

VARIA

THE INTERNATIONAL EVOLUTION OF ROMANIAN LAW AND SOCIETY BETWEEN 1918 AND 2018

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The Centennial of the Great Union of 1918 came with a series of remarkable cultural and scientific manifestations, through which all involved wished to properly mark this especially important moment for our country. This book is part of this very same list, as it broadly illustrates the manner in which juridical science and jurisprudence have evolved throughout the previous century.

As shown in the foreword written by Professor Irina Moroianu Zlătescu, PhD, the book gathers studies concluded by several personalities from the domain of law, which were mostly presented during the Session of the International University in Cheia, organized under the banner “Evoluția dreptului și a societății românești în context internațional, 1918-2018” (“The International Evolution of Romanian Law and Society Between 1918 and 2018”) by the „Victor Dan Zlătescu” Club of Cheia, in collaboration with several other institutions, under the aegis of the International and Comparative Law Department of the Romanian Academy of Juridical Science, and featuring contributions from members of the International Institute of Law of French Expression and Provenance (IDEF) and the European Law Institute in Vienna (ELI).

The study written by Professor Victor Dan Zlătescu, PhD and Professor Irina Moroianu Zlătescu, PhD, titled *Evoluția dreptului comparat în România (The Evolution of Comparative Law in Romania)* is the synthesis of a report presented during the „International Evolution of Romanian Law and Society” Session of the International University in Cheia between August 26 and 30, 2018 (as is the case with all of the other studies in the book). The authors reveal their important contribution to the development of comparative law within our country, adding to the oeuvre of illustrious forebearers such as Nicolae Titulescu and Traian Ionașcu.

Professor Ioan Alexandru, PhD shows, with his text *100 de ani în evoluția dreptului administrativ (100 Years of the Evolution of Administrative Law)*, what main transformations have occurred, on a national level, during the period of time between the end of World War I and the present day.

The study by Associate Professor Elena-Mihaela Fodor, PhD, *Incursiuni privind reglementări juridice din perspectiva diviziunii drept public – drept privat (Forays Concerning Juridical Regulations from the Perspective of the Public Law – Private Law Division)*, begins with the analysis of multiple normative acts, such as Law no. 554/2004 concerning contentious administrative matters, Law no. 98/2016 concerning public acquisitions, the Civil Code and the Civil Procedure

Code from the point of view of the distinction between the norms of public and private law. Increased interest is allocated to the public supply contract with all of its particularities. There is also an analysis of different types of legal persons, concluding that the inclusion of a legal subject within the adequate category of regulation, which is to say public or private law, must be based on the existence or non-existence of public power prerogatives in the activity carried out by said subject. Defining elements of the two branches of law are ignored, and, subsequently, a false criterion is used in the establishment of whether legal subjects are governed by private or public law, which leads to consequences, on the one hand, impacting the general interest that the subjects of public law should protect, and, on the other, creating notions that are devoid of content by including legal subjects that have no public power within the category of legal persons governed by public law.

Aspecte ale evoluției legislației române privind migrația (Aspects of the Evolution of the Romanian Legislation Concerning Migration) is an interesting study written by Professor Irina Moroianu Zlătescu, PhD in association with doctoral student Alexandra Bucur. Aside from the telling numbers concerning the impact of the migrational phenomenon, we believe the conclusions are also notable, and here is one sample: „Trebuie ținut cont de faptul că migrația este un fenomen care poate avea loc în condiții de demnitate și nu este doar o încercare de a supraviețui. Vulnerabilitatea care rezultă din statutul de imigrant care este uneori exclus de la exercitarea drepturilor fundamentale este în contrast cu adaptarea necesară pentru procesul de migrare în sine...În aceste condiții, gestionarea eficientă și credibilă a frontierelor este esențială.” („We must take into consideration the fact that migration is a phenomenon that can occur in circumstances that preserve dignity and is not a mere attempt to survive. The vulnerability that stems from the immigrant status, who is sometimes impeded from exercising their fundamental rights, is in contrast to the adaptation necessary for the migration process in itself... Under these conditions, efficient and credible border management is essential.”).

Professor Petre Buneci, PhD and Assistant Professor Bogdan Buneci, PhD authored the study titled *Asigurarea protecției victimelor infracțiunilor în legislația română (Ensuring the Protection of Felony Victims in Romanian Legislation)*. Both the European norms and the internal legislation applicable are analyzed, especially the Criminal Code, the Criminal Procedure Code, Law no. 211/2004 on certain measures for the protection of felony victims, as well as Law no. 217/2003 for the prevention and combatting of domestic violence.

The ample study of Professor Monna-Lisa Belu Magdo, PhD, titled *Evoluția reglementării privind repararea prejudiciilor (The Evolution of Regulations Concerning Compensation for Damages)*, refers both to patrimonial damages, as well as non-patrimonial damages and corporal damages. Using many examples from the legal practice, the author reveals the current trends in the application of the legal norms on the matter.

Mircea Felix Melinești Ionescu, PhD Associate Professor, along with Mrs. Rodica Guiu, general administrator of CopyRo, analyze the extent to which Romanian legislation falls in line with the European norms concerning the regulation of the activity of collective management bodies which deal with copyright and any related rights in the study *Armonizarea neunitară a legislației române a drepturilor de autor cu directivele în materie (The Uneven Harmonization of Romanian Copyright Legislation with the Directives on the Matter)*.

Professor Marin Voicu, PhD provides an applied analysis in the study *Convenția pentru recunoașterea și executarea sentințelor arbitrale străine, New York, 10.06.1958, 60 de ani de la adoptare (The Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 10.06.1958, 60 Years Since Its Adoption)*.

Professor Ioan Voicu, PhD and Professor Florina Dorina Voicu, Scientific Researcher, author the study *Educația pentru dezvoltare durabilă și Agenda 2030 (Education for Sustainable Development and the 2030 Agenda)*. In 2015, the United Nations Summit adopted by consensus the document titled „Transforming our World: The 2030 Agenda for Sustainable Development.” The document synthesizes the fundamental elements for the eradication of poverty in all of its forms and dimensions. The role of education in this complex process is fundamental.

Also speaking on education is Professor Elena Roxana Vișan in the study *Educația națională în prag de centenar (Our National Education on the Eve of Our Centennial)*. The conclusion is clear: „...educația este vectorul principal în evoluția tuturor domeniilor de activitate existente și calea către reclădirea unei lumi a bunăstării și înțelegerii între națiuni” („...education is the main vehicle in the evolution of all existing domains of activity and the way towards rebuilding a world of wellbeing and harmony among nations.”).

Maria Orlov, PhD Associate Professor, also tackles the educational domain, but in a more specific manner with *Educația juridică (Juridical Education)* referring to the Republic of Moldova. The professor delves into an extremely critical analysis both of pre-university education, whose curriculum is overpopulated and not adapted to the learning needs of pupils, as well as higher education, which is not adequately correlated with the labor market.

Drepturile omului și politicile publice în context național (Human Rights and Public Policies in the National Context) is the title of the study written by Assistant Professor Cristina Elena Nicolescu, PhD. The author highlights the fact that, in the context of the modernization of the public administration of Romania, the efforts made by the authorities, both in terms of positive law, as well as the set of actions undertaken in order to ensure that human rights are properly addressed within the process of formulating and implementing public policies, have only led to partial progress, in what concerns both governmental and local policies, one of the main reasons for this being the low level of involvement of the stakeholders.

The study that concludes the book is titled *Repere legislative privind drepturile omului și politicile publice în context național (Legislative Points of Reference Concerning Human Rights and Public Policies in the National Context)* and was conducted by doctoral student Florin-Ionel Trușcă. The concept of "human rights" must be disseminated throughout the development objectives of every state in such a way that there is a strong connection with the international objectives in the domain of human rights. The conclusion clearly states that active participation in the central and local mechanisms in the domain of human rights and civil society, and especially the cooperation between them, facilitates the growth of social wellbeing and the quality of the environment that people live in.

As a general conclusion, the volume brings valuable studies together, thus proving the efficacy of the sessions organized under the auspices of the „Victor Dan Zlătescu” Club of Cheia.

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