growing dynamics of migrants. Hence, increased attention to this form of new migration is reflected in studies, reports, public debates, strategies, etc. However, the migratory context requires addressing the two forms of the phenomenon, namely, emigration (leaving the territory of origin) and immigration (arriving in a foreign country). As for the second form, Republic of Moldova is not the most attractive for immigrants, but it is affected by the implication of international migration processes, especially those in the European space. The member states of the European Union remain committed to the flow of immigrants, to the fundamental idea of their integration as a factor of economic development and social cohesion. This value is shared by most European countries through common policies, including those that tend towards integration. In this context, the migration policies of the Republic of Moldova should also include elements of immigration management that address the problems of adaptation and subsequent integration of foreign citizens arriving on our territory. Although their figure is incomparable with the flow of migrants to Europe or to the Russian Federation, however, the dynamics in recent years is increasing. Therefore, the people who choose the host country Republic of Moldova require special attention from the decision-makers. The immigrants are important to the extent that the authorities are able to take into account the socio-cultural barriers to integration, the integration potential, the challenges of social exclusion, etc. Finally, the current migration context requires an approach to immigration integration issues that can be found in current migration policies, as well as, institutional challenges, related to their implementation.

Keywords: migration, migratory profile, immigration, migration policies, migratory context

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Administrative Tutelage

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Abstract: In an attempt to harmonize the national legislation with that of the European Union states, the Romanian legislator has intentionally consecrated an administrative contentious, a goal objectified in the institution of the administrative tutelage which was thought of as counterweight of the local autonomy.

An expression of the authority relations between the central organism of the public authority and the local authorities, the administrative control of the documents of local public administrative authorities is meant to ensure lawfulness and the constitutional principles, highlighting a modern judicial institution, complementary to an authentic state of law, to the extent that it is accessed and valued according to its initial mission.

Keywords: administrative tutelage, local autonomy, state of law

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Romania vs Opportunity of using European Structural and Investment Funds

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Abstract: The paper deals with the impact of the European Structural and Investment Funds on regional sustainable development. The analysis covers three steps: comparative analysis, regression and cluster analysis. A distinct part of the paper is focused on Romania's ability to attract and to implement EU funds during 2014-2020. The main conclusion of the paper is that, under the present situation and conditions, the regional disparities between the Member States will increase on medium and long terms.

Keywords: EU payment rate, Major Projects, regional disparities, regional clusters

JEL Classification: R10; R11; R12; R13

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Citizens' Participation and Innovation in the Public Service in Europe

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Abstract: The majority of the European member states have been forced to adjust their policies in the field of delivery of the public services, as a direct consequence of the pressure exerted on governments by the growing need of better services. The biggest challenge that the administrations have to face all over Europe is that of having to perform better with less (less financial resources and means). Public service delivery in Europe has gone through radical transformation since the 1980s due to various waves of reform.

The comparative analysis of reforms in several European countries proves the existence of various paths or trajectories of reform, as well as of (very) different results. A common and essential principle of all these reforms remains nonetheless the goal of increasing performance and efficiency and improve the citizens' involvement as 'co-creators' along the entire process of creation/innovation and delivery of the public services.

Keywords: public service reform, innovation, performance, citizens' participation

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Public Administration – Study and Research Field

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Abstract: The occurrence of a new science among the existing ones is proof of the temporal evolution of the economic-social and political phenomena, of their diverse manifestation and need to delimit new objects of study depending on their kind and content.

The recently established science of administration adheres to the diversity and specialty of the research field, by the delimitation of the administrative phenomenon's examination field from the science of law, and especially from the science of the administrative law.

Keywords: public adminstration, legal norm, legality

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Particular Aspects of Urban Dynamics in Galati City

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Abstract: Constrained in its expansion by physical and territorial-administrative limitations, Galaţi Municipality displays internally manifested functional static units, present at the level of neighborhoods, as well as at the external level, related to its possibilities of territorial connecting and expansion.

The functional enclaves have a double nature within the city, their relative isolation correlating with a certain process of social-cultural segregation, be it positive or negative. At the outside, the surpassing of the natural and administrative limitations takes two forms, that of territorial community under the shape of pseudo-suburbs or the form of complete "relocation", beyond the administrative boundaries, at different distances, according to the main factor that generated the process.

Our communication aims to highlight the particular forms that wear Galati urban dynamics in the last times.

Keywords: Galati, administration, relocation, peri-urban, dynamic

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Is the Right to Good Administration a Constitutional Right?

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Abstract: The recognition of the right to good administration as a fundamental and constitutional right by the fundamental law of the Romanian state is very important. This should be provided separately in the fundamental law of the Romanian state, within Title II, *The fundamental rights, freedoms and duties*, and through an organic law to be regulated an administrative procedure that would create the framework for the *good administration* to become the main objective of any activity of the public administration, for the purpose of achieving the public interest. But this means adopting the Code of Administrative Procedure, whose project has been discussed over and over again but which even now has not been finalized. I consider that through a public debate and consultation with all important public players from the Romanian society, the Administrative Procedure Code, which also implies recognizing *the principle of good administration*, could be and should be adopted, since the Romanian society needs clear rules of procedure, applicable to all public institutions, uniformly and transparently.

Keywords: constitutional right, the right to a good administration, Code of Administrative Procedure, principle of good administration

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Prosperity *vs* security. Opportunities and challenges of cooperation in the Black Sea region

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The Black Sea region is a region rich in natural resources and strategically positioned between Europe, Central Asia and the Middle East. At the same time, the region seems to become a booming market with growing potential for growth. However, it is equally a region with unresolved frozen conflicts and inconclusive border controls, which encourages organized crime, especially the component that is an important hub for energy and transport flows. Although positive developments relevant to the fight against illegal trade flows have been reported lately, there are still disparities in the pace of economic reforms, but especially in the quality of governance between the different countries in the region, some EU Member States, others not. The present study proposes a possible response at regional level that can contribute to prosperity, stability and security in Europe.

Keywords: conflicts, controls, border, organized crime, security
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