

In terms of legal thinking and communication, the period 1918 – 2018 defined the fundamental principles of the Romanian State, strongly influenced by the political regimes under which those principles emerged.

If the Union of December 1, 1918 was implemented under the Constitution and Codes adopted during the reign of Alexandru Ioan Cuza, considered among the most modern and liberal at that time, the re-establishment of the rule of law under the reign of Ferdinand I brought the first legislative changes. Thus, in 1923, the first Constitution of the United Romania was adopted. This fundamental law granted the right to citizenship regardless of religion, language and ethnicity, guaranteed private property, compulsory and free primary education, and put the natural resources of the country, such as mineral deposits and gold, under the public ownership of the state. The Civil Code, the Civil Procedure Code, the Criminal Code and the Criminal Procedure Code adopted back in 1864 remained in force, characterized by modernity and stability, and extended their applicability under the Royal Decree throughout the entire territory of the newly reunited country.

The monarchy of Carol II was a period of legislative instability – and it presented an opportunity for the King to impose a new Constitution (1937), based on an authoritarian conception. Also during this period, a new Criminal Code came into force (adopted in 1936), that intended to express the idea of unity and to implement the modern principles of criminal policy. The 1864 Civil Code was still applied, with some amendments.

The abdication of King Michael gave the occasion for the new socialist power to impose its own rules, adopting in great hurry a new Constitution (1948), which outlined the path towards a Communist State. Four years later another fundamental law was adopted, the Constitution of 1952, which proved Romania's orientation towards left-wing totalitarianism. In 1948, the Code of Civil Procedure underwent major changes and was republished.

Once the public power was excessively centralized around a single party, the legal principles were rethought and subordinated to the idea of eliminating political pluralism and separation of powers in the state, eliminating the rights and freedoms of citizens. The 1965 Constitution enshrined the governing form of the Socialist Republic, the territory being “inalienable and indivisible,” and the leading role of the entire life of the Romanian society lied with the Romanian Communist Party. In this context, the Criminal Code and the Code of Criminal Procedure were adopted in 1969, codes that succeeded in imposing some principles of humanism and criminal justice and remained in force until February 1, 2014. The 1864 Civil Code continued to apply, with only some provisions relating to private property, natural and legal persons, prescription, inheritance rights and the family relationship, being repealed.

The December 1989 Revolution marked the transition to the democratic state and to the principles of the rule of law in Romania, which led to the adoption of a new Constitution in 1991 (revised in 2003 by means of a Referendum). The 1991 Constitution combined the Western democratic values with the requirements of the integration into the European Union, but it did not give expression to all normative and cooperative situations between the three independent powers of the state (legislative, executive and judiciary).

The 1864 Civil Code was applied until October 1, 2011, which marked the entry into force of the New Civil Code, inspired by Quebec's legislation, as well as civilian regulations of Italy, Spain, Switzerland and Germany. The new Civil Code also included many of the principles of the Civil Code of 1864, thus adding a European logic regarding the structure of patrimonial and non-patrimonial relations, family relations, and good neighborliness. At the same time, a new Code of Civil Procedure came into force, in accordance with the new material legal rules regarding the relations between individuals.

On February 1, 2014, the New Criminal Code and Criminal Procedure Code came into force, aiming at redefining the criminal policy. These codes underwent various amendments, some provisions being currently subject to constitutional review and declared unconstitutive,

and therefore necessitating a rethinking of the limits and mechanisms of the criminal liability and the qualification of antisocial crimes in full compliance with the practice of the European Court of Human Rights and the principles of European criminal law.

Over the past 100 years, Romania had Tax and Fiscal Procedure Codes, Labor Code, Air Code, Commercial Code, Customs Code, Forest Code, and others. The domestic legislation has been in a continuous process of re-evaluation, dictated by international law, European Treaties, and Conventions it ratified, but also by joining the European Union. Starting from the Codes of Cuza in 1864-1865, we have come to the harmonization of Romanian legislation with European law and the direct applicability of the EU regulations and decisions. Moreover, Romania has given priority to the application of the fundamental human rights treaties and treaties to which Romania is a party.

While celebrating 100 years from the Great Union, the Law and Social Order International Conference, 2018, aims at framing the legal communication (legislation, codification, acts and deeds) into a European and Global context, to discuss how legal terminology has evolved and national and international legislation has changed.