

THE 6TH
INTERNATIONAL CONFERENCE ON
LAW AND SOCIAL ORDER



**INTERNATIONAL CONFERENCE
ON LAW & SOCIAL ORDER**

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Special Sessions

Special panel of the Faculty of Juridical, Political and Administrative Sciences Bucharest, Spiru Haret University. *Current Legal Issues*, Coordinator: Associate Professor Ph.D. Marian Ilie.
Special panel of the Faculty of Economic Sciences Campulung, Spiru Haret University. *Management, Social Entrepreneurship and Economic Development*, Coordinator: Associate Professor Ph.D. Viorica Bragă
Special panel of the Center for Linguistic and Intercultural Research, Faculty of Foreign Languages and Literatures, Dimitrie Cantemir Christian University, *Legal Translations and Intercultural Connections*, Coordinator: Associate Professor Ph.D. Onorina Botezat.

LSO 2017 Keynote Speakers: Frank S. Ravitch, Arnaud Paturet, Aleksandra Matulewska, Petre Buneci, Mihaela Cristina Mocanu

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PROGRAM

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October 20, 2017

Spiru Haret University, Constanța, Unirii Str. 32-34.

10.00-10.30	Participants' Arrival and Registration: Constanța, Unirii Str. 32-34, Ground Floor	
10.30-10.40	Opening Remarks Dean of Law and Economics Faculty, Mihnea Claudiu DRUMEA, S 209-210	
10.40-11.20	Keynote Speech: Frank S. RAVITCH <i>Law, Religion, and Authoritarianism</i>	
11.20-12.00	Keynote Speech: Arnaud PATURET <i>Aux Origines de la Cause Contractuelle. Hypothèses Historiques et Problèmes Modernes.</i>	
12.00-12.10	Tea/Coffee Break, S 207	
12.10-12.20	National Bank of Romania Address	
12.20-12.50	Keynote Speech: Petre BUNECI <i>The Law – A Fundamental Act of the Administration of Justice</i>	
12.50-13.20	Keynote Speech: Mihaela Cristina MOCANU <i>Critical Assessment of the Constanta Tribunal's Jurisprudence in the Matter of Summary Eviction</i>	
13.20-13.40	Keynote Speech (video conference) Aleksandra MATULEWSKA <i>Lects in Legal Translation</i>	
13.40-14.30	Tea/Coffee Break/Buffer, S 207	
14.30-16.00	Group discussions & networking	Panel 10

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October 21, 2017

Spiru Haret University, Constanța, Unirii Str. 32-34.

PARALLEL SESSIONS – USH BUILDING			
10.00	Participants' Arrival and Registration:		
10.30	Constanța, Unirii Str. 32-34, Ground Floor		
10.30-12.30	Panel 1 Room 207	Panel 2 Room 309	Panel 3 Room 301
	Panel 7 Room 106	Panel 8 Room 1.1	Panel 9 Room 117
12.30-13.00	Tea/Coffee Break/Buffet, S 207		
13.00-15.00	Panel 4 Room 103	Panel 5 Room 102	Panel 6 Room 406
<i>Special Panels:</i>			
Panel 7 , Craiova, 4, Vasile Conta Str. Room 106.			
Panel 8 , Faculty of Juridical, Political and Administrative Sciences Bucharest, Spiru Haret University. Bucharest, 24 Berceni Soc., District 4, Room 117.			
Panel 9 , Faculty of Economic Sciences Campulung, Spiru Haret University. Campulung-Muscel, 223, Traian Street, Room 1.1.			
Panel 10 , Center for Linguistic and Intercultural Research, Faculty of Foreign Languages and Literature, Dimitrie Cantemir Christian University Special Panel, 176, Splaiul Unirii, Bucharest, Room 131.			

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PANEL 1

CIVIL LAW: SOURCES & REGULATIONS

Chair: Liliana LAZĂR

Room 207

Brief Considerations regarding the Usage, a Source of Civil Law
Cornelia MUNTEANU

General Aspects Regarding the Contractual Freedom
Liliana LAZĂR

Fiduciary Activities Carried By Lawyers
Liliana LAZĂR

General Considerations regarding the Rights of Succession
Option under the Romanian Civil Law
Rareş Patrick LAZĂR

The Forms of the Deposit Contract under the Regulation of the
Romanian Civil Code
Rareş Patrick LAZĂR

The Limits of the Free Speech for a Lawyer as they are set by the
European Court of Human Rights
Raluca Ştefania LAZĂR

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PANEL 2

EUROPEAN REGULATIONS. COURTS & LEGAL DEBATE

Chair: Ingrid Ileana NICOLAU

Room 309

The National Regulation Concerning the Posting of EU Workers
in Romania within the Framework of the Provision of Services
Mihnea Claudiu DRUMEA

Breaking the Link between Working Time and Actual Work
under the European Union Regulation and the Subsequent
Consequences
Răzvan ANGHEL

The Role of the Judge within the Legal Debate during a Civil Trial
Bogdan Sebastian GAVRILĂ

The Insurance Contract. Some Aspects of the Obligation to
Inform
Adina Laura PANDELE

Religious Views and Their Influence on Clean Water Laws
Ingrid Ileana NICOLAU

Pollution and Law
Ingrid Ileana NICOLAU

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PANEL 3

CRIMINAL JUSTICE & INTELLIGENCE ANALYSIS

Chair: Anca Iulia STOIAN

Room 301

Reflections Concerning the Prior Compliant – Requirement for
the Criminal Liability Existence

Anca-Iulia STOIAN

The vitiating of witness's statements in Romanian
Criminal proceedings – hypotheses and remedies

Teodor-Viorel GHEORGHE

Nazi Movies, War Novels and Legal Classroom: An E-Learning
Interdisciplinary Approach

Anca MAGIRU, Antoneta JEFLEA

Limits of Harmonization of Criminal Law within the European
Union

Georgiana TUDOR

The Triumph of Magistrates' Liability. A Holistic Approach

Oana Andra NIȚĂ

The State, to Be or Not to Be?

Vasile Miltiade STANCIU

A non-Aristotelian Approach to Intelligence Analysis

Marius Antonio REBEGEA

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PANEL 4

CIVIL LAW: FROM LEGAL DEBATE TOWARDS EU LAW

Chair: Ana-Maria BEJAN

Room 103

Legislative alternations brought to the Foundation, the legal individual without patrimonial purpose
Roxana TOPOR

The Notion of Land Registry from the Perspective of the Member States of the European Union Legislation and Practice
Marilena MARIN

The Action of *Exequatur* in the European Union
Ana-Maria BEJAN

Actio de Effusis et Dejectis
Marilena MARIN

The Role of the Attorney within the Legal Debate during a Civil Trial
Bogdan Sebastian GAVRILĂ

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PANEL 5

ECONOMIC DEVELOPMENTS & HIGHER EDUCATION MARKET

Chairs: Octav NEGURIȚĂ & Iuliana PÂRVU

Room 102

Developments in the Financial Intermediate Degree -
Implications for the Euro Adoption in Romania
Octav NEGURIȚĂ, Adina Violeta TRANDAFIR

Adapting Quality of Higher Education Services to the Market
Segments
Iuliana PÂRVU, Dragoș IPATE

Quality in Higher Education – A Controversial Topic
Iuliana PÂRVU, Cristina SANDU

The Simulated Enterprise - An Interactive Method of Studying
and Preparing Students for the Labor Market
Gheorghe GRECU, Iulia GRECU

CSR, PR and Visibility
Elena GURGU, Aristide COCIUBAN

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PANEL 6

SOCIAL SECURITY AND HEALTH SYSTEM IN ROMANIA. LABOR

MARKET & CURRENT REGULATIONS

Chairs: Iulia GRECU & Paula Cornelia MITRAN

Room 406

Aspects Regarding the Quest for Decent Job for Romanian Worker

Laura PATACHE, Mihaela BEBESELEA

Applying the SPLIT VAT Payment Mechanism in Romania, between Economic Necessity and Political Interest

Paula Cornelia MITRAN, Iulia GRECU, Gheorghe GRECU

The Impact of Changing the Contributions Regime for Social Security and Health Insurance on Employers' Budget and Employee Income

Iulia GRECU, Paula Cornelia MITRAN, Gheorghe GRECU

The Analysis of the Tourism Potential Development of the Banat Mountains

Daniel DĂNECI PĂTRĂU

Current Regulations on Stimulating the Setting up of Small and Medium-Sized Enterprises

Paula Cornelia MITRAN, Claudia Nicoleta GUNI

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PANEL 7

CYBERCRIMES & SOCIAL LEGAL ISSUES

Chairs: Adrian Cristian MOISE & Amelia DIACONESCU

Room 106

State and Law - Social Phenomena in Relation

Constantin Cezar TITĂ, Violeta Dana TITĂ

Aspects of Forensic Methodology on the Investigation of
Cybercrimes

Adrian Cristian MOISE

Consumer Rights in the European Union

Amelia DIACONESCU

Aspects of Dominant Positions and their Abusive Exploitation

Paul Robert TITULESCU

General Considerations Regarding the Assisted Suicide

Amelia DIACONESCU

Cases of Inapplicability of the Prohibitions Provided in Article 5
of the Competition Law No 21/1996

Paul Robert TITULESCU

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PANEL 8

**Special Panel Organized by the Faculty of Economic Sciences
Campulung, Spiru Haret University**

**MANAGEMENT, SOCIAL ENTREPRENEURSHIP AND ECONOMIC
DEVELOPMENT**

**Chair: Viorica BRAGA
Room 1.1**

Management, Factor of Human Spiritualization
Laurenția Georgeta AVRAM

Economic Development, Education and Relationships between
People
Carmen BOLOSTEANU

Evolutions of Social Entrepreneurship in Romania
Viorica BRAGĂ

Learning Foreign Languages – More Chances to Succeed in
Developed Societies
Daliana TASCOVICI

Financial Groups and Their Role in the Development of the
National Economy
Odi Mihaela ZĂRNEȘCU

Economic Development and Analysis of the Factors that Impede
the Social Inclusion of Young People on the Labor Market and In
Education
Cristina NĂFTĂNĂILĂ

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PANEL 9

**Special Panel Organized by the of Juridical, Political and
Administrative Sciences Bucharest, Spiru Haret University**

CURRENT LEGAL ISSUES

**Chair: Marian ILIE
Room 117**

Considerations on Some Legal Aspects Specific to the Application
of the Mandate Contract
Vlad-Teodor FLOREA

ECHR Jurisprudence on Detention Conditions in Romania
Aura Marcela PREDA

Pros and Cons on the Opportunity to Use the Emergency
Arbitrator Procedure
Cristina FLORESCU

Culture and Intercultural Communication: Philosophical and
Anthropological Approaches
Viorel MIULESCU

The Status of the Nuclear Weapons: from Utopic Regime toward
to the International Reality
Marian ILIE

Characteristics of Influence and Social Order
Gabriel ILIESCU

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PANEL 10

Special Panel Organized by the *Center for Linguistic and Intercultural Research*, Faculty of Foreign Languages and Literatures, Dimitrie Cantemir Christian University

LEGAL TRANSLATIONS AND INTERCULTURAL CONNECTIONS

**Chair: Onorina BOTEZAT
Room 131**

The Objects of a Copyright Contract in English, Japanese and Polish. A Comparative Analysis of a Clause.
Paula TRZASKAWKA

Features of the Language of the Law - a Comparative Study of Polish English and Indonesian Legal Texts
Daria ZOZULA

Legal Terms Concerning Social Justice and Women's Rights
Ramona MIHĂILĂ

The Romanian Legal Terminology: The Case of English Translation in Academic Writings,
Onorina BOTEZAT

Features of Legal Media Spanish Language
Mihaela MATEESCU

The View on Term and Terminology in the Works of Russian Terminologist Vladimir M. Leichik
Ecaterina-Ștefania DUMITRU

Freedom and Limitation in Translating French Documents into Romanian
Maria MĂȚEL-BOATCĂ

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La Synonymie dans la Langue des Actes Législatifs Polonais et Français – Perspective Traductologique
Paulina NOWAK-KORCZ

Theatrical Language in the Intercultural Communication Context
Adriana BALAN

Metaphorical Mappings in Donald Trump’s Speech
Alexandra MORARU

Interpretations of the Term in Russian Linguistics
Emil DUMITRU

Crossing the Border and the Swing between Worlds, in Buzzati,
Baricco and Ispirescu
Răzvan STAIKU

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KEYNOTE SPEECHES

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THE LAW – A FUNDAMENTAL ACT OF THE ADMINISTRATION OF JUSTICE Petre Buneci

Petre Buneci graduated from the Faculty of Law, University of Bucharest, in 1984. After completing the legal studies, he served as a prosecutor at different prosecutor's offices and courts in Romania, and worked as a government inspector within the Government of Romania. He is a member of the Bucharest Bar since 1997, and the experience gained in the criminal, civil and commercial sphere has contributed to the success he obtained as a lawyer. He also completed his academic studies with a doctoral thesis in the field of criminal procedural law, the fight against cybercrime and special procedures, being a founding member of the Romanian Society of Criminology and the Romanian Criminalists Association; he is also an honorary scientific researcher of the "Andrei Radulescu" Legal Research Institute of the Romanian Academy. He has published numerous articles, specialized and scientific papers, and the teaching career has accompanied the lawyer. Currently, he is a professor Ph.D at the public law department of the Bucharest Law School of the Ecological University and Dean of this faculty.

LECTS IN LEGAL TRANSLATION Aleksandra Matulewska

Abstract. The dimension of lect is understood here as the terminological and stylistic manifestation of a language. Bańczerowski (1996: 16) points out that

no language manifests itself directly but is mediated by lects. (...) lects will be considered here as modes of language manifestation. There can be distinguished such lects of a language as: a standard lect or the so-called standard language, a colloquial lect, a dialect, a social lect, an idiolect. Metaphorically we could say that language, similarly to light, shines through particular lectal windows, the size and shape of which determines the quantity of light and the form of light beam, but not the quality of light itself. Thus, one and the same language projects itself through various lects revealing different aspects.

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As legislation constituted the majority of research corpora the idiolectal and dialectal aspects will not be taken into account in this paper. Thus, in this work the dimension of lect is understood here as the terminological and stylistic manifestation of a language which can be distinguished when observing the differences between the vernacular language and languages for specific purposes (also called languages for special purposes). Therefore, when analyzing terminology for the purpose of choosing translational equivalents in the target language it is necessary to determine to which lect the source term belongs and next, to which lect the potential equivalents belong. The features typical of a given lect manifest themselves in various ways.

“In Germany, where the principle of linguistic neutrality is applied in the same way, the doubling of masculine and feminine forms of occupations and titles in some recent laws has been criticized by Eberhard Foth (2007, 410-412). A critical presentation also appears in Walter (2009, 215-224) where the author examines, for example, the tension between linguistic neutrality and clumsy style: if – as it has been proposed – the expression *Sind Sie in Auszubildender?* [‘Are you a (masc.) trainee?’] is replaced by the expression: *Stehen Sie einem Ausbildungsverhältnis?* [‘Are you in a training relationship?’], the result is neutral from the standpoint of the sexes, but rather clumsy, typical of *Papierdeutsch* (Walter 2009:223)” (Mattila 2013, 53, footnote 32).

The findings of the research indicate that the dimension of lect is relevant for all languages under scrutiny and not paying attention to the property taken on by pertinent terms may lead to translational mistakes and consequently miscommunication problems. Let us present a few examples on the basis of which it will be possible to formulate postulates for general legilinguistic translatology. It should be stressed here that in some instances when there is no sufficient equivalent in the same lect in the target language for the source language term, the translator is forced to use the equivalent from the vernacular lect if there is one in existence that may be considered

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sufficiently equivalent that is to say sufficiently homesignificative in respect to essential component parts of the meaning.

Keywords: legal language, legal translation, legal lects, parametrization of legal reality, legal terminology

Prof. UAM dr. hab. **Aleksandra Matulewska** graduated from Adam Mickiewicz University in Poznań, Poland, Faculty of Modern Languages and Literature, Institute of Linguistics (MA in linguistics and information science in 2000, PhD in general linguistics in 2005, doctor habilitated in applied linguistics in 2014). She is a translator, a member of the Association of Polish Translators and Interpreters (STP) and an expert member of the Polish Society of Sworn and Specialized Translators TEPIS. She is the Head of the Department of Legilinguistics and Languages for Special Purposes (Institute of Linguistics, Faculty of Modern Languages and Literature, Adam Mickiewicz University). She has been teaching legal translation and interpreting since 2003 at the graduate and postgraduate studies. She has lectured at workshops organized by the Translation Unit of the European Parliament in Luxemburg, the Association of Polish Translators and Interpreters (STP) in Warsaw and the Polish Society of Sworn and Specialized Translators TEPIS in Warsaw. So far, she has published two monographs on Polish-English legal translation, one coursebook and over 50 papers on specialized translation (especially legal one) and LSPs. She has also participated in over 50 conferences and workshops delivering speeches.

**CRITICAL ASSESSMENT OF THE CONSTANTA TRIBUNAL'S JURISPRUDENCE IN
THE MATTER OF SUMMARY EVICTION**

Mihaela Cristina Mocanu

Abstract. The simplified eviction procedure, based on the provisions of the Articles 1034-1049 Civil Procedure Code have proven to be a useful tool given the frequency of its use in judicial practice. Aimed at improving the system of means of property rights' protection, offering, within its scope of application, a faster alternative to the classical property protection instruments of the right over buildings used or occupied unlawfully. As any procedural means that proved to be rapid and efficient, its use has become generalized in practice, transforming it from a special procedural law instrument into a

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common one. That is why the courts had to confront and assess various assumptions and verdicts, some of them incompatible with the summary eviction procedure. By the solutions adopted, the courts have maintained the balance that must exist between the need to resolve the eviction requests as a matter of urgency when the occupier has no longer any right or the owner of the property's permission and the right to a fair solution deduced from the observance of the right to defense and consideration of all defense of legal relations relating to the rental or use of the immovable property.

Keywords: summary evacuation, unlawful occupation, occupant

Mocanu Mihaela Cristina graduated from the Faculty of Law of "Lucian Blaga" University in Sibiu in 1998 (MA in maritime law, Civil Maritime University of Constanta and Ph. D. in civil procedure law, doctoral school of the University of Sibiu, 2013). As a judge, she is specialized in the settlement of disputes in civil matters. Currently, she is a judge at the Tribunal of Constanța, being Deputy Chairman of the court and having the rank of a Court of Appeal. She has a managerial experience of over 14 years and taught courses in several universities. So far, she has published university courses, jurisprudence collections and monographs on civil law, over 20 articles in national or international journals. She has participated in numerous forms of professional training both in Romania and abroad and has been involved as a volunteer in several legal education projects.

**AUX ORIGINES DE LA CAUSE CONTRACTUELLE. HYPOTHESES HISTORIQUES
ET PROBLEMES MODERNES.
Arnaud Paturet**

Résumé. A l'époque contemporaine et en particulier au moment d'harmoniser les différents droits civils européens, la question de la cause contractuelle est redevenue polémique pour plusieurs raisons. On se pose au mieux la question de sa simplification : faut-il considérer la cause concrète, qui s'axe sur la volonté initiale des co-contractants, ou la cause abstraite qui se rapporte à l'obligation contractuelle elle-même. Au pire, on pourrait même envisager sa suppression tant cette notion est presque fongible dans l'objet du

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contrat, c'est le cas du droit allemand qui a façonné une notion unique. Cette même idée a été suivie dans la récente réforme du droit français des contrats puisque l'article 1128 du Code civil propose de considérer un « contenu licite et certain » sans référence aucune à la cause. Afin de contribuer à ce débat, il n'est pas inutile de se tourner vers les sources juridiques romaines pour comprendre que la cause contractuelle, laquelle s'analyse toujours comme une pure création juridique, serait au départ l'artefact d'un fait social millénaire avant de servir de fondement à d'autres argumentaires techniques. En effet, dans un passage d'Ulpien incluant un *responsum* d'Ariston au D.2.14.7.2, il est fait état d'un exemple pragmatique pour illustrer l'idée de *causa* : « *ut puta dedi tibi rem ut mihi aliam dares, dedi ut aliquid facias* » : « imagine que je t'ai donné une chose afin que tu m'en donnes une autre ou que je te donne afin que tu fasses quelque chose ». Nous retrouvons ici sous la plume d'un juriste une figure anthropologique connue qui est celle du don et du contre-don, lesquels ont fait l'objet de travaux pénétrants par Mauss, Lévi-Strauss ou encore Godelier pour ne citer qu'eux. Sans rentrer dans toutes les nuances de ces analyses, on retiendra que le don porte mal son nom car il n'est pas une fin en soi. Il recoupe une triple logique : donner-recevoir-rendre. Il existe à Rome des archétypes de ces relations dans le domaine religieux à travers de nombreux rituels de la religion romaine. J'en choisirai ici deux : le *votum* et la *deuotio* qui recouvrent précisément ce mécanisme du donnant-donnant. Il faut insister sur le fait que la pratique religieuse romaine recèle un rôle très structurant au plan des comportements communautaires et de la morale sociale en intégrant des valeurs comme la *pietas*, la *fides* ou encore la *causa religionis* qui ont pénétré l'univers juridique. Il y aurait donc un contexte propice à ce qu'un mécanisme religieux traditionnel de l'échange ait pu servir de fondement à la conceptualisation du même mouvement transactionnel saisi par le droit. En projetant cette idée dans l'univers contemporain, la cause pourrait être considérée avant tout - hors la volonté du sujet et le mécanisme des prestations - comme un outil pour rééquilibrer les relations contractuelles et faire en sorte que chaque co-contractant

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en ressorte avec une égale satisfaction, de manière à entraîner une chaîne de relations contractuelles qui assure l'épanouissement et la perpétuité de la relation sociale.

Juriste privatiste et historien antiquisant de formation, **Arnaud Paturet** est chercheur au CNRS (UMR 7074 Centre de théorie et analyse du droit) et enseignant à l'École normale supérieure de Paris ainsi que dans divers établissements (Centre national de la fonction publique territoriale, École nationale supérieure de Police, Institut du travail social de la région Auvergne...). En tant qu'historien du droit, il s'intéresse en particulier au droit romain comme discipline historique, mais aussi à sa projection comme matrice des droits occidentaux voire des images mentales modernes. Ses principaux thèmes de recherches, à savoir la mort et les rituels funéraires, le suicide, les concepts et catégories juridiques, la religion, l'esclavage, les corps, la différenciation sexuée, le handicap, la figure du père etc. recèlent une forte connotation sociétale qui dépasse la seule technique juridique. Il en résulte une méthode de travail spécifique mêlant la sociologie historique et l'anthropologie aux sciences du droit davantage axées sur la philologie afin de comprendre le phénomène juridique dans sa globalité.

LAW, RELIGION, AND AUTHORITARIANISM Frank S. Ravitch

Abstract. In recent years, authoritarianism has become an increasing threat to democratic institutions, human rights, and the rule of law. Authoritarian regimes have taken hold throughout the world. One of the most troubling trends has been the rise of authoritarian movements, leaders, and policies buoyed by populist politicians in longstanding democracies such as the United States and the United Kingdom. Law has proven an inadequate tool to stem this tide and in some cases has been used to reinforce authoritarian agendas. Moreover, even in democratic countries constitutional structures have sometimes proven inadequate to prevent authoritarian actors from inflicting significant harm to human rights and the rule of law. Authoritarianism and nationalism are spreading around the globe at an alarming rate. To protect against the damage that is being inflicted we must first understand the dynamics underlying authoritarianism

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and dispel some myths that may confuse policymakers and social justice advocates as they work to stem the tide. One such myth involves the relationship between religion and authoritarianism. This talk will address that myth, which has been promoted by public intellectuals, such as Sam Harris, Richard Dawkins and Daniel Dennett.

Keywords: Rule of Law, Law and Religion, Authoritarianism, Religious Freedom, Conflict, Legal Resolution of Conflict

Frank S. Ravitch is Professor of Law and Walter H. Stowers Chair in Law in Religion at the Michigan State University College of Law. He also directs the Kyoto Japan Program. He is the author of *Freedom's Edge: Religious Freedom, Sexual Freedom, and the Future of America* (Cambridge University Press, 2016) (Nominated for a Prose Award); *Marketing Creation: The Law and Intelligent Design* (Cambridge University Press 2012), *Masters of Illusion: The Supreme Court and the Religion Clauses* (NYU Press 2007); *Law and Religion: Cases, Materials, and Readings* (West 2004)(2nd Ed. 2008) (3rd Ed. 2015 with Larry Cata Backer), *School Prayer and Discrimination: The Civil Rights of Religious Minorities and Dissenters* (Northeastern University Press, 1999 & paperback edition 2001). He is co-author, with the late Boris Bittker and with Scott Idleman, of the first comprehensive treatise on Law and Religion in more than one hundred years, *Religion and the State in American Law* (Cambridge University Press 2015) (this project was supported by a generous grant from the Lilly Endowment). He is also co-author of, *Employment Discrimination Law* (Prentice Hall, 2005) (with Pamela Sumners and Janis McDonald). Professor Ravitch's articles, which have appeared in a number of highly regarded journals, have primarily focused on law and religion in the U.S. and Japan, but he has also written about civil rights law and disability discrimination. He has authored a number of amicus briefs to the U.S. Supreme Court and has given numerous academic presentations nationally and internationally. In 2001, he was named a Fulbright scholar and served on the law faculty at Doshisha University (Japan). He has also made dozens of public presentations explaining the law before school groups, community groups, and service clubs and has served as an expert commentator for print and broadcast media. He speaks English, Japanese and Hebrew.

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ABSTRACTS

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**BREAKING THE LINK BETWEEN WORKING TIME AND ACTUAL WORK
UNDER THE EUROPEAN UNION REGULATION AND THE SUBSEQUENT
CONSEQUENCES**
Răzvan Anghel

Abstract. In the industrialization context, the working time concept have been understood as a time dedicated to effective work done in a specific place and under the employer supervision, being used to determine the amount of work and of salary. For some years now, progressively, CJEU have interpreted the provisions of the Directive 93/104/EC and the Directive 2003/88/EC as to include in this concept some periods where the worker do not actually work, in order to achieve the directives purpose. The consequences were that the national courts have begun to extend the working time concept in the context of new forms of work organization.

Keywords: working time, work organization, safety and health at work.

Răzvan Anghel is a PhD student at the Faculty of Law, University of Bucharest, Judge at Constanța Court of Appeal, president of the First Civil Section, Trainer at the National Institute of Magistracy and National School of Clerks. Expert in external financed training programs for judges and clerks. Key Areas of Focus: Legal Systems.

MANAGEMENT, FACTOR OF HUMAN SPIRITUALIZATION
Laurenția Georgeta Avram

Abstract. Planning, organizing, targeting, and monitoring make the management an art and a science. The humanistic dimension of the manager, of the managerial activity, can only be established on the basis of positive attitudes and visions of the human nature and condition. Managing the human resources can only be successful through study and exercise. The manager of an institution must activate all resources of the employee knowledge and experience. Human existence is able to change its object and behavior in terms of motivation. Professional success is due to motivation and not just to

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the individual's proven skills. The spiritualization of management within an organization represents the preservation of the fundamental values, that is, the preservation of the essential and lasting features that must not be compromised in order to achieve financial gains or to solve problems in the short term.

Keywords: management, manager, work psychology, organization psychology, human resources.

THE ACTION OF EXEQUATUR IN THE EUROPEAN UNION

Ana-Maria Bejan

Abstract. An exequatur is a legal document issued by a sovereign authority that permits the exercise or enforcement of a right within the jurisdiction of the authority. Romanian citizens are obliged to declare in front of Romanian authorities, any change of marital status, which occurred abroad. The procedure for recognition and enforcement of judgments issued in EU Member States is required by the Community legislation directly applicable in the Member States, Regulation No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. Regulation 805/2004 establishing a European Enforcement Order for uncontested claims. Judgments in countries outside the EU remain subject to the provisions of Law no. 105/1992 on the regulation of private international law. In this article, I want to introduce you in the procedure for recognition of decisions issued by authorities in the European Union in Romania.

Keywords: exequatur, citizen, procedure, international law, legal document, European Union.

Ana-Maria Bejan is a lecturer at the Spiru Haret University, Romania. She is a doctor in law, specialization International and European law. She has been teaching since 2001. She has participated in several national and international conferences on legal issues. She is member of some professional organizations and scientific associations with activities in the juridical field. She is the author and co-author of over 30 publications in Romania and abroad.

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**ECONOMIC DEVELOPMENT, EDUCATION AND RELATIONSHIPS BETWEEN
PEOPLE**
Carmen Bolosteanu

Abstract. In this article, we will deal with the impact of economic development on the education of new generations and on the relationships between people. We will compare the situation of the last century to the current one.

**THE ROMANIAN LEGAL TERMINOLOGY: THE CASE OF ENGLISH
TRANSLATION IN ACADEMIC WRITINGS**
Onorina Botezat

Abstract. This paper aims at analyzing the Romanian legal terminology since it is translated so variously in academic journals that are published English, in order to obtain international indexing. The corpora includes both journals and proceedings and focuses on the civil law terminology. The differences of terms' translations occur more often in civil matters than in criminal ones, due to the law sources based differences in the legal systems. In this specific field, there is an urgent need to bring the Romanian legal terminology translated into English into unity, in order to achieve the intended goal of internationalization.

Keywords: Romanian legal terminology, legal translations, academic writing.

Onorina Botezat graduated from State University of Moldova, Faculty of Foreign Languages and Literatures (BA in philology, 2000, BA in Law, 2005, MA in law and informational society, 2003 and PhD in philology, 2011). Associate Professor and authorized translator of Legal English and French, her main fields of interest and research are Legal Terminology and Imagological studies. Author of *Dictionary of legal terms, Romanian-English and English-Romanian* (Bucharest, 2008, 2011), *The image of the foreigner in the national literature* (Craiova, 2016) and three course books, co-author of *Le journalism c'est ma profession* (Bucharest, 2010), *Professional English*.

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International and European legal studies (Bucharest, 2015), *Professional English. Public administration and law enforcement. High-intermediate Level* (Bucharest, 2014). She was member of the research teams in three European Projects, initiator and manager of the ESF co-funded project “Construct practically your legal profession in college!” 2014-2015.

EVOLUTIONS OF SOCIAL ENTREPRENEURSHIP IN ROMANIA

Viorica Bragă

Abstract. This paper addresses the forms of social entrepreneurship, the economic advantages of its development, the evolution of legislation and the number of activities in the field.

Filofteia Viorica Braga is associate professor and researcher at Spiru Haret University, Faculty of Economic Sciences in Campulung, Romania. She graduated from accounting. Her research focus on fields such as financial accounting, managerial accounting, taxation, audit, economy. She has been member in Chamber of Financial Auditors in Romania since 2009 and member in Body of Chartered Accountants and Authorized Accountants of Romania since 2010.

THE ANALYSIS OF THE TOURISM POTENTIAL DEVELOPMENT OF THE BANAT MOUNTAINS

Daniel Dăneci Pătrău

Abstract. The paper is part of the area of special interest regarding the knowledge and the highlighting of Romania’s tourism resources and destinations, both for the academic environment and for the economic environment. By acquainting the main tourist regions in Romania, the interested ones receive a suggestive picture of Romania’s tourism potential and the current state of its exploitation. Making this work required a thorough analysis and an inventory of cultural heritage values in terms of Banat tourist attraction, stocktaking not intend to be exhaustive but merely to point out the Banat landmarks important potential for development of the cultural tourism.

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Keywords: mountain tourism, tourism potential, Banat, management

Daniel Dăneci-Pătrău is PhD Assistant teacher at the Faculty of Economics and Legal Sciences of the University Spiru Haret Constanta. He graduated from the Faculty of Mathematics, University Ovidius of Constanta in 2000 and from the Faculty of Financial Accounting Management Spiru Haret University in 2004 as head of the promotion. After graduating from the Master's degree in Harmonized Accounting in 2006, he studied at the Doctoral School of the Faculty of Economics and Business Administration of the "Alexandru Ioan Cuza" University of Iași, graduating in 2011, obtaining the title of PhD in Management. He has specialized in human resource management, his main concerns being focused on the interdisciplinary approach of the workforce. The practical experience gained during five years in the organization of train movements has enabled the orientation of his current research to the study of the efficiency of human resources policies in railway transport companies. During the ten years of university education, he has written four books on management and economics and has published more than 50 articles in specialized journals or in volumes of international conferences.

CONSUMER RIGHTS IN THE EUROPEAN UNION
Amelia Mihaela Diaconescu

Abstract. Every citizen is a consumer and the European Union takes great care to protect his or her health, safety and economic well-being. It promotes the consumers' rights to information and education, takes steps to facilitate the safeguard of their interests, and encourages them to set up and run self-help consumer associations. The European Union is committed to improving the quality of life of its citizens. In addition to direct action to protect their rights, the European Union ensures that consumers' interests are built into the European Union legislation in all relevant policy areas.

Keywords: citizen, European Union, rights, consumer protection, rules

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GENERAL CONSIDERATIONS REGARDING THE ASSISTED SUICIDE
Amelia Mihaela Diaconescu

Abstract. Euthanasia is a controversial topic, which has raised a great deal of debate globally. There are still heavy discussions revolving around the topic of euthanasia. Both arguments, in favor and against the euthanasia have strong points. The killing request of the victim has several classifications worldwide, including involuntary and voluntary arrangements. If voluntary euthanasia is legal in some countries, involuntary euthanasia is declared illegal in all civilized countries. Euthanasia is a divisive topic, and different interpretations of its meaning, depend on whether the person supports it or not. Euthanasia is generally defined as the act, undertaken only by a physician that intentionally ends the life of a person at his or her request.

Keywords: assisted dying, deliberate action, pain, voluntary

Amelia Mihaela Diaconescu (BA in Law, 2008, Ph.D. University of Craiova, 2012) is assistant professor at the Faculty of Legal, Economic and Administrative Sciences, Craiova, Spiru Haret University. She has been teaching since 2010. Her doctoral thesis "The Legal Capacity of the Natural Entity in the Civil Law System," 2011, is in Civil Law. At the Faculty of Legal, Economic and Administrative Sciences, Amelia Diaconescu teaches Roman Law, a subject of great importance because Roman law represents the basis of the actual Romanian law. Her studies are deep diving in several branches of the law and she has articles written and published in specialized magazines, covering different topics.

**THE NATIONAL REGULATION CONCERNING THE POSTING OF UE WORKERS
IN ROMANIA WITHIN THE FRAMEWORK OF THE PROVISION OF SERVICES**
Mihnea Claudiu Drumea

Abstract. The concept of freedom to provide services, as the TFEU states it, includes equally the right to provide those services in another Member State. The fundamental principles of the European Union as listed in the Treaty on the Functioning of the European

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Union (TFEU), free movement of workers, freedom of establishment and freedom to provide services must be understood and enforced in the context of ensuring fair competition conditions for enterprises registered in Member States EU. This paper addresses the topic of posting workers temporarily in order to provide services in a Member State.

Keywords: Member State, posting of workers, framework of the provision of services, competent authority, liaison offices, faire competition.

Mihnea Claudiu Drumea (BA 1999, Lucian Blaga, University of Sibiu, Ph.D. 2007, Babes-Bolyai University of Cluj) is a professor of labor law, transport law and history of law at the Spiru Haret University. So far, he has published 8 course books on Labor Law, Social Security Rights, and Transport Law and over 30 papers at national and international conferences. He has lectured at workshops (Galati, 2013, France, 2009 and 2015) and within specific projects (2013-2015), delivered speeches in over 40 conferences and participated in 7 projects with European Funds.

**THE VIEW ON TERM AND TERMINOLOGY IN THE WORKS OF RUSSIAN
TERMINOLOGIST VLADIMIR M. LEICHIK
Ecaterina-Ştefania Dumitru**

Abstract. The paper deals with the main features of the theory of the term and terminology of the Russian terminologist Vladimir M. Leichik. The focus is made on the dynamics and the enrichment of terminology because it reflects the level and degree of maturity of a certain field of knowledge. The analysis of these views on language and terminology provides the means to observe the actual tendencies in the development of the terminology as a science.

Keywords: term, terminology, tendency, language, Russian terminologist, field of knowledge.

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INTERPRETATIONS OF THE TERM IN RUSSIAN LINGUISTICS

Emil Dumitru

Abstract. The paper presents a study of the “term” interpretation in the main works of the Russian linguists and terminologists. It is stressed that their works initiated the research in the sphere of the “term” in Russia. They were the first to express the necessity to clarify the nature of the term and formulated the so-called requirements of the term.

Keywords: linguistics, term, Russian terminologists, requirements, term definition.

**PROS AND CONS ON THE OPPORTUNITY TO USE THE EMERGENCY
ARBITRATOR PROCEDURE**

Cristina Florescu

Abstract. The issue of interim matters to be settled under the auspices of the national courts is considered a common disadvantage of arbitration as opposed to court litigation. Even not all the time a negative aspect, in recent years, many of the leading arbitral institutions have amended their rules to address the emergency arbitrator provisions. The paper aims to find the possible advantages of seeking relief from an arbitrator rather than a national court, identifying the types of and if there are a number of limitations on relief that an emergency arbitrator can grant, considering also its enforceability, a sensitive subject.

Keywords: arbitration, interim measures, emergency arbitrator, urgency, advantages and disadvantages.

Cristina Florescu is a PhD university associate professor on commercial law and arbitration at the Faculty of Juridical, Administrative and Political Sciences, Spiru Haret University, Bucharest, and an associate professor on international arbitration master at the Faculty of Law, University of Bucharest and Romanian-American University, lawyer with her own commercial and arbitration law practice (Bucharest Bar) and also an

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arbitrator at the International Court of Commercial Arbitration (Chamber of Commerce and Industry of Romania), Bucharest and at the Vienna International Arbitration Centre (VIAC). She is a PhD graduate, with a doctoral thesis in the field of commercial arbitration published in Romania (Commercial arbitration. Arbitral Agreement and Arbitral Tribunal, "Universul juridic" Publishing House, 2011). She undertakes an internship training and research work at the ICC Court of Arbitration (International Court of Arbitration of International Chamber of Commerce) located at Paris in 2006. She participates regularly as an international arbitrator (member of the jury) to W.C. Vis Moot, Vienna and FDI Moot. Prior to her law carrier she graduated also the University of Bucharest, Faculty of Mathematics, B.Sc. 1994, specializing in superior algebra. Participant and speaker to numerous international and domestic conferences in arbitration and commercial law fields, also participation to scientific sessions and seminars/webinars organized by various institutions, law faculties, ICC, VIAC, ArbAut, Young Arbitrators Associations and many more. Publications in several specialized journals, reviews, collections of essays, books, courses in commercial law, mediation and arbitration field.

**THE ROLE OF THE JUDGE WITHIN THE LEGAL DEBATE DURING A CIVIL
TRIAL**

Bogdan Sebastian Gavrilă

Abstract. In accordance with the new Civil Procedure Code of Romania, Article 22, in exercising his/her active role, the judge is compelled not to interfere with the parties' right to decide to proceed with a civil action and the relevant legal texts are based on this principle. The judge, in fact, is faced with a daunting task of balancing the need to intervene to allow a normal trial but also to refrain from infringing upon the principle of availability for the participants to the proceedings.

Keywords: Judge, Civil Procedural Code of Romania, Article 22, Principle of Availability.

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**THE ROLE OF THE ATTORNEY WITHIN THE LEGAL DEBATE DURING A CIVIL
TRIAL**

Bogdan Sebastian Gavrilă

Abstract. In accordance with the domestic relevant legal texts, the attorney's role is a very significant one, in both exercising the procedural rights of the client and in aiding the judge to establish the legal truth that is at the core of our national jurisprudence. The aim of this paper is to determine the main aspects regarding the implication of the lawyer in the civil trial.

Keywords: Attorney, Role, Civil Trial, Duty, Power of Attorney.

Bogdan Sebastian Gavrilă (BA Police Academy AI Cuza, Faculty of law, Ecologic University, MA University of Craiova) is a judge at the Court of 1st District Bucharest and a Ph.D. student at the Doctoral School of the Bucharest University of Economic Studies with the theme *The Legal Argumentation*.

**THE VITIATION OF WITNESS'S STATEMENTS IN ROMANIAN
CRIMINAL PROCEEDINGS – HYPOTHESES AND REMEDIES**

Teodor-Viorel Gheorghe

Abstract. The paper reviews the peculiar situations in which the witness's statements during the criminal trial could be consciously and illegally influenced, with the consequence of the truth's distortion as well as the main directions of action of the criminal and criminal procedure legislations at preventing and punishing such practices. The author highlights the provisions that require from the judicial body a loyal behavior in the administration of evidence, the procedural sanction of excluding the unlawfully obtained evidence, and the cases where the witness's statement is vitiated by himself/herself or by interested third parties, with a proposal of a legal practice meant to discourage such behavior.

Keywords: witness; loyalty in administration of evidence; evidence's exclusion; crime of audience.

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Teodor-Viorel Gheorghe (BA, MA in Law) is a judge and President of the Court at Tribunal of Constanța and a Ph.D. student at the Doctoral School of the University of Bucharest.

**THE SIMULATED ENTERPRISE - AN INTERACTIVE METHOD OF STUDYING
AND PREPARING STUDENTS FOR THE LABOR MARKET**
Gheorghe Grecu, Iulia Grecu

Abstract. The Romanian higher education faces difficulties in the development of practical activities, although these trainings of application of the theoretical knowledge acquired during the study years are a key component in the professional training of the human resource. Starting from this problem and taking into account that modern telecommunication and continuous developments in information technology produce significant changes in the way of acquisition, with the change required level of knowledge and ability of the learners to respond with solutions updated professional problems, we intend to analyze in this paper the way in which the simulated enterprise comes to support the students' complete training.

Keywords: education, knowledge, professional training, labor market, human resource, simulated enterprise

Grecu Gheorghe (BA in engineering, law and economics, Ph.D. 2010, Doctoral School of Academy of Economic Studies, Bucharest with the title "Payroll system and human resource utilization in companies.") is assistant professor at Spiru Haret University. He is the author or co-author of 7 university courses, he published over 40 articles in national or international specialized journals, he participated in several international scientific forums, with specialized articles, or as a member of the organizing committees. He was project manager or member of the research team in thirteen projects, four of which were co-funded by the European Social Fund.

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THE IMPACT OF CHANGING THE CONTRIBUTIONS REGIME FOR SOCIAL SECURITY AND HEALTH INSURANCE ON EMPLOYERS' BUDGET AND EMPLOYEE INCOME

Iulia Grecu, Paula Cornelia Mitran, Gheorghe Grecu

Abstract. The enacting of the bill that planned the modification of the current regime of the social and health insurance contributions, referring both to the obligation of the employer to pay them at the national minimum wage and to the prospective transition to a system in which the contributions for social security and health insurance are binding solely to the employee, has generated a wave of views, for and against this measure. The new calculation methods are equivalent to increasing tax burden for both employers and employees with direct repercussions on the standard of living of the population, which has affected both the increase in prices due to the increase in social and health contributions paid by the employer, and by increasing its payment obligations, the diminishing of the income tax rate being negligible. The risks of lowering living standards are all the greater, as neither the old nor the current tax regulations have actually contributed to ensuring a decent level of income and incentive taxation. Clear measures are required that will not generate current conflicts and misunderstandings that are not only levers and mechanisms for increasing revenues to the consolidated state budget but schemes and instruments for raising living standards.

Keywords: social and health insurance contributions, employer, employees, minimum wage, living standards, income.

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CSR, PR AND VISIBILITY

Elena Gurgu, Aristide Cociuban

Abstract. In this article, we want to emphasize that the change for the benefit of a society begins when the barrier of comfort is broken. The things individuals have become accustomed to, become more and more indifferent. They either are taken for granted, either no longer excite, or no longer urge action. CSR, in particular, needs to involve masses of people in its projects. Generally, social responsibility objectives are related to collaborating with communities and their impact. This is only to ensure that development on any plan is a sustainable development, something that will apply to you and will stay beyond the company's punctual investment. So, it is more vital that the implemented projects and the way they are communicated to get out of the "common, banal, boring" sphere and enter to the "brilliant" area, like : "I want to get involved, I'm going right now." What we want to demonstrate is that responsibility that is not creative is not very social. In addition, this is because CSR is made by people, for people and people's support. Therefore, we have to obey human psychology, and it teaches us that people react when they are removed from routine, when they are shocked, when they are excited, when they are bullied when treated with creativity.

Keywords: corporate social responsibility, public relations, communities, individuals, sustainable development, creativity, visibility

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ADAPTING QUALITY OF HIGHER EDUCATION SERVICES TO THE MARKET

SEGMENTS

Dragoş Ipate, Iuliana Pârvu

Abstract. Nowadays, the higher education sector is moving fast forward to become a market-based segment. In this context, adapting services offered to students' expectations becomes a fundamental requirement for any manager who wants to succeed. However, it is well known that "perfect service" does not exist because the consumers' needs are so diversified and sometimes contradictory that they cannot be satisfied at the same time. Therefore, the service management theory emphasizes that a performant management needs to know what features of the provided service should be maintained and what features can be discarded to create the "optimal service" from the perspective of the client to whom it is addressed. It becomes clear that a good knowledge of the customer is the basic requirement in service management. As far as educational services are concerned, the theory and practice regarding the quality of this type of services tend to provide global solutions, not insisting on the strong segmentation that is taking place on this market, along with the transformation of the higher education into a mass phenomenon. The present paper, starting from the higher education market segmentation according to general and specific criteria, analyzes how students' quality requirements can be adapted and brought from a general plan into a specific one.

Keywords: market segmentation, higher education management, service quality

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and a judicial expert, since 2016. He is also member of the editorial board of the Journal of Academic Research in Economics, since 2013.

FIDUCIARY ACTIVITIES CARRIED BY LAWYERS

Liliana Marilena Lazăr

Abstract. *Fiducia*, a true application of a patrimony divisibility, for which the will of the patrimony's holder is essential, can be established by law or by contract. An expression of the principle of individual and contractual freedom, the legal operation of trust offers important help to legal subjects wishing to transfer real rights, debts, guarantees or other property rights or a set of such rights, present or future, to one or more trustees who exercise them for a determined purpose, for the benefit of one or more holders. The entry into force of the new Civil Code and its inclusion of the regulation of the trust institution required the harmonization of the normative acts regarding the organization and the exercise of the lawyer profession. Thus, at present, the Law no. 51/1995 republished retains the trust between the activities that can be exercised by the lawyer, with the mention of the application of the provisions of the Civil Code applicable in the matter.

Keywords: patrimony, divisibility, will, contractual freedom, transfer.

GENERAL ASPECTS REGARDING THE CONTRACTUAL FREEDOM

Liliana Marilena Lazăr

Abstract. The freedom is the foundation of the law. The subjective right itself implies the notion of freedom. The freedom of contract, the expression of the autonomy of will, is the basis of the principles applicable to the general theory of the contract so that the formation of the contracts presupposes the existence of the will of the parties, as well as the intention of the contractors to engage lawfully. Under the Article 1169 civ. code, the parties are free to conclude any contracts and determine their content, within the limits imposed by

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law, public order and good morals. This paper aims at analyzing the general aspects regarding the contractual freedom

Keywords: fundament, essential, autonomy of will, principle, intention, law.

Liliana Lazăr graduated from the Faculty of Law and Public Administration, Constanta, Spiru Haret University (BA, 2006, MA, 2008, Ph. D. 2013, Doctoral School of Lucian Blaga University, Sibiu). She is an assistant professor of Civil Law. She has been teaching different courses at the Faculty of Law and Economics since 2008. She is author or co-author of 7 university courses, he published over 30 articles in national or international specialized journals, he participated in several international scientific conferences, with specialized articles, or as a member of the organizing and scientific committees.

**THE LIMITS OF THE FREE SPEECH FOR A LAWYER AS THEY ARE SET BY THE
EUROPEAN COURT OF HUMAN RIGHTS
Raluca Ștefania Lazăr**

Abstract. In exercising its supervisory jurisdiction, the European Court of Human Rights must determine whether the interference regarding freedom of speech - Article 10 - is “proportionate to the legitimate aims pursued” and whether the reasons brought by the national authorities to justify it are “relevant and sufficient.” The Court reiterates that the special status of lawyers gives them a central position in the administration of justice as intermediaries between the public and the courts. Such a position explains the usual restrictions on the conduct of members of the Bar. Moreover, the courts – the guarantors of justice, whose role is fundamental in a State based on the rule of law – must enjoy public confidence. As the lawyers have a key role in this field, it is legitimate to expect them to contribute to the proper administration of justice, and thus to maintain public confidence therein. The Court also reiterates that Article 10 protects not only the substance of the ideas and information expressed but also the form in which they are conveyed. While lawyers are certainly entitled to comment in public on the

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administration of justice, their criticism must not overstep certain bounds. In that connection, account must be taken of the need to strike the right balance between the various interests involved, which include the public's right to receive information about questions arising from judicial decisions, the requirements of the proper administration of justice and the dignity of the legal profession.

Keywords: free speech, lawyers, ECHR, legitimate, trial.

Raluca Ștefania Lazăr (Ph. D. 2010, civil law) is an attorney-at-law since 2005 and an assistant professor of civil law at the University "Lucian Blaga" of Sibiu. Her research is focused on civil law.

**GENERAL CONSIDERATIONS REGARDING THE RIGHTS OF SUCCESSION
OPTION UNDER THE ROMANIAN CIVIL LAW
Rareș Patrick Lazăr**

Abstract. The right of succession or inheritance option is the subjective right of the successors called to inheritance at the time of the death, to choose between accepting or giving up the inheritance, between consolidating the title of heir by accepting the inheritance and abolishing this title by renouncing inheritance, becoming a foreigner to the inheritance.

Keywords: succession option, succession vocation, subjects of the succession option's right, heirs, legal succession option.

**THE FORMS OF THE DEPOSIT CONTRACT UNDER THE REGULATION OF THE
ROMANIAN CIVIL CODE
Rareș Patrick Lazăr**

Abstract. Besides the voluntary deposit, which is the common form of the deposit contract and is characterized by the fact that the depositor's will is essential in establishing the depository, the Civil Code regulates other forms of the deposit contract, namely the required deposit, the hotel deposit, the deposit of the money funds

and the seizure deposit. All these forms of the deposit impose common features with the usual deposit, but at the same time, it differs from the typical form of the deposit by its own features.

Keywords: required deposit, hotel deposit, funds deposit, seizure deposit.

Patrick Lazăr graduated from the Faculty of Law, Ovidius University of Constanta (BA, 1998, MA, 2006, Ph. D. 2010, at the Doctoral School of Lucian Blaga University, Sibiu). He is an associate professor of Civil Law. He has been teaching different courses at the Faculty of Law and Economics since 1998. He is author or co-author of 7 university courses, he published over 40 articles in national or international specialized journals, he participated in several international scientific conferences, with specialized articles, or as a member of the organizing and scientific committees.

**NAZI MOVIES, WAR NOVELS AND LEGAL CLASSROOM: AN E-LEARNING
INTERDISCIPLINARY APPROACH**
Anca Magiru, Antoneta Jeflea

Abstract. The investigation will be a complex process in which five classic Nazi movies and the novels which they are based on will interact dynamically with the social background, in order to create the agenda of changes on the home front, postwar years, international tensions, gender and family uncertainties in an European unsettled decade. As movies and literature scholarship are one of the most exciting of recent interdisciplinary ventures, it has an enormous potential in the law school classroom as a positive and popular measure. Some general features of the Nazi movies will provide the background to the topics and the legal system will be set within this framework with particular reference to the social conflicts. The way in which law and the protagonists are portrayed in Nazi movies and literature is a fascinating subject for the professors of law and law students.

Keywords: Nazi, movies, world war, law students

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Dr. **Anca Magiru** is an Assistant Professor of ESP and researcher at Spiru Haret University, Faculty of Law and Economics, Constanta, Romania. She graduated from Galati University, Faculty of Arts in 1982 and has been a Ph.D. in Philology, Medieval Literature since 2004. Her published doctoral thesis is *The Morte Darthur: A Myth and Its Metamorphoses* (Bucharest: University Book Publishing House, 2006). Her research work focuses mainly on American criminal law. A selection of her published textbooks on the British and American legal system, as a single author, are: *English for Law Students* (Bucharest, 2011), *American Criminal Law: An Introduction for Law Students of English* (Bucharest, 2010), *Equal Justice under Law* (Constanta, 2006). Dr. Anca Magiru has been a Fulbright Alumna since 2009. She studied for her research Fulbright project: *American Criminal Law, Detective Stories and Journalism: A Recent Interdisciplinary Approach*, at St. Mary's University School of Law, San Antonio, Texas, U.S.A., 2008-2009. Since 2015, she has been an active member and supporter of ADL (Anti-Defamation League) which fights anti-Semitism (Central Headquarters in New York, the U.S.)

Dr. **Antoneta Jeflea** is an Assistant Professor of Mathematics. Her doctoral thesis is "Localization in the Category of MTL-Algebras." Her main publications are "Archimedean residuated lattices," "The Importance and The Implications of The Study of Multipliers on MTL-Algebra," "Localization of MTL algebras," "MTL-algebra of fractions and maximal MTL algebra of quotients." She has been teaching Mathematics at Spiru Haret University, Faculty of Law and Economics, Constanta since 2000.

ACTIO DE EFFUSIS ET DEJECTIS
Marilena Marin

Abstract. Starting from the ancient origins of the Romanian law, meaning from the Roman law, I chose as a topic of my research and debate a legal action specific to the field of civil liability/obligations, a particular case in the field of liability for damages caused by things in general. I start in this analysis from the elements of Roman law and the characteristics of this kind of responsibility as they were viewed in Roman antiquity and we will continue with the aspects of theory and especially the judicial practice meet nowadays regarding the chosen theme. The present paper also presents a novelty by the way

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of approaching the legal operation specific to the liability for damage caused by things. Actually, the subject was little approached through the so-called “actio de effusis et dejectis”. Choosing this topic, I have proposed an analysis of this type of responsibility and, in particular, I thought the analysis in the report of an action specific to the field of civil obligations less known to law practitioners in this formulation.

Keywords: Roman law, Roman law actions, civil liability, damage, civil liability, liability for things.

THE NOTION OF LAND REGISTRY FROM THE PERSPECTIVE OF THE MEMBER STATES OF THE EUROPEAN UNION LEGISLATION AND PRACTICE

Marilena Marin

Abstract. The aim of this paper is to analyze the way operations of land registration and immobile goods publicity are registered. Based on our studies, we have found that two large publicity’s systems can be identified at the level of the member states of the European Union: the personal system of publicity of transcription registers and the real estate/ immobile goods inscriptions, and the real publicity system for land books (land registry). In fact, these two real estate/ immobile goods publicity systems have also been applied on the territory of our country, and the immobile goods publicity system, the one on land books, is now being applied. Since there is no comprehensive study of legal and judicial practice on immobile goods publicity and how to register legal transactions in this area of European and / or international law, we consider that our study presents not only novelty but also interest for those working in this area or related fields.

Keywords: land registry, land book office, immobile goods publicity, Romanian law, European Union law, jurisprudence.

Marilena Marin (BA 1996, MA Maritime Law and a second degree in Social European Law) is a lawyer at Constanta Bar Association and an associate professor at “Ovidius” University of Constanța. Her Ph.D. is in History and is entitled “The Romanian Constitutions and the Issue of Agrarian Law Property in the First Half at the 20th Century”. As a lawyer, she is concerned with private law

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(civil law, family law, human rights), but she has also been involved in some cases in the field of public law (contentious administrative and fiscal). Her researches were directed towards the History of Law, Roman Law, Property Law, Family Law, Real Estate and Publicity of mobile and immobile goods, European Law, Financial and Fiscal Law.

**FREEDOM AND LIMITATION IN TRANSLATING FRENCH DOCUMENTS INTO
ROMANIAN**

Maria Mățel-Boatcă

Abstract. Much of the Romanian legal terminology is borrowed from French as a result of the fact that, in 1866 and in 1923, the Romanian constitution was inspired from the model of the French laws. Even though nowadays the two legal systems are dissimilar, the terms used in order to formulate Romanian legislation are tributary to the historical evolution of the Romanian state. Familiarization with specific vocabulary, thorough knowledge, and practice of both the general and the specialized language are but limited examples of the competences needed in order to ensure coherent and consistent transpositions of documents. Bearing in mind the integration of legal language within the realm of formal style, this article aims at analyzing comparatively the lexical background of legal French and Romanian, as well as the grammatical discrepancies, which characterize the translator's effort when trying to render French legal documents into Romanian.

Keywords: constitution, freedom, French, limitation, Romanian, subjectivity.

Maria Mățel-Boatcă is an associate professor at the Faculty of Foreign Languages and Literatures, "Dimitrie Cantemir" Christian University of Bucharest, Romania. She is specialized in intertextuality, traductology and stylistics. Author of articles, volumes and reviews on Francophone Belgian literature, Romanian literature, English literature, translation studies and didactics. Translator of literature and social sciences from French into Romanian.

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**APPLYING THE SPLIT VAT PAYMENT MECHANISM IN ROMANIA,
BETWEEN ECONOMIC NECESSITY AND POLITICAL INTEREST
Paula Cornelia Mitran, Iulia Grecu, Gheorghe Grecu**

Abstract. SPLIT VAT is addressed to companies that declare and pay VAT (about 97% of companies that declare it and pay). The positive effects of this regulation do not appear on any type of horizon. On the contrary, companies only claim negative effects on their activity: the bureaucratic mechanism is just a bureaucratization; this measure will hit the Romanian capital, private, bankrupting dozens of companies by decapitalization, especially those that pay. It is not applied anywhere in Europe, in Italy, volunteers in industries are at risk of evasion, it is expected to slow down the money flow in the economy and a grip on the essential circuit in a capitalist economy, namely the money-commodity-money circuit. Is there a mere incompetence from the point of view of economic understanding, or does it have any political interest in favoring the banking system? Or is nobody even able to identify the anticipated changes in the inflation rate, in addition to consumer explosions, wages and energy prices? There is just one-step until the blocking of the whole economy. This paper aims at identifying the possible positive and negative effects of the application of the VAT SPLIT mechanism to the business environment and the population, and which would be the solutions for the implementation of this approach at present.

Keywords: VAT, SPLIT VAT, companies, inflation rate, wage, business environment.

**CURRENT REGULATIONS ON STIMULATING THE SETTING UP OF SMALL
AND MEDIUM-SIZED ENTERPRISES
Paula Cornelia Mitran, Claudia Nicoleta Guni**

Abstract. Taking into account the reduction of the number of active operators on the market, the tightening of the lending in general, increasing the difficulties and risks to start a business, we believe that the current economic reality requires action to be taken to develop

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new public and financial policies support tools for Romanian SMEs to train sources and different financing mechanisms needed for economic recovery, reduction of unemployment through creating new jobs and stimulating entrepreneurial mindsets local entrepreneurs in a program Thus, direct funding for SME development, allocated from the state budget, and Funding from the Structural and Cohesion Funds is the main lever for facilitation access to finance for SMEs. The measures provided for in these programs are intended increasing employment by encouraging entrepreneurship and business start-ups agricultural and non-agricultural in urban and rural areas. Financial support is envisaged individuals to open a business, as well as providing financial support SMEs already established (with a history of up to one year running) to create new locations work. The financial support will be accompanied by the provision of counseling/ consulting services, entrepreneurial training and other forms of business development support. Without these proposed measures, it is possible to create bottlenecks, inefficiencies and losses, damage to the environment the continuation of a large part of Romania's entrepreneurs, who face the phenomenon of lack acute funding, and an increase in unemployment amongst the population, predominantly in the turn of graduates and people over 45 years of age, due to the acute shortage of jobs in economy.

Keywords: SME, business, entrepreneur, risks, unemployment, entrepreneurial training

Guni Claudia Nicoleta (BA in accounting, 2006, Ph.D. in accounting, 2015, the Doctoral School of Valahia University, Targoviste) is the author or co-author of 3 university courses, 2 guides and studies in SOP HRD projects, she published over 72 articles in national or international specialized journals, she participated in several international scientific forums, with specialized articles, or as a member of the organizing committees.

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**CULTURE AND INTERCULTURAL COMMUNICATION: PHILOSOPHICAL AND
ANTHROPOLOGICAL APPROACHES**
Viorel Miulescu

Abstract. The man with his two essential dimensions represents the intercultural communication foundation: substance and relationships. Each of them presents both a cognitive and a value force. The substantial, generic side provides only the possibility of intercultural communication, the opening of the cultural man to his interlocutor. Rational hypostasis makes communication not only possible but also effective. It is a sine qua non condition for the interlocutors to enter into relationships as equal partners, who aim not to dominate each other but to build together common meanings and bridges of closeness and understanding.

Keywords: nature, culture, civilizations, intercultural communication, language

Viorel Miulescu is a lecturer PhD of “Spiru Haret” University, Faculty of Legal, Political and Administrative Sciences, teaching classes of Public relations and communication, Public Relations and Communication in public administration, Science of Public Administration, The logic of administrative action, Juridical Sociology, and Faculty of Socio-Human Sciences Theories and models of mass communication. Participant and speaker to numerous international and domestic conferences in communication and public relation, law, journalism, philosophy, sociology and other related domains. He has a law and a philosophy degrees, also postgraduate studies and he is a specialist in communication and public administration, member of the Romanian Association of Public Relations, (European and international affiliation) and also in the Romanian Association of Law Philosophy (International affiliation). He has a PhD in Philosophy with the main subject “Interculturalism and communication. Modern and Post-modern Philosophical Perspectives” in the domain of Intercultural communication, theory of the communication, philosophy of communication, epistemology, postmodernism at the Romanian Academy, Institute of Philosophy and Psychology “Constantin Rădulescu-Motru” and another PhD in law with the main subject “Romanian Contributions to the General Theory of Law and Philosophy of

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Law in the First Half of the Twentieth Century” in the domain of General theory of law, Legal Sociology, Logic of Law, Philosophy of Law Romanian Academy, Institute of Juridical Research. Previously, he worked in several capacities, as follows: at the City Hall of Bucharest municipality as Information and public relations head office; also at the Mass-media Culture National Centre of Cinematography as Counsellor; at the Direction of Information and Public Relations as Chief of the Press Group; at the Central Public Administration – Ministry Of Administration And Interior at the Direction of Information and Public Relations, Film and Television Studio, as General Secretary of the Editorial and Deputy Chief Editor and before as Expert Editor and TV-movie Producer. All these specializations led to his capacities to plan, coordinate, operate and supervise activities related to the management of the bodies’ image and brand creation and management strategies, organizing and systematizing events and public relations campaigns and crisis management.

ASPECTS OF FORENSIC METHODOLOGY ON THE INVESTIGATION OF CYBERCRIMES

Adrian Cristian Moise

Abstract. The study presents and analyses some aspects regarding the forensic investigation methodology of cybercrimes. It performs an analysis of the investigation stages in the case of cybercrimes. The crime scene investigation of computer crimes comprises the following investigation stages: preparing the investigation; collecting the evidence; examining the evidence; analyzing the evidence; reporting the obtained results. The crime scene represents the most important place for the criminal investigation of cybercrimes, as it contains the highest number of traces or data referring to the criminal act and its author, and it most often represents the starting point of the criminal investigation.

Keywords: cybercrimes, investigation stages, crime scene investigation, digital evidence, computer system.

Cristian Adrian Moise is a lecturer and researcher at Faculty of Juridical, Economic and Administrative Sciences, Craiova, Spiru Haret University Bucharest, Romania. He graduated from “Nicolae Titulescu” Faculty of Law

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and Administrative Sciences, University of Craiova in 2005 (M.A. in “Public law and criminal sciences,” 2007 and Ph.D., 2010, “The Forensic Investigation Methodology of Cybercrimes.” He is a postdoctoral researcher, since 2015 with the subject “The Criminological Dimension of Cybercrime,” within the SOP HRD Project 159/1.5/S/141699, entitled “Modernization of national legislation within the context of harmonization of law at the European level and the socially and politically inferences on the administrative system.” From 2006 he is attorney-at-law at the Dolj Bar Association. His main research focus is cybercrime. He is author of seventy articles published in specialized magazines as well as in the national and international symposiums. Si far, he published two book: *The Forensic Investigation Methodology of Cybercrimes* (Bucharest, 2011) and *The Criminological Dimension of Cybercrime* (Bucharest, 2015). Co-author of a course on forensics Emilian Stancu, Adrian Cristian Moise, *Forensics. Technical and tactical elements of criminal investigation* (Bucharest, 2014) and Adrian Cristian Moise, Emilian Stancu, *Forensics. Methodological elements for the investigation of crimes. Academic course* (Bucharest, 2017).

METAPHORICAL MAPPINGS IN DONALD TRUMP’S SPEECH
Alexandra Moraru

Abstract. The present paper focusses on stylistic representations of the US President’s inauguration speech on January 20th 2017 and seeks to point out how conceptual metaphors shape the message reception and how they turn into tools of persuasion. Following the principles of Conceptual Metaphor Theory and those of Discourse Analysis, the paper decodes the presidential speech in terms of metaphoric mappings.

Keywords: conceptual metaphor, presidential speech, persuasion, metaphorical mapping.

Alexandra Moraru has been first a Teaching Assistant, and then a Lecturer at “Dimitrie Cantemir” Christian University for 16 years. She holds a PhD degree in philology from “Al. I. Cuza” University in Iasi, and a MA in applied linguistics from the University of Bucharest.

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BRIEF CONSIDERATIONS REGARDING THE USAGE, A SOURCE OF CIVIL LAW
Cornelia Munteanu

Abstract. If, under the previous Civil Code, the usage was recognized as a source of civil law only to the extent that the law expressly addressed it, the current Civil Code renders the usage a place among the sources of civil law. The legislator recognizes its role implicitly by the fact that Article 1 civ. code allocates to this institution four of his six paragraphs. Thus, the usage is no longer just a secondary source of civil law, but it can also be a main source. Moreover, even in cases where the law does not expressly refer to the usage, in the text applicable to the respective legal situation, the usage will be applied with priority if it is a supportive legal norm. Our study aims to analyze the usage as a source of civil law and to establish the place it occupies among the sources of civil law.

Keywords: usage, civil law, source of law, applicability.

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**ECONOMIC DEVELOPMENT AND ANALYSIS OF THE FACTORS THAT IMPEDE
THE SOCIAL INCLUSION OF YOUNG PEOPLE ON THE LABOR MARKET AND
IN EDUCATION**
Cristina Năftănilă

Abstract. This article focuses on the presentation of social inequality in Romania and analyzes the factors that make it harder for the social inclusion of young people on the labor market in our country. According to the National Strategy on Social Inclusion and Poverty Reduction (2014-2020) “young people register the second largest poverty rate, being the main group affected by the economic crisis.” Social exclusion includes poverty alleviation, not only in terms of

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economic deprivation of young people, but also from a non-material point of view. The elaboration of this article aimed to research the specific needs of young people on the labor market. In order to achieve the research for this article, we have studied the Romanian legislation on public policy regarding vulnerable groups (women, young people, people with disabilities, and poor people in rural areas), the European legislation (existing regulations at EU level or existing programs at national level), and analyzed the documents published by the National Employment Agency and by the National Institute of Statistics.

Cristina Alina Năftănăilă is a Lecturer PhD and member of the faculty research team at Spiru Haret University, Faculty of Economic Sciences Câmpulung Muscel, România. She became a PhD in Finance in 2011 and graduated from the Doctoral School of Lucian Blaga University in Sibiu. Her research focuses on finance. She is has been member of the editorial board of the HRMARS Magazine since 2011, member of the Romanian Society of Historical Sciences, Muscel Branch since 2010, member of the Accounting Department of the Faculty of Accounting and Finance Campulung since 2012 to 2015 and member of the Internal Quality Audit Committee of the faculty since 2014.

**DEVELOPMENTS IN THE FINANCIAL INTERMEDIATE DEGREE -
IMPLICATIONS FOR THE EURO ADOPTION IN ROMANIA
Octav Neguriță, Adina Violeta Trandafir**

Abstract. The degree of the financial intermediation as a share of the value of the financial system assets within the gross domestic product may be a benchmark for the adjustment level of the national financial and banking system for the future adoption of the European single currency and within the Romanian economy. The national banking system, through the financial institutions and levers, represents an essential factor even from the beginning of the actual euro adoption process. Because, first, the banking system has to prove that it can adapt to the mechanisms and operating principles specific to the single Community currency. The integration of our

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country within the European Union since 2007 did not automatically represent the adaptation and integration of the financial and banking mechanisms and, therefore, the adoption of the euro, a situation that is also true for the other non-euro area Community states. In addition, the degree of the integration of the financial institutions within the national economic system, as well as the role played by these institutions in the national economy, could represent some important factors in the Romanian economy's readiness to integrate into the euro area.

Keywords: assets, mechanism, currency, indicator, development, adjustment.

Octav Neguriță graduated a business administration program (MA, 2003, Ph. D. at Doctoral School of "Alexandru Ioan Cuza" University, Iași, 2006). He has been teaching different courses at the Faculty of Financial and Accounting Management since 2001. He is author or co-author of 9 university courses, he published over 35 articles in national or international specialized journals, he participated in several international scientific conferences, with specialized articles, or as a member of the organizing and scientific committees.

Adina Violeta Trandafir graduated a financial and accounting management program in 2001 (Ph.D., 2015, the Doctoral School of Academy of Economic Studies from Bucharest). She is currently a postdoctoral student at the World Economic Institute, National Economic Research Institute of the Romanian Academy. She has been teaching different courses at the Faculty of Financial and Accounting Management since 2001. She is author or co-author of 8 university courses, she published over 40 articles in national or international specialized journals, she participated in several international scientific forums, with specialized articles, or as a member of the organizing and scientific committees and she is the editor-in-chief of the Faculty Journal, a journal indexed in international databases, since 2015.

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POLLUTION AND LAW
Ingrid Ileana Nicolau

Abstract. Etymologically, the term “pollution” comes from the Latin word *polluero-ere*, and means dirty, profane. It designates an action through which the man degrades –“dirty” – its own environment. The modern dictionaries contain both short definition for pollution, limited to its effects over environment as well as a general view of the pollution, which contains a large group of negative influences. The pollution can be chemical, physical, biological, genetic, esthetic etc. Due to many environment tragedies during the first half of the XX century, many nations imposed extensive laws that are designed to repair the damages caused by previously uncontrolled pollution and to prevent further environments contaminations. Pollution, through the nature of social-economic and humanitarian consequences that produces and of their influence area is an issue with national and international implications

Keywords: pollution, environment, noise pollution, moral pollution.

RELIGIOUS VIEWS AND THEIR INFLUENCE ON CLEAN WATER LAWS
Ingrid Ileana Nicolau

Abstract. Religious beliefs and documents have endorsed over the years the idea of morality towards the environment. These religious beliefs have never been part of the environment legislation. We should understand, accept and publicly discuss the manner through which religious values could become part of the decisions regarding the environment. It is possible that those rules benefit from the extensive public support, thus providing a more efficient environment protection. This article will analyze the main religions of the world in order to discover how religious beliefs regarding the human/environment interaction influence environment laws.

Keywords: environment, religious beliefs, clean water laws, Christianity, Islam, Hinduism

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THE TRIUMPH OF MAGISTRATES' LIABILITY. A HOLISTIC APPROACH
Oana Andra Niță

Abstract. In the context of Romania's integration into the European Union, the implementation of an independent material liability law of magistrates proves to be necessary for a state that is constantly undertaking steps to reach the standards imposed by the European Union. Abusive judgments based on legal grounds that violate the European Convention of Human Rights classify Romania among the most complained states in ECHR. Consequently, the streamlining of the Romanian legal system requires the promulgation of a law on the liability of magistrates regarding ways of control and sanctioning, without interfering with the independence of justice in the state of law.

Keywords: magistrates' liability, control, sanction, independence of justice, state of law

Oana Andra Niță is a Ph.D. student at the Law Doctoral Program, the Bucharest University of Economic Studies, Romania. She graduated a Master Degree in Criminal Sciences and Forensics at the Faculty of Law, Dimitrie Cantemir Christian University of Cluj-Napoca and a Bachelor program at the Faculty of Law, Babeș-Bolyai University of Cluj-Napoca. Fields of interest: Constitutional Law, Human rights, General Theory of Law, Diplomatic Law, International Relations. Fields of research: Constitutional Law, General Theory of Law, Philosophy. She is currently working at the Ministry of Foreign Affairs, the Protocol Department.

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**LA SYNONYMIE DANS LA LANGUE DES ACTES LEGISLATIFS POLONAIS ET
FRANÇAIS - PERSPECTIVE TRADUCTOLOGIQUE**
Paulina Nowak-Korc

Abstract. This presentation is intended to address the problems experienced by translators in the context of the occurrence of synonyms and quasi-synonyms in legal translation. The applied research methods include: the analysis of pertinent literature, comparison of legislation and other types of legal texts in the examined languages, as well as legal and comparative terminological analysis (aimed at establishing the meanings of the examined terms). The presentation touches upon the issue of preserving terminological coherence in accordance with the norms of the creation of normative acts and legal communication from the point of view of translators of texts formulated in the language of law. Formulating normative acts in most states is governed by precise guidelines. In the Polish system, it is the Regulation on Principles of Legislative Techniques (ZTP, 2002), while in France, Guide de Légistique. In accordance with these principles, one term for the designation of a single object of reality should be used in legal communications. Unfortunately, the legislative practice as well as usage, which is shaped by lawyers formulating other genres of legal texts, indicate that these principles are not applied consistently, and consequently that situation may result in errors in translation.

Keywords: Legal translation, synonyms, quasi-synonyms, normative acts, legal communications

Paulina Nowak-Korc is a graduate of Linguistics and Romance Studies at the Adam Mickiewicz University in Poznań. She obtained the academic degree of doctor in the field of humanities in the discipline of linguistics in 2013. Since 2010, she has been teaching legal translation courses and the introduction to conference interpreting course at the Postgraduate Studies for Candidates for Sworn Translators and Interpreters. Since 2015 she has been an employee of the Faculty of English at the Adam Mickiewicz University in Poznań.

**THE INSURANCE CONTRACT. SOME ASPECTS OF THE OBLIGATION TO
INFORM**

Adina Laura Pandele

Abstract. In applying the principle of good faith governing contractual matters, the conclusion of an insurance contract, irrespective of the type of insurance, is preceded by a special stage where the prospective co-contractors are required to provide each other with certain essential information in establishing the contractual relationship. At this stage, the insurer obtains the information necessary for concrete risk assessment and the future insured party obtains information on the essential elements of the future contract. In accordance with the legal provisions governing the subject matter of the insurance contract, this obligation also exists for the insured person during the performance of the contract, which allows the insurer to adapt the contract to the changes of the initially declared risks.

Keywords: contract, insurance, insured, insurer, risk, obligation, principle

Adina Laura Pandele is an associate professor at the Faculty of Faculty of Law and Administrative Sciences, “Ovidius” University of Constanta. She obtained the Ph.D. title at the Bucharest Academy of Economic Studies. Her research focuses on the field of transport law, maritime law and insurance law. So far, she published a monograph, few university courses as well as several articles in specialized journals.

QUALITY IN HIGHER EDUCATION – A CONTROVERSIAL TOPIC
Iuliana Pârvu, Cristina Sandu

Abstract. The rapid diversification of services and the intensifying competition have led to the increased interest of the companies for the relationship with costumers and for costumers’ expectations. Similarly, in the context of the profound competition on the educational services market, the higher education institutions seek

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to gain competitive advantage, which is why it is very important for them to understand the expectations of their clients and hence to satisfy them. For the strategic management of the higher education institutions, the quality of educational services viewed from the students' perspective becomes an element of primary interest, even more important than the quality judged from a legislative perspective. That is why, the management of the higher education institutions needs additional tools to measure the quality more than the legislative ones, which only ensure the premises of quality, the student being, ultimately, the only one that validates the quality of the educational services. The main purpose of this paper is to analyze the literature on the higher education services quality assessment in order to identify a number of relevant factors for the Romanian higher education consumer and, moreover, for the consumer of higher education services in the field of economic sciences.

Keywords: higher education management, service quality, universities' market

Iuliana Parvu is an associate professor and researcher at the Faculty of Law and Economics, Spiru Haret University in Constanta, Romania. She graduated from Bucharest University of Economic Studies (PhD in Management). Her research focus on Service Management, Higher Education Management, Project Management. So far, she has published several articles in scientific journals and attended various conferences. Her works address, mainly, issues of improving Romanian higher education management in line with the requirements of the European universities. Since 2008, she is member of The Association of Authorized Evaluators in Romania and member of the Academic Cooperation Association, since 2013. She is member of the editorial board of the Journal of Academic Research in Economics.

Cristina Sandu is a lecturer and researcher at the Faculty of Law and Economics, Spiru Haret University in Constanta, Romania. She graduated from Bucharest University of Economic Studies (PhD in Economics). Her research focus on Economics, Marketing and Business Ethics. Her works deal with the increasing companies' performance through marketing techniques. Since 2013, she is member of the Academic Cooperation Association.

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**ASPECTS REGARDING THE QUEST FOR DECENT JOB FOR ROMANIAN
WORKER**

Laura Patache, Mihaela Bebeșelea

Abstract. The International Labor Organization (ILO), describes decent work as “opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity”. The Romanian worker are struggling to find, outside or within the national border, a decent job that can assure him and his family a decent standard of living. The standard of living measured by GDP per capita (CIA World Factbook) ranked Romania, in 2016, on 83 - from 230 countries and by GNI per capital (World Bank database) on 54 – from 214 countries who communicated data. This information could lead us to think that Romanians have employment that provides a decent living. However, Eurostat puts our country first in the EU, in terms of percentage of employed persons who are in poverty (about 21.5% from total employment), according to uniform criteria established internationally.

Keywords: employment, decent work, decent job, migrant, poverty.

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and completed her Ph.D. in Accounting at the “Babeş-Bolyai” University - Cluj Napoca in 2010. Bebeşelea’s main research interests include the accounting, economics and financial analysis, taxation, private and public finance. She published more than 42 articles, published in volume ISI Proceedings (3), in indexed in databases recognized in the economic field journals (14), in volume of international conferences organized in our country or other countries (8) and in volume of national conferences (17); 5 books; 5 notebooks. In addition, she was member of research teams of 2 projects with European financing through SOP HRD.

ECHR JURISPRUDENCE ON DETENTION CONDITIONS IN ROMANIA
Aura Preda

Abstract. The study of the application of human rights in prisons is based on the fact that it derives from the rights granted to all citizens of the Romanian state. As such, citizens have the rights and obligations laid down in the Constitution, and the convicts have rights and obligations provided in the executive-criminal law. The rights that convicts have during the execution of sentences depend on the legal provisions, the regime of execution of the punishment, the nature of the punishment applied by the court. The reason I approached this delicate theme is represented by the numerous cases lost by the Romanian state in the trials initiated by Romanian prisoners in the European Court of Human Rights and the imperative of finding efficient solutions, as soon as possible.

Keywords: human rights in prisons, the Constitution, the executive-criminal law, the regime of execution of the punishment, trials lost at the ECHR, efficient solutions

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European integration,” partners: Institute of Sociology of Romanian Academy, National Institute of Legal Medicine “Mina Minovici”, University of Bucharest, Institute for Legal Research, University of Medicine and Pharmacy. She received her PhD from the Institute of Legal Research from Romanian Academy in 2010, with the thesis “Prof. Denis Szabo and Criminology’s evolution.” She finished a postdoctoral program during 2014-2015, the theme of postdoctoral research was “Criminological study of judicial practice on probation in the context of the new enforcement-criminal law” (SOP HRD -2007/2013). Her research focuses on criminology’s and penology’s fields: system of penal justice, domestic violence, cost of crime, trafficking on human beings, the crime of immigrants, probation system, condition of detention, woman-victim vs. woman-criminal, etc. Her main published works are *Domestic Violence. Reflections; The cost of criminal detention – the results of an empirical research; Some aspects regarding the cost of executing freedom deprivation punishments; The Eastern Immigrant stepping into the space of freedom, security and justice of the European Union – between the scape goat and the citizen entitled to the right of free circulation. THE ROMANIAN CASE; Aspects regarding some Romanian citizens’ criminality in the European Union space. Criminological reference points; Romanian children Trafficking in European Union; Woman’s involvement in human trafficking*, etc. Since 2002 she is member of the Romanian Society of Criminology, Forensics and Penology and from 2010 – 2013, member of Association Internationale des Criminologues de Langue Française (AICLF).

A NON-ARISTOTELIAN APPROACH TO INTELLIGENCE ANALYSIS

Marius Antonio Rebegea

Abstract. The intelligence analysis is a fundamental stage in the intelligence process for any intelligence agency, whether it is a governmental or a private one. The importance of this stage has been identified in the context of an informational abundance, which overwhelms any specialized structure in the field. The ultimate goal of any intelligence process is to provide the information background to support and guide the beneficiary’s decisions. Thus, the intelligence analysis, as the middle stage of the process, linking the collection and the capitalization, is also a central part to the process. The present article aims at providing a new perspective on the

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intelligence analysis activity creating an antithesis of two systems of thinking, the Aristotelian, based on the theoretical concepts of the great Greek philosopher and the non-Aristotelian one, whose promoter is Alfred Korzybski, founder of general semantics.

Keywords: competitive intelligence, meaning, language, neurolinguistics, logic, principles.

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**CROSSING THE BORDER AND THE SWING BETWEEN WORLDS, IN BUZZATI,
BARICCO AND IPSIRESCU**
Răzvan Staicu

Abstract. In the universal literature, the extended theme of the journey and its customization to the journey between worlds or to the initiatory journey have led to an extended narrative production, with countless titles. Sometimes, this theme is the point of proximity of works of different style, as mentalities belonging to a specific geographical area or to a specific historical era. This article proposes a comparative analysis of three narrative texts. The first belongs to a Romanian writer from the 19th century, Petre Ispirescu. It is about a fairy tale, a writing to the limit between intellectual literature and Folklore production, Youth without Age and Life without Death. The other narrative writings belong to Italian authors: the first, Dino Buzzati, is recognized for his vicinity on magical realism; the other, Alessandro Baricco, is a contemporary postmodern author already translated in many languages.

Keywords: Postmodernism, Folklore, shifting, border, myth, marginal/central.

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Răzvan Staicu has been assistant lecturer at Dimitrie Cantemir Christian University since 2001, teaching Italian Literature and Language. He graduated from the Faculty of Letters, University of Bucharest. In addition, he was associated Italian Literature and Language teacher at the Faculty of Foreign Languages and Literatures, University of Bucharest and Spiru Haret University. He is author of a volume on literary criticism about the Italian Postmodernism (*The Visible Lightness of Writing*) and the author of several volumes with Italian language courses structured on different levels of study. His research focuses on the analysis of the cultural and literary representation of Italy in the memorial writings of Romanian writers in the nineteenth century.

THE STATE, TO BE OR NOT TO BE?
Vasile Miltiade Stanciu

Abstract. Man is part of Creation, but not all the people are the same, appearing that certain social inequalities between them. The only institution that could counter them was and is, the State. Basically, the State is not a direct product of creation, but it was necessary to appear into a certain stage in the development of society, due to inadequate conditions in the relations between people. Therefore, the State appearing when there were conditions for it to be born and develop. I have proposed to argue in my paper, if the existence of the state, is or is not necessary.

Keywords: individual, the living environment, nation, the institutions, the state

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**ASSESSING THE PRIOR COMPLAINT REGULATION: THE CONDITIONS
REQUIRED FOR THE CRIMINAL LIABILITY TO APPLY**
Anca Iulia Stoian

Abstract. The causes that remove the penal liability are precisely provided in the Romanian Criminal Code in force, as follows: the amnesty; the prescription; the absence of prior complaint and its withdrawal; the parties' reconciliation. These rules have a general applicability and they are applicable to all offenses provided under the Romanian Criminal Code and the special laws, as they are regulated in the General part of the Romanian Criminal Code. In this study, we intend to analyze the prior complaint institution from the legal conditions' point of view, but also from its produced effects under the Romanian Criminal Code.

Keywords: prior complaint, injured person, penal liability, right to dispose, prior complaint withdrawal, parties' reconciliation.

Anca-Iulia Stoian graduated from Law Faculty in 2001, (MA, 2003, Ph.D. 2013, Doctoral School of "Ștefan cel Mare" Police Academy from Chișinău). She has been teaching law courses since 2001. She has authored and co-authored 8 university courses, published over 40 articles in national or international specialized journals and participated in several international scientific forums, with specialized articles, or as a member of the organizing committees.

**LEARNING FOREIGN LANGUAGES – MORE CHANCES TO SUCCEED IN
DEVELOPED SOCIETIES**
Daliana Tascovici

Abstract. As it is known, the teenagers face a continuous movement and transformation; these aspects challenge their capacity of communication and taking decisions. The present paper proposes to realize a radiographic evaluation of the actual situation in the pre university system of learning, with references on students and their choices for their professional career. The first part of the paper, the

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theoretical one, identifies from the advised sources, the main problems of the Romanian system of learning under the pressure of the accelerated developing society. The applicative part, the research of the paper, proposes that via disseminating a questionnaire to the students in the last year of their high school in Câmpulung, to expose the students' attitude as concern the foreign language learning. The study contains the interpretation of the questionnaire results and at last, proposes for remediation, in the required situations.

STATE AND LAW - SOCIAL PHENOMENA IN RELATION
Constantin Cezar Tită, Violeta Dana Tită

Abstract. From ancient times, people have felt the need for common living, necessary to meet every day's needs. To meet this need, individuals created the state as an overriding entity, aiming at collective good. In order to ensure the operation of the state, the collectivity established rules of cohabitation, which, from the specialized state institutions, became mandatory for all and in the case of the violation of those rules, there were means of sanctioning. At present, the supremacy does not hold the state, but the rule of law, as an expression of how people perceive the relationship of total interpenetration between the two social phenomena: state and law.

Keywords: State, Law, collective good, the rule of law, individual freedom

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Violeta Dana Tită (Ph.D. 2014) taught courses of law from 2005 to 2015. She is lawyer at Vâlcea County Bar and Holder of the Law Office since 2008, associated lawyer at TITĂ&TITĂ Law Office. She provides legal assistance, representation and advice. She is member of the Chamber of Commerce and Industry Vâlcea since 2004 and judicial arbitrator.

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**CASES OF INAPPLICABILITY OF THE PROHIBITIONS PROVIDED IN ARTICLE 5
OF THE COMPETITION LAW NO 21/1996**
Paul Robert Titulescu

Abstract. The main purpose of the competition policy is determined by the constant vigilance observance that the mechanisms of the market work properly in order the market to have a proper development. This is supported by certain principles, specific to the competition law, which we shall examine in this paper. Based on the principles of the competition law, the Article 5, chapter II, of the Competition Law no. 21/1996 stated prohibitions on express or tacit agreements between economic agents, associations of economic agents and concerted practices, which would have the object or effect the restriction, prevention or distortion of competition on the Romanian market or a part thereof. This study is focused on analyzing the “rule of vigilance,” as well as the exceptions to this rule, contained in Article 5 of the mentioned law.

Keywords: competition, economic market, understanding, enterprise, concerted practices.

ASPECTS OF DOMINANT POSITIONS AND THEIR ABUSIVE EXPLOITATION
Paul Robert Titulescu

Abstract. The practice of the abuse of dominant position is an anticompetitive unilateral activity, unlike the situations provided by Article 5 of Law no. 21/1996, involving bi and multilateral activities. If one or more undertakings have dominant market position, it does not necessarily attract a penalty, but means it has a special responsibility not to allow its conduct to impair true competition. This study is focused on the content of Article 6 of the Competition Law no. 21/1996 regulating issues relating to abusive exploitation of dominant positions.

Keywords: competition, relevant market, enterprise, dominant position, exploitation.

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**LEGISLATIVE AMENDMENTS BROUGHT TO THE FOUNDATION, THE LEGAL
PERSON WITHOUT A PATRIMONIAL PURPOSE**

Roxana Topor

Abstract. The act no 76/2012 for the carrying into effect of the act no 134/2010 concerning the code of the civil procedure has amended some special deeds that we intend to address in this paper, namely the amendments to the Government Ordinance no. 26/2000 regarding the associations and foundations.

Keywords: non-profit organization, foundation, law, patrimony, revenue, public utility.

Roxana Topor is a university lecturer, graduated from law school in 1999 and since 2009 she is a doctor in law. She is the director of the Department of Legal Sciences at the Faculty of Legal Sciences and Economic Sciences. Since 2010, she is a mediator. She is the author or co-author of 9 university courses, published over 45 articles in national or international specialized journals, she participated in several international scientific forums, with specialized articles, or as a member of the organizing committees.

**THE OBJECTS OF A COPYRIGHT CONTRACT IN ENGLISH, JAPANESE AND
POLISH. A COMPARATIVE ANALYSIS OF A CLAUSE.**

Paula Trzaskawka

Abstract: The aim of this paper is to carry out the comparative analysis of clauses in Polish, Japanese and English copyright

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agreements in respect to finding functional equivalents in comparable texts. The following research methods have been applied: (i) comparison of parallel texts, (ii) analysis of comparable texts, and (iii) parametric approach to legal translation. The research corpora include: Polish Act on Copyright and Neighbouring Rights, 1994, British Copyright Act, 1956, British Copyright Act (Copyright, Designs and Patents Act 1988, CHAPTER 48), American Copyright Act, 1976, Japanese Copyright Law (知的財産基本法 Japanese Intellectual Property Basic Act, 平成十四年十二月四日法律第二百二十二号 Act No. 122 of December 4, 2002), and authentic Polish, Japanese and English Copyright Agreements. Scrutinized terminology has been excerpted from the above mentioned Acts and Copyright Agreements with the use of Antconc (Corpus Analysis Tool). As a result of the analysis, the pairs of potential functional terminological and collocation equivalents will be presented and discussed. It should be stressed that due to a limited size of the analyzed corpora, there is need to broaden the scope of research in order to verify the obtained results and reduce the risk of coincidental convergence and similarity.

Keywords: copyrights, contracts, English, Japanese, Polish

Paula Trzaskawka is a PhD student at the Adam Mickiewicz University in the Department of Legilinguistics and Languages for Special Purposes. Her research focuses on the comparative legilinguistics (especially copyrights) and LSP (the language of music). She has been awarded a prestigious scholarship of the Adam Mickiewicz Foundation for years 2016-2017.

LIMITS OF HARMONIZATION OF CRIMINAL LAW WITHIN THE EUROPEAN UNION

Georgiana Tudor

Abstract. The prospects of harmonizing criminal law within the European Union have essentially changed only through the Treaty of Lisbon, which has introduced a clear legal basis for a broad competence of the Union in the field: 83(1) and (2) TFEU. At the same

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time, even the provisions of the Treaties put some limits to harmonization: the emergency brake, the possibility for Denmark, the United Kingdom and Ireland not to participate in the acts adopted under the area of freedom, security and justice (“opt-out”) and the need to respect the principles of subsidiarity and proportionality.

Keywords: criminal law, harmonization, European Union, subsidiarity, proportionality

Georgiana Tudor is a judge (since 2005), specialized in criminal matters, member of the Expert Group on EU Criminal Policy of the European Commission and training expert for judges and clerks at National Institute of Magistracy and National School of Clerks. She is currently judge at Bucharest Court of Appeal, 2nd Criminal Department. She served as seconded judge to the Ministry of Justice (legal advisor), Directorate for European Affairs and Human Rights (2013 – 2014), vice-president of 1st District Instance Court of Bucharest (2012 –2013), judge at the Tribunal of Bucharest (2008 –2012), judge at 1st District Instance Court of Bucharest; since 2007 – President of the Criminal Department (2005 –2008) and Public Prosecutor at 6th District Public Prosecutor's Office of Bucharest (2004 –2005).

FINANCIAL GROUPS AND THEIR ROLE IN THE DEVELOPMENT OF THE NATIONAL ECONOMY

Odi Mihaela Zărnescu

Abstract. The globalization of the world economy, the interpenetration of economic phenomena, the multitude and complexity of information, the speed of communication have led the entities to resort to “professional services” with which they provide higher returns in the allocation and use of resources. These specialized services are found in the evaluation, diagnosis, consulting and management assistance or resource mobilization activities. Professional services are used not only by those who need resources but also by those who invest. These services help entities optimize their financial flows, maintain their economic balance and consolidate their future. Professional services ensure clarity and rigor in the economic flow and financial flows. The priority of the

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activity of credit institutions is the continuous improvement and diversification of products and services so that their quality and diversity are the one that makes the difference. Starting from this premise, credit institutions have expanded their services in banking-related fields such as insurance, leasing, factoring, real estate transactions. We assist with the organization of banks in the form of financial groups, which through their own subsidiaries carry out specialized professional services.

**FEATURES OF THE LANGUAGE OF THE LAW - A COMPARATIVE STUDY OF
POLISH ENGLISH AND INDONESIAN LEGAL TEXTS**
Daria Zozula

Abstract. Various researchers studying the language of the Law agree that there are some certain common features of the legal genre regardless of the ethnic language. Among most commonly listed features of *lingua legis* are: performative verbs, Latinisms, metaphors, euphemisms, time expressions and compound nouns. This paper touches upon mentioned features and examples of their occurrence in both Indonesian and Polish legal texts. Some other features, specific only to an ethnic-bound legal culture and language will be mentioned as well. The corpora of analyzed texts comprise: The 1945 Constitution of The Republic of Indonesia, The Constitution of The Republic of Poland, Polish and Indonesian Civil Codes (parts concerning obligation) as well as parallel texts of rental agreements and contracts of sale of real estate. The paper starts with a brief introduction to both Polish and Indonesian legal systems and concludes in a summary of the findings with correlation to comparative Polish-Indonesian translation.

Keywords: comparative legilinguistics, language of the law, Polish-Indonesian, English-Polish, Indonesian-English, comparative studies, *lingua legis*

Daria Zozula is a lecturer and researcher at Adam Mickiewicz University in Poznan, Poland. Her research focus on comparison between Indonesian and

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Polish legal language and system. Her published works deal with Polish-Indonesian specialized texts translation, Indonesian grammar and Polish and Indonesian bilateral relations. Since 2015 member of Sahabat, Indonesian-Polish Association, since 2017 member of TEPIS, the Polish Society of Sworn and Specialized Translators.