

**“Dimitrie Cantemir” Christian University**  
**Faculty of Law Cluj-Napoca**



**INTERNATIONAL CONFERENCE**  
***THE EFFICIENCY OF LEGAL NORMS***  
***3<sup>rd</sup> Edition. Challenges of the Current Decade***

---

***May 15<sup>th</sup> – 17<sup>th</sup> 2014, Cluj-Napoca, Romania***

---

**ORGANIZED IN COOPERATION WITH**

The Romanian Academy Cluj Branch. “George Barițiu” Institute of History Department of  
Social and Humanistic Research  
The Romanian Institute for Human Rights Bucharest, Romania  
Institute of Administrative Science Republic of Moldova Chisinau  
The Romanian Association of Penal Sciences Bucharest, Romania  
The Intellectual Property Rights Scientific Association Bucharest  
The National Supervisory Authority for Personal Data Processing  
The Romanian Society of Authors and Publishers of Scientific Works PERGAM Bucharest,  
Romania

**Publishing partner**

**UNIVERSUL**

**JURIDIC**

**Media partner**



## ORGANIZING AND SCIENTIFIC COMMITTEE

### *Co-Chairs*

**GEORGE ANTONIU, Ph. D.**

*Professor*

“Andrei Rădulescu” Legal Research Inst. of  
Romanian Academy, Bucharest, Romania

**IRINA MOROIANU-ZLĂTESCU, Ph. D.**

*Professor*

The National School for Political and  
Administrative Studies,  
Director of the Romanian Institute for Human  
Rights, Bucharest, Romania  
Member of the International Academy of  
Comparative Law

**GHEORGHE BOBOȘ, Ph. D.**

*Professor*

“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

**LUCIAN CHIRIAC, Ph. D.**

*Professor*

“Petru Maior” University  
Târgu-Mureș, Romania

**ELENA-MIHAELA FODOR, Ph. D.**

*Associate Professor*

“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

### *Scientific committee*

**MIRCEA CRISTE, Ph. D.**

*Professor*

West University of Timisoara  
Timisoara, Romania

**GORDANA GASMI, Ph. D.**

*Professor*

Senior Research Fellow  
Institute of Comparative Law Belgrade, Serbia

**CRISTIAN IONESCU, Ph. D.**

*Professor*

“Dimitrie Cantemir” Christian University  
Faculty of Juridical & Admin. Sciences,  
Bucharest, Romania

**CĂLINA JUGASTRU, Ph. D.**

*Professor*

"Lucian Blaga" University  
Sibiu, Romania

IOANA VASIU, Ph. D.  
*Professor*  
"Babeş-Bolyai" University  
Cluj-Napoca, Romania

LUDO VENY Ph. D.  
*Professor*  
Public Law Department,  
University of Gent, Belgium

CRISTIAN ALUNARU, Ph. D.  
*Associate Professor*  
"Vasile Goldis" West University  
Arad, Romania

LILIANA BELECCIU, Ph. D.  
*Associate Professor*  
"Ştefan cel Mare" Academy  
Chisinau, Republic of Moldova

CĂLIN COSTIN, Ph. D.  
*Associate Professor*  
"Dimitrie Cantemir" Christian University  
Faculty of Law Cluj-Napoca, Romania

CONSTANTIN DUVAC, Ph. D.  
*Associate Researcher*  
"Andrei Rădulescu" Legal Research Inst. of  
Romanian Academy, Bucharest, Romania

ELENA-MARIA MINEA , Ph. D.  
*Associate Professor*  
"Babes-Bolyai" University  
Cluj-Napoca, Romania

MARIA ORLOV, Ph. D.  
*Associate Professor*  
Institute of Administrative Science of Moldova  
Chisinau, Republic of Moldova

SORINA SISERMAN, Ph. D.  
*Associate Professor*  
"Dimitrie Cantemir" Christian University  
Faculty of Law Cluj-Napoca, Romania

SILVIU TOTELECAN, Ph. D.  
*Scientific Researcher II*  
The Romanian Academy. Cluj Branch  
Dept. of Social and Humanistic Research,  
Romania

MĂDĂLINA TOMESCU, Ph. D.  
*Associate Professor*  
"Dimitrie Cantemir" Christian University  
Bucharest, Romania

CIPRIAN-RAUL ROMIŢAN, Ph. D.  
*Vice-President*  
The I. P. Rights Scientific Association  
Bucharest, Romania

MIHNEA-DAN RADU, Ph. D.  
*Assistant Professor*  
"Dimitrie Cantemir" Christian University  
Faculty of Law Cluj-Napoca, Romania

MIRCEA URSUŢA, Ph. D.  
*Assistant Professor*  
University of Oradea  
Oradea, Romania

## *Organizing committee*

AUREL CODOBAN, Ph. D.  
*Professor*  
“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

NICOLETA BUZATU, Ph. D.  
*Associate Professor*  
“Dimitrie Cantemir” Christian University  
Bucharest, Romania

CORINA BUZDUGAN, Ph. D.  
*Associate Professor*  
“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

CONSTANTIN DUVAC, Ph. D.  
*Associate Researcher*  
“Andrei Rădulescu” Legal Research Inst. of  
Romanian Academy, Bucharest, Romania

MIHAELA AGATADOR POPESCU, Ph. D.  
*Associate Professor*  
“Dimitrie Cantemir” Christian University  
Bucharest, Romania

SORINA DRĂGAN, Ph. D.  
*Assistant Professor*  
“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

MARIA ALUAȘ , Ph. D.  
*Assistant Professor*  
"I. Hațieganu" Univ.of Med. and Pharm.  
Cluj Napoca, Romania

CODRUȚA STEFANIA JUCAN, Ph. D.  
*Assistant Professor*  
“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

ANCA-MIHAELA GEOROCEANU, Ph. D.  
*Assistant Professor*  
“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

CAMELIA REGHINI, Ph. D.  
*Assistant Professor*  
“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

MIHNEA-DAN RADU, Ph. D.  
*Assistant Professor*  
“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

CIPRIAN-RAUL ROMIȚAN, Ph. D.  
*Vice-President*  
The I. P. Rights Scientific Association  
Bucharest, Romania

ILIE URS , Ph. D.  
*Assistant Professor*  
“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

NICOLAE ROȘ , Ph. D.  
*Assistant Professor*  
“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

## *Secretaries*

VLADIMIR MĂTUȘAN

*Assistant*

“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

OVIDIU ANDREIEȘ

*Student*

“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

GRAȚIAN URECHIATU-BURIAN

*M.A. Student*

“Dimitrie Cantemir” Christian University  
Faculty of Law Cluj-Napoca, Romania

## CONFERENCE SCHEDULE

**THURSDAY – MAY, 15th, 2014**

**19.00 – 21.00 WELCOME COCKTAIL**

„Granata” Restaurant, Str. Cometei No. 16-20, Cluj-Napoca 400493, România

**FRIDAY – MAY, 16th, 2014**

**8.00 – 9.00 REGISTRATION** – Faculty of Law Cluj-Napoca, „Dimitrie Cantemir” University, str. Burebista no. 2

**9.00 – 11.15 OPENING OF THE CONFERENCE PROCEEDINGS**

**11.15 – 11.30 COFFEE BREAK**

**11.30 – 13.00 THE SECTIONS OF THE CONFERENCE PROCEEDINGS (PUBLIC LAW / PRIVATE LAW)**

**13.00 – 15.00 LUNCH** – D.C.C.U. Faculty of Law Cluj-Napoca

**15.00 – 16.30 THE SECTIONS OF THE CONFERENCE PROCEEDINGS (PUBLIC LAW / PRIVATE LAW)**

**16.00 – 17.00 WORKSHOP 1** - *Special Techniques of Surveillance and Research*

*Library Hall*

Chairs: IOANA VASIU, SORINA SISERMAN

**16.00 – 17.00 WORKSHOP 2** - *Current Trends of Juridical Education*

*Room 6*

Chairs: SILVIU TOTELECAN, MIHNEA DAN RADU

**19.00 - FESTIVE DINNER**

„Granata” Restaurant, Str. Cometei No. 16-20, Cluj-Napoca 400493, România

**SATURDAY – MAY, 17th, 2014**

**9.00 – 10.00 THE SECTIONS OF THE CONFERENCE PROCEEDINGS (PUBLIC LAW / PRIVATE LAW)**

**10.00 - CONCLUSIONS. CONFERENCE CLOSING.**

*GUIDED TOUR: Alba-Iulia.*

*LUNCH – CETATE HOTEL*

**FRIDAY**

**9.00 – 11.15 OPENING OF THE CONFERENCE PROCEEDINGS. PLENARY LECTURES – AULA**

CHAIR: ELENA MIHAELA FODOR

KEYNOTE SPEAKERS:

**9.00 – 10.00**

**Irina Moroian-Zlătescu**, PROMOTING THE HUMAN RIGHTS EDUCATION IN HIGHER EDUCATION

**Mircea Criste**, RESPONSABILITÉ DES PARLEMENTAIRES ET DU GOUVERNEMENT, EN DROIT ROUMAIN

**Gordana Gasmi, Dragana Petrovic**, EFFICIENCY OF LEGAL NORMS IN THE CONTEXT OF SUPPRESSING THE MISUSE OF NARCOTICS

**10.00 – 10.15 COFFEE BREAK**

**10.15 – 11.15**

**Ludo Veny, Pieter Goes**, LAW AND ETHICS. THE BELGIAN LAW ON EUTHANASIA... EVEN A BRIDGE TO FAR FOR THE CURRENT DECADE?

**Ioana VasIU**, PRIVACY ASPECTS IN THE CONTEXT OF SOCIAL NETWORKING

**Maria Orlov, Roman Starasciuc**, ROLE OF CIVIL SOCIETY IN THE STRENGTHENING STATEHOOD AND DEMOCRACY

**11.30 – 13.00 THE SECTIONS OF THE CONFERENCE PROCEEDINGS**

***Public Law (I) – ROOM 14***

CHAIRS: ELENA MIHAELA FODOR, LILIANA BELECCIU

**Oana Racolta**, PUBLIC FUNCTION ACCORDING TO THE NEW ROMANIAN PENAL CODE, AS AGAINST PREVIOUS REGULATIONS

**Vajk Farkas**, THE EFFICIENCY OF CIVIL CONSULTATIONS

**Andreea Vertes-Olteanu**, HABEAS CORPUS IN THE BIG BROTHER NETWORKS OF THE SURVEILLANCE SOCIETY

**Elena Mihaela Fodor**, HUMAN RIGHTS AND A GOOD MANAGEMENT OF JUSTICE

**Liliana Belecciu**, THE MANAGEMENT DELEGATION CONTRACT IN THE LIGHT OF THE LAW ON PUBLIC WATER SUPPLY AND SEWERAGE NO. 303 OF 13 DECEMBER 2013

**Horea Crisan**, EU LEGISLATION IN ACCORDANCE WITH LABEL MARKET

**Irina Moroian-Zlătescu, Mona Lisa Magdo Belu**, PERSONALITY RIGHTS IN ROMANIAN CIVIL CODE

*Public Law (II) – ROOM 12*

CHAIRS: SORINA SISERMAN, EMILIAN CIONGARU

**Mariana Narcisa Radu**, SUBJECTS OF RAPE

**Vladimir Matusan**, COMMENTS ON THE ENFORCEMENT OF THE NEW, MORE FAVOURABLE, PENAL LAW, UPON THE ENTRY INTO FORCE OF THE NEW ROMANIAN PENAL CODE

**Eugen Crisan, Alexandru Voicu**, RECENT JURIDICAL ASPECTS REGARDING THE SANCTION OF FISCAL EVASIONS AND MONEY LAUNDERING IN ROMANIAN FOOTBALL

**Emilian Ciongaru**, THE RIGHT TO SILENCE – AN EXCLUSIVE RIGHT OF PERSONS

**Sorina Siserman**, CRITICAL REMARKS REGARDING THE REGULATION OF THE EXTRAORDINARY WAYS OF ATTACK BY THE NEW PENAL PROCEDURE CODE

**Camelia Reghini**, SUSPENDING THE EXECUTION OF SENTENCE UNDER SUPERVISION IN THE NEW PENAL CODE

**Grigore Labo**, JURIDICAL EXPERTISE IN THE NEW PENAL PROCEDURE CODE

*Private Law (I) – ROOM 11*

CHAIRS: CORINA BUZDUGAN, MIHNEA-DAN RADU

**Silviu Totelecan**, THE SCIENCE OF LAW: PURSUING THE OUTDATED OR SEARCHING FOR NEW BACKBONE UNITS OF THE LEGAL SYSTEM

**Monica Gheorghe**, THE LEGAL REGIME OF THE DAY LABORER

**Corina Buzdugan**, THE LAW AND THE JURIDICAL CONSCIENCE

**Lucian Stanescu**, THE TELEOLOGICAL INTERPRETATION AND THE DISCOVERY OF THE CONSTITUTION'S EFFICIENCY MEANINGS

**Mihnea-Dan Radu**, THE PROTECTION OF THE MINORS IN ROMAN LAW

**Ioana Sasu-Bolba**, LAW, JUSTICE AND MYTH (I)

**Elena Damian**, FROM THE HISTORY OF FRENCH LAW: JACQUES GODEFROY



***Private Law (II) – ROOM A2***

CHAIRS: MARIA ALUAS, DAN PERJU-DUMBRAVA

**Maria Aluas**, THE EFFECTIVENESS OF LEGAL NORMS REGULATING DOCTOR-PATIENT RELATIONSHIPS

**Paul Sas**, CONSIDERATIONS REGARDING THE WAYS TO CHARGE THE TAX TO THE STATE IN SOME NOTARY CONTRACTS PROVIDED BY THE NEW CIVIL CODE

**Dan Perju-Dumbrava, Ovidiu Chiroban, Serghei Chiriac, Adina Danciu, Daniel Ureche, Diana Corogean**, TRAUMATIC INJURIES WITH MEDICAL CAUSES INCRIMINATED BY THE NEW ROMANIAN PENAL CODE

**Mariana Crisan, Liana Iulia Paul**, THE ILLEGAL ACT – CONDITION OF TORT LIABILITY

**Dan Perju-Dumbrava, Ovidiu Chiroban, Serghei Chiriac, Adina Danciu, Daniel Ureche, Diana Corogean**, ASPECTS OF THE AUTOPSY PROTOCOLS PERFORMED FOR HOSPITAL DEATHS ACCORDING TO THE TEXTS OF THE NEW ROMANIAN PENAL PROCEDURE CODE

**Mihai Cucu**, APPROACHING INMATES WITH PERSONALITY DISORDERS BY MEANS AND METHODS OF PHYSICAL EDUCATION

**Sidonia Culda**, THE CHARACTERISTICS OF NON-MATERIAL DAMAGES IN CIVIL LAW

**13.00 – 15.00 LUNCH**

**15.00 – 16.30 THE SECTIONS OF THE CONFERENCE PROCEEDINGS**

***Public Law (III) – ROOM 14***

CHAIRS: ELENA MIHAELA FODOR, MARIA ORLOV

**Valentina Cornea**, LEGISLATIVE APPROACHES: THE CASE OF INTERCOMMUNITY DEVELOPMENT ASSOCIATIONS

**Marius Andreescu**, DIFFERENTIATING BETWEEN DISCRETIONARY POWER AND THE ABUSE OF AUTHORITY IN THE ACTIVITY OF PUBLIC INSTITUTIONS

**Liviu Ungur**, IMPACT OF THE NEW CIVIL PROCEDURE CODE ON ADMINISTRATIVE LITIGATION

**Mircea Ursuta**, THE EFFECTIVENESS OF THE REGULARIZATION PROCEDURE FOR THE APPLICATION OF SUMMONS AND OF THE PROCEDURE REGARDING THE ESTABLISHMENT OF THE FIRST TRIAL TERM UNDER THE NCPC. BRIEF CONSIDERATIONS

**Alexandra Plesea**, THE EFFICIENCY OF LEGAL NORMS REGARDING THE FISCAL SURVEILLANCE AND PRUDENCE. CONSTITUTIONAL CHALLENGES FOR ROMANIA

**Ana Maria Besteliu**, ASPECTS OF INTERNATIONAL LAW REGARDING THE HUMAN RIGHTS

**Ancuta Geanina Opre**, ENSURING TRANSPARENCY – AN ESSENTIAL COMPONENT OF THE RIGHT TO THE PROTECTION OF PERSONAL DATA

*Private Law (III) – ROOM 11*

CHAIRS: SORINA DRĂGAN, CODRUȚA STEFANIA JUCAN

**Tudor Oniga**, THE OBLIGATION OF THE INSURERS TO PAY LATE PAYMENT PENALTIES TO ROAD TRAFFIC VICTIMS

**Lacrima Boila**, FORMS OF CIVIL LIABILITY FROM THE PERSPECTIVE OF THE NEW ROMANIAN CIVIL CODE

**Maria Banciu, Sorina Dragan**, CONSIDERATIONS RELATIVE TO THE EVOLUTION OF REGULATIONS ON CONTROLLING AND PREVENTING FAMILY VIOLENCE

**Codruta Stefania Jucan**, THE PROVISIONS OF THE ART. 390 NEW CIVIL CODE AND THEIR INTERPRETATION

**Sorina Drăgan**, SOME ASPECTS REGARDING MEDICALLY ASSISTED HUMAN REPRODUCTION

**Nicu Ros**, COMMENTARY ON THE AMENDMENT OF UNEMPLOYMENT LAW

**Gratian Urechiatu-Burian**, THE INEFFICIENCY OF CERTAIN PROVISIONS OF THE LABOUR CODE

**Ilie Urs**, THE JUDICIAL ANNULMENT OF LEGACY

*Private Law (IV) – ROOM A2*

CHAIRS: RODICA DIANA APAN, NARCISA VARO

**Narcisa Varo**, ANNUAL LEAVE IN CASE OF PLURALITY OF OFFICES

**Bujorel Florea**, CONSIDERATIONS REGARDING THE EFFECTS OF DONATION CONTRACTS

**Rodica Diana Apan**, UNFAIR CLAUSES IN THE CONSUMER CREDIT CONTRACT;  
THE RADIOGRAPHY OF THE CLAUSES REGARDING INTEREST

**Dan Top, Lavinia Savu**, CONSIDERATIONS REGARDING EQUALIZING THE  
RETIREMENT AGE FOR WOMEN AND MALE AT 65 YEARS

**Marius Mocanu**, THE RIGHTS OF PERSONS WITH DISABILITIES IN THE EU

## **19.00 FESTIVE DINNER**

„*Granata*” Restaurant, Str. Cometei No. 16-20, Cluj-Napoca 400493, România

## **SATURDAY**

**09.00 – 10.00 THE SECTIONS OF THE CONFERENCE PROCEEDINGS**

***Private Law (IV) – ROOM 11***

CHAIRS: MIHNEA DAN RADU, CORINA BUZDUGAN

**Cristian Ionescu, Andreea Alexe**, AN ATTEMPT TO CHARACTERIZE THE  
ROMANIAN POLITICAL REGIME, IN THE LIGHT OF THE LEGISLATIVE  
PROPOSAL TO REVISE THE CONSTITUTION

**Cristina Siserman**, FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION SEEN  
THROUGH THE LENSES OF THE 2012 DATA REFORM PROPOSAL

**Ruxandra Mitica**, THE ROLE OF THE PROSECUTOR IN THE CRIMINAL  
PROCEDURE CODE

**Adrian Bulgaru**, EU LEGISLATION OF MIGRATION

**Ion Rusu**, A CRITICAL ANALYSIS OF THE CONSIDERATIONS OF THE  
CONSTITUTIONAL COURT DECISION 799/2011 REGARDING THE  
CONSTITUTION REVISION BILL

**Dana Vulpasu**, THE RELATION BETWEEN PUBLIC ORDER AND PUBLIC  
FREEDOMS IN TERMS OF ADMINISTRATIVE POLICE. INTERNATIONAL AND  
NATIONAL REGULATIONS

**Nicoleta-Elena Buzatu**, CONCEPTUAL CONSIDERATIONS ON ”NEW  
PSYCHOACTIVE SUBSTANCES” AND ”HERBAL HIGHS”

**Maria Daniela Pipaş, Nicoleta-Elena Buzatu**, MEDIATION IN THE LIGHT OF THE  
NEW CRIMINAL CODE AND THE NEW CODE OF CRIMINAL PROCEDURE

***Private Law (V) – ROOM 12***

CHAIRS: CODRUTA-STEFANIA JUCAN, NICU ROS

**Isabela Stancea**, THE PROTECTION AND PROMOTING THE HUMAN RIGHTS BY THE EXECUTIVE AUTHORITY

**Maria Ureche**, PRACTICAL MEANINGS OF THE INCIDENCE OF THE ADMINISTRATIVE AND TAX RULES, RELATING TO THE PAYMENT OF THE ANNUAL CAR'S TAX

**Emod Veres**, SURETY – SOME TOPICAL ISSUES

**Istvan Gaspar**, PARLAMENTARY CIVIL SERVANT IN THE EU MEMBER STATES

**Eugenia Iovanas**, THE LEGAL NATURE OF THE CONTROL PROTOCOL AND THE DECISION OF THE ROMANIAN COURT OF ACCOUNTS

**Stefan Belecciu**, THE CONCEPT, THE CHARACTERISTICS, AND THE CLASSIFICATION OF ADMINISTRATIVE FACTS AND OPERATIONS

**Mihaela Agata Popescu**, ASPECTS OF NON-CONSTITUTIONALITY REGARDING THE MEDIATION BRIEFING

**Mihaela Agata Popescu, Ionita Cochintu**, THE CONSTITUTIONALITY OF THE DIFFERENTIAL TREATMENT BETWEEN STATE AND CITIZENS REGARDING THE BAIL

**Anna Maria Cun (Neagoe)**, CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES, A CHALLENGE FOR PUBLIC POLICY

**10.00 - CONCLUSIONS.**

**CONFERENCE CLOSING.**

**GUIDED TOUR: Alba-Iulia.**

**LUNCH – "CETATE" HOTEL**

Faculty of Law, "Dimitrie Cantemir" Christian University, Cluj-Napoca, str. Burebista, nr. 2.

