Irina Moroian-Zlătescu, THE REFORM OF THE EUROPEAN COURT OF HUMAN RIGHTS FROM THEORY TO PRACTICE

Any person who claims that a Member State of the European Convention had violated a right protected under the Convention and its additional protocols may refer to the European Court of Human Rights. The Court's role is to determine if the national authorities of the Member States have complied with the guaranteed rights. Whereas the Committee of Ministers is responsible to monitor the decisions of the European Court, and the respondent State has to inform it of the measures taken to implement the Court's judgments, the Committee seeks ways to strengthen the interaction between the European Court and national authorities. Among the proposed solutions is the introduction in the Convention of provisions that would create additional powers to the Court which the Members States should accept as optional.

Bruce Adamson, HUMAN RIGHTS NORMS IN EUROPE: HOW INTERNATIONAL, REGIONAL AND NATIONAL HUMAN RIGHTS MECHANISMS MAKE HUMAN RIGHTS A REALITY IN EUROPE

Europe has a complex legal framework for the protection and promotion of human rights. Over the last 65 years there has been an exponential increase in our understanding of human rights norms, and a huge growth in the mechanisms set up to monitor the implementation and realisation of those norms. Reflecting on the message of Eleanor Roosevelt that universal human rights begin in small places, this presentation will consider how international, regional and national human rights mechanisms interact to help enforce human rights norms at the local level. The presentation will consider how the norms developed and monitored at the United Nations, Council of Europe and European Union level are interpreted and applied, not just by States, but by other domestic actors.

2013 marks the 20th anniversaries of the Vienna Declaration and Programme of Action, the Principles relating to the Status of National Institutions (The Paris Principles), and the International Coordinating Committee of National Human Rights Institutions. These three developments have played an important role in the practical application of human rights norms. The presentation will look at the role of National Human Rights Institutions play in Europe, bridging the gap between the international, regional and national human rights systems and playing an essential role in making human rights norms a reality.

Finally, the presentation will look to an example of the application of human rights norms in a very small place, the Children's Panel in Edinburgh, Scotland, where human rights norms are applied for the benefit of the most vulnerable children – those who are in need of care and protection and those involved in offending behavior.

Petre Lăzăroiu, REGULATING PROPERTY THROUGH ENGAGING THE GOVERNMENT'S RESPONSIBILITY

The right to property, as provided by the Constitution of Romania, is guaranteed and protected by law. However, this right is not absolute, the constituent legislator leaving it up to the ordinary legislator to establish the terms and conditions concerning its exercise. This paper presents some examples of cases where the Constitutional Court was asked to rule on the constitutionality of certain legal provisions that have implemented at legal level these constitutional provisions.

Elena Maria Minea, IMPROVING THE URBANISM LEGAL FRAMEWORK – A DEFINITE MUST

Like many other areas, the urbanism should as well be refreshed, taking into account issues related to both current and perspective requirements of this activity. The „remedies" to the current regulations are aiming to emphasize and render more efficient the articulation with the environmental legal provisions. This amendment should be performed under a general financial austerity, manifested both at the state at the individual level, in new situations arising from climate changes during the recent years.

In the first half of the 20th century planning theory was focused on how to create stable cities, geared to a static world and based on a similar system of rules. During this period the planners were free from political interference. Planners actually work with neighborhood residents, local elected officials, interest groups and private developers. We must accept and study an approach to urban planning that provides a framework for different groups that now compete in the planning process.

Issues of aesthetics, design, economic feasibility, decision making theory, conflict resolution and sustainability are just some of the core concerns which planning must confront in the 21th century.

Ion Rusu, CRITICAL ANALYSIS ON THE CONSIDERATIONS OF THE CONSTITUTIONAL COURT DECISION NO. 799/2011 CONCERNING THE DRAFT LAW AMENDING THE CONSTITUTION

The criticism on establishing a unicameral parliament that the Constitutional Court has accepted is based on the historical tradition of a bicameral parliament, on the operation of the principle of balance of powers in a constitutional state which is stipulated in art. 1 paragraph 4 of the Constitution and on the functioning of the bicameralism in the comparative law.

The addition brought by art. 85 which states: "The proposal of the Prime Minister on the revocation and appointment of members of the Government can be done only after prior consultation with the President" is unconstitutional as the Prime Minister reports only to the Parliament that gave him its vote of confidence. If he reported to the President, it would be necessary to consult him first. The Court in its jurisprudence affirms the need to respect the principle of separation and balance of powers, by declaring the constitutionality of the amendment, reverses this balance, giving the President strong powers and does not take note of

the art. 80 paragraph 2 on the President's function of mediation between the state powers as well as between the state and society.

The amendment of art. 95 which reads: "For having committed serious acts infringing the Constitution, the President of Romania may be suspended from office by the Parliament, by a majority vote of its members, after obtaining the mandatory approval of the Constitutional Court on the seriousness of the offenses and the violation of the Constitution" is unconstitutional because:

- it prejudices the principle of separation and balance of powers between the Parliament and the President if the Parliament is restricted in its right of suspension by the opinion of the Court;

- instead of ensuring the supremacy of the Constitution, the Court stands above the Parliament through its opinion, although even after the proposed revision The Parliament still remains the supreme representative body of the Romanian people and the sole legislative authority of the country (article 61 paragraph 1);

- it is inadmissible that an authority appointed by the Parliament and the President, which has indirect representativeness, may be able to censor the political activity of the Parliament and thus has the political responsibility of the President blocked.

Lucian-Sorin Stănescu, THE EFFICIENCY OF ROMANIAN CONSTITUTION FROM 1991 – AN EQUATION OF FUNCTIONALITY

The explanation of the constitution efficiency concept implies firstly, such as in a mathematic equation, to identify the classic constants of viability and validity of a fundamental law, meaning the law supremacy, separation and balance of powers, existence of the rule of law, effectivity and the guarantees of human rights, practice of specific sanctions in case of constitutional slidings. Introducing in the equation variables, such as the optimum lifetime of the constitution, stability of the fundamental law, citizen participation, are needed for concluding on effects such as success, performance, legitimacy and ophelimity of it. By applying this method of analyze on the Romanian fundamental law in force, the study aims to verify if our Constitution was able during its entire existence to ensure the fulfillment of the initial goals and normative and non-normative functions, issue that should be reflected in its capacity to manage the conflicts from the constitutional frame, to self-enforce its specific norms and sanctions, to secure the optimal and durable functioning of the institutions and to create and acquire the commitment of its beneficiaries for the respect of its own spirit and supremacy.

Ludo Veny, UNITY IN DIVERSITY PROTECTION OF LINGUISTIC, RELIGIOUS AND PHILOSOPHICAL MINORITIES IN THE BELGIAN FEDERAL STATE

As one of the few countries in the Council of Europe, Belgium has not ratified the Framework Convention for the Protection of National Minorities as well as the Charter for Regional or Minority Languages. Yet minorities are being protected. Firstly, the Constitution guarantees the principle of equal treatment and non-discrimination. Secondly, Belgium evolved from a unitary

to a federal State. The three (language)communities are each, on their territory, responsible for Cultural Affairs (including language protection measures, ...), education including the choice of the language of instruction; this autonomy even implies that each community can close treaties with other States. However, mechanisms must be developed within each community for the protection of philosophical and religious minorities or in the area of governance and administration. Thirdly, at the federal level linguistic minorities are double protected; the Council of Ministers is linguistically jointly composed and in the Federal Parliament a guaranteed presence of each language group is constitutionally assured. Legislative can only adopt language laws as well as the laws concerning State structure with a qualified majority; for approving other laws a language group can temporarily suspend the legislative process. The protection models have always led to consultation and never to violent conflict.

Alexandru Fărcaş, EFFICIENCY IN INTERNATIONAL HUMAN RIGHTS LAW. IMPACT OF THE NEW UNITED NATIONS HUMAN RIGHTS MONITORING AND REVIEW SYSTEM ON NATIONAL LEGISLATION IN EUROPEAN UNION MEMBER STATES

The United Nations world wide system for monitoring State compliance with the universally recognized human rights has been substantially reformed in the first decade of the XXIst century. Dr. Farcas paper examines in detail the newly created institutional system of the UN Human Rights Council and the results of the fulfillment of the first cycle of the Universal Periodic Review as to corresponding adjustements in EU Member States public policies and national legislation. With the begining of the second cycle of the Universal Periodic Review each State will be compelled to demonstrate its actual commitment to the universal human rights by the degree of integration of treaty bodies and other human rights monitoring mechanisms recommendations into its current national practice.

Ana Mocanu-Suciu, NONEXISTENCE OF THE ADMINISTRATIVES PROVISIONS

The principle of legality is one of the pylons that support the state of law. From this perspective, the main actor in ensuring the reality of the democratic and social state of law established by the Romanian Constitution is precisely the State, through its public institutions and authorities that act on its behalf exercising the public power. However, within the administrative activity there are circumstances, in which the decisions issued do not observe the fundamental, essential norms, set forth by imperative legal norms, so that it is necessary to provide certain sanctions to correct these sideslips and to restore legality. The most important sanctions regard precisely the elimination of the cause that determined the state of unlawfulness, that is the legal act, namely in this case, the administrative act. The force and legal regime of these sanctions applicable to administrative acts vary depending on the character of the norm that was breached, the interest protected but also on the gravity or evidence of the breach. From this perspective, the most drastic sanction is that of nonexistence, that is not confused with the sanction of nullity neither from the point of view of its causes nor from that of the applicable legal regime. In the hereby study we aim at shaping the peculiar physiognomy of nonexistence, as sanction applicable to the administrative acts in relation to the sanction of absolute or relative nullity.

Liana Iulia Paul, THE PROCEDURE OF ESTABLISHING THE GOVERNING BODY'S LIABILITY

In the economic system, the ongoing of commercial activities implies, besides the exercise of rights, also the compliance of some obligations. So, the governing body's liability is inevitable when the debtor's insolvency was caused by their forbidden facts. Even if there are similarities between the liability which is regulated by ordinary law and the governing body's liability provided by the Insolvency Law No. 85/2006, the governing body's malpractice can't be found in the special legal provisions. So, the invocation of such reasons can't lead to their punishment according to the Insolvency Law. Other aspects, presented in this paper, concern the holders' demand of the governing body's liability, the persons which must be held liable for causing the insolvency, the legal nature of the governing body's liability, the liability conditions according to 138 article, the competent court. There are also presented some other procedural aspects such as: the stamping, the insolvency representative's remuneration, the demand's content, the citation of the parties, the evidence administrated in this procedure, the statute of limitations, the enforcement and criminal liability. The legislator's main purpose on the governing body's liability is to prevent the negative consequences of the non-compliance of the legislation which is governing the carry on business across Romania. We also consider that the existence of these legal texts offers the necessary landmarks for lawyers in order to pronounce correct outcomes.

Vladimir Vasiliţa, REFLECTIONS ON MEASURES TO OPTIMIZE FISCAL ADMINISTRATION IN THE REPUBLIC OF MOLDOVA

In this respect, it is absolutely necessary to take a number of actions to improve the whole fiscal administration system in the Republic of Moldova. A part of the most relevant conditions that all these measures should meet include the following: the fiscal administration must be clear, transparent, equitable, predictable, stable, based on prudent fiscal policies aimed at reducing the tax burden carried by taxpayers to the maximum, etc. The accomplishment of this imperative is possible only by continuously adjusting the national fiscal legislation to the provisions of the communitarian Acquis.

Dan Perju-Dumbravă, Ovidiu Chiroban, THE MEDICO-LEGAL INTERPRETATION OF LIFE ENDANGERING

Another problem of interpretation arises in some rare cases, for instance a penetrating chest wound without significant vascular or organic lesions, but with a minimum hemo-or pneumothorax. Furthermore, the medical treatment applied to the patient shortly after t suffered trauma can create difficulties of interpretation of life endangering in terms of its existence. This paper aims to highlight the most common situations that can lead to confusion and difficulties in interpretation of the notion of life endangering and to give them a uniform interpretation.

Eugen Gh. Crişan, Ciprian Cosmin Negru, THE POLYGRAPH TECHNIQUE BETWEEN THE PROBATORY VALUE AND THE PRACTICE UTILITY

The entire criminal process, aimed to hold liable the persons guilty of infractions, is based on the principle of finding out the truth, because only under these conditions criminal justice is just. The paths through which the truth can be find out were established by the Romanian legislature in articles 62 and 63 of the Criminal Procedure Code, they represent the proofs, meaning any elements of fact which serve in finding the existence or nonexistence of an infraction, to the identification of a person who committed it and finding out all the circumstances connected with the perpetration of the infraction. The proofs are administered in criminal procedure through the means of evidence, and to ensure their accuracy, the legislator established the existing procedures, meaning the modalities for obtaining the evidence.

Grigore Labo, THE EVOLUTION OF HANDWRITING

During last years we noticed a spectacular depreciation of the quality of the caligraphic handwriting. Some opinions, mainly in the United States, considered obsolescent, if not dangerous, this means of communication. It is expected that in the future, it will be optional to learn either the technique of handwriting or typing on the keyboard of a computer. It's hard to say when we will live in a society devoid of practices, writing manuals, but we cannot deny the possibility of arriving in such a situation. From the forensic sciences point of view, such an evolution implies a different approach to research documents. The graphic examination of a document will especially lookfor handwritten signatures and any topography of a document examining the art, focusing mostly on technical issues related to the characteristics of devices used for writing, for the purposes of identifying them. General and individual features of handwriting will no longer have the current decisive role in the establishment of the text author, other skills such as biometrics, dynamic or static characteristics to be examined to identify the author. The evolution in this sense, the gradual disappearance of handwriting, does not mean by default to reduce the chances of identifying the author of a written text (printed), via other means (mechanical or computerized).

Cosmin Cernat, OVERLAPPING OF FUNCTIONS IN THE CASE OF POLICEMAN

Policemen are public servants with special status which may serve several functions only under conditions imposed by the special law.social reality from Romania, national legislature imposed to allow police to work for other employers than Romanian police. Romanian policeman can work only with the boss directly for a private employer if the activities do not contravene lucrative job.

Dumitru Diaconu, APPLYING THE PUNISHMENT. A VIEW OF THE PAST AND FUTURE

For a fair punishment individualization by setting its nature, its duration and the method of execution is necessary to look back in time through the retributive conception as the basis and purpose of the punishment, based on its inflective character to which it can be added the

concept of social defense as a support of special prevention, also of general prevention, with reference to possible infractions that may be committed by the defendant or other persons. But the purpose of the punishment, not only preventive but also educational, regulated by the current Penal Code, purpose so much needed for the principal moment of a process, identified with the establishment of a sentence, is unjustified removed in the future Penal Code, being transferred to subsidiary plan in the phase of execution of the penalty, being found only in the blueprint laws on the enforcement of sentences. Also, in the future Penal Code are identified much more criteria of fact of individualization of punishment compared to the current Code, but it is unfortunate the removal of the criterion of right of individualization of punishment aiming the punishment limits fixed by the special part depending on which the judge sets the lenght of the sentence. Looking to the future in the case of punishments for ofences of violence, such as those of murder in aggravation comitted on several victims, ofences that arouse fear and terror in the community, would be required the establishment in the new Penal Code of the provision that life imprisonment to not be replaced by imprisonment,excepting the exceptional circumstances.

Alexandrina Marin, Liviu Ungur, SOME CONSIDERATIONS REGARDING THE CLAUSE DEEMD UNWRITTEN ESTABLISHED BY THE NEW ROMANIAN CIVIL CODE

Met in some European system law (French law, Swiss law, Belgian law) and in Quebec law, the clause deemed unwritten was introduced in Romanian system law regarding the contracts in general by the provisions of New Civil Code. Disposed in the section which is dedicated to the nullity of the contract, the legal doctrine published round the New Civil Code received the clause deemed unwritten as a type of nullity and not as o distinct sanction of the contract. This paper analyses the settlement of the clause deemed unwritten , it's concept, the main notion from which it is connected, it's functions, the resemblances and the distinctions towards nullity and it's specific characteristics and legal effects. The purpose of this analyse is to find if we can't admit another point of view which consider the clause deemed unwritten as a distinct sanction established by the New Civil Code to ensure in a more appropriate manner than nullity the achievement of the purpose followed by the parts at the conclusion of the contract and by this a greater stability of civil system ,of economic and social life in general and on the other hand a greater respect of the law ,purpose always wanted in the matter of sanctions of the contract.

Carmen Domocoş, APPLICATION IN TIME OF THE RULES FORM THE NEW CIVIL PROCEDURE CODE

The New Civil Procedure Code started to be applied in Romania from the 15th of February 2013, replacing the old one from 1948. It's rules establish that it will be applied only in those civil trials registrated in the courts starting with the 15th of February 2013. The rest of civil trials will be governed by the rules from the Civil Procedure Code from 1948. This way, the Legislativ intended to make the law predictible in order that people to know from the very beggining the lenght, the costs and the rules of their civil trial. In the same time, a special law which joins this new code containing some important transition rules and establishing that those trial which are registratred in the courts before the 15th of February will be governed in the future by the rules of the Civil Procedure Code from 1948 which was applied till this date in Romania. This special law conteins also the transition rules regarding the trials which started under the old code, the

sentence was pronnounced, but the forced execution follows or the execution is already started, because in these situations could be a conflict of laws in time. In the same time, this law conteins the transition rules regarding the administration of proves in the civil trial, due on the fact that the new code establishes new different rules in

Gabriela Culda, Oana Racolţa, THE EFFECTIVNESS OF THE LEGAL RULES GOVERNING THE LAWYER AND NOTARY PROFESSION WITHIN THE ROMANIAN LEGAL SYSTEM

This survey provides a reflexion of two major legal professions in Romania in terms of the effectiveness of the governing legal rules. The authors chose to present the lawyer and notary professions in terms of their practical feature, and due to the importance of the work they are performing for the civil circuit. Each of these professions is distinctly governed by its own organization law, and once the beginning of the judicial reform and the entry into force of the new Romanian Civil Code, both the adjustment of these laws to the new modifications, and the reorganization of the professional systems were set. The different legal nature of the normative acts affecting the regulation of these professional activities was also analysed, thereby laws, regulations, decisions and Government ordinances, and internal documents issued by professional organization structures being considered. After comparatively analysing the legal norms affecting the activity of both professions mentioned above, it could be observed the similarity in terms of nature of normative acts and in terms of legal principles governing them, but in the same time, multiple differences related to the professional organization, responsibility and skills.

Marius Mocanu, ACCES TO JUSTICE AND THE PERSONS WITH DISABILITIES

Persons with disabilities are entitled to equal acknowledgement before the law of their right to the assistance they may need in the exercise of their juridical capacity as well as their right to effective access to justice. Articles 12 and 13 in the United Nations Convention on the Rights of Persons with Disabilities lay down these rights. The Convention is intended to allow such persons to live independently and fully participate in all aspects of life, under equal conditions with the other members of their community, as well as to identify and eliminate obstacles that deny their accessibility.

Bujorel Florea, SOME CONSIDERATIONS ABOUT SUBJECTS AND THE OBJECT OF THE PROTECTION OF THE TOPOGRAPHIES OF THE SEMICONDUCTOR PRODUCTS

The study focuses on the analysis of the norms that regulate the subjects and the object of the protection of the topographies of the semiconductor products from the perspective of the Law no. 16/1995 with the further modifications and of the respective regulations from the Civil Code (Law no. 287/2009). The author reveals some aspects that were incoherently or ambiguously regulated as regards the approached topic and highlights the absence from the content of the special law (Law no. 16/1995) of some provisions misplaced in the Norms of application of this

law. At the same time, in order to avoid the confusions in the analyzed case, the author formulates de lege ferenda proposals, in the view of eliminating the identified legislative imperfections.

Ioana Vasiu, CREATIVE PARTICIPATION IN DEVELOPING DIGITAL CONTENT: CONSIDERATIONS ON THE NEED FOR THE RIGHT LEGAL FRAMEWORK

A new feature of our society and economy is a creative participation in developing digital content, driven by rapidly diffusing broadband access and new software tools. Due to recent changes in online market dynamics, consumers are no longer passive agents of consumption, but are increasingly contributing to the information provided by online service providers. User-generated content services (UGC services), where online content is produced and submitted by users of the service, have become increasingly popular in recent years, and led to the development of a number of new online business models that form the backbone of the Web 2.0 digital economy. Among other things, UGC services (especially SNS, like Facebook, My Space, Twitter, etc.) offer cultural diversity and enhanced interactivity that they can serve several different audiences. UGC can provide citizens and consumers with information and knowledge, and the content tends to be collaborative and encourage sharing and joint production of information, ideas, opinions, and knowledge. The central message of this contribution is that this new environment is asking for the right legal framework. This paper attempts to give a proper answer to the these essential questions: what are the effects of copyright on new sources of creativity, and how does IPR shape the creation and distribution of content; how should the privacy and security legal and technical framework look like to fit the challenges raised by UGCs?

George Trif, THE EFFICIENCY OF THE SANCTIONS IN THE INTELLECTUAL PROPERTY SYSTEM

The modern approach to Intellectual Property has its roots in the late nineteen century and since then few things have changed. The changes through which the system has passed are not substantial and it has retained its main characteristics. Intellectual property at this time is outdated as its rigid design failed to keep up with the development of the society and its technologic means. The aim of the article is to summarize and analyze the sanctions imposed by law in every branch of the Intellectual Property system in order to prove that the sanctions imposed are no longer efficient. The legislation in this domain is greatly harmonized within the EU and throughout the developed countries therefore the article is focused on specific Romanian provisions regarding trademark, patent and copyright law, nevertheless it does not lose sight of international provisions set in the founding treaties.

Livia Florina Labo, CONTRACTUAL UNFAIR TERMS

Unfair terms are mainly found in the consumer contracts, in which the professional is stronger financially, economically and legally and he imposes his contractual position to the unprofessional customer. Relevant legislation is the transposition of the Directive 93/13/EEC of the Council of Europe into several laws: Law 193/2000 on unfair terms in contracts between professionals and consumers, the Consumer Code, GO 21/1992 on Consumer Protection, Law 363/2007 on combating unfair practices of traders with customers, GO 85/2004 on consumer protection in distance contracts conclusion and execution of financial services etc. The consumer protected by these legal provisions is an individual or group of individuals organized in associations who conclude a contract with a professional, acting for purposes outside their usual activity, as specified in Article no. 2 of Law 193/2000. But there are unfair terms in contracts concluded between two professionals or two non professionals too. In the new Civil Code the Romanian legislator gives some explicit possibilities to eliminate such terms and under the old Civil Code they may be challenged based on the cause of the legal act and on the principle of contractual freedom. Under current conditions, when individuals and legal entities frequently conclude contracts of adhesion, often having no alternative to access certain goods or services, it becomes very important to know how to remove the contractual unfair terms.

Sidonia Culda, THE PROVISIONS OF EXTINCTIVE PRESCRIPTION IN THE CIVIL CODE - COMPARATIVE STUDY

In this paper we make a comparative analysis of the institution of limitation periods in the old Civil code and in the new regulation. The definition and regulation of limitation periods, the legal nature, effects and the principles of this legal institution are all analysed. In the second part of our study we make a comparative analysis of the domain of limitation periods, as well as of aspects regarding the course of limitation periods. This paper also comprises observations on certain special situations regarding the beginning of limitation periods.

Nizamudin Ahmad Sidiqqui, THE HARDENING OF THE LOOSEY DEVELOPED NORMS: IS THE INTERNATIONAL COMMUNITY READY FOR THE RESPONSABILITY TO PROTECT (RtoP)?

There are some relevant questions though. Whether the RtoP has matured enough? Or does it still remain a loosely developed norm? And, should the international community be ready to accept the RtoP within the human rights law framework? The author tries to find answers.

Sai Ramani Garimella, DOMESTIC TRIBUNALS FOR INTERNATIONAL CRIMES – DUE PROCESS. NORMS – BANGLADESH

Since the Nuremberg courts, diverse criminal justice mechanisms have found place in international criminal law, often on compulsions from States. Successfully ensuring criminalization of the Kosovo and Rwanda horrors, international criminal law now has an institutional process, the ICC. States have also exercised sovereign territorial right to try international crimes. Hybrid Tribunals, combining efforts of international community and States,

could be a viable alternative to domestic ad hoc tribunals. State interests and international concern can be effectively blended in the institution and applicable law too, like was done in Kosovo, Timor and Cambodia. Handled by international community it could restore the credibility of the State's intention to try war crimes. This research paper presents the hybrid tribunals as an alternative methodology for criminalizing war crimes in Bangladesh legislation.

Grațian Urechiatu-Burian, CAN AN ADMINISTRATIVE ACT BE SUSPENDED THROUGH AN PRESIDING JUDGE'S ORDER?

The public administration activity is governed by the principle of legality. According to this principle, public authorities operate within the powers given by the law. Therefore the acts that are emanating from government authorities either central or local are presumed to be legal. Of course the presumption is relative. An interesting problem that arose in practice is the following: it is admissible the procedure of the presiding judge's order in the contentious administrative matters? More accurate, an administrative act may be suspended through the procedure provided by the 581st article civil procedure Code from 1985 (the article 996-1001 civil procedure Code, year 2010)? The answer is mostly negative. Thus, unlike the 581 article C.proc.code, through the 14th article of the 554/2004 Law, a specific/special procedure was provided to suspend the effects of an administrative act. The request to suspend an administrative act, reasoned on the directives of the 581st article civile procedure, should be considered as being inadmissible. However, there are still cases when the request of the presiding judge's order is admissible within the contentious administrativen procedure, but not for adjourning the administrative act. Taking all these consideration, in the the practice of the courts we dont have a common point of view.

Emilian Ciongaru, LEGAL ORDER AND LAW ORDER OF THE EUROPEAN UNION

From a legal perspective European Union is constituted as a new legal order of international law for the benefit of which the States have limited their sovereign rights, although only in certain areas, and whose subjects are not only states, but also citizens them. European primary legislation creates a specific legal system which integrates in the national legal order. From this integration resulting the impossibility of invoking of subsequent national measure contrary to European law. So at European Union level is founded the law order which can be defined as transposition in activity of European organisms of the Member States and in the behavior of citizens their of European legislation. The purpose of this paper, is to demonstrate that legal order have close connection with the legal order of the European Union but do not identify with this there are significant conceptual differences by which reveals that legal order generates and consolidates the legal order. So legal order of the European Union represents, by definition, a coercive order of the rules of European law which are appropriate of the Member States and their citizens, as European citizens, in order to regulate their behavior and ensure the necesaary framework of benefic social cooperation. The objectives of this paper, are to clarify an important part of these differences to eliminate the possible confusion of these concepts, which could lead to improper implementation of European legal norms in national law of Member States implementation which is based on the principle of priority application of the European Union legislation according to which the legal order of the European Union is integrated into

national law and its provisions creates in directly mode rights and obligations for individuals, the national judges must ensure respect.

Ahmad Nafees, THE EMERGING CONSTITUTIONALISM OF MINORITIES RIGHTS IN SOUTH ASIA: THE PARADOXES OF HUMAN RIGHTS THEORY AND PRACTICE

The Constitutionalization of the rights of minorities in South Asia has been a utopian premise of political pontiffs, policy proposers and academic architects in this part of the world that has been emerging as a new cradle of paradoxes of human rights theoretical expositions and human rights practices that are at loggerhead with each other. South Asia as a regional block of international importance is striving to establish its efficacy in terms of human resources, geo-political settings, human development, democratic constitutionalism, subtle statecraft and policy paradigms of universal utility which is nurtured and navigated by the quality of justice system, governance institutions and social structures and stratifications of South Asian nation-states non est inventus any political polemics, paradoxical pursuits and gawky gobbledygook in a milieu of massy reality.

Cristina Siserman, CIRCUMSTANCES PRECLUDING INDIVIDUAL CRIMINAL RESPONSABILITY: SELF-DEFENCE AND DURESS IN THE PRACTICE OF INTERNATIONAL CRIMINAL COURT

The Rome Statute of International Criminal Court (ICC) provides in its Article 31 the four circumstances that preclude the individual responsibility for international crimes: insanity, intoxication, self-defence and duress. The present study discusses the way the provisions of the Rome Statute have been implemented in practice, by focusing on self-defence and duress. Since these two defences are sometimes thought to constitute substantive and procedural obstacles to the prosecution of a crime in an international court or tribunal, the main question that the study aims to answer is the degree to which these defences have been considered up to present in adjudicating international crimes. The study emphasizes two main conclusions. Firstly, the non-systematic way in which the rules on self-defence and duress have been incorporated from various national systems leads sometimes to overlapping or contradiction. Secondly, both self-defence and duress have not been raised as defences in a significant number of cases before international criminal tribunals. The study suggests that, if a case should meet the requirements for such a defence, this might well be an indication that the case does not deserve the attention of the prosecution at international tribunals, as the ICC tries only the most serious crimes of concern for the international community.

Nicolae Grofu, SOME REFLECTIONS ON FILING THE ORDINARY REMEDIES IN CRIMINAL TRIAL

The Article approaches the issue of filing the ordinary remedies in criminal proceedings in Romania. The author examines the ways in which the litigants could lodge an appeal and also express opinions on existing trends in analyzed area.

Constantin Duvac, ENFORCEMENT CIRMINAL OF THE MORE FAVORABLE LAW AND THE NEW CRIMINAL LEGISLATION

The author examines comparatively the criminal law provisions relating to the application of more favorable new criminal law than those provided in previous criminal law, highlighting the merits and shortcomings of the new Criminal Code, explanation accompanied by examples, own ideas and suggestions to improve the text analyzed. Finally, the author presents his own conclusions drawn about the matter under investigation to which he adds, in a synthetic form, the main de lege ferenda proposals for improving the new criminal legislation.

Vladimir Mătuşan, PRACTICAL APPLICATION OF THE ROMANIAN CRIMINAL PROCEDURE CODE REMAND IN CRIMINAL PROCEEDINGS

In the present article we consider the provisions of the Romanian Criminal Procedure Code which relates to legality and merits remand, during the criminal trial, as well as the extension of preventive arrest measure during the criminal trial. According to the legislation in Romania, a defendant may be detained for a period not exceeding 30 days, stage of criminal prosecution, and once the case had come before the court of first instance, in cases where the defendant is prosecuted in state arrest, the court is obliged to examine ex officio, in the council chamber, the legality and validity of the preventive arrest, before the expiration date. If the court finds that the grounds for the detention have ceased or that they are no new grounds to justify the privation of liberty, order, by terminating, revoking detention and immediately put the freedom of the accused. When the court finds that the grounds for the arrest requiring further imprisonment or that there are new grounds justifying the deprivation of liberty, the court maintained, by a motivated sentence, the arrest. In cases where the defendant is arrested during trial, the court shall regularly verify, but no later than 60 days, the legality and validity of arrest. If the court finds that the detention is unlawful or that the grounds for the arrest.

Valentina Cornea, THE INSTITUTION OF PUBLIC ADMINISTRATOR WITHIN ROMANIAN ADMINISTRATIVE SYSTEM

The institution of public administrator appears as a new element in Romanian administrative system introduced by Law no. 286/2006. The main purpose of this institution is to create a legal framework adequate to the identification of problems and suggestions for solutions through elaboration and implementation of some local actions plans. The study analyses the impact of introducing the public administrator post. The model of analysis refers to legal framework and intended and unintentionally generated effects. The substantive question is whether this institution inspired by administrative systems of other European countries where community

services are organized on applicable principles in private sector, complies with the necessities of Romanian administrative system but also with its capacity of maintaining and developing of such kind institution.

George Chiocaru, INALIENABILITY CLAUSE – EXCEPTION FORM THE PRINCIPLE OF THE FREEDOM OF CIVIL TRANSACTIONS

According to article 553 paragraph 4 of the Civil code "the goods subject to private property, no matter the owner of the property right, are and remain in the civil circuit, if is not otherwise indicated by law. Such goods can be transferred, can be subject to judicial execution and can be acquired through all the methods prescribed by law". Therefore, the freedom of transferring any rights in relation with such goods, no matter the type of transaction used in this respect, represents the rule, any exception from this rule being necessary to be expressly regulated by law. Consequently, the legal provisions regulating the cases where the freedom of transferring the rights regarding the goods subject to private property are of strictly interpretation.

The main legal provisions regulating the conventional limitation of the private property ownership right, including the inalienability clauses, are represented by articles 626 – 629 of the Civil code. The inspirational source of the Romanian legislator for these provisions were represented by articles 1212 – 1217 of the Quebec Civil code, the Romanian legislation following most of the structure and drafting of the Quebec Civil code. However, in our analysis we will also try to underline the significant differences between the Romanian Civil code provisions and those of the Quebec Civil code regarding the inalienability clauses.

As we will further demonstrate in our analysis, the inalienability clause regulated under the Civil code may be described as being that conventional limitation of the exercise by the owner of the attribute of disposing in relation with its goods subject to private property, by prohibiting the conclusion of any agreement which may result in a transfer of property, such prohibition being opposable to third parties and leading to a temporary withdrawal of those goods from the civil circuit.

Irina Gvelesiani, TERMINOLOGICAL PECULIARITIES OF SOME EUROPEAN MODIFICATIONS OF "TRUST"

The world has been constantly developing throughout the centuries. However, the pace of changes has been almost doubled during the last decades. The process of globalization - a complex system of innovation and rapidly growing interdependence – has played the greatest role in the formation of today's world. Its orientation on the tendency of penetration, internationalization and rapid development has changed the contours of different spheres of life. The given paper makes an attempt to study innovative processes of the European legal system. The major emphasis is put on the implementation of "trust-like" mechanisms and their development during the last decades. The original form of "trust" appeared in English Common Law during the Middle Ages. In the beginning of the 19th century, the given institution emerged in the business sphere of the USA, while at the end of the 20th century, the growing importance of the American "business trust" stipulated the appearance of "trust-like" mechanisms throughout Europe. Hence, the implementation of the given institution was contradicted by the

traditions of continental law-governed countries. The duality of ownership (which was presented in the Anglo-American legal system) seemed almost unacceptable to the "rigid" European jurisdictions. However, a constant influence of globalization and innovative processes of the 20th- 21st centuries have played a crucial role in the insertion of different modifications of "trust" in the legal systems of some continental countries. The given paper studies the appearance of the European "trust-like" mechanisms, their gradual transference from theory to practice and terminological peculiarities which vary from "trust" to "trust". The greatest emphasis is put on the significance of the role played by the aimed and well-thought practical usage of this newly-implemented and extremely prominent legal institution.

Dan Perju-Dumbravă, Ioana Mic, Horea Matei, THE LIMITS OF DNA TESTING USED AS AN EVIDENCE IN COURT. A REPORT BASED ON THE PRACTICE OF THE CLUJ-NAPOCA INSTITUTE OF LEGAL MEDICINE

The evaluation of the evidentiary value of scientific evidence is the assessment of the strength of the link between a finding and a person. It is usually a statistical assessment but its presentation is full of pitfalls. The evaluation of scientific evidence must be based on a established methodology to both evaluate, expose and interpret the evidence. With the advent of the application of molecular biology to human identification by means of DNA typing, conceptual conflicts were introduced. After over 25 years of worldwide experience, the robustness and reliability of DNA analysis was demonstrated. However judges, prosecutors and defenders, due in part to different educational background as compared to scientists, may ignore potential restrictions concerning DNA profiling results. Since its beginnings, DNA testing was surrounded by an aura of infallibility. Nowadays, a big number of highly polymorphic genetic markers, included in commercial kits, as well as automated devices for DNA extraction and purification, PCR amplification, electrophoresis and data analysis are available. Nevertheless, errors may occur. It is important to underscore that DNA testing should be considered one more piece of evidence within the context of a criminal or forensic investigation, and that the judicial sentences should be based on the evidence as a whole and not just on the genetic studies.

Ioana Sasu-Bolba, LAW AS AN INTERDISCIPLINARY SCIENCE LAW AND LITERATURE (III)

The Trial in Law and Literature: Franz Kafka. The conclusion of the novel is nevertheless exaggerated, but still we cannot avoid thinking how many of those being tried (not always being charged with murder, theft, rape, etc.) actually understand what is going on or what was the efficiency of legal norms in their particular case!

Elena Damian, FROM THE FRENCH HISTORY OF LAW: DENIS GODEFROY

Denis Godefroy (1549-1621), a remarkable personality of the French Renaissance, the founder of a true dynasty of legal advisers and historians, was in his times a very well known specialist in Roman law. He taught law successfully at the universities in Geneva, Strasbourg, and Heidelberg.

His work is immense and extremely varied, but "Corpus juris civilis" (Geneva, 1583; republished for the fifth time in 1624, Geneva), which remained a classic for a long time, represents his best work. Through his numerous copies of his works, Denis Godefroy occupies a significant place in the most prestigious libraries in Transylvania. One of the possessors of his valuable works was the intellectual Timotei Cipariu.

Mihnea Dan Radu, THE LEGAL ACTIONS AND THE PRAETOR'S CONTRIBUTION TO THE DEVELOPMENT OF THE ROMAN LAW

The Roman law was a "law of actions", this expression emphasizes the special importance of the procedural element that preceded the substantive one. The effectiveness of the legal norms was therefore guaranteed through legal actions which conditioned the very existence of the subjective rights. These issues have gained utmost importance with the emergence of praetorian law, which provided the dynamism of a legal system as otherwise marked by a strong inertia. Because of this, the praetor played a determinant role in the development of Roman law, his edict being a very effective source of law.

Mihai Cucu, THEORETICAL AND PRACTICAL CONSIDERATIONS ON THE RIGHTS OF CHILDREN WITH DISABILITIES REFLECTED IN CURRENT LEGISLATION

The paper aims to examine legislation concerning the rights of disabled children, and how to apply it. Stressing the positive sides and considered improved, we analyzed both significant examples found within the professional activity and in everyday life. The particular value the current Romanian legislation comparable to that specified in EU directives and instructions can be achieved only by overcoming specific deficiencies in our country. To steam line current legislation we believe that there are necessary: a change of mentality of the entire population of people with disabilities, ensuring adequate material base, respectively psycho-pedagogical training of all staff involved in the education of these children.

Nicolae Roş, CONSTITUTIONALISATION OF THE RIGHT TO SOCIAL SECURITY. THE SOCIAL CHARACTER OF THE ROMANIAN STATE

The constitution word is derived from Latin, in which the constitutio means "settlement with base", "state of a thing". As is well known, the term constitution appeared, for the first time, in imperial Roman law, being equivalent to the law. Such kind of significance persisted in Europe until the eighteenth - century, the laws for the state organization being called "fundamental laws".

In a general formulation, we can say that the fundamental law of any state - Constitution - is the supreme political and legal act, inspired by a certain political and social philosophy that is adopted by a nation or on its behalf, by a body invested with original constituent power to determine the form of government, the nature of the political regime, the methods of setting up, organization and functioning of power structures and relations between them, the essential principles of the legal system and also the rights and responsibilities of citizens. So, by the

constitution we understand the legal and fundamental document that enshrines the rights, freedoms and duties, which regulates social relations arising in the process of instauration, maintaining and exercising of state power. The characteristic of Romanian state of being a "social state" means, at least in the current stage, more a desideratum than a reality. Attribute "social" stresses, especially, the role of the state as guarantor of the "general social good", the protector of the general interest and of the basic social needs.

Codruţa-Ştefania Jucan, PUNISHMENT IN ROMANIAN PENAL LAW BEFORE 1864

The present study's objects are the juridical norms of the Romanian Countries (The Romanian Country, Moldavia) at the moment of transition to the Modern Age, respectively the period of the Fanariot reigns. The legal codes edited in this period are among the most interesting normative acts that existed here, a combination between old (feudal, according to the anterior historiography) and new, the last one envisioning the stage of modernity on the envisaged territory. The more concrete object is that of the Penal Law sanction and its characteristics, the norms of the period being tributary to the past in this regard, respectively violence remains one of the specific resolution and sanctioning modalities of the problems.

Daniela Valea, THE RIGHT TO DECENT LIVING IN THE VIEW OF THE CONSTITUTIONAL COURT OF ROMANIA

The Romanian Constituent Asambly (since 1991) understood the need to impose and guarantee the righ to decent livind, among the other fundamental rights and freedoms that already exist. In this peaper, we present, without claiming to exhaust then, some legal issues related to the fundamental right to decent livind, a very complex and quite recently one, such as: the nature and the content of the right to decent livind; constitutional guarantees; means of protection. These issues will be approched in terms of jurisprudence of the Constitutional Court of Romania.

Horea Crişan, THE INFLUENCE OF PRINCIPLE OF SUBSIDIARITY IN CONSTITUTIONAL LAW

Adopting an international systematic perspective, the division of private international law into the three components of jurisdiction, applicable law and the recognition and enforcement of foreign judgments may be seen in a fresh light. The existence of different national legal systems creates the potential for incosistent legal treatment of disputes. This problem could be addressed through three distinct strategies of „metajustice" , in support of the principle of justice pluralism. One strategy wuld be to try to ensure that disputes will only ever be heard by one court, by minimising the overlap in the jurisdiction of national courts. A second approach would be to adopt unified rules for the application of foreign law. The idea would be that wherever a dispute is litigated, the same national substantive law should be selected and applied. A third approach would to provide that where a foreign court has heard a dispute, the judgment will be recognised locally rather than reheard.

Dana Vulpaşu, ADMINISTRATIVE REGULATION

The administrative regulation is a set of indications, requirements, rules and other legal texts guiding social activity and its main form of manifestation is realized through the normative administrative act. The present article aims to show what public authorities use administrative regulation, the relation among this mechanism and other legal norms and how to ensure the compliance of regulation.

Cătălina Ivănuş, THE INSTITUTIONAL FRAMEWORK ON EQUAL TREATMENT BETWEEN WOMEN AND MEN IN ROMANIA

Constantly, the European Court of Justice, in its case-law, established that equal treatment between women and men is a fundamental human right, part of the general principles of EU law. Being a fundamental right this is necessary to society and for its normal functioning. The Court also ruled that the respect for human rights is one of the general principles of EU law, the observance of which the Court has a duty to ensure. Romanian legislation, implementing the EU directives in this area, provide penalties for infringements of gender equality law. The sanctions must be effective, proportionate and dissuasive. Romania has an institutional system to promote equal treatment between women and men. The purpose of the present article is to provide a overview of the romanian institutional system in the area of equality between women and men.

Alexandrina Pleşea-Creţan, THE EFFICIENCY OF THE FISCAL RULES IN THE EUROPEAN CONTEXT

The fiscal domain plays a very important role in the good administration procedure, a concept which is more and more emphasised nowadays. This concept depends on a good fiscal policy, which should be based on an efficient system of legal rules. Due to the importance of the fiscal policy, as part of the attributes of the national sovereignty, states are reluctant in giving away this area to supranational organizations. This is the reason why efficiency of these rules implies the harmonization between the national and the Community fiscal legal rules. The Maastricht Treaty and the Growth and Stability Pact trace legislative standards in the fiscal policy. Since the efficiency of the legal rules depends on the clarity of the concepts defined and on the possibility to quantify them, the Growth and Stability Pact was a necessary step in spreading light on the provisions of the Treaty. Furthermore, Regulation no. 1466/97 gave content to the mechanisms implemented by the Growth and Stability Pact, answering the need for higher clarification of the legal rules.

Elisabeta Zirnstein, EFFECTIVENESS OF REGULATION OF EMPLOYEE INNOVATIONS – FROM THEORY TO PRACTICE

The paper examines the effectiveness of any national regulation of creativity and innovativeness. Several researches show that in the modern society, the majority of innovations are created in employment relationship. Starting form the necessity to innovate, the states (and companies) are faced with the question how to encourage innovation in employment relationship. Today, the key factors of such encouragement are the ownership on employee innovations (who owns the results of employee innovations, especially when they are protectable with IP rights) and rewarding innovators (rewards as motivators for creative and innovative endeavour). The paper outlines that the regulation in this field should be examined through the criteria of effectiveness. First, there is the question of effectiveness on the legislatory level: does the legislation in this field follow the newest findings regarding the motivation of knowledge workers for creative and innovative performance? Second, there is the question of effectiveness of legislation in this field in practice: does the regulation of innovativeness in employment have the motivational effect on employees to innovate? The results of a comparative study of legislation in this field show that in most of EU countries the legislation does not follow the newest findings in this field. The paper also presents the results of an empirical research (quantitative) that was conducted among Slovenian researchers and innovators.

Gyuris Arpad, ISSUES OF CONSUMER REGULATION IN HUNGARIAN LAW, WITH SPECIAL ATTENTION TO CHIOCE OF TERMINOLOGY

The Hungarian private legal codex (abbreviated as PTK), the first all-round private legal codification in Hungary, was prepared 50 years ago, at the time of the founding of the EU. Although PTK is still a young code, a new PTK is under preparation, and the draft will be negotiated by the Hungarian parliament in this year. In the first draft of the new PTK, for example, would have given the same protection to the consumers as to the foundations and non-profit companies, if their partner is at least a medium-sized corporation during their consumer-type contracts. I will investigate how legal practice responded to harmonization efforts in the domain of contract law, and speculate about whether the new PTK will work with these legal institutions.

Cosmina Codrescu, SEARCH ENGINES – FROM ABSOLUTE FREEDOM TO RESPONSABILITY THROUGH REGULATION

The most significant change recorded regarding the technological field is the Internet. The Internet has significantly marked the "art of communicating." But the attraction for this new virtual world aroused and excited excessive behaviors, placed at the shelter of the famous and magical "legal void". One area of particular concern arises in the area of Internet advertising and potential trademark infringement issues. Many search engines, such as Google and Yahoo are now facing the resentment and the criticism from trademark holders concerning the use of trademarks in Internet advertising models. This topic became a much litigated issue in both Europe and the United States. However, trademark law has been enforced before the emergence of the Internet and thus the Courts have started facing a new challenge – understanding, interpreting and applying the relevant law provisions in a different context, in a different universe – the World Wide Web.

Liviu Titus Paveliu, THE LEGAL REGIME OF GOOD FAITH IN THE MAIN LEGAL SYSTEMS OF THE EUROPEAN UNION

The main purpose of this article is to provide an outlook on how the principle of good faith is regulated and applied across several Member States of the European Union. Through regulations and directives the European Union had a limited effect on the fundamental institutions of private law choosing not to force change on the established legislation in force. However, the recent economic debate on how to promote cross-border transactions has led to the current discussion on the topic of the proposed regulation for a Common European Sales Law. A subsidiary goal of this legislation is to facilitate the uniformization of several key institutions of private law, good faith being one of them. This paper highlights the current state of the principle of good faith in the main European schools of thought by analyzing the functions of this principle in countries such as Germany, Netherlands, France and the United Kingdom. The last part focuses on how good faith is present and viewed in the context of the Common European Sales Law and what should Romanian practitioners come to expect as to how this principle and legislation will be applied in practice.

Dan Ţop, CHANGES ON THE LABOR JURISDICTION BROUGHT BY THE LAW NO. 2/2013 ON MEASURES TO RELIEVE COURTS AND ALSO FOR THE PREPARATION OF THE IMPLEMENTATION OF LAW NO. 134-2010 ON THE CODE OF CIVIL PROCEDURE

Law no. 2/1013 on certain measures for relieving Courts and for preparation of theimplementation of Law no. 134/2010 regarding the Code of Civil Procedure, includes relief measures for the courts, provisions for the preparation of the implementation of Law no. 134/2010 onCode of Civil Procedure and the provisions of interest for Labor Law, more exactly, the jurisdiction or resolution of individual work conflicts. These changes can be seen more as details on the aspects covered in a differnt way, by the Labour Code and the Law. 62/2011 on social dialogue and on material and territorial Jurisdiction of the Courts involved in the process of making jurisdiction labor, too. However, some changes ends the different opinion existing in literature on the competence of resolving the disputes on service report of public servants for the purp with a view to its uniform interpretation.

Diana Hogaş, DOES ”MIRACLE” ARBITRATION CLAUSES REALLY EXIST?

The celebration of the arbitral agreement has as purpose the ending of a future or an existing litigation between them, based on arbitration clauses negotiated and on arbitral tribunal. The arbitration agreement has a consensual nature which makes the parties free in the negotiation and the settlement of the arbitration agreement.

Miruna Tudoraşcu, ELECTRONIC COMMERCE – VARIETY OF SALE?

Electronic commerce is buying or selling activity via remote data transmission. The Internet service develops a relationship and exchange of goods between the offeror and the future buyer. A related term is E-Trade, which refers to the electronic exchange transactions. Using all electronic media to participate in e-commerce activity is called electronic transaction. In Romania until the New Civil Code, we had no legal issues in the Old Code. Even now, the New Civil Code, has only a few aspects regarding this field. For this reason, is very important to establish how much protection, legally speaking, this field has, in our Country. Can we consider the Electronic Commerce a Variety of Sale? This are the aspects that we would like to answer to.

Diana-Cristina Dumbrăveanu, SOME REMARKS ON THE CONCEPT OF BUSINESS WARRANTIES

Born in Anglo-Saxon and American contractual practice, Business Warranties have known a notable evolution in continental law systems, as well as the French and Italian law. Business Warranties appear as a highly useful and effective tool in the business environment, not only American or European, but also Romanian.

Timilsina Shiva Hari, CHILDREN IN NEPAL: ISSUES AND CHALLENGES

OUR Foundation work in child rights field. Child labor is one of the major issues in many parts of the world including Nepal. An estimate in 2011 showed that about half million children of ages between 5 to 14 years were working full-time or part-time. Most of these working children were in developing countries, over 50% of them in South Asia. Nepal is one of the countries with very high proportion of child labor Force Survey in 2011 showed that about half million (14%) children out of the total population of 4.9 million of ages between 5 to 14 years were involved in work.

Olena Uvarova, THE PRINCIPLES OF LAW ROLE IN LAW APPLYING

Effective legal regulation is not possible without understanding the functional relationship between the principles of law and legal norms, without the recognition of the principles of law as a direct regulators of social relations. The study of the principles of law, their relationship with legal norms, their application can be divided into two interrelated groups of principles - principles, the contents of which are requirements for the mechanism of legal regulation, and principles of the requirements of which are directly applicable to social relations. Special role of the principles of law should be emphasized at the stage of law applying. In this stage the principles serve two main functions: a regulatory function (the principles are the legal basis for the solution of the case) and instrumental function (the principles of the law are affecting on the legal regulation, they are evaluating the positive law and are enforcing processes of law fixing). In general, the principles of law are the integrated category of natural law and positivist types of law conception. In addition, the role of law principles reflected in the fact that the legitimacy of

the rule of law is ensured through compliance with the principles of law. Principles of law, in turn, are legitimized through the expression of them recognized in the society values.

Elena Polishchuck, PRIVATE BASICS OF CRIMINAL LAW

Criminal law is typically considered to be a part of public law. However precise view of the legal criminal law norms gives us an opportunity to find private features. Those privatr features are mainly connected with the victim ant its rights - reconciliation, invoking criminal procedure, etc. In Ukraine as in most CIS countries the scope of the victims influence in the criminal proceeding is very limited. However in the last decades this nothion started to change. What are this chamges, how shall they influence the criminal procedure, shall they be effective - these are the main questions to be resolved.

Versavia Brutaru, THE PROCEDURE OF PLEA BARGAINING IN ROMANIA, A NEGOTIATION OR JUST A FORMAL INSTITUTION? THE COMMON LAW SYSTEM

European systems do not have jury trials in exactly the same form as common law systems, although lay persons sit on the bench in some cases and jury trials that are more akin to common law trials are exceptional and reserved for the most serious crimes. Inquisitorial systems have not generally recognized guilty pleas, and plea-bargaining is only a recent innovation in some jurisdictions. There is a traditional, but gradually shrinking, divide between jurisdictions that adhere to the principle of legality, whereby the prosecutor is required by law to prosecute where there is sufficient evidence that a crime has been committed. The actual regulations concerning plea barganing (an addmisssion of guilt in Romania) is, if we may say so, totally different from the common law system, mostly because that was not a tradition in our country, and now, somehow, its seems odd to have in our juridical penal system such an institution.

Sergii Iaremenko, PROPERTIES OF INFORMATION IN TERMS OF THE CORPUS DELICTI CONCEPT

Protecting the most important social relations from the most extreme infringements is the main objective of criminal law. Therefore, the growing importance of social relations that have been emerging in relation with the phenomenon of information turning into an economic good puts distinct responsibility on legislators in the aspect of developing norms of criminal law that would be effective and up-to-date. This, however, requires clear understanding of the fact that information in itself is qualitatively different from any other matters criminal law has had to deal with before. In particular, the properties of information like its immaterial nature, inexhaustibility, subjective value and others put a number of questions concerning the traditional corpus delicti doctrine. In this regard, the concepts of crime target and crime instrument are to be viewed from a new perspective. The objectives of the paper are to distinguish and analyze specific qualities of information that entail a shift in the comprehension of formal components

of a crime and to draw general conclusions on the impact of informatization processes on the traditional criminal law doctrine.

Andra Roxana Ilie, Gorazd Mesko, Katja Eman, Gleb Bogush, LEGAL CYNICISM IN ROMANIA, SLOVENIA AND RUSSIA / A COMPARATIVE APPROACH ON CRIME RELATED VARIABLES

As one of the most important causes of the non-efficiency of legal norms, the legal cynicism is an issue which does not spare any society. Legal cynicism refers to a cultural frame in which people perceive the law and more specifically the police, as illegitimate, unresponsive and unable to ensure public safety. Our basic premise was that there are different factors, other than the demographical ones, which have a significant impact on legal cynicism and which are directly related to the criminal justice field, such as the cooperation with the police, the police authority, effectiveness and trust, the procedural justice, the moral credibility or the deterrence.

Ioana Vida, THE ROMANIAN CONSTITUTIONAL COURT'S RELATIONSHIP TO PRESIDENT OF ROMANIA

In this article, the author presents a complex analyses of the relationship between The Romanian Constitutional Court and the President of Romania. The Constitutional Court is a complex institution that is placed outside the three branches of government, but shares the nature of each of them, being thus a jurisdictional, political and legal authority.

Antal Visegrady, LEGAL CULTURES AND EFFECTIVNESS OF LAW

The paper consist of tree parts. First the author dials with the notion and types of legal cultures. Word-wide, a regulating and an orienting legal culture can be distinguished. In the regulating legal culture, which is characteristic of the Euro-Atlantic culture, law is accepted as a normative, regulating rule but not always in the same extent. The orienting legal culture is a characteristic of Asian and African countries where statues have only a symbolic role. The topic of the second part of the paper: the effectiveness of law. The developmental stage and standard of legal culture and within this that of awareness of justice, as the realization of legal instruction, are the most important components of the effectiveness of legal regulations. It is to be emphasized that the development of awareness of justice and legal culture of citizens is not only influenced by the so-called 'legal core' but it is mainly affected by the education system, media and other elements of everyday life. In the last part of the study the author examines of the effectiveness of the legal order of European Union. The pledge of the future of the 'aquis communautaire' is how effective its regulation will be. Its regulations will be. Its measurement is a complex task. The effectiveness of the Community law depends on national laws.

Gordana Gasmi, Maria Kostic, EUROPEAN LEGAL STANDARDS ON GENDER EQUALITY – SITUATION IN SERBIA

Serbia is not yet legally bound to implement the EU directives, but it is candidate country for achieving the EU membership and enjoys officially the association status on the basis of bilateral Stabilization and Association Agreement with the EU (signed in 2008). This Agreement established the obligation of Serbia to harmonize national legislation with the EU legal standards and principles. In Serbia Law on gender equality is basic, systemic legal framework for regulation and improvement of gender equality. It is a complex process to improve women position in the following domains: 1. employment, social and health protection system; 2. family relations; 3. education, culture and sport; 4. politics and public life; 5. judiciary. Implementation of the Law on Gender Equality in Serbia has contributed significantly to the harmonization with European principles in the domain of gender equality in education, employment and politics.